

impunity watch

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## POLICY BRIEF

# End impunity for violations against Iraqi protest movement

On Iraq protest anniversary, ensure accountability and bring weapons under state control to safeguard early elections

1 October 2020

Since the start of the protest movement in Iraq in October 2019, demonstrators and political activists with legitimate demands have faced wide-scale and systematic human rights violations at the hands of security services and armed groups – including widespread killing and injury during the demonstrations, targeted assassinations, and death threats – apparently intended to silence them and quash their demands for change. The integrity of early elections, provisionally set for June 2021, is threatened by ongoing crimes against protest leaders and activists amidst a climate of impunity, seeking to intimidate them out of standing for election or otherwise pushing for change via the electoral process. While the current Iraqi government's condemnations of the crimes and promises of accountability are welcome, its actions have been weak in comparison, failing to reassure the victims or deter the perpetrators. Internationally, the crimes have received woefully little attention or action despite their gravity and scale. For the early elections to have a chance at delivering the protestors' demands of a more inclusive and less corrupt state, Iraq must end impunity for these crimes which seem designed to suppress dissenting voices and put an end to the peaceful youth activist movement. The international community must support Iraqis in these efforts, and be ready to take serious steps to investigate should Iraq's government prove unwilling or unable to do so alone.

## Background: anti-corruption protests met with brutality

In October 2019, hundreds of thousands of mainly young Iraqis from diverse backgrounds took to the streets in a largely peaceful popular protest movement across Baghdad and the southern provinces to protest the corruption, nepotism, lack of basic services and employment opportunities, and sectarian politics that have taken root in Iraq over the past decades of dictatorship, foreign occupation and repeated cycles of conflict.

These protests were met with widespread repression by an opaque mixture of state security services and armed groups operating outside state control. These attacks against civilians were widespread or systematic, and may amount to crimes against humanity. Despite the gravity of the crimes, there is little clarity on the exact number of people who lost their lives or suffered injuries. According to UN documentation, at least 487 were killed and 7,715 injured by live ammunition, teargas cannisters and other means at protest sites from October 2019 to March 2020, while at least 3,000 were arrested.<sup>1</sup> Iraq's High Commission for Human Rights puts the number of deaths at 541, while activists estimate the numbers to be higher. The Iraqi government puts the number at at least 560, but has not released their names or further details.<sup>2</sup>

During the first months of demonstrations, many of those killed at protests were targeted by snipers on nearby rooftops. A coordinated attack at the al-Sinak garage building in December 2019 by well-armed and organised gunmen who passed security checkpoints with ease, for example, left at least twenty dead.<sup>3</sup> Rumours spread of their affiliation either to the office of the prime minister at the time or to armed group groups, but no serious investigation has taken place to identify those responsible.

In addition to being targeted during the demonstrations themselves, activists who organised, led or documented the protests have been subjected to campaigns of targeted killings, reputational smears, intimidation, threats and harassment deigned to prevent them from voicing their legitimate demands and exercising their rights to freedom of association, expression and assembly. They have also been targeted through malicious court cases on spurious grounds, while those responsible for widespread murder go unpunished.

Though the majority of violations have occurred in the southern provinces and in Baghdad, other areas of the country have also witnessed violations against activists and demonstrators over the same period. Even in areas that did not witness major demonstrations, such as al-Anbar, local activists have faced arrest and harassment for expressing solidarity with the protest movement online,<sup>4</sup> and in the Kurdistan Region of Iraq (KRI) protestors and journalists covering demonstrations in Suleimaniya and other cities against delayed salary payments and corruption have also faced violent treatment and arrest by security agencies.<sup>5</sup>

Throughout these events, Iraqi activists and civil society organisations have made great efforts to document the ongoing crimes, provide support to those affected, and share the movement's messages and demands with the world, all with very modest resources and amidst a global pandemic that has badly affected Iraq and placed even more demands on the already stretched human and financial reserves of Iraqi civil society.

