

The THIRD ANNIVERSARY OF OCTOBER'S UPRISING

September 2022

Victims of human rights
violations still await equity.



CONTENT

03 INTRODUCTION

04 EXECUTIVE SUMMARY

05 1- IN THE IRAQI CONTEXT

06 2- KURDISTAN REGIONAL
MODEL OF BASIC
DEMOCRATIC VALUES!!

a) Right to a fair trial.....7

b) Fundamental freedoms.....8

c) Procedural delays and pre-trial detention8

09 3- PROTEST MOVEMENT IN
OCTOBER 2019

10 4- ENFORCED
DISAPPEARANCE,
ABDUCTION AND ARREST

a) Government's response.....11

12 5- MALICIOUS LITIGATION

a) What happens inside detention centers..... 12

b) Types of charges alleged under the Iraqi Penal
Code 12

12 6- ASSASSINATIONS

13 7- IMPUNITY

a) Effects of impunity..... 13

14 8- AFAR FROM THE CITY, A
NEAR THE CAUSE

16 9- LETTERS FROM OCTOBER
TO THE INTERNATIONAL
COMMUNITY

17 10- RECOMMENDATIONS

19 APPENDIX





Introduction

As a reminder of the protests that erupted in early October 2019, as well as the scale of violations against protesters and human rights defenders that continue, exasperated by the absence of any real deterrent or serious accountability for the perpetrators, we write this report to commemorate the October protests, which did not end with the removal of the tents from the sit-ins from the protest arenas, as the Authority fancies so far, they are still embers under the ashes.

An international campaign for the protection of human rights defenders was launched in the name of 'Protect Human Rights Defenders in Iraq Now', and was a campaign that was represented by a group of international and local organizations and persons. The campaign defined defenders as individuals, groups of people or organizations who were legitimately seeking to promote and protect human rights through peaceful and non-violent means. They help to detect human rights violations, bring them to the public's attention and advocate for just and equitable solutions. A standard whereby persons are considered human rights defenders, is not using violence, or speaking out about the use of violence, from the date of their participation in human rights defenders' activities, as well as engaging in the promotion of human rights (as defined in international conventions and laws) and denouncing violations. The campaign also considered that male/female human rights defenders were both

people involved in civil mobility and peaceful protest, especially those who periodically attended protest arenas and publicly criticized the activities of armed groups or did so via social media platforms. It also including those who indulged in a movement to combat corruption, and the economic, social and political situation in Iraq and the Kurdistan Region are working to monitor and criticize environmental violations (oil, world heritage sites, water abuses... etc.), social and cultural rights. The definition also included people working in sport and the arts and organizing initiatives to promote all human rights, civil rights and peace, as well as those working to protect minorities and condemn criminal acts. The families of male/female defenders and threatened individuals were also part of the campaign.

The present report is based on documents concerning the reality of the protesters and human rights defenders from the beginning of the October protests, with their first two rounds, beginning on 1 October 2019 to 7 October 2019, and the second from 25 October 2019 to mid- 2020, issued by international and local non-governmental organizations working to promote and protect human rights in Iraq, as well as a series of individual monitoring processes that documented the scale of violations.

We write this report, believing that human rights defenders and all activists need greater protection. There is a responsibility of government agencies to protect them and to hold accountable all those

involved in the violation of their rights. That responsibility rests with the international community, which we believe falls short of their responsibilities. We believe it must play a greater role, by supporting and promoting human rights in Iraq, not only providing the authorities with weapons to combat terrorism. The weaponry does not represent genuine support for problem-solving, and neither does the extension of security in the region, as there is a great need to reform the regime in power.

It should be indicated that the picture hereby attached at the beginning of the report – **the fearful won't create freedom**- is actually a model (slogan) that was raised in Al-Habobi's protesting arena in the city of Nasiriya. It later became one of the icons of October's uprising 2019.

Finally, thanks must be given first to the memory of those who witnessed the protest movement, and hundreds of those who were arrested or abducted only because they claimed a right to protest. Thanks to friends (Benin Elias - Salman Khairallah - Lodia Ramon - Haider), I apologize for what my questions have caused, which I believe were the pain that pricked their memories, and the friends (Omar Kazim - Harith Rasmi Alhitti) accompanied the details of the writing of this report, and to Tiba Yaseen for her efforts in translation, and to Rand Firas, for her efforts in proofreading and editing in English language.

Executive summary

The movement of 1st October 2019, was not an exception to the country's general situation. It was not a normal date in Iraq's contemporary history. The signs of the beginning of a protest 'social movement' in Iraq were felt since 2011 and were affected in one way or another by the events of the Arab Spring. The new exception this time was the Iraqi authorities' handling of the protests, which, if they want to remind us of something, can only remind us of what the dictatorships of the world have done, as they confront the masses of their protesting citizens, and this time the exception was blood. Even an accurate

and clear statistic was not released to show the true number of dead and injured, but, UNAMI documented the killing of 487 demonstrators and the wounding of 7,715 at demonstration sites, (including children). The President of the Republic, Barham Saleh, referred to the deaths of 560 demonstrators, yet strangely, no one mentioned who had been involved in the bloodshed. This blood, which, according to the imagination of authorities in power, played a major role in establishing the element of horror within the protests, turned into one of the greatest incentives to continue to protest and increase momentum, especially after the great sympathy of even those we had earlier called the "Coupe Party."

Another advantage that distinguished the protest movement this time from its predecessors was the increasing geographical area of protest. Instead of Baghdad and another province or two, this wave spanned the widest. From 18 Iraqi Governorates, the protests filled squares and streets of 11 Governorates, all of which were demanding this time, after a large series of demanding/sectoral protests calling for the provision of services, which, according to the Iraqi Constitution in force, is a citizen's right, and this time slogans were raised that touched on the fundamental foundation of this political system. Talk had turned towards the need to leave the principle of sectarian quotas on which the State followed, from the moment of the American invasion of Iraq began in April 2003. This is what we believe was a reason for the authorities to sense the seriousness of this protest movement's new version.

