



## Civilian Activists under Threat in Iraq



**Cover photo:**

An Iraqi woman covers her face with the national flag as she participates in a demonstration demanding better public services and jobs in the southern city of Basra, Iraq, on 25 September 2018, the same day masked gunmen shot dead Suad al-Ali, a human rights activist and mother of four, outside a supermarket in the city.

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# 1

## Introduction

Following significant military victories over ISIS and the formation of a new government, Iraq finds itself at a turning point. Will the country's people finally inherit the democracy they have for so long been promised, or will the cycle of insurgency, conflict and repression come around again? The voices of Iraq's civilian activists, working for human rights and struggling against corruption, provide an early answer.

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2018 has been a year of protest in Iraq: protest against established politicians, against foreign powers and against authorities on the ground, expressed through the ballot box and, with increasing frustration, on the streets.

Yet a series of high-profile killings of activists throughout 2018 has shown that those who protest and campaign for human rights do so at tremendous risk to themselves. Discerning a pattern from the violence is complicated by the fact that the assassinations of activists have been anonymous. While these attacks have been shocking because of their very public nature, the killers did not try to claim credit for them after the fact, unlike the typical *modus operandi* of terrorists.

Rather, their intention appears to be a generalized warning: that Iraqis should not interfere with the plans of powerful elements in Iraq's political landscape, or else face the consequences. Because of the ambiguous relationships between the Iraqi state and the sectarian militias connected to leading politicians and political parties, killings can be carried out with relative impunity.

For civilian activists, the consequences are bleak. When militia leaders are the kingmakers in politics, there is little that can be done to protect civilians from militia attacks. It is argued in this report that the violence against activists is a mode of control by those militias. In a political system at once militarized and fractured, unprecedented licence is being given to what are effectively private armies. In this new Iraq, freedom of expression, freedom of assembly and due process are among the first casualties.

### Iraq's year of rage

The current wave of killings against civilian activists in Iraq needs to be examined against both the country's recent history and its present political context. The governments of Nouri al-Maliki (2006-14) and Haider al-Abadi (2014-18), as well as the protracted war with the Islamic State of Iraq and al Sham (ISIS), saw both an aggressive revival of sectarianism in Iraq and at the same time a reaction against it.

## Human rights defenders and other civilian activists

The 1998 UN Declaration on Human Rights Defenders<sup>1</sup> effectively defines a human rights defender (HRD) as anyone who, individually or in association with others, works for the promotion or protection of human rights and fundamental freedoms.

This broad and inclusive conceptualization of HRDs covers both professional and non-professional or voluntary defenders, and those working for an organization or those promoting human rights as an individual. In the Iraqi context, however, many activists may not articulate their demands explicitly in terms of human rights, but may rather describe themselves as struggling against corruption or working for better services. Those working for

women's rights may also not always receive the recognition they deserve (see chapter 4 below).

While many of the cases covered in this report are those of HRDs, the wider term of 'civilian activist' is also used, to encompass other civil society voices campaigning to bring about political or social change through non-violent means.

Since the fall of Saddam Hussein, the politicization of Shi'a identity had proved a largely effective mobilization tool during elections. Indeed, it was effective to the point that Shi'a unity often prevailed over emerging splits between Shi'a political leaders. Yet both Kurdish and Arab Shi'a populations had traumatic memories of state-sanctioned repression under Saddam, and so the new state that they created was – in places – weak by its very design.<sup>2</sup>

After 2010, it became increasingly clear that large segments of the Iraqi population had grown tired of politicians' reliance on identity politics, and demands grew for effective governance and provision of basic services, including electricity and water.

From the summer of 2015, protests over abysmal service provision had become a fixed feature of the Iraqi political landscape.<sup>3</sup> Essentially, at both provincial and federal level, Iraqi leaders were increasingly finding themselves on the

backfoot – either unwilling or unable to give people the services they wanted, yet having little more to offer them besides appeals to common identity.

Some prospective politicians attempted to leverage the protests and turn them to their advantage, none more so than Moqtada al-Sadr. Following a number of carefully-orchestrated incursions and sit-ins in Baghdad's International Zone ('Green Zone'), Moqtada's *Sairoun* movement fought the May 2018 elections with slogans equating corruption with terrorism. Building a coalition of anti-sectarian parties including the Iraqi Communist Party, *Sairoun* secured a plurality in the election with a nationalist platform that attacked not just corruption among Iraqi elites, but also the influence of both Iran and the United States (US). Whilst Haider al-Abadi's government garnered international praise for its successful fight against ISIS, Iraqis punished Abadi at the polls in the 2018 elections for failing to improve the dire circumstances of the majority of the population.

These developments have come at a time, however, when the power of Iraq's sectarian militias – notably the Shi'a militias backed by Iran – has never been stronger. Following the 2014 *fatwa* issued by Grand Ayatollah al-Sistani for men to join the fight to save their country from ISIS, the *Hashd al-Sha'abi* or Popular Mobilization Forces (PMF) were created. Often stronger and better-equipped than the regular Iraqi Security Forces (ISF), the PMF were quickly recognized as essential partners in the fight against ISIS. Then Prime Minister Abadi confirmed their official status in April 2015 when he announced that the PMF were under the control of his own office, and they were legally incorporated into the ISF in December 2016, at which time the PMF was estimated to field 110,000 – 140,000 fighters, mostly Shi'a in identity, but also including Sunni tribal forces and some minority militias. The consequence of these developments was the creation of large bodies of armed militias operating with the sanction of the government but under separate command and control and the conferring of official status on existing powerful militias backed by Iran, including the Badr Organization, Kata'ib Hezbollah and Asa'ib Ahl al-Haq.

A further re-organization in early 2018 gave the PMF equivalent salaries and ranks to the regular Iraqi army. Militia leaders continue to be key power brokers in Iraqi politics. When the new Iraqi Prime Minister, Adel Abdul Mahdi, named his new cabinet in October, the candidate for minister of the interior was the former chairman of the PMF, supported by the Badr Organization (his candidacy was not approved by parliament). Even if the PMF were not institutionally entrenched, their position in Iraq would be strengthened by the fact that the ISIS war is far from over. The UN has estimated that ISIS still commands 30,000 fighters in Iraq and Syria<sup>4</sup> and major military operations are ongoing in western Iraq. 'ISIS probably is still more capable than al-Qaida in Iraq at its peak in 2006-2007', commented a Pentagon spokesperson in August.<sup>5</sup>

As the months had dragged on after the May elections without a government being formed, the situation in large parts of Iraq had meanwhile reached a crisis point. Regular electricity blackouts over the summer led to mass protests in the southern city of Basra in July. Polluted drinking water,

including in the Abul Khasib area, caused over 90,000 hospital cases of diarrhea and stomach illness. Once celebrated as the Venice of the Middle East, Basra now has its canals contaminated by sewage. Water pollution also struck the governorates of Wasit and Qadissiyah and was blamed for hundreds of tons of dead carp in Euphrates fish farms near Hindiyah, 80 kilometres south of Baghdad.

The Basra protests intensified in September, with many demonstrators waving the national flag as they denounced official corruption and lack of basic services, electricity shortages and water pollution. Others voiced growing support for autonomy for the oil-rich province. After at least six demonstrators were killed, groups of protestors set fire to the provincial council offices, to the headquarters of the Dawa party, to the Iranian consulate, to the offices of the Badr Organization and other militias including Asa'ib Ahl al-Haq, and attempted to attack the US consulate.

On 11 September the spokesperson for the UN High Commissioner for Human Rights released a statement of concern on the Basra protests, noting that at least 20 people had been killed in the protests since July and more than 300 injured.

