



# Al-Zaytun Bridge

The Third Report on the Demonstrations

DhiQar Governorate / Peace and Freedom Organization



Peace and Freedom Organization / Baghdad Office (PFO-BAGHDAD)

Sergio de Mello Team to Monitor the Condition of Human Rights and Fundamental Freedoms in the Field (SDMT-PFO)

# Zaytun Bridge





**The Report on the Situation of Human Rights and Fundamental Freedoms for the Demonstrations in Thi Qar Governorate from October 1<sup>st</sup>, 2019 to February 10<sup>th</sup>, 2020**

**February 2020**

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- ❖ **Cover photo: Zaytun Bridge in the city of Al-Nasiriyah, Thi Qar Governorate, Medics, Emergency medical groups, photographed by Ahmad Haitham**



## Peace and Freedom Organization (PFO)

### Vision

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A peaceful, democratic and diverse society that guarantees human rights and freedoms for all, promotes the values of social justice, citizenship and nonviolence and rejects extremism in all its forms.

### Mission

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Peace and Freedom is a non-governmental, non-profit organization working at the level of the Republic of Iraq and the Kurdistan Region to monitor and protect the human rights condition, ensure peaceful coexistence by enhancing trust and cooperation between various components of society, supporting governmental and non-governmental institutions in developing policies that guarantee rights, freedoms and social justice in accordance with the international standards and officially registered at the official authorities in Baghdad and Erbil.

### Programs

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Peace and Freedom has identified three main program areas where it will focus its work over the next four years:

#### **The First program: Peace-building and Social Cohesion**

The Peace-building and Social Cohesion Program aims to preserve the diversity in Iraq by building the capacities of individuals and key stakeholders to resolve the conflict and promote peace to ensure peaceful coexistence between societies with diverse religious and ethnic backgrounds and to ensure appropriate policies to ensure protection and the participation of all groups of society.

#### **The Second program: Human Rights and Freedoms**

The Rights and Freedoms program aims to promote human rights and shed light on violations of individual and collective rights and freedoms that occur throughout Iraq and ensure the development of appropriate government policies to protect and promote these rights and freedoms.

#### **The Third program: The Transitional Justice Program**

This program aims to contribute to preserving the dignity of individuals, recognizing violations, redressing the victims, and making efforts to prevent the recurrence of violations. In all programs, there are projects that guarantee the participation of (gender, youth and minorities) and are presented according to the principle of (transparency).

For more information: <http://www.pfo-ku.org>



**Sergio de Mello Team** to monitor the Condition of Human Rights and Fundamental Freedoms in the Field **SDMT**

The Sergio de Mello team is a group of male and female human rights defenders in



the Republic of Iraq covering the entire geographical area in the country. Their mission focuses on monitoring and controlling the situation of human rights and fundamental freedoms in the field. They form a group together with the electronic monitoring team, the Peace and Freedom Organization (PFO) department for violations.

The team was established in June 2019 and was expanded, trained and well qualified in November 2019. The team believes in applying impartiality, credibility and transparency as well as works with professionalism, accuracy and uses a clear and studied method that guided by international law in all its branches. It respects and applies the law in force in the Republic of Iraq and Kurdistan Region of Iraq and adheres to the bylaw and code of conduct for the Peace and Freedom Organization. The team was named this name in honor of and in remembrance of the UN Envoy in Iraq, Mr. Sergio de Mello, who was killed in 2003 by the detonating the United Nations building in Iraq and is referred to as SMDT.

# Zaytun Bridge

The Sergio de Mello team observer for the monitoring the situation of human rights and fundamental freedoms in the field / Peace and Freedom Organization SMDT - PFO: -

The sadness was evident on the face of one of the young demonstrators, and his clothes were stained with the blood of others and when I asked him what has happened on the Bridge of Zaytu? He said:

**"We were asleep, and suddenly the sounds of screams, bullets and explosions rang out, the policemen were advancing and killing the protesters on the bridge ... Then we tried to raise the bodies of the demonstrators but they were stuck to the asphalt due to the blood".**

In honor of the victims who fell on Zaytun Bridge at the dawn of November 28<sup>th</sup>, 2019, the report writing committee decided to name this report by (Zaytun Bridge).

**Peace and Freedom Organization on February 20, 2020**



### ▪ Summary

The initial results have got by the Peace and Freedom Organization (PFO) through the information gathered by its team, Sergio de Mello, for human rights monitoring SDMT, indicate to the grave violations and breaches of human rights committed and still being committed during the massive demonstrations that started in Thi Qar Governorate, southern Iraq since October 1, 2019, and It continues to this day demanding several requests, most notably the improvement of the economic situation of the Iraqi citizen and the provision of basic services, coinciding with the launch of demonstrations in more than 9 other Iraqi provinces <sup>1</sup>.

Despite the peaceful launching of these demonstrations, law enforcement officials and armed groups supported by the government and other unknown groups have worked to take and implement various forms of measures that are described as oppressive, mainly related to the use of violent ways with the demonstrators by launching coordinated attacks in a systematic way that sometimes associated with wide<sup>2</sup> attacks directed at human gatherings and crowds, while individual attacks were accompanied, intermittently, by carefully planned attacks towards individuals who participated in the demonstrations or provided them with any form of support.

The measures and methods used against demonstrators in Al-Nasiriyah led to clear breaches of relevant international and domestic law, some of which are considered direct grave violations, such as arbitrary killing. The killings exceeded the sites of direct clashes in squares and public squares through executing assassinations by organized groups that are still unknown and were carefully planned.

The arbitrary restriction of personal freedom within and outside the scope of law was one of the most common methods used and all conditions of restricting<sup>3</sup> freedom were accompanied by many forms of bad treatment during which victims experienced painful moments of inhuman and degrading treatment.

In general, the institutional and non-institutional structures referred to above have used force and firearms consistently and often in a random manner. Sometimes they used the sniping method against demonstrators and have always lacked the fulfillment of the condition of necessity. The force lacked proportionality in terms of size or means they used and did not give any importance to the upward use of any form of force against demonstrators. Regardless of the unlawful use of firearms against demonstrators, these structures have even ignored adherence to the type of weapon. The weapons prepared for battles were used by regular military forces or the use of special weapons for hunting purpose<sup>4</sup> which they were fitted with fragmented bullets.

Subsequently, those attacks directly caused the killing and wounding dozens. In general, most of the situations in which the force and firearms were used, there was no circumstance could be described as imminent danger.

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<sup>1</sup> Iraqi citizens demonstrated together since October 1, 2019 and so far in the governorates of Baghdad, Wasit, Babil Najaf, Karbala, Maysan, Al-Diwaniya, Basra, and Al-Muthanna, while limited demonstrations, including vigils, took place in support of them in the provinces of Diyala, Anbar, Salahaddin, Kirkuk, Nineveh.

<sup>2</sup> The report-writing committee notes that the use of the term wide range was used, guided by the comments issued by the International Committee of Red Cross and the comments of the International Criminal Court (ICC), where some attacks were launched by the security forces without any consideration for the victims, their age groups, during the demonstrations, where it was found that the nature of these attacks came without taking into account the form of the use of measures, where reaching to the achievement of the goal was the priority goal, regardless of any loss of life, especially in the events of Zaytun Bridge.

<sup>3</sup> The term freedom restriction above includes arbitrary arrest and detention, enforced disappearance, and kidnapping.

<sup>4</sup> For example, the use of BKC the medium weapon with 7.54 mm and the heavy weapon 12.5 mm machine gun.



Returning to the goal envisaged by these attacks, most of them were launched by law enforcement officials without any clear purpose. Rather, most of the plans followed seemed to be used towards issuing orders to control the demonstrations in any way of their own forms which was the use of untrained law enforcement elements by the authorities to deal with the demonstrations.

The worst forms of targeting with acts which violate relevant international and domestic law are violations against human rights defenders, civil sector activists, journalists, media workers, and staff of medical teams and units inside and outside hospitals, while no attention has been paid to imposing or taking measures to provide the necessary protection for the most vulnerable groups exposed to the risk of violence who were women, children, or persons with disabilities and the elderly, who were present in the demonstrations.

The responsibility of many of the killings and kidnappings that have targeted the two categories of human rights defenders and civil sector activists or have targeted the areas of demonstration with quick attacks are limited to the "militias", "third party", "anonymous armed groups", "parallel forces" and other names that have been used widely, but in all cases, they refer to non-governmental bodies.

In a related manner, media campaigns were launched, whether through satellite channels or social media, to demonize demonstrations and demonstrators, stigmatizing them with offensive nicknames or accusing them of charges that affect their feeling of citizenship, and more to honor challenge and treachery<sup>5</sup>.