Not only did the Authority stop paying attention to Iraqis' lives by using violence, deliberate killing, shooting, sniping, planting smoke bombs in the heads and bare chests of their "sons", but it also used the law to plunge hundreds of protesters into its prisons through malicious proceedings in one way or another, even though everyone is supposed to stand equal before the eyes of the law. The High Commission for Human Rights in Iraq recorded that 5,190 court proceedings had been filed, and 3,189 demonstrators, human rights defenders and media personnel had been arrested.

Even cases of abduction, although not left behind by the Government, nor carried out by its security services, were, as a result, accountable to the Government for preserving the lives of its citizens and providing the security necessary to protect the lives of the demonstrators.

After all this, our report concludes, (based on testimonies from demonstrators who had been abducted, arrested or survived attempted assassinations), that insistence on continuing the path of protest to reach the homeland they want, had become a given, whether this political system and its "leaders" are convinced or would kill again, they will make this homeland. This dream.

1. In the Iraqi context

The catastrophic conditions that the country has experienced in the past years have led to a build-up of public awareness, and large groups of them have been motivated to reject the current reality, the system of government and the country's administration, which is responsible for the situation and for moving towards change. This is reflected in a multifaceted protest movement that began more than a decade ago. It encompassed large social sectors and groups, and evolved at an increasing pace, to mark the outbreak of the Tishreen uprising, marking a significant turning point in the country's political and social life. The Tishreen uprising was not a fledgling moment. Its roots extended prior to the 25th February 2011.

The causes of the outbreak and continuation of protest movements more than a decade ago were mainly due to the nature of the governance system and, even though this was not reflected in the slogans raised at the time, the mechanisms of State administration, the pervasiveness of corruption, the state of the non-state, the worsening economic, financial, living and health problems, the widespread foreign interventions and the absence of Iraqis' will. This was also coupled with the lack of autonomy of national decision making and loose weaponry.

The flare-ups of protest movements in Iraq persist and have been compounded by the repercussions of the financial crisis, the Government's economic measures and the resulting serious difficulties for millions of Iraqis who depend on the daily drudgery of providing a living for themselves and their families. Importantly, these factors are exacerbated by the operators' insistence on upholding the same failed approach as well as their inability to provide solutions to the crises of the quota system and corruption.

The roots of Iraq's protest movement stemmed from the accumulation of post-change crises, when the United States forces launched their war against Iraq in 2003, in order to change the regime and create a system based on sectarian quotas that created chaos and despair and brought the country to a low standard of living, due to high unemployment, lack of services and poor infrastructure. Over the past years, the Iraqi citizen has been living his daily life amid the widespread phenomenon of administrative and economic corruption, with unjust promises of change and improvement of his reality. The protests were not confined to the economic factor, but to the existence of a polarized political system, one of the most important reasons for the protests' hegemony of the political system after 2003.

Iraq's events and situation after 2014 have also formed the cornerstone of shaping the awareness of the Iraqi individual, realizing that oil rents which place Iraq at the forefront of the rich countries, have not been invested to serve the country or to improve the realities and lives of the citizen. The oil disbursed to equip the military and security establishment did not come to fruition as this institution crumbled and collapsed shockingly in front of the Islamic State group ISIS in mid-2014. Its occupation of three Iraqi governorates, the displacement of nearly 3 million Iraqis inside and outside the country, and the widespread corruption throughout the State, caused the complete collapse of the educational institutions, as well as poor services, low living standards, widespread poverty and the confiscation of freedoms. In the Iraqi citizen's view, all the problems he faces lie are due to the sectarian-ethnic quota

system, which has abolished Iraqi identity, strengthened sectarian and national identity, and secreted a corrupt political class that has dominated power, yet are not serious about making any real change in the citizen's favor. This has prompted him to come up for years with demonstrations protesting corruption, unemployment, and poor services, as well as to call for political and economic reform crackdowns¹.

The human rights file in Iraq is one of the most important and complex. These rights are among the most important components of the process of democratic transition, and the foundations for building the state of democracy and social justice, that we are struggling to achieve to make it a substitute for the quota system, political sectarianism and corruption.

Over the past years, Iraqis have suffered from the persistence and escalation of gross violations of human rights and fundamental freedoms guaranteed to them by the Constitution and the law. Grave and multifaceted risks continue to threaten the dossier of freedoms, highlighting the survival of laws inherited from the era of the former dictatorship, as well as new legislation approved or sought to be passed by the implementing forces in Parliament that are incompatible with the spirit of the Constitution, which is to guarantee civil rights and freedoms.

The proliferation of loose weapons and the growing role of militias, who commit crimes against civilian activists, social actors, journalists and opinion leaders, as well as the flagrant violations and heinous crimes committed by terrorist groups, (in particular ISIL), undermine the brow of forgetfulness, are also highlighted.²

2. Kurdistan Regional Model of Basic Democratic Values!!

In 2020, Iraqi Kurdistan authorities relentlessly cracked down on journalists, activists and protesters exercising their right to freedom of expression, by

arbitrarily arresting and forcibly concealing them. The crackdown that began in March 2020 intensified after widespread protests broke out with a demand to end corruption.

This is what Lynn Maalouf, deputy director of Amnesty International's Regional Office for the Middle East and North Africa, announced: 'During 2020, the authorities launched a horrific crackdown to silence critics, arresting activists and journalists and prosecuting them on trumped-up charges in unfair trials, as well as harassing or intimidating their family members'. Maalouf stressed that the Territory's authorities must put an end to this crackdown and release all arbitrarily detained persons immediately. Its refusal to use vague laws in broad terms to limit the right to freedom of expression and peaceful assembly.

