

**COI QUERY**

Country of Origin	Iraq
Question(s)	<ol style="list-style-type: none">1. Information on the following demonstrations:<ul style="list-style-type: none">- A demonstration that took place in Baghdad, Al-Tahrir square, in February and/or March 2017, concerning a change in the Constitution- A five-day demonstration, in Al-Nasiriya, in July 2017 (Dhi Qar Governorate)2. Is participation in political demonstrations a punishable offense in Iraq? If yes, what are the possible punishments for participating?3. Is there any information on persons who were sentenced to death because they participated in demonstrations?
Date of completion	18/05/2018
Query Code	Q75
Contributing EU+ COI units (if applicable)	

Disclaimer

This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 18/05/2018. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

1. Information on demonstrations that took place in Baghdad, Al-Tahrir square, on February and March 2017, in Al-Nasiriya (Dhi Qar Governorate) on July 2017

1.1 Demonstration held on 11 February 2017, in Baghdad, Al-Tahrir square

The following articles report on a demonstration that took place on 11 February 2017 in Baghdad, Al-Tahrir square and near the Green Zone¹. According to these articles, the protest gathered thousands of followers of Shiite cleric Muqtada al-Sadr² to demand electoral reforms:

- Al Jazeera reported that at least seven protesters and one police officer were killed during the demonstration as a result of clashes. Iraqi security forces fired tear gas and rubber-coated bullets at the protestors attempting to cross the bridge that links the square and the heavily fortified Green Zone, which houses government buildings, embassies and international organisations³.
- A Reuters article reporting the same news, wrote that Muqtada al-Sadr issued a statement saying the demonstration was peaceful and accused the police of using excessive force. The interior ministry did not confirm tolls given by pro-Sadr sources reporting up to five killed among demonstrators and as much as 320 wounded. Sadr followers held several demonstrations in the previous year to press for anti-corruption reforms⁴.

The demonstration held in Baghdad on 11 February 2017 is briefly mentioned in a US DoS 2017 Report on Human Rights Practices as one of the cases when Iraqi government forces intervened to restrict protests for security reasons⁵.

According to a UN Assistance Mission for Iraq (UNAMI) report, on 11 February 2017, three protesters were stabbed and killed at Tahrir Square in Baghdad by unidentified persons wearing black uniforms.

¹ The Green Zone or, the International Zone of Baghdad, is a roughly 10-square-kilometre heavily fortified area in the heart of Baghdad which is home to the country's top political institutions and embassies. For more info, The Guardian, *Baghdad's Green Zone open to public for first time in 12 years*, 5 October 2015 ([url](#))

² Muqtada al-Sadr is the son of Grand Ayatollah Mohammed Sadiq al-Sadr, who founded the Sadrist Movement in the 1980s, a nationalist political movement popular among Iraq's Shiite lower class. After Mohammed Sadiq al-Sadr was assassinated in 1999, presumably by the Hussein regime, Muqtada al-Sadr succeeded him as the leader of the Sadrists as well as one of the most powerful and respected Shiite clerics in Iraq. For more info, Stanford University, *Mapping Militant Organisations – Mahdi Army*, 26 November 2017 ([url](#)); The Sairoon Alliance led by Muqtada al-Sadr is expected to win Iraq's parliamentary elections that were held on 12 May 2018. For more info, Al Jazeera, *Iraq election: Shia leader Muqtada al-Sadr alliance set to win*, 15 May 2018 ([url](#))

³ Al Jazeera, *Violence grips protest rally in Baghdad*, 12 February 2017 ([url](#))

⁴ Reuters, *Iraqi policeman killed in clashes with pro-Sadr protesters*, 11 February 2017 ([url](#))

⁵ US DoS, *Country Report on Human Rights Practices 2017 – Iraq*, 20 April 2018, p. 27 ([url](#))



An Iraqi anti-riot police officer was also reportedly shot and killed by the perpetrators. Eventually, nine private guards were allegedly arrested, accused of having killed the riot police officer⁶.