*We urge the relevant authorities to investigate all protest-related deaths and injuries, and hold those responsible accountable. Among the reported incidents, at least five protesters were reported to have been killed and 41 others injured on 4 September when unidentified attackers in a white van threw grenades at demonstrators in Basra City. [...] We urge the authorities to release immediately any person arbitrarily detained, in particular those who were protesting peacefully. We reiterate the right of individuals to peaceful assembly and association, and also to freedom of expression.*

To the pattern of arbitrary arrests of protestors over the summer and the injuries to demonstrators in clashes with security forces, were now added the deaths of activists in apparently targeted killings by unidentified perpetrators.

One Iraqi journalist and political analyst gave the following assessment of the targeting of activists in southern Iraq:

*Officially, the Iraqi government or its security forces did not announce who was behind the assassination, but it referred to Shi'a armed groups. During the demonstrations in Basra city there was burning by protestors of headquarters of Shi'a parties and factions in the city. Basra is a stronghold of the Shi'a factions. These factions accused civilian activists of standing behind the burning. After demonstrations fell down, the assassinations began. It looked like a threatening message and revenge tactics.<sup>6</sup>*

This report seeks to take a closer look at the cases of civilian activists who have been targeted to understand better the threats they are facing and the identity of the perpetrators, as many fear the return of the death squads.



# 2

## The legal environment

Civilian activists engaged in human rights issues in Iraq struggle in a complex legal environment as well as in a perilous security situation. Human rights defenders try to navigate threats to themselves, their families and their work, while the laws and policies required to safeguard them are either non-existent or frequently undermined.

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The UN Declaration on Human Rights Defenders<sup>7</sup> recognizes the importance of HRDs and their part in realizing the Universal Declaration of Human Rights (UDHR). Activists are often the bridge between legislation and implementation in relation to both national and international laws. The Declaration acknowledges the risks attached to the role of a defender and outlines the responsibility of states to ensure that they are supported and protected. Iraq demonstrates good intentions in this respect with the 2005 Constitution, which requires the state to ‘strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals’.<sup>8</sup>

While the 2005 Constitution acknowledges the role of civil society organizations (CSOs), legislation in Iraq on the rights and freedoms of HRDs and the state’s responsibility towards them is outdated and problematic. The Constitution provides only a preliminary layer of protection, which, without adequate supporting legislation, remains generally unenforceable. In such a legal environment, perpetrators of violations can enjoy impunity, and HRDs are extremely vulnerable to attacks.

Protection for defenders can be found in several international instruments. The UDHR outlines the right to freedom of opinion and expression as well as the right to information,<sup>9</sup> freedom of assembly and freedom of association.<sup>10</sup> The International Covenant on Civil and Political Rights (ICCPR) elaborates on these rights and sets strict criteria for their restriction.<sup>11</sup> Iraq is party to the ICCPR and required to give effect to its protections through national law.<sup>12</sup> In practice, however, these international human rights are constrained in Iraq by a lack of political will and capacity to realize them, leaving defenders with few options for remedy within the state.

Another factor is that the lines between politics and the rule of law in Iraq are increasingly blurred. This has helped create an environment where even existing national legal protections are superseded by political concerns, effectively placing human rights activists in a defensive position in relation to the state. Criminalization and the manipulation of the rule of law are both common strategies used to obstruct and delegitimize the work of HRDs. Analysis of Iraq’s legal environment identifies state protections of international rights possessed by civil society, but also reveals how legislation is used to obstruct these rights.

## Freedom of expression

The Iraqi Constitution 2005 provides preliminary protections of the right to freedom of expression and information. Article 38 guarantees freedom of expression through any means, freedom of the press, and freedom of assembly and peaceful demonstration that does not violate ‘public order and morality’.<sup>13</sup> While the provision attempts to afford comprehensive protection, the language on permissible restrictions on rights is vague. The three-part test of the ICCPR on rights limitations<sup>14</sup> requires that any interference must first be provided for by law; second, be in pursuance of a legitimate aim; and third, be necessary and proportionate to the aim pursued. At the very least, these final elements of necessity and proportionality are absent from the constitutional protection.

Under the 2005 Constitution, all existing laws, including those developed under the Ba’ath regime, remain in force, although the Council of Representatives (Iraq’s parliament) maintains the authority to annul or amend them. As a result, highly restrictive and punitive laws that regulate speech and content dating from Saddam Hussein’s rule can still be invoked to mute criticisms of state or public institutions, officials and their practices, in violation of the right to freedom of expression enshrined in the Iraqi Constitution.

For example, the Publications Law 1968 imposes severe restrictions on publications. Under the law, regulations vary from licence requirements for anyone who wishes to publish, to prison sentences of up to seven years for insulting the government.<sup>15</sup> While the law is not currently enforced, and a new Law on the Protection of Journalists was passed in 2011, the Publications Law remains available to silence those who criticize or publicly oppose the state.<sup>16</sup>

Under Iraq’s 1951 Civil Code, a person can be liable for ‘moral injury’ for offences which include ‘any encroachment (as-

sault) on the freedom, morality, honour, reputation, social standing or financial position (credibility) of others’.<sup>17</sup> The 1969 Penal Code has similar provisions and is presently enforced. The code criminalizes defamation (Art. 443) and makes it a crime to insult any public institution or official (Art. 226), insult a public body (Art. 229), insult religious values (Art. 372), or insult another in a manner that offends them or compromises their honour or status (Art. 434). Protecting reputation and privacy by criminalizing legitimate criticism is a clear infringement of the right to freedom of expression. In effect, the Penal Code creates a highly restrictive legal environment for HRDs to undertake their work, as any condemnation of government abuses leaves them vulnerable under the law.

The Penal Code also contains provisions which restrict engagement on matters of public interest under the pretext of protecting ‘public order’. It is a crime to obtain materials that incite constitutional change (Art. 208), to shout or sing in a manner that provokes dissent (Art. 241), or to possess (with the aim of publication or distribution) materials that disturb public security or tarnish the country’s reputation (Art. 215). This latter provision in particular prevents HRDs, and the media, from reporting issues of public interest. In effect, the law prioritizes the protection of the country’s reputation over the protection of Iraq’s population and their right to freedom of expression.

In contrast, the Kurdistan Regional Government (KRG) has made positive advances with regard to legislation on freedom of the press. The 2007 Press Law in the Kurdistan Region (Law no. 35) protects the right of journalists to obtain information of importance to citizens and with relevance to the public interest.<sup>18</sup> Article 7 sets out the rights and privileges of journalists and asserts that information disseminated by a journalist may not be used in order to cause them injury or violate their rights. Unlike the Publications Law, the Press Law does not penalize journalists for offences

committed under its provisions by imprisonment; it does, however, allow journalists to be fined up to 5 million Iraqi dinars (IQD) for prohibited acts such as publishing materials that constitute ‘Libel, Slander or Defamation’ or publishing ‘anything related to the secrets of the private lives of individuals, even if true, if it offends them’.<sup>19</sup>

Whatever the protections under the 2007 KRG Press Law, or even the 2011 Law on the Protection of Journalists, it is not uncommon for claims of libel, insult or defamation to be brought under the old laws against journalists or individuals exercising journalistic functions, such as bloggers, civil society activists and so on.<sup>20</sup> In certain cases – such as the defamation suit brought against Ahmed Mira, editor-in-chief of *Lvin* magazine in 2011 – there is a reversion, not to the 1969 Penal Code, but to the 1951 Civil Code, which has no cap on the amount of damages that can be demanded or awarded.<sup>21</sup> A special court to prosecute journalists was created in 2010 by the Supreme Judicial Council despite the ban on special courts in Article 95 of the Iraq Constitution. In 2014, however, then Prime Minister Al-Abadi issued an order to withdraw all pending government cases against journalists and media outlets. Nevertheless, the government began to initiate new cases in 2015.<sup>22</sup>

Laws that restrict rights under the 2005 Constitution on freedom of expression are equally applicable to online content to silence criticism of the government, its officials and its practices. There have been attempts to expand and consolidate these restrictions in both on- and offline contexts. In 2011, a draft Computer Crimes Law was brought forward by government to reproduce existing restrictions on speech, adapted to apply to internet-based communications. The draft displayed similar patterns to earlier laws – with a broad definition of crimes, including the violation of ‘religious, moral, family or social principles of values’ (Art. 21(b)) - and further criminalized electronic defamation (Art. 22(3)). The draft contains disproportionately harsh punishments for violations of such restrictions. The draft law was rejected by the Iraqi parliament in 2013.