Amnesty International's investigation into 14 persons from Badeinan, Dohuk governorate, who were arbitrarily arrested between March and October 2020 by Asayesh (Kurdistan Regional Government Security and Intelligence Service) and the Prastin Forces (formerly PDK Intelligence Unit and now the Territory Government's Intelligence Service), due to their participation in the protests, their criticizing of local authorities, or because of their journalistic work. All were held incommunicado for up to five months, and at least six were forcibly disappeared for periods of up to three months. Eight were allegedly tortured or received other forms of ill-treatment in detention. On 16 February 2021, five were sentenced to six years' imprisonment for "confessions" obtained under duress.

Amnesty International spoke to former detainees, lawyers, rights activists and journalists, and reviewed the court's documents. It documented the use of three laws to arrest and prosecute such activists, namely Act No. 21 on National Security, the Defamation Act and the Prevention of Misuse of Communications Devices Act, all of which

¹ Report of the Information Centre for Research and Development "The reality of freedom of opinion and expression in Iraq", February 2020

² Political Report of the Communist Party of Iraq of the Eleventh National Congress 2021

contained vague and very broad definitions of crimes not recognized under international law.

In Dohuk governorate alone, more than 100 people were arrested by Kurdish security forces between March 2020 and April 2021. Most were later released, but at least 30 people remain in detention, including the five activists and journalists that were originally sentenced³.

The legal framework in the Kurdistan Region provides for the protection of human rights, with explicit provisions guaranteeing the right to freedom of expression. The Kurdistan Region Government periodically issues public statements acknowledging its commitment to these legal standards. However, the facts currently being monitored on the ground indicate an increasingly repressive pattern of active restriction of freedom of expression.

During the past year, journalists, human rights activists, and protesters who have questioned or criticized the actions of the Kurdistan authorities have been intimidated, threatened and attacked, as well as being subjected to arbitrary arrest and detention. Critics have faced criminal charges related to the legitimate exercise of freedom of expression, followed by court trials where basic rights and procedural guarantees were not adequately respected. UNAMI also documented a pattern of arrests of journalists, human rights defenders and other civil society activists, who were arrested after posting social media posts, writing news articles before planned demonstrations, attending or reporting on demonstrations, and legitimately exercising their right to freedom of expression in a way that government authorities consider against "Kurdish interests."

Although most detainees were eventually released, arrest and interrogation by State agents contributed to a climate of intimidation. Moreover, the authorities' failure to respect the basic procedural

safeguards of detainees, including denial of legal representation and lack of judicial oversight, increases the risk of ill-treatment and may in some cases amount to detention in isolation from the outside world.

The pattern of persecution documented in several international and domestic reports has serious implications for the right to liberty, security of person, expression, assembly, and peaceful participation. It may also threaten citizens' broader democratic right in the Kurdistan region of Iraq, to hold official authorities accountable in the public sphere⁴.

One of UNAMI's reports reviewed the criminal justice process in four cases, with connotations brought before the Erbil Criminal Court concerning persons known to have publicly criticized the authorities. The report provides evidence-based analysis of the Kurdistan Region's administration of justice procedures and provides an assessment of the risk factors facing those who are considered lawless because of the exercise of their legitimate rights to freedom of expression.

a) Right to a fair trial

Iraq is a party to most of the major International human rights treaties, including the International Covenant on Civil and Political Rights. The Covenant contains a set of rights and guarantees that guarantee fair trials, which States parties must respect regardless of those States' legal traditions.

The Constitution of the Republic of Iraq guarantees the independence of the judiciary and the right to receive fair treatment during judicial and administrative proceedings. The Constitution also provides for public proceedings unless the court decides to make them confidential. Furthermore, the Code of Due Process and other relevant domestic laws contain procedural safeguards aimed at

³ Report of Amnesty International on 15/6/2021 (Kurdistan Region of Iraq: arbitrary arrests and enforced disappearances of activists and journalists)

⁴ Report of the United Nations Mission to Assist Iraq Office of the United Nations High Commissioner for Human Rights (Freedom of Expression in the Kurdistan Region of Iraq) May 2021

ensuring fair legal procedures and protection against the arbitrary application of the law, such as the right to have a lawyer present at all stages of the investigation and trial.

<https://www.amnesty.org/ar/latest/news/2021/06/kurdistan-region-of-iraq-arbitrary-arrests-and-enforced-disappearance-of-activists-and-journalists/>
Date of entry 20/9/2022

b) Fundamental freedoms

The International Covenant on Civil and Political Rights also protects rights relating to a number of fundamental freedoms, including freedoms of peaceful assembly, expression and association. Any restrictions on these freedoms must pursue a legitimate purpose, provided by law, and based on legitimate grounds, such as public health or national security. The Constitution also guarantees equal protection of freedoms of expression, peaceful assembly, peaceful demonstration, freedom of association, as well as the right to communication, (including electronic communication_.

c) Procedural delays and pretrial detention

Proceedings against defendants in some cases have been characterized by frequent postponement of trial hearings. The reasons provided for the postponement mainly included the following: Late notification of hearings to the substitute judge and insufficient time for the prosecutor and/or judges to read the case file, including after the judges' replacement and the return of the case file to the investigating court for further investigation as well as the absence of the presiding judge.⁵

Amnesty International's report also underscores the above-mentioned issues of protest movement in the Kurdistan region. By April, security forces in Kurdistan had arrested more than 100 people in the Badinan region, north-west of Dohuk province, for participating in protests held against government corruption and the failure to pay civil servants,

including teachers and health workers. Many protesters were released after being briefly detained, but dozens of others remained in detention until the end of the year. Kurdistan regional authorities also issued arrest warrants for the relatives of activists and critics, prompting many of them to flee their home towns with their families. Between late November and early December, security forces in Sulaymaniyah province in the Kurdistan region of Iraq, responded to students protesting with tear gas, water cannon, rubber bullets and live ammunition, killing at least eight protesters.