1.2 Demonstration held on 24 March 2017, in Baghdad, Al-Tahrir square

Another pro-Sadr demonstration took place in Baghdad, Al-Tahrir square on 24 March 2017 to press for the 'reform revolution'⁷.

Responding to a rallying call from Moqtada Al-Sadr, thousands of demonstrators took to the streets and the capital's central Al-Tahrir Square to protest against Government corruption and to call for reforms. In view of the demonstration, Iraqi security forces deployed extensive security measures, including sealing off roads, footpaths and bridges leading to the protest site, as well as creating a cordon of roadblocks in Baghdad⁸.

According to the US DoS 2017 Report mentioned above, during the protest held on March 24, Shia cleric Muqtada al-Sadr addressed an estimated 50,000 followers to demand anticorruption reforms. The demonstration was peaceful, and the estimated 2,000 riot police deployed for the occasion did not intervene⁹.

1.3 Five-day demonstration held in Al-Nasiriya (Dhi Qar Governorate) on July 2017

No information could be found on this demonstration¹⁰.

2. Is participation in political demonstrations a punishable offense in Iraq? If yes, what are the possible punishments for participating?

The US DoS 2017 Report on Human Rights Practices states that the Iraqi constitution provides for freedom of assembly and peaceful demonstration "regulated by law"¹¹. Article 38 of the Iraqi Constitution reads:

"The State shall guarantee in a way that does not violate public order and morality:

1. Freedom of expression using all means.
2. Freedom of press, printing, advertisement, media and publication.
3. Freedom of assembly and peaceful demonstration, and this shall be regulated by law"¹²

⁶ UN Assistance Mission for Iraq (UNAMI), *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, p. 19 ([url](#))

⁷ AP, At Baghdad rally, *Iraq cleric threatens to boycott elections*, 24 March 2017 ([url](#))

⁸ Middle East Monitor, *Firebrand Iraq Shia cleric rallies thousands in Baghdad demonstrations*, 24 March 2017 ([url](#))

⁹ US DoS, *Country Report on Human Rights Practices 2017 – Iraq*, 20 April 2018, p. 26 ([url](#))

¹⁰ Sources consulted: Easo COI Portal, Ecol.net, Refworld, Google, Google Scholar, Google News, Twitter

¹¹ US DoS, *Country Report on Human Rights Practices 2017 – Iraq*, 20 April 2018, pp. 26, 27 ([url](#))

¹² The Constitution Project, *Iraq's Constitution of 2015*, 17 January 2018, p. 15, ([url](#))



The 2017 US DoS report notes that there are, however, a number of regulations that restrict the right of assembly in Iraq:

“Organisers are required to request permission seven days in advance of a demonstration and submit detailed information regarding the applicants, the reason for the protest, and participants. The regulations prohibit all ‘slogans, signs, printed materials, or drawings’ involving ‘sectarianism, racism, or segregation’ of citizens. The regulations also prohibit anything that would violate the constitution or law; encourage violence, hatred, or killing; or prove insulting to Islam, ‘honor, morals, religion, holy groups, or Iraqi entities in general’”¹³.

According to the International Centre for Not for Profit Law (ICNL), the above mentioned restrictions are contained in Provisional Order 19. ICNL states that citizens who violate these restrictions may be “detained, arrested, prosecuted and, if convicted, sentenced to up to one year in prison”¹⁴.

In 2010, The Iraqi parliament drafted a law on Freedom of Expression, Assembly and Peaceful Protest¹⁵, which was presented to the Parliament in July 2016, and eventually postponed in 2017 following protests by local civil society groups¹⁶. The draft law contains several articles which civil society believes would curb free speech and the right to free assembly and further restrict rights that are fundamental to the practice of democracy and accountability¹⁷.

ICNL claims on its website that, as for 4 April 2018, the draft law had not been formally approved by Iraq’s Parliament¹⁸.