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<sup>1</sup> <https://www.ohchr.org/Documents/Countries/IQ/Demonstrations-Iraq-UNAMI-OHCHR-report.pdf>

<sup>2</sup> <https://www.al-monitor.com/pulse/originals/2020/07/iraq-protesters-kadhimi.html>

<sup>3</sup> <https://www.amnesty.org/en/latest/news/2019/12/iraq-testimonies-emerge-of-coordinated-attacks-which-killed-at-least-20-protesters/>

<sup>4</sup> See for example <https://ar.iraqicivilsociety.org/?p=6922>

<sup>5</sup> <https://reliefweb.int/report/iraq/cracking-down-protesters-iraqi-kurdistan-legitimizes-corruption>

## Impunity threatens integrity of early elections

When former prime minister Adel Abdul Mahdi finally resigned under pressure from the protest movement in November 2019, early elections under a new electoral law were promised through which the demands of the protestors could be realised. This followed months of prevarication while established political parties, reluctant to cede ground to the protestors and thereby embolden them to raise the ceiling of their demands, attempted to keep Abdul Mahdi in power.

Prime minister Mustafa al-Kadhimi, appointed in May 2020, has announced his intention for early elections to take place in June 2021, although disputes among the political class over how the electoral lists and districts should be organised, a lack of political will, and administrative obstacles may yet push them beyond this date, which has yet to be ratified by parliament.<sup>6</sup> Nonetheless a strong statement in favour of early elections and the curbing of armed group influence in September 2020 by Grand Ayatollah Sistani, Iraq's highest Shiite religious authority and a major influence on Iraqi politics and public opinion, is a positive signal in this regard.<sup>7</sup>

Following the announcement of the proposed election date on 31 July 2020, southern Iraq witnessed another wave of targeted killings against protest leaders, organisers, and human rights defenders. Summer 2020 saw the assassinations of prominent researcher Hisham Al Hashimi, civil activist Tahseen Al Shahmani, and human rights defender Riham Ya'qob. In addition to the hundreds of protestors killed during the demonstrations, the al-Namaa Center for Human Rights has documented targeted attacks against known human rights defenders: 39 killings and assassinations, 31 assassination attempts, and 36 kidnappings from October 2019 to August 2020.<sup>8</sup> Female human rights defenders, who played a prominent role in the demonstrations, have not been spared reprisals, with at least five killed since October 2019.<sup>9</sup>

Activists receive death threats and are smeared as Western agents on social media, and there are credible suspicions that lists of names of assassination targets are being circulated. In particular, Iran-allied political parties' and armed groups' affiliated media outlets and social media channels have circulated criticism of protest leaders that is tantamount to incitement to violence against them.<sup>10</sup> Journalists covering the protests have also been threatened, intimidated and kidnapped and even killed in an apparent effort to reduce visibility and public support for the demonstrators, while Iraq's media regulator, the Communications and Media Commission, threatened outlets known for covering the protests with losing their licenses.<sup>11</sup>

Many of the crimes against activists have taken place close to security service facilities or checkpoints, yet the security agencies have failed to intervene or respond promptly, leading to fears that they are either implicated in the crimes, negligent in their duties, or not capable of

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<sup>6</sup> <https://www.washingtoninstitute.org/fikraforum/view/early-elections-iraq>

<sup>7</sup> <https://apnews.com/b03bfca1e93d0e2efd5986fe022b5137>

<sup>8</sup> <https://alnamaa.org/2020/09/01/3171/>

<sup>9</sup> See for instance: <https://whrdmena.org/?p=2227>; <https://whrdmena.org/?p=2176>

<sup>10</sup> <https://www.arab-reform.net/publication/eliminating-the-protests-the-motives-and-circumstances-of-basra-assassinations/>; <https://www.nasnews.com/view.php?cat=38393>;

<sup>11</sup> See for example: <https://cpj.org/2019/11/iraq-media-regulator-orders-closure-of-12-broadcas/>;

<https://cpj.org/2019/12/one-journalist-killed-another-missing-amid-protest/>

dealing with the country's complex security challenges. For example, one activist in Maysan governorate says he was advised by local police there to leave the area as they were unable to protect him from armed groups likely to seek reprisals against him for his role in the protest movement there. The resulting lack of confidence in the agencies meant to guarantee citizens' safety and security compounds the well-founded fears of activists that exercising their political rights exposes them to unacceptably high threats to their personal safety.

