



HUMAN RIGHTS SPECIAL REPORT

Demonstrations in Iraq: update



Human Rights Office
United Nations Assistance Mission for Iraq (UNAMI)
بعثة الأمم المتحدة لمساعدة العراق (يونامي)

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Introduction

Pursuant to its mandate to promote accountability and the protection of human rights, UNAMI is closely monitoring ongoing demonstrations in Iraq.¹ This report follows UNAMI's *Human Rights Special Report on Demonstrations in Iraq (1-9 October 2019)*², issued on 22 October 2019.

Based on 198 monitoring interviews conducted from 24 October to 4 November with sources with direct and secondary knowledge of demonstrations across Iraq³, the report outlines UNAMI's human rights concerns related to the second wave of protests that started in Iraq on 25 October. The preliminary findings indicate that numerous human rights violations and abuses were committed, including the use of lethal force against demonstrators, the unnecessary, disproportionate and/or improper use of tear gas and stun grenades, continued efforts to limit media coverage of demonstrations, abductions and multiple arrests.⁴

As of 4 November, violence during the demonstrations that started on 25 October had caused at least 97 deaths and injured thousands of people, including members of the Iraqi security forces. These casualties are additional to the 157 deaths and 5,494 persons injured during the demonstrations of 1 to 9 October.⁵

Resumption of Demonstrations on 25 October

After protests in Baghdad and several governorates in southern and central Iraq from 1 to 9 October 2019, large-scale demonstrations against, *inter alia*, state corruption, unemployment and a lack of basic services recommenced on 25 October. Demonstrators also expressed high frustration at the deaths and injuries attributed both to excessive use of force by the security forces and deliberate killings by armed elements during the earlier demonstrations. In addition, demonstrators started to call for fundamental changes to the political system. In comparison with the earlier demonstrations, mostly attended by young working-class men and civil society activists, increased numbers of demonstrators from demographically diverse groups participated in these further protests, including a significant number of women, older people, schoolchildren, professionals, university students and teachers. The demonstrations remained centered on Baghdad and southern and central governorates of Iraq, specifically Babil, Basra, Dhi Qar, Karbala, Missan, Muthana, Najaf, Qadisiyah⁶ and Wassit, although smaller demonstrations took place in other governorates.

Allegations Concerning the Unlawful Use of Lethal Force against Protestors

Central and Southern Iraq

UNAMI recorded 48 cases of unarmed protestors shot dead during demonstrations or whilst committing acts of property damage, arson or attempting to enter government and/or political party offices. These individuals did not present an imminent threat of death or serious injury to those around them.⁷

¹ Security Council Resolution 2470 (2019) mandates UNAMI to 'promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, to strengthen the rule of law in Iraq [...]'.

² UNAMI's Human Rights Special Report 'Demonstrations in Iraq' published on 22 October 2019: <http://www.uniraq.org>.

³ Further details on methodology, legal framework and additional background available in UNAMI's Human Rights Special Report 'Demonstrations in Iraq', see footnote 2.

⁴ UNAMI was unable to conduct individual interviews with members of security forces and employees of public hospitals due to restrictions in place concerning the release of information to external stakeholders, including United Nations human rights representatives.

⁵ Further details are provided in UNAMI's Human Rights Special Report 'Demonstrations in Iraq', see footnote 2.

⁶ Qadisiyah governorate is also known as Diwaniya, its capital city.

⁷ See Footnote 10 for definition of imminent threat.

Allegations of armed elements using live ammunition against protestors

According to information received, armed elements (described as private militia groups) shot live ammunition into crowds of demonstrators in Missan, Dhi Qar and Babil governorates on 25 and 26 October to prevent them from entering political party and provincial government buildings, resulting in at least 27 deaths and at least 300 injured. No information reviewed by UNAMI indicated that any of the demonstrators were armed at the time.

In Al-Amarah in Missan governate, on 25 October, armed elements reportedly shot and killed 12 persons in a crowd attempting to enter a building affiliated to a political party. At least 110 persons were injured. Demonstrators later beat to death an armed element commander and his brother. In Nassiriya in Dhi Qar governorate, on 25 October, armed elements fired live ammunition at protesters attempting to enter the office of a political party, reportedly killing eight protesters and injuring at least 150.

