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His Excellency Dr Haider Al-Abadi
Prime Minister
Convention Centre (Qasr al-Ma'aridh)
Baghdad
Iraq

**AMNESTY
INTERNATIONAL**



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Your Excellency

I take the opportunity of your appointment as Iraq's new Prime Minister to share with you Amnesty International's longstanding human rights concerns in Iraq and to urge you and your newly formed government to do your utmost to promote and protect human rights.

We fully recognize the immense challenges currently facing the Iraqi people and government, with most of the north-western areas of the country taken over by the armed group calling itself the Islamic State (IS). As Your Excellency may be aware, Amnesty International has repeatedly condemned in the strongest terms the war crimes committed by the IS. However, we have also expressed concerns that civilians were killed by Iraqi armed forces in their fights against IS. We therefore urge you to ensure that any action taken by the Iraqi government, alone or with others, to tackle the IS must abide fully with international law.

Amnesty International has documented and took action on widespread human rights violations for decades, including by raising them with previous Iraqi governments. However, not only have past violations not been addressed, fuelling a state of permanent impunity for abuses, but they have largely contributed to the current situation of discontent and instability in the country. It is of utmost importance that human rights abuses are addressed as a matter of urgency. Summarized below are some of Amnesty International's grave human rights concerns in the country:

Protection of civilians

Since the current crisis started in June, members of the IS have launched a systematic campaign of ethnic cleansing in northern Iraq, carrying out war crimes, including mass summary killings and abductions, against ethnic and religious minorities. Hundreds of thousands of people belonging to religious and ethnic minority communities as well as other groups have been displaced from IS-controlled parts of northern Iraq, and are currently living in difficult humanitarian conditions.

During the current crisis, Iraqi government forces and Shi'a militias have carried out extrajudicial executions of detainees. Air strikes launched by the Iraqi government forces against IS-controlled areas have also killed and injured dozens of civilians.

States have an obligation to provide equal protection to all communities within their borders. Successive Iraqi central governments have failed to do so. Further, they have contributed to the worsening of the situation in recent months by tolerating, encouraging and arming sectarian militias, in particular Shi'a militias in and around the capital, Baghdad, and in other parts of the country.

Amnesty International urges your government to:

- Condemn the commission, contribution or facilitation of crimes under international law by the IS, the Iraqi central government and associated militias as well as any other state or entity involved;

- Take measures to ensure that independent, impartial and effective investigations are conducted promptly into any such crimes in Iraq and that anyone who is suspected of ordering, committing or aiding and abetting the commission of such crimes is apprehended and brought to justice in a fair trial, without the imposition of the death penalty;
- Respect international human rights law and international humanitarian law and ensure that air strikes and other military action against armed groups or forces are only directed at military targets and all feasible precautions are taken to minimize harm to civilians and civilian objects;
- Make concerted efforts to ensure that adequate protection and humanitarian assistance including shelter, food, water, sanitation and essential medical assistance, is provided to those displaced by the conflict without discrimination.

Arbitrary arrests and detention and enforced disappearances

Thousands of people are detained without charge or trial in Iraq; many have been held for weeks or months but some have been held for years. The majority of detainees are Sunni Iraqis arrested on suspicion of being members or supporters of Sunni armed groups fighting the government. Wives and female relatives of wanted suspects have also been victims of arbitrary detention and threats.

In 2013, the former Deputy Prime Minister Hussein Al-Shahristani acknowledged that the authorities had continued to keep some untried detainees in detention despite court orders for their release and had also continued to hold other prisoners in detention after they had completed serving prison sentences imposed on them by the courts. In June 2013 the United Nations Assistance Mission for Iraq (UNAMI) said that 16,511 detainees were awaiting trial.

Iraqi security forces continue to carry out arrests without judicial warrants and without informing those arrested or their families of the charges against them, and detainees are held incommunicado for weeks and months, in what amounts to enforced disappearance. Moreover, the security authorities have regularly used secret facilities, controlled by the Ministries of the Interior and Defence, that are not open to independent inspection or official regulation for holding detainees.

Amnesty International urges your government to:

- End the practice of arbitrary and incommunicado detention, enforced disappearances and release all detainees unless they are charged with a recognizably criminal offence and brought to trial within a reasonable time and in full accordance with international standards of fair trial, and without recourse to the death penalty.

Torture and other ill-treatment

Torture and other ill-treatment are rampant in prison and detention centres across Iraq, particularly those controlled by the Ministries of the Interior and Defence. Torture and other ill-treatment have been used during interrogations to extract "confessions" and use them as evidence in court to secure convictions. Methods of torture include suspension by the limbs for long periods, beatings with cables and hosepipes, the infliction of electric shocks, breaking of limbs, partial asphyxiation with plastic bags, and sexual abuse, including threats of rape. Torture and other ill-treatment has in a number of cases led to death in custody.

Women prisoners who have been subjected to torture in the past few years have reported torture methods, including electric shocks, beatings, rape and sexual abuse, while being detained and under interrogation.

Amnesty International urges your government to:

- Publicly condemn torture and other ill-treatment, including by instructing the security forces that these abuses will not be tolerated under any circumstances, and ensure all allegations of torture or other ill-treatment are investigated promptly, thoroughly and impartially, bring officials responsible to justice, and ensure victims receive full reparation.

