

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

REFERENCE:
AL IRQ 3/2020

3 June 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 34/18, 35/15 and 41/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killings of Mr. **Ahmed Abdul Samad** and Mr. **Safaa Ghali**, journalists for Diljah TV, an Iraq news agency.

According to the information received:

On 10 January 2020, unidentified gunmen traveling in a sedan opened fire on a car carrying Mr. Ahmed Samad and Mr. Safaa Ghali in an area around 150 metres away from the Hakeemiya Police Command in the city of Basra. Mr. Samad was killed instantly, while Mr. Ghali died shortly after he had been taken to Basra General Hospital. Mr. Samad and Mr. Ghali were in Basra covering the protests stemming from the alleged failing of various public infrastructure, corruption and the lack of employment opportunities. Mr. Samad was a well-known journalist who had reported on the protests and published news stories critical of 'pro-Iranian militia' operating in Basra with impunity. A few hours prior to his death, Mr. Samad posted a video on his Facebook account criticizing how Iraqi security forces arrested protesters critical of the Government in Basra, but did not take action against those who had gathered in front of a foreign diplomatic representation during a demonstration which the Government allegedly sees more favourably.

On 17 January 2020, the families of Mr. Samad and Mr. Ghali filed complaints against the killings at the Al Riba police station in Basra city. A few days later, they appeared at the Basra Investigative Court and provided testimonies to the Investigative Judge as part of the investigative process. At the time of sending this communication, no individual has reportedly been arrested in relation to the killings.

It is reported that since 1 October 2019, three major incidents of intentional targeted killing by shooting of individuals linked to demonstrations have taken place in Basra city. It is further reported that since November 2019, Diljah TV,

which employed the two journalists, has been under increased scrutiny of Iraq's media regulator, the Communications and Media Commission, allegedly for its active coverage of the protests.

Without prejudging the accuracy of the allegations, we express our utmost concern about the killings of Mr. Ahmed Samad and Mr. Safaa Ghali which appear to be directly connected to their professional activities as journalists. We are further concerned at the reported lack of investigation and prosecution of the aforementioned killings. Serious concern is expressed that the above allegations may be an attempt to intimidate and silence Diljah TV and other journalists who have actively covered the recent demonstrations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out in relation to the aforementioned extrajudicial killings. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that alleged perpetrator(s) have been identified, please provide full details of any prosecutions undertaken so far and any remedy and financial compensation afforded to the victims' families.
4. Please indicate what measures have been taken to ensure the safety of journalists in the Iraqi southern region and to guarantee that they can pursue their work free from threats and intimidation.

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

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(s) responsible for the alleged violations.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Annex
Reference to international human rights law

In relation to the above facts and concerns, we would like to draw your attention to the following human rights norms and standards:

The above mentioned allegations appear to be in contravention of articles 6, 19 and 21 of the International Covenant on Civil and Political Rights which was ratified by Iraq on 25 January 1971 that guarantee the rights of every individual to life, to freedom of opinion and expression and freedom of peaceful assembly, respectively.

In its General Comment 6, paragraph 3, the Human Rights Committee noted that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts. In addition, in its General Comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by private persons or entities, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

Moreover, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions establish the obligation of States to conduct a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions (Principle 9), and to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions (Principle 4).

Furthermore, we make reference to resolution 12/16 of the Human Rights Council, which calls upon States to investigate effectively threats and acts of violence, including terrorist acts, against journalists, and to bring to justice those responsible to combat impunity.