The KRG Ministry of Justice and Ministry of Endowments and Religious Affairs attempted to push forward a law in 2012 that would criminalize insults to religious and political figures. The draft Law to Protect Sanctities has been blocked by the

legal, human rights and civil affairs committees of the Kurdish parliament,<sup>23</sup> but even so, the authorities have attempted to secure implementation of its provisions. Three days after it was rejected in 2013, the Head of Public Prosecution Sazgar Ali Naji Attar, of the Justice Ministry, addressed a letter to the Ministry of Religious Endowments and Affairs asking the ministry to inform his office ‘if any subject disrespects religion, Kurdish history, or national symbols through the media’, so that ‘the public prosecution [office] can take legal action against the source of the publication’. Less than a month later, the interim religious affairs minister wrote to the ministry general directorates in Erbil, Sulaymaniyah and Duhok asking them to report any instances of disrespect for religious and national symbols, or when legal action has been taken against them.<sup>24</sup> It is not clear whether arrests in the region are directly correlated to the instructions of the officials, but the effect is nevertheless alarming. Commenting on the Head of Public Prosecution’s letter, a government foreign relations official stated: ‘there are no laws, so the government must take action outside the law. We have new challenges because of freedom of expression and assembly, so we also need new laws.’<sup>25</sup>

Both the draft laws discussed have the power to seriously infringe on freedom of expression. Although not passed, they represent an intention to circumvent enforcement of the right to freedom of expression, with the effect and suggested aim of preventing activists from engaging even in harmless expression, and putting another obstacle in the way of HRDs who engage in legitimate criticism of political and religious figures.

Iraq is party to the ICCPR as well as all major UN human rights conventions. Article 19 of the ICCPR guarantees the ‘freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of his choice’. In 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression listed the minimum requirements that civil defamation laws must meet so as to not violate Article 19 of the ICCPR. These include:

- government bodies and public authorities should not be able to bring defamation suits;

- sanctions for defamation must not be so large as to exert a disturbing effect on freedom of opinion and expression;
- defamation laws should reflect the principle that politicians and public figures are subject to, and required to tolerate, a larger degree of scrutiny and criticism than private citizens;
- where the publication relates to an issue of public interest, the truth should not be required, but rather reasonable efforts to ascertain the truth;
- opinions can only qualify as defamatory if unreasonable;
- in addition to damage awards, there should be a range of remedies such as apologies or corrections.

The UN Human Rights Committee has further stated that ‘all public figures, including those exercising the highest political authority such as heads of state and government are legitimately subject to criticism and political opposition’ and emphasized the need for ‘uninhibited expression’ where debates relate to public figures.<sup>26</sup> Iraq’s laws regulating expression do not fully meet the above requirements.

## Freedom of assembly

Article 38 of the Iraqi Constitution of 2005 guarantees protection of the right to freedom of assembly and peaceful demonstration that does not violate ‘public order and morality’. The primary law regulating protests in Iraq is the 2003 Provisional Order 19, adopted by the Coalition Provisional Authority (CPA), which has not been repealed or replaced by the Iraqi legislature.<sup>27</sup> In addition several regulations have been issued by the Interior Ministry restricting assemblies and demonstrations.

The 2010 Interior Ministry issued a regulation that requires those organizing a protest to obtain ‘written approval’ from the Minister of Interior and the provincial governor so as to then apply to the police department for permission, no less than 72 hours prior to a protest.<sup>28</sup> In 2011, the Baghdad governorate issued new regulations which reportedly replaced the national rules issued in 2010. The standards that protests or applications must meet in order to obtain permission are not clear, nor does either set of regulations specify whether or how a permit denial can be challenged.<sup>29</sup>

The 2011 regulations require protest organizers to apply for permission seven days before the demonstration, as opposed to 72 hours. Although the 2011 regulations acknowledge the right to demonstrate, express opinions and demands, they impose severe restrictions on individuals seeking to do so. Protest organizers are required to submit detailed information about themselves, the protest and those who will participate. All slogans, signs, printed materials or drawings that involve or could invoke sectarianism, racism, or segregation of Iraqi citizens are prohibited, as are any materials that would violate the country’s laws or Constitution, encourage violence, hatred or killing, or prove insulting to Islam or to ‘honour, morals, religion, holy groups, or Iraqi entities in general’.

These restrictions are to some extent reflected in more recent legislation. The Banning the Ba’ath, Entities and Racist Parties and *Takfiri* and Terrorist Activities Party Law (2016) criminalizes the very idea of ‘Ba’athism’ and makes it a crime for Ba’athists to participate in any rallies, sit-ins or demonstrations. Given the law’s broad definition of Ba’athist ideas and activities, any political party, non-governmental organization (NGO), CSO or group of citizens could violate the law by demonstrating, protesting or simply holding meetings.<sup>30</sup>

Provincial authorities can issue permits and regulate demonstrations based on Article 31 of the Provincial Council Law no. 23/2008, which gives the governor direct authority over local security forces and security institutions responsible for maintaining security and public order; if he considers them inadequate and in need of reinforcement, he must recommend to the Interior Ministry the numbers required to fulfil their responsibility.<sup>31</sup>

The 2011 Baghdad governorate regulations still apply and excessively curb the right to peaceful assembly and protest, particularly in the requirement for demonstrations to have a permit.<sup>32</sup> The CPA Order 19, on the other hand, does not specify permit requirements but does prohibit protests unless written notice is provided to an approving authority specifying the location, route, time, duration, maximum number of participants and the names and addresses of the protest organizers at least 24 hours in advance (Article 4).<sup>33</sup> Article 3 of Order 19 provides further constraints on assemblies and demonstrations, including time limits, lo-

cation restrictions and regulations on the size of the assembly. Authorities appear to have broad discretion to reject the notice, resulting in similar effects on freedom of assembly as the 2011 regulations.<sup>34</sup>

Perhaps the most concerning provision of Order 19 is the stipulation in Article 7 ‘that any individual violating this Order may be detained, arrested, prosecuted and, if convicted, sentenced to up to one year in prison’.<sup>35</sup> The threat of criminal sanctions in both Order 19 and the 2011 Baghdad governorate regulations has a chilling effect on the freedom of expression, assembly and peaceful demonstration, in contravention of Iraq’s Constitution.

HRDs in Iraq have repeatedly pushed back against legislation used to suppress their activity and shrink the space in which they can operate. One such example is the 2010 draft Law on Freedom of Expression and Peaceful Assembly, which sought to introduce severe limitations on free speech while failing to meet the requirement for restrictions to be necessary and detailed in law, as stipulated by Article 19 of the ICCPR. Under the draft law, criticisms of religious figures or practices that do not call for hatred or discrimination are criminalized. Article 13(2) provides that anyone who ‘publicly attacks the beliefs of a religious sect’ or ‘publicly insults a figure or symbol that is respected by or sacred by a religious group’ will be sentenced to up to one year in prison and a fine of IQD 10 million. Article 7 of the draft requires public assemblies to have permission from the province administrative unit. This was later amended to only require notification, but the unit still maintained the ‘right to reject the request’, essentially maintaining the procedure of approval. Permission for protests can be denied if the protest is thought to constitute a threat to national security or public order and morals, a pretext often used by security forces to crack down on peaceful protesters. This draft law was strongly criticized by civil society, but it remained on the table for seven years, before the Iraqi parliament indefinitely postponed a vote on it on 13 May 2017.<sup>36</sup>

