

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

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Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 27/1, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of arbitrary arrest and ill-treatment of **Mr. Imad Amara** (امارة عماد) and **Mr. Faisal Al Tamimi** (ف يصل ال تم يمي), two human rights defenders, in direct retaliation for their legitimate human rights work and reprisals for their cooperation with United Nations in the field of human rights.

**Mr. Imad Amara** (امارة عماد) and **Mr. Faisal Al Tamimi** (ف يصل ال تم يمي) both work for the human rights non-governmental organisation, **Al Wissam Humanitarian Assembly**, which contributes to the documenting of cases of enforced disappearances in Iraq, submitting them to the United Nations human rights mechanisms..

According to the information received:

On 6 March 2016, Mr. Amara and Mr. Al Tamimi were on their way to meet families of disappeared persons as part of their work for the Al Wissam Humanitarian Assembly organization. Their car was stopped at the checkpoint close to the Bab Al Moatham Square in Baghdad by Iraqi military forces. The military forces searched their car and informed Mr. Amara and Mr. Al Tamimi that

a warrant for their arrest had been issued and that all checkpoints had been instructed to arrest them. They were handcuffed, blindfolded, and then taken to an unknown location. Both men were severely beaten, insulted and threatened, while they were interrogated about their work with families of disappeared persons for about two hours until they were released, still blindfolded, on Al Jamhuri Street, close to the Al Maydan square in Baghdad.

Other employees of Al Wissam Humanitarian Assembly have previously been subjected to acts of intimidation and reprisal for their work with the United Nations human rights mechanisms, related specifically to the submission of cases and information to the Committee on Enforced Disappearances, and some have even decided to leave the country for fear of their security.

Grave concerns are expressed in relation to the allegations of arrest and ill-treatment of Mr. Amara and Mr. Al Tamimi in retaliation to their legitimate human rights work at the Al Wissam Humanitarian Assembly. Further grave concern is expressed that these acts might be in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Concerns are also expressed at the allegations that other human rights defenders working for the Al Wissam Humanitarian Assembly have similarly been the subjected to acts of reprisal in relation to their cooperation with the United Nations human rights mechanisms.

In this regard, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Iraq on 25 Jan 1971, which guarantees the rights to liberty and security (Art. 9) and the right of persons deprived of their liberty to be treated with dignity (Art. 10), the right to freedom of opinion and expression (Art. 19) and the right to freedom of association (Art. 21).

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Iraq ratified on 7 July 2011.

We further would like to draw your attention to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular Articles 1, 2, 5, 6, 9, 12 and 17. We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We also wish to refer to Human Rights Council resolutions 12/2 and 24/24 which, inter alia, condemn all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the

United Nations, its representatives and mechanisms in the field of human rights and calls upon all States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

We would also like to refer to Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29) reiterates the Secretary-General’s firm position that any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally (para. 47)..

We would like to refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances which establishes that steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal (Art. 13.3) and also to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished (Art. 13.5).

We would also like to refer your Excellency’s Government to Human Rights Council resolution 24/5 (operative paragraph 2), in which the Council “reminds States of their obligation to respect and fully protect the rights of all individuals... associate freely... including human rights defenders ... and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In the view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned persons, in compliance with international instruments.

As it is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any information and comment you may have concerning these allegations.
2. Please provide information concerning the legal grounds for the arrest of Mr. Amara and Mr. Al Tamimi and how these are compatible with Iraq's international human rights obligations.
3. Please provide information about whether any investigation and judicial or other inquiry has been undertaken in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please explain what measures have been taken to ensure the physical and mental integrity of the above named individuals.
5. Please explain what measures have been taken to ensure that human rights defenders and organisations in Iraq are able to carry out their legitimate work in a safe and enabling environment without fear of threats, acts of intimidation or reprisals of any kind, including for cooperating with the United Nations, its representatives and mechanisms in the field of human rights.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Houria Es-Slami  
Chairperson-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders