

Mandates of the Special Rapporteur on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and Special Rapporteur on minority issues; pursuant to Human Rights Council resolutions 26/12, 22/8 and 25/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **mass summary executions committed by the so-called forces of the Islamic State (IS) and other armed groups and Iraq Security Forces (ISF) between June and July 2014.**

According to information received:

The so-called Islamic State in Iraq and other armed groups have committed several summary executions in Iraq, including the killing of 480 Shi'a prisoners and the execution of 7 prison guards in Tikrit on 10 June 2014, the execution of 30 captured policemen in Tikrit, and 17 civilians police support staff in Ninewa, as well as a civilian court employee in the Dawasa area of Mosul on 11 June; the execution of 170 Iraqi Security Force (ISF) members who have been captured after leaving their posts in Camp Speicher in Salah id-Din between 11 and 12 June; the execution of 10 ISF members near Riyadh and Rashad sub-districts on 11 June; and the execution of Mr. Muhammad Al-Mansuri, Imam of the Grand Mosque in Mosul on 12 June 2014.

On 12 June 2014, reports indicated that in al-Alam, an IS appointed mayor announced the imposition of strict religious rules, including the establishment of religious courts to punish those who do not comply or who are declared as apostates. The mayor requested citizens to come forward with complaints regarding mistreatment by those ISF who are currently in IS custody in the town so they may be tried and executed. It is also reported that IS is responsible for an attack against Bashir village killing 2 civilians and injuring 6 on 17 June; the

execution of 17 Shi'a civilians fleeing violence in and around Tuz Khormatu on 18 June as well as the killing by mortar rounds of a civilian on 30 June.

IS has also targeted the Turkomen, Shabak and Yezidi communities, which have been victim to several exactions, including the killing of 5 civilians in a Shabak village in Eastern Mosul on 6 June; the arrest and the execution of 2 members of the Shabak community on 13 June; the killing of 3 men allegedly abducted and tortured by IS in the Jazeer area of Mosul on 19 June; the abduction of 2 brothers and 4 more Shabak men from Bazwaya village in Mosul on 21 and 23 June; the kidnapping of 3 male members of the Yezidi community from the Baashiqa area of Mosul, (subsequently released on 29 June and 2 July); the abduction and the killing of three male Shabak civilians in Tubruk Zeyara on 27 June. IS is also involved in the kidnapping of around 40 members of the Shabak community after entering the Omar Khan village in the Nimrod area of southern Mosul district on 2 July, and in the killing of 25 civilians in Shrekhan village. On 24 June, Mr. Muneer al-Qafili, the chairman of the Kirkuk City Council and Mr. Fatih Mahmood Shaker, a member of the Tribal Elders and Council of Turkmen were killed by unknown gunmen. It is reported that several Yezidi families whose members have been taken by IS received demands for ransom to be paid to release their relatives otherwise they would be killed. In one case, the amount demanded for release was US\$ 50,000.

The remains of several people with evidence of torture, and gunshot wounds to the back of their heads, have been discovered in several areas, including 45 unidentified bodies – suspected to be ISF soldiers captured in Tikrit - from the banks of the Tigris on 20 June, which ISF recovered; 20 unidentified males in the al-Hiramat, Musheirfat and Maqbarrat areas of Mosul, Ninewa on 30 June.

It is also reported that the Iraqi security forces (ISF) are also involved in several grave violations of the right to life, including shelling of civilians in the areas of Mosul leading to 30 killings on 6 and 8 June 2014; the killing of detainees on 10 June, prior to the ISF's abandonment of the Military Operations Headquarters in the Hay al-Danadan area of Mosul after having thrown a grenade into a cell and killing 11 detainees at Ninewa Operations Command. It is also reported that ISF is responsible of the execution of between 45 and 75 young Sunni men as ISF withdrew from al-Muqdadiya area of Diyala governorate on 13 June 2014, and the execution of between 31 and 50 detainees at the al-Qalaa police station in Tal Afar by the ISF when fleeing their posts shortly before the approach of ISIL on 14 June.

On 12 June, Shi'a militia Asayib Al Haq (AAH), which had been establishing checkpoints in the area to capture deserters, killed 12 persons in a convoy of 3 vehicles. Between 16 and 17 June following an attempt by IS to storm the al-Wahda police station in the Qatoon area of Diyala, members of AAH entered the station and executed 48 Sunni detainees.

Several incidents of shelling and air strikes carried out by ISF have led to the killing of a woman and injured 5 persons on 21 June in the village of al-Duloeyah in Salah id-Din governorate; the killing of 25 civilians in the area near the Baiji refinery and 6 civilians in Baiji between 24 and 25 June; the killing of a civilian at the Tikrit University Hospital on 27 June, the killing of 2 civilians in Khalid Bin Walid Street, central Mosul on 1 July; the killing of 5 civilians in Sharqat and 5 others in Hawijah on 4 July; and the killing of 9 civilians in the neighbourhoods of Fallujah on 3 July. It is also reported that on 9 June 2014 in Mosul, ISF fired shots above the heads of civilians approaching the checkpoints to force them back in the city.

Bodies and remains of allegedly executed have been found by Iraqi police in several areas including the remains of 2 men in Yousufiya on 5 June; 5 unidentified men in a river in Tikrit on 15 June; the bodies of four men in the Bnouk area of Baghdad and 4 other in the area of Baladiyat found on 16 June; the bodies of four men in the Abu Dsheer district of Baghdad on 18 June; the bodies of four men in the Abu Dsheer district of Baghdad on 19 June; the bodies of two men in Zafaraniyah on 21 June; the remains of three men, in Husseiniyah, al-Mashtal and the Canal Street area on 23 June 2014.