Flawed judicial system and unfair trials

Amnesty International recognizes the difficult circumstances under which the Iraqi judicial system operates, with judges and lawyers in trials of members of armed groups having been targets of killings, kidnappings, intimidation and physical assaults.

However, the organization has documented serious violations of internationally recognized fair trial standards. Often courts in terrorism cases have based their guilty verdicts on "confessions" obtained under torture and testimonies given by secret informants have been used as only evidence in trials. The authorities have allowed over the years the broadcast of "confessions" of terrorism suspects on television and public officials have pronounced individuals guilty before they were even tried, in violation of the right to be presumed innocent until proven guilty. In a number of cases, security officials have demanded money from detainees' families to release them after they had served their full sentence or to reveal where they are being detained.

Amnesty International urges your government to:

- Ensure the right of all accused persons to receive a fair trial within a reasonable time, order an immediate end to television broadcasts or other publication of detainees' real or alleged confessions in advance of or during their trials or the publication of other information which undermines the presumption of innocence;
- Instruct the judiciary that no evidence obtained using torture or other ill-treatment should be used in trials;
- Establish an independent body composed of suitably qualified legal and other experts to review all cases in which defendants were convicted solely or partially on the basis of pre-trial "confessions" that they withdrew at trial and alleged were coerced or obtained through torture or other ill-treatment, and to make recommendations regarding release or re-trial in all cases where it is determined that courts failed objectively to satisfy themselves that such "confessions" were freely given and not coerced.

Death Penalty

Iraq is one of the world's leading executioners. Since the death penalty was reinstated in August 2004, at least 689 people have been executed, with 169 executed in 2013 alone, the highest number of people executed since 2004. Meanwhile, hundreds of prisoners are currently held on death row. In 2014, 61 were reportedly executed.

Amnesty International opposes the death penalty in all circumstances as a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment.

Many of those sentenced to death have been convicted of violent crimes under the 2005 Anti-Terrorism Law. However, many were sentenced to death and in some cases executed, after grossly unfair trials, during which prisoners do not have access to proper legal representation and sometimes taking into account as only evidence "confessions" obtained under torture.

Amnesty International urges your government to:

- Impose an immediate moratorium on all executions, in accordance with repeated calls by the UN General Assembly, commute all death sentences and review legislation to reduce the number of capital offenses, with a view to working towards the abolition of capital punishment.

Lack of accountability

Human rights violations by the Iraqi security forces have been committed with total impunity. On numerous occasions the previous government of Nouri al-Maliki announced the establishment of committees to investigate specific human rights abuses, yet outcomes of investigations have never been made public and those responsible for human rights violations have not been brought to justice. Most worryingly, the Iraqi government has not taken any effective measures to tackle those abuses,

entrenching a culture of impunity in which those responsible for abuses feel protected and can operate above the law.

Amnesty International urges your government to:

- Set up prompt, thorough, impartial and independent investigations into all allegations of torture, deaths in custody and unlawful killings and their findings are made public;
- Ensure that, pending investigation, officials and others about whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations;
- Ensure that all those found responsible, regardless of their position or status in the government and ranking in the security and military forces, are held accountable, including in trial proceedings consistent with international fair trial guarantees and without recourse to the death penalty.

Freedom of expression and excessive use of force

Since 2011 numerous anti-government demonstrations have taken place in various Iraqi governorates. The protests were against failures of the Iraqi judicial system, abuses committed against prisoners and detainees, widespread corruption and shortages of basic services such as electricity. Journalists protested against restrictions imposed on media, including during coverage of demonstrations.

On several occasions the armed forces, security forces or security guards used excessive force during protests, particularly when they fired live ammunition that killed and injured protesters and bystanders. Amnesty International found disturbing evidence of targeted attacks on political activists, and torture and other ill-treatment of people arrested in connection with the protests.

Amnesty International urges your government to:

- Uphold and promote the rights to peaceful expression, association and assembly
- Ensure that security forces policing demonstrations or performing other law enforcement duties comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Cooperation with UN mechanisms

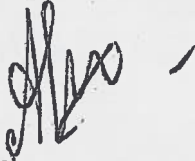
Although Iraq has ratified a number of international human rights treaties, including the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in July 2011, a lot still remains to be done to demonstrate the Iraqi authorities' willingness to effectively cooperate with UN treaty bodies and special procedures.

Amnesty International urges your government to:

- Implement recommendations by UN treaty bodies and special procedures, provide periodic reports without delay and issue a standing invitation to all UN human rights experts, and facilitate immediately the visits requested by the special procedures;
- Become a party to the Rome Statute of the International Criminal Court and issue a declaration accepting the Court's jurisdiction over crimes committed since 1 July 2002;
- Amend Iraq's laws to bring them into full compliance with the UN Convention against Torture, the Convention on Enforced Disappearance and other relevant international human rights law and standards, and are implemented in practice;
- Set an early deadline for Iraq to ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the optional protocols to the International Covenant on Civil and Political Rights; the 1951 Convention on the Status of Refugees and its 1967 Protocol; the 1954 Convention Relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; the Additional Protocol II to the Geneva Conventions of 1949 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

I hope that your government will act on these recommendations as a matter of urgency in order to demonstrate it is serious about human rights reform.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anna Neistat', with a horizontal line extending to the right.

Anna Neistat
Senior Director for Research