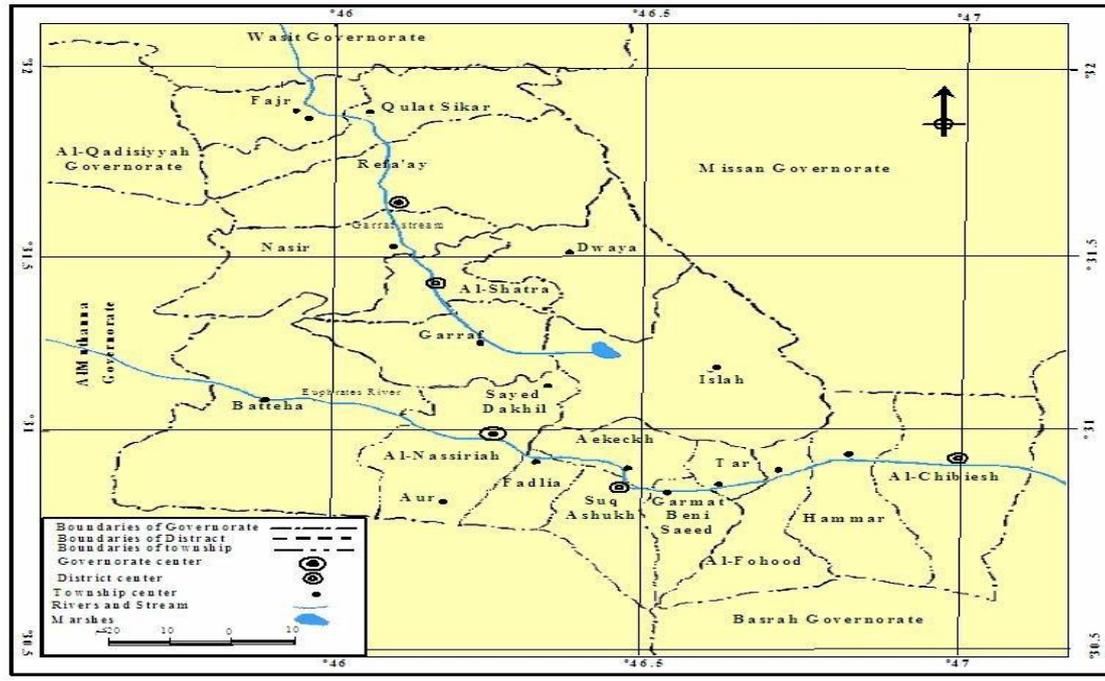
On their side, the demonstrators, as a result of dozens of victims falling among them, set fire to formal and semi-formal institutions of a political nature, not service. On the other hand, individuals among the demonstrators prevented the students including children in the primary stage from attending their schools, as well as those individuals prevented some employees of the official departments of the local government from joining their jobs such as Municipality Council Employees as a form of escalation with the aim of pressuring the government to respond to their demands.

The report provides a general and comprehensive view of the violations committed during the demonstrations, through which the Peace and Freedom Organization (PFO) seeks to provide greater information to the local, regional and international parties on the context of committing these violations in order to prevent them from occurring. Thus, the Iraqi Government has the responsibility to address what have been mentioned in this report.

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<sup>5</sup> The demonstrations and demonstrators are given offensive nicknames, such as they are traitors, represent and follow an external agenda, they are followers and children of embassies or they are implementing American and

Israeli plans or they are Baathists and ISIS (individuals in the Islamic State in Iraq and the terrorist extremist group ISIS).



**Administrative Map of ThiQar Governorate<sup>6</sup>**

### □ Demography of Thi-Qar Governorate

Dhi Qar Governorate represents the heart of the southern of Iraqi, as it is bordered geographically by five governorates: Wasit and Qadisiyah in the north, Maysan in the east, Basra in the south and Muthanna in the west. Dhi Qar Governorate is 360 km from Baghdad and 180 km from Basra Governorate. Due to its strategic location, it is considered a population attraction, which it has a population of 1,880,000<sup>7</sup> people. The youth proportion is larger than the rest of the age groups.

Dhi Qar Governorate consists of five main districts: Al-Nasiriyah, Al-Shatrah, Al-Jabbaysh, Suq Al-Shuyukh, Al-Rifa'ai, and Bedouins. These districts are divided into fifteen sub-districts and occupy an area of 5 million acres of different lands.

Most populated areas overlook the Euphrates River and Al-Gharaf in the governorate. In general, the living level of the population varies between the good, the average, and below the poverty line level, where the average per capita income ranges between 150 thousand Iraqi dinars to 400 thousand Iraqi dinars<sup>8</sup>, and now that the poor group<sup>9</sup> is the highest with a total of 44 % Of the population who are below the poverty line<sup>10</sup>.

<sup>6</sup> Administrative map of Dhi Qar governorate on the link: [https://www.researchgate.net/figure/figure/figure/1-a-Administrative-units-in-Thi-Qar-Governorate-10\\_fig1\\_332798410](https://www.researchgate.net/figure/figure/figure/1-a-Administrative-units-in-Thi-Qar-Governorate-10_fig1_332798410)

<sup>7</sup> Investment Board of Thi Qar Governorate, 2016, from the Ministry of Planning, Central Statistical Organization, Statistics Directorate of Dhi Qar Governorate.

<sup>8</sup> Between 100 to 300 USD.



<sup>9</sup> The poverty line level at daily income per person is estimated by \$ 1.25, according to the World Bank.

<sup>10</sup> Ministry of Planning / 2019 Poverty Report.

There are many sources of economic income in the province including agriculture, such as planting dates, wheat, barley, and industry in a limited manner, such as brick manufacturing. Recently, the oil industry has been introduced to the governorate, as the governorate has multiple abundances of natural resources, including marshes.

The marshes of Dhi Qar Governorate are considered one of the most important tourist attractions in southern Iraq and constitute the natural basin of the Tigris and Euphrates Rivers, where these water surfaces are formed thousands of years ago and abound in natural water life. The most important of which is the Jabayesh Marshes, which are the largest areas of the marshes of southern Iraq and an area of about 600 km<sup>2</sup> in addition to the marshes of Al-Hammar and Al-Hawezeh.

In addition to that, Dhi Qar Governorate is one of the most important regions in the world that is rich in historical human heritage steeped in 3000 to 6000 BC from the Ur Zaqqurat to the temples of the Sumerians, where it contains hundreds of archaeological sites.

#### □ Methodology

Peace and Freedom Organization PFO and its team Sergio de Mello to monitor the situation of human rights and fundamental freedoms in the field SDMT indicate that this report is the third on the demonstrations in the Republic of Iraq after its release of the first report *The Violence of Repression*<sup>11</sup>, which covered the first demonstrations from 1 October to October 9, 2019 and its second report *"Smoky rains"*<sup>12</sup> that covered the period from October 25 to December 10, 2019 with eleven informal briefings, so it is imperative that stakeholders from the Iraqi Government, the international community, governmental organizations, researchers, and interested parties see the first report and the second as well as the overall briefings to have more understanding of all merits of the demonstrations, the context and whatever associated with.

In continuation of the direct efforts of the observers of Sergio de Mello SDMT team in Dhi Qar Governorate since October 1, 2019 to monitor the course of the demonstrations, the Peace and Freedom Organization formed a committee to write a report on a regional basis for the demonstrations in Dhi Qar Governorate in response to the violations and breaches in this province. Thi-Qar and its center, the city of Al-Nasiriyah, is one of the most prominent demonstration areas that witnessed flagrant violations of the relevant international and domestic law. The committee consisted of 3 researchers, including a woman who is responsible for issuing this report in cooperation with the observers in the field and the electronic monitoring team within Sergio de Mello team SDMT.

Peace and Freedom Organization (PFO) directed the members of the monitoring team, where its team observers started the processes of collecting information by monitoring through field presence near the demonstration areas in the governorate. As for the electronic monitoring team, their work included websites and satellites such as the sites of the government institutions and the sites of the United Nations offices and its mission In Iraq, international organizations and local community organizations, and the monitoring team, in this field, relied on the documented sites that express a legal personality that complies, respects and abides by international law and local law in Iraq.



<sup>11</sup> To review the first report in Arabic, download the link: <https://ar.iraqicivilsociety.org/?p=6880>

<sup>12</sup> To review the second report in Arabic, download the link: <http://pfo-ku.org/index.php/2017-05-25-06-41-42/394-2019-12-12-13-20-41>

Although the organization's monitors in Dhi Qar Governorate provided the organization with a large amount of information and data that included written and recorded materials and others, such as videos and photos documenting their work, the report writing committee contacted dozens of human rights defenders, media activists and some government agencies, especially those related to demonstrations such as The Ministry of Health and the Civil Defense Directorate for the purpose of verification and confirming of the authenticity and integrity of the information collected and documented.

In this context, the Peace and Freedom Organization confirms that it followed a clear methodology when dealing with workers within the monitoring teams. It directed the team in general not to interfere, negatively or positively, in all areas of the demonstrations, and also informed them of the need to appear publicly and not pass any information based on analyzes or conclusions or Information accompanied by doubts based on perceptions. It also stressed that the information must be subject to and meet the conditions and requirements of the work principle of neutrality while monitoring violations or breaches and full commitment to achieve the requirements of good and effective monitoring <sup>13</sup>.

Regarding the work of the Sergio de Mello team to monitor the situation of human rights and fundamental freedoms in the field SDMT, the team adopted the strategy of observing, viewing, evaluating and analyzing all behaviors and actions during the course of the demonstrations with full observance of the circumstances of each action separately, so that to be evaluated instantly through which they are described separately to issue an evaluation that subject.

