

# Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020



United Nations Assistance Mission for Iraq  
Office of the United Nations High Commissioner for Human Rights  
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Baghdad, Iraq



An Iraqi protester stands with his country's national flag as security forces fire teargas during clashes following anti-government demonstrations in Al Khaylani Square off central Baghdad's Senak bridge which links the Iraqi capital's Green Zone with the rest of the city, on January 28, 2020.

Photo: Ahmad Al-Rubaye, AFP

*“Of great concern is the continued targeting and killing of activists and human rights defenders. This is not random violence but a deliberate silencing of peaceful voices, coupled with the total impunity enjoyed by perpetrators. Without accountability, the crimes committed will remain mere statistics, numbers on a page. This report sheds light on the suffering, and provides concrete recommendations to help rebuild public trust.”*

- Special Representative of the United Nations Secretary-General for Iraq  
Jeanine Hennis-Plasschaert, 27 August 2020

*“People were killed, injured, tortured and mistreated, kidnapped, disappeared, arbitrarily detained, for exercising their rights to peaceful assembly and freedom of expression. This is unacceptable. Everyone has the right to peacefully demonstrate and to publicly express their frustration at not being able to provide for themselves and their families.”*

- United Nations High Commissioner for Human Rights Michelle Bachelet,  
27 August 2020.



# Baghdad - City center





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# I. Executive summary

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In October 2019, demonstrations started in multiple governorates across Iraq on an unprecedented scale, initially driven primarily by young people giving voice to their frustration with poor economic, social and political prospects. This report, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq*, details human rights violations and abuses perpetrated against protesters and persons expressing political dissent from 1 October 2019 to 30 April 2020, with a view to promoting accountability and preventing future violence.

The report was prepared by the United Nations Assistance Mission for Iraq (UNAMI) through its Human Rights Office and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The findings presented are based on more than 900 interviews conducted in Iraq with various sources, including people involved in protests, human rights monitors, political and civil activists, journalists, lawyers, family members of killed protesters, as well as on observations from demonstration sites, visits to detention facilities, and meetings with various Government officials and other relevant interlocutors.

The findings in this report suggest extensive human rights violations and abuses that appeared aimed at ending the protests, including the violent targeting by armed actors of protesters and persons expressing criticism of political parties and armed groups with various ties to the State. While the current Government, formed in May 2020, has indicated its commitment to accountability for demonstration-linked violations and abuses, the continued impunity for these acts remains a serious concern. Since October 2019, the human rights environment deteriorated markedly in relation to the rights to freedom of expression and to peaceful assembly, with the fragile civic and democratic space shrinking further. Protesters and people openly and candidly expressing discontent remain at great risk.

During the countrywide demonstrations which began on 1 October 2019, extreme levels of violence were witnessed. UNAMI/OHCHR documented credible reports of the death of 487 protesters and the injury of 7,715 at protest sites. Those killed included at least 34 children and one woman.<sup>1</sup> On 31 July 2020, the Prime Minister of Iraq indicated that violence during demonstrations up to that date had killed at least 560 people, including individuals and security personnel, with the majority of victims being young and over half based in Baghdad. The establishment of a fact-finding body for the sake of accountability was one of the first commitments of the Government formed in May 2020, which it has since reiterated on several occasions.

UNAMI/OHCHR also documented the use of unnecessary and excessive force against protesters in several governorates, but mainly in Baghdad, Dhi Qar, Karbala and Basra. When using force in situations that gave rise to deaths and injury, including when protesters acted violently, security forces in multiple incidents failed to progressively escalate the use of force, to distinguish violent from non-violent protesters, and to respond proportionately. Security forces used unnecessary lethal force against protesters, with frequent reliance on live ammunition and the use of less-lethal weapons - such as tear gas - in a deadly manner. They

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<sup>1</sup> See *Death and injury at protest sites* on page 13 for further details.

also used less-lethal weapons capable of causing unjustified and unnecessarily severe injury, including air rifle pellets and shotgun pellets containing buckshot rounds.

UNAMI/OHCHR observed that the violent response by the security forces derived from multiple factors, including a lack of experience in crowd control, and a failure to properly plan for the protests and to take precautionary measures to avoid the use of violence. Iraq lacks a properly trained and resourced force specifically mandated to police mass assemblies. In some instances, including in Baghdad, Nasiriyah and Karbala, security forces appeared to intentionally target protesters unlawfully, including with live ammunition and tear gas cannisters. In other situations, they appeared ill-equipped and unable to respond effectively and lawfully to mass gatherings of protesters, particularly those attempting to reach Government buildings or throwing rocks and stones or Molotov cocktails.

Approximately 3,000 demonstrators were detained in the period under review, mostly in the context of confrontations between security forces and protesters, raising concerns about arbitrary deprivation of liberty, freedoms of expression and to peaceful assembly and procedural guarantees. In late October 2019, the High Judicial Council issued a statement that the Federal Anti-Terrorism Law, which includes the mandatory imposition of the death sentence, would apply to protesters acting violently. This position was reversed by the Federal Cassation Court on 24 November 2019, stating that crimes committed by demonstrators should be prosecuted under the Iraqi Criminal Code.

UNAMI/OHCHR also documented a pattern of targeted and arbitrary arrests of persons supportive of the demonstrations and/or expressing political dissent. Moreover, protesters provided reports of ill-treatment and torture while in detention. Many of those detained were unable to inform anyone of their whereabouts for several days, leading to concerns about incommunicado detention and to increased reports about the high numbers of missing people.

Additionally, UNAMI/OHCHR recorded undue restrictions on the right to freedom of expression, including a total block on the internet, restricted access to social media platforms, raids on satellite television channels and attempts to interfere with broadcasting. Journalists also reported being injured at the site of demonstrations despite being identifiable as press, being assaulted and harassed, having their equipment confiscated or material deleted, and, in some cases, being temporarily detained.

UNAMI/OHCHR also documented patterns of abuses committed by multiple armed actors, including acts criminalized by domestic law, indicating the widespread targeting of protesters and persons allegedly critical of political parties and armed groups with various ties to the State, including targeted killings, abductions, disappearances, violent attacks at demonstration sites or elsewhere, including in homes, and an unquantifiable number of online and offline threats. These incidents appeared aimed at the common goal of silencing prominent protesters and activists while creating an environment of fear and intimidation to dissuade others from participating in protests.

On multiple occasions, the security forces failed to prevent attacks by armed groups with various ties to the State at demonstration sites and to protect demonstrators during ongoing attacks. Similarly, despite information indicating that prominent protesters and outspoken critics were at risk of being killed or abducted, the Government failed to make concrete efforts to protect those at risk or to pursue accountability.

The violations and abuses committed in relation to the protests, and the failure to hold the perpetrators accountable, and, in some cases, to protect victims from reasonably foreseeable crimes, negatively impacted the rights to freedom of expression and to peaceful assembly.

The report notes efforts taken by the current Government of Iraq to establish an independent investigative body, to order the release of all persons detained without legal grounds in relation to the protests, to identify and close any detention facility outside the control of legitimate authorities, and to prepare a list of those individuals and security personnel killed and injured during the demonstrations in order to provide compensation to the victims and their relatives, as appropriate. On 30 July, the Government announced that it had compiled a list of at least 560 fatalities that could be expanded, which also includes approximately 20 security personnel, all of whom would be granted martyr status, with a package of compensation and benefits to be provided to their families. The list itself is meant to be uploaded on a website, this would allow a sex and age breakdown, which remains unknown, apart from a reference to 'a majority of youth'. On 7 July 2020, the High Judicial Council issued an order establishing a judicial body to investigate 'assassination cases in Baghdad and other governorates'.

On 11 August, the Government announced the decision to provide medical care to injured demonstrators, transfer abroad those whose condition cannot be handled in Iraq, provide all with medical insurance, and amend the Persons with Disability Law to include those rendered disabled. It also declared that the families of those considered martyrs or the injured will receive the benefits managed by the Martyrs' Foundation.<sup>2</sup> UNAMI/OHCHR welcomes these steps and emphasizes that the Government is obliged to investigate and, where relevant, prosecute the perpetrators of all violations and abuses linked to demonstrations, in proceedings that observe fair trial and judicial guarantees, in addition to providing access to justice, truth and reparations for all victims and their families.

This report provides a series of concrete recommendations aimed at promoting accountability for the violations and abuses that took place in the context of demonstrations. As protests continue and early elections are being planned,<sup>3</sup> the report makes practical recommendations aimed at reducing the occurrence of similar violations in the future, including with respect to security force practices and protection of the democratic and civic space.

While this report details failures to respect the human rights of protesters, UNAMI/OHCHR notes that positive examples of engagement between security forces and protesters as well as attempts to improve adherence to international standards were observed in some locations, indicating that despite the complexity of the challenges faced by Iraq, a human-rights compliant response is possible.

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<sup>2</sup> 11 August 2020 Weekly Press Conference of the Prime Minister, extracts available on twitter @AhmedMullaTalal or @IraqiGovt.

<sup>3</sup> On 31 July 2020, the Prime Minister announced on television that Iraq will hold its next parliamentary elections nearly a year early, in June 2021.



## II. Introduction and mandate

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This report was prepared by the Human Rights Office (HRO), United Nations Assistance Mission in Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

This report is prepared pursuant to Security Council Resolution 2522 (2020) which mandates UNAMI to ‘promote accountability and the protection of human rights [...] in order to strengthen the rule of law and improve governance in Iraq’.

Since the beginning of widespread and largescale demonstrations in Iraq on 1 October 2019, UNAMI/OHCHR has closely monitored related allegations of human rights violations and abuses with a view to engaging with the Government in order to decrease demonstration-linked violations and abuses and to ensure accountability.

From October to December 2019, UNAMI issued three reports concerning human rights violations and abuses perpetrated as the protests began, developed and expanded. In May 2020, UNAMI issued a fourth report focused on incidents of abduction of prominent protesters and activists. In the present report, UNAMI/OHCHR seeks to provide a comprehensive overview of the main violations and abuses observed from the start of the demonstrations on 1 October 2019 until 30 April 2020, covering the height of the protests and the period leading up to the confirmation of the new Government on 7 May 2020. In the report, UNAMI/OHCHR encourages strengthened efforts to ensure accountability and actions to uphold the rights of victims to justice, truth and reparation.

# III. Methodology

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This report is based on information obtained from over 900 interviews conducted by UNAMI/OHCHR between 1 October 2019 and 31 July 2020 – in person and by telephone – with protesters, activists, members of civil society organizations, medical first-responders, journalists, students, teachers and other relevant sources with direct knowledge of the demonstrations. Those interviewed included persons injured, arrested, detained or abducted in the context of demonstrations, as well as family members of those injured, killed or missing.<sup>4</sup>

UNAMI/OHCHR reviewed thousands of photographs and videos provided by reliable sources, many of which were also circulated on social media, showing violence at demonstration sites. UNAMI/OHCHR also reviewed available open source information, including public reports issued by the Iraqi High Commission for Human Rights and Iraqi civil society organizations, as well as the report of a High Ministerial Committee (October Committee report) issued on 22 October 2019.<sup>5</sup>

UNAMI/OHCHR undertook significant efforts to engage with Government and security officials on the human rights concerns, although it encountered considerable challenges in that regard. A comprehensive documentation of death and injuries that occurred at protest sites was not possible due to Government restrictions on information sharing with external stakeholders. As a result of these restrictions, UNAMI/OHCHR staff were not permitted access to hospitals to interview injured demonstrators and were unable to conduct individual interviews with members of security forces and employees of public hospitals. Other than the figures detailed in the aforementioned October Committee's Report covering the period of 1 to 8 October 2019, the Government did not release or share information on the numbers of persons killed and injured at protest sites until 30 July 2020, when it announced that it had prepared a list of approximately 560 individuals and security personnel killed and injured during the demonstrations or in relation with them.

In the course of its monitoring, UNAMI/OHCHR conducted private interviews with 30 individuals who reported being abducted by armed and masked men in multiple locations in Iraq between 1 October 2019 and 30 April 2020. UNAMI/OHCHR also interviewed in person and by telephone 50 individuals who were detained by security forces in the context of demonstrations in different governorates of Iraq,<sup>6</sup> and monitored 16 trial hearings of demonstration-related cases. Furthermore, UNAMI/OHCHR conducted visits to detention facilities in Baghdad under the authority of the Baghdad Operations Command and the

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<sup>4</sup> Due to movement and security restrictions, UNAMI/OHCHR staff were largely prevented from conducting direct monitoring of demonstration sites. However, UNAMI/OHCHR was able to carry out one visit to a demonstration site in Rasheed street, Baghdad, accompanied by Baghdad Operations Commander. UNAMI/OHCHR also regularly observed the situation on Jumhuriyah bridge through binoculars from the United Nations compound situated approximately 600 metres from the bridge.

<sup>5</sup> On 12 October 2019, the Government established by executive order a High Ministerial Committee mandated to investigate fatalities and casualties among individuals and the security forces and attacks on infrastructure, private and public property and mass media between 1 and 8 October 2019, in order to identify those responsible and make recommendations. The committee issued a report on 21 October 2019.

<sup>6</sup> Breakdown withheld to protect interviewees.

Ministry of Interior. UNAMI/OHCHR also interviewed a range of other sources, including eyewitnesses of arrests, family members of detainees, activists, lawyers, judges and Government authorities.<sup>7</sup>

UNAMI/OHCHR conducted 14 focused interviews with women involved in the demonstrations and convened a round-table discussion with 23 civil society activists to discuss the experience of women during the protests.

Additionally, UNAMI/OHCHR carried out over 100 interviews in person and by telephone concerning the impact of the demonstrations on the right to education. Those interviewed included primary and secondary schoolteachers, university employees, members of the teacher's union and of the student union, across Iraq's southern and central governorates and Baghdad. UNAMI/OHCHR also held meetings with the Ministry of Higher Education and the Ministry of Education and conducted interviews with representatives of the Education Directorates in Baghdad, Muthanna, Dhi Qar and Wasit Governorates.

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<sup>7</sup> UNAMI/OHCHR notes that no private interviews with detainees were allowed in the Ministry of Interior facility.



## IV. Context

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“I went to the area of the demonstrations to see what was happening, when I saw a guy just fall in front of me. When I approached him, I saw he was badly injured and dripping with blood. Everyone was yelling that he had died. I was stunned and I didn’t know what to do. The gunfire started to increase, and everyone was running and shouting ‘I will sacrifice my soul and blood for Iraq’. I was terrified and I didn’t understand why these protesters were there in the first place and why they were being suppressed so brutally. After I reached home that night, I couldn’t make peace with myself – all I saw was promising young people who don’t support or advocate on behalf of any political parties, government entities, nationality, religion or race – their only concern was their country and how to rehabilitate it. The next morning, I told my father ‘don’t wait up for me tonight’ – and I went straight to the heart of the demonstrations.”<sup>8</sup> ”

Grievances stemming from the failure of the Government to uphold basic social and economic rights have motivated demonstrations in various regions of Iraq since at least 2011, including violent protests in Basra in 2018.<sup>9</sup> Although the protests that started in October 2019 continued this trend, they diverged in scale and spontaneity. Furthermore, many protesters prioritized calls to remove the Government and hold early elections in order to establish a new Government capable of ending corruption and foreign interference.

From early October through November, large-scale demonstrations took place in Baghdad and several governorates in southern and central Iraq, including Babil, Dhi Qar, Diyala, Karbala, Maysan, Muthanna, Najaf, Qadisiya and Wasit. No organization appeared to lead the October demonstrations, which arose from calls to protest that were widely circulated on social media. The demonstrators predominantly comprised young people aged 15 to 35 years, with significant participation from young working-class men as well as secular civil society activists. The demonstrations seemingly reflected a spontaneous and widespread expression of discontent.

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<sup>8</sup> Interview with protester, July 2020.

<sup>9</sup> The Committee on Economic, Social and Cultural Rights previously expressed concerns, noting ‘the prevalence of corruption in the State party, which adversely impacts the effective enjoyment of Covenant rights’, which included the inadequate allocation of resources to key sectors, including social protection, health and education as well as rising unemployment, poverty, a housing shortage, food insecurity and a shortage of safe drinking water and sanitation facilities (in Southern Iraq), with minority groups disproportionately impacted. See E/C.12/IRAQ/CO/4 Committee on Economic, Social and Cultural Rights – Concluding observations on the fourth period report of Iraq, 27 October 2015 paras. 11,12, 15, 16, 31, 32, 45-52

On 1 October, some demonstrations, particularly in Baghdad, quickly turned violent after security forces responded to initially peaceful protests with excessive force, apparently intending to repress and end the protests. In reaction, protesters threw rocks and stones at security forces. The protests continued through the first week of October before being postponed for the *Arba'een* religious pilgrimage.

When demonstrations resumed on 25 October, demonstrators held peaceful sit-ins in central squares in most governorates. Increased numbers of demonstrators from demographically and socially diverse groups participated in the protests, including a significant number of professionals, women, older people, schoolchildren, university students and teachers. Protesters constructed tents providing space for political discussion, civic and human rights education, libraries, legal assistance, food and healthcare. Memorials were created for protesters killed during the demonstrations, while artists painted political street art. In some governorates, including Baghdad, small numbers of protesters engaged in confrontations with security forces in attempts to reach Government buildings or the former International Zone. Others blocked roads, and a minority targeted Government and political party-affiliated properties for arson. Incidents of targeted killing, abduction and enforced disappearance of protesters and political, civil and/or human rights activists increased through October and November.

As demonstrations continued, Prime Minister of Iraq Adil Abdul-Mahdi officially resigned from his post on 1 December 2019. Protests continued through December but started to diminish in size. On 24 December, the Council of Representatives passed an electoral law aimed at broadening participation in elections to candidates not affiliated to political parties by moving from a party list proportional representation system to an individual system based on the designation of new electoral districts.

In January and February 2020, the demonstrations continued on a smaller scale, mostly at the sit-in sites, which had remained in place since October 2019. In mid-March 2020, the Government imposed a curfew as part of its response to COVID-19, which contributed to a further decrease in the number of protesters, also as many activists volunteered as part of the COVID-19 response. In the interim, two designated Prime Ministers failed to form a Government, leading to the nomination of current Prime Minister Mustafa al-Kadhimi and the confirmation of his cabinet by the Council of Representatives on 7 May 2020.