In a 2013 article, Human Rights Watch denounced a crackdown on the right to assembly in Baghdad, following the detention of 13 people who attempted to protest against corruption. Human Rights Watch observed that the regulations that allow security forces to prevent peaceful protest are in breach of the Iraq’s constitution and called for their immediate revocation. Some of the detained protesters, upon their release, told Human Rights Watch that they had requested official permits to demonstrate a week in advance but the permit was denied by the provincial council stating that they were “not allowed” to authorize any demonstration “critical of government policies”¹⁹.

The Human Rights Watch article also reports that some of the detained protesters were charged under article 240 of the penal code²⁰, which makes disobeying police orders a criminal offense, “punishable by a period of detention not exceeding 6 months or by a fine not exceeding 100 dinars”²¹.

The UNAMI report claims that during the period of reporting - January to June 2017 - there were relevant challenges to freedom of opinion and expression, as well as freedom of association and assembly. The report states that a number of journalists, media professionals and protestors were

¹³ US DoS, *Country Report on Human Rights Practices 2017 – Iraq*, 20 April 2018, pp. 26, 27 ([url](#))

¹⁴ International Centre for Not for Profit Law (ICNL), *Civic Freedom Monitor: Iraq*, 4 April 2018, ([url](#))

¹⁵ The Library of Congress, *Draft Law on Freedom of Expression, Assembly and Peaceful Protest, 2010*, ([url](#))

¹⁶ Alkarama, *Iraq: Draft law restricts right to freedom of expression and peaceful assembly*, 17 May 2017, ([url](#))

¹⁷ Iraqi Civil Society Solidarity Initiative (ICSSI), *Reviewing the Draft Law on Freedom of Expression in Iraq*, 11 October 2017 ([url](#))

¹⁸ International Centre for Not for Profit Law (ICNL), *Civic Freedom Monitor: Iraq*, 4 April 2018, ([url](#))

¹⁹ Human Rights Watch, *Iraq: Crackdown on Baghdad Protests*, 20 August 2013 ([url](#))

²⁰ Human Rights Watch, *Iraq: Crackdown on Baghdad Protests*, 20 August 2013 ([url](#))

²¹ Library of Congress, *Iraqi Penal Code 1969, Article 240*, ([url](#))

intimidated, abducted and in some cases, killed by Iraqi security forces, armed groups and unidentified perpetrators²².

The same source mentions the case of seven men being abducted on 8 May 2017 from their home in central Baghdad by unknown gunmen. The abductees are reportedly students, media professionals, and civil activists. Some of them are supposed to be human rights activists who participate regularly in demonstrations in Tahrir Square. The men were allegedly beaten before being released on 9 May following a call by the President of Iraq to security authorities to investigate the incident and to “take all necessary action to discover the fate of the abductees”²³.

In an article published last February 2018, Human Rights Watch denounced that, in the Kurdistan Region of Iraq, some citizens, including journalists, were arrested by the Kurdistan Regional Government²⁴ (KRG) security forces for participating in December 2017 protests around the city of Sulaymaniyah. According to Human Rights Watch, the protestors were arrested after the demonstration, at their homes, workplaces or on the street. They were held for up eight days without being taken before a judge, and, prior to their release, they were forced to sign statements promising not to criticize the government through protests or social media²⁵.

3. Is there any information on persons who were sentenced to death because they participated in demonstrations?

According to Human Rights Watch, Iraqi law permits the death penalty against adults for a range of crimes, including offenses under the counterterrorism law. In the Kurdistan Region of Iraq, the KRG implemented a de facto moratorium on the death penalty in 2008, banning it “except in very few cases which were considered essential”. However, in its World Report 2018, Human Right Watch denounces that federal Iraqi authorities are conducting executions without publicising any official numbers or sharing information with international actors²⁶.

Iraq remains one of the world’s most prolific users of the death penalty, according to Amnesty International. In its 2017/2018 report, the NGO denounced that many people were sentenced to death by courts after unfair trials and executed by hanging. The death penalty continued to be used as a tool of “retribution in response to public outrage after attacks claimed by IS”²⁷.