In February, security forces of the Kurdistan Regional Government and those of the Kurdistan Regional Government's intelligence service made arrests of dozens of people protesting in front of United Nations offices in Erbil demanding the release of their relatives, all of whom were detained for 7-10 hours in overcrowded cells without access to food or water.⁶

Conclusion

"The authorities must put an end to the repression associated with the protests", as Amnesty International opened its public statement in June 2021.

This is an indication of the magnitude of the flagrant violation of human rights in the Kurdistan region of Iraq, which claims to be the regional model of basic democratic values. Peaceful gatherings and public protests in the Kurdistan region are likely to continue, and the authorities must commit to enabling the peaceful exercise of similar human rights.

3. Protest Movement in October 2019

We write about the October 2019 protests, not because they are the only or the first in Iraq's post-change history since 2003, but because we believe that this movement is distinguished with maturity

⁵ Report of the United Nations Mission to Assist Iraq, Office of the United Nations High Commissioner for Human Rights, Iraq, 2021 (Human rights and freedom of expression in the Kurdistan region of Iraq)

⁶ Report of Amnesty International for the year 22/2021 (State of the World's Human Rights)

and inclusiveness among protest movements starting in 2011, as well as the specificity of this long-standing movement. The scale of civilian casualties and the large number of casualties suffered during the protests, and the fact of the movement's extension to most Iraq's cities, reaching 11 governorates, make it noteworthy. Tishreen's protest is the only movement in which the Authority has used this amount of unjustified violence to suppress the movement in various brutal ways, such as kidnapping, direct killing and assassinations.

Events began in October 2019 and involved several governorates throughout Iraq on an unprecedented scale. It was initially led mainly by young people who expressed frustration at the narrow economic, social, and political prospects.

The findings of the United Nations report point to widespread human rights violations that appeared to be aimed at ending the protests, including the violent targeting of demonstrators and persons who expressed criticism of certain political parties and armed groups with different ties to the State. This occurred at a time when the current government, formed in May 2020 (after the resignation of the previous government following the protests), announced its commitment to accountability for violations and abuses related to the demonstrations. However, the continuous impunity of the perpetrators of those actions are still a source of great concern. Since October 2019, the human rights environment and human rights defenders have deteriorated markedly, regarding freedom of expression and peaceful assembly, as the fragile space for civil society and democracy further recedes. Human rights defenders and those who openly express discontent remain at great risk.

The nationwide demonstrations launched on 1 October 2019 witnessed severe levels of violence. UNAMI documented credible reports of 487 protesters killed and 7,715 injured at the demonstration sites. At least 3 of the victims were

children. In July 2020, the Iraqi Prime Minister confirmed that the violence during the demonstrations to date, (which had killed at least 560 people, including civilians, affiliates of the security forces) had victims who were young, with more than half were from Baghdad. The establishment of a truth commission to achieve accountability was one of the government's first commitments formed in 2020 and reaffirmed on several occasions.⁷

The President of the Republic, Mr. Barham Saleh, said at the Davos Conference that extrajudicial groups had killed more than 600 demonstrators and that they will be held accountable.

According to other reports, some 690 people were killed and more than 23 thousand injured during the demonstrations, including 3 thousand physical "disabilities" and the abduction of 166 demonstrators from the protest arenas. As recorded by one of the United Nations mission's reports, 3,000 demonstrators were detained, during unequal confrontations between the safe forces and demonstrators, raising concerns about arbitrary deprivation of liberty, freedom of expression and peaceful assembly and procedural safeguards.

In late October 2019, the Supreme Judicial Council issued a statement declaring that the Federal Anti-Terrorism Law, which includes the mandatory imposition of the death penalty, would apply to demonstrators acting violently. The Federal Court of Cassation later reversed this rhetoric and declared that the crimes committed by demonstrators should be prosecuted under the Iraqi Penal Code.

There has also been a pattern of indiscriminate and targeted arrests of persons supporting the demonstrations or expressing political opposition. Many detainees have been unable to inform anyone of their whereabouts for several days, resulting in concerns about the practice of secret detention and the increasing reporting of many missing persons.

⁷ Human rights violations and abuses in the context of the demonstrations in Iraq from October 2019 to April 2020) UNAMI report August 2020 Baghdad, Iraq

Unjustified restrictions have also been imposed, such as a total ban on Iraq's Internet network, restricted access to social media platforms, raids on satellite television channels and attempts to jam broadcasts. Journalists also reported that they had been injured at the sites of the demonstrations, despite being identified as journalists, as well as being assaulted, harassed, confiscated, scanned and in some cases, detained.

Violations and abuses committed regarding demonstrations, the lack of accountability of perpetrators in some cases, and the failure to protect victims from reasonably foreseeable crimes, adversely affected the right to freedom of expression and peaceful assembly.

The government did not announce any figures for the victims during the protest movement and denied even the United Nations mission access to hospitals for documentation, but they later announced on 30 July 2020, a list of nearly 650 people, including victims from the security forces.

The Iraqi High Commission for Human Rights announced the death of 541 protesters and the injury of 20,597 others during the period from 1 December 2019 to 10 June 2020, in 11 Iraqi governorates.

At the beginning of the demonstrations, security forces in several cities, notably Baghdad, Dhi Qar, Najaf and Misan, responded to initially peaceful demonstrators with unnecessary levels of force, the use of live ammunition and the disproportionate use of less lethal weapons. Without gradual escalation, protesters were prevented from reaching the perimeter of government buildings, the Green Zone in Baghdad, and the main squares. A section of the demonstrators responded by throwing stones, rocks and Molotov cocktails, while trying to reach the areas to which they were denied access.⁸

In the context of the demonstrators' reactions, the High Commission for Human Rights-Iraq noted that "if violence by demonstrators does not pose a threat

of death or serious injuries, security forces are not entitled to use firearms, for example, throwing stones at police personnel, those wearing helmets and shields do not pose a threat of death or serious injury, so security forces cannot use firearms to respond. They can only respond to such violence in cases where the violence of demonstrators is life-threatening or causing serious injuries. Security forces have the right to use firearms and live bullets, but in the most extreme and without the aim of killing⁹"

The hostile attitude of the security forces, the failure to take decisions and the failure to deal rationally with the protesters was a major cause of the crisis. The authorities did try to stop the deliberately bloodshed, instead they gave way to anonymous use of brutal methods to deter protesters. These uncalled-for reactions are the main reason why the protests became violent, and why the blood of demonstrators led to more blood.