In the Kurdistan Region of Iraq, Law no. 11/2010 for the Organization of Demonstrations necessitates advance permission by the Ministry of Interior, or in some cases by other local authorities to conduct a demonstration.<sup>37</sup> With much opposition

by civil society, efforts to amend the law have been ongoing but unsuccessful, mainly in regard to Article 3 which addresses the requirement for permission.<sup>38</sup>

The Kurdish *Asayish* security forces maintain authority to temporarily ‘stop and hold individuals during chaos and violence’ until their cases are referred to court.<sup>39</sup> One activist emphasized that ‘without permission, [protesting] is illegal and would result in tough reprisals from the state. The Ministry of Interior has special instructions for the *Asayish* – and they use “security” as an excuse to justify attacks against human rights defenders.’<sup>40</sup>

The ICCPR makes clear that the right to peaceful assembly may only be restricted where it is ‘necessary in a democratic society in the interests of national security or public safety, public order ... the protection of public health or morals or the protection of the rights and freedoms of others’ (Article 21). Maina Kiai, the first UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, emphasized in his 2012 report that a restriction must not be placed on peaceful assembly unless there is a ‘pressing social need’, and that materials can only be considered unlawful where they are ‘propaganda for war or advocacy for national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence ... or acts aimed at the destruction of the rights and freedoms enshrined in international human rights law’.<sup>41</sup> Iraq’s regulations on what is permissible in protests, such as the ban included in the 2011 Baghdad regulations on slogans, signs, printed materials or drawings of broad nature, or even the requirement to seek permission in the Kurdistan Region of Iraq, are in violation of the international principles stipulated by Kiai.<sup>42</sup>

The Special Rapporteur further asserted that notification for peaceful assemblies should not be required more than 48 hours in advance. The seven days’ notice requirement currently in force is in clear violation of this. Any restriction must also be proportional and not ‘unduly bureaucratic’. Iraq’s rules requiring protest organizers to complete a form, sign it, provide copies of their identification documentation and confirmation of their address, as well as the times, locations, route and expected number of participants, conflicts with this. The ex-

tremely broad authority attributed to agents of both governments in Iraq to approve or deny protest requests is in conflict with the narrow exceptions to the right of peaceful assembly permitted by international law.<sup>43</sup>

Citing a decision by the European Court of Human Rights, the Special Rapporteur emphasized that when a demonstration is a justifiable immediate response to a political event, the disbanding of the assembly simply due to a lack of prior notice would amount to a disproportionate restriction. Importantly, a failure to notify authorities should not be met with criminal sanctions and organizers should not be liable for unlawful conduct committed by others in the demonstration. The Baghdad regulations nevertheless assert that assemblies without a permit would be deemed to be in violation of public order, and organizers would be held to account according to the law.<sup>44</sup>



# 3

## Attacks on civilian activists

The outbreak of large-scale popular protests in Basra from July 2018 has led to a wave of violent repression of civilian activists. But the attacks are not just aimed at protestors on the streets, nor are they confined to the south of the country. Activists are now the target of systematic death threats and premeditated assassinations.

Attacks on civilian activists and government critics are unfortunately not a new phenomenon in Iraq. Anti-government protests in 2011 in the context of the Arab Spring saw a string of arrests of prominent activists as well as attacks by unknown agents. Perhaps the best known was protest organizer and radio presenter Hadi al-Mahdi, who had filed a complaint against then Prime Minister Al-Maliki after his arbitrary detention and mistreatment. Following a number of death threats, he was assassinated in his own home in the Karrada neighbourhood of Baghdad in September 2011, on the eve of a major protest.<sup>45</sup> Another high profile activist, Jalal Diab, the co-founder of the Movement of Free Iraqis (*Ansar al-Huriya*) and a defender of the rights of black Iraqis, was assassinated in April 2013 in Basra where he had been a candidate in the local elections.<sup>46</sup>

Ceasefire maintains a secure, online, bilingual (Arabic/English) platform for civilians in Iraq to report violations of human rights and international humanitarian law, using reporting formats that conform to international standards (including identification details). Reports submitted are moderated before being made publicly available in anonymized form. The platform was publicly launched in

early 2017 and by November 2018 some 2,250 reports of violations had been uploaded from across Iraq.<sup>47</sup>

### Detention and killings of protestors

Reports submitted on the Ceasefire monitoring platform in the second half of 2018 provide evidence of multiple, serious violations related to repression of freedom of expression and freedom of assembly. A series of reports from different districts in Basra describe arbitrary detention of protestors, combined with verbal abuse, threats and/or beatings.<sup>48</sup> The following cases are typical:

*The victim was attacked, beaten, verbally abused, insulted, threatened, and struck by tear gas by army forces and riot police when he was participating in the Basra demonstrations calling for rights and an end to corruption. The victim was alone when he was attacked. (Al-Ablah, Basra)*

*The victim was poisoned by tear gas and was struck with a baton by the SWAT teams who were trying to disperse*

*protests close to Basra Provincial Council. He is still suffering from pain in his ribcage as a result of the beating and attempted arrest. (Basra centre)*

Protests by young people demonstrating against unemployment in Al-Madina in Basra in July had led to more serious consequences when a group of protestors sought to approach the administrative offices of an oil company:

*The victim was killed after being shot while participating in protests organized by the youth of Al-Madina district, demanding their rights to employment. When the protestors tried to enter the premises of an oil company to reach the administration, they were stopped by the oil facility guards, leading to clashes and the victim was struck by gunfire, resulting in his death. (Al-Madina, Basra)*

*The victim participated in the protests in Al-Madina district. When he and a group of youth were demonstrating in front of one of the foreign oil companies, he was shot by security forces in July which led to very serious injuries, resulting in a disability. Up to now he is still suffering and is unable to complete his medical treatment. The security forces and responsible officials have not paid compensation even though they agreed to it as part of negotiations with the protestors from the area when they were trying to dissolve the protests. (Al-Madina, Basra)*

In one major incident in July, it was reported that regular ISF members attempted to intervene to stop further injuries to protestors attacked by militia guards:

*The victim was shot while participating in the protests with a group of youth. They headed towards the intersection and were burning car tires close to the headquarters of one of the political parties (without attacking the headquarters it-*

*self). They were attacked by the building guards who opened fire on the protestors and tried to strike a number of them, the army forces intervened to protect the protestors after four of them were injured (including the victim). Out of these, two have very serious injuries. (Al-Tuwaisa Electricity intersection, Basra)*

In addition to the pattern of excessive force used by security forces against demonstrators, including punishment beatings and arbitrary detention, further reports indicate pre-meditated action to intimidate and target protestors, often by perpetrators seeking to conceal their identity.

In the case of one protestor killed by gunfire in front of the Basra provincial council building in July, when other protestors recovered his body they found his ID was missing.<sup>49</sup> Another was killed when he used his phone to film the events:

*The victim was filming the protest when he was attacked and killed by members of the police, who fled directly afterwards. One member of the police opened fire even though the victim was unarmed and not carrying anything other than his phone and keys to his car which was parked close to the protest location. (Military hospital intersection, Basra)*

Reporting on the 20 July death of a 20-year old protestor in Diwaniyah, who was apparently killed by shots fired from the local headquarters of the Badr Organization, *Asharq Al-Awsat* reported that government sources had denounced 'vandals' infiltrating the protests as responsible for the killings of demonstrators.<sup>50</sup>

Uniformed personnel deployed to control the protests include Iraqi army, federal police, SWAT teams and special riot police, in addition to guards working for the oil instal-

lations. Some cases indicate a level of coordination between regular forces on the ground and intelligence and militia personnel taking pro-active steps to suppress the protests. An activist was detained at Basra train station after he dropped off some fellow protestors who had come down from Baghdad.<sup>51</sup> One protestor who was pursued by armed riot police, struck down by tear gas and beaten, later reported receiving threatening text messages and direct threats from political party and militia sources.<sup>52</sup>