Peace and Freedom Organization (PFO) clearly and transparently asserts that its many obstacles faced its team Sergio de Mello SDMT during the performance of its duties throughout the period from October 1, 2019 to February 10, 2020. For example, the strict security measures including the restriction of the movement of the team observers on November 14, 2019, through constant controls to attend a comprehensive training outside the governorate. In addition to not having sufficient technical and personal protection means to reduce the size of confirmed risks as observers tested high-level safety threats after being subjected to cases of suffocation and temporary blindness as a result of the use of smoke bombs by the security forces while they were in a circle with life-threatening due to the use of firearms and live bullets.

The most impacted danger faced by human rights defenders and observers of the Peace and Freedom Organization is the constant feeling of fear as it has generated psychological pressures that have clear effects on observers as a result of constant caution against the assassination or kidnapping as their peers from defenders and other activists. These conditions directly contributed by restricting their movement and following personal security guidelines, they led to their physical and psychological fatigue, which at some moments affected their morale significantly.

PFO notes that all the information that will be presented in this report is information that has been monitored by the demonstrators because law enforcement personnel didn't allow all the monitors to approach their sites.

Peace and Freedom Organization presents its third report on demonstrations in Iraq for the province of Dhi Qar and referred to as "Zaytun Bridge", confirms that the report was presented to 3 civil society organizations and was presented also to two experts in international and local



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<sup>13</sup> All infringements and failure to adhere to domestic and international law by state officials will be indicated as violations. The breaches committed by civilian demonstrators will be referred as violations according to the standards of legal characterization contained in United Nations booklets.

human rights tools. Women and men, within the areas under the federal authority or authorities of Kurdistan Region and outside of Iraq, made observations that were taken seriously and have been dealt with objectively and professionally. They praised and approved its content. In this regard, PFO thanks all those who have contributed with the consultation and technical support including activists, defenders, human rights officers, civil society organizations, protesters and security forces sometimes facilitated the narrow scope of their duties with some help and it appreciates the team members of Sergio de Mello, to observe and monitor the human rights situation and fundamental freedoms in the field SDMT and what they have done is heroic to execute the tasks and duties assigned to them.

### □ Background

Dhi Qar governorate suffers from a clear neglect in the urban aspects associated with high level of down of citizens below the poverty line; therefore, they live in very difficult economic conditions with the spread of unemployment among young people, low levels of living and lack of suitable basic services in a remarkable and dangerous way.

These circumstances coincided with the weakness of the local government law enforcement agencies before the tribal authority and power with the widespread of violence culture and the spread of weapon and addiction to drug among young people in dangerous proportions.

This environment revives the rampant corruption in all joints of its local government, where bribery and discrimination among citizens on the basis of the social status to get access to the public office positions accompanied by the lack of real solutions implemented in the long run to advance the reality of the province.

These factors and circumstances contributed to creating a feeling among the citizens of Dhi Qar Governorate that they are second-class citizens compared with others affiliated to the parties and participating in the authority or enjoying protection in any way <sup>14</sup>, therefore their feeling is close to what can be described as a form of feeling of social discrimination.

Since the beginning of 2019, sporadic peaceful demonstrations have been launched, often calling for basic services, especially in the summer or with the launching of government employment programs, but they were quickly ended by the government promises of demonstrators to respond to their demands or dispersing them at other times by using varying degrees of force.

At the end of September 2019, the tension increased socially following the widespread public reactions to the violent disperse of the high degree holders in Baghdad by the riot police forces <sup>15</sup>. Three days later, the decision of the General Command of the Iraqi Armed Forces through the office of former Prime Minister Adil Abdul-Mahdi to transfer the General Abdul-Wahab Al-Sa'adi to the Logistics Department, accompanied the conditions that the governorate is going through and recent events to a broad popular escalation on social media, which ended with the launch date for the demonstrations on October 1, 2019.

The suppression of demonstrations in Iraq is not a new event. Most of the demonstrations have



<sup>14</sup> One of the most important reasons that led the demonstrators to burn the buildings of political parties later was to hold them responsible.

<sup>15</sup> For more, visit the link: <http://www.nrttv.com/Ar/News.aspx?id=16658&MapID=2>.

been suppressed since the previous era of the Baath Party, as in the popular uprising of 1991 and through the change after 2003 and until the demonstrations of the first of October 2019 and then the demonstrations of October 25, 2019 to the present day.

### **Introduction**

The Iraqi street in Dhi Qar Governorate responded widely and broadly to the demonstrations on October 1, 2019, where tens of thousands came to the streets, calling mainly for basic services and improving the standard of living, and citizens declared their solidarity with the demonstrations that started in other provinces.

It was not clear to the moment of launching this report any sponsors of the demonstrations despite the widespread accusations made by some political figures of the demonstrators later that they are linked to external parties, embassies, and the dissolved Baath Party. Sometimes, the accusations reached that they are run by members of the Islamic State in Iraq and the Levant, the extremist terrorist – ISIS. All these accusations lacked any tangible objective evidence and it seems that the purpose of these accusations is to demonize the demonstrations and an attempt by an agenda of a political nature to challenge the demonstrations through a broad media campaign aimed at ending these demonstrations.

The demonstrations were concentrated in Dhi Qar governorate specifically in the District of Al-Nasiriyah, the Habboubi Square, and extended to many streets, public squares and bridges in the city. Despite the guarantee of the Iraqi constitution in force in 2005, Article 38, the paragraph related to ensuring freedom of demonstration and peaceful assembly coupled with the legislation of law and ensuring international law in Article 21 of the International Covenant for the Civil and Political Rights along with articles and clauses in other related instruments, the suppression and confrontation of demonstrations with the use of excessive force and the unlawful use of lethal and non-lethal weapons was a prominent feature of these demonstrations that lasted until October 5, 2019 and continued sporadically until October 9, 2019. Then the demonstrations were announced to be stopped by the demonstrators, as the demonstrators were shocked by the level of violence and the number of dead and wounds who fell during these demonstrations on the one hand, and on the other hand, the memory of the commemoration of the martyrdom of Imam Al-Hussein<sup>16</sup> coincided so they gave way to commemorate this anniversary and announced a group of demands for the Iraqi Government. The most important among the demands was to investigate the killings of the demonstrators<sup>17</sup> and has already formed an investigation committee to look into these incidents.

The Iraqi Government (GoI) announced a package of reforms that the demonstrators found to be unmet and not commensurate with any of their demands, and considered the position of the GoI to be another justification for their demands. The package of reforms that are perceived to be nominal coincided with the investigation committee's announcement on October 22, 2019 of the results of the investigation and issued its report in this regard, which was devoid of any condemnation of any party and did not include any names involved in the killing of the demonstrators, whether by direct actors or whoever issued orders that led to the killing of demonstrators. The invitations to protest were renewed on social media on October 25, 2019.



<sup>16</sup> An annual religious event celebrated by the Iraqis on 20th of the month of Safar according to Hijri date and is called the fortieth of Imam Al-Hussein.

<sup>17</sup> The UNAMI Human Rights Office estimated the death by 157 and 5,494 wounded in the period between October 1 and October 16, 2019. For more information, UNMIS report on protests in Iraq, October 23, 2019, p. 2.

On October 25, 2019, massive demonstrations broke out in Al-Nasiriyah, the center of Dhi Qar Governorate, accompanied by a heavy spread of law enforcement officials, as they cut roads leading to Al-Haboubi Square, the main demonstration center in the governorate. It did not take long until extensive clashes took place in the city, during which law enforcement elements committed heinous violations of human rights. It included a wide range of violence and the use of excessive force and firearms with the goal of injury or death. In return, some demonstrators set fire mainly to the semi-official institutions of political parties, during which dozens of people were killed and injured were most of them were demonstrators. It was declared that the demonstrations deviated towards violence, despite the demonstrators declaring that they are holding onto their right to peaceful demonstration.

### **Recount of the main concerns related to the situation of human rights and fundamental freedoms**

#### **• Use of force and firearms**

According to confirmed information received by the Peace and Freedom Organization (PFO), through Sergio de Mello's human rights monitoring team SDMT, the law enforcement officials fired heavily on the crowds of demonstrators throughout the days of the demonstrations, during which periods of use of firearms decreased, but in general they killed and injured hundreds of protesters in Dhi Qar Governorate.

During the period from October 1, 2019 to October 5, 2019, thousands of demonstrators gathered in each of the districts of Al-Al-Nasiriyah, Al-Shatrah, and Al-Dawaia. Clashes with the security forces resulted in the direct killing of 32 protesters at minimum<sup>18</sup>, and more than 400 protesters<sup>19</sup> with various injuries ranging from acute suffocation or loss of consciousness or wounded with live ammunition.

The use of excessive force and firearms prevailed in Al-Nasiriyah, "The brutal method" to deal with the demonstrators. The weapons were directed horizontally and directly towards the crowds of demonstrators, who might be hundreds of human form protest gatherings. There was no distinction between the groups present among these crowds, and no distinction was made when shooting the individuals engaged in violence against peaceful individuals. It was clear that the shooting was the only and lasting response and appeared to be the preferred option and tactic by law enforcement officials when any clashes between the two parties occurred. Field observers also confirmed that many of the killings of protesters occurred without this being necessary because they were killed at the moment when there were long distances separating the two parties.

Observers attributed the reasons for believing that the necessary condition was not met when firearms were used by law enforcement officials to shoot randomly with the aim of random killing or injuring the greatest amount of people or the practice of sniping by selecting targets and aiming at them, then shooting, such as hitting the head and chest areas.