# V. Human rights violations attributed to State authorities

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## i. Death and injury at protest sites

### Casualty figures from violence at demonstration sites

UNAMI/OHCHR recorded credible reports of the death of 487 protesters and 7,715<sup>10</sup> incidents of injury to protesters at, or in the vicinity of, demonstration sites from 1 October 2019 to 30 April 2020.<sup>11</sup> From the information obtained and reviewed by UNAMI/OHCHR, 359 of the 487 protester deaths (74 per cent) are attributed to security forces and 109 deaths (22 per cent) to ‘unidentified armed elements’,<sup>12</sup> including due to small-scale attacks at demonstration sites. Nineteen bodies of protesters were found in burned down buildings affiliated to political parties and public offices set on fire by protesters, accounting for four per cent of deaths.<sup>13</sup> The total number of recorded deaths included at least 34 children - all boys -<sup>14</sup> and one woman.<sup>15</sup>

Of the 7,715 incidents of injured protesters,<sup>16</sup> UNAMI/OHCHR attributed 6,894 cases (89 per cent) to security forces and 821 cases (11 per cent) to ‘unidentified armed elements’ and anonymous small-scale attacks at demonstration sites. A comprehensive disaggregation of those injured was not possible.

The casualty findings are broadly consistent with reports from various independent institutions in Iraq. With respect to the period from 1 to 8 October 2019, the October Committee Report<sup>17</sup> stated that 149 individuals were killed and 4,207 injured based on figures reportedly taken from the Ministry of Health

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<sup>10</sup> The 7,715 persons injured recorded by UNAMI do not include the thousands of demonstrators who received treatment for other injuries, particularly resulting from tear gas inhalation. These numbers are estimated to have reached 19,000.

<sup>11</sup> For the period 1 to 9 October, UNAMI/OHCHR considers the number of deaths reported by the October Committee Report likely accurate based on trends observed from witness accounts and additional sources. For the period from 25 October 2019 onwards, the number of those killed and injured is based upon corroborated accounts from primary and secondary sources and open-source material. In its Human Rights Special Report: *Abductions, torture and enforced disappearances in the context of ongoing demonstrations in Iraq*, published 23 May 2020 (‘Abductions Report’), UNAMI reported 490 deaths and 7,783 injured for the period 1 October until 23 May 2020.

<sup>12</sup> UNAMI/OHCHR defines ‘unidentified armed elements’ as armed actors not clearly identifiable as regular State security forces, including anonymous shooters and those affiliated to political parties. UNAMI/OHCHR inability to identify the perpetrators does not preclude that the ‘armed elements’ have no link to the State.

<sup>13</sup> In addition to the deaths noted in this report, on 3 October, in Baghdad, a five-year-old girl died after being burned to death in a car accident linked to a road blocked by burning tires.

<sup>14</sup> The total number of children killed is likely higher, due to the large number of protesters aged 16 to 18 who participated in demonstrations and in confrontations with security forces.

<sup>15</sup> On 21 January 2020, in Tejari intersection in Basra city, unidentified armed elements indiscriminately shot at protesters, killing a female paramedic and injuring eight persons, including one female paramedic.

<sup>16</sup> UNAMI/OHCHR defined ‘injured’ as physical injuries caused to protesters by tear gas canisters, rubber bullets, live ammunition, shrapnel, sticks, iron rods or any kind of projectile. These numbers do not include tear gas inhalation, in contrast to the reports of other institutions, including the Iraqi High Commission for Human Rights.

<sup>17</sup> See footnote 5.



operations centre.<sup>18</sup> The High Judicial Council informed UNAMI/OHCHR that the judicial system had received 524 claims for demonstration-linked deaths and 3,424 claims for demonstration-linked injuries.<sup>19</sup> The Iraqi High Commission for Human Rights reported 541 death of protesters and 20,597 injured protesters from 1 October 2019 to 10 June 2020.<sup>20</sup> Death and injury at demonstration sites occurred in 11 provinces of Iraq, with Baghdad and Dhi Qar Governorates recording the highest numbers of victims.<sup>21</sup>

UNAMI/OHCHR encountered significant challenges in documenting deaths and injuries that occurred at protest sites due to restrictions imposed by the Government, preventing hospitals and relevant ministries from sharing information. Other than the figures detailed in the October Committee's Report, the Government did not publicly release or share comprehensive information on the numbers of persons killed and injured at protest sites until 30 July 2020, when it announced that it had prepared a list of at least 560 individuals and security personnel killed and injured during the demonstrations who were eligible for compensation.

## Fatalities and injuries among Iraqi Security Forces

Information from multiple sources indicates that a number of security force personnel died due to acts of violence at demonstration sites, and that a significant number were injured. The October Committee Report recorded the death of eight members of the Iraqi Security Forces and the injury of 1,287 from 1 to 8 October 2019. According to the Iraqi High Commission for Human Rights, from 1 October 2019 to 10 June 2020, 17 security personnel were killed and 4, 091 injured.<sup>22</sup>

## Violence attributed to protesters

In Baghdad, a small minority of protesters engaged in acts of violence against the security forces by throwing stones, bricks, Molotov cocktails, or lit fireworks and slingshots, particularly in areas where security forces established concrete walls to prevent protesters from accessing the former International Zone and squares in the vicinity of Tahrir square.<sup>23</sup> This dynamic primarily arose following the reaction by protesters to the initial violent response by security forces to the protests - including the use of lethal force causing significant deaths and injuries - compounded by an overall lack of accountability.

In the central and southern governorates, a minority of protesters set fire to Government buildings and property affiliated to politicians, political parties and armed groups, as well as to the Iranian consular offices. The Iraqi High Commission for Human Rights reported that between 1 October 2019 and 10 June 2020, protesters vandalized or burned around 384 public and private properties in Baghdad, Babil, Basra,

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<sup>18</sup> See October Committee Report, part 6.

<sup>19</sup> Meeting with UNAMI/OHCHR. 24 January 2020.

<sup>20</sup> Iraqi High Commission for Human Rights Report V: Freedom of Opinion, Expression and Peaceful Demonstration ('IHCHR Special Report') covering the period 24 January to 10 June 2020, issued in June 2020. The Commission issued four earlier reports covering demonstration-linked violations from 1 October 2019 onwards.

<sup>21</sup> Baghdad, Dhi Qar, Karbala, Wasit, Basra, Najaf, Qadisiyah, Muthanna, Maysan, Babil and Diyala Governorates.

<sup>22</sup> Iraqi High Commission for Human Rights Report, p. 3.

<sup>23</sup> In the area of Rasheed street commercial property suffered significant fire damage as a result of confrontations between security forces and protesters, causing sizeable financial loss for business owners.

Karbala, Najaf, Muthanna, Maysan and Dhi Qar Governorates.<sup>24</sup> The small minority of protesters who engaged in property destruction claimed to do so out of frustration at corruption and ongoing impunity for acts of violence, including shooting attacks at demonstrations sites and the targeted killing of protesters and activists.

While the destruction of property, including diplomatic premises, cannot be justified and individual protesters acting violently are not covered by the right to participate in peaceful assemblies, they retain other rights, including the rights to life, physical integrity and freedom from arbitrary deprivation of liberty and torture and ill-treatment.<sup>25</sup>

## ii. Use of force by security forces

### Iraq's legal framework on use of force

Internal security forces in Iraq are authorized to use force by the Law of Police Officers' Crime Prevention Duties passed in 1980, which allows the use of force including "according to orders issued by Minister of Interior [...] with a view to suppress unrest, which may threaten order and public security".<sup>26</sup> It further permits the use of firearms - even if it would lead to a 'deliberate murder' - to prevent abduction, arson, resistance or escape from arrest by an offender convicted to death or to life imprisonment, the occupation or destruction of places 'where internal security forces settle', the destruction or occupation of equipment or property under the responsibility of the police, or where it poses persons in these places at significant risk, and sabotage of public utilities.<sup>27</sup>

This law contravenes international standards on the use of force by permitting the use of firearms in situations broader than 'only when strictly necessary in order to protect life or prevent serious injury from an imminent threat'.<sup>28</sup> UNAMI/OHCHR notes that the Iraqi constitution prohibits the enactment of any law that 'contradicts the principles of democracy' or 'the rights and basic freedoms stipulated in this constitution', which includes the right to enjoy life, security and liberty.<sup>29</sup>

Aside from the Law of Police Officers' Crime Prevention Duties, there is no additional domestic law delineating the use of force, including by the Iraqi Armed Forces in situations outside of conflict. Iraq did

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<sup>24</sup> See, for example, public report issued by the Iraqi non-governmental organization Peace and Freedom Organization on "Zaytun Bridge" and events in Dhi Qar Governorate, pp. 19-20, accessible at: <http://pfo-ku.org/index.php/english>. Based on field research, it states that in Dhi Qar province alone, protesters burned 34 different types of private and public properties between 25 October 2019 and 1 January 2020. Peace and Freedom Organization issued several reports on demonstration-linked violations based on field research, including "Whips of Repression", covering October 2019, and "The Smoke Rain", covering the period from 25 October to 1 December 2019 ('PFO Reports').

<sup>25</sup> Human Rights Committee General Comment No. 37 on article 21 of the International Covenant on Civil and Political Rights on the right of peaceful assembly ('Human Rights Committee General Comment No.37'), paras. 9 and 17.

<sup>26</sup> Law of Police Officers' Crime Prevention Duties No. 176 of 1980, Art. 4.

<sup>27</sup> Law of the Police Officers' Crime Prevention Duties, Art. 3(2).

<sup>28</sup> See the Code of Conduct for Law Enforcement Officials (1979) ('Code of Conduct'), Art. 3; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1989) ('Basic Principles'), Principle 9; Human Rights Committee General Comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life ('Human Rights Committee General Comment No.36'), para. 12: See also Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, 4 February 2016 ('Joint Report'), para. 51. See also Human Rights Committee General Comment No. 37, para. 88.

<sup>29</sup> See Constitution, Arts. 2, 35, 38. The Constitution also protects the rights to freedom of expression and to freedom of assembly and peaceful demonstrations, see Art. 38. According to Art. 13, the Constitution is the preeminent and supreme law. Art-9 prohibits the use of the Iraqi armed forces and security forces to 'oppress the Iraqi people'.

not declare a state of emergency in response to the demonstrations or related violence. On 9 October, the Prime Minister ordered all security forces to stop using live ammunition at protest sites. On 6 November, the official spokesperson for the Prime Minister stated that live ammunition had been banned from the scene of protests and orders had been given that no live ammunition be used. Despite these pronouncements, security forces continued to use live ammunition repeatedly.

## Security forces involved in the response to the demonstrations

No law or internal regulations clearly identify the security forces mandated to engage in crowd control and respond to demonstrations. Identification of forces responsible for the use of force against protesters was challenging, particularly in Baghdad, due to the multiplicity of forces involved, unclear *de facto* command structures, and in many cases the absence of identifying badges on uniforms.<sup>30</sup>

In response to the demonstrations, the Government appeared to predominantly rely on forces that nominally report to the Ministry of Interior, specifically the Federal Police, the Emergency Response Division and the Facilities Protection Service. At the provincial level, UNAMI/OHCHR identified the involvement of Local Police, SWAT forces<sup>31</sup> (particularly in Najaf and Dhi Qar), Emergency Response Units, and, in Basra, a provincial police force known as the Al Sadma force (or Shock Forces) – all of which also fall under the Ministry of Interior. The Iraqi army was also mobilized.<sup>32</sup> Iraq did not declare a state of emergency in response to the demonstrations.

Sources repeatedly referred to the presence of ‘Anti-Riot Police’ (‘Riot Police’ in this report) in Baghdad and other governorates. In late October 2019, the Government established a force called the ‘Law Enforcement Agency’ specifically to respond to the demonstrations, with the intention that the force be developed into an entity specifically trained for, and focused on, crowd control at demonstration sites. Prior to this, in early October, in Baghdad, a force was reportedly quickly put together to respond to protests, wearing black uniforms. References by witnesses to ‘Anti-Riot Police’ may refer to this force, ‘unidentified armed elements’ or general terminology used to apply to various police forces wearing shields and carrying batons.

## Patterns of violations of international standards on the use of force

Analysis of the lawfulness of use of force and its compliance with international standards is contingent on the contextual circumstances of each incident in which force is employed. Due to the scale of the demonstrations and accompanying violence, key incidents where use of force by the authorities resulted

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<sup>30</sup> See Human Rights Committee General Comment No. 37, para. 89: “To enhance effective accountability, uniformed law enforcement officers should always display a form of easily recognizable form of identification during assemblies”.

<sup>31</sup> ‘Special Weapons and Tactics’ - designating units equipped and trained for interventions that may require use of force.

<sup>32</sup> OHCHR/UNAMI also notes the involvement of the intelligence services in response to the protests, but not in the context of the use of force at the demonstration sites. See also Code of Conduct, Art. 1; Human Rights Committee General Comment No. 37, para. 80: “Only law enforcement officials trained in the policing of assemblies, including on the relevant human rights standards should be deployed for that purpose [...] The military should not be used to police assemblies, but if in exceptional circumstances and on a temporary basis they are deployed in support, they must have received appropriate human rights training and must comply with the same international rules and standards as law enforcement officials”; Joint Report, para. 66.



in death of an injury to protesters are highlighted in Annex 2. The patterns of human rights violations arising from these incidents and the unnecessary or excessive use of force in general are detailed below.

### Failure to take preventive and precautionary measures<sup>33</sup>

At the outset of the demonstrations, security forces in several cities, particularly Baghdad, Nasiriyah, Najaf and Amarah, reacted to initially peaceful protests at times with unnecessary levels of force, the use of live ammunition and the indiscriminate and disproportionate use of less-lethal weapons. Security forces appeared to resort to force quickly, without progressive escalation, to prevent protesters from reaching the vicinity of Government buildings, the former International Zone in Baghdad, and central squares. A fraction of the protesters responded by throwing rocks, stones, Molotov cocktails and attempting to reach areas they were prevented from accessing.

The initial aggressive response by the security forces suggests an inability to take adequate precautions to prevent scenarios in which protests may become violent and in which the use of force may become necessary. Increased emphasis by Government authorities, including security forces, on de-escalation and negotiation, better planning, and the selection, organization and command of forces deployed in response to the demonstrations may have contributed to reduced violence and a reduction in human rights violations. In Baghdad, the use of force by security forces in the first week of October 2019 appeared intended to suppress the protests.

After demonstrations resumed on 25 October, improved planning and coordination by the security forces, including engagement with protesters, enabled the establishment and maintenance of peaceful protests and sit-in sites in multiple governorates, including Tahrir square in Baghdad, Sadreen square in Najaf and Haboubi square in Nasiriyah. While in some instances these protest sites remained vulnerable to attacks by ‘unidentified armed elements’, they were usually safe. After 25 October, security forces generally used force in situations outside of sit-in sites, where protesters attempted to cross bridges into the former International Zone and/or traverse concrete walls set up by security forces; blocked roads, including, at times, with burning tires; moved towards Government buildings and offices of political parties; or attempted to set fire to property. In some instances, some protesters acted violently by burning down buildings; in other situations, violence by some protesters largely involved throwing rocks, bricks, Molotov cocktails and other projectiles at security forces, from within larger crowds attempting to physically move past barriers set up by security forces.

### The use of lethal force: firearms and improper use of less-lethal weapons<sup>34</sup>

“ *Not all families know about the legal procedures. My son was killed in Baghdad; we know it was Government forces, but how can we punish those responsible?* ”

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<sup>33</sup> See Human Rights Committee General Comment 36, para. 13. See also Joint Report, para. 52.

<sup>34</sup> See Legal Framework; International Covenant on Civil and Political Rights, Art. 6; Human Rights Committee General Comment No. 36.

Live ammunition caused most of the 359 deaths of protesters attributed to the security forces at protest sites, with shrapnel and the direct impact of tear gas canisters responsible for 28 other deaths.<sup>35</sup> Noting the widespread use of live ammunition in situations beyond the narrow scope in which the use of firearms is permitted,<sup>36</sup> many of these killings may amount to arbitrary deprivation of life.<sup>37</sup> Security forces also shot indiscriminately into crowds of protesters and may have intentionally used lethal force without justification.<sup>38</sup> The October Committee report recorded 149 deaths of protesters from 1 to 8 October 2019 and attributed 'at least 70 [per cent] [to] shots in the head or chest area'.

For example, in Baghdad, security forces shot live ammunition into crowds of protesters attempting to cross Jumhuriyah bridge on the first day of protests, on 1 October 2019, resulting in at least two deaths. During the following days, the use of live ammunition by the security forces in Baghdad increased, in an apparent attempt to push protesters away from Tahrir square. The October Committee report recorded 107 deaths of protesters during this period in Baghdad.<sup>39</sup> Security forces resumed the use of live ammunition in Baghdad from 30 October through November to prevent protesters from crossing Al Senak, Al Ahrar and Al Shuhada bridges and to prevent movement into areas situated near the Central Bank, resulting in at least 33 deaths. In January 2020, security forces used live ammunition to disperse crowds of protesters blocking roads with burning tires, resulting in at least eight deaths. From February to April 2020, UNAMI/OHCHR received credible reports of the death of several protesters from live ammunition during confrontations between the security forces and protesters around the Khaylani square area of Baghdad, albeit on a far lower scale than in previous months.<sup>40</sup>

Iraqi Security Forces in Baghdad also deployed less-lethal weapons, including tear gas canisters and stun grenades ('flash bangs') in a deadly manner by firing the devices horizontally at protesters at close range and head and chest height, causing at least 26 fatalities.

With the exception of one incident in Sadr city in Baghdad, UNAMI/OHCHR received no credible reports indicating that demonstrators in any of the scenarios detailed above carried firearms.<sup>41</sup> While some protesters, mostly youth aged 15 to 25 years, burnt tires, or threw Molotov cocktails and rocks at security forces, providing a potential basis for the lawful dispersal of the protests, this did not give rise to an imminent risk of death or injury justifying the use of firearms or lethal force.<sup>42</sup> In addition, the security

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<sup>35</sup> See *Annex 2: Key Incidents of Protester Death and Injury Attributed to Iraqi Security Forces*.

<sup>36</sup> See Legal Framework for further details; Basic Principles, particularly principle 9; Human Rights Committee General Comment No. 36, para.12; Human Rights Committee General Comment No. 37, para. 88; Joint Report, paras. 59- 60. Note that "imminent threat" is defined as not speculative and "immediately antecedent, presently exercised or ongoing" i.e. no preparatory steps remain on the part of the attacker and there is sufficient geographic proximity to enable the attack to proceed. See the Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019 *citing* Jan Arno Hessbruegge, Human Rights and Personal Self-Defence in International Law, Oxford University, 2017, pp. 139-142.

<sup>37</sup> See International Covenant on Civil and Political Rights, Art. 6; Human Rights Committee General Comment No. 36, para. 17: The deprivation of life of individuals through acts or omissions that violate provisions of the Covenant other than article 6 is, as a rule, arbitrary in nature. This includes, for example, the use of force resulting in the death of demonstrators exercising their right of freedom of assembly [...]."