Though there have been no claims of responsibility for the activists' murders, attempted murders and harassment tactics, there are strong indications that they are the work of pro-Iran political forces and their armed groups, who fear the erosion of their popular base and the challenge of new, youth-led, non-sectarian political parties or electoral lists in the upcoming election. At least 15 new political entities are currently registering with Iraq's High Electoral Commission for this purpose.<sup>12</sup> Activists also fear the attacks are meant to empty the protest squares ahead of the protest anniversary, and to exclude its activists entirely from any involvement in the electoral process. In addition, the peak of the wave of assassinations also coincided with the prime minister's visit to the United States, read as a threat to pro-Iran parties' interests in Iraq.

The killings thus appear designed to intimidate critical voices into silence, to send a message that the pro-Iran armed groups and political parties will not accept any challenge to their power, influence and interests without a fight, and to impede the emergence of new political parties representing the protest movement's demands and values.

For activists and would-be political organisers from the protest movement, building strong and capable political movement in the few months remaining before the elections is already a challenging task. The assassinations and other intimidation tactics further prevent them from fulfilling their potential role as shapers of a new and more inclusive and representative political order in Iraq, based on values of citizenship rather than sectarian affiliation, as activists are distracted from their work by the imperative to stay alive. Indeed, many have gone into hiding, relocated to safer areas inside the country, or are leaving the country altogether, further compromising the movement's prospects for success and the strength of Iraqi civil society. Even for those not directly threatened, the attacks have a chilling effect, leading people to think twice before expressing themselves politically in the public sphere.

The protest movement's achievement of securing early elections is a rare opportunity for Iraq to forge a new political system and move away from sectarian clientelism toward political competition based on values and policies. Impunity for the latest attacks and for earlier violations risks squandering that opportunity as vested interests take priority over the national interest, further entrenching sectarianism, corruption, and violence as a successful and acceptable means to achieve political goals as key features of the country's political landscape and laying the groundwork for future cycles of violence.

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<sup>12</sup> <https://www.al-monitor.com/pulse/originals/2020/08/iraq-early-elections-political-parties.html>

## Insufficient action

The Iraqi authorities, especially under prime minister Mustafa al-Kadhimi, have taken some welcome steps to address these crimes. But they fall far short of what is required in order to stop them and achieve accountability. Prior to his resignation, prime minister Adel Abdul Mahdi ordered an investigation into the violence against the demonstrations, but its final report used euphemistic language to avoid attributing responsibility to any high-level officials or political figures and was widely seen as lacking in credibility.

Al-Kadhimi's government announced the establishment of an investigation committee into the killings of protestors and ordered the release of detained protestors. But the names of the committee's members were never made public, and four months on there is little news on progress or findings, nor any indication of a timetable for completion. Compensation has been promised to the injured and family members of the dead, but details on implementation remain scarce. A judicial body tasked with investigating and seeking accountability for the assassinations was likewise announced by the Iraqi Supreme Judicial Council in July 2020, but with no further details subsequently made public.

On several occasions, al-Kadhimi has taken swift action to remove police chiefs or other security personnel from their positions for their failure to prevent the targeted killings of human rights defenders.<sup>13</sup> While welcome as a message that he is serious about pursuing accountability and preventing further killings, these sackings alone do not resolve the issue of impunity for those who actually committed the crimes, and may be perceived as mere scapegoating in the absence of sufficient measures to pursue the real perpetrators, including serious investigations and prosecutions.

