

Abductions, torture and enforced disappearances
in the context of
ongoing demonstrations in Iraq

HUMAN RIGHTS SPECIAL REPORT

Demonstrations in Iraq: 3rd update



Human Rights Office

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Summary

Pursuant to its mandate to promote accountability and the protection of human rights, UNAMI continues to monitor ongoing demonstrations in Iraq. ‘*Demonstrations in Iraq: 3rd update*’ is UNAMI’s fourth special report on this subject since October 2019¹ and focuses on abductions² in particular.

UNAMI is concerned by the number of incidents and their commonalities, including with respect to the profile of persons targeted, apparent motive, *modus operandi*, and the level of organization displayed by the alleged perpetrators.

Consequently, UNAMI is concerned that violations of the right to liberty and security of person,³ the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment (‘ill-treatment’),⁴ and the prohibition on enforced disappearance⁵ have taken place in connection with the abductions that have occurred in multiple locations between 1 October 2019 and 21 March 2020.

UNAMI has verified the deaths of 490 protestors and the injury of 7,783 others at demonstration sites since the start of the demonstrations in October 2019. This does not include injuries caused by inhalation of tear gas, nor do the figures include those demonstrators and activists assassinated by unidentified armed actors away from demonstration sites, those who remain missing, or those who were harmed during abduction or detention. Consequently, the overall number of those killed and injured in demonstration-linked incidents and who suffered harm is higher than set out in this report. UNAMI welcomes the commitment of the new Government to establishing the number and circumstances of casualties arising from violence linked to demonstrations and publishes this report in support of Government efforts towards accountability.⁶

Background

Between 1 October 2019 and 21 March 2020, UNAMI received 154 allegations of missing protestors and human rights activists who were presumed to have been abducted or detained. Of the 154 allegations, UNAMI verified 99 cases involving 123 missing persons. Of these cases, UNAMI confirmed the whereabouts of 98 persons, while 25 remain missing or are of unknown status. Of the 98 persons located, at least 28 individuals were abducted in circumstances indicating that the perpetrators may be armed actors commonly referred to as ‘militia’; 33 individuals were arrested and detained by Iraqi Security Forces and did not or could not contact their families during their detention; and 37 individuals declined to share details with UNAMI about their cases, mainly due to security concerns, including the risk of reprisal. UNAMI notes that the abduction and disappearances occurred amid numerous incidents of additional violations and abuses targeting activists and protestors, including deliberate killings, shooting and knife attacks, threats and intimidation, and excessive and unlawful use of force at demonstration sites. A general absence of accountability for these acts continues to contribute to a pervasive environment of impunity in relation to reported violations and abuses linked to the demonstrations.

¹ See UNAMI’s Special Report on Demonstrations in Iraq (1-9 October), issued on 22 October 2019; Special Report: Demonstrations in Iraq: update (25 October-4 November), issued on 5 November 2019; and Demonstrations in Iraq – 2nd update (covering 6 November to 9 December), issued on 9 December 2019, all available online: <http://www.uniraq.org>.

² UNAMI qualifies the incidents as ‘abductions’ based on the information available – however, this does not exclude that some incidents may constitute unlawful and/or arbitrary detention.

³ Iraq ratified the International Covenant on Civil and Political Rights (ICCPR) on 25 January 1971. See, in particular, Articles 7, 9.

⁴ Iraq acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (‘CAT’ or ‘Convention against Torture’) on 7 July 2011.

⁵ Iraq acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 23/11/2010.

⁶ See three previous UNAMI reports on human rights during demonstrations for additional information: <https://www.uniraq.org/>

Methodology

From November 2019 to April 2020, UNAMI Human Rights Office conducted confidential and private interviews with 25 individuals⁷ who reported being abducted by armed and masked men in multiple locations in Iraq between 1 October 2019 and 29 February 2020.⁸ Interviews were conducted in person in several locations in Iraq and by telephone. UNAMI considers the interviewees credible and reliable. Their testimonies were internally coherent, and accounts of the same incidents were consistent as to the material facts. Interviewees displayed signs of injury consistent with their descriptions of torture/ill-treatment. Overall, UNAMI HRO considers the possibility of collective fabrication of the information unlikely.

A number of individuals previously reported missing in similar circumstances to the cases detailed below declined to share details with UNAMI due to security concerns, indicating that the number of cases is likely to be higher than those recorded by UNAMI.

Findings

UNAMI documented the following patterns with respect to 25 individual accounts of abduction carried out by unidentified armed groups referred to as 'militia' between 1 October 2019 and 29 February 2020:

Profile of persons targeted for abduction

In all incidents, those targeted for abduction had participated in demonstrations or provided support to demonstrators. Notably, nearly all abductees were activists prior to the demonstrations, played a significant role in demonstrations and/or posted statements critical of the authorities or armed groups on social media.