<sup>38</sup> See Legal Framework.

<sup>39</sup> See below for further discussion of the role of 'unidentified armed elements' in Baghdad on 4 October 2019.

<sup>40</sup> For further details see *Annex 2: Key Incidents of Protester Death and Injury Attributed to Iraqi Security Forces*.

<sup>41</sup> Reportedly, on 5 to 6 October 2019, two protesters carrying Kalashnikovs shot at Iraqi Army deployed in Sadr city.

<sup>42</sup> The line between "peaceful" and "violent" protest is not always clear. See Human Rights Committee General Comment No. 37, para. 17: "There is not always a clear dividing line between assemblies that are peaceful and those that are violent, but there is a presumption in favour of considering assemblies to be peaceful. Moreover, isolated acts of violence by some participants should not be attributed to others, the organisers or to the assembly as such. Thus, some participants or parts of an assembly may thus be covered by article 21 [right to participation in peaceful assemblies], while others in the same assembly are not."

forces had alternative and feasible options, including the arrest of violent protesters. The use of live ammunition appeared motivated by an intention to suppress protests, disperse protesters and prevent them from moving into certain streets and areas of Baghdad.

Outside of Baghdad, UNAMI/OHCHR observed that during the first week of demonstrations, security forces resorted to live ammunition to prevent crowds from reaching Government buildings, including in Maysan and Dhi Qar Governorates, possibly out of fear that they may set fire to buildings, and to prevent them from reaching a demonstration site in Najaf. After demonstrations resumed on 25 October, security forces continued to use live ammunition in similar contexts, including in Karbala and Basra, causing the death of protesters. As in Baghdad, security forces used live ammunition to disperse protesters blocking roads, including the road to Umm Qasr port in Basra and roads in Karbala in January. In two incidents, security forces appeared to intentionally and indiscriminately shoot live ammunition into crowds of protesters, resulting in the death of at least 18 demonstrators and more than 143 others injured in Education square in Karbala, on 28 November; and causing the death of at least 42 protesters and injuring more than 396 others in Nasiriyah and Dhi Qar Governorates, on 28 and 29 November.<sup>43</sup>

## Unnecessary, indiscriminate and disproportionate use of less-lethal weapons<sup>44</sup> and impact on victims

“*My son was hit by a bullet in his head. Ever since then, he has been impaired and needs assistance to take care of himself. He still has to undergo more surgeries. I did not raise any complaint because I do not know who shot him and I need to focus on his health*”.<sup>45</sup>

UNAMI/OHCHR collected reports of 6,894 incidents of injury to protesters by security forces. At least 70 cases concerned protesters who suffered life-changing injuries from the use of live ammunition and less-lethal weapons, including nine children.<sup>46</sup> Of these cases, 51 required at least one surgical operation, with many requiring multiple operations, often at great financial expense. In one case, a 25-year old hit in the stomach by a bullet required 11 operations and has not yet completed treatment. Wounds included brain injuries. For instance, a 21-year-old has been in a persistent vegetative state and receiving care at home, after being hit in the head by a bullet. At least 15 individuals suffered impaired eyesight, including seven who lost an eye due to live ammunition and the impact of tear gas canisters. Thirty-four individuals sustained injuries causing impaired movement, including two rendered quadriplegic and three who lost the use of their lower body, including a 15-year-old. Others suffered internal injuries, with six individuals having had organs removed, including spleens, kidneys, pieces of lung, intestines and livers. In one case, a 17-year-old boy lost the function of his intestine and required a colostomy. In 34 cases, individuals lost their jobs

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<sup>43</sup> For further details see *Annex 2: Key Incidents of Protester Death and Injury Attributed to Iraqi Security Forces*.

<sup>44</sup> See Human Rights Committee General Comment No. 35 on Art. 9 of the International Covenant on Civil and Political Rights (Liberty and security of person) ('General Comment No.35'), para. 55; and Human Rights Committee General Comment No. 37, para. 98: "The use of unnecessary or disproportionate force may breach articles 6, 7 and 9 of the Covenant." See also the United Nations Human Rights Guidance on Less-Lethal Weapons in Law-Enforcement on less-lethal weapons.

<sup>45</sup> Interview with father of injured protester, Baghdad.

<sup>46</sup> UNAMI/OHCHR received 128 credible allegations of life-changing injuries of which it verified 70 through interviews with the victims and family members, including through access to medical reports, where possible. The actual number of victims of such injuries is likely higher.

due to their injuries. UNAMI also recorded three cases where individuals still have fragments of ammunition in their bodies which is too difficult or expensive to remove.

Given the young age of most of the protesters, life-changing injuries impose a considerable psychological toll on the victims (and family) through trauma, permanent disability or disfigurement, chronic pain, the loss of educational and professional opportunities and, in some cases, the likelihood of significantly diminished quality of life and of dependence on assistance from others.

The tactics surrounding the use of less-lethal weapons detailed above resulted in large numbers of serious and moderate injuries, including fractures, concussion, burns, lacerations and hematomas requiring examination and treatment. In addition, witnessing the excessive use of less-lethal weapons, being injured, and seeing others being severely injured or killed exposed protesters to serious risks of psychological trauma.

UNAMI/OHCHR is also extremely concerned by the security forces' use of shotgun cartridges containing buckshot and/or birdshot ammunition and of air rifles, responsible for at least 351 injuries of protesters in Baghdad alone. In Karbala, through January, at least 174 protesters were injured by these weapons. In addition to serious ocular injuries, the small pellet ammunition from these weapons - typically used for hunting animals and birds - penetrated the skin of protesters, requiring painful medical extraction.

While the lawful use of some less-lethal weapons such as tear gas and sound grenades ('flash bangs') may be appropriate in limited circumstances and under certain conditions, it appears that security forces used these weapons frequently, indiscriminately and often excessively.<sup>47</sup> Weapons such as tear gas tend to have indiscriminate effects. When such weapons are used, all reasonable efforts should be undertaken to limit risks such as causing a stampede or harming bystanders. They should only be used as a measure of last resort following a verbal warning, and with adequate opportunity given for assembly participants to disperse.<sup>48</sup> Direct exposure to large amounts of tear gas may result in long term health-effects on the respiratory system and sound bombs ('flash bangs') may also cause ocular and aural trauma.

UNAMI/OHCHR also documented the use of less-lethal methods against peaceful demonstrations. For example, after 27 October, school children and university students joined demonstrations. Credible reports were received that security forces deployed sound grenades ('flash bombs') and tear gas in the vicinity of children and university students participating in the demonstrations on 28 October, in Nisoor Square, in Baghdad.

## Access to medical treatment

“ I cannot say how many patients we helped. At times there were so many injured that we felt overwhelmed by the numbers. We saw bodies with multiple wounds, patients appearing to have suffered injuries from bullets and pellets at the same time.<sup>49</sup> ”

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<sup>47</sup> For example, on multiple occasions in Baghdad, security forces fired tear gas to the extent that it was perceptible over one kilometre away, as observed by UNAMI/OHCHR staff members.

<sup>48</sup> See Human Rights Committee General Comment No. 37, para. 87.

<sup>49</sup> Interview with volunteer paramedic working in Baghdad, February 2020.

The degree of the use of force used against protesters is further evidenced by the scale of the medical response required to treat injured protesters.<sup>50</sup> Health directorates in Baghdad, and in central and southern governorates activated emergency response plans in advance of the demonstrations. In parallel, volunteers established field medical tents at demonstration sites. Persons providing medical assistance distinguished themselves by wearing white lab-coats and using medical emblems on tents and equipment. In addition, hundreds of tuk-tuk drivers voluntarily drove into areas of intense violence inaccessible to conventional ambulances to pick up and transport injured and dead protesters.<sup>51</sup>

Credible reports indicate that at least two volunteer first aiders were killed at demonstration sites in areas of confrontation between protesters and security forces. On 6 November, a volunteer wearing a white lab-coat and providing first aid to an injured demonstrator died after being shot in the vicinity of Al Ahrar bridge, where security forces were stationed. Similarly, on 8 March, a volunteer wearing a visible medical emblem was shot and killed in Khaylani square.

Volunteers also sustained injuries, including from shrapnel of tear gas canisters and the use of shotgun cartridges. On 28 October, a medical student volunteering close to Jumhuriyah bridge, Baghdad, lost one eye after being hit with shrapnel from a tear gas canister. In another case, a volunteer paramedic reported being injured twice during the first two weeks of March, on two separate occasions at Khaylani square, after being hit by birdshot pellets while providing first aid to injured demonstrators, wearing a white lab-coat.

## Government response

On 12 October, the Prime Minister established by executive order a Ministerial Investigative Committee mandated to investigate death, injury and other violations that occurred in the context of the demonstrations from 1 to 8 October 2019. While the report of the Committee identified 44 members of the security forces with varying degrees of involvement in the killing and injury of protesters, including some of high rank, it concluded that most were implicated for 'losing control over their units', and most recommendations referred to disciplinary or administrative punishment. Very limited judicial investigations and few prosecutions appeared to have taken place following the publication of the report. No information is available on whether individuals were referred to boards of inquiry or their findings and recommendations.

Only one case of prosecution of those identified in the October Committee Report was documented.<sup>52</sup> On 1 December 2019, the Criminal Court of Wasit convicted two SWAT personnel for premeditated murder in relation to the killing of demonstrators. One was sentenced to death and the other to a seven-year term of

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<sup>50</sup> UNAMI/OHCHR conducted 45 interviews on allegations related to medical response during demonstrations. Interviewees included professional medical personnel, volunteer medical personnel as well as persons or relatives of persons who sought treatment. The term volunteer for the purpose of this report includes medical trained persons as well as laypersons.

<sup>51</sup> Volunteer medics and protesters frequently reported to UNAMI/OHCHR that protesters avoided seeking medical treatment at hospitals based on reports that security forces surveyed the facilities and allegations that security forces questioned and detained those receiving treatment, particularly during the first week of protests.

<sup>52</sup> In addition, low-ranking members of the security forces in Babil were arrested and confessed to premeditated murder, firing live ammunition and severely beating a protestor.



imprisonment. A third officer was released due to insufficient evidence and a fourth officer was awaiting trial for the same charges at the time of finalizing this report.

UNAMI/OHCHR submitted letters to the Ministry of Interior on 19 February 2020 and to the High Judicial Council on 18 March 2020 requesting information on the progress and outcomes of judicial investigations concerning the unlawful use of force and shooting attacks at demonstration sites. On 17 August, the High Judicial Council provided a partial response to request. At the time of finalizing this report, it had not received any response. Through its own information gathering mechanisms, UNAMI/OHCHR identified the following additional efforts at prosecution. On 1 December 2019, the High Judicial Council issued a public statement announcing the issuance of an arrest warrant and travel ban by the Dhi Qar Appeals Court for a senior General for the crime of premeditated murder based on the issuance of orders to kill, in reference to the killing of at least 42 protesters and the injury of over 380 others on 28 and 29 November 2019 in Nasiriyah.<sup>53</sup> Information obtained indicates that 267 individual criminal complaints have since been filed against this person by injured protesters and the families of killed protesters. The case was still at the investigative stage at the time of finalizing this report. Around the first week of June 2020, the Dhi Qar Court of Appeal issued arrest warrants for 11 police officers (reportedly SWAT forces) based on premeditated murder charges<sup>54</sup> in connection with their alleged involvement in the unlawful killing of demonstrators in Nasiriyah in October 2019. Of concern, the arrest warrants have reportedly not been executed by the security forces for unknown reasons.

On 9 May 2020, the newly appointed Prime Minister announced the establishment of a fact-finding committee to prepare lists of victims of violence during the demonstrations with the aim of providing compensation to the families of victims. This followed the announcement by the former Prime Minister and the Council of Ministers, on 5 October 2019, that protesters and security officials killed or injured during demonstrations are considered martyrs pursuant to the Martyrs Foundation Act and eligible for compensation.<sup>55</sup> In a meeting with UNAMI/OHCHR, the Government stated that approximately three hundred fifty families had received compensation as of mid-August 2020 and that at least 560 persons, including security personnel, had been identified as martyrs and that their family would receive a compensation payment, a pension and a plot of land.<sup>56</sup> The Government indicated that a fact-finding body would be established to identify responsibilities and perpetrators and serve as deterrent.

On 11 August 2020, the Government announced publicly the decision to provide medical care to injured demonstrators, transfer abroad those whose condition cannot be handled in Iraq, provide all with medical insurance, and amend the Persons with Disability Law to include those rendered disabled as a result of violence during or associated with the protests. It also declared that the families of those considered martyrs or the injured will receive benefits managed by the Martyrs' Foundation.<sup>57</sup>

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<sup>53</sup> See *Annex 2: Key Incidents of Protester Death and Injury Attributed to Iraqi Security Forces*.

<sup>54</sup> Iraqi Criminal Code, Art. 406.

<sup>55</sup> Compensation is governed by the Martyrs Foundation Act No. 3 of 2005 and Law No. 20 of 2009 on the Compensating the Victims of Military Operations, Military Mistakes and Terrorist Actions and its first amendment by Law No. 57 of 2015. Eligible persons may initiate an application for compensation at a provincial subcommittee that makes a recommendation on the case to a seven-member central committee chaired by a judge from the High Judicial Council. The recommendation is then shared with the Martyrs Foundation for payment of compensation. Based on accounts from family members of those killed during demonstrations, the initiation of a criminal complaint linked to a demonstration-related death appeared in many cases to result in an automatic referral to the martyr compensation system. The process to obtain compensation can be lengthy and burdensome as it often requires the submission of multiple officially certified documents and attending interviews before judges.

<sup>56</sup> UNAMI/OHCHR meeting at the Office of the Prime Minister, 21 July 2020.

<sup>57</sup> 11 August 2020 Weekly Press Conference of the Prime Minister, extracts available on twitter @AhmedMullaTalal or @IraqiGovt.

### iii. Demonstration related deprivation of liberty

“ *The next day they took me to the investigative judge. No lawyer was present. During the investigation, they made me hold a plate saying, ‘Article 4 anti-terrorism law’. Later I found out that charges were different. The judge asked me a few things and then he changed my statements. I asked him if they were going to torture me again if he does this. He said that no one would touch me anymore. I left his office and outside someone brought five papers, I signed them. I was not able to read them.*<sup>58</sup> ”

From 1 October 2019 to 30 April 2020, security forces detained thousands of protesters. Many of these individuals were held in circumstances which raise concerns over the arbitrary nature of their arrest, the lack of judicial oversight and procedural guarantees afforded to persons deprived of their liberty, including during questioning, and the extent to which deprivation of liberty may have been used as a tool to intimidate demonstrators and prevent them from exercising their legitimate right to peaceful assembly.

According to figures issued by the High Judicial Council, more than 3,000 persons were arrested and detained in relation to demonstration-linked charges between 1 October 2019 and 5 February 2020.<sup>59</sup> In addition, large numbers of demonstrators were detained for short periods, often in police stations, and released without the involvement of the investigative judge, particularly during the first week of demonstrations.<sup>60</sup> Most of those arrested were male adults below 35 years of age, including some boys below the age of 18. As of June 2020, nearly all those arrested had been released, although some individuals charged with specific criminal offences, such as property destruction, remained in detention. UNAMI/OHCHR does not have information on the percentage of demonstrators released without charge.

On 25 October 2019, the date that protests resumed, in an apparent attempt to intimidate demonstrators, the High Judicial Council issued a statement asserting that alleged violence, sabotaging public property, and use of firearms against security forces constituted acts of terrorism prohibited under the Federal Anti-Terrorism law, which carries the death penalty. On 24 November 2019, the Federal Cassation Court reversed the position set out by the High Judicial Council, stating that crimes committed by demonstrators should be prosecuted under the Iraqi Criminal Code rather than the Federal Anti-Terrorism Law.

Many of those arrested during October and November 2019 were initially told they were being held under the Anti-Terrorism Law. Information obtained indicates that most of those were subsequently charged pursuant to the Iraqi Criminal Code.

It was observed that most demonstration-related arrests occurred in the context of confrontations between protesters and security forces, including in situations where a minority of protesters engaged in

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<sup>58</sup> Interviewee describing his hearing with the investigative judge.

<sup>59</sup> The figures largely correspond to arrests (2,957) and releases (2,458) reported by the Iraqi High Commission for Human Rights between 1 October 2019 and 23 January 2020. No updates are available from the High Judicial Council on the number of persons released on bail or with no charges, investigations and trials as of 5 August 2020.

<sup>60</sup> The Iraqi High Commission for Human Rights reported the detention of 2,827 protesters, with the subsequent release of 2,740 detainees, with 87 detainees still in detention and under investigation as at 10 June 2020. See IHCHR Special Report, Introduction.

throwing rocks and Molotov cocktails or burned tires and blocked roads. Some protesters were also reportedly arrested while trying to assist injured persons. OHCHR/UNAMI received credible allegations of armed elements described as 'militia', arresting protesters and handing them over to official authorities in Baghdad.

Of additional concern, a pattern emerged of targeted arbitrary arrests and detention of prominent demonstrators and activists, including bloggers and lawyers, who were taken from their homes or arrested at checkpoints after their names were reportedly checked against a list.<sup>61</sup>

Credible reports indicate that arrested protesters were detained in a variety of locations apart from police stations. From 25 October onwards, authorities in Baghdad designated two detention facilities for demonstration-related detainees, one under the authority of Baghdad Operations Command and the other under the Ministry of Interior, although not all demonstration-related detainees were brought to these locations. Child detainees in Baghdad were held at a juvenile detention facility under the authority of the Ministry of Justice.<sup>62</sup>

In general, detainees interviewed were given the opportunity to inform their families of their whereabouts but often after several days. This contributed to reports, in November 2019, of large numbers of missing protesters, causing great distress to family members unable to locate their relatives. According to international human rights law, detainees have the right to promptly notify a family member of the fact and location of their detention.<sup>63</sup> The denial of such a right, combined with the lack of access to lawyers during the interrogation phase, may have created conditions amounting to incommunicado detention.<sup>64</sup> Furthermore, the deprivation of liberty by State agents, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, amounting to enforced disappearance.<sup>65</sup>

With respect to procedural guarantees and fair trial rights, it was observed that nearly all of the protesters interviewed, including those subjected to targeted arrest, reported that they were not informed of the reason for their arrest.<sup>66</sup> Nearly all arrests appeared to have been carried out without arrest warrants, as is permitted by the Iraqi Criminal Procedure Code.<sup>67</sup>

All interviewees reported being interrogated by the detaining authorities without the presence of a lawyer. Those who were not released after this initial questioning were then brought before an investigative judge within periods ranging from one hour to two weeks from the time of arrest. The right to be brought promptly before a judge is guaranteed under international law, as well as provisions of the Iraqi Criminal

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<sup>61</sup> UNAMI/OHCHR privately interviewed 16 people detained by security forces following their arrest at their homes, from their vehicles, or at checkpoints, after their names were checked against a list, implying that they were pre-selected for arrest.