In a press release issued on 27 September 2017, the UN High Commissioner for Human Rights (OHCHR), expressed “massive concerns” over the mass hanging of 42 prisoners on 24 September 2017 at Al Hoot prison in the southern Iraqi city of Nasiriyah. Iraqi government officials stated that the executed prisoners were Iraqis affiliated to ISIL or al-Qaeda, who had been charged under anti-terrorism laws with offences including kidnapping, killing members of the security forces, carrying out armed robberies, and detonating Improvised Explosive Devices. However, no information has been

²² UN Assistance Mission for Iraq (UNAMI), *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, p. 19 ([url](#))

²³ UN Assistance Mission for Iraq (UNAMI), *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, p. 19 ([url](#))

²⁴ By the end of 2015, Iraq was divided into three key zones of influence – the Islamic State (caliphate) in the west, the Kurds in the Northeast, and the Baghdad/Central authorities in the centre and south. For more info, EASO COI *Meeting Report – Iraq, Practical Cooperation Meeting 25-26 April 2017*, 11 July 2017, p. 9 ([url](#))

²⁵ Human Rights Watch, *World Report 2018 – Iraq*, 18 January 2018, p. 289 ([url](#))

²⁶ Human Rights Watch, *World Report 2018 – Iraq*, 18 January 2018, p. 289 ([url](#))

²⁷ Amnesty International, *Amnesty International Report 2017/18 - Iraq*, 22 February 2018, p. 205 ([url](#))



released about their names, places of residence, exact crimes, trials, date of sentencing, or the appeals processes which Iraqi officials say they have exhausted²⁸.

No information could be found on persons sentenced to death for participating in demonstrations²⁹.

²⁸ OHCHR, *UN human rights chief “appalled” at Iraq mass execution*, 27 September 2017, ([url](#))

²⁹ Sources consulted: Easo COI Portal, Ecoinet, Refworld, Google, Google Scholar, Google News, Twitter



SOURCES USED

Alkarama, *Iraq: Draft law restricts right to freedom of expression and peaceful assembly*, 17 May 2017 (<https://www.alkarama.org/en/articles/iraq-draft-law-restricts-rights-freedom-expression-and-peaceful-assembly>), accessed 15 May 2018

Al Jazeera, *Iraq election: Shia leader Muqtada al-Sadr alliance set to win*, 15 May 2018 (<https://www.aljazeera.com/news/2018/05/iraq-election-shia-leader-muqtada-al-sadr-alliance-set-win-180515050447621.html>), accessed 15 May 2018

Al Jazeera, *Violence grips protest rally in Baghdad*, 12 February 2017 (<https://www.aljazeera.com/news/2017/02/protesters-killed-violence-grips-baghdad-rally-170211140644671.html>), accessed 15 May 2018

Amnesty International, *Amnesty International Report 2017/18 - Iraq*, 22 February 2018, p. 205 (<https://www.amnesty.org.uk/files/2018-02/annualreport2017.pdf>), accessed 14 May 2018

Asfar, *Iraq protests: the constitutional roots to unrest*, (n.d.) (<http://www.asfar.org.uk/iraq-protests-the-constitutional-roots-to-the-unrest/>), accessed 18 May 2018

Associated Press, *At Baghdad rally, Iraq cleric threatens to boycott elections*, source: Associated Press, 24 March 2017 (<https://www.apnews.com/dbd2df4ef7384418a0a25245eadb1a71/At-Baghdad-rally,-iraq-cleric-threatens-to-boycott-elections>), accessed 15 May 2018

Constitute Project (The), *Iraq's Constitution of 2015*, 17 January 2018, p. 15 (https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en)

EASO COI Meeting Report – Iraq, Practical Cooperation Meeting 25-26 April 2017, 11 July 2017, p. 9 (https://coi.easo.europa.eu/administration/easo/PLib/IRQ_Meeting_Report.pdf), accessed 14 May 2018

Guardian (The), *Baghdad's Green Zone open to public for first time in 12 years*, 5 October 2015 (<https://www.theguardian.com/world/2015/oct/05/baghdads-green-zone-open-to-public-for-first-time-in-12-years>), accessed 15 May 2018