Similarly, in September 2020, a campaign was launched to seize illegally held weapons in several Iraqi governorates, in line with a key demand for weapons to remain solely in the hands of the state so as to rein in the influence of armed group groups, and against the backdrop of violent tribal clashes in parts of the country. But those targeted with arrests and weapon seizures appear to be lower level or criminal entities, with powerful armed groups suspected of involvement in the assassinations of activists remaining uncurbed.

The same month, prominent civil activist Sijad al-Iraqi was kidnapped in al-Nasiriya and despite widespread outrage, a high-profile search operation by counterterrorism officers and indications that the authorities know the identity of his kidnappers, he has not been released, another indication of the power held by armed groups vis a vis the Iraqi state.<sup>14</sup>

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<sup>13</sup> For example, Al-Kadhimi [fired](#) Basra's police chief in August 2020, and [sacked](#) the National Security Agency head and nominal leader of the Popular Mobilisation Forces in June 2020.

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<https://www.aljazeera.net/news/politics/2020/9/24/%D8%A7%D9%84%D9%82%D8%B5%D8%A9-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84%D8%A9-%D9%84%D8%A7%D8%AE%D8%AA%D8%B7%D8%A7%D9%81-%D8%A7%D9%84%D9%86%D8%A7%D8%B4%D8%B7-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A;>

A pattern has developed whereby serious investigations are promised but not delivered, officials are dismissed or reshuffled, and low-level groups and individuals are punished while higher-level perpetrators remain untouched, all amidst a lack of transparency and clear evidence to justify these actions. As a result, victims and perpetrators alike cannot take repeated promises of accountability seriously, and the cycle of impunity continues.

## Weak international response

The international reaction to the ongoing killings and other violations of protestors' rights in Iraq has not matched their scale and severity. Although states and international organisations have periodically issued statements of condemnation and concern at the deteriorating environment for human rights defenders in Iraq,<sup>15</sup> the wave of repression and murder has not received the same level of international attention and action as similar crises elsewhere.

For instance, the international community has responded to past instances of brutality against unarmed protestors by establishing international investigative bodies or providing support to national-level investigative institutions to establish the context of and facts about the violations and to enable accountability. Some past examples include:

- UN Commissions of Inquiry were established in response to the Israeli government's violence against Palestinian protestors demonstrating at the **Gaza** border in 2018, and in response to the 2009 massacre and rape of protestors at a stadium in Conakry, **Guinea**. In the latter case, the Commission found that the systematic killings and rapes that occurred during the repression of the demonstration constituted crimes against humanity,<sup>16</sup> and the crimes are also subject to a preliminary investigation by the International Criminal Court.
- Following the 2011 popular uprising and the government's violent response in **Bahrain**, the Bahrain Independent Commission of Inquiry (BICI) was established to establish the facts surrounding the protest repression, its broader context, and to make recommendations for accountability and non-repetition. It was a national body established by the Bahraini king, but independent of government interference and supported by the international community, notably the United States. It featured prominent international human rights experts in its membership to help guarantee its independence.<sup>17</sup>

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<sup>15</sup> See for example condemnations by the [UN](#), and by [16 Western countries](#) at the most recent wave of violence.

<sup>16</sup> [https://www.un.org/ga/search/view\\_doc.asp?symbol=S/2009/693&Submit=Search&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=S/2009/693&Submit=Search&Lang=E)

<sup>17</sup> BICI appointed five non-Bahraini human rights experts: Chairman, Professor M. Cherif Bassiouni, Dr. Badria A. Al-Awadhi, Dr. Mahnoush H. Arsanjani, Judge Philippe Kirsch Q.C., and Professor Sir Nigel Simon Rodley KBE. See [http://www.bici.org.bh/index0d2a.html?page\\_id=20](http://www.bici.org.bh/index0d2a.html?page_id=20)

Yet in Iraq, there has been little international appetite for such measures, despite calls from Iraqi civil society for international action and support.<sup>18</sup> There are a number of potential reasons for this: preoccupation with the coronavirus pandemic, prioritisation of 'stability' over justice, or reluctance to take a stand against Iranian interests in Iraq for fear of further heightening US-Iran tensions in the country. It also appears plausible that policymakers have grown to see conflict and violence in Iraq as a banal inevitability given the country's repeating cycles of war and repression, and therefore take it less seriously than in other states. Recent cases of violence against protest movements in Hong Kong and Belarus for example have received higher levels of media scrutiny in the mainstream western press and attention from states, despite much lower levels of violence against the demonstrators in comparison to Iraq.