Renewed protests in September brought both a further escalation in the use of force and a systematic level of death threats against activists. One victim was returning home from examination preparation at school when he was hit by a gunshot in Al-Huweir, near Al-Madina (Basra).<sup>53</sup> Security forces chasing protestors had started shooting randomly, leading to the victim being struck. Another victim was shot in the hand when security forces coming after protestors stormed her house at 4 am, also in Al-Huweir.<sup>54</sup> Deaths in detention were also reported:

*The victim was one of the demonstrators in the protest tent in Ezzeldin Salim area in Al-Huweir; he was detained at the protest by security forces and the next day he was delivered, dead, to Al-Fayha hospital after being subjected to torture (his jawbone and skull were destroyed).  
(Al-Huweir, Basra)*

At least six protestors were killed on 4 September in a demonstration that followed the funeral of another protestor, Mekki Yasser Ashur al-Kaabi, killed the day before.<sup>55</sup> In a statement issued the following day, Iraqi army commander Jamil al-Shammari said ‘The protestors slain yesterday in downtown Basra were killed by unknown gunmen in a car.’ Then Prime Minister Al-Abadi ordered an immediate investigation into the deaths. A report by the Joint Operations Command released later in October said that actors ‘with partisan influences’ had infiltrated the security forces, and that the protestors had been targeted for political reasons by ‘saboteurs’ loyal to political parties.<sup>56</sup>

Reports of death threats by militias and associated parties have become ubiquitous among activists, many of whom blame the influence of Iran, which supports the largest militias in the PMF, including the Badr Organization. There have also been un-

confirmed reports that a hit list of activists’ names is circulating among members of Asaib Ahl al-Haq and Hezbollah al-Nujaba, two other PMF militias.<sup>57</sup>

On the evening of 25 September, Suad Al-Ali, head of the NGO Al-Wid Al-Alaiami for Human Rights, was shot in the head as she was getting into her car in Basra. Her organization’s stated goal was to promote ‘true human spirit in society’. A video of the killing shows a masked gunman running up before firing twice on Al-Ali and her husband as they approach their vehicle.<sup>58</sup> Four days later, Haider Shaker, a medic who had participated in demonstrations, was shot dead outside a Basra hospital by an unknown gunman in a pick-up truck, in a killing also caught on CCTV.<sup>59</sup>

On 7 October, the bodies of two young men were dumped in central Basra, believed to be the victims of a militia.<sup>60</sup> Then on the evening of 17 November one of the most well-known voices in Basra calling for better services, Sheikh Wissam al-Ghrawi, was shot dead in front of his own home by unknown attackers. Iraqi police said that he had been killed after suggesting that protestors should take up arms over poor services.<sup>61</sup>

Although nearly all the cases described in this section come from southern Iraq, where protests against poor governance and corruption have been most intense, other reports from across Iraq testify to the fear instilled by the PMF, including cases from Baghdad and Mosul:

*I live in an area on the outskirts of Baghdad in which many armed militias have a presence. Since I differ from them in my opinions and beliefs and call for communal amity and reject sectarianism, I have been threatened with violence... I am living a very difficult and fearful life since they have threatened and defamed me.  
(Al-Mada’in, Baghdad)*

*There are tribes and groups who were under the umbrella of Da’esh [ISIS] but after the liberation of Mosul they are now under the umbrella of the government. This is a very dangerous phenomenon and there are attacks on the intellectual class in Mosul, interference in the lives of citizens, deprivations of liberty and imposition of tribal laws over and above the rule of law. [...] My wife and children were killed by Da’esh, and now*

*Da'esh has found cover under the umbrella of the Tribal Mobilization (Al-Hashd Al-Asha'iri) and we are being deprived of our most basic rights. (South Mosul)*

## Attacks against journalists and media workers

For much of the last 15 years, Iraq has been the deadliest country in the world for journalists and media workers, with nearly 200 killed since 2003. In October 2006, 11 employees of Al-Shabiya TV, a new satellite channel owned by a small non-sectarian political party, were executed by masked gunmen in a pre-meditated attack in Baghdad.<sup>62</sup> Killings spiked again in territories under ISIS control, where summary executions of journalists were frequent.

In its Global Impunity Index 2018, the Committee to Project Journalists counted 25 unsolved murders of journalists in Iraq over the last 10 years, the highest number worldwide with the exception of the Philippines and Mexico, both countries with much larger populations.<sup>63</sup> There have been 21 cases since 2016. A significant part of that toll relates to journalists and media workers who died during hostilities, including those killed by mortar fire, roadside and suicide bombings, and by ISIS snipers. In one well-publicized incident, the Iraqi journalist Bakhtiar Haddad, Franco-Swiss journalist Véronique Robert and French cameraman Stéphane Villeneuve were killed by an IED during the battle for Mosul in 2017. But there have also been a series of assassinations of journalists by unidentified perpetrators.

Many media outlets in Iraq are connected with particular political parties, potentially making them the target of politically-motivated attacks – and protestors' ire. In addition to setting fire to provincial council offices, party and militia headquarters, demonstrators also attacked selected media offices during the Basra protests in 2018. On 14 July the government attempted to shut down the internet for at least two days, according to the Journalistic Freedoms Observatory, an Iraqi NGO.

Abductions and killings of journalists in the Kurdistan Region of Iraq were mentioned as a particular concern by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in her June 2018 report. She highlighted the case of Widat Hussein, a correspondent with the Rozh News agency (Rozh News supports the Kurdistan Workers' Party / PKK, a political opponent of the governing KDP). Hussein was reportedly abducted at gunpoint by two men on 13 August 2016 in Dohuk; his tortured body was discovered later the same day beside the highway. Hussein's brother told another Kurdish news website that Widat had been repeatedly picked up by Kurdish intelligence services.<sup>64</sup>

Mohammed Sabit Shahaza, the director of Radio Baba Gurgur, was killed on 6 December 2016 when he and a colleague were raked with automatic fire from gunmen in a white Toyota as they left work. Radio Baba Gurgur is a community station based in Kirkuk that broadcasts in Arabic, Kurdish, Turkmen and Assyrian, and had twice suffered bombing attacks.<sup>65</sup>

Following the Kurdish independence referendum, the ISF and PMF retook Kirkuk and surrounding areas from Kurdish forces in October 2017. Arkan Sharifi, a school teacher and cameraman with Kurdistan TV, had fled Daquq in the south of the governorate with tens of thousands of other Kurds as the PMF took control. On 30 October, four days after he returned to Daquq, armed men came to his home and stabbed him to death in front of his family, after questioning him about his media work.<sup>66</sup>

Kurdistan TV reported in October 2018 that reporter Mahir Ilyas and cameraman Nayif Eido Hassan had been detained in Sinjar on 19 October for over six hours and beaten, along with a Yezidi interviewee, by a PMF Shi'a militia, identified as linked to Saraya al-Salam. The team was covering the forced evacuation of some 30 Yezidi families from Domiz housing complex when 14 militiamen arrived in two vehicles. Ilyas said they were interrogated, beaten, subjected to death threats and warned to desist from reporting on the PMF.<sup>67</sup>

Reported violations against journalists and media workers by the Shi'a militias are not confined to Kurdish media outlets. Correspondent Saif Talal and cameraman Hassan al-Anbaki of the independent TV channel Al-Sharqiya were travelling in Diyala with an Iraqi general's convoy on 12 January 2016 when their car, trailing behind, was stopped in Abu Saida village near Baquba by un-

known gunmen. They were made to get out and then shot dead. Talal had survived a previous assassination attempt and had recently called for controls over forces operating outside the law in Diyala. Al-Sharqiya issued a statement accusing 'one of the militias on the loose' while the Journalistic Freedoms Observatory said that it held the Iraqi military command in Diyala responsible and called on it to investigate the murders.<sup>68</sup> Much of the province is effectively controlled by the Badr Organization.

