

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL IRQ 1/2017

15 March 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 26/12, 25/2 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of **Mr. Widat Hussain**, a Kurdish journalist in Duhok (Kurdistan region). Mr. Hussain worked for the Roj News, a Kurdistan Workers' Party PKK affiliated news agency. Before his death, he had been investigated by members of Asaiysh, the Kurdish security forces operating under the command of the Kurdistan Regional Government of Iraq, who tried to convince him to work for them.

According to the information received:

On 13 August 2016, Mr. Widat Hussain, a Kurdish journalist, was kidnapped by two unknown armed men suspected of belonging to the Asaiysh, in Duhok. While driving from Malta area, the victim was blocked by two cars and forced to get out of his car. Subsequently, Mr. Hussain was blindfolded, placed in the back seat of one of the cars and then taken to an unknown destination. One of the cars was a black KIA Cerato and the second one was a white Coverlet Optra.

Reportedly, Mr. Hussain's abductors replied to people gathered in the neighborhood that he was taken because his car hit a child and did not stop. Several people who were present, recorded the incident. Just after the cars left, unknown individuals in civilian clothes identified as members of Asaiysh allegedly asked the individuals to display their phones and to delete the recordings.

Mr. Hussain was found around midday at the side of a road near Sumel, Duhok province, the same day he was abducted. The victim was alive when he was taken to Sumel Hospital, where police kept him for about one hour. Later, police transferred Mr. Hussain to Duhok hospital. He was dead by the time his family arrived. According to several sources, Mr. Hussain's body showed signs of torture, including electric shocks. One of his arms was broken.

There are tens of private and public surveillance cameras in the areas where Mr. Hussain was abducted. However, it is reported that on the day he was abducted, police officials visited businesses owners in the area in locations where the victim may have passed and forced them to erase their records.

Following Mr. Hussain's death, serious threats against witnesses and Mr. Hussain's relatives were reported. There is no credible information about whether any inquiries have been initiated into the killing of Mr. Hussain.

Grave concern is expressed about the killing and torture of Mr. Widat Hussain, which appear to be directly connected to his professional activities as a journalist. Serious concern is expressed that the above allegations may be an attempt to intimidate and restrict the legitimate exercise of the right to freedom of expression and opinion. Further concern is raised about the threats against witnesses and Mr. Hussain's relatives and the lack of proper investigation into Mr. Hussain's death.

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

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out into the abduction, torture and death of Mr. Widat Hussain. Have any penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
3. Please indicate what measures have been taken to ensure the safety of journalists in the Iraqi Kurdistan region and to guarantee that they can publicly express their opinions without fear.
4. Please indicate whether compensation will be provided to Mr. Hussain's relatives.
5. Please provide details on the measures taken to ensure the safety of the witnesses and of Mr. Hussain's relatives.

We would appreciate receiving 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(s) responsible for 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.

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, and while we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer to 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, which 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.

Additionally, in its general comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate or redress the harm caused by non-state actors. Failure to investigate and to bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, stress the obligation to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

We also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Principle 4) establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions.

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, codify the absolute and non-derogable prohibition of torture and other ill-treatment. Additionally, article 2(2) of the CAT provides that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Furthermore, we would like to refer to articles 19 and 22 of the ICCPR that guarantee the rights to freedom of opinion and expression and freedom of association respectively. In this connection, we make reference to resolution 12/16 of the Human Rights Council, which calls upon states to investigate effectively threats and acts of violence, including terrorist acts, against journalists, and to bring to justice those responsible to combat impunity.