But the recent crimes against citizens exercising their freedoms of expression and assembly in Iraq may reach the level of crimes against humanity, and must be taken seriously. The victims and their family members deserve accountability and redress, and the international community must not turn a blind eye to their needs and demands. Failure to act damage any prospect of positive reforms in Iraq, undermining the likelihood of a lasting peace and locking the country into destabilising new cycles of violence and insecurity.

## Recommendations

In order to break the cycle of impunity that leads to further cycles of violence, violations and victimisation, to provide redress to the victims and their family members and to give the early elections the greatest prospect for success possible, we call on the Iraqi government to:

- Immediately cease violations against protestors and activists exercising their civil and political rights and prevent armed groups from perpetrating such violations
- With a clear and specific timeframe, transparently investigate and reveal the identities of those responsible for violations against demonstrators and human rights defenders and their facilitators, and prosecute them
- With transparency and a clear timeframe, provide reparations to the victims of protest-related violations and their family members, including compensation, rehabilitation services, and a public apology
- Enact security sector reform programs to protect citizens' rights to freedom of assembly and expression, provide human rights training to officers, relieve corrupt or negligent staff from their duties, provide protection to protest sites and activists at risk of being targeted, and reinforce accountability within security agencies
- Take serious measures to restrict the illegal spread of weapons among non-state actors
- Take the necessary steps to hold early, free, and fair elections as planned in June 2021, with monitoring by international observers and Iraqi civil society, including by ratifying

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<sup>18</sup> See for example the August 2020 [appeal](#) by Iraqi human rights activists for international solidarity or the June 2020 [letter](#) from women's rights activists calling on the UN to help ensure protection for the protest movement.

the proposed election date, finalising a fair electoral system, and preventing armed groups and corrupt individuals from participating

We also call on the international community, including states, the UN, and international non-governmental organisations, with respect for Iraq's sovereignty and independence and the free will of its people, to support Iraqis in their search for justice and dignity through the following measures:

- Support, pressure and encourage the Iraqi authorities to implement the recommendations above
- Support high quality investigations into protest-related violations through technical assistance and expertise, and support for a special session on Iraq at the Human Rights Council
- Should the Iraqi authorities prove unwilling or unable to pursue such investigations, establish an international commission of inquiry or similar to investigate and seek accountability
- Support Iraqi civil society through solidarity, protection measures and funding, including urgent assistance for the relocation of activists threatened with reprisals for their work

## Signatory organisations

Al-Haqq  
Foundation  
for Human  
Rights



مؤسسة  
الحق  
لحقوق  
الإنسان

Iraqi al-Amal  
Association



جمعية  
الأمم  
العراقية

Al-Namaa  
Center for  
Human  
Rights



مركز  
النماء  
لحقوق  
الإنسان

Iraqi Human  
Rights  
Defenders  
and Activist  
Forum



تجمع  
المدافعين  
عن حقوق  
الانسان

Bassma  
Iraqia  
Humanity  
Organization



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باكس



Being Together Organisation for Human Rights



منظمة معا تكون لحقوق الإنسان  
Peace and Freedom Organisation



منظمة السلام والحرية

Building Foundation for Training and Development



مؤسسة بناء للتدريب والتطوير  
Ufuq Organization for Human Development



منظمة افق للتنمية البشرية

Express Center for Rights and Freedoms



مركز عبر للحقوق والحرية  
Women Human Rights Defenders Coalition



تحالف المدافعات عن حقوق الإنسان

Impunity Watch



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