It is also worth mentioning here that the majority of those injured in the protest movement were not provided with reports proving their injury in the protest arenas for fear of disclosing the true figures of the injured and the authorities' innocence to compensate them. This was directed by the Government, where medical reports referred to accidents such as altercations, traffic accidents and others.

4. Enforced disappearance, abduction, and arrest

There are large numbers of abductees during the period from October 2019 to date. Abductions and illegal arrests continue, although the protest movement has ended or decreased in isolated areas of Iraq. The last such campaign was in the Kurdistan region of Iraq, where the authorities launched a large campaign of illegal arrests, and there were cases of disappearances of activists, human rights defenders, journalists, and bloggers in the region. This was the last campaign until the arrest of a group of new

⁸ (Human rights violations and abuses in the context of the demonstrations in Iraq from October 2019 to April 2020) UNAMI report August 2020 Baghdad, Iraq

⁹ (Freedom of expression and peaceful demonstration) special report issued by the high commission for human rights, Iraq/ first report

parties (the New Generation Party) in the Kurdistan region, including several members of the Iraqi House of Representatives, as a result of their political movement, civil activity, and criticism of the authorities.

In one of its reports, the United Nations Mission refers to 154 allegations of missing protesters and human rights activists who are presumed to have been kidnapped or detained. Of the 154 allegations, the United Nations Mission verified 99 cases involving 123 persons said to be missing. Of these cases, UNMIK confirmed the whereabouts of 103 persons identified as having abducted, at least 32 in circumstances indicating that the perpetrators may be demobilized elements commonly referred to as militias, and 34 persons arrested and detained by security forces who were not allowed or able to communicate with their families during their detention.

It appears that the perpetrators may be armed elements, usually referred to as militias (named third party). Statements reveal that there are common characteristics when it comes to the preparing of the kidnapping operations, the personality of the targeted persons, the motive for the abductions, the modus operandi and the level of organization shown by the perpetrators. There is also common methods for the interrogation, punishment and deterrence of participation in the demonstrations, and these appear to be the main drivers of the abduction, torture/ill-treatment.

The kidnappings ranged from 2 to 14 days in locations including homes, caravans and rooms resembling camps/prisons. Hijackers were usually carried out on vehicles by masked and armed individuals. These occurred in public areas and those kidnapped were not provided with any means of communication with their families. None of the kidnappers was brought before a judge or registered in the formal judicial system in any form.¹⁰

These figures are merely simple examples, because the United Nations reports only indicate figures based on complaints and allegations made officially. There are many cases that have not been disclosed by the abductees themselves or their relatives, as they are fearful for their safety.

Some reports indicate that 20 people are still missing to date, with all missing persons participating in the demonstrations as demonstrators, or associated with activities supporting the demonstrations, or participating in criticism of the government, and include social media activists, lawyers, journalists, writers, teachers, and students.

Prominent cases of disappearance on 8 October, include the disappearance of a lawyer linked to the defense of protesters, who was vocal with criticism of the violence used against protesters. It was reported on social media that the kidnapping was undertaken by unidentified gunmen, who took him in cars in the city of Amara. His fate was still unknown until the moment, despite information about his abductors in the hands of his family, who had appealed for his release, but to no avail. This forced his father to publicly state who had abducted his son and he named them explicitly. The kidnappers belonged to one of the armed factions (the militias in control of that area) and it was only a few days before his father's assassination.

This prompts us to think of one of the two possibilities. either the information disclosed by the abductee's father is very accurate, which provoked his abductors, and he was filtered as a reaction, or another party had targeted the abductee's father, to blame the group he publicly revealed. In both likelihoods, it is a clear indication of the proliferation of loose weapon, the lack of accountability and the security forces' inability to hunt down perpetrators.

a) Government's response:

There were Government fact-finding efforts, but UNAMI was not informed of any official

¹⁰ Human Rights Report (Events in Iraq: Third Update) 23
May 2020 Human Rights Office/United Nations Iraq
Assistance Mission (UNAMI)

investigations conducted by the Iraqi Government and law enforcement authorities to locate the missing persons or to detect and sue perpetrators, to try to bring equity to victims by reimbursing them. Similarly, the Government did not investigate those responsible for the abduction and torture of demonstrators, and did not prosecute any of the perpetrators involved in these events.¹¹

5. Malicious claims

Following the outbreak of massive demonstrations in Iraq in October 2019, networks of security officers, armed groups, political figures, officials, and members of the judiciary were formed, which used malicious claims against those involved in the protest movement. These cases were brought in utterly deliberate bad faith aimed at weakening the work of human rights groups, hindering their activities, suppressing critical journalism, and obstructing the organization of street mobility.

The use of malicious litigation in Iraq appears to have increased since the start of the October protests. Case numbers are counted at thousands rather than hundreds, out of the total of 5,190 lawsuits filed by the High Commission for Human Rights in Iraq. 3,189 protesters, human rights defenders, media workers and others have been arrested for malicious litigation.

Most of them were released without having been totally dismissed, often after signing pledges (not recognized by law) to cease their activities or to engage in any other activities after their release. As a result, the former defendants live with the spectre of judicial proceedings for many years following their release, negatively affecting their lives. Some have been silenced and subjected, while others resort to relatively more secure areas of Iraq or seek to flee the country once and for all.

a) What's going on in the detention centers?