An example of the chilling effect that the PMF can have on the families of journalists is provided by this report submitted on the Ceasefire monitoring platform by a professional government employee married to a journalist:

*My story began in 2013 when my wife wrote an article criticizing the government's performance in the spirit of media/journalistic freedom. After this article our life turned to hell. One of the militias (Asa'ib Ahl al-Haqq) threatened to silence us. After [a second article], one of their militias stormed our house and beat me in front of my children, then took me to an unknown location where I was tortured for two days. After telling me that what they did to me was merely a warning and that the next time would be the end of me, they dropped me off in a remote area. Afterwards I went to a police station to report what happened and the officer told me they would not be able to file a report against this militia. After this, I became the prey of this militia and could no longer live in my home after they told me I had to leave Baghdad. I took my wife and children to her uncles in [another city]. I was surprised when her uncle told me I could not stay in the city because the militia knew about my presence there. (Camp Sarah, Baghdad)*

## Access to justice and attacks on judges and lawyers

The perpetrators of deadly attacks on civilian activists, including protestors, human rights defend-

ers and media workers, are routinely described by official Iraqi sources as unidentified or unknown. In almost every case, the announcement of an investigation into such killings has not resulted in the identification of the perpetrators or the delivery of justice.

The intimidation of judges and lawyers has a long history in Iraq, but it has intensified in recent months. Reports uploaded on the Ceasefire reporting platform detail threats against a number of judges in Basra for their criminal law work, including sentencing corrupt officials. One investigative judge working on corruption and drugs cases had his home targeted by small weapons fire as a warning.<sup>69</sup> Ali Al-Ka'abi, an investigative judge in Basra's appeal court, who deals with major criminal cases, survived an assassination attempt last year when an improvised explosive device was detonated near his residence in al-Mohandessin in central Basra.<sup>70</sup>

A lawyer representing many of the detainees from the Basra protests, Jabbar Karam al-Bahadli, was killed on 23 July when his car was incepted by a four-wheel drive vehicle in downtown Basra near a police station and he was sprayed with bullets. A statement from the Iraqi Lawyers Syndicate called on the Ministry of Interior 'to protect citizens and clear the cities from domination of armed groups, as the arms must be in the hand of the state exclusively'.<sup>71</sup>

While Al-Bahadli's killing is emblematic of the risks faced by human rights lawyers in Iraq, civil society initiatives to provide legal support to those who have suffered human rights violations reveal lower-level but widespread attempts by officials to suppress protest and inhibit access to justice. These include a number of employees who were threatened with dismissal from the public sector or the army if they continued protest activities. A legal support unit working with Ceasefire also reports that attempts to lodge claims on behalf of protestors in Basra, Diwanya, Nasirya, Karbala, Najaf, Baghdad all resulted in a refusal on behalf of the authorities to lodge the claims. Many other victims declined to report their cases to the police or go to court because of the fear of future retaliation.

# 4

## Women's human rights defenders

Iraqi women have a long-standing history of activism, throughout decades of wars, sanctions and dictatorship. Women human rights defenders have been, and continue to be, central to securing positive change and the advancement of human rights in Iraq. But they work at great risk.

Women in Iraq organize to defend their rights and those of their wider communities in the context of conflict, humanitarian crises and fragmenting authority, as well as militarization and increasingly conservative gender ideologies. In doing so, they often challenge patriarchal social norms and power, both through their work focusing on gender issues and simply as women who defend human rights. Women human rights defenders (HRDs) are subjected to 'conventional' abuse – threats, harassment, detention or even killings – but can also face particular threats and challenges of defamation, stigmatization (including 'shaming'), gender-based violence, discrimination, marginalization and social pressure.<sup>72</sup>

### Defining women HRDs – challenging patriarchy

The *Commentary to the UN Declaration on Human Rights Defenders* uses the term 'women human rights defenders' broadly, including women who act individually or with others to promote or protect human rights, including women's rights, and male HRDs working on women's rights or gender issues.<sup>73</sup>

However, many women choose not to publicly expose their role as HRDs in campaigns and online because of the threats

and retaliation they may face; some are unwilling to expose their role altogether due to the risk of pressures at home or in the community. Such women do not have the capacity to access public platforms to build a reputation or record of activism. Thus many women in Iraq undertaking challenging work to advance human rights are overlooked and excluded from international funding, support and protection, leaving them more vulnerable and with less capacity than their internationally-approved peers.

Women's rights touch on traditional notions of family, gender identities and gender roles, and are often seen as challenging normative socio-cultural constructs.<sup>74</sup> Women HRDs also challenge the normalization and perpetuation of violence within the private sphere.<sup>75</sup> This can trigger hostility from the authorities as well as society more broadly: conservative community leaders, religious groups, families and communities who consider their efforts to jeopardize family honour, religion or culture.<sup>76</sup> Arguably, it is the challenge to male dominance that intensifies threats and hostility towards women HRDs.<sup>77</sup>

Those defending women's rights are often accused of advocating for Western values and seeking to import foreign ideals that contradict the national or local culture.<sup>78</sup> Patriarchal

social constructs in Iraq leave little room for women to assume the role of a defender.

The war against ISIS and general mobilization have produced further insecurity and militarization. Violence against women in such situations can be attributed to a general state of conflict and chaos, but is also a result of heightened aggression, militarization and constructs of masculinity promoted during conflict.<sup>79</sup>

## Targeting of women and official responses

Governments worldwide stigmatize human rights defenders as enemies of the state or terrorists.<sup>80</sup> The work of HRDs is thus delegitimized, and their vulnerability is increased. Women defenders face further challenges as they are also stigmatized on the basis of their gender or the gender-based rights that they advocate for.<sup>81</sup> Women HRDs often feel that they and their work are stigmatized by both state and non-state actors.<sup>82</sup> They are at greater risk than male activists of suffering particular forms of violence and other violations.<sup>83</sup>

Women defenders are particularly vulnerable to discrimination based on their gender and due to social norms which limit women to a domestic framework. Women activists challenge these norms both through their activism and their protection of vulnerable women and girls who may have been perceived to undermine familial 'honour' or their gender role in the family and society.<sup>84</sup>

Women defenders are subject to the same restrictions as other HRDs on their civil or political rights, but they also face gender-specific consequences for their activism.<sup>85</sup> Gendered abuses of women HRDs can take the form of online targeting and harassment, 'shaming' campaigns, refusal to issue personal status documents,<sup>86</sup> verbal abuse and sexual violence including rape.<sup>87</sup>

Reports indicate that the harassment faced by journalists, legal experts, academics and defenders of women's rights has deterred or prevented many local and international human rights organizations from engaging in such work, and a number of organizations have chosen to move their staff out of Iraq.<sup>88</sup>

The picture is not wholly negative, however. In some areas of women's rights, the government has been supportive. In the Kurdistan Region of Iraq, for example, gender-based violence appears to be a relatively accepted focus for activism. A large number of NGOs are working on gender-based violence, but they are largely reliant on the goodwill of the government and many are connected to political parties. The KRG has devoted resources to combating gender-based violence, including the development of a National Strategy to Confront Violence Against Women in Kurdistan, the formation of the Supreme Council for Women's Affairs, and specialist police, police stations and courts for dealing with the issue.<sup>89</sup> The General Directorate to Combat Violence against Women was established as a division of the Ministry of the Interior and directorates were also set up in each Kurdish governorate to receive complaints and collect data about violence against women.<sup>90</sup> For organizations and women HRDs working on these issues at grassroots level, however, the support is far less visible and activists are vulnerable. Attacks or threats made against them are often not properly investigated.

In December 2013, the UN General Assembly's Third Committee adopted the first ever resolution on women HRDs. Res/68/227 urges states to create and implement laws and policies on the protection of women defenders and to ensure that women HRDs are themselves actively involved in designing and implementing these measures. It also requires states to ensure that women HRDs' access to and communication with international human rights bodies and mechanisms are unhindered.<sup>91</sup>

In Iraq, however, legal and social support is lacking, while the security environment makes the protection of women HRDs especially difficult.<sup>92</sup> Although the resolution is a critical acknowledgement of the need for protection, a lack of national mechanisms or even the desire to provide security and support for women HRDs are obvious barriers to its implementation in cases such as Iraq.