Guardian (The), *Iraqi PM orders arrest of protesters who stormed Baghdad's green zone*, 1 May 2016 (<https://www.theguardian.com/world/2016/may/01/iraqi-pm-orders-arrest-of-protesters-who-stormed-baghdads-green-zone>), accessed 15 May 2018

Human Rights Watch, *Iraq: Crackdown on Baghdad Protests*, 20 August 2013 (<https://www.hrw.org/news/2013/08/20/iraq-crackdown-baghdad-protests>) (accessed 18 May 2018)



Human Rights Watch, *Kurdistan Region of Iraq: Protesters, Journalists Detained*, 28 February 2018, p. 289 (<https://www.hrw.org/news/2018/02/28/kurdistan-region-iraq-protesters-journalists-detained>), accessed 14 May 2018

International Centre for Not for Profit Law (ICNL), *Civic Freedom Monitor: Iraq*, 4 April 2018, (<http://www.icnl.org/research/monitor/iraq.html>), accessed 18 May 2018

Iraqi Civil Society Solidarity Initiative (ICSSI), *Reviewing the Draft Law on Freedom of Expression in Iraq*, 11 October 2017, (<http://www.iraqicivilsociety.org/archives/7946>), accessed 19 May 2018

Law Democracy, *Draft Law on Freedom of Expression, Assembly and Peaceful Protest, 2010* (<http://www.law-democracy.org/wp-content/uploads/2012/01/Iraq.FOE-FOA.IREX-translation.pdf>), accessed 18 May 2018

Library of Congress, *Iraqi Penal Code 1969, Article 240*, (<https://www.loc.gov/law/help/hussein/docs/IraqiPenalCodeof1969.pdf>), accessed 18 May 2018

Middle East Monitor, *Firebrand Iraq Shia cleric rallies thousands in Baghdad demonstrations*, 24 March 2017 (<https://www.middleeastmonitor.com/20170324-firebrand-iraq-shia-cleric-rallies-thousands-in-baghdad-demonstrations/>), accessed 14 May 2018

Reuters, *Iraqi policeman killed in clashes with pro-Sadr protesters*, 11 February 2017 (<https://www.reuters.com/article/us-iraq-sadr-protest/iraqi-policeman-killed-in-clashes-with-pro-sadr-protesters-idUSKBN15Q0C1>), accessed 15 May 2018

Stanford University, *Mapping Militant Organisations – Mahdi Army*, 26 November 2017 (<http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/57>), accessed 14 May 2018

UN Assistance Mission for Iraq (UNAMI), *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, p 18 (file:///C:/Users/settema/Downloads/UNAMI_HRO-OHCHR_report_Jan-Jun_2017.pdf), accessed 15 May 2018

UN High Commissioner for Human Rights (OHCHR), *UN human rights chief “appalled” at Iraq mass execution*, 27 September 2017, (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22166&LangID=E>), accessed 15 May 2018

US Department of State, *Country Report on Human Rights Practices 2017 – Iraq*, 20 April 2018, pp. 26, 27 (<https://www.state.gov/documents/organization/277487.pdf>), accessed 14 May 2018

Washington Post (The), *State of emergency declared in Baghdad as protesters take Iraqi Parliament*, 30 April 2016 (https://www.washingtonpost.com/world/protesters-storm-iraqi-parliament-in-baghdad/2016/04/30/0862fd3a-0ec1-11e6-8ab8-9ad050f76d7d_story.html?utm_term=.f2aeef6537ba), accessed 15 May 2018



SOURCES CONSULTED

Atlantic (The), *A shia cleric's radical vision for Iraq* 11 May 2018 (<https://www.theatlantic.com/international/archive/2018/05/iraq-moqtada-sadr/559499/>), accessed 15 May 2018

Lifos, Centre for Country of Origin Information and Analysis, Thematic Report *The Security situation in Iraq, July 2016 – November 2017*, 18 December 2017 (<file:///C:/Users/settema/Downloads/18012202.pdf>), accessed 14 May 2018