<sup>18</sup> The figures presented in this report represent the absolute minimum for preparing the victims, as PFO confirms that the comprehensive briefing process for all victims is extremely difficult and complicated in light of conflicting government figures or issued by other parties and in all cases, the Peace and Freedom Organization respects all numbers issued by anybody committed to neutrality.

<sup>19</sup> All injuries approved in this report are either hospitalized injuries or every case has undergone a series of repeated treatments.

Individual injuries of protesters and targeting areas of the head and chest of their bodies from long distances by using weapons with lethal<sup>20</sup> and non-lethal ammunition shows that law enforcement officials were not in a situation, circumstance, or condition with which they were investigated, provided they were under imminent threat<sup>21</sup>, such as a law enforcement officer killing three protesters through continuous shooting on Fahd Bridge, they are:

1. Mustafa Hassan Hadi, who lives in Al-Thawra neighborhood, killed on January 25,2020.
2. Mustafa Hussein Hanoon lives in Al-Khalas Street, killed on January 25,2020.
3. Mustafa Mayis Radi lives in Al-Gharraf, killed on January 25,2020.

There have been many forms of the use of force and firearms by law enforcement officials to follow several other tactics by targeting demonstrators in Dhi Qar Governorate when they intentionally employed their use of smoke and sound bombs in a manner that these bombs were directed to the bodies of protesters and hit them in sensitive areas. The most serious of which was head injury. This brutality resulted in killing due to the head skull fracture and their penetration into the skull cavity or led to serious injuries by directing them to the chest and abdomen of the victims, where they suffered from fractures of the rib cage or laceration and tear muscular tissue or tissue of sensitive organs inside the abdominal cavity that some of them affected by internal bleeding.

Illegal use of illegal weapons by law enforcement officials has gone beyond the use of unallocated weapons to deal with law enforcement operations such as hunting sport weapons as some individuals within the institutional structures of law enforcement agencies such as the Riot Police Unit used hunting 12mm gun that fires a wide range of ammunition towards the demonstrators. One of the most important prohibitions in the use of these weapons in customary international law is that the results of the nature of the use of these weapons inflict pain on the one hand and on the other hand, is the ammunition which is an envelope containing a number of iron balls referred to locally (fragments) and whose number ranges, according to the type of ammunition, between 32 to 70 iron balls. It's direction is completely unpredictable after its launch from the nozzle of the weapon, as it covers areas under the distance between the two sides first, and the type of the ammunition used secondly, which may reach from 7 to 10 meters, and this makes it completely incompatible with the principle of the use of weapons on condition of distinction.

This use of weapons by law enforcement officials in the manner or type of weapons or various bullets has resulted in loss of life and other injuries to permanent disabilities since the start of the demonstrations on October 1, 2019 and until the moment of the issuance of this report.

The most prominent case in which excessive force and unlawful use of firearms was used against the demonstrators was on 28, 29 and 30 November 2019, which a massacre committed by Special Security Forces on Zaytun Bridge and opposite to the Police Directorate of the city in the center of Al-Nasiriyah, where at minimum 41 killed and 521 others were injured. The condition of some of them is serious, in addition to the clashes that took place on the Nile Street, the Haboubi Street and the Mustafa Street in many times during these demonstrations.



<sup>20</sup> Various ammunitions, caliber 7.54 mm, 5,5 mm, 7,62 mm, 12,7 mm, and there allegations for the use of 14.5 mm.

<sup>21</sup> For more on the condition of necessity and details of imminent danger, see Caroline's test at:

<https://www.ishik.edu.iq/conf/ilic/wp-content>

In the same context and on a related level, the lightning and deadly attacks by "militias, parallel entities, armed groups, the third party, anonymous parties, government-backed entities" as they are called by the demonstrators contributed directly to dozens of deaths and injuries where multiple forms of weapons were used. The most important firearms are light assault weapons such as AK47 rifles, medium machine guns such as BKC, hand grenades, sticks and knives during the course of these attacks.

In this context, Sergio de Mello SDMT team monitors documented that a Toyota / pick up vehicle without plate number loaded with the gunmen shot a three-wheeled motorcycle (Stuta) carrying protesters on January 20, 2020, where a number of demonstrators were wounded, and the attack took place near the Sabiyaa Cemetery, at the beginning of the express bridge in Al-Nasiriyah, where the accident resulted in 7 wounded, one of them is serious.

However, the fiercest attacks by these unofficial parties is on the evening of Tuesday, January 7, 2020, the sit-in square in Al-Haboubi were shot by a group driving three Toyota cars without plates, as they were driving in the Al-Juma'a Street with heavy shooting towards the Nahr Street to reach the sit-in square, shoot randomly, with burning of a number of tents belonging to the protesters of Al-Al-Nasiriyah. On January 27, 2020, the sit-in Al-Haboubi Square was subjected to intense gunfire by unknown gunmen after 1 p.m at night using 7 modern Toyota cars accompanied by saloon cars which all were civilians led to the killing of one demonstrator and wounding more than five others and burning several tents of the protestors in Al\_Habboubi Square in the center of Al-Al-Nasiriyah.

As for the bloody attacks of a brutal nature, they are using locally manufactured bombs that contain large quantities of iron balls in order to cause the greatest losses of lives and injuries, such as the incident targeting the Free Iraq Tent, which included a library frequented by a group of young people and organizes activities discussing the constitutional laws and human rights materials in Al-Haboubi Street near the old governorate building, by planting a homemade bomb that killed one of the demonstrators and wounded 13 others, many of them have serious injuries on November 15, 2019. In another incident, a homemade sound bomb exploded on February 5, 2020, near to the patrol of pharmaceutical martyr Muhannad Kamel, in the Al-Habboubi sit-in Square, causing damages but without any casualties.

These parallel entities have targeted specific targets in most of their operations that they have implemented, where their targets have been carefully chosen based on their impact on the demonstrations and mainly implemented specific operations against protesters, human rights defenders and civil sector activists, and we will explain them in the section on violations against defenders and activists of this report.

On the part of the demonstrators, some individuals among the protesters used stones mainly to confront law enforcement officials, while some others used Molotov cocktails against the wheels of law enforcement officials, especially between November 28 and December 6, 2019, or to attack the semi-official institutions of political parties. .

- Arbitrary arrest and detention, kidnapping and allegations of enforced disappearance



From the beginning of the demonstrations in Dhi Qar Governorate October 1, 2019 to February 10, 2020, the institutional structures of law enforcement officials in the governorate have arrested 365 protesters with an absolute minimum, and they were later charged in accordance with numerous legal articles (Articles 342, 345, 240, 222, 230 and 355 of the Penal Code). However, the remarkable and dangerous development is the arrest of demonstrators and their referral to the judiciary under Article 4 of Law 13 for Combating Terrorism in 2005, which constitutes a violation and a clear breach of local, international and constitutional law, which guarantees the right to demonstrate and peaceful assembly, and the violations committed by the demonstrators did not come with criminal purpose of a terrorist nature, regardless of any definition of terrorism, even if it is a broad definition.

All detainees were informed that all the conditions of their detention were not accompanied by any visibility of law enforcement officials of arrest orders issued by the Iraqi judiciary. Therefore, most of those arrested were charged after arrest under the crime of witnessing a crime.

Arrests were also observed for people as soon as they passed near areas where demonstrations were taking place or they were living in an area experiencing demonstrations, while others reported that they were forcibly stopped and asked to give them the mobile device searching for materials related to the demonstrations and they were arrested later as a result of possessing photos or videos they had taken or been sent to them relative to the atmosphere of demonstrations.

In the same context, most of the detainees were put at the beginning of the detention for precaution, and were investigated about the demonstrations. After that, the periods of detention by law enforcement institutional structures ranged between several hours and 4 days as a general average in the event that no charges were brought against them, while others exceeded periods that may reach to a week, according to their testimony.

All the detainees suffered from degrading measures involves insulting to themselves, while others lived through difficult moments of mistreatment interspersed with circumstances involving inhumane measures such as leaving them for periods of time suffering from thirst or starvation, as the procedural rules for dealing with detainees were not respected.

One of the most dangerous practices related to arbitrary detention is that some detainees were beaten by some law enforcement personnel.

Some detainees were also told that they were beaten and abused with the use of hands, kicks, wooden sticks, plastic truncheons or the butts of the guns during the arrest process, while others reported that they were beaten to extract information from them while being transported by police wheels. Others reported that they were beaten by the same methods during Interrogation with them. Therefore, the characterization of these violations is cases of torture, the allegations of which must be taken seriously, investigated and find truth.

Also, one of the most dangerous incidents is that a group of armed men whose identity or institutional affiliation was not known, dressed in black and masks on October 6, 2019 arrested approximately 100 protesters from the center of Al-Al-Nasiriyah and transferred them to the Air Base of Imam Ali (peace be upon him) in an unofficial detainee without judicial orders to be released later.

On the other hand, and in the same context, another armed group kidnapped activists in the civil sectors, human rights defenders, and media workers from October 1, 2019 until

the moment of writing this report, they were later released or some of them are still missing<sup>22</sup>.

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<sup>22</sup> See the violations and breaches against defenders and civil sector activists from this report.