<sup>62</sup> Noting, the arrest or detention of a child shall be *inter alia* only as a measure of last resort and for the shortest appropriate period of time (Convention on the Rights of the Child, article 37 b). See also, Committee on the Rights of the Child, General Comment No. 24 on child's rights in the child justice system, paras. 85-91.

<sup>63</sup> United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 15.

<sup>64</sup> Whilst incommunicado detention is not specifically prohibited under international law, the United Nations Commission on Human Rights stated that "prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel inhuman or degrading treatment or even torture" (Commission on Human Rights, Resolution 2003/32, para 14)

<sup>65</sup> International Convention for the Protection of All Persons from Enforced Disappearance, article 2. See also, Human Rights Committee, *Tikanath and Ramhari Kandel v. Nepal*, CCPR/C/126/D/2560/2015, paras. 7.7-7.8.

<sup>66</sup> Art. 9(2) of the International Covenant on Civil and Political Rights provides that "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

<sup>67</sup> See Iraqi Criminal Procedure Code, Art. 102.

Procedure Code, which requires that arrested persons be brought before the investigative judge within 24 hours of arrest and that questioning be conducted by the judge or a judicial officer.<sup>68</sup>

None of the detained protesters interviewed had a lawyer present during their initial interrogation by security forces. Only a relatively small proportion of detained protesters interviewed (10 of 38) reported being represented by a lawyer at the investigative hearing, mostly Iraqi Bar Association volunteer lawyers. However, in the 16 trial hearings monitored, involving 17 protesters, all defendants were represented by lawyers, either court-appointed or private.<sup>69</sup> In four cases, the defendants were released on bail for 10 million Iraqi dinar; in 11 cases, they were acquitted due to lack of evidence; and in one case, a juvenile was convicted and received a suspended sentence of six months imprisonment.

At least eight individuals reported being forced to sign pledges not to participate in demonstrations, or received warnings, including implied threats of violence against relatives should they participate in demonstrations again. These practices raise concerns over the use of arrest and detention to intimidate and prevent people from exercising their legitimate right to protest.

#### iv. Allegations of torture and ill-treatment

“*The officers asked me about sources of funding for the demonstrations. One of them started to put more pressure on my already injured hand. He squeezed it until it broke. The other officer hit me in the stomach with the butt of a pistol. It really hurt a lot. Then they told me not to go to the demonstrations again.*”

UNAMI/OHCHR received credible allegations of torture or ill-treatment of arrested demonstrators. Information provided suggests that incidents of torture or ill-treatment of demonstrators occurred mostly during the initial interrogation, with additional accounts of protesters being beaten during arrest, including with rifle butts. Victims reported that the torture or ill-treatment was generally for the purpose of extracting confessions, forcing signature of documents of unknown content, and in some cases as a form of punishment. Beatings, including to the soles of the feet, and severe threats were the most common forms of torture and ill-treatment reported. Others described electric shocks, choking/suffocation or hanging from the ceiling by the limbs. In addition, several persons indicated being subjected to slaps and verbal abuse while in detention.

Eleven interviewees stated that they sustained visible injuries as a result of torture or ill-treatment during arrest or detention. Only one interviewee stated he had received medical treatment in a place of detention for injuries suffered during arrest. Four interviewees reported having complained to the investigative judge about their torture or ill-treatment during arrest or detention but were not aware of any related actions taken by the authorities. UNAMI/OHCHR is unaware of any investigations into or prosecutions for ill-treatment and torture of individuals detained in relation with the protests.

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<sup>68</sup> Criminal Procedure Code, Art 123. While the exact meaning of ‘promptly’ may vary depending on objective circumstances, delays should not exceed a few days from the time of arrest. See Human Rights Committee General Comment No. 35 (CCPR/GC/35), ICCPR., Art 9 (3).

<sup>69</sup> Right to legal counsel at all stages of the criminal proceedings, art. 14(3) (b) and (d) of the International Covenant on Civil and Political Rights.

## VI. Abuses perpetrated by ‘armed elements’

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“ I have been demonstrating since the beginning of October – the most dangerous groups are the militias – we are most afraid of them.<sup>70</sup> ”

UNAMI/OHCHR documented patterns of human rights abuses indicating that ‘unidentified armed elements’ intentionally targeted protesters and persons expressing political dissent or criticism of armed groups with various ties to the State. These incidents, including an unquantifiable number of threats against protesters and persons supportive of the demonstrations, both online and offline, appeared aimed at suppressing the protests by using violence and threats to silence prominent protesters and activists and creating an environment of fear and intimidation to dissuade participation in protests. Specifically, between 1 October 2019 and 30 April 2020, UNAMI/OHCHR documented credible reports of the death of 109 protesters and 821 incidents<sup>71</sup> of injury of protesters at protest sites from attacks and shootings by ‘unidentified armed elements’ (including ‘protection guards’); 31 incidents of attempted or completed targeted killings, mostly shootings by unidentified gunmen, resulting in 22 deaths and injuries to 13 others; the abduction of at least 32 protesters, most of whom were subsequently tortured or ill-treated; and the disappearance of 20 protesters who remain missing.

In most cases, the perpetrators acted anonymously – the incidents were unclaimed – and no suspected perpetrators have been officially identified or prosecuted. Significant challenges were encountered in gathering information on incidents involving ‘unidentified armed elements’ due to an environment of fear and secrecy surrounding the perpetrators, frequently referred to by victims and witnesses as ‘militia’.

‘Militia’ is terminology commonly used in Iraq to describe armed groups, some of which have ties to the State. A number of armed groups operating in Iraq, including groups referred to as ‘militia’, participated in the armed conflict against Islamic State of Iraq and the Levant (ISIL) and became a part of the Popular Mobilization Forces.<sup>72</sup> In 2016, the Government incorporated by law the Popular Mobilization Forces into the Iraqi security architecture.<sup>73</sup>

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<sup>70</sup> UNAMI/OHCHR interview with protestor and civil society activist, Baghdad, [date withheld].

<sup>71</sup> These figures do not include deaths or injuries caused by snipers as UNAMI/OHCHR was not able to determine if these snipers were ‘unidentified armed elements’ or Iraqi security forces.

<sup>72</sup> The Popular Mobilization Forces (PMF) (‘Al-Hashd Al-Sha’bi’) were formed in response to a fatwa issued by Ayatollah Sistani in June 2014, calling for forces to support the Iraqi armed forces in the conflict against ISIL. The groups that form PMF are diverse, with various affiliations – some formed in response to the fatwa while others predated the fatwa.

<sup>73</sup> See Law No. 40 of 2016 on the Popular Mobilization Law Commission, which states, *inter alia*, ‘[t]he popular mobilization shall be an independent military formulation and a part of the Iraqi Armed Forces and shall be linked to the General Commander of the Armed Forces’; Prime Minister’s Office, Executive Order 237 of 1 July 2019, states, *inter alia*, “[a]ll Popular Mobilization Units shall operate as an integral part of the Iraqi Armed Forces and shall be subject to the same laws and regulations of the Iraqi armed forces [...] shall act under the command of the Commander-in-Chief of the Armed Forces in accordance with its law’. UNAMI notes that Law No. 50 states that these actors must be separate



## An environment of threat and intimidation

“ I received a threatening text message that said: “We are going to kill you one by one. You are enemies of the sect. You are agents.”<sup>74</sup> ”

Protesters and persons perceived as supportive of the demonstrations experienced high numbers of threats and regular intimidation from individuals and groups opposed to the protests who frequently referred to protesters disparagingly as ‘sons of embassies’ or ‘jokers’, implying links to, and support from, western States. This narrative was reflected in the accounts of interrogations of protesters detained by security forces, and during questioning of abducted protesters by armed actors.

On multiple occasions, protesters and activists stated that the killing, abduction or targeted arrest of one person was interpreted as a threat against all. Numerous protesters reported receiving an unquantifiable number of threatening phone calls, text messages and social media messages ordering them not to participate in protests. Rumors of ‘assassination lists’ commonly appeared among the community of activists and protesters, and protesters often claimed they believed they were being followed or monitored.

Social media acted as a primary site of protest and of information sharing on physical protests, but was also used by unknown persons, including through fake accounts, to threaten and intimidate protesters, with derogatory and threatening comments commonly directed at them. A number of activists and demonstrators, particularly women, reported being the victim of ‘social media campaigns’.<sup>75</sup>

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from political parties, that members must have no political affiliation and shall not participate in political activities. Executive Order 237 states that the “presence of any forces acting secretly or publicly outside these instructions shall be considered unlawful and prosecuted accordingly”. The Government has issued several other statements and orders suggesting that groups acting outside of the scope of PMF, including those with political affiliations, are not part of it, for example, Executive Order 328 of September 2019. Article 9 of the Iraq Constitution (2005) states that “the formation of military militias outside the framework of the armed forces is prohibited”.

<sup>74</sup> Interview with protester and activist, January 2020.

<sup>75</sup> For further details, see chapter VII below.

## i. Deliberate shooting of demonstrators at demonstration sites in Baghdad by armed elements

UNAMI/OHCHR documented two major incidents in Baghdad in which unidentified ‘armed elements’ attacked protesters with live ammunition in central areas of the city in circumstances that appeared planned, with a failure by the security forces to intervene and a lack of accountability.

### Deliberate Shooting of Protesters in Baghdad, on 4 October 2019

“ Suddenly we heard gunshots from a distance behind the bridge [...]. Not sounds of bombs; the gunshots were heavy [and we] lay down on the ground to avoid the gun shots. The security forces were also hiding and did not react; no one knew who was shooting and where it was coming from, some people were running, and others were lying on the ground with bullets flying. I saw [...] fall on the ground with blood covering his body and as I tried to pull him, I was hit by a bullet.<sup>76</sup> ”

Compelling reports indicate that on 4 October 2019, one or multiple shooters deliberately targeted demonstrators in the area around Khaylani square and the Nakheel mall, in the Rusafa district of Baghdad, reportedly shooting protesters from distance and/or height during an ongoing confrontation between protesters and security forces.<sup>77</sup> Witnesses to the shootings described being shot by metal bullets, including while attempting to rescue persons who had been wounded, and seeing fellow demonstrators, including friends and relatives, struck down and killed by bullets. Other sources, including family members of those killed, described deaths from gunshot wounds to the head. Those interviewed reported a sense of chaos when the shootings started, with some security forces also taking cover. Witnesses generally attributed the shooting to ‘snipers’, a terminology used to convey the apparently concealed location of the shooters and the targeting of unarmed demonstrators without warning, often with headshots. The October Committee Report noted that of the 107 deaths of protesters it recorded in Baghdad from 1 to 8 October 2019, the highest number of casualties occurred around the Nakheel mall area. It also identified an abandoned building near Al Gaylani fuel station as ‘the sniping site’, stating that ‘many 5.6 mm spent bullets’ were found at this location during an inspection.<sup>78</sup>

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<sup>76</sup> Interview with injured protester, Baghdad.

<sup>77</sup> UNAMI/OHCHR cannot identify the exact number of persons killed during this incident due to the methodological challenges with respect to obtaining casualty figures, particularly at the beginning of demonstrations, including a block by the Government on the sharing of information by hospital sources, including morgue/forensic departments. For further details on the first week in October in Baghdad, see *Annex 2: Key Incidents of Protester Death and Injury Attributed to Iraqi Security Forces*.

<sup>78</sup> See October Committee Report, para. 7, Facts O, P.

The shootings reportedly started around 4.30 p.m. on 4 October 2019 until, at least, the late evening, in a central area of Baghdad. UNAMI/OHCHR notes that it received allegations that security forces may have also used live ammunition against protesters on 4 October in the area and around Tahrir square.

The October Committee Report did not identify the actors behind the shootings on 4 October. The former and the new Government have taken some steps to provide compensation to the families of victims and identified alleged perpetrators of a few incidents for the purpose of criminal accountability. The new Government has committed to establishing a fact-finding body for all incidents at the sites or related to the protest.

## Deliberate shooting of protesters in Baghdad on 6 December 2019

“ *The tuk-tuk drivers tried to enter the area to rescue the injured, but the shooting was too intense.* ”

Witnesses conveyed that on 6 December 2019, at approximately 9.00 p.m., approximately 100 armed and masked men dressed in civilian clothes, travelling in over eight vehicles (including white pick-ups with mounted machine guns and coaster buses) entered the area around Al Senak bridge in Baghdad, and allegedly opened fire indiscriminately at protesters located around and inside a garage building, reportedly killing at least 22 and injuring at least 116 others.<sup>79</sup> The convoy had to pass through security checkpoints in areas with video surveillance and, at least earlier in the day, a significant security presence due to the ongoing demonstrations.

Reportedly, security forces failed to intervene to stop the attack despite the presence of the Iraqi Army, Federal Police and ‘Riot Police’ at posts around the Al Senak bridge earlier that day, with sources reporting that they disappeared shortly before the attack. The following day, the Iraqi Army was deployed in the area for the ‘protection of demonstrators.’ On the same day, the Ministry of the Interior announced an investigation into the attack. However, to date, no information has been made available indicating that any investigation took place into the attack, and no investigation results or information on efforts at prosecution of the perpetrators have been released.

## Shooting of protesters by ‘Protection Guards’ / ‘Armed Guards’

UNAMI/OHCHR recorded at least 60 deaths and 501 injured protesters from incidents in Babil, Maysan, Najaf and Dhi Qar in circumstances where ‘armed guards’, reportedly assigned to protect properties associated with political parties, shot live ammunition at protesters attempting to access the buildings or gathering outside. In protest at perceived links to State corruption and violent repression of the demonstrations, protesters set fire to numerous buildings associated with political parties and ‘armed

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<sup>79</sup> During the incident, a photographer participating in the demonstrations was killed with reports that he may have been targeted intentionally during the attack.

elements', local government buildings and Iranian consular offices,<sup>80</sup> leading to confrontations between 'armed guards' and protesters throwing rocks and Molotov cocktails.

Credible information collected and reviewed by UNAMI/OHCHR indicates that on 25 October 2019, in Amarah, Maysan Governorate, 'armed guards' shot dead at least 12 protesters and injured over 110 others. On the same day, in Nasiriyah, Dhi Qar Governorate, 'armed guards' shot dead at least eight protesters and injured over 150 others. On 26 October, 'armed guards' in Hilla, Babil Governorate, shot dead at least 11 protesters and injured 41. From 27 to 30 November, 'armed guards' in Najaf shot dead at least 27 protesters and injured over 200 others (*see insert below for further details*).

The legal basis for the use of force by the 'armed guards' is unclear.<sup>81</sup> The status of these 'armed guards' or 'protection guards' is not clarified in domestic legislation, nor is any law permitting their use of force, including live ammunition. It is also unclear to whom they report and from whom they receive orders.

Of concern, UNAMI did not receive any reports from those present at demonstrations that the official security forces took meaningful steps to de-escalate the situations before they turned violent or to ensure the protection of persons from violence after it started. Despite the 2019 October report noting that 'protection guards [...] opened fire' at protesters, no effective steps appeared to have been taken to prevent the recurrence of similar incidents when protests resumed in late October 2019.<sup>82</sup> The unclear legal status of the 'protection guards', the absence of accountability and the failure of security forces to intervene are of additional concern.<sup>83</sup>

With respect to the killing and injury of protesters by 'protection guards', information reviewed by UNAMI/OHCHR indicates that no judicial investigations, the identification and prosecution of perpetrators, and redress for victims have taken place with reference to the incidents detailed above though some families may have received compensation.

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<sup>80</sup> A total of 19 bodies of protesters were recovered from burnt-down buildings associated with political parties in Muthanna, Qadisiya, Dhi Qar and Maysan, all of which were set alight by protesters on 25 October.

<sup>81</sup> Human Rights Committee General Comment No. 36, para. 15 states that "When private individuals or entities are empowered or authorized by a State party to employ force with potentially lethal consequences, the State party is under an obligation to ensure that such employment of force actually complies with article 6 and remains responsible for any failure to comply". In addition, the State is obliged to limit the powers afforded to private actors, ensure monitoring, control and training are in place and ensure victims of arbitrary deprivation of life by private individuals or entities empowered or authorized by the State party are granted an effective remedy.

<sup>82</sup> In reference to the first week of October, the October Committee Report acknowledged that '[some] undisciplined protesters set fire to some state institutions; public and private properties as well as some parties' HQs, a matter that led protection guards to open fire, which resulted in more casualties". It recommended that investigations be conducted into incidents where the 'protection guards' of political parties' HQs opened fire at protesters. The report referred to incidents in Amarah, Maysan Governorate, and Souq Al Shiyoukh, Dhi Qar Governorate.

<sup>83</sup> See General Comment No. 36, para. 18: "The duty to protect by law the right to life also includes an obligation for States parties to adopt any appropriate laws or other measures to protect life from all reasonably foreseeable threats, including those emanating from private persons and entities." See also para. 19: The duty to protect the right to life also requires States parties to organize all State organs and governance structures through which public authorities is exercised in a manner consistent with the need to respect and ensure the right to life [...]" See para. 21: "States parties are obliged to take adequate preventive measures in order to protect individuals against reasonably foreseen threats of being murdered or killed by criminals and organized crime or militia groups, including armed or terrorist groups. States parties should also disband irregular armed groups, such as private armies and vigilante groups that are responsible for deprivations of life and reduce the proliferation of potentially lethal weapons to unauthorized individuals." See also para. 23: "The duty to protect the right to life requires States parties to take special measures of protection towards persons in situations of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence".

### Shootings in Najaf from 27 to 30 November<sup>84</sup>

*"Whoever tried to approach the shrine was shot by live ammunition, not in the air, but right in the face and the chest. The bodyguards went crazy and started shooting at everyone, even shop-owners in front of their shops".<sup>85</sup>*

Between 27 and 30 November, 'armed elements' 'shot and killed at least 27 protesters in Najaf and injured over 200. On the previous day, protesters had burnt down a consulate in Najaf, with 310 protesters were reportedly injured by 'SWAT forces' attempting to prevent damage to the consulate.

The shootings at the shrine of Najaf began on 27 November, after protesters moved towards the site, reportedly believing that demonstrators were detained in the basement or due to rumours that a guard of the shrine had been involved in a previous shooting of protesters.