Violation of one's privacy by illegally accessing a mobile phone/signing forced confessions and

undertakings under threat/insult and psychological abuse/beatings with sticks and bamboo// Skin with electric wire/burning by cigarettes/beating with sharp or heavy tools/electric shocks/rape/forcing them to shoot and extortion by putting one in publicly disturbing position and disregarding human dignity.

b) Types of charges against them under the Iraqi Penal Code

Disturbing State Security/Damaging Public Buildings, Public Institutions or Government Institutions/Insulting or Threatening Official or Person in Charge of Public Action, Council or Official Body/Assaulting State Facility/Killing/Slandering/Extortion/Terrorism¹²

6. Assassinations

Assassinations of activists and human rights defenders by unidentified armed groups continued, with the Office of the High Commissioner for Human Rights indicating that no real and serious measures had been taken by the security forces to stop these crimes or detain perpetrators. For the year 2020 there was 55 attempts of killing of activists, 19 of which resulting in the death of the target person. The number of assassinations attempts from the start of the demonstrations in October 2019 to the end of 2020 was 74, resulting in the death of 30, and resulting in the injury of others.

The United Nations mission also documented a pattern of killings by unidentified armed elements targeting demonstrators, human rights defenders, prominent activists, and other persons who publicly criticize ruling political parties and armed groups with different links to the State. From October 1, 2019 until May 9, 2020, the United Nations Assistance Mission for Iraq (UNAMI) documented 31 incidents of killing or attempted killing of persons associated with the protests, resulting in the killing of 22 people, (including three women), and the injury

¹¹ (Human rights violations and abuses in the context of the demonstrations in Iraq from October 2019 to April 2020) UNAMI report August 2020 Baghdad, Iraq

¹² (Malicious lawsuits targeting post-November 2019 protest movement) December 2021 Policy paper prepared by the Other People's Think Tank

of 13 others. 19 of these incidents appear to constitute deliberate killings resulting in the death of 23 persons and the wounding of 4 others. 12 were attempted intentional killings, resulting in nine wounded, often causing serious injuries.

"We expect to die from the moment we get out of our homes to go to the courtyards. I'm afraid of speeding cars, the sound of the car alarm, walking down the street and hearing someone walking behind me. I don't rent a taxi or go anywhere from public places alone - always go with friends. I don't open my door if someone knocks at night ¹³"

7. Impunity

Continued impunity for attacks against human rights defenders and persons seeking accountability for such attacks, as well as those activists who criticize the armed elements and political actors, create an environment of fear and intimidation. This continues to severely restrict the right to freedom of expression and peaceful assembly, and many civilian activists and human rights defenders continue to change their residence inside or outside Iraq fearing for their security and safety. While most crimes are carried out without the perpetrators being identified, information indicates that detainees and convicts may belong to well-known armed groups operating outside the State's control.

Civil justice remains limited in Iraq and persons expressing opposition continue to be at risk of retaliation against armed groups or their sympathizers¹⁴.

In 2020, an investigative body was set up to investigate crimes of assassinations. However, the procedures carried out by that body are unclear. That body received 8,163 cases of alleged crimes linked to the demonstrations and submitted them to the relevant commissions of inquiry. 3,897 cases are still under investigation, according to the report of the

Renewed Nations, which requested updates and information from the Commission on those cases. However, the United Nations Mission's inquiries on 1966 have not yet been answered.

One of the greatest challenges to accountability is the fear faced by victims' families, who are afraid to give their names and sue in the event of retaliation by militias and some political parties.

a) Effects of impunity

Very limited accountability for crimes committed against detractors establishes an environment conducive to the recurrence of such crimes.

Critics of implementing political leaders and human rights defenders also continue to be violently targeted and because of this perilous environment, dozens of demonstrators, activists and human rights defenders fled areas of central and southern Iraq, with most of those who moved now living under difficult and unsustainable economic conditions, with limited support. Despite this, they are unwilling to return to their portfolios because they lost confidence in the state's ability to protect them. They live in fear of reprisals for their previous participation in the demonstrations and for their open criticism of certain political parties and armed groups. Among those who moved were persons who had previously been abducted or targeted for the purpose of assassination, those wounded and those who received several threats. The primary responsibility for their protection lies with the State, and further efforts in the areas of accountability and protection are needed to enable them to return safely to their regions. The persistent lack of accountability contributes to the recurrence of such crimes, causes of a climate of fear and intimidation, all of which is exacerbated by people's perception that such actors can commit their actions with impunity and erosion of space for criticism and expression.¹⁵

¹³ (Human rights violations and abuses in the context of the demonstrations in Iraq from October 2019 to April 2020) UNAMI report August 2020 Baghdad, Iraq

¹⁴ Update on accountability in Iraq/UNAMI/June 2022

¹⁵ (Accountability for human rights violations and abuses committed by "unidentified armed elements") May 2021

8. Afar from the city, a near the cause

Quite a few human rights defenders, protest activists and public critics of situations, politicians and armed groups that have a certain link to power, live outside their cities; forcibly excluded.

Those who have went through assassination attempts, those who have been arrested by government agencies or abducted by unidentified entities, and even those who have been formally arrested, continue to be haunted by the spectre of the charges against them. This is because they have not been acquitted of such charges, but have been bailed or released without innocence, including those who have received several threats and public chases. They were forced to leave their cities for other cities, just as dangerous as their home cities, where they try to keep a low profile, (including those who left the country for neighboring countries). Most of them now live in difficult economic and psychological conditions. Some of them have no employment, but the lives with which they escaped. Some unidentified groups are still searching for them. They are far from their cities, but they are close to the issues they struggle against. Some of them are still living in hope of returning, but many have lost hope of being able to return. Some of them can sense the root of their belonging to their cities burning because they lived without the most basic rights to live. They become a diaspora within their city who can no longer differentiate exile and the environment they were cast out of.

The departure of those whose activities varied between awareness-raising, human rights advocate and the leadership of the demonstrations had weakened the protest movements that were active. Dozens of assassinations prompted more of them to flee. This has left others deeply concerned by their departure. Some activists say, "We are losing part of our sources working on the ground."