- **The right to freedom of transportation and freedom of movement**

Information received by the Peace and Freedom Organization (PFO) through its monitors in Dhi Qar Governorate showed that law enforcement officials and demonstrators alike blocked the main and public roads. The law enforcement officials adopted a strategy that includes blocking all roads leading to any area experiencing demonstrations while protesters took the tactic of blocking streets and roads with two main objectives; the first, is to create greater pressure on the government as a form of escalation in order to respond to their demands and the second, was an attempt to impose civil disobedience or a comprehensive strike of students or employees in state departments.

The blockage of streets and public roads, especially the strategic and vital roads, constituted disrupting many aspects of life, and on the other hand, it constituted a direct violation of human rights work, such as the right to work, travel, transportation and freedom of movement.

In spite of these procedures, all parties related to the demonstrations did not impose any measures on the basis of a discriminatory consequence of those involved in blocking streets on the one hand and on the other hand, all parties facilitated cooperation by allowing the passage of emergency health cases. In general, the roads were blocked for a long time or could be just hours as well as the road blocking operations are mainly related to the overall atmosphere of the demonstrations. Every escalation against the demonstrators is answered in Dhi Qar Governorate by blocking the streets as a form of reaction. Sergio De Melio team monitors display a list of the total roads had been blocked in the governorate during the period covered by the report as below:

1. The blockage of Al-Haboubi roundabout from October 25,2019 to November 25,2019 until the end of the old governorate building next to the Civilizations Bridge roundabout by security forces and demonstrators in Al-Al-Nasiriyah.
2. On October 25,2019, the security forces blocked the road starting from Al-Haboubi Street near to the goldsmiths shops via the Statue of Al-Haboubi roundabout and reaching the street before the Education Directorate building in DhiQar.
3. The security forces imposed curfew on the days 26 and 27 October 2019 in Al-Al-Nasiriyah, accompanied by a wide spread of security services in the city center.
4. On 3 - 7 October, 2019 Demonstrators closed all bridges in Al-Al-Nasiriyah, the center of Dhi Qar Governorate, except the express bridge. The closure started from six a.m. until nine a.m. every day to prevent employees from reaching their departments in order to implement civil disobedience.
5. On November 10, 2019, the street leading to the Education Directorate of Dhi Qar was blocked by the riot police to prevent the demonstrators from closing the Education Directorate, which led to clashes between the two parties that ended with the employees being removed from the Education Directorate and the disruption of official working hours.
6. In Al-Rafa'ai District, on November 8, 2019, a group of protesters blocked the road leading to the judiciary.



7. The road to the Tax Dept., the Jair Road and the Quraishi Hotel (Association) were blocked by the security forces on October 25 and until the moment of writing this report.
8. A military force imposed curfew on the Al-Rafa'ai District on October 8, 2019.
9. Protesters blocked the road leading to the Petronas Oil Company near to the Sukkar Castle of Al-Rafa'ai District, and the blockage of Samawah - Nasiriyya Road by demonstrators on the Al-Batha side on November 23, 2019.
10. On November 24 and 25, 2019, the protesters closed the bridges in Al-Al-Nasiriyah by burning tires over the bridge from its beginning and the end connecting the road towards the Al-Jazira and towards Shamiya, which include (Zaytun Bridge, Victory Bridge, Bridge of Civilizations, Alternative Service Bridge, the Express Bridge).
11. The highway was blocked by demonstrators in Al-Nasr and Sukkar Castle (Petronas Bridge) on November 25, 2019, and 50 protesters, participated in the blockage, were arrested by the security forces.
12. Demonstrators blocked the Bridge of Al-Boadhem linking the cities of Al-Al-Nasiriyah and Al-Fadhliya on November 26, 2019.
13. The continuation of blocking the road in front of the Al-Nasriyah Amusement Park from January 1,2020 to January 16,2020 by the protesters of Zaytun Bridge.
14. The continued closure of the Corniche road towards the Al-Jazira leading to Zaytun Bridge from January 1,2020 – January 16,2020 by the demonstrators of Zaytun Bridge.
15. On January 14,2020, the protesters burnt tires and blocked the highway between Al-Shatrah and Al-Al-Nasiriyah for the dismissal of district managers and directors.
16. On Saturday January 25,2020 a.m. after the blockage of the international highway continued for five continuous days by the demonstrators, Riot Security Forces tried to disperse the sit-in of Al-Al-Nasiriyah on the international highway west of the governorate, where there was a clash between them and resulted in the injury of many demonstrators as well as the withdrawal of the Riot Forces. On Saturday afternoon, violent confrontations took place between the Riot Forces and the demonstrators to open the international road, three people killed and 15 others wounded, as Security Forces took control of "Fahd" Bridge and opened the road connecting the governorates.

### **1. The Right of Freedom to Demonstrate and Peaceful Assembly**

- The security services in Al-Al-Nasiriyah prevented any demonstrations outside Al-Haboubi Square on October 26, 2019, as it chased and dispersed any gatherings that might be connected to demonstrations throughout the city, even if it was peaceful until the security situation deteriorated and it came out of control on November 28, 2019.
- On October 28, 2019, the Jibabish District Police in the marshes in Dhi Qar prevented a stand in solidarity with the demonstrations in Baghdad which was organized by a number of students in the mentioned area.

### **2. Human Rights Defenders, Civil Sector Activists, and Freedom of Press and Media**

Human rights defenders and civil sector activists such as medical crews and units, authors, poets, writers, and civil society activists, volunteers, journalists, and media workers are passing through exceptional and difficult circumstances throughout the country's governorates as a result of their ongoing prosecution by, what they are called "militias,



parallel entities, third parties, armed groups, unidentified entities, "kidnapping, beating, physical and verbal abuse and intentional killing through assassination or threatening to kill them and their families or targeting their homes, burning their cars using firearms, grenades and home-made bombs or the deliberate burning. These groups subjected to planned operations precisely because of their roles in the demonstrations.

Although human rights defenders abide by the neutrality, these informal structures practiced against them the most horrific forms of abuse and persecution and mastered at their pursuit, targeting, killing and threatening them, as it created an atmosphere full of terror and fear among them.

On a related and in the same context, law enforcement officials, in turn, arbitrarily arrested and detained others, while their stages of detention witnessed various forms of verbal humiliation and physical abuse.

As for those working to provide health care and medical assistance in the field, they were subjected to ugly violations such as willful killing while carrying out their humanitarian duties during the demonstrations without any respect for their right to life or the obligation not to target them even though they are wearing distinctive scarfs or ambulances.

Observers of Peace and Freedom in Dhi Qar Governorate provided information gathered where possible and available on situations targeting human rights defenders in the governorate and civil sector activists:

- On October 25, 2019, human rights and demonstrations activist, Karar Al-Sarifi, was arrested in Al-Al-Nasiriyah.
- Assault by demonstrators beating the staff of the Al-Iraqiya channel in Al-Nasiriyah on October 26, 2019 in Al-Habboubi Square in Al-Nasiriyah and expelled them from the protest square.
- Assault on the staff of the Afaq Satellite Channel by the demonstrators on October 26, 2019 in Al-Habboubi Square in Al-Nasiriyah, and expelled them from the protest square.
- Assault by an anonymous party through beating and stabbing the photographer of France Press Agency, Asaad Al-Niyazi, on 10/27/2019 near the Al-Habboubi roundabout towards the Nile Street in Al-Nasiriyah. All the demonstrators denied their connection with the perpetrators. Niyazi was stabbed with a screwdriver at the back and he was beaten with a cudgel on the head as well as stealing his motorcycle and all his tools used for photojournalism.
- A massive campaign of arrests carried out by Dhi Qar Governorate Police against journalists and human rights and demonstrations' activists on October 27, 2019, and they arrested:

No	Name of the Arrested Activists	Specialization
1	Hussein Karim Al-A'amel	Media activist
2	Ali Hussein Karim	Media activist
3	Ammar Hammadi	Social activist
4	Ali Minjal	Rights activist and university professor
5	Wasfi Taher	Activist and teacher
6	Uday Al-Jabri	Human rights activist
7	Sajjad Sami Odeh	Media activist and poet



8	<b>Wissam Nadhim Mohsin</b>	<b>Human rights activist</b>
9	<b>Hisham Alsomari</b>	<b>Rights and Freedom Activist</b>
10	<b>Ahmed Sajit</b>	<b>Rights and Freedom Activist</b>
11	<b>Ali Mahdi</b>	<b>Human rights activist</b>

- On January 1, 2020, an attempt to assassinate the activist (Murtadha Al-A'qqabi) by shooting him as they were riding a motorbike near Al-Amal Hospital. He lives in Al-Nasiriyah District.
- On January 1, 2020, an attempt to assassinate (Mortadha Jabbar Al-Sheikh Ali), who lives in Suq Al-Shuyukh District, Al-Fadhliya area. He was shot by unknown gunmen driving an Obama vehicle.
- On January 3, 2020 the demonstrations activist (Hussein Muhammad Al-Rikabi) was subjected to an assassination attempt, which resulted in his injury by 3 bullets.
- On January 6, 2020 the house of the activist "Uday Al-Jabri" was targeted at the late night in the center of the city of Al-Nasiriyah with a sound pomegranate that was thrown inside the house causing properties damage and a state of panic for his family members.
- On January 10, 2020 the activist Mohammed Abdul-Adhim survived in a failed assassination attempt by unknown armed men in al-Fadhliya area, south of Al-Nasiriyah.
- On January 13, 2020 the demonstrator, Hassan Hadi, was killed in Al-Akikah District, south of Al-Nasiriyah city, by some masked gunmen riding a motorcycle.
- On the dawn of Saturday, January 18, 2020 the house of Mustafa Qassem Al-Badiri, the activist of the demonstrations of Al-Nasiriyah was targeted by unknown persons using sound bomb in front of his house in Al-Shuhada neighborhood in the city center, and no casualties were recorded.
- On January 30, 2020 the house of Iyad Al-Ibrahimi - the activist in the demonstrations, exposed to fire late in the evening, without any injuries.
- An attempt to kill the activist (Thair Hadi Nasser) in Al-Shatrah District on January 7, 2020. He was seriously injured and as a result of which he was transferred to the hospital for treatment.

