



Human Rights Now

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IRAQ: Submission of Human Rights Now to the Committee on the Elimination of Racial Discrimination in advance of its consideration of Iraq's report

Human Rights Now¹ ('HRN') submits this report to the Human Rights Committee ('the Committee') in advance of the review of Iraq's periodic reports on the implementation of obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

In this report, HRN focuses on discrimination against Sunni Muslims, who constitute one of Iraq's ethnic groups. Discrimination from the Iraqi government and militia commenced following the end of the second Iraq war (2003), but discrimination against Sunni Muslims has been widespread throughout ordinary Iraqi society for decades. The forms of discrimination and persecution include extra-judicial killings, torture and other forms of violence, arbitrary arrests and detentions, and the discriminatory application of the Anti-Terrorism Law. Such persistent and widespread discrimination and violence foments community hostility within Iraq, ultimately exacerbating continued armed conflict.

1. Background: The problem of violence against Sunnis

Discriminatory attacks against Sunnis were witnessed in 2004 with military convoys of occupation forces against Sunni cities. These attacks intensified in 2005 when the Iraqi Transitional Government was established.

In 2005, a Sunni Imam was arrested at his home in Baghdad by the new Iraqi police force. Three days later, his body, still handcuffed, was found on the streets of the city. According to a video provided by a local human rights organization, the body featured long stitches from chest to stomach where the victim's internal organs had been removed. Furthermore his back and head were punctured by numerous holes inflicted by an electric drill.

This marked the beginning of mass detention, torture and killing of Sunni Muslims. Between then and 2007, this barbaric practice escalated such that handcuffed corpses were found daily. The victims numbered in the hundreds of thousands.

2. Discriminatory use of Anti-Terrorism Law in 2005 to attack against Sunni

Since the enactment of the Anti-Terrorism Law in 2005,² a large number of Sunnis have been maliciously arrested, tortured, and executed. The Law itself articulates its *raison d'être* as follows: "The size and volume of damage resulting from terrorist operations has reached a level that threatens national unity, order,

¹ Human Rights Now (HRN) is an international human rights NGO based in Tokyo with over 700 members, mostly lawyers and academics. HRN is dedicated to the protection and promotion of the human rights of people throughout the world.

² <http://www.aljazeera.com/news/middleeast/2013/02/20132193645300257.html>,
<http://www.bbc.com/news/world-middle-east-20914273>

security and stability. To move forward towards a federal, pluralistic, democratic system based on the rule of law and the guarantee of rights and liberties and to set in motion the wheel of comprehensive development, it has therefore become necessary to issue legislation that puts an end to terrorist operations and reduces the interaction between those who execute them and those who support them.”³ However, reports recount the arrest and prolonged detention of entirely innocent members of the Sunni community.

Article 4 provides for the death penalty for those who commit or assist the commission of terrorist acts. Other human rights NGOs have already condemned the Iraqi militia's invocation of the Law to permit the execution of Sunni detainees.⁴ Many of those detained are women who are incarcerated when their husbands become perceived as terrorists.

The former chief of UNAMI office of human rights has stated that the Ministry of the Interior was responsible for the establishment and activities of numerous security forces 'death squads'.⁵ Describing these death squads' activities, he stated: “They had roadblocks in Baghdad and other areas. They would kidnap people. They have been very closely linked with numerous mass executions, at least mass arrests of people [whose bodies] later turned up showing signs of execution.”

UNAMI reports have indicated mass detentions, torture and killings of Sunni civilians, most extensively in 2006, 2007 and 2008, and have shown that government actors such as the Ministry of the Interior have been responsible for these grave human rights violations.⁶

These outrages against the Sunni people constitute an extreme form of discrimination based on religious ideology and ethnic background.

3. Torture and execution of Sunni prisoners

Brutal torture and numerous deaths have been reported in the course of detention. Video footage⁷ filmed and documented by Mohammed Al Daini, a member of Parliament, reveals what is really happening in Iraqi prisons under government supervision. In the video, every interviewed prisoner asserts that they do not know the reason for their arrests and that they have experienced unbearable torture at the hands of the Iraqi forces. One man lost his eye sight due to the continuous torture and 19-year-old boy lost a leg which had initially suffered a bullet wound in a random attack and was later smashed on his subsequent arrival in prison. Another detainee became paralyzed due to severe spinal damage sustained during 'interrogation'. Electric shocks are also used, often for several days, to



Image 1
http://aljazeeraalarabiamodwana.blogspot.jp/2014/06/blog-post_5508.html

³ http://www.vertic.org/media/National%20Legislation/Iraq/IQ_Anti-Terrorism_Law.pdf

⁴ Human Rights Watch: <http://www.hrw.org/sites/default/files/reports/iraq0214webwcover.pdf>,

Amnesty International: <http://www.amnesty.org/en/news/iraq-testimonies-point-dozens-revenge-killings-sunni-detainees-2014-06-27>

⁵ <https://www.globalpolicy.org/component/content/article/168/37475.html>

⁶ http://www.uniraq.org/index.php?option=com_k2&view=item&id=1506:report-on-human-rights-in-iraq-november-december-2005&Itemid=650&lang=en

⁷ <http://www.alboraq.info/showthread.php?t=274477> [Part1]

<http://www.youtube.com/watch?v=3i6EQ5wJ8sg&feature=related> [Part2]

force detainees to sign confessions. Later the video shows an Iraqi police car mowing down one individual out of a crowd of fleeing people.