## Threats and intimidation

Women HRDs in Iraq are often working in extreme conditions at great personal risk.

Nibras Al-Maamouri, head of the Iraqi Women Journalists Forum (IWJF), reported that she had received anonymous death threats in 2016, demanding that she abandon her media career and refrain from undertaking any civil society work. Social media campaigns accused her of terrorism and working with extremist groups from outside the country.<sup>93</sup>

Bushra Al-Ubady, legal adviser of the IWJF, has stated that threatening a woman's 'honour' or reputation is an effective and commonly used strategy.<sup>94</sup> Such attacks, including those centred on a woman's perceived non-conforming sexuality, leave women defenders isolated and sometimes ostracized by their communities.<sup>95</sup> This can cause both physical and psychological harm, and has severe social consequences. In the face of such attacks, women defenders may retreat to what is permitted by custom and tradition – to spheres from which, Al-Ubady argues, the law is generally excluded.<sup>96</sup>

Intimidation can also take on an international dimension. The organizer of a conference on the situation of Kurdish women in Turkey was subjected to a social media campaign to destroy her reputation, launched through a Facebook page entitled 'Activists of Erbil', used to identify and threaten HRDs. Her photo was posted with a red circle drawn around her face to highlight her identity.<sup>97</sup> Social media platforms provide anonymity as well as access to data, making women HRDs vulnerable to online abuse, defamation and persecution.<sup>98</sup>

Threats are a common aspect of human rights work, requiring women's rights organizations and women activists to take security precautions.<sup>99</sup> These include hiring armed guards to protect against potential attacks from the families of the female victims whom they protect or for whom they advocate.<sup>100</sup> Those making statements on high-profile women's issues, such as honour killings, receive anonymous threats, but also threats from the families of the women receiving support.<sup>101</sup> The stigma of working on violence against women where it is considered a private matter can lead to pressure to drop cases from the family members of victims or perpetrators, or defenders' own family members.<sup>102</sup>

Asuda for Combating Violence against Women is an organization that has to deal with suspicion re-

garding its work, despite a good working relationship with the KRG authorities. Asuda is regarded as a potential communicator of criticism to international organizations and institutions. Asuda's founder, Khanim Latif, was herself subjected to a threat in 2010, when an extremist cleric published her name with those of four other women activists to be killed for their stance on women's rights. The cleric was not sanctioned.<sup>103</sup>

## Insecurity and ISIS

Gross violations of the rights of women by ISIS have been extensively documented.<sup>104</sup> The threats posed by ISIS are an obvious illustration of the curtailment of women's activities on human rights. Samira Al-Nuaimi, a lawyer and human rights activist, was arrested in Mosul by ISIS for posting criticisms of the group on a Facebook page, condemning its actions as 'barbaric'.<sup>105</sup> She was summarily convicted by ISIS and executed by a firing squad.<sup>106</sup>

Restrictions placed on women living under ISIS have made it dangerous for women HRDs even to engage in public spaces, let alone undertake human rights activism. In areas that have been retaken from the group, the years of ISIS control have resulted in a significant shift in social norms, even if this took place under coercion. The patriarchal and militarized structure imposed by ISIS will be difficult to reverse and the effects may last for years. In Mosul, months after ISIS' departure women were still wearing the full veil dress code imposed by ISIS when they went to receive humanitarian aid.<sup>107</sup> In the towns and cities formerly controlled by ISIS, women face significant insecurity and may also be suffering from physical and/or psychological effects of the conflict. Under these conditions, women HRDs are extremely vulnerable and face complex obstacles to their work.

Also at particular risk are minority women defenders, or women defending minority rights. Many of the lands occupied by ISIS were inhabited by minority communities, including Turkmen, Yezidis, Christians, Shabak and Kaka'i. Minorities have been particularly affected by the conflict and minority women defenders from these areas remain under threat. Minority women are barely represented in government and local authorities. As a result, minority defenders often work at a

grassroots level, with limited access to national – let alone international – resources, platforms and formal protection structures. Threats against minority women defenders can go unnoticed or ignored. Such women must contend with the community's own customs and traditions while also challenging wider policies, laws or customs that hinder all HRDs. This, along with minority communities' heightened insecurity, makes minority women HRDs particularly vulnerable.

## Attacks on women in the public sphere

Women are present and vocal as civil movements stir and public assemblies take place. Many face repercussions for their public participation, as illustrated by one activist who described being beaten by riot police for participating in a protest.<sup>108</sup> Beginning in 2011, weekly Friday demonstrations took place in Tahrir Square in Baghdad, calling for the elimination of corruption, the reinstatement and improvement of services, and the rule of law. As with other protests, women HRDs participated in this movement.

Activists have been intimidated and harassed at protests, as well as sexually abused, preventing them from undertaking their human rights activities.<sup>109</sup> Four women from the Organization of Women's Freedom in Iraq (OWFI) were sexually assaulted and beaten with wooden sticks by pro-government protesters who destroyed their banners and groped their bodies. OWFI considered the attack as an attempt to publicly shame the women activists. In an interview with US-based women's rights organization MADRE, Yanar Mohammed, president of the Organization of Women's Freedom in Iraq, describes how, 'when the humiliation is sexual, in a society like Iraq, they know it will break the women'.<sup>110</sup>

Erbil-based journalist and activist Niyaz Abdullah describes similar attacks in a 2011 protest when she was arrested while reporting on a political demonstration. Abdullah was dragged by her hair and threatened with sexual assault. In April 2013, she was threatened with death by a masked gunman while in public in Erbil. She has since received several threats of sexual violence and assault.<sup>111</sup>

The weekly demonstrations in Baghdad subsided, but resumed in 2015, as did the attacks against women participating in them. Reports include an incident of harassment and an attack on women demonstrators and their escorts on a bus, believed by the women to be perpetrated by security forces in disguise. The women defenders did not withdraw but continued to join the protests.<sup>112</sup> Also in 2015, civil activists calling for social and political reform at a protest were attacked during Tahrir Square demonstrations by a group of civilians using their hands, knives and scissors.<sup>113</sup>

In 2018, attacks against women participating in protests have escalated. Hajar Youssif, an Iraqi activist and volunteer medic, was kidnapped, beaten and threatened for attending protests in Basra.<sup>114</sup> As described in chapter 3, Suad Al-Ali, a human rights activist and head of Al-Weed Al-Alaiami for Human Rights in Basra, was shot dead in front of a supermarket on 25 September 2018.<sup>115</sup> Al-Ali had been involved in organizing protests demanding better services, as well as in campaigns for Basra's autonomy. A protest held in Basra the following Friday honoured Al-Ali and other activists who had been killed while demonstrating against corruption, water pollution, electricity shortages and unemployment in the city.

Police initially claimed that Al-Ali's killing was a private affair, but activists, as well as Mahdi Tamimi, head of the Iraqi High Commission for Human Rights office in Basra, have expressed scepticism because of the professionalism of the killing, captured on video footage. A public outcry surrounding the deaths of several women led then Prime Minister Al-Abadi to launch an investigation, describing the killings as apparently organized.<sup>116</sup> The assassination of Al-Ali has led activists to question whether they will suffer the same fate, if they will be 'killed secretly', and responsibility for the death attributed to 'a social issue'.<sup>117</sup>

Although the first female activist involved in the recent wave of protests to be killed in broad daylight, Al-Ali was one of at least six prominent women believed to have been assassinated since August 2018. In August, public figures and owners of two beauty salons in Baghdad, Rafeef Al-Yaseri and Rasha al-Hassan, died one week apart in 'mysterious circumstances' in their homes.<sup>118</sup> On 27

September 2018, two days after the killing of Al-Ali, popular and outspoken model and social media star Tara Fares was shot and killed in her car in Baghdad.<sup>119</sup> Two more women were reported assassinated in Basra on 7 October, one an activist and the other an owner of a beauty centre.<sup>120</sup>

The assassination of women activists or those seen to encourage women's participation in public life is a phenomenon long-associated with religious-inspired militias throughout Iraq. In 2007, at the height of the sectarian violence, 133 women were killed in Basra for allegedly transgressing moral codes. The bodies of most of the women were found mutilated and showing signs of torture, and were accompanied by notes warning against 'violating Islamic teachings'.<sup>121</sup>

# 5

## Conclusion and recommendations

Since the 2003 overthrow of Saddam Hussein, the balance of power in many areas of Iraq has been held by armed militias. During 2006-7, death squads from al-Qaeda and other Sunni opposition groups, on the one hand, and from the Shi'a militias, on the other, were responsible for hundreds of killings every week.