### • **Burning Official and Semi-official Institutions**

As a result of the general public outrage over the government's oppression of the demonstrations from October 1 – 9, 2019 and the failure of the Iraqi government represented by its parties and personalities, the demonstrators followed a specific behavior in the demonstrations of Dhi Qar Governorate on October 25 and a consistent pattern characterized mainly by a violent reaction towards official institutions with Direct connection to the decision-making, such as the premises of official and semi-official institutions, especially after the events related to the Zaytun Bridge that led to the killing of dozens on November 28, 2019. The PFO monitors in Sergio de Mello SDMT team documented the burning of the following buildings in Dhi Qar Governorate: -

No	Building	Governorate	History of burning and destruction
1	Office of Thi Qar Governorate	Dhi Qar	October 25, 2019
2	Dhi Qar Provincial Council	Dhi Qar	October 25, 2019
3	Political Prisoners Building	Dhi Qar	October 25, 2019
4	Municipal Council Building	Dhi Qar	October 25, 2019



5	Asaib Ahl al-Haq Movement Office 1	Dhi Qar	October 25, 2019
6	Asaib Ahl Al-Haq Administrative Office	Dhi Qar	October 25, 2019
7	Hizbullah office / Iraq Organization	Dhi Qar	October 25, 2019
8	Sayed Al-Shuhada'a Brigades Office	Dhi Qar	October 25, 2019
9	The Headquarter of the State of Law Alliance	Dhi Qar	October 25, 2019
10	Imam Ali Brigades Office	Dhi Qar	October 25, 2019
11	Badr Organization Office	Dhi Qar Al-Shatrah	October 25, 2019
12	Dhi Qar Rest House and Hospitality	Dhi Qar	October 26, 2019
13	The house of the Head of the Security Committee of Dhi Qar	Dhi Qar	October 26, 2019
14	Skirmishes and clashes to burn the house of Representative Nasser Turki	Dhi Qar Al-Shatrah	26-30 October 2019
15	House of the Secretary-General of the Council of Ministers Hamid Al-Ghazzi	Dhi Qar	November 3, 2019
16	House of Representative Najji Al-Saeedi	Dhi Qar	November 5, 2019
17	House of Representative Zainab Al-Khazraji	Dhi Qar	November 5, 2019
18	House of Representative Mona Al-Ghurabi	Dhi Qar	November 5, 2019
19	The house of the Provincial Council Member, Rajah Matroud	Dhi Qar	November 5, 2019
20	The house of the Provincial Council Member Rashid Al-Sarai	Dhi Qar	November 5, 2019
21	The house of the Al-Gharaf District Mayor	Dhi Qar Al-Gharaf	November 12, 2019
22	House of the Representative Razzaq Muhaibes	Dhi Qar	November 13, 2019
23	The house of the Deputy Head of the Municipal Council for Al-Gharraf - Abbas Mahalhal	Dhi Qar Al-Gharaf	November 13, 2019
24	The house of the member of Al-Gharaf District Council, Adil Muhsin	Dhi Qar Al-Gharaf	November 15, 2019
25	Dhi Qar Clan Affairs Guest House (belongs to the Ministry of Interior)	Dhi Qar Al-Nasiriyah	November 21, 2019
26	The new building for the Office of Dhi Qar Governorate	Dhi Qar Al-Nasiriyah	November 24, 2019
27	The house of Member of Parliament Hilal Al-Sahlani	Dhi Qar	November 25, 2019
28	Municipal Council of Suq Al-Shiyukh	Dhi Qar	November 25, 2019
29	District building of Suq Al-Shiyukh Office	Dhi Qar	November 25, 2019
30	District building Al-Dawaiyah	Dhi Qar	November 25, 2019
31	The house of Representative Khaled Al-Asadi	Dhi Qar	November 25, 2019
32	Shiite Endowment Department Building	Dhi Qar	November 25, 2019
33	Pharmacists Syndicate in Dhi Qar	Al-Nasiriyah	January 1, 2020
34	The house of MP from Al-Hikma Movement , Muhammad Al-Lakkash	Al-Nasiriyah	January 1, 2020

- **The Massacre of Zaytun Bridge**



The Commander-in-Chief of the Iraqi Armed Forces and Prime Minister Adil Abdul-Mahdi issued an order on November 26, 2019, according to which General Jamil al-Shammari received the security portfolio in Dhi Qar Governorate and was granted a position under the title of Commander of the Crisis Cell, whereby he was granted broad powers to manage the security file in the governorate. The Operations Command and the Police Directorate subjected to his command. i.e. His powers extended to all security structures in the governorate.

Indeed, Jamil Al-Shammari received the security file on Wednesday 27 November 2019, and after several hours, the tension between the demonstrators present in more than one location inside the city of Al-Nasiriyah increased and continued to the late night.

At three o'clock in the morning, a Riot Police Force and a Special Task Force Unit in Dhi Qar Governorate headed towards the Zaytun Bridge with bulldozers and without warning or having clash between the demonstrators and the security forces as well as most of the demonstrators were asleep as protesters on the bridge. The law enforcement officials used various bullets of light, medium and heavy weapons<sup>23</sup>, associated with the excessive and violent use of smoke bombs and sound bombs in a horizontal and direct way. The attack was accompanied by bulldozers to remove the tents of the sit-in protesters, and the bridge was controlled after about half an hour later.

In turn, the demonstrators, accompanied by the wounded who survived in the massacre, withdrew towards the Al-Nasr Bridge and others towards the Al-Baho intersection and others entered the neighboring alleys. A wide-scale pursuit began against them by the law enforcement elements, and the direct fire was reported against anyone who tried to escape or did not respond to law enforcement officials to stop and freezing where other demonstrators were wounded due to shooting them intentionally.

By the morning, violent clashes broke out between demonstrators near the foyer of Al-Nasiriyah Municipality, the Directorate of Education, and Al-Nasr Bridge. Then the demonstrators again advanced towards the Zaytun Bridge, and security forces withdrew from Zaytun Bridge, to be controlled by the demonstrators again.

The brutal attack against the demonstrators on Zaytun Bridge caused 41 dead at minimum and 41 and 521 others wounded whom most of them injured with live bullets and the city's hospitals were overwhelmed with the wounded and injured people.

It is worthy to mention that the internet service had been stopped almost completely during the period of the attack in Nasiriyah, where it was appeared that the purpose was to obscure the events taking place in the city.

News quickly passed on the details of the massacre in Nasiriyah which affected other governorates of Diwaniyah, Baghdad, Najaf, Basra, Babil, Maysan and Karbala and witnessed security tensions and clashes between protesters and security institutional structures which resulted in dozens of dead and injured as well as the closure of the most of the major streets and bridges with the burning tires.

Tensions continued throughout the southern Iraqi provinces to December 6, 2019. The Lieutenant General, Jamil al-Shammari, was released of his position and at the same time the Iraqi government announced the issuance of arrest order against a senior officer due to the incidents of Zaytun Bridge but did not announce more details.

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<sup>13</sup> 12.7 mm heavy machine gun.

- **The Legal Framework in accordance to the Domestic and International Law**

The legal basis for assessing the response process for governments in the event of peaceful protests and demonstrations taking place in any public field is the extent to which human rights and fundamental freedoms are respected and protected in the application of the response procedures. Therefore, the evaluation of the response itself determines the moral and legal responsibility and whether these governments fulfilled them.

Freedom of expression of opinion, the right to demonstrate, and peaceful assembly are at the heart of a system in any country that respects human rights and fundamental freedoms, because government influence by the public is only through two means, either through a peaceful manner or otherwise. Consequently, if the participation is broad, planned and intended to be popular and public but nonviolent and peaceful as well as makes change through the exercise of the right to freedom of expression, it must be extremely protected. In any way, such demonstrations should have the absolute support to keep the peaceful momentum of the demonstrations by law enforcement officials in particular.

The protection of demonstrations does not only mean providing direct protection for those who fall within the circle and the place of the demonstration, but it also extends to realizing other rights related to the right to demonstrate and peaceful assembly, such as the right to life and security, freedom of expression through various media means, freedom of transportation and movement, guarantee of access to security and to be ensured among the protesters and their families as well as their surroundings and later the realization of rights must be interrelated and complementary.