Based on information from persons close to her, **Benin Elias from Baghdad**, 30 years old, and a

married mother, received threats as part of a list of wanted persons, and subsequently left the country for life in Turkey, to be joined by her daughter after a while.

Today she is with a group of deportees/fugitives deployed in a group of Turkish governorates, and together they were able to establish their association. Benin and her colleagues suffer from difficult material conditions, especially because they are unemployed, to the expenses of their daily lives. To help them survive, income is received from their parents. They wish to offer something, but the physical circumstance prevents it. As Benin told us, it is physically difficult for them to even travel for the purpose of meeting each other.

The problem of residency and renovation in Turkey is another challenge that Benin faces with her colleagues, so she has thought about returning, as she was able to secure contact with a high-ranking official inside Iraq to seek a guarantee, albeit weak, to return: "no guarantees of return that I can offer you and I do not advise you on this option. The best I can do is to facilitate the insurance of your residency procedures in Turkey. As for your lives in Iraq, I cannot promise you or give guarantees".

Benin adds, I could have had asylum in one way or another to a European State, but I feared that I would be told that I had sold my case, or that migration was a major motive. Ironically, the whips of society played their psychological role in adversely affecting the psychology of the protesters. Benin says: whoever escapes outside the country is considered a traitor and abandoned their cause, while whoever dies is considered a leader and a hero, but I do not want to die, I want to live, I want to love.

Her daughter in nursery has learned the Turkish national anthem, and Benin notes that she once read it to me. "I was very sad, this child, before she kept the Iraqi national anthem had learned another anthem!! However, I am not sad for her because she knows nothing about Iraq, and I don't care if my

daughter doesn't mourn Iraq like me, I want to teach her to grieve for the country that embraces and contains her'.

In October we did not carry out acts of vandalism or riots, nor did we threaten the security of the State. We were merely demanding our rights guaranteed by the Constitution. The question that has not yet left me is indeed that the Constitution guaranteed us all this? Or is it ink on paper only? Why is reality inconsistent with the Constitution? It was easier to tell us that every protest move was a breach of the law. 'All we did was demand our rights, and all the security services knew that we were peaceful demonstrators, that we did not engage violently or participate in crimes'.

Despite all this, Benin continues: "I will not stop the path I have chosen, I was not made by Tishreen, nor did it bring me into this field, Tishreen was one of many paths, I can fight for my cause from anywhere, fight the political class that I think is the cause of all our suffering and I will continue, and I am sure there will be generations that will come and look up for us".

Salman Khairallah (31) years old says: After all we were exposed to a few days we came back to supplement a road we chose and started, yes, the way differed this time, and the frustration was there at the beginning, but with the help of the people around us, including parents, friends and co-workers we were able to break this frustration and come back again. I highlight what I heard from my wife: 'Your path is long and full of meanders. It's no problem if you stand in one of them or stumble a little, but you have to complete what else has driven you to start with'. There were many options for leaving this business, fearing that what we went through would be restored, but the goal we went out for and worked on was great, and that itself was motivated to return and take the risk, for what we believed.

Salman adds, "What we did was for a cause that deserves all this. Personally, the subject for me was a message of existence, this message needs time and effort and time that might be a little longer. Even though we have lost the sight of our parents and

friends and lost the cities where we lived, for us it has turned into a mere memory, all of this is nothing great compared to what others have given now or in previous times.

For a moment I was not disappointed, at one point heartbreaking is your feeling that a significant shortage of those around you who believe in the cause, preserving the Covenant and the principle is important even if it is not in front of others at least in front of yourself.

On the second anniversary of her assassination attempt, **Lodia Raymond** of Basra (28) wrote on her Facebook page: "**17/8/2020 The bad day of the assassination attempt today, I will keep writing about it, I remember what the Islamic parties committed against us so that no one would even think of cooperating with them. This day that keeps haunting me, when I lost all my dreams and everything I built for my self was demolished. I lost my occupation, my job, my place, my friends, my house, my area, and my governorate. It enabled me to recognize friends from the foe.**

The voice of my father, my mother and my sisters, the voice of the bullets, the voice of Abbas and the voice of my friends in the hospital, all details I remember and the rest of my memory is impossible. Just because we wanted to live in dignity in this country, I hate this day I hate all the details and the only good thing is that I have not died so no one can shed fake tears in my funeral and so that my image won't be used as a cover photo for a week and right after, I would be forgotten even to the extent that my name is invoked and my parents would be bargained. So that my friends won't accuse me and talk behind my back, so that I will not witness how we were sold, stripped of our dreams; trampled on our blood.

Finally, I am grateful for this second age, to Fahad, thanks to him and Abbas we are alive today "

The human rights defender Haider, a 25-year-old, who lost his friends, said during his interview: 'Now

it's like I'm in the void, looking for meaning in my life. For me, the idea of change was the meaning of life, the motivation to continue, and after the setback, which was the end of the October's Revolution, and the loss of a lot of friends, I try to touch the diaspora, to get back to accepting people's beliefs and integrating into society after the violent contradiction that I experienced in the way of change, which was the main cause of my tragedy. From the awareness that I had which made me reject a lot of well-known values in society, meant sometimes I rushed so much into this rejection that I ended up separating from society, and at the same time the Tishreen revolution came, as we like to call it the boldest attempt to embody the rejection and its abortion and was the biggest setback of my life. I used to think that I could change reality so that it fits with my thoughts and aspirations. As a result, I am isolated from reality and diaspora, and I have nothing to do with reality. This attempt can cost me the rest of my life. Not only could I be frustrated, but it has drained me so much that the idea of change became ironic and comical, and if I came back in time, I would not have gone that way, the way I lost myself and my friends lost me, and I had only a few pictures and a bunch of memories left in my imagination that lists me every night as scenes from a short film'.