Security forces, specifically 'Riot Police', reportedly withdrew from the area shortly before the shootings. No information indicates that security forces intervened to end the violence following the withdrawal of the 'Riot Police'. Reliable sources indicated that protesters attempted to engage with the security leadership in Najaf in an attempt to de-escalate the growing tensions around the shrine.

UNAMI/OHCHR received concerning reports that in early December 2019, family members of the protesters killed and injured at the site of the Shrine filed criminal complaints against the Najaf governor and four of the 'armed elements' at the Najaf Investigative Court, but later withdrew the complaints after being pressured to accept a 'blood money' (*Diyaa*) payment equivalent to 30 - 35,000 USD under Islamic law, as well as tribal reconciliation mechanisms. In addition, several lawyers who volunteered to represent the victims reportedly withdrew from the case after being intimidated and threatened. One lawyer reported an assassination attempt against him which he linked to his participation in the case.

### Small-scale attacks on demonstration sites

From 1 October 2019 to 30 April 2020, UNAMI/OHCHR recorded 23 small-scale incidents of shooting, stabbing and improvised explosive device attacks on demonstration sites resulting in the deaths of 27 protestors and injury of 204 others.

In January 2020, UNAMI/OHCHR verified ten shooting attacks by armed individuals at demonstration sites that resulted in the death of seven protesters and 40 injured protesters.<sup>86</sup> Four incidents occurred at the sit-in site at Al Haboubi square in Nasiriyah, Dhi Qar Governorate, resulting in two deaths and 22 injured. In three incidents, armed men arriving in vehicles shot live ammunition at protesters. For example, on 5 January, armed men in a convoy mourning the death of the Quds Force Commander of the Iranian

<sup>84</sup> Incident initially reported in UNAMI Human Rights Special Report, Demonstrations in Iraq – 2nd Update: 5 November - 9 December 2019 ('Third Demonstration Report'), accessible at: <https://www.uniraq.org/>

<sup>85</sup> Interview with eyewitness, Baghdad, February 2020.

<sup>86</sup> UNAMI/OHCHR also verified a shooting incident that occurred on 21 April in Baghdad, where armed men dressed in civilian clothes shot at protesters, killing at least two persons and injuring 13 after a confrontation between protesters and a shopkeeper in Saadoun street. Security forces reportedly did not arrest the shooters. UNAMI/OHCHR notes that on 12 December, a crowd dragged a teenage boy reported to be aged 15 to 16 year-old from a house near Wathba square in Baghdad, beat him with sticks and kicked him before publicly hanging his dead body from a lamppost. Security forces did not appear to intervene in stopping the killing of the boy. While the motivation behind the killing remains unclear, reports indicate it may be linked to a disagreement between the boy and protesters outside of his home.



Revolutionary Guards Corps and the Iraqi deputy head of the Popular Mobilization Forces, shot at protesters who refused to let them hold a 'symbolic funeral' in the sit-in site at Al Haboubi square, killing one protester and injuring two. Five shooting incidents took place in Basra from 21 to 25 January, resulting in two deaths and 15 individuals injured. On 21 January, a woman providing medical assistance to protesters (and known for her work with orphans) was killed in a shooting by unidentified individuals, and another eight persons were injured, including one woman. Two additional shooting incidents involving unidentified armed men, that resulted in the death of seven protesters and the injury of over 100, were recorded in Najaf and Karbala.

UNAMI/OHCHR documented reports of Improvised Explosive Device detonations (IEDs) at demonstration sites, particularly in Nasiriyah, Dhi Qar Governorate. While most appeared small scale and intended to intimidate, in at least seven incidents, detonations resulted in protesters being killed or injured.

## ii. Targeted killings

“ *We expect that we will die from the moment we leave our houses to go to the demonstration square. I'm afraid of speeding cars, the sound of car horns, and walking on the street and hearing someone walking behind me. I don't take taxis alone or go anywhere in public alone – I always go accompanied by friends. I don't answer the door of my house at night.* <sup>87</sup> ”

UNAMI/OHCHR documented a pattern of killings targeting prominent protesters; political, civil society and/or human rights activists; and other persons openly critical of political parties and armed groups with various ties to the State, by unidentified armed elements. From 1 October 2019 to 9 May 2020, UNAMI/OHCHR documented 31 incidents of attempted or completed killings of persons linked to the protests that resulted in 22 deaths (including three women) and the injury of 13.<sup>88</sup> Nineteen of these incidents appeared to constitute targeted killings, resulting in 23 deaths and the injury of four individuals; and 12 comprised attempted targeted killings, resulting in nine persons injured, often severely.<sup>89</sup>

Incidents occurred in eight governorates: Babil, Baghdad, Basra, Dhi Qar, Qadisiyah, Karbala, Maysan and Wasit. They appeared to be motivated by regional or governorate level dynamics. Over half of the incidents occurred in the southern provinces of Basra, Maysan and Dhi Qar.<sup>90</sup> After the southern provinces, Baghdad recorded most incidents, with eight targeted killings.

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<sup>87</sup> UNAMI/OHCHR interview with civil society activist and protester [Location and date withheld].

<sup>88</sup> On 30 January, UNAMI issued a press statement reporting that 'at least 28 incidents have taken place in which persons associated with demonstrations, either as participants, journalists covering the protests or prominent activists, have been targeted by armed men or improvised explosive devices, resulting in 18 deaths and the injury of at least 13 others'. This was preliminary information, and during final consolidation of information, UNAMI/OHCHR reclassified several incidents into shooting attacks, as described below. Since 30 April, UNAMI/OHCHR has recorded four additional incidents of targeted killings, one in Baghdad, two in Basra one in Dhi Qar Governorate, which resulted in the death of four men.

<sup>89</sup> UNAMI/OHCHR defines an attempted targeted killing as an incident involving violence directed against an individual in a manner that could have resulted in death.

<sup>90</sup> UNAMI/OHCHR documented 11 incidents of targeted killing, resulting in 14 deaths and two injured (three incidents in Basra resulting in five deaths, five incidents in Dhi Qar resulting in five deaths, three incidents in Maysan resulting in four deaths and two injured) and eight incidents of

Of the 31 incidents, 28 involved shooting attacks by unidentified armed men, two incidents involved improvised explosive devices, and one death (of a woman) resulted from physical violence, including beating.

All the incidents occurred away from demonstration sites. In several incidents, the perpetrators reportedly operated brazenly, during daylight, in central areas of Baghdad, Nasiriyah and Amarah, including in proximity to police and security headquarters. Based on the timing of the incidents and the profile of those targeted, the killings and attempted killings appeared to aim at removing prominent actors from the protests, silencing outspoken individuals, and generally dissuading participation in protests by sowing fear.<sup>91</sup> In discussions with prominent activists involved in the protests, the receipt of death threats appeared commonplace and considered inevitable by those participating in protests.

Most of those targeted had reportedly received threats prior to the killing, and included prominent protesters and activists, members of demonstration organizing committees, persons known for previous political and civic activism, or with significant social media following. Others targeted included individuals linked to protests through their participation, some of whom were described as influential in their local community in mobilizing protesters, or associated with comments or actions supportive of protests on social or national media. UNAMI/OHCHR notes that many of those targeted may be considered human rights defenders.<sup>92</sup>

#### **Pattern of targeted killings in Maysan Governorate**

From 1 November 2019 to 10 March 2020, UNAMI/OHCHR documented eight incidents in Maysan Governorate of attempted or completed targeted killings of protesters that resulted in four deaths and the injury of six people, including three severely. The incidents primarily targeted prominent protesters with a history of political, civil or human rights activism. In nearly all cases, gunmen shot at the victims from moving vehicles as they were travelling home from demonstration sites. Despite the initiation of investigations into the incidents, no perpetrators had been identified or arrested at the time of publication of this report.

Protesters in Maysan Governorate reported receiving threats following an incident on 25 October during which protesters beat to death the commander of an armed group and his brother after dragging them from an ambulance. Earlier that day, ‘protection guards’ shot live ammunition into a crowd of protesters attempting to enter the headquarters of a political party killing 12 protesters and injuring at least 110. In response, a group of protesters entered the building later that evening, set it alight, and beat several guards before killing the commander and his brother. Several political activists and human rights defenders in Amarah subsequently left Maysan governorate for fear of being attacked.

During the same period, UNAMI/OHCHR documented four incidents of violent intimidation against protesters with a history of activism: three small IED detonations and one incident in which assailants shot at a parked car outside the home of an activist.

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attempted targeted killing, resulting in seven injured (three incidents in Dhi Qar resulting in three injured, five incidents in Maysan resulting in four injured).

<sup>91</sup> Most incidents occurred in November (four incidents), December 2019 (seven incidents) and January 2020 (three incidents).

<sup>92</sup> There is no definition of ‘human rights defender’. The Declaration on Human Rights Defenders refers to ‘individuals, groups and associations [...] contributing to [...] the effective elimination of all violations of human rights and fundamental freedoms of people and individuals’ – a broad definition. See General Assembly Resolution A/RES/53/144.

### **Killing of activists in Basra**

On the night of 2 October 2019, armed men broke into the home of a young married couple and shot them dead. Earlier that day, the victims had participated in protests in Basra city. Both had previously been openly critical of corruption within the local government and political parties and of violence by 'militia'. They had participated in protests in Basra against corruption and lack of basic services, including drinking water, and collected donations to help the sick and poor. Both had previously received threats linked to their activism, leading them to leave Iraq for a while before returning to care for a sick family member. Despite the initiation of an investigation into the killings in October 2019, no perpetrators have been arrested.

UNAMI/OHCHR verified two other cases of targeted killing in Basra, including the shooting to death of a prominent journalist and his cameraman on 10 January 2020. The journalist had openly criticized armed groups. Sources described those responsible as belonging to 'militia', typically understood in Iraq to be a reference to various armed groups with differing ties to the State. Many individuals interviewed in relation to the cases expressed fear of reprisal should they share information on the incidents or report the attacks to the judicial system.

No perpetrators claimed responsibility for the attacks. UNAMI/OHCHR received credible information indicating that in nearly all incidents, police or intelligence forces started criminal investigations. However, no information obtained or received indicated the identification or arrest of any suspects at the time of finalizing this report. The lack of substantial progress in the investigations and the failure to move any cases past the investigative stage and to pursue prosecutions with respect to the targeted killings of persons linked to the protests and other forms of criticism raises serious concern.

In a positive step, on 7 July 2020, the High Judicial Council issued an order establishing a judicial body to investigate 'assassination cases in Baghdad and other governorates' in response to the killing of a prominent Iraqi analyst on 6 July 2020.

### **iii. Abductions and disappearances**

Between 1 October 2019 and 21 March 2020, UNAMI/OHCHR received 154 allegations of missing protesters and human rights activists who were presumed to have been abducted or detained. Of these allegations, UNAMI/OHCHR verified 99 cases involving 123 alleged missing persons. Of these cases, UNAMI/OHCHR was able to confirm the whereabouts of 103 persons, while 20 remained missing or whose status was unknown at the time of the publication of this report. Of the 103 persons located, at least 32 individuals were abducted in circumstances indicating that the perpetrators may be armed actors commonly referred to as 'militia'; 34 individuals were arrested and detained by security forces and did not or could not contact their families during their detention; and 37 individuals either could not be contacted or declined to share details with UNAMI/OHCHR about their cases, mainly due to security concerns, including the risk of reprisal.

## Abductions<sup>93</sup>

UNAMI/OHCHR verified the cases of 32 individuals who appeared to have been abducted in circumstances indicating that the perpetrators may be armed actors commonly referred to as ‘militia’.<sup>94</sup> UNAMI/OHCHR observed commonalities across accounts with respect to the pre-meditated nature of the abductions, the profile of persons targeted, the motive behind the abductions, the *modus operandi*, and the level of organization displayed by the perpetrators. Interrogation, punishment and deterring involvement in the demonstrations appeared to be the main motivations for the abduction and torture/ill- treatment.

In all incidents, the victims 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, political parties or armed groups on social media. Abductees were detained for two to 14 days, in locations including houses, ‘caravans’ and military camp/prison-like rooms. They were typically forced into vehicles by several masked and armed men in public areas. They were not provided with means to contact their families. None of those abducted appeared before a judge or entered the formal justice system in any way.

All the victims reported being ‘interrogated’ by their abductors, which appeared to be the motivation behind the abductions, with questions commonly focused on their role in the demonstrations; their ‘affiliation’ (or lack of it) to political parties; and/or allegations of support from/to foreign States. Most of those abducted reported that those ‘interrogating’ them appeared to have detailed information on their backgrounds.

Males who were abducted 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 their family, as well as degrading treatment (such as being urinated on and photographed naked). Female interviewees described being beaten, threatened with rape and subjected to acts of a sexual nature without consent. In all but one case, the victims received no medical treatment during their abduction.

None of those interviewed knew the identity of the perpetrators, although most speculated ‘militia’ involvement. The information contained in the accounts of abduction, interrogation and torture and the similarities across the accounts suggest the involvement of armed actors with substantial levels of organization, influence and access to resources. The involvement of ‘ordinary’ criminal gangs is unlikely, as no requests for ransom or other criminal motives were reported.

## Missing demonstrators

UNAMI/OHCHR received credible information that 20 people (18 men and two boys) linked to demonstrations who disappeared between 1 October and 2019 and March 2020 remained missing at the time of the publication of this report, and their fate unknown.

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<sup>93</sup> UNAMI issued a public report on 23 May 2020 addressing the issue of abductions (the Abductions report), accessible at: [https://www.uniraq.org/index.php?option=com\\_k2andview=itemlistandlayout=categoryandtask=categoryandid=164anditemid=650andlang=en](https://www.uniraq.org/index.php?option=com_k2andview=itemlistandlayout=categoryandtask=categoryandid=164anditemid=650andlang=en). Further details, including UNAMI’s methodology, are available in the report.

<sup>94</sup> UNAMI/OHCHR qualified the incidents as ‘abductions’ based on the information available – however, this does not exclude that some incidents may constitute unlawful and/or arbitrary detention. For methodology, see the Abductions Report, p. 3.

All of those missing participated in the demonstrations as protesters, or are otherwise linked to activities in support of the demonstrations or broader criticism of Government. They include social media activists, lawyers, journalists, writers, teachers and students. Seventeen victims disappeared from Baghdad, one from Basra, one from Maysan and one from Babil.

As with the victims of targeted killings and abductions, most of those missing disappeared between November 2019 and January 2020.<sup>95</sup> Prominent cases include the disappearance, on 8 October, of a lawyer linked to defending protesters and denouncing violence against them on social media. He was reportedly taken away by unidentified armed men in vehicles in Amarah.

Five of the 20 missing persons disappeared in Tahrir square or its vicinity; in one case, the family of the victims described him being “arrested”. No information is known as to how the 14 other individuals disappeared.

## 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,<sup>96</sup> and individual officials have tried to intervene in some cases, UNAMI/OHCHR is not aware of any official investigations conducted by law enforcement authorities to locate the missing, to identify and prosecute those responsible, and to obtain justice and redress for victims. Likewise, the Government has not initiated investigations into the abduction and torture of demonstrators and has not prosecuted any perpetrators in relation to such acts.

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<sup>95</sup> Four of the individuals have been missing since October 2019, five since November 2, three since December, four since January 2020, one since February, and three since March.

<sup>96</sup> Meeting with Human Rights Directorate, Ministry of Justice, Baghdad, 19 February 2020.



## VII. Freedom of expression

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“*Since the start of the demonstrations, the situation has deteriorated with respect to freedom of expression and it continues to get worse. It’s very difficult to establish a credible independent news agency*” ”

Violations of freedom of expression increased in reaction to the demonstrations, with intentional action taken by the authorities to inhibit live coverage of protests and limit the promulgation of information and opinions in support of the protests. Journalists covering demonstrations, and individuals publicly supportive of protests and critical of violations against protesters, were victims of targeted killings, abduction, threats, intimidation and harassment, attributed to ‘unidentified armed actors’ frequently referred to as ‘militia’.<sup>97</sup>

### Internet block and social media restrictions

The Government imposed a full block on the internet from 3 to 8 October 2019, coinciding with an intensification of violence against protesters and an increase in deaths of and injuries to protesters in Baghdad. The Government restored access to the internet from 8.00 a.m. to 3.00 p.m. on 9 October 2019 and full access only in early November 2019. It also blocked access to most mainstream social media sites from 2 October 2019 until 21 November 2019.<sup>98</sup> The block on the internet appeared aimed at preventing online promotion of the demonstrations and the protesters’ demands and at suppressing coverage of the use of violence against protesters. In Nasiriyah, access to the internet was blocked on 28 November, at 8.30 a.m., the morning after security forces reportedly killed 24 unarmed demonstrators.<sup>99</sup> Access was restored on 29 November 2019, at 6.30 p.m. Residents of Nasiriyah received a text message from telecommunications companies apologizing for the interruption in service, explaining that it was “beyond [their] control” and “done according to the instructions from the highest official authorities”.<sup>100</sup>

Intentional total internet shutdowns in the circumstances above-described constitute an unlawful restriction contrary to the rights to freedoms of expression and to peaceful assembly. Iraq’s block on the internet and restrictions on access to social media platforms were overly broad, unnecessary and disproportionate.<sup>101</sup>

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<sup>97</sup> UNAMI/OHCHR held a roundtable session with six journalists and media professionals, and conducted over 40 interviews with journalists, media professionals and others in relation to freedom of expression.

<sup>98</sup> See: <https://netblocks.org/reports/social-media-partially-unblocked-in-iraq-after-50-days-18JJrBa>.

<sup>99</sup> For additional details, see *Annex 2: Key Incidents of Protester Death and Injury Attributed to Iraqi Security Forces*.

<sup>100</sup> The main telecommunication companies operating in Iraq are Zain Iraq, Korek and Asiacell with respect to mobile communications, while Earthlink is a major internet provider.

<sup>101</sup> See Human Rights Committee, General Comment No. 36. See also Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/17/27, 16 May 2011.