The international legitimacy recognizes its three instruments which ratified by the Iraqi Government including clear basic rights and freedoms that cannot be compromised. It might be subject to restriction but this restriction must be necessary, conditional and time-bound, and most importantly, it succeeds in testing the achievement of the supreme interests of the people. In no way can invoke the security deterioration or economic damages because they are also obligations of the governments. Acts related to the right of public and personal security is another right of any individual who lives within the territorial lands of the Republic of Iraq.

From this broad framework, both the domestic laws at the level of the Republic of Iraq and the relevant and international ones, especially within the framework of international human rights law, framing these rights and freedoms with clear channels through its articles, whether within the constitution and the laws of the state or through the international instruments ratified by the state and have joined them.

According to the narrative description of the above violations and breaches that occurred in Dhi Qar Governorate for the period from October 1, 2019 to February 10, 2020, geographically and objectively, they together constitute clear violations of the local law and relevant international law and in accordance to: -



### **The Legal Framework as per the Iraqi Law in Force for Violations Committed by Law Enforcement Elements or Relevant Government Procedures: -**

The Iraqi Constitution in force in 2005: -

- Article 38 of the effective Iraqi constitution guarantees freedom of the press and media, freedom of expression of opinion, demonstration and peaceful assembly, which states that (The state shall guarantee what does not violate public order and public morals ... Freedom of expression of opinion by all means ... Freedom of assembly and peaceful protest is regulated by law)<sup>24</sup>. However, the security forces pursued those who were circulating publications about demonstrations or against government policies, and prevented them in different areas of the country, they were dispersed and the Riot Police suppressed hundreds of thousands of demonstrators using atrocious and brutal methods.
- Article (9 A) of the constitution stipulates that the Iraqi forces should not be used to suppress the Iraqi people. As in the text, the Iraqi armed forces and security services shall be among the components of the Iraqi people, in a manner that takes into account their balance and similarity without discrimination or exclusion and is subject to the leadership of the civil authority, defends Iraq and **is not a tool to repress the Iraqi people**)<sup>25</sup>.
- The right to life: The constitution guarantees the right to life in its article 15. In view of numbers exceeding 125 dead, this is a clear violation of the constitution and in the same context, the security and safety of individuals are also guaranteed by the constitution; as in the text (Everyone has the right to life, security and freedom, and it is not permissible to deny these rights or restrict them only as per the law, and based on a decision issued by a competent judicial authority).
- Arresting individuals and detaining them outside the demonstration areas for days without arrest warrants issued by the Iraqi judiciary is contrary to Article 19, paragraph 12, which states that, "It is prohibited to detain and not be imprisoned and arrested in places other than that designated for that."
- Law enforcement officials violated Article 37 in all its structures. The security forces did not respect human freedom and dignity in all areas of demonstrations, as they detained, arrested, and investigated individuals among the demonstrators or others for hours or days without a judicial decision. Article 37 states that:
  - a. Human freedom and dignity are protected.
  - b. No one is arrested or investigated just pursuant to a judicial decision.
  - c. Prohibits all types of psychological and physical torture, inhuman treatment, and not to consider any confessions extracted through coercion, threats or torture.
- Law enforcement officials violated Article 45, first; by undermining the role of organizations working in the area of human rights and preventing them from reaching their points of presence and chasing activists working there, second; the article states that:-

First: **"The state is keen to enhance the role of civil society institutions, to support and develop them and protecting their independence in line with the peaceful means to achieve their legitimate goals, and this is regulated by law."**

<sup>24</sup> Iraqi Constitution, Iraqi Parliament website:

<http://ar.parliament.iq/%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A/>

<sup>25</sup> See the previous source.

- The Iraqi government, through its agencies and employees, violated Article 46 of the Iraqi constitution, restricting more than one essence of the right and freedom, and as states that, "**The restriction of the exercise of any of the rights and freedoms mentioned in this constitution shall not be restricted except by or based on law, provided that this limitation and restriction does not affect the essence of the right or freedom.**"

### **The Legal Framework for Violations Committed by Law Enforcement Elements as per the Penal Code at the Local Level:-**

- The violations committed by law enforcement elements in accordance with the substantive jurisdiction and legal jurisdiction, they follow both Military Law No. 19 of 2007 <sup>26</sup> in case they violate the orders issued to them that may have led to the commission of crimes. Nevertheless, the legislator, in Article 81 thereof, requires the enforcement of Penal Code 111 of 1969 and the Anti-Terrorism Law 13 of 2005 on all crimes that are not mentioned in the military law. Therefore, the prosecution of the military staff for all the violations reported, the Iraqi Government can pursue judicially through the general command of the Iraqi armed forces through the courts of the Supreme Judicial Council and not through only the military courts.  
It is worthy to mention that there is a detail that requires the convicted defendant to be referred to a military court after conviction for issuing the rule of law against him through a military court. However, the jurisdiction always falls under the civil criminal law in the case of crimes committed by law enforcement officials against civilians.

### **2. Violations Committed by the Demonstrators as per the Effective Penal Code and Anti-terror Law:**

- **Burning government institutions:** The Iraqi legislator punishes the crime of arson in Article (342) of the Iraqi Penal Code No. 111 of 1969 amended in paragraph II G provided that (the punishment shall be life or temporary imprisonment if the arson is in one of the following places: (g. **A building occupied by an official or semi-official department, public institution or public utility**)). Thus, burning government institutions is a serious crime. In case it was proved that the burning had a terror motivation and within the criminal intentions that fall into the commission of terror crimes, the jurisdiction is transferred from the aforementioned article to the Anti-Terrorism Law No. 13 of 2005.<sup>27</sup>
- **Blockage of the vital and strategic roads by the demonstrators:** The report writing committee has reservations about imposing penalties in relation to them using the international law, except that the Iraqi legislator was not clear for blocking them just by the Freedom of Assembly Law issued by the Coalition Provisional Authority in Iraq on July 10, 2003 because it was based on the laws and customs of war, as stated in its preamble.<sup>28</sup>

<sup>26</sup> For the text of the constitution, the portal of the Iraqi parliament, see the link: <http://arb.parliament.iq/archive/2007/05/09/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%B9%D9%82%D9%88%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D8%B9%D8%B3%D9%83%D8%B1%D9%8A-%D8%B1%D9%82%D9%8519-%D9%84%D8%B3%D9%86%D8%A9-2007/>

<sup>27</sup> To see the text of the law, see the base of Iraqi legislation on the link: <http://iraql.d.hjc.iq:8080/LoadArticle.aspx?SC=291120071434757>

<sup>28</sup> For the text of the law, see the base of Iraqi legislation on the link: <http://iraql.d.hjc.iq:8080/LoadLawBook.aspx?SC=210220067254094>

### 3. The International Legal Framework for Violations Committed by Law Enforcement Elements:

**"The report writing committee indicates that the violations committed by the demonstrators cannot be adapted according to the international law due to the absence of any international legal jurisdiction over Iraqi civilian individuals and technically the lack of an objective or spatial basis or the international basis of the violations committed during the period of the demonstration allows intervention at the level of international remedy as and it generates reference to the Iraqi constitutional law. "**

Iraq has ratified and acceded to many international instruments including declaration, covenant or agreement. Therefore, this accession imposes on the Iraqi government specific and clear obligations that have been interpreted either through the committees of the instruments or special or independent working groups on their subject matter or through the United Nations offices or the International Committee of the Red Cross. Therefore, it imposes respect and fulfills them in terms of implementation and enforcement, and the Iraqi government as a representative of the State of Iraq will be asked about through multiple channels and multiple UN mechanisms either ethically or legally.

Part of these obligations owed to the Republic of Iraq through ratification and accession, speaks of ensuring freedom of protest and peaceful assembly, and this freedom relates to other rights. Therefore, the international community is asking about freedom and everything related to it directly or indirectly.

According to the violations committed during the dispersal of demonstrations and protests for the period from October 25, 2019 to December 1, 2019, which is the period covered by this report, the international law and according to the substantive jurisdiction will be international human rights law because it has come in the state of peace, therefore; the obligations that the report writing committee was able to take notes about them are as below:

#### 1. The 1948<sup>29</sup> Universal Declaration of Human Rights

The Universal Declaration of Human Rights imposes moral obligations of a nature that rise to the legal obligation breached in the articles:

- The right to life, article 3
- Humane treatment and respect for human dignity, Article 5
- Recognition of the legal personality, Article 6
- Ending arbitrary detention and restricting unlawful personal freedom, Article 9
- The freedom of transportation and movement, Article 13
- Freedom of expression the opinion, Article 19
- Freedom of assembly and peaceful protest, Article 20, First
- The Right of Organizations, Defenders, and Media to Defend Human Rights and Fundamental Freedoms, Articles 27, II and 28

#### 2. The International Covenant on Civil and Political Rights, 1966<sup>30</sup>



- Guaranteed accounting and litigation procedures, Article II - Paragraph III - A, B, C.