Modus operandi

All abductees described being forced into vehicles by multiple masked and armed men in public in the vicinity of demonstration sites, while travelling to or from their homes to demonstration sites, or on their regular routes, including while moving to and from work. Vehicles used by the perpetrators included pick-up trucks, white SUVs and saloon cars. Interviewees consistently reported being blindfolded and driven to a location where they were 'detained' for between one and 14 days. Most abductees remained at one site for the duration of their abduction though at least two spent time in two different locations.

All abductees described being blindfolded during transfer to the site of 'detention', interrogation or at other points of the abduction, limiting their ability to identify their whereabouts. Abductees specified being held in various places, including 'caravans', houses (including individual rooms and bathrooms) and military camp/prison-like rooms, with consistencies between a number of accounts. Some abductees described seeing other persons deprived of liberty while being held and others heard the voices of others, including screams.

⁷ All interviewees were adults. Gender disaggregation withheld for protection concerns.

⁸ UNAMI has intentionally not identified the locations in order to protect the identity of interviewees. This report is based on accounts of abductions that occurred between October 2019 and February 2020. UNAMI continues to receive allegations of missing people and continues to verify cases.

Most interviewees detailed being released close to a highway or road. No abductees reported appearing before a judge or otherwise being brought within the formal justice system in any way as a person under investigation during their abduction and 'detention'. Several abductees described being told not to participate again in demonstrations and being forced to sign a document of unknown content before they were released. None of the abductees was provided with any means to contact family.

Interrogation

All abductees reported being 'interrogated' by their captors, with the 'interrogation' appearing to be the motivation for the abductions. Some of those not blindfolded during 'interrogation' described the persons questioning them as masked. There was no consistency among 'interrogators' dress, for example some abductees described people in civilian clothes and others recalled persons wearing military style uniforms and tennis shoes. UNAMI observes that all abductees consistently recalled questioning focused on their role in the demonstrations; allegations of support from/to foreign states, particularly the United States; and their 'affiliation' (or lack of it) to political parties.

All abductees appeared to have been specifically targeted and most abductees described those questioning them as knowing significant amounts of information about their identities and demonstration-linked activities. In many cases, their abductors also had detailed information about their background, including details concerning their family, and their educational, professional and travel histories. This suggests that information was gathered or obtained on the abductees prior to their abduction, including from social media. In many cases, abductees were requested to identify other protestors from names or photographs and to permit their abductors to access their cellphones.

Torture and ill-treatment

All male abductees described being subjected to various acts amounting to torture and/or ill-treatment during 'interrogation', including severe beatings, electrocution, hosing/bathing in cold water, hanging from the ceiling by the arms and legs, death threats and threats to the family, as well as degrading treatment (such as being urinated on and being photographed naked). Female interviewees described being beaten, threatened with rape and touched in 'private areas'. In all but one case, those abducted received no medical treatment during their abduction.

Attempts to locate abductees

Despite efforts by family members and friends to locate abducted relatives - including through the submission of official complaints to police and courts, as well as unofficial communication with high-level Government officials and other contacts - they were in most cases unable to determine the fate or whereabouts of the abductees until their release. In no case did official authorities formally assist in locating those abducted, though personal contacts did help in obtaining release in certain cases.

Alleged perpetrators

None of those interviewed knew the identity of the perpetrators, although most speculated 'militia' involvement. Those who did not allege 'militia' as the actors responsible, did not identify any specific perpetrator. No interviewees believed 'official' Iraqi Security Forces to be directly responsible for their

abduction. No families or victims contributed information to suggest that ‘ordinary’ criminal gangs had carried out the abductions.

Whilst UNAMI has no means of investigating alleged perpetrators of crimes, the patterns identified from the accounts of abduction, disappearance and subsequent torture/ill-treatment of demonstrators suggest the involvement of armed actors with substantial levels of organization and access to resources. This assessment is based on factors including: the *modus operandi* of abductions and ‘interrogation’; the profile of persons targeted; the general behavior of the perpetrators, use of language, and equipment; the perceived location of ‘detention’; the nature of questioning and comments reportedly made to the victims while being questioned, and the striking similarities across the accounts received by UNAMI.⁹

Other factors indicate behavior and actions that do not suggest the involvement of Iraqi Security Forces. For example, as noted in the *Modus operandi* section, none of those interviewed were referred to an investigative judge or had access to lawyers or families. The involvement of ‘ordinary’ criminal gangs is also unlikely, as no requests for ransom or other criminal motives were reported. Interrogation, punishment and deterring involvement in the demonstrations appeared to be the main motivations for the abduction and torture/ill treatment.

Government Response

While the Government has made some efforts to locate those reported missing, including fact-finding by the Human Rights Directorate of the Ministry of Justice,¹⁰ and individual officials have tried to intervene in some cases, UNAMI is not aware of any official investigations conducted by law enforcement authorities to locate the missing or to identify and prosecute those responsible. UNAMI continues to monitor the cases of at least 25 demonstrators and activists who remain missing. This includes 13 cases in which United Nations special procedure mandate holders and the United Nations Committee on Enforced Disappearances transmitted communications to the Government in the form of ‘Urgent Actions’ and ‘Urgent Appeals’, requesting that, *inter alia*, competent state authorities take all actions necessary to locate the individuals in line with its international obligations pursuant to the International Convention for the Protection of All Persons from Enforced Disappearance and other relevant human rights instruments.¹¹ So far, UNAMI is not aware of any actions taken by law enforcement to search for these individuals and investigate their disappearance.

