

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 41/12, 42/22, 35/15, 34/18, 34/5 and 34/19.

We are following-up on the Joint Urgent Action 4/2019 sent on 14 October 2019 and want to thank your Excellency's Government for the reply received on 23 December 2019. We have received further information regarding protests that took place after 14 October and the following communication focuses on these new developments.

According to the information received:

Since 1 October 2019, peaceful protests took place across central and southern Iraq, including in central Baghdad and in the governorates of Basra, Maysan, Al-Muthanna, Al-Najaf, Karbala, Babylon, Diyala, Dhi Qar and Diwaniya. Protesters were demonstrating against high levels of unemployment, government corruption, poor public services and restrictions on public freedoms, with broad participation of Iraqi youth. As part of their response, Iraqi security forces, including riot police, reportedly used live ammunition, tear gas and hot water cannons to disperse demonstrators, with reports of deaths and many injuries amongst the protesters. In some instances security forces and militias have been reported and recorded using live ammunition shooting directly at unarmed demonstrators who were posing no direct threat to life or safety of the security forces or militias.

Large-scale demonstrations continued through November and into December 2019, driven by protestors' frustration at limited economic, social and political prospects. There have reportedly been at least 170 deaths and 2'264 injured related to the protests since 4 November. This brings the death toll since the

beginning of the protest on 1 October to 424 with at least 8'758 people injured and another 10'000 people treated for exposure to teargas.

In parallel, Prime Minister Abdul-Mahdi announced his intention to relinquish his post on 29 November 2019. On 1 December 2019, the Council of Representatives accepted his resignation and a care-taker government under Prime Minister Abdul-Mahdi was put in place.

During the last two months, the majority of protests were allegedly peaceful. However, some protesters have used petrol bombs and stones against security forces and have set buildings on fire. The majority of deaths and serious injuries were reportedly caused by the use of live ammunition which security forces and armed men described as militias firing against protesters to disperse crowds. Less lethal weapons have also been used in manners that are not in conformity with international standards and have led to deaths, especially in Baghdad.

Tahrir Square remained the center of protests in Baghdad. The overwhelming majority of protesters aired their grievances in a peaceful manner. After a break in protests live ammunition started being used again from 4 November. There were at least 66 protest related deaths between 5 and 8 November in Baghdad. On 5 December, at least nine protesters were stabbed close to Tahrir Square by armed men alleged to be affiliated to militias.

In Najaf, 27 protesters were killed between 27 and 30 November by armed men reported to be affiliated to the Popular Mobilization Forces. The violence escalated when protesters tried to set fire to a compound that includes the al-Hakim shrine.

In Nasiriya, Dhi Qar governate, protesters occupied the Al-Zaitoun bridge which security forces unsuccessfully tried to clear on 10 and 11 November using live ammunition, tear gas and stun grenades. This led to six deaths and over 100 injured protesters. On 28 November security forces used live ammunition against protesters, killing 24 persons and injuring 200 on the same bridge. The following day 17 protesters were killed and 300 injured in front of a police station where protesters airing their anger about the killings of the previous day.

Human rights defenders and civil society activists reportedly continue to be targeted in different parts of the country at an alarming rate. Incidents that appear to involve targeted assassinations or attempts to assassinate have seen an increase in December. Some examples include improvised explosive devices in Diwaniya and Karbala that were attached to vehicles and detonated on 8 and 15 December respectively. These seem to have been targeted attacks on civil society activists, three of whom were wounded during the explosions. In another example, on 14

December gunmen opened fire on a truck carrying civil society activists in Baghdad, killing one and injuring two.