<sup>29</sup> To see the Full International Declaration, link: <http://hrlibrary.umn.edu/arab/b001.html>

<sup>30</sup> To see the full text of the Covenant at: <http://hrlibrary.umn.edu/arab/b003.html>

- Ensuring and protecting the right to life, Article VI, first paragraph
- Ensuring the right to personal security and freedom from arbitrary arrest and violating them, Article 9, paragraphs 1, 2, 3, 4 and 5
- Ensuring freedom of transportation and movement, and not to be restricted, Article 12, paragraphs I and III
- Ensuring trials without delay, Article 14, Paragraph 3C
- Not to interfere with inspection and investigation of homes, shelters, habitats, or any similar kind of human habitation except by a legal and fundamental judicial order and protection from this interference, Article 17, paragraphs first and second
- Ensuring freedom of expression of opinion, Article 19 First and second, with regard to the restriction mentioned in the third paragraph. The report-writing committee reviewed through the information received that the imposition of the restriction was general and comprehensive, therefore; the restriction violated the right to freedom of expression related to the right to demonstrate and peaceful assembly.

### 3. International Criminal Law and International Criminal Court Law ICC

"The Report Writing Committee indicates that the legal adaptation in accordance with the International Criminal Court system, which is based on the Rome Treaty of 1998, does not apply to the situation in the Republic of Iraq due to the lack of ratification and accession by the Republic of Iraq to the above treaty, but it has adapted the violations given that the International Criminal Court is the only actor with jurisdiction on the international level to hold individuals accountable, and that substantive jurisdiction may interfere with its competencies if the elements of crimes are available in it."

- According to the Code of Elements for Crimes issued by the International Criminal Court in 2002 and approved by the States parties to the Treaty of Rome 1998<sup>31</sup> and specifically in Article VII first paragraph A first where it was confirmed when reviewing the committee many video recordings that there were intentional killings in which medium and heavy firearms were used in particular in the events of Zaytun Bridge, where the attack resulted in the killing of dozens of demonstrators and the wounding of hundreds. The attack has a comprehensive and acute nature in which the desire to achieve the goal coincided independently of paying attention to the mechanism or means. It was serious that it only ended with achieving the goal, which is to remove the protesters from the bridge despite of the number of dead and wounded, who fell collectively.

### 4. Code of Conduct for Law Enforcement Officials 1979

As per the Code of Conduct for Law Enforcement Officials, which was adopted by UN General Assembly Resolution by Member States in Resolution 34/169 on December 17, 1979, it is the responsibility of all officials assigned to issue laws to protect individuals wherever they are and at all times. Consequently, the law enforcement official must always protect, respect and

fulfill all that is stated in the local law of the state and all obligations at the international level with regard to ensuring human rights and fundamental freedoms.

However, what has been proven during the period between October 1, 2019 and February 10,

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<sup>31</sup> For a full review of the Codes' Elements of Crimes, see the link: <http://hrlibrary.umn.edu/arab/iccelelements.html>

2020 in Iraq during the demonstrations in Dhi Qar Governorate, we find that most of the demonstrations in which the demonstrators were killed and injured leading to permanent or non-permanent disability, arrest and severe beatings, insulting human dignity, expropriation, arbitrary arrest and detention, and the failure to guarantee medical aid access but to target those who provide medical assistance, in their entirety, are clear breaches of the articles contained in the 1979 Staff Code of Conduct referred to above and according to the following articles:

1. Article One: Stipulates that the law enforcement officials protect all persons.
2. Article Three: Stipulates that the law enforcement officials must not use force except with the utmost necessity, and that the extreme necessity is the imperative threat to life, whether the law enforcement officer or others, provided that no other means are available to avoid the damage.
3. Article Five: Stipulates that the duty of the law enforcement official is to combat torture, inhuman and abusive treatment that violates human dignity and to report these crimes and their perpetrators, that is, not to disregard them.
4. Article Six: Stipulates that the law enforcement officer is responsible for providing the necessary health and medical care as well as entails another guarantee that must be made, which is providing medical assistance to any victims of violations of the law.

### **5. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**

The Report Writing Committee acknowledges the legal conventional gap at the level of international law, which may be entailed by legislation due to the close interdependence between them in terms of the weakness of the international legislator by setting clear and other criteria related to specific interpretations about the lack of definitions of force or firearms and the lack of a margin of proportionality, especially with regard to the issue of imminent threat or the imminent danger, however, the most important principles of the applicable normative nature, which are:

- The principle of proportionality: The third principle of the basic principles on the use of force and firearms by law enforcement officials

All the demonstrations in Dhi Qar Governorate, without distinction, witnessed excessive, violent, and lethal use of force and firearms, therefore, in order the proportionality to be legitimate and acceptable must law enforcement elements take two directions to avoid the use of firearms; to take technical means such as garments and fenders, which have proven that they do not need because of the great distance between them and the demonstrators, the second means related to the alternatives, the most important of which are negotiations and persuasion methods that were not available.

Other than this, the committee in charge of reviewing the documented information and evidence concluded that all cases of the use of weapons were random, from long distances and horizontally towards human gatherings; therefore the local and not international law only would assume that they were direct willful killings.

- The principles of necessity include principles 9, 13, 14 and 15 of the above principles, as indicated in the principle of proportionality. What makes the use of force unnecessary is the distance between the two parties, and therefore the use of firearms was not necessary in most of the demonstrations.  
Just as the procedures that entailed employment were also deficient, then Principle 16 and 17 were not respected, and the two are criminalizing unnecessary force.  
Moreover, the provision of assistance by law enforcement elements after their use of force in accordance with the principle 18 should be present and this was not achieved, but it was proven that direct deliberate targeting of medical and health care crews was also used, and that the use of untrained staff in dealing with demonstrations and protests constituted a violation of principle 21.

## Recommendations

### 1. Iraqi Authorities

- Joining the Treaty of Rome in 1998 to guarantee an international non-impunity for anyone who commits grave violations amounting to crimes against humanity, whose victims may be in contact with the freedom to demonstrate, assemble and peacefully in addition to further strengthening the role of the State of Iraq before the international community in the field of criminal justice.
- Working to present those who are responsible for committing violations from law enforcement officials, especially the commanders, and specifically those related to the intentional killing of demonstrators, to Iraqi civil and military courts, and activate the role of the public prosecutor in this regard.
- The report writing committee recommends the Iraqi authorities should seek the fate of the missing persons<sup>32</sup>.
- The Iraqi government authorities must stop the legal adaptation of the charges brought against the demonstrators as per the Law No. 13 to Combat Terrorism, 2005.
- Working to present any individuals or persons who took advantage (exploited) of the right to demonstrate and peacefully assemble and who committed criminal crimes such as murder and burning official and semi-official institutions.
- The Report Writing Committee recommends the Iraqi government and all its institutions not pursue the demonstrators who participated in the blockage of the vital and strategic streets.
- The Report Writing Committee recommends the Iraqi parliament approve the draft law on freedom of demonstration and peaceful assembly in accordance with the demands of the demonstrators and as per the international law.
- The Report Writing Committee recommends the Prime Minister, the Ministry of Interior and all security institutions to issue a statement pledging not to prosecute peaceful demonstrators and cancel any pledges they made regarding not participating in future demonstrations to implement the right of freedom to protest and peaceful assembly.
- The Report Writing Committee recommends the Prime Minister and the Ministry of Interior not to prosecute human rights and fundamental freedoms monitors working in the field, journalists and media workers who have carried out their moral duties and in accordance with the applicable local law.



- The Report Writing Committee expresses its deep concern (with respect to the applicable law) regarding the procedures for investigating the violations and breaches committed by

<sup>32</sup> The Report Writing Committee notes that the term missing refers to all unaccounted persons, which includes situations that may be related to enforced disappearance, kidnapping, loss, arrest and detention.

the two parties and requests the Supreme Judicial Council to be more flexible regarding the confidentiality level of the primary investigation procedures and to ensure that trials are public in their final roles.

- The Report Writing Committee draws the attention of the Iraqi Ministry of Defense, the Iraqi Ministry of Interior, and the security agencies associated with the General Command of the Iraqi Armed Forces with the urgent need to initiate a broad institutional reform process that should focus on the training of the law enforcement officials to respect the human rights and fundamental freedoms, in particular and guided by the Iraqi Constitution, applicable domestic law, and general related international law.
- The Report Writing Committee recommends the Iraqi authorities to issue a schedule with a specific timeframe to conform arms to the state.

## **2. The United Nations**

- The Report Writing Committee recommends the United Nations Assistance Mission for Iraq, UNAMI, to present an initiative that includes several local parties to mediate in a political nature to find solutions for the current crisis in the country.
- The Report Writing Committee strongly recommends the United Nations, in particular the Office of the High Commissioner for Human Rights, to provide full technical support to all Iraqi law enforcement agencies with regard to their training to respecting human rights and fundamental freedoms and ensuring this in cooperation with the Government of the Republic of Iraq.
- The Report Writing Committee recommends the Human Rights Council to send the specialized rapporteurs and task forces that consider topics to the need for comprehensive briefing and request the Iraqi Government to organize visits to them as soon as possible.
- The Report Writing Committee recommends that the UNAMI Human Rights Office and the Office of the High Commissioner (stressing) the need to train the monitors related to the situation of the human rights and fundamental freedoms in the field in order to be able to carry out their duties and responsibilities as required.
- The report writing committee proposes that the United Nations and the International Committee of the Red Cross, with an emphasis on the need to search for a mechanism to include human rights and fundamental freedoms monitors working in the field with the right to enjoy the protection through providing the international emblem, as they're subjected to serious dangers in the field that directly threatening their lives.

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**"The Report Is Over."**