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Iraq: Human Rights Council must condemn the commission, contribution and facilitation of crimes under international law

Written statement to the 22nd special session of the UN Human Rights Council (1 September 2014)

At its Special Session on “the human rights situation in Iraq in light of abuses committed by the Islamic State in Iraq and the Levant and associated groups” the Human Rights Council must go beyond condemning crimes and abuses by the self-proclaimed Islamic State (IS), formerly known as the Islamic State of Iraq and al-Sham (ISIS), and other associated groups. It must extend its condemnation to those aiding and abetting the commission of such crimes and abuses and ensure such supports stops. It must also address violations and abuses of international human rights law and violations of international humanitarian law by the Iraqi central authorities and all other parties in Iraq.

Amnesty International’s assessment is that all parties to the conflict have committed violations of international humanitarian law, including war crimes, and gross abuses of human rights. Their attacks are causing massive displacement of civilians. Many of those displaced are still in urgent need of humanitarian aid. The Council must remind all parties involved in military action and support for the Iraqi central government and Kurdistan Regional government (KRG) that the protection of civilians should be at the top of their priorities. The Council must also remind the international community, the Iraqi central government and the KRG that they must make concerted efforts to provide effective delivery of humanitarian assistance.

The Council must demand that the Iraqi central government and other relevant actors address not only the current human rights situation but also rescind discriminatory policies and practices, set up institutions that serve all Iraqis and address the legacy of gross violations in the country.

Following the advance of IS fighters into towns and villages in northern Iraq since June 2014, hundreds of thousands of people belonging to religious and ethnic minorities as well as other groups have been forced to leave their homes.

On 14 July, Amnesty International issued a report entitled *Northern Iraq: Civilians in the Line of Fire* documenting human rights abuses carried out by the IS as well as by the Iraqi armed forces.¹ The report drew attention to the additional risk civilians faced as air strikes were being launched more frequently. It documented several cases of unlawful killing and injury of civilians during Iraqi government air strikes in June and July in and around Mosul.

On 18 July, a mass exodus of Christian families from Mosul took place after the IS gave them an ultimatum to convert, pay a tax, leave or be killed. Others, including members of the Shi’a community as well as Sunnis living in the north, had fled their homes in previous weeks fearing possible attacks from IS or the Iraqi security forces. Many of those displaced since June are trying to reach the Kurdistan Region of Iraq or are currently sheltered there by friends or families.

¹ <http://www.amnesty.org/en/library/info/MDE14/007/2014/en> [last accessed on 28 August 2014]

On 3 August, IS took over Sinjar, in north-west Iraq. Since then, thousands of civilians from Sinjar and its environs, mainly belonging to the Yezidi community, have fled their homes and have been seeking refuge in other areas, especially the Kurdistan Region of Iraq and Syria, after having been stranded for days in the mountains with limited food and water.

Humanitarian aid started arriving after the middle of July, and it has reached some in need. But new attacks on civilians continue to be reported, displacing more people every day. Therefore, it is essential that international assistance and concerted action by the international community, the Iraqi central government and the KRG is taken to meet the needs of displaced persons.

As part of a campaign of ethnic cleansing against religious and ethnic minorities, hundreds, possibly thousands, of Yezidi men and boys have been summarily killed by IS fighters and thousands of women and children have been abducted and are still currently held.

Meanwhile, the USA has initiated military action in Iraq against the IS, including air strikes, and other countries have announced the provision of military support to the Iraqi central government and KRG for their operations against the IS.

While many minority groups have been forced to flee, more than a million Sunni Muslims living in Mosul and other IS-controlled areas cannot flee because of ongoing fighting between the IS fighters and the Iraqi central government and KRG forces. Some Sunni Muslim civilians have been killed in air strikes carried out by the Iraqi central government forces.

Recommendations

Amnesty International calls on the Human Rights Council 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;
- re-establish a Special Rapporteur mandate to report regularly to the Human Rights Council and General Assembly on the human rights situation in Iraq and to support the human rights promotion and protection efforts of UNAMI and other relevant UN entities;
- demand that the Iraqi central government and other relevant actors address the current human rights situation, rescind discriminatory policies and practices, set up institutions that serve all Iraqis and the legacy of gross violations, including torture and other ill-treatment, arbitrary detention, death sentences and executions following unfair trial, and entrenched impunity for these violations;
- remain seized of the human rights situation in Iraq.

Amnesty International also calls on the Council to urge:

- all parties in Iraq to respect international human rights law and international humanitarian law and that competent authorities thoroughly and impartially investigate all allegations of serious violations and bring any perpetrators to justice in fair trials with no possibility of the death penalty;
- all parties in Iraq to put an immediate end to the targeting of religious and ethnic minorities, the killing of captives and the abduction of civilians; to treat detainees humanely at all times and release civilian hostages immediately; to refrain from carrying out indiscriminate attacks, including the use of artillery shelling and unguided aerial bombardments, in areas with large concentrations of civilians;
- the Iraqi central government, the KRG and all other governments and entities currently providing humanitarian assistance in Iraq or to Iraqis to 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;

- the KRG to allow civilians who are fleeing the fighting – whatever their religion or ethnicity – to seek refuge in and safe passage through KRG-controlled areas;
- those States directly or indirectly involved in air strikes and other military action against armed groups or forces to ensure that attacks are only directed at military targets and all feasible precautions are taken to minimize harm to civilians and civilian objects;
- States not to supply weapons, munitions, armaments and related equipment to the Iraqi central government forces or the KRG forces unless they can ensure and demonstrate that measures have been implemented to ensure that there is no substantial risk that such arms or military equipment would be used by those recipients, to commit or facilitate serious violations of human rights or international humanitarian law or diverted to other parties who would use the arms or related equipment to commit or facilitate serious violations of human rights or international humanitarian law;
- States to prevent the provision of any financial support or the supply of weapons, munitions, armaments and related equipment to the IS or any other armed group or militia involved in committing systematic crimes under international law;
- the Iraqi central government to protect the human rights of all Iraqis without discrimination;
- Iraq to 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.