Another publicly available video shows how Iraqi forces took the corpse of a Sunni male and dragged it through the mud (see also Image 1). Men in military uniform are taking photos next to the body.⁸ Another video



Image 2 & 3

http://aljazeeraalarabiamodwana.blogspot.jp/2014/06/blog-post_5508.html

shows the corpses of Sunni prisoners dumped in a ditch, wrists still in handcuffs, showing that they had been previously detained.⁹ Other images show the final ignominy for the executed: cruel exhibition tied against a pole in the street (see images 2&3).

Recently, it was reported that Shia-majority Iraqi forces executed over 255 Sunni prisoners in the past month. The mass executions seemingly took place across six towns and villages.¹⁰ The report,¹¹ the work of a human rights organization, is mainly based on interviews with eyewitnesses.

Foreign media also reveal disturbing footage¹² depicting piles of dead Sunni prisoners. One of the survivors in this video testifies that prison guards came into the cell and opened fire with machine guns, killing all 26 in the room. Whilst human rights violations in Iraq are perpetrated by various militant groups, it must be emphasized that much of this endemic mass killing results from discrimination against the Sunni ethnic group in particular.

4. Discrimination against Sunnis and the recent conflict

The widespread and systematic discrimination against Sunnis has continued for decades and has become a root cause of the current conflict. At the end of 2012, a massive protest against the government was led by those demanding abolition of the Anti-Terrorism Law: a culmination of accumulated fury due to the discrimination against Sunni Muslims by the Shia-dominated government. The demonstrators, supported by around 150 different tribes, insisted that the Law was abused to arrest and harass Sunnis. In response, the government intensified military attacks against the protesters and later started indiscriminate attack against civilians.

HRN drew attention to the indiscriminate attacks against civilians in Anbar Province in early 2014.¹³ Violence in the Anbar Province of Iraq has been escalating rapidly since the arrest, on December 28 2013, of

⁸ <https://www.youtube.com/watch?v=y1o98oczIas>

⁹ <https://www.youtube.com/watch?v=3XcLFtFSzrc>

¹⁰ <http://www.bbc.com/news/world-middle-east-28274742>

¹¹ <http://www.hrw.org/news/2014/07/11/iraq-campaign-mass-murders-sunni-prisoners>

¹² <http://edition.cnn.com/video/data/2.0/video/world/2014/06/28/nr-intvw-damon-iraq.cnn.html>

¹³ <http://hrm.or.jp/eng/news/2014/01/22/iraq-call-for-an-immediate-stop-to-indiscriminate-attacks-in-anbar-province-that-have-resulted-in-civilian-casualties-and-thousands-of-idps/>

<http://hrm.or.jp/eng/news/2014/03/05/iraq-hrn-calls-for-all-parties-in-the-conflict-to-refrain-from-attacks-against-civilians-and-urges-an-international-inquiry-to-investigate-grave-human-rights-violation-in-anbar-province/>

prominent Sunni politician Ahmed al-Alwani.

According to several witnesses, the Iraqi government has deployed the Security Force to the two cities of Ramadi and Fallujah, Anbar Province, in response to an alleged attack by al-Qaeda fighters on January 1, 2014. Iraqi security forces surrounded the two cities and conducted indiscriminate attacks by heavy mortar fire in populated residential areas without taking measures for the protection of civilians. The military operation by Iraqi security force resulted in significant civilian deaths. That military operation was succeeded by the current situation. HRN expresses its grave concern over the further escalation of ethnic violence against Sunni Muslims during this conflict.

5. Recommendations

Discrimination and attacks against Sunni have continued for some time and the nature of the discrimination has been systematic and widespread. Many of those attacks and acts against Sunnis constitute grave violations of international human rights and humanitarian law. Many may even constitute crimes against humanity. The government is responsible for these grave human rights violations.

HRN suggests that the Committee make the following recommendations to the Iraqi government in its concluding observations:

- Immediately cease ethnic violence, arbitrary arrest and torture of Sunnis.
- Make all efforts to prevent, prohibit and eradicate all form of discrimination against Sunnis.
- Release all Sunni detainees whose detention is not justified by the Anti Terrorism Law and is in truth based on racial discrimination, as per Article 1 ICERD.
- Conduct transparent and thorough investigations into the recently reported mass killing of Sunni detainees and ensure the accountability of those responsible for their deaths.
- Protect all civilians taking no part in the current armed conflict and strictly adhere to all international humanitarian law.
- Ratify the Rome Statute of the International Criminal Court in order to prevent the recurrence of grave human rights violations.