It is also reported that on 23 June, an attack against a convoy of prisoners from Hilla Jail to the al-Hashimiya area led to some 72 prisoners being killed. On 24 June Iraqi police also found the remains of 4 men in al-Shaab; the remains of a group of 3 in al-Aamel; and 2 men in al-Madain; the remains of one man in the Shula area and the bodies of two men in Kirkuk city respectively on 25 and 26 June; the remains of 2 men in al-Shura district; and the remain of a man in the Bayaa area; the remains of 4 men in Hurriya (north Baghdad, majority Shi'a) and 2 in Sadr City on 1 July.

As a consequence of clashes between IS and governmental forces, several civilian casualties have been reported including mortar rounds killing 5 civilians and wounding 35 on 15 June; the deaths of 20 civilians in the Amerli area on 18 June; the killing of 9 male members of the same family in the Ayadiya area of Tal Afar district on 22 June; the killing of 6 members of a family on 23 June in the district of Tarmiyah; the killing of a man and his wife on 1 July in the Rahmaniya district; and the killing of 6 members of another family on 4 July in the al-Madain district of Baghdad.

Without prejudging the accuracy of the information made available to us, serious concern is expressed about credible allegations of summary and arbitrary executions committed by ISIL and affiliated groups. Concern is also expressed on the allegations of reprisals and summary executions committed by Iraqi security forces in the context of counter terrorism operation.

Further concern is expressed about the lack of investigations into the aforementioned executions as no one has been brought to account. Further concern is

expressed about the lack of protection measures in favour of the population, including minorities and people not directly participating in the hostilities.

While recognizing that a situation of conflict exists at the present time and some regions and territories currently fall under the de facto control of the so-called Islamic State, we thus respectfully urge your Excellency's Government to step up its efforts to the full extent possible to investigate these summary executions, to bring to justice anyone found to have been responsible for these acts, and to take effective measures to ensure that the right to life of the population is fully guaranteed in accordance with international human rights standards.

While it appears that the current context in Iraq is partly due to the armed attacks of ISIL against civilians and Iraqi security forces, under international law, Iraq has the legal obligation to ensure the right to life to all persons living in the country and to effectively punish those responsible for violations of this right. Severe crimes of the nature of those referred to above, and the impunity that has accompanied them, violate numerous international treaty provisions.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details, and where available, the results of the investigation carried out in relation to these cases. Have they been made publicly available?
3. Please provide information of any investigations carried out in connection to the attacks committed by IS and affiliated groups as well as by the Government security forces and affiliated groups. If no investigation has been conducted into these attacks, please explain why.
4. Please provide detailed information about the measures taken to effectively protect, and ensure the safety of individuals and communities at risk, including minorities, and civilians who worked for the Government as well as those allegedly linked to ISIL members.

We would appreciate a response within 60 days.

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.

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Ben Emmerson
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

IZSÁK Rita
Special Rapporteur on minority issues

Annex
Reference to international human rights law

In connection with the concerns expressed in this letter, the following international human rights standards appear to be relevant:

Articles 3 and 6 (1) of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) ratified by Iraq on 25 January 1971, guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life.

Article 3 common to the four Geneva Conventions of 1949 which establishes the minimum standards that all parties involved in a non-international armed conflict should observe concerning the treatment and protection of civilians, including the prohibition of violence to life and person and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable.

In addition, the allegations that Iraqi security forces may have participated in the killings of several civilians allegedly linked to ISIL appear to be in contravention with General Assembly resolution 68/178 and Human Rights Council resolution 25/7, which emphasize that States must adhere to international human rights while countering terrorism.

With regard to the allegations of a lack of protection measures for the population, we would like to refer your Excellency's Government to the report on Framework principles for securing the human rights of victims of terrorism, in which the Special Rapporteur on the promotion and protection of human rights while countering terrorism recalls States of their obligation to protect and secure the right to life of its citizens which includes the duty to take appropriate steps to safeguard the lives of individual within its jurisdiction (A/HRC/20/14, para. 67 (a)).

The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, (resolution 1989/65 Economic and Social Council) recall States' duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions. They also provide for the effective protection through judicial or other means of individuals and groups who are in danger of extra-legal, arbitrary or summary executions. The families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

With regard to the alleged failure to investigate the allegations of human rights violations by the Iraqi security forces, we would like to draw your Excellency's

Government attention to the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/22/52, para. 28), in which the Special Rapporteur states that States are obliged to promptly start an effective official investigation when a plausible allegation is made that public officials have committed (or been complicit in the commission of) gross or systemic human rights violations.

We would like to recall the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration, requires States to protect the existence and identity of national or ethnic, religious and linguistic minorities within their territories and to “adopt appropriate legislative and other measures to achieve those ends”. Additionally, article 2 states that persons belonging to national or ethnic, religious and linguistic minorities have, inter alia, the right to enjoy their own culture and to profess and practice their own religion without discrimination. Furthermore, article 4.1 notes the obligation of States to ensure that persons belonging to minorities may exercise all their human rights without discrimination and in full equality before the law.

With regard to the allegations that Iraqi security forces may have participated in the killings of several civilians allegedly linked to ISIL, General Comment No. 6 of the Human Rights Committee stated that States parties should take measures to prevent arbitrary killing by their own security forces and recalled that the deprivation of life by the authorities of the State is a matter of the utmost gravity.