In terms of accountability, most interviewees did not file criminal complaints with the police or judiciary following their release, with several stating that they declined to do so because they consider it ‘futile’ or because it may place their families at risk of reprisal. Those who filed complaints against abduction or disappearance by an ‘unknown party’ did not receive any response from police or judicial authorities and, in some cases, were reportedly advised by authorities not to pursue cases further.

UNAMI welcomes the new Government’s recent announcement of its establishment of a fact-finding committee to prepare lists of victims of violence during the demonstrations, and provide compensation to the families of victims.¹² UNAMI recommends that the mandate of the Committee prioritizes ensuring

⁹ For protection reasons, UNAMI is unable to list all reasons.

¹⁰ Meeting with Human Rights Directorate, Ministry of Justice, Baghdad, 19 February 2020.

¹¹ Since October 2019, 24 Urgent Actions/Appeals concerning disappeared protestors and activists were transmitted to the Government (submitted by UNAMI and other organizations). Of the 24 communications, in 11 cases the individuals were subsequently located: three individuals were found in detention and eight released by unidentified perpetrators (often dropped off in streets, mostly during the night).

¹² The Government has also indicated its intention to provide medical treatment to those who suffered serious injuries.

accountability for deliberate killings and attacks carried out by unidentified armed elements against protestors and others linked to the demonstrations, in addition to the deaths and injury arising from the unlawful use of force by Iraqi Security forces. UNAMI further urges the Committee to determine the whereabouts of all missing demonstrators and take steps towards identifying and holding accountable those persons responsible for all instances of abduction and disappearance.

UNAMI will continue its ongoing engagement with the Government of Iraq on issues relating to human rights protection, including during demonstrations.

Conclusion

The pattern of abduction and torture of protestors and activists by unidentified armed actors typically referred to as ‘militia’, and the accompanying absence of accountability, requires immediate attention. While the current security context in Iraq is surely complex and challenging, UNAMI notes that this does not absolve the authorities of its human rights obligations, including those set out in the International Covenant on Civil and Political Rights, the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. Moreover, ongoing impunity for actions that amount to gross violations of human rights undermines the legitimacy of Iraq’s security institutions and erodes the rule of law.

The disappearance of demonstrators and activists participating in protests started in October and is ongoing. Allegations of abduction and torture by groups referred to as ‘militia’ have been widely reported in the media (including social media) and in UNAMI’s public reports and statements, and are also contained in official complaints of family members of those missing as well as in formal communications from United Nations Special Procedures and human rights Treaty bodies. Despite this, Government acknowledgement of the abductions and disappearances, as well as efforts to prevent foreseeable acts of abduction or hold accountable those responsible, appear limited, raising concerns about Iraq’s adherence to the International Covenant on Civil and Political Rights¹³, the Convention against Torture¹⁴ and the International Convention for the Protection of All Persons from Enforced Disappearance.¹⁵

Recommendations

UNAMI recommends that the new Government of Iraq:

- Make immediate efforts to ensure compliance with its obligations under the International Covenant on Civil and Political Rights, the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance, including by making all efforts to locate those demonstrators and activists who remain missing.

¹³ See ICCPR, Articles 7, 9; General Comment No. 35, paragraphs 7-9.

¹⁴ See CAT, Article 1. CAT’s definition of torture requires a connection to the state defined as ‘[...] when such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of a public official [...]’ as well as those ‘inflicted by or at the instigation or consent of a public official’. The same requirement applies to its definition of ‘cruel, inhuman or degrading treatment or punishment’, see Article 16.

¹⁵ See CED, Articles 1, 2 and 3. Article 1 defines ‘enforced disappearance’ as requiring a connection the state, defined as: ‘[...] arrest, detention, abduction [...] by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State [...]’. The CED also requires states to ‘take appropriate measures to investigate acts defined in Article 2 without the authorization, support or acquiescence of the State and to bring those responsible to justice’.

- Ensure the protection of protestors and activists participating in, or who previously participated in, demonstrations from abduction by unidentified armed groups commonly referred to as 'militia'.
- Take immediate action to investigate all alleged cases of abduction, disappearance and torture/ill-treatment in the context of ongoing demonstrations and prosecute those responsible.
- Clarify the command structure and framework of accountability of the Iraqi security apparatus, the respective mandates of all security agencies, entities and actors (including Popular Mobilization Forces), the security organs with official powers of arrest and detention (and the conditions under which they may carry out arrests and detention), the location of all official detention sites, and the official uniforms of all security agencies, entities and actors.
- Take steps to demobilize, disarm and reintegrate, or prosecute, armed groups operating outside the official command and control structures.