## Interference with television and radio coverage of demonstrations

UNAMI/OHCHR documented attempts to prevent coverage of protests by television and radio channels. On 5 October 2019, as the number of deaths of protesters increased, unidentified armed men wearing black uniforms without identifiable insignia raided the premises of five television stations in central Baghdad, ransacking the premises and stealing computers and hard drives.<sup>102</sup>

On 24 October 2019, on the eve of the planned resumption of the demonstrations, the Ministry of Interior announced a strict prohibition of live coverage of the demonstrations. On 25 October, the Communications and Media Commission<sup>103</sup> issued a statement calling for media to “act responsibly”, warning them to refrain from transmitting fake news or inciting and promoting violence or risk of legal and regulatory action. On 25 and 26 October, multiple media channels reported interference, including the entry of unidentified armed actors into NRT’s office in Baghdad, the suspension of two channels, and a visit by representatives of the Communications and Media Commission and police forces to a fourth channel.<sup>104</sup> On 26 November, the Communications and Media Commission issued a statement declaring its decision to close eight satellite news stations for “failing to comply with broadcasting rules and regulations”, and warning five channels to “correct their speech in a way that complied with regulations of media broadcasting”.<sup>105</sup> On 27 November, security forces visited and shut down one of the channels listed in the decision.<sup>106</sup>

Several journalists interviewed by UNAMI/OHCHR complained of alleged corruption within the Communications and Media Commission. They stated that some individuals within the Commission had acted in accordance with the political interests of its Board of Trustees, noting it sometimes attempted to limit the work of satellite television channels without appropriate basis, to the detriment of freedom of expression.<sup>107</sup> In July 2020, the Prime Minister issued orders replacing members of the Board of Trustees of the Communications and Media Commission.

## Violations against journalists and others by Iraqi Security Forces

In a number of cases, security forces at demonstration sites beat, harassed and intimidated journalists attempting to cover the protests. UNAMI/OHCHR verified five such incidents, including the beating with batons of a television correspondent and her cameraman by security forces, on 27 November 2019, in Najaf. The number of incidents is likely higher.<sup>108</sup> Journalists and demonstrators also reported being

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<sup>102</sup> Several sources also attributed this incident to a ‘militia’ group.

<sup>103</sup> Order No. 65 of the Coalition Provisional Authority and Article 103 of the Iraq constitution established the Communications and Media Commission as an administratively independent institution regulated by law and ‘attached to the Council of Representatives’, with a mandate to regulate the media, communication and informatics sectors. Additionally, the Commission issued its own Media Broadcasting Rules in 2014 - initially described as mandatory guidelines to regulate media during the war on terror.

<sup>104</sup> On the same day, another channel was jammed by an unknown source but managed to resolve the attempted shutdown.

<sup>105</sup> The statement also extended the closure of another channel for an additional three months and ordered the closure of four radio stations.

<sup>106</sup> The station resumed broadcasting on 30 November 2019 after reaching an informal agreement with the Communications and Media Commission.

<sup>107</sup> See Human Rights Committee General Comment No. 34 on Art. 19 the International Covenant on Civil and Political Rights, on freedoms of opinion and expression (‘Human Rights Committee General Comment No.34’)-, para. 7.

<sup>108</sup> Iraqi NGO, Press Freedom Advocacy Association, reported 373 cases of attacks against journalists in 2019, noting that most occurred after 1 October 2019, with the final quarter of 2019 witnessing ‘the highest number of attacks since the regime’s topple in 2003’. Of these cases, 210 comprised assault and beating, and preventing and obstructing coverage. See: <https://pfaa-iq.com/>.

stopped by security forces and instructed to delete footage of demonstrations. UNAMI/HRO also verified the arbitrary detention for four hours of three journalists by Federal Police after they tried to record live television interviews with protesters in Tayaran square in Baghdad, on 2 October.

Of concern, prominent demonstrators and activists were arrested and detained, usually from their homes or check points.<sup>109</sup> Many of those arrested were vocal on social media or other media, raising concerns about freedom of opinion and expression. The cases included the arrest, in late October 2019, of a social media user from Anbar who was detained for 35 days before being released with no charge, after having posted comments supportive of the protests.<sup>110</sup>

## Abuses by 'unidentified armed elements' against journalists and others

The measures taken to restrict freedom of expression, together with crimes against protesters and persons expressing political dissent, significantly contributed to diminishing the space for journalists and people to openly and safely express opinions. As noted, many of those targeted for killings and abductions, as well as those who remain missing, were prominent on social media. Media workers who were victims of targeted killings included a well-known journalist and his cameraman shot dead by unidentified gunmen as they drove through Basra city centre on 10 January 2020. The journalist had previously filed work critical of armed groups in Basra, and had actively reported on the demonstrations. Two journalists also disappeared during the reporting period and remain missing. Journalists, photographers and human rights monitors also regularly reported receiving threats.

Due to this environment, journalists reported leaving the country, relocating within Iraq, stopping work or self-censoring, while others continued to operate at great risk, relying on basic safety measures including limiting travel alone, and utilizing private connections in the security forces, State institutions and/or tribal networks.

### The role of social media in the demonstrations

Social media played a critical role as a site of online protest.<sup>111</sup> In response to the limited safe space available for independent media to report on protests, they became the primary source of information on the demonstrations and a key platform for protesters, analysts and independent journalists to report on developments, including human rights violations and abuses. Persons opposed to the demonstrations also utilized social media to share information and opinions. While reliable sources posted credible information from demonstration sites and reported violations and abuses, elements of both groups also posted 'fake news'.

Social media also evolved into a platform for surveillance and threat and intimidation. The targeting of prominent protesters and activists - many of whom had large social media followings - indicates that the

<sup>109</sup> UNAMI/OHCHR privately interviewed 16 people arrested by security forces from their homes or vehicles, or at checkpoints after their names were checked against a list.

<sup>110</sup> In May 2020, officers from Heet Intelligence Directorate detained four individuals involved in producing a music video in support of the demonstrations, questioned them as to why they were inciting the people of Anbar to join demonstrations, searched their phones, requested them to sign papers pledging that they would not be involved in any acts of incitement, and released them without charge.

<sup>111</sup> Despite the internet block, people accessed social media using foreign sim cards and proxy servers.

perpetrators may have surveilled social media to identify targets. Protesters and activists using social media frequently received threats, including death threats linked to their postings.

Persons opposed to the demonstrations, as well as automated 'bots' and inauthentic accounts linked to spam, spread anti-protest hashtags with intimidating messages and semi-professionally produced propaganda videos and videos threatening individual protesters and activists. Protesters were commonly referred to 'electronic armies' or 'cyber flies'. Many 'campaigns' against protesters suggested they were 'immoral', with allegations of alcohol and drug use, membership in or support for the LGBT community and gender-specific defamation of women.

UNAMI/OHCHR observed that the young demographic of the protesters and the critical human rights context contributed to the emergence of a new generation of 'citizen journalists' and non-traditional and grassroots human rights defenders. Journalists raised concerns about the protection of this group, noting that they lack training in digital and physical security and that there is a general lack of education in Iraq on how to identify 'fake news' and critically assess sources.

UNAMI/OHCHR notes that States are obliged to respect and protect the rights to freedoms of peaceful assembly and association as well as to freedom of opinion and expression, both online and offline.

## VIII. General role and experience of women during demonstrations

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Women and girls played a prominent role in the demonstrations alongside their male counterparts. As well as actively taking part in demonstrations and sit-in protests, women and girls volunteered as paramedics, provided food supplies and other logistical assistance at demonstrations sites, and mobilized support for the protests amongst their networks, including through social media. The proliferation of demonstration-linked murals and street art, including some striking examples painted by female artists, has become an iconic visual representation of the protests, and has highlighted the role of women and girls in seeking to shape their own future through the protests. Many women and girls participated in the demonstrations, calling for freedom, justice and gender equality, in Baghdad and other governorates, such as Karbala and Najaf. During discussions with UNAMI/OHCHR, men, women and youth frequently expressed a shared commitment to the promotion of women's rights and empowerment as a means of overcoming the many societal and cultural barriers which are deeply rooted in the family and in the community, where women and girls continue to live under patriarchal control and experience wrongful stereotyping, preventing and punishing their participation in public life.

Online gender-based violence, which can also be a catalyst for physical violence, remains a major barrier to women's rights to freedoms of expression and of peaceful assembly. Social media in particular, has become a hostile space imbued with extreme risks for women engaged in civil society and activism. Women protesters and human rights defenders shared with UNAMI/OHCHR that from the beginning of the protests, anonymous social media campaigns targeted female activists publishing pro-demonstration opinions.<sup>112</sup> Examples given by affected women and girls include the labeling of high school and college girls who participated in demonstrations as 'immoral', asserting that they only joined the protests to meet men. Others reported the circulation on social media of photoshopped images of female demonstrators and activists, again attempting to portray them as 'immoral'. In one instance, photographs of a group of female activists meeting with representatives of diplomatic missions were used to promote false allegations that those women were involved in people trafficking. Such public shaming can alienate women and girls, and often turns family members, colleagues and neighbours against them. Where families and communities are the primary source of protection, this tactic can leave women vulnerable to physical attacks and psychological harm.<sup>113</sup>

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<sup>112</sup> See A/HRC/RES/38/7 on the promotion, protection and enjoyment of human rights on the Internet, para. 11 which specifically condemns online attacks against women, including sexual and gender-based violence and abuse and calls for gender-sensitive responses to take into account the particular forms of online discrimination.

<sup>113</sup> See the report of the Special Rapporteur on Human Rights Defenders, focusing on the situation of women human rights defenders: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/40/60](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/60)

Attacks on women and girls participating in demonstrations also transpired in online statements by influential public figures. On 13 February 2020, hundreds of women and girls in Baghdad, Babil, Dhi Qar, Basra and Nasiriyah Governorates took to the streets to defy public calls from some quarters for gender segregation at protest sites. After a condemnation of the demonstrations as being rife with 'nudity, promiscuity, drunkenness, immorality, debauchery and non-believers', many young men joined the women and girls to support their participation in the protests, some linking arms to protect them, and others emphasizing the absence of gender distinction by wearing women's clothes including headscarves, whilst some women drew moustaches on their own faces.

Since the start of the demonstrations, women and girls typically concentrated in the areas of peaceful protests, taking part in student marches and the sit-in demonstrations which took place in Tahrir Square in Baghdad and comparable locations in the Southern governorates. Fewer women were present in situations where protests were more likely to escalate into violence, particularly night-time protests.

Prominent women human rights activists were amongst those individually targeted for assassination by 'unidentified armed elements' because of their activist profile or involvement in the demonstrations. On 2 October 2019, in Basra, a well-known civil society activist and her husband were shot dead by unknown gunmen, in their home, after participating in a demonstration earlier that day. On 18 January, in Nasiriyah, a female activist escaped injury when unknown armed men travelling in a car and on a motorcycle fired live rounds at the car in which she was travelling. She regularly participated in demonstrations and, two days before the shooting, during protests in Al Haboubi Square in Nasiriyah, had recited a poem that was critical of 'militia'.

Women and girls also reported receiving direct physical and/or verbal threats linked to their involvement in the protests. On 19 January, in Babil Governorate, a woman who had been verbally warned several times by unknown persons to stop participating in demonstrations, found a shell casing tied to the front of her car. She believed this was intended as a warning of potentially serious consequences if she failed to comply.

Women linked to the demonstrations were also targeted for abduction by 'unidentified armed actors', with four abductions of women activists or protesters documented since the demonstrations began. Following their release, the women variously described being blindfolded, beaten, forced to undress down to their underwear, threatened with rape, and touched in 'private areas' by their captors.

At the time of the publication of this report, UNAMI/OHCHR is unaware of any perpetrators being held accountable for killings, abduction, torture, arbitrary arrest and other violations and abuses committed against women demonstrators and activists in the context of the demonstrations.

## IX. Right to education during the demonstrations

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While educational institutions continued to function during the first wave of demonstrations, the situation changed after 28 October 2019, when the Iraqi Teachers' Union called a strike in support of the demands of the demonstrators.

On 10 November, the Teachers' Union declared the strike over, and on 24 November, the Ministry of Education issued a statement confirming that all schools were open for regular classes. However, this announcement did not reflect the reality, and the majority of schools and universities in Babil, Basra, Qadisiya, Maysan, Muthanna, Najaf, Karbala, Dhi Qar, and Wasit Governorates, as well as some areas in Baghdad, remained closed between November 2019 and February 2020.

Whilst some students deliberately absented themselves from classes in support of the protests, the sustained closure of schools and universities beyond the end of the official strike dates were largely attributable to the actions of certain individuals and groups linked to the demonstrations, who perceived the re-opening of schools and universities as undermining the protesters' objectives.

In this context, UNAMI/OHCHR documented 21 incidents where individuals working in, or associated with, public and private schools, universities, and Government education directorates, were threatened or intimidated by those seeking to force the closure of those institutions in the name of the demonstrators. These threats, which included written and verbal warnings, physical violence and damage to property, contributed to an atmosphere that prevented many schools and universities from functioning normally and severely restricted students' access to education.

In 10 incidents, schoolteachers received direct threats demanding that they close schools in support of the demonstrations. In one incident on 25 November 2019, the principal of a primary school in Baghdad found an envelope attached to the windshield of his car containing a bullet, together with a message warning that 'for the first and last time: you must support the demonstrations and participate in the school strike, to not legitimize this Government and for the sake of the martyrs'. Three days later a bullet was found inside the school yard, which the school principal interpreted as reinforcing the same message. Between late October and early December 2019, UNAMI/OHCHR documented four separate incidents in Maysan, Muthanna and Dhi Qar in which a group known as the 'anti-work squad'<sup>114</sup> carried out various acts of violent intimidation which were explicitly intended to force the closure of schools and other education institutions. These acts included threats to burn down teaching buildings, forcibly entering premises to intimidate staff and students, and daubing graffiti on school walls.

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<sup>114</sup> The "anti-work squad" is a loosely organized group of young protesters that carried out acts of intimidation against government institutions in the southern governorates, including schools in order to prevent them from operating.



Government administrative institutions responsible for education were also targeted by those seeking to close schools. Six incidents were documented - three in Baghdad and three in Wasit - where persons entered the education directorates, in some cases armed with sticks and stones, demanding that employees vacate the offices by order of the demonstrators. These actions resulted in the closure of the education directorates in Baghdad for several days, and in Wasit for several weeks. In another incident, on 6 December, the car belonging to an education supervisor well-known for his advocacy to re-open schools, was damaged by a sound bomb planted outside the gates of his house in Nasiriyah. On 8 February, unidentified men with covered faces threw a Molotov cocktail inside the office of the teachers' union in Qadisiya. This attack followed a demonstration the previous week outside the union offices, where protesters had demanded that the union officials' close schools.

UNAMI/OHCHR also documented three instances when universities in Babil, Dhi Qar and Wasit could not function normally because students and teaching staff were subjected to threats and intimidation by those believed to be linked to demonstrations. In November 2019, Babil University closed for several weeks after banners were attached to the entry gates announcing that it was closed "in the name of the people and for the blood of the martyrs". In a separate incident on 16 January, the medical college in Nasiriyah was forced to close when approximately 20 persons entered the premises, some armed with sticks and iron rods, smashing surveillance cameras and other equipment, demanding in the name of the demonstrators that classes be suspended.<sup>115</sup>

## Government response

The right to education is enshrined in several international instruments to which Iraq is a State party<sup>116</sup> and includes a positive obligation on the part of the Government to prevent interference with the realization of that right.<sup>117</sup>

During the demonstrations, there were several instances where security forces intervened directly to prevent persons linked to the demonstrations from forcibly entering school or university buildings to threaten staff and students. For example, on 12 January, police intervened when a group of individuals sought to intimidate university personnel and students, including by torching the gate of Wasit University. Similarly, on 10 February, police forces prevented persons supportive of demonstrations from entering the medical college in Nasiriyah. This followed the above-mentioned incident on 16 January, when violent protesters forced the college to shut down.

In some situations, localized solutions were found to mediate between staff of educational institutions, parents, security forces and demonstrators, which led to a partial reopening of some schools in Najaf, Maysan, Dhi Qar, Muthanna and Wasit. For example, in Samawah, Muthanna Governorate, tribal leaders cooperated with the Education Directorate and police to ensure that two girls' schools were re-opened and protected, notwithstanding threats to the head teachers and their families from members of the 'anti-work squad'.

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<sup>115</sup> The medical college resumed classes in early February 2020.

<sup>116</sup> Arts. 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and Art. 28 and 29 of the Convention on the Rights of the Child.

<sup>117</sup> Human Rights Committee General Comment No. 13: on the right to education, para. 47.

However, in most cases, locally negotiated arrangements were neither practical nor possible. Consequently, large numbers of school and university students were prevented from exercising their right to education for an extended period.

Although the Government was unable to ensure that all educational institutions remained operational in the face of threats and intimidation, it took steps to mitigate the impact of enforced closures. For example, in February 2020, the Ministry of Education announced that it intended to push back the exam schedule for the current school year, thereby allowing pupils to make up the lost time and proceed to the next academic year without interruption.<sup>118</sup> Other measures in some locations affected by school closures included the provision of summaries of study materials for students who had been unable to attend classes, the consolidation of examination papers, and the provision of additional school hours.<sup>119</sup>

Similarly, on 12 January, the Ministry of Higher Education circulated a letter to all university administrations reconfiguring the current university year, including by shortening the summer holidays and providing classes on Saturday, to enable students to compensate for classes lost during the enforced shutdown and avoid having to re-sit the academic year.<sup>120</sup>

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<sup>118</sup> See directive No 23 by the Ministry of Education (6 February 2020), with semester examinations scheduled for May and June and second semester examinations to be determined.

<sup>119</sup> Whilst these measures are welcome, they have been over-shadowed by the subsequent challenges facing the education sector in Iraq due to COVID-19 – including the closure of schools and universities and the introduction of measures such as online learning to reduce the risk of spreading the COVID-19 virus

<sup>120</sup> See communication by the Ministry of Higher Education, informing on update University curriculum letter No. 314295 (12 January 2020) confirming that 1<sup>st</sup> semester: 12 January – 8 Apr and 2<sup>nd</sup> semester: 12 April – 23 July 2020.

# X. Conclusion

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The findings detailed in this report indicate that widespread human rights violations and abuses took place in the context of the demonstrations that began in October 2019. These include violations of the rights to life, liberty and security of person, the rights to freedoms of peaceful assembly, association and expression, and the right not to be subjected to torture, ill-treatment, and the prohibition of enforced disappearances.

In response to protests that initially began peacefully, a broad range of security forces in multiple locations used firearms unnecessarily and disproportionately against protesters. Security forces also deployed less-lethal weapons against protesters in a deadly manner disproportionately and indiscriminately. Further information indicates that security forces frequently resorted to the use of less-lethal weapons without progressive escalation in force, and without exploring alternative less harmful options.

Insufficient steps were taken to protect demonstrators, activists and others at foreseeable risk of harm, including by not making efforts to de-escalate tension, not providing adequate protection despite an environment of threat and tension, and not intervening in ongoing incidents.

