

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE:
UA IRQ 5/2019

8 November 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 34/18, 36/6, 41/12, 34/5 and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged enforced disappearance of Ms. **Saba al-Mahdawi**, who had participated in several demonstrations in the past weeks.

The situation in Iraq since 1 October 2019, including serious concern over the use of excessive force, violence and alleged arbitrary arrests and detentions of protesters and civil society activists, was the subject of a communication sent by Special Procedures mandate holders on 14 October 2019 (IRQ 4/2019). We look forward to receiving replies to IRQ 4/2019 and the present communication concerning Ms al-Mahdawi imminently.

According to the information received:

Since 1 October 2019, Ms al-Mahdawi has participated in several peaceful demonstrations in Baghdad to protest against high levels of unemployment, corruption and poor public services. She also volunteered to provide emergency medical aid and distributed water and food to injured protestors.

On 2 November 2019, at approximately 11:30pm, Ms al-Mahdawi was reportedly abducted by masked and armed individuals from her car while she was driving out of Hamza Square in Baghdad (Baya'a neighbourhood), where the local Court of investigations and misdemeanours is located.. It is reported that she was on the phone with a relative who could hear her calling for help during the abduction. It is reported that several individuals who took part in recent protests have been arrested or subjected to enforced disappearance in the past weeks.

On 3 November, her family reported her abduction to Baya'a Police Station. The family also reported the incident to the local Court of investigations and misdemeanours where the abduction took place. Employees of the court informally informed them that the incident had been recorded on the security cameras but specified that a court order was needed to disclose the content of the video footage to the family. On the same day, the Iraqi High Commission for Human Rights made a public statement on her case. Despite the attempts of her family members to locate her since 2 November, her fate and whereabouts remain unknown at the time of sending this communication. On the other hand, the authorities provided no information on steps taken to investigate the case and to locate her.

We wish to express our serious concerns regarding the alleged enforced disappearance of Ms al-Mahdawi, which appear to be a direct result of her exercise of the right to freedom of expression and freedom of peaceful assembly. We also wish to express our concerns for her safety, especially given the absence of official information as to her whereabouts, and on the conditions in which she may be held. We further express concern as to the seeming unwillingness to provide a prompt and effective judicial remedy as a means of determining the victim's fate and whereabouts.

In relation to the above facts and concerns, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Ms al-Mahdawi not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 25 January 1971.

We would further like to refer your Excellency's Government to articles 19 and 21 of the International Covenant on Civil and Political Rights, which provide for the right to freedom of opinion and expression and the right to freedom of peaceful assembly, respectively.

We further recall the United Nations International Convention for the Protection of All Persons from Enforced Disappearance, to which Iraq is party, and in particular articles 17 and 18 which establish the obligation of the detaining authorities to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest. We would also like to remind your Excellency's Government of the duty to conduct thorough, prompt and impartial investigations of all suspected cases of enforced disappearances and the obligation to bring to justice all persons identified by the investigation as having participated in those disappearances as specified in articles 3 and 12.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the fate and whereabouts of Ms al-Mahdawi, including the exact location of her current place of detention and her state of health.
3. If an investigation is ongoing, kindly provide related details and explain to what extent the family has been able to participate and receive appropriate levels of support and information.
4. If there are any charges held against Ms. al-Mahdawi, please provide detailed information on such charges and the legal grounds on which they are based. Please explain how these are compatible with international human rights norms and standards.
5. Please indicate what measures have been taken to ensure that human rights defenders in Iraq are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Luciano Hazan
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