"Every night I am remembered with a couplet of Kazim Ismail Al-Kattah, in which he says:"

"The blackness of the night stays and taps the colors and brings back your memories and scenes"

When we asked Haider: Is it worth everything you've been exposed to? Was the message delivered?

"It was not worth it because the results were not the magnitude of the suffering and sacrifices made, in my belief that the message arrived but was met with violent rejection from society, political actors in the country and even international actors despite the apparent support."

9. Letters from October to the international community

"Being Silent is compliancy to crime". Yes, silence of the magnitude of the gross violations exercised by the repressive authority in Iraq requires a greater attitude on the part of the international community through diplomatic representations in Iraq, not only asking its nationals to leave its territory!

"Fearful ones do not create freedom". Iraqis face a system of corruption whose roots have stretched away and the ruling junta, just like the world confronts extremist groups and terrorist organizations and the risk of widespread corruption in the country, sectarian quotas political system. This however is no less lethal, than the danger of ISIL. The international community should combat these dictatorship regimes, since the right to live is the simplest of all human rights.

10. Recommendations

Protection

- Take immediate preventive measures to protect persons at risk of violence, including murder, violence, and abduction, by gathering information on threats to individuals and groups of persons, whether online or offline. This should be achieved by working with groups of persons at risk and taking measures to protect persons physically or, if they consent, transfer them to their security homes.
- Take immediate actions to determine the fate and whereabouts of individuals still missing.
- Ensure protection for human rights defenders and others seeking to exercise their legal rights to freedom of expression, peaceful assembly, and freedom of movement.
- Take measures to protect any person at risk of expected violence by non-State actors or armed groups.

Take the necessary measures to support and assist persons who have left their homes because of threats, including supporting them in moving to areas where they can work, study, and live safely, with their families, until the situation in their home areas is stabilized. It is vital to ensure a criminal investigation into the killings, disappearances, abductions and violence against protesters, activists, and human rights defenders.

Accountability

- Provide the judicial system with all necessary means to conduct prompt, independent, impartial, effective, comprehensive, and transparent investigations, and prosecutions, that are in compliance with international human rights standards. These investigations are in connection with the killing and wounding of demonstrators at the sites of demonstrations and deliberate killings, abductions, disappearances, torture, and ill-treatment of persons associated with the protests or those critical of political parties and armed groups having different links with the State. It is important to ensure

the safety of all persons involved in judicial investigations.

- Ensure that legal investigations and prosecutions include an assessment of criminal liability with a view to prosecuting persons in command positions or persons who planned, passed, assisted, and instigated such acts, and those who failed to prevent or punish offences wherever possible.
- Ensure a victim-centered justice approach with gender and age considered in all situations, by seeking and supporting victims' and witnesses' participation in trials, all the while ensuring confidentiality of information and data, as well as providing witness protection programs where necessary.
- Individuals who have been investigated and prosecuted for alleged crimes committed during demonstrations must be assured that they enjoy all relevant procedural safeguards and fair trial guarantees and receive appropriate remedies for violations of these rights.
- Strengthen accountability by facilitating access to information on deaths and injuries at the sites of demonstrations to oversight bodies, including the Iraqi High Commission for Human Rights and the United Nations, as well as by respecting freedom of expression and the role of human rights observers and journalists reporting on the events.
- Conduct effective, prompt, thorough, impartial, independent, transparent, and genuine investigations into all allegations of crimes against demonstrators and human rights defenders.
- Make further efforts to ensure victims' access to effective remedies, by ensuring that judicial and administrative procedures respond to victims' needs and by informing victims of their role, the scope, timing and progress of proceedings and the development of their cases.

Investigate incidents of excessive and/or unnecessary and disproportionate use of force against demonstrators, and take measures including

accounting, post-action review and training to prevent such incidents in the future.

Victims' rights

- Guarantee victims' and their families' rights to access justice, truth, and reparation.
- To ensure remedies and full compensation for the victims of human rights violations detailed in this report regardless of any judicial decision on individual criminal responsibility.

Legal Framework

- Review and amend national law to comply with international standards on the use of force and international human rights law, including by repealing or amending the Police Officers' Duties in Combating Crime Act No. 176 of 1980 to limit the use of live ammunition or lethal force in cases of imminent danger of loss of life.
- Clarify exactly what security forces are charged with dealing with mass gatherings and crowds, including demonstrations and civil unrest, addressing their command structure and uniforms, and ensure that the relevant command is civilian/police-led, and that any escalation in response is consistent with a protocol based on a

multilevel approach and recorded for post-procedural reviews or investigations.

- Take immediate steps to end the practice of harassment, intimidation and reprisals against journalists, human rights defenders, and activists, and prevent the use of security services to restrict individuals' rights by creating a climate of fear.
- Ensure that the Criminal Code is not used as a tool to restrict freedom of expression, including refraining from arresting or detaining persons for legally expressing dissent and dissatisfaction.

Freedom of expression

- Refrain from imposing an absolute ban on the Internet and restricting access to social media.
- Ensure that the Criminal Code is not used to limit freedom of expression, including by refraining from arresting and detaining individuals who express dissent and resentment under broad and incompatible provisions of the Criminal Code on defamation and insult.
- Refrain from arbitrary detention of journalists, human rights defenders and activists, and release those who remain in arbitrary detention, and put an end to the apparent abuse of the justice system to suppress freedom of expression.

Appendix

Statistics of the High Commission for Human Rights in Iraq, for the period: (2019-10-1) until (2020-6-1) among protestors

NO.	Injuries	Casualties	Arrests	Period
1	3985	160	1246	1-6/10/2019
2	8250	127	389	25/10-2/11/2019
3	2892	67	511	3-15/11/2019
4	3195	127	425	16/11-17/12/2019
5	237	32	227	18/12/2019-23/1/2020
6	1116	58	249	24/1-1/6/2020
Total	19675	571	3047	

Protect human rights defenders in Iraq now

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