The risk of harm to demonstrators was exacerbated by the fact that Iraq's domestic legal framework is not aligned with international standards on the use of force, and no clear legal framework exists to identify forces mandated to engage in crowd control and respond to civil disorder. Those security forces which did engage in crowd control during the demonstrations did not appear to be operating under a clear civilian chain of command and, in many cases, did not wear uniforms with adequate identification markings, making it more difficult to identify those individuals or units responsible for human rights violations.

Furthermore, extremely limited progress has been made in the conduct of judicial investigations and prosecutions of those responsible for unlawfully killing and injuring protesters, and in ensuring the right of victims to redress.

UNAMI/OHCHR is also concerned by a pattern of killings targeting prominent protesters, activists and other persons openly critical of authorities, political parties and/or armed groups with various ties to the State. The targeted killing of activists, human rights defenders and journalists is not a new phenomenon in Iraq, but the continued absence of visible steps to identify, arrest and prosecute perpetrators, or to take concrete action to protect the persons at risk, gives further rise to the perception of a compromised State.

Allegations of abduction and torture of protesters, activists and other persons openly critical of authorities by groups referred to as 'militia' have been widely reported in the media (including social media) and are also contained in official complaints of family members of those missing, as well as in interventions by United Nations human rights mechanisms. Despite this, acknowledgement of the abductions and disappearances, as well as efforts to prevent foreseeable acts of abduction, hold accountable those responsible, and ensure redress for victims appear limited, raising concerns that the Government has not

yet taken sufficient concrete steps to comply with its obligations under international human rights law to uphold the right not to be subjected to enforced disappearance, abduction and torture.<sup>121</sup>

The pervasive impunity documented in this report with regard to human rights violations and abuses perpetrated against protesters and activists expressing dissent and discontent, reinforces and perpetuates an environment enabling their reoccurrence.

UNAMI/OHCHR recognizes, as part of the harsh reality on the ground, the influence of power dynamics on the demonstrations, as well as the potential for ‘spoilers’ to hijack the peaceful protests. However, while the challenges of operating within a fluid and complicated political and security context containing multiple actors are obvious, the ultimate responsibility for the peoples’ safety and security undeniably rests with the State.

Taking into account the likelihood that demonstrations will continue, it is essential that the Government takes meaningful steps to protect people at risk. Furthermore, it should strengthen the civic and democratic space and ensure that the population can exercise its fundamental rights safely, including by reforming its approach to responding to large-scale and contentious demonstrations and ensuring that women’s access to public space and their right to participate in peaceful protest is not curtailed. Additionally, it is of great importance to urgently address these issues ahead of the next electoral cycle.

The safe expression of divergent opinions, including political dissent, is critical for any society that seeks to be based on the rule of law and governed by a political system that enables full participation from its citizenry, including women and girls. Demonstrations are a means through which a population can hold a Government accountable and constitute an opportunity for meaningful engagement and reform.

UNAMI/OHCHR welcomes the new Government’s recognition of those killed and injured at demonstration sites as eligible for compensation, and its recent commitment to take proactive efforts to identify the victims. However, this does not discharge Iraq’s obligations to pursue criminal accountability and to provide victims the right to justice, truth and reparations beyond financial compensation, with respect to all human rights violations and abuses linked to the demonstrations.

While this report is focused on human rights violations and abuses that occurred in the context of the demonstrations, UNAMI/OHCHR also observed commendable efforts by Government officials to enable protesters to assemble peacefully, including through direct and positive engagement with them, mobilizing police forces without firearms, and permitting the establishment of demonstration sit-in sites.

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<sup>121</sup> 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. See also CED, Articles 1,2 and 3. Article 1 defines ‘enforced disappearance’ as requiring a connection to the state, defined as: ‘[...] arrest, detention, abduction [...] by agents of the State or by persons or groups 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’.

# XI. Recommendations

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UNAMI/OHCHR makes the following recommendations to the Government of Iraq in line with its obligations pursuant to international human rights law and the aim of promoting accountability for violations linked to the demonstrations and reducing the occurrence of similar violations in the future:

## Protection:

- Take immediate preventative measures to protect persons at risk of targeted violence, including killings and abductions, by actively collecting information on threats directed at individuals and categories of persons both online and offline, engaging with at-risk categories of persons, and taking measures to physically protect persons or relocate them, with their consent, to secured safe houses.
- Take immediate actions to determine the fate and whereabouts of any individuals who remain missing.

## Accountability:

- Provide the judicial system with all means necessary to conduct prompt, independent, impartial, effective, thorough and transparent judicial investigations and prosecutions compliant with international human rights standards, with respect to the killing and injury of protesters at demonstrations sites, targeted killings, abductions, disappearances, and torture and ill-treatment of persons linked to protests or critical of political parties and/or armed groups with various ties to the State. Ensure the safety of all persons participating in, or connected to, judicial investigations.
- Ensure that judicial investigations and prosecutions include an assessment of criminal liability with a view to prosecuting persons in positions of command and/or persons who planned, ordered, aided and abetted, and, where applicable, failed to prevent or punish crimes.
- Ensure a victim-centered approach to justice, with gender and age effectively taken into account in all instances, including through actively soliciting and supporting victim and witness participation in trials, ensuring confidentiality of information and data, providing witness protection programmes where necessary, and integrating child-sensitive approaches to justice where relevant.
- Ensure that individuals investigated and prosecuted for alleged offences committed in the context of demonstrations enjoy all relevant procedural safeguards and fair trial guarantees, and have access to appropriate remedies for any violations of those rights.

- Strengthen accountability by providing monitoring bodies, including the Iraqi High Commission for Human Rights, and the United Nations, access to information on death and injury at demonstration sites, and by respecting freedom of expression and the role of human rights monitors and journalists reporting on demonstrations.

### Victim's rights:

- Ensure the right of the victims and their families to justice, truth and reparations.
- Ensure prompt adequate and effective remedies and full redress for victims of the human rights violations detailed in this report, independent of any judicial determination of individual criminal responsibility.
- Continue consultation with victims, including the families of those killed, to provide information on access to justice, truth and reparations, where violations of human rights have been identified. Select appropriate forms of reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition,
- Initiate a victim's rights strategy based on consultations with victims of violations and abuses detailed in this report. To the extent it does not cause further harm or threaten the safety of victims, relatives and witnesses, the said strategy should include the public disclosure of the truth in respect of Government omissions and the political and security affiliations (if any) of the perpetrators. It should also cover the cumulative negative impacts of the violations on the rights to freedoms of expression and peaceful assembly, and effective reparations mechanisms based on an adequately allocated budget.

### Legal framework:

- Review and revise domestic law to ensure its conformity with international standards on the use of force and international human rights law, including by repealing or amending the Law on Police No. 176 of 1980 so as to limit the use of live ammunition or lethal force to situations in which there is imminent risk of loss of life.

### 'Armed elements':

- Clarify the legal status and chain of command of the so-called 'protection guards' assigned to protect property affiliated to political parties, as well as the legal basis, if any, for use of force by this category of actors.
- Take steps to demobilize, disarm, reintegrate and, where relevant, prosecute, armed groups operating outside of the official command and control structures.
- Clarify the mandated activities, command structures and uniforms of the Popular Mobilization Forces and Iraqi Security Forces, as well as its overall official command and control structures.

## Security forces responding to mass gatherings/demonstrations:

- Clarify through legislation which security forces are mandated to respond to mass gatherings and assemblies, including demonstrations, as well as situations of civil disorder, including their command structure and uniforms. Ensure that the relevant command is civilian/police-led, and that any escalation in response corresponds to a protocol based on a tiered approach and is logged for after-action reviews or investigations.
- Ensure that security forces mandated to deploy in response to mass gatherings and assemblies are adequately resourced. Train and order both leadership and officers to use non-adversarial policing and de-escalation tactics based on communication, negotiation and dialogue. Request them to act with restraint and employ appropriate and lawful use of force in line with international standards.
- Review and develop codes of conduct and protocols applicable to security forces deployed in response to mass gatherings and protests and, where necessary, amend these to ensure compliance with international standards on the use of force and international human rights law.
- Vet officers being recruited or transferred to units and sections mandated to deploy in response to mass gatherings and situations of public disorder, for previous criminal records, human rights violations and discriminatory behaviour.
- Ensure that demonstration sites and protesters are protected from attack by any armed actors and individuals. Actively gather information on potential threats to demonstration sites and protesters, take action to arrest persons as soon as a crime has been committed, warn protesters about credible threats to attack demonstration sites, and deploy security forces with the capacity to de-escalate rising tensions between protesters and third parties.
- Ensure protocols for the stop and search, arrest and detention of participants of demonstrations, in accordance with international standards, are in place, made public and disseminated among security forces and that the latter are held to account for implementation.
- Make public which authorities are competent to arrest and detain, as well as official places of detention, to ensure transparency and accountability.
- Establish a centralized and computerized registration system of persons detained, including in connection to protests, with an associated telephone helpline to enable family members to quickly locate missing family members who may be in the custody of the State. Allow detainees to make a phone call to inform someone of their whereabouts within six hours of being detained.
- Provide training to security forces on the critical role of journalists and human rights monitors. Order security forces to respect, protect and facilitate the work of medical staff, journalists and human rights monitors in the context of demonstrations, and discipline or prosecute, where relevant, those who fail to do so.



## Freedom of expression:

- Refrain from imposing absolute blocks on internet access and restricting access to social media.
- Clarify the role of the Communications and Media Commission and the legal status of the Media Broadcast Regulations. Ensure that the role of monitoring lawful expression is carried out by independent judicial authorities.
- Ensure that the criminal law is not used to limit freedom of expression, including by refraining from detaining and/or arresting individuals expressing dissent and discontent, under broad and non-human rights-compliant provisions of the Criminal Code linked to defamation and insult.
- Ensure that the proposed draft Law on Information Technology Crimes is human rights-compliant and is not used to criminalize or restrict the expression of dissent and discontent in online spaces.
- Condemn attacks against journalists and human rights defenders, including human rights monitors, and take efforts to protect them, including by publicly promoting their critical role in society.
- Order security forces to end intimidation, harassment, arrest or assault targeting journalists and others, including human rights defenders, for exercising their right to free expression.
- Ensure that any efforts at accountability or fact-finding incorporate journalists and human rights defenders as a protected class. Ensure that such efforts include investigations into allegations of human rights violations linked to freedom of expression.
- Acknowledge the cumulative impact on freedom of expression of violence directed against 'activists' and protesters in the form of killings, abductions and patterns of targeted arrest and detention.

# XII. Annexes

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## Annex 1: Human Rights Legal Framework

### International human rights law

Iraq is a party to almost all major international human rights treaties, including the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Protection of All Persons from Enforced Disappearance, the Convention of the Elimination of All Forms of Discrimination Against Women, the and the Convention on the Rights of the Child.

The International Covenant on Civil and Political Rights enshrines inter alia, the right to life, the rights to liberty and security of the person, including the right not to be subjected to arbitrary arrest or detention, and the right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.<sup>122</sup> The Covenant also establishes a number of fundamental freedoms, including of peaceful assembly and expression.<sup>123</sup>

### *The rights to life, to peaceful assembly and the exceptional use of lethal force*

The right to life is protected by Article 6 of the International Covenant on Civil and Political Rights, which provides that no-one shall be arbitrarily deprived of his life and that the right shall be protected by law.<sup>124</sup>

Article 6 of the Covenant imposes a positive duty on the State to protect life, which includes an obligation to protect life from all reasonably foreseeable threats, including those emanating from private persons or entities.<sup>125</sup>

The right to life also imposes an obligation on States, where they know, or should have known of unlawful deprivation of life, to investigate and where appropriate, prosecute such incidents, including allegations of excessive use of force with lethal consequences.<sup>126</sup>

Article 21 of the International Covenant on Civil and Political Rights provides that: ‘The right of peaceful assembly shall be recognized’. The right protects the non-violent gathering of a number of people in a publicly accessible place with a common expressive purpose. The recognition of the right of peaceful assembly imposes a corresponding obligation on States to treat the exercise of the right and its

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<sup>122</sup> ICCPR, Articles 6, 7, 9.

<sup>123</sup> ICCPR, Articles 19, 21, 22, 25. These articles permit States to limit the rights in certain circumstances.

<sup>124</sup> ICCPR Art 6(1).

<sup>125</sup> Human Rights Committee, General Comment No. 36, para. 18.

<sup>126</sup> *Ibid* para 27.

repercussions with a certain level of accommodation. This requires refraining from unwarranted interference and, where needed, facilitating and enabling such assemblies.<sup>127</sup>

Peaceful assembly does not constitute an absolute right and may in certain cases be limited. Restrictions may however only be imposed when prescribed by the law and 'necessary in a democratic society in the interest of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others'.<sup>128</sup>

International human rights law applicable to law enforcement operations provides the framework for analysis of the Government's use of force in response to public demonstrations.

Those participating in demonstrations are protected by the right to peaceful assembly,<sup>129</sup> which requires States to allow such assemblies to take place with no unwarranted interference and, whenever it is needed, to facilitate the exercise of the right and to protect the participants.<sup>130</sup>

Where acts of violence take place during gatherings, individual protesters acting violently are not covered by article 21 of the International Covenant on Civil and Political Rights, but the individuals involved retain their other rights, including the right to life.<sup>131</sup> The Government is required to avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, said use of force is neither excessive nor indiscriminate.<sup>132</sup>

Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination applicable to articles 6 and 7 of the Covenant, and those using force must be accountable for each use of force.<sup>133</sup>

Further, the use of potentially lethal force for law enforcement purposes is an extreme measure that should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat. The intentional taking of life by any means is permissible only if it is strictly necessary in order to protect life from an imminent threat.<sup>134</sup> An imminent threat is defined as a situation in which an attack will occur 'in a matter of seconds, not hours', implying geographic proximity for the attack to succeed and no opportunity to take alternative action.<sup>135</sup> Firearms should never be used simply to disperse an assembly, and indiscriminate firing into a crowd is always unlawful.<sup>136</sup> Any use of force should be targeted at individuals using violence, as opposed to the entire crowd participating in a demonstration.<sup>137</sup>

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<sup>127</sup> Human Rights Committee, General Comment No. 37 on Article 21: right of peaceful assembly.

<sup>128</sup> ICCPR, Article 22 (2).

<sup>129</sup> ICCPR, Article 21.

<sup>130</sup> Human Rights Committee, General Comment No.37 para 8.

<sup>131</sup> Ibid para 10.

<sup>132</sup> Human Rights Council Resolution 25/28 (2014) para 8.

<sup>133</sup> Human Rights Committee, General Comments No. 36 and No. 37, paras. 13–14 and 78, respectively.

<sup>134</sup> Basic Principles, Principle 9. See also Human Rights Committee, General Comment No. 36, para. 12.

<sup>135</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/26/36, 1 April 2014, para. 59.

<sup>136</sup> Joint report, para. 60 referencing Report of the Special Rapporteur, A/HRC/26/36, para. 75.

<sup>137</sup> Joint report, para. 57.

Where lethal force is used in violation of above principles, any resulting deaths may amount to an arbitrary deprivation of life.<sup>138</sup> States are obliged to investigate, and, where appropriate, prosecute potentially unlawful actions.<sup>139</sup>

### *The right to freedom of expression*

Article 19 of the International Covenant on Civil and Political Rights provides that everyone shall have the right to freedom of expression. This includes the freedom to seek, receive and impart information and ideas of all kinds.

The Human Rights Council has condemned as a violation of international human rights law all measures which prevent or disrupt an individual's ability to seek, receive or impart information online.<sup>140</sup> It also called upon all States to refrain from and to cease such measures, and to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression online.<sup>141</sup>

The Human Rights Council has also called on States to pay particular attention to the safety of journalists and media workers observing, monitoring and recording peaceful protests, taking into account their specific role, exposure and vulnerability.<sup>142</sup>

### *The right to liberty and security of person, and freedom from arbitrary arrest and detention*

Article 9 of the International Covenant on Civil and Political Rights provides that everyone has the right to liberty and security of person, and that no-one shall be subjected to arbitrary detention.<sup>143</sup> These are important for their own sake, but also because deprivation of those rights increases the risk of other rights being violated.

The right to liberty of person is not absolute, and deprivation of liberty may be justified, for example in the context of the enforcement of criminal laws. However, Art 9(1) of International Covenant on Civil and Political Rights provides that deprivation of liberty must not be arbitrary and must be carried out in accordance with procedures established by law.

Arrest and detention may be authorized under procedures established by domestic law yet still be arbitrary.<sup>144</sup> The notion of "arbitrariness" does not simply equate with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability, and due process of law, as well as elements of reasonableness, necessity and proportionality.<sup>145</sup> Arrest or detention as punishment for the legitimate exercise of other rights guaranteed under the International Covenant on

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<sup>138</sup> See Human Rights Committee, General Comment No. 36, paras. 12, 29.

<sup>139</sup> See Human Rights Committee, General Comment No. 36, para. 29 and the 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death.

<sup>140</sup> See Human Rights Council resolutions 38/11, 29 June 2018 (9) and 38/7, 4 July 2018 (13).

<sup>141</sup> See Human Rights Council resolution 38/7, 4 July 2018 (13).

<sup>142</sup> See Human Rights Council resolution 38/11, 29 June 2018 (8).

<sup>143</sup> International Covenant on Civil and Political Rights, Art. 9(1).

<sup>144</sup> Human Rights Committee, General Comment No. 35, para 12.

<sup>145</sup> Ibid.

Civil and Political Rights, including the right to freedom of expression and to freedom of assembly, will amount to arbitrary detention.<sup>146</sup>

The right to security of person guaranteed under Article 9 of the International Covenant on Civil and Political Rights protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained.<sup>147</sup> The right to security of person also obliges States parties to take appropriate measures in response to death threats against persons in the public domain and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any Government or private actors.

#### *Procedural guarantees applicable to those deprived of their Liberty*

Article 9 of the International Covenant on Civil and Political Rights sets out several procedural guarantees aimed at protecting persons deprived of their liberty.<sup>148</sup> First, they shall be informed, at the time of arrest, of the reasons for their arrest. Second, they shall be promptly informed of any criminal charges against them. The first requirement applies regardless of the formality or informality with which the arrest is conducted and regardless of the legitimate or improper reason on which it is based.<sup>149</sup>

One major purpose of requiring that all arrested persons be informed of the reasons for the arrest is to enable them to seek release if they believe that the reasons given are invalid or unfounded. In this regard, the International Covenant on Civil and Political Rights requires that any person arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power.<sup>150</sup> That requirement applies in all cases without exception and does not depend on the choice or ability of the detainee to assert it. It applies even before formal charges have been asserted, so long as the person is arrested or detained on suspicion of criminal activity.