The killings of civil society activists have been occurring against a backdrop of disappearances of high-profile protesters in Baghdad and other cities. Throughout December, targeting of individuals perceived to be organizing or influential in the demonstrations continued, with arbitrary arrest by security forces, but also disappearances believed to be perpetrated by armed groups. Thousands of protesters have been arrested by Iraqi security forces since the beginning of the protests. Many were held without access to the outside world for days in what may amount to incommunicado detention. The High Judicial Council announced that at least 2'262 detained protesters were released, and that 107 remain under investigation in detention. Others are believed to have been abducted by armed groups, and are at serious risk of ill-treatment. Both security forces and armed groups are reportedly targeting well-known demonstrators and activists. Some protesters and human rights defenders are targeted by security forces and militias and are apprehended in their homes. Those apprehended by militias are held and questioned outside any formal process or clear governmental oversight.

On November 12, the Communications and Media Commission ordered the closure of eight television broadcasters and four radio stations for three months for allegedly violating media licensing rules. It also issued a warning against five more broadcasters allegedly over their coverage of the protests.

Some steps seem to have been taken to hold certain perpetrators accountable. In October, the Kut investigation court issued a warrant charging two SWAT12 police officers with killing demonstrators in Wassit. The Criminal Court in Wassit sentenced one officer to death and handed down a seven-year prison sentence to the second officer on 1 December. Furthermore, the Dhi Qar Appeals Court issued a travel ban and arrest warrant for a senior general accused of ordering the killings of demonstrators in Dhi-Qar on 28 and 29 November.

We express serious concern at what appear to be severe violations of the right to life of peaceful protesters by Iraqi security forces across the country. We express our strong concern at the alleged use of excessive and lethal force by security forces, including the use of live ammunition and the improper use of less lethal weapons against peaceful protesters. Furthermore, we strongly condemn the reported attempts and targeted killings of human rights defenders and activists. This has resulted in a significant loss of life and injuries.

We also express our strong concern at the large number of alleged arbitrary detentions and kidnappings of peaceful protesters, including human rights defenders by

security forces and militia groups. Lack of procedural guarantees and oversight strongly increase risks of torture and ill-treatment.

Lastly, we express our concern at the decision by the Communications and Media Commission to close eight television broadcasters and four radio stations, and the issuance of warnings to other outlets, and note the possible connection with these outlets' coverage of acts by the authorities in the context of the protests. In this regard, we restate the indispensable role of the media to ensure the public's right to information and its crucial role in holding the authorities and others accountable for possible human rights violations.

While we do not wish to prejudge the accuracy of these allegations, the above mentioned allegations seem to contravene articles 2, 6, 7, 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) ratified by your Excellency's Government on 25 January 1971 as well as a number of related standards including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 and the recommendations on the management of peaceful assemblies as found in A/HRC/31/66.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 concerned individuals 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 the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information on measures taken by your Excellency's Government to carry out an immediate, impartial, and transparent investigation into the reported excessive and lethal uses of force leading to the death and serious injury of protesters. If no thorough investigations have been undertaken, or if they have been inconclusive, please explain why.

3. Please provide information on the factual and legal basis for the arrest and detention of peaceful protesters and how these are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Please include information on how many detained protesters have since been released, and whether those still detained have been charged with a recognizable criminal offence, have been granted access to a lawyer of their choice, and have been promptly brought before a judge to determine the validity of their detention.
4. Please provide information on the decision by the Communications and Media Commission to close down and issue warnings to media outlets, and a detailed justification for its compatibility with the obligations of your Excellency's Government under international human rights law.
5. Please provide information on the steps taken to engage in a meaningful dialogue with the protesters and how their legitimate claims will be addressed and be reflected in future policies.
6. 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, acts of intimidation, kidnappings or harassment of any kind.

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

We also call on all parties to take all necessary measures, including addressing the demands raised by the demonstrators, so that the right of Iraqi citizens to demonstrate peacefully can be respected and protected in line with international standards.

We also call as a matter of priority for immediate, transparent and independent investigations to ensure accountability for the deaths and injuries associated with the demonstrations. The government must take steps to enable an environment in which people can express their opinions safely without intimidation or fear.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeal in no way

prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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.

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Leigh Toomey  
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard  
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