With the ISIS war and the Popular Mobilization, Iraq entered a new phase. One of the justifications for according the PMF official status was to improve discipline and accountability. It has instead consolidated the power of the PMF and enabled its constituent militias to detain and assassinate critics with impunity.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms Agnès Callamard, undertook an official visit to Iraq on 14-23 November 2017. She subsequently highlighted numerous executions of civilians by ISIS, as well as violations committed by forces affiliated to or supporting the Iraqi government. Despite a 2015 *fatwa* issued by Grand Ayatollah al-Sistani on 'Advice and Guidance to the Fighters on the Battlefields' that included prohibitions on the killing of women, children, the elderly and others not engaged in conflict, hundreds of Sunni civilians and other non-combatants were forcibly disappeared or killed by PMF in and around Mosul and other parts of Nineveh, in Diyala and in Anbar. In just one notorious incident in June 2016, a Shi'a militia separated 1,300 men and boys from IDPs fleeing north of Fallujah; a later investigation by local authorities confirmed that 49 were dead and 643 remained missing. The Special Rapporteur also drew atten-

tion to killings of journalists, of women and girls, and of LGBTI persons.

In her June 2018 report to the UN Human Rights Council<sup>122</sup> – submitted before the outbreak of the Basra protests and the majority of violations described in this present report – the Special Rapporteur recommended that all security forces should be placed under the control of the government, or disarmed and disbanded, and that all parties to the conflict be held to account for their crimes, including ISIS but also government and affiliated forces, and Coalition forces. She furthermore recommended that the perpetrators of reported attacks by pro-government forces on civilians, including arbitrary killings and enforced disappearances, should be investigated and prosecuted, and that all investigations carried out so far should be made public, with due concern for the protection of survivors. If these recommendations (some of which are echoed below) had been swiftly implemented, some of the violations covered in the current report might have been avoided.

In 2018 arbitrary detention, torture and summary killings committed by the PMF and by the Iraqi Security Forces and police are not confined to those violations related to the ISIS conflict, or to revenge or punishment attacks against Sunni communities, but have also targeted a wide range of civilian activists including protestors, media professionals, lawyers, women in public life, and other human rights defenders, from all communities. 2018 was the year when corruption, governmental mismanagement and failure to provide even basic services in Iraq could no longer be ignored. The dis-

turbing rise in the targeting of civilian activists has led many to fear that it may also be the year that marked the return of the death squads.

## Recommendations

### To the Government of Iraq:

- Ensure that all government forces, including Iraqi Security Forces (ISF), Popular Mobilization Forces (PMF) and affiliated militias, fall under unified command and control that is accountable to the Government of Iraq (or, for the Kurdistan Region, to the Kurdistan Regional Government);
- Disband any other armed militias and implement an effective process of demobilization, disarmament and re-integration (DDR);
- Conduct prompt, impartial, independent and effective investigations into all instances of alleged assassinations, extrajudicial executions or other arbitrary killings by PMF or by ISF or police, make the results of such investigations public, and ensure that the perpetrators are prosecuted;
- Strengthen the role of the Iraqi High Commission for Human Rights to monitor and report on human rights violations, including violations of the rights to free expression, association and assembly, and attacks on demonstrators, media workers, women's human rights defenders and other civilian activists;
- Ensure that the ISF and police forces abide at all times to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Uphold the right to a remedy for civilian activists who claim to have been arbitrarily detained or mistreated

by security forces and ensure that those who provide them with legal support can undertake their work free from attack or interference;

- Actively suppress revenge attacks and collective punishments inflicted by ISF, PMF or affiliated militias on communities perceived to have supported ISIS, or on families related to alleged ISIS members, and ensure that the perpetrators of any such attacks are held accountable;
- Enact national legislation to incorporate into domestic law Iraq's obligations under the International Convention for the Protection of All Persons from Enforced Disappearance;
- Establish a Missing Persons Registry with adequate resources to begin registering missing persons claims;
- Acknowledge violations committed by all parties to the conflict and ensure that all victims are eligible for reparation under Law 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions;
- Engage in a meaningful dialogue at local, provincial and federal level with peaceful civilian protestors, ensure that the economic and social rights of all Iraqis are respected, and that the rule of law is upheld.

### To the international community, including foreign governments engaged in the Iraq conflict:

- In consultation with the Government of Iraq, broaden the mandate of the investigation team established under UN Security Council resolution 2379 to include investigation of alleged crimes committed by all sides to the conflict;
- Adhere at all times to obligations under international humanitarian law, including ensuring respect for the

fundamental principle of distinction, and obligations under international human rights law, and take greater collective responsibility for ending gross violations committed by ISF, PMF and affiliated militias to which operational support is provided;

- Initiate prompt, impartial and effective investigations of corruption in the procurement or delivery of international donor-funded services and development programmes in Iraq.

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# Civilian Activists under Threat in Iraq

## In brief

The outbreak of large-scale popular protests in Basra and other Iraqi cities from July 2018 has led to a wave of violent repression of civilian activists. In addition to the use of excessive force against protestors on the streets, there has in recent months been a campaign of systematic death threats and premeditated assassinations.

A wide range of civilian activists including protestors, media professionals, lawyers, women in public life and other human rights defenders have been subjected to arbitrary detention, torture and summary killings by militias, including those affiliated to the Popular Mobilization Forces, and by the Iraqi Security Forces and police. Scores of activists have been killed and hundreds detained.

While the 2005 Iraqi constitution acknowledges the role of civil society and protects freedoms of expression and assembly, relevant legislation in Iraq is outdated and activists remain highly vulnerable. Official investigations announced into the deaths of activists have been seriously deficient, with perpetrators generally described as 'unknown'. Lawyers representing activists have themselves been targeted for intimidation or attack.

The Popular Mobilization Forces were created in 2014 as an umbrella for militias fighting ISIS. One of the justifications for accorded official status to the PMF's 140,000 fighters – including the Badr Organization, Asa'ib Ahl al-Haq and other powerful militias supported by Iran – was to improve discipline and accountability. It has rather consolidated their power and enabled the constituent militias to detain and assassinate critics with impunity.

Widespread protests on the streets and at the ballot boxes in 2018 ensured that corruption and failure to provide basic services in Iraq could no longer be ignored. The disturbing rise in the targeting of civilian activists has led many to fear that it may also be the year that marked the return of the death squads.

**This report recommends** that the Government of Iraq should:

- Ensure that all Iraqi Security Forces, Popular Mobilization Forces and affiliated militias fall under unified command and control that is accountable to government;
- Disband any other armed militias and implement an effective process of demobilization, disarmament and re-integration (DDR);
- Conduct prompt, impartial, independent and effective investigations into all instances of alleged assassinations and other arbitrary killings, make the results of such investigations public, and ensure that the perpetrators are prosecuted;
- Strengthen the role of the Iraqi High Commission for Human Rights to monitor violations of the rights to free expression and assembly, and attacks on demonstrators, media workers, women's human rights defenders and other civilian activists.

The report also recommends that the UN, donor governments and international development agencies initiate prompt, impartial and effective investigations of corruption in the procurement or delivery of international donor-funded services and development programmes in Iraq.

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