In the determination of any criminal charge against them, the International Covenant on Civil and Political Rights also requires, amongst other fair trial guarantees, that persons arrested must be informed promptly of the nature and cause of the charge against them, and be permitted to communicate with a lawyer of their choosing.<sup>151</sup>

Deprivation of liberty which is not in accordance with the procedural guarantees and fair trial rights provided for in Articles 9 and 14 of the International Covenant on Civil and Political Rights may also amount to arbitrary detention.

According to article 37 b) of the Convention on the Rights of the Child, the arrest or detention of a child shall be inter alia only as a measure of last resort and for the shortest appropriate period of time.<sup>152</sup>

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<sup>146</sup> Human Rights Committee, General Comment No. 35, para 17.

<sup>147</sup> Ibid para 9.

<sup>148</sup> ICCPR Art 9(2).

<sup>149</sup> Human Rights Committee, General Comment No. 35, para 24.

<sup>150</sup> ICCPR Art 9(3).

<sup>151</sup> ICCPR Art 14.3(a) and 14.3(b).

<sup>152</sup> See also, Committee on the Rights of the Child, General Comment No. 24 on child's rights in the child justice system, paras. 85-91.

### *Abduction and enforced disappearance*

In accordance with its obligations under Article 9 of the International Covenant on Civil and Political Rights, governments have a duty to take appropriate measures to prevent violations of the right to liberty of person by third parties, and must protect individuals against abduction or unlawful detention by individual criminals or irregular groups, including armed groups.<sup>153</sup>

Furthermore, under the International Convention for Protection of All Persons from Enforced Disappearance, governments are obliged to investigate acts of enforced disappearance and to hold criminally accountable those responsible. For the purposes of the Convention, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by the State, or by persons or groups of persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty, or by concealment of the fate or whereabouts of the disappeared person.<sup>154</sup> The Human Rights Committee has also noted that while the International Covenant on Civil and Political Rights does not explicitly use the term “enforced disappearance” in any of its articles, enforced disappearance constitutes a unique and integrated series of acts that represent continuing violations of various rights recognized in the Covenant.<sup>155</sup>

### *The prohibition of torture and ill-treatment*

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child prohibit torture and other cruel, inhuman or degrading treatment or punishment. The State obligation to respect the prohibition of such practices is non-derogable, meaning that it is never justified to suspend or to fail to observe this prohibition.

### *The right to education*

The right to education is a fundamental human right enshrined in Article 26 of the Universal Declaration of Human Rights; as well as in Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and Articles 28 and 29 of the Convention on the Rights of the Child. The right to education preserves the right of each child to develop to their ‘full potential’ and must be respected, protected and fulfilled. States must refrain, and prevent others, from interfering with the realization of the right and adopt appropriate measures towards its full realization.

## **Iraqi Constitution**

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<sup>153</sup> Human Rights Committee, General Comment No. 35, para 7.

<sup>154</sup> ICPEP Art. 2.

<sup>155</sup> Human Rights Committee, CCPR/C/126/D/2560/2015, para. 7.7.

The Iraqi Constitution protects the rights to life, security and liberty,<sup>156</sup> and prohibits all forms of discrimination based on gender and other accounts<sup>157</sup> as well as psychological and physical torture and inhumane treatment.<sup>158</sup> It also protects the rights to freedoms of expression, assembly and peaceful demonstration, association and communication, including electronic communication.<sup>159</sup> The Constitution guarantees the right to education.<sup>160</sup>

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<sup>156</sup> 2005 Iraqi Constitution, Art. 15. This article also provides that, deprivation or restriction of these rights is prohibited, except in accordance with the law and based on a decision issued by a competent judicial authority.

<sup>157</sup> *Ibid.*, Art. 14.

<sup>158</sup> *Ibid.*, Art. 37(1) c.

<sup>159</sup> *Ibid.*, Arts. 38, 39, 40, 42.

<sup>160</sup> *Ibid.*, Art. 34(1).



## Annex 2: Deaths of and Injuries to protests attributed to Iraqi Security Forces

### Key incidents of deaths of and injuries to protesters attributed to Iraqi Security Forces

Limited access to demonstration sites and the high numbers of casualties, combined with Government restrictions on releasing information to external parties, made it impractical for UNAMI/OHCHR to document the exact circumstances of each death or injury. However, UNAMI/OHCHR highlights the key incidents below as those particularly requiring investigation, accountability and redress.

### PHASE 1: 1 to 9 October 2019 (demonstrations begin)

#### Baghdad

##### *1 to 5 October: Iraqi Security Forces use live ammunition in Central Baghdad*

On 1 October, Iraqi Security Forces used live ammunition against protesters, causing at least two deaths, including of a 17-year-old-boy, and injuring many more.

Approximately 3,000 people assembled in Tahrir Square in Rusafa district of central Baghdad, from 10:00 a.m. onwards and attempted to cross Jumhuriyah bridge connecting Tahrir square area to the former International Zone. While the demonstration was initially peaceful, participants attempted to push through a line of security forces stationed at the beginning of the bridge. At approximately 3:00 p.m., security forces directed water from cannons at the front lines of demonstrators before using tear gas, disorientation devices and rubber bullets; security forces 'dressed in black' then fired live ammunition, at protesters from the roof of the 'Turkish restaurant building'. Sources present at the site noted the 'brutality' of the force deployed and the speed at which security forces escalated their response. No sources described hearing any warnings or instructions to clear the area prior to attempts to disperse the crowd by using force.

From 2 to 5 October, protests continued in Rusafa district, with people expressing frustration with the Government and anger over the violent response by security forces to demonstrators. The imposition of a city-wide curfew and increased security presence pushed demonstrators into areas east of Tahrir square, including Tayaran and Khaylani squares and towards Sadr City. Sources described a chaotic situation, with continued use of live ammunition by security forces to disperse demonstrators as well as the use of tear gas and sound/flash bombs. They described demonstrators being shot on the streets and observing victims, both deceased and alive, with bullet and shrapnel wounds. Family members of killed demonstrators described deaths attributed to shots to the head and chest.

The number of persons killed increased significantly from 4 October, when unidentified shooters reportedly positioned at height in the area around Nakheel Mall and Al Gaylani Fuel Station intentionally targeted unarmed protesters. Credible sources reported that Iraqi Security Forces were present in the area that day, using live ammunition.

The October Commission Report stated that 107 demonstrators died in Baghdad from 1 to 9 October.<sup>161</sup>

### ***6 October: Iraqi Security Forces use live ammunition in Sadr City***

From the night of 5 October until 9 October, demonstrations remained largely contained inside Sadr City, predominantly in the area bordering Rusafa district, with confrontations between demonstrators and security forces. Credible information indicates that on the night of 5 to 6 October, Iraqi Security Forces used live ammunition against protesters, causing the death of at least 11 protesters. During the incident, protesters burned several army vehicles and attacked security forces with bricks and stones.

On 7 October, the Minister of Interior publicly stated that the Iraqi Army had been replaced in Sadr city by Federal Police pursuant to an order by Prime Minister Adel Abdul-Mahdi in his role as Commander in Chief.<sup>162</sup> While the situation calmed after 6 October, confrontations between protesters and security forces continued in Sadr city until the night of 8 to 9 October, with limited information available as to the extent of injury or death among protesters.

### **Najaf city, Najaf Governorate**

#### ***1 to 4 October: Iraqi Security Forces use live ammunition in Thawrat Al-Ishreen square***

Between 1 and 4 October 2019, reportedly sporadic confrontations took place between protesters and security forces in Thawrat Al-Ishreen square and vicinity in Najaf as the protesters were repeatedly attempting to reach the square and the security forces were blocking them on the way.

On 1 October, although there were confrontations between protesters and security forces, there were no reports of casualties. The protesters continued their attempts to reach the square on 2 October as well, which led to confrontations. The security forces reportedly fired teargas canisters and threw hot water cannons at the protesters. They shot into the air and reportedly fired live ammunition into the crowd, causing several casualties. During the first phase of the demonstrations (1 to 4 October), at least five protesters were reportedly killed and hundreds injured in Najaf.

### **Kut city, Wassit Governorate**

#### ***2 October: Security forces fire live ammunition at protesters in Kut city of Wassit***

In Kut city, Wassit, demonstrations peacefully began on 1 October. On 2 October, demonstrators blocked main streets in Tammuz Square and Nasij street with burning tires, and moved by foot towards Government buildings. In response, Iraqi Security Forces, used live ammunition against the protesters, causing multiple casualties.

### **Diwaniya city, Qadisiyah Governorate**

#### ***1 October: Iraqi Security Forces use live ammunition against protesters***

On the evening of 1 October 2019, protesters were blocked by Iraqi Security Forces while trying to enter the provincial council's building in Diwaniya. Iraqi Security Forces arrested around 20 protesters. Violence

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<sup>161</sup> Final Report of the High Ministerial Committee established by Executive Order on 12 October 2019 ('October Commission Report').

<sup>162</sup> Statement by Minister of Interior: <https://moi.gov.iq/index.php?name=News&file=article&sid=9960> (accessed 18 October 2019).

then escalated and Iraqi Security Forces reportedly fired live ammunition at protesters, causing the death of at least three protesters and injuring several more.

### **Nasiriya city, Dhi Qar Governorate**

#### ***2 to 4 October: Iraqi Security Forces use live ammunition against protesters<sup>163</sup>***

On 2 October, Iraqi Security Forces used live ammunition against protesters in Nasiriya city, reportedly killing at least four protesters and injuring 52. Violence intensified after protesters set fire to the provincial Government building, a political party building and other buildings. Security forces initially responded with water cannons and tear gas before quickly turning to live ammunition to respond to protesters throwing stones, bricks and Molotov cocktails. On 3 and 4 October, further confrontations took place between Iraqi Security Forces and protesters, with security forces resorting to tear gas and live ammunition, and reportedly killing at least eight protesters, including three boys, and injuring 90.

### **Amarah city, Maysan Governorate**

#### ***2 October: Iraqi Security Forces use live ammunition against protesters***

On 2 October, Iraqi Security Forces fired live ammunition at protesters in the centre of Amarah, reportedly killing at least six, including a 15-year-old boy, and injuring 70. Live ammunition was used after protesters started to walk towards a political party office. Security forces shot live ammunition without warning. The protesters consequently left the area but burned down other public offices.

## **PHASE II: 25 October - 31 December 2019 (demonstrations resume)**

### **Baghdad**

#### ***25 October - 7 November: Iraqi Security Forces deploy tear gas canisters lethally at the entrance to Jumhuriyah bridge***

From 25 to 28 October, and on 1 November and 7 November, Iraqi Security Forces reportedly killed at least 12 protesters at the entrance to Jumhuriyah bridge by firing tear gas canisters horizontally at short range, resulting in lethal impact wounds to the head and torso of victims. A large number of protesters suffered injury from the impact of tear gas canisters and sound disorientation devices (flash bangs). During the same period, Iraqi Security Forces deployed tear gas excessively, to the extent that thousands experienced respiratory distress.

#### ***November: Iraqi Security Forces use live ammunition against protesters in and around Al Senak, Al Shuhada and Al Ahrar bridges and Rasheed street***

Through November 2019, demonstrators attempted to cross three bridges (Al Senak, Al Shuhada and Al Ahrar bridges) to the north of Jumhuriyah bridge to access the former International Zone, leading to confrontations with Iraqi Security Forces in which the latter used live ammunition and tear gas to prevent protesters from crossing the bridges. Credible reports suggest that as many as 44 protesters, including

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<sup>163</sup> Initial information indicated that as many as 21 people (19 demonstrators and two security officers) were killed at demonstration sites from 1 to 5 October in Nasiriya, Dhi Qar governorate. This figure was reported by both the Final Report of the High Ministerial Committee established by Executive Order on 12 October 2019 ('October Commission Report') and by the IHCHR in its Report on Demonstrations in Iraq at p. 21.

three children, may have been killed in the area around the three bridges and neighbouring Rasheed street and Wathba square in late October and early November, while over 185 would have been injured. UNAMI/OHCHR documented credible reports of casualties among protesters on 30 October and 4, 6-7, 13-14, 21-23 and 29 November 2019.

### **Karbala city, Karbala Governorate**

#### ***28-29 October: Protesters killed in and around Education Square***

On the night of 28 to 29 October, armed actors wearing black uniforms fired live ammunition at demonstrators in the area between the Education Square and the Governorate building in Karbala, reportedly killing at least 18 protesters and injuring 143. In response, demonstrators threw stones and bricks.

On 29 October, the Karbala Police Commander and Karbala Governor issued public statements denying that deaths occurred. The Karbala Security Media Cell however reported that 53 individuals were injured as well as 90 members of the security forces.

#### ***2-3 November: Use of live ammunition against protesters outside the Iranian Consulate***

On the night of 2 to 3 November, Iraqi Security Forces fired tear gas canisters, stun grenades and sound disorientation devices to disperse a large crowd of demonstrators gathered outside of the Iranian consulate, burning tires. They reportedly killed at least four protesters and injured over 20.

### **Nasiriya city, Dhi Qar Governorate**

#### ***26 October: Use of live ammunition against protesters at Al Hadharat bridge***

On 26 October, security guards reportedly protecting the house of the head of the Dhi Qar security committee, fired live ammunition at protesters approaching the house, reportedly killing at least three and injuring 27.

#### ***10-29 November: Use of live ammunition against protesters on Al Zaitoun bridge***

On 10 and 11 November, Iraqi Security Forces used tear gas, rubber bullets and live ammunition to disperse demonstrators on Al Zaitoun bridge, reportedly killing at least six and injuring over 100.

In the early hours of 28 November, security forces deployed to Nasiriya in Dhi Qar Governorate shot live ammunition at crowds of demonstrators on Al Zaitoun bridge, killing 25 people and injuring 200. On 29 November, security forces allegedly shot dead 17 other demonstrators, including a 13-year-old boy, and injured 180 others as they protested the killings outside Dhi Qar police station. The incident followed a failed attempt by security forces, on 27 November, to clear the bridge, using tear gas and stun grenades. Demonstrators had responded to by throwing stones and Molotov cocktails.

### **Basra city, Basra Governorate**

#### ***5 November: Use of live ammunition against protesters at Umm Qasr port***

On 5 November, Iraqi Security Forces used live ammunition against protesters who were throwing stones and bricks in the vicinity of the entrance to Umm Qasr port. The confrontation had escalated after the

security forces attempted to disperse the protesters using tear gas. Credible information indicates that during the incident, at least two protesters were killed and 110 injured by bullets and shrapnel.

On 24 November 2019, Iraqi Security Forces guarding the Um Qasr Port fired live ammunition to disperse a sit-in protest blocking the access road to the port entrance. They reportedly killed at least four demonstrators, including two children, and injured more than 70.

***6 to 7 November: Use of live ammunition against protesters outside the Basra Governorate headquarters***

On 6 and 7 November, in Basra city, Iraqi Security Forces reportedly killed nine demonstrators and injured over 150 when shooting live ammunition, tear gas, rubber bullets and sound disorientation devices against demonstrators attempting to enter the building housing the provincial governor's office.

**PHASE III: 1 January - 30 April 2020 (demonstrations continued with fewer protesters)**

**Baghdad**

***January: Iraqi Security Forces use live ammunition against protesters on the Mohamed Qasem Expressway***

On 19 to 24 January, Iraqi Security Forces fired tear gas canisters and live ammunition to disperse protesters blocking the Mohammed Qasim highway in Baghdad in a renewal of anti-Government protests. On 19 January, a protester reportedly died after being hit in the head with a tear gas canister and at least three others were injured at the Qurtuba intersection; on 20 January, a protester reportedly died after being shot in the head by Iraqi Security Forces near the Al Nahdha garage and two others were injured; on 21 January, Iraqi Security Forces reportedly killed at least one protester and injured 12 at the Al Sha'ab stadium; on 22 January, Iraqi Security Forces shot dead a 17 year-old boy near Al Gaylani Fuel Station; and on 24 January, Iraqi Security Forces shot live ammunition at protesters in the Al Zafaraniya area, killing one and injuring several. Protesters burned tires and threw debris at the security forces, including rocks.

***February-April: Use of birdshot ammunition and hunting pellets against protesters in Khaylani square and its vicinity***

From February to April, Iraqi Security Forces fired live ammunition, including shotgun cartridges containing bird and/or buckshot pellets, teargas, and metal pellets air rifles, at protesters in Khaylani square and surrounding areas, in at least 17 different incidents which reportedly caused the death of at least seven protesters and injured over 313. While credible information indicates that those killed died from 'regular bullets', most injuries arose from the use of pellets fired by air rifles and shotgun cartridges with bird and/or buckshot pellets. Casualties occurred when Iraqi Security Forces attempted to move through a tunnel into Tahrir square, both on 28 February and 8 March, causing the death of four protesters, including a 13 and a 15-year-old boy, and injuring at least 82.

**Karbala city, Karbala Governorate**

***January: Iraqi Security Forces use bird/buckshot against protesters***

Credible information indicates that on 15 January (in Education square), 23 January, 26 January (Al Naqib street), and 27 January (Al Dhariba bridge), Iraqi Security Forces fired shotgun cartridges containing bird

and/or buckshot pellets at protesters, including those blocking roads, injuring at least 174, including at least five with serious eye injuries and three with head injuries.

***20 January: Iraqi Security Forces use live ammunition against protesters***

On 20 January, in Mall Centre Street, Iraqi Security Forces fired live ammunition and tear gas at protesters, reportedly killing two and injuring 48 (including at least 12 by bullets).

**Nasiriya city, Dhi Qar Governorate**

***25 January: Iraqi Security Forces use live ammunition against protesters***

On 25 January, Iraqi Security Forces reportedly used tear gas, rubber bullets and live ammunition against people blocking the Nasiriya to Muthanna road in protest at the arrest of protesters earlier that day. At least three protesters were killed and approximately 28 injured.

**Kut city, Wassit Governorate**

***28 January: Iraqi Security Forces use live ammunition against protesters***

On 28 January, security forces reportedly fired tear gas, rubber bullets and live ammunition in an attempt to disperse hundreds of protesters from the front of the Kut Police Directorate. They were demonstrating against the arrest of around 30 individuals accused of forcing an education institution to close in support of the ongoing demonstrations. The incident resulted in the death of one protester (shot dead) while 75 were injured.

**Baquba, Diyala Governorate**

***20 January: Iraqi Security Forces use live ammunition against protesters***

On 20 January, security forces fired live ammunition into the air and towards a crowd of protesters blocking a local road on the Al Mijasser bridge, leading to the death of a 16-year-old boy and injuring at least five protesters. During the incident, protesters threw stones and glass bottles at the security forces.