On 26 October, in Babil governorate, a militia group opened fire with live ammunition on a group of demonstrators trying to enter their building, killing seven and injuring 12. On 27 October, alleged members of a private militia shot at demonstrators attempting to break into the home of a Member of Parliament in Dhi Qar governorate, injuring 15.

Allegations of security forces using live ammunition against protestors

On 26 October police deployed as armed guards reportedly opened fire with live ammunition on protesters attempting to cross a bridge and move towards the house of the Head of the Security Committee of Dhi Qar Provincial Council, killing three and injuring 27.

UNAMI received multiple allegations of armed elements in Karbala, consistently described as police forces wearing black uniforms, using live ammunition against demonstrators. On the night of 28 to 29 October, these forces fired live ammunition at demonstrators in the area between Education Square and the Governorate building in Karbala, which credible reports indicate may have killed 18 people and injured 143. Demonstrators had thrown stones and bricks at security forces without creating an imminent threat of death or serious injury. On 29 October, the Karbala Police Commander and Karbala Governor issued public statements denying that deaths had occurred. The Karbala Security Media Cell reported that 53 civilians and 90 members of security forces were injured.⁸

UNAMI emphasizes that it is never lawful to fire indiscriminately into a crowd and that firearms should not be used simply to disperse an assembly.⁹ It is prohibited for law enforcement personnel to use potentially lethal force to defend property. The use of potentially lethal force – including firearms - is only permitted by law enforcement agencies in self- defence or for the defence of others, as an extreme measure of last resort when there is an imminent threat to life or of serious injury, in line with the principles of legality, necessity and proportionality.¹⁰

⁸ Public statements issued by Police Commander and Security Media Cell, 29 October 2019, Karbala.

⁹ Joint report of the Special Rapporteur on the right to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies (“Joint Report”), para. 60 referencing Report of the Special Rapporteur, Christof Heyns, A/HRC/26/36, para. 75. Any use of force should be targeted at individuals using violence as opposed to the entire crowd participating in a demonstration, see para. 57.

¹⁰ UN Basic Principles on the Use of Force and Firearms (1990), Principle 9. See also Human Rights Committee, General Comment No. 36, para. 12. An imminent threat is defined as a situation in which an attack will occur ‘in a matter of seconds, not hours’, implying geographic proximity for the attack to succeed and no opportunity to take alternative action. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, A/HRC/26/36, 1 April 2014, para. 59.

Where the use of force does not comply with these principles and causes a fatality, that death amounts to an arbitrary killing and must be investigated and prosecuted by the state.¹¹ In addition, the state has a duty to protect individuals against reasonably foreseen threats of being unlawfully killed by criminals and organized crime or militia groups, including armed or terrorist groups.¹²

Baghdad

UNAMI received several reports that security forces fired tear gas, stun grenades and live ammunition to stop a group of protesters attempting to cross al-Ahrar bridge on 4 November. Initial information indicates that at least five people were killed, and dozens injured.

Protestor deaths resulting from arson

In southern and central Iraq, demonstrators gathered at governorate offices and political party headquarters and affiliated buildings to express anger at local authorities, often attempting to burn down the buildings. On 25 October, 19 persons died after being trapped in burning buildings in Dhi Qar, Qadisiyah and Muthana governates.

Allegations Concerning the Use of Less-Lethal Weapons in Baghdad

Between 29 October and 4 November, the number of protestors in Baghdad reached an estimated one million, with crowds mainly concentrated in Tahrir Square and smaller demonstrations in other parts of the city. Security forces in Baghdad exercised significant restraint compared with the demonstrations earlier in October, with one verified report on 4 November (see previous section) of the use of live ammunition to disperse crowds. There were no reports of deliberate killings by militia or unknown armed elements in Baghdad.

Demonstrators remained in Tahrir Square and the Jumhuriya and Senak bridges area of central Baghdad for the duration of the demonstrations. Security forces erected T-wall barriers to prevent demonstrators from crossing the bridges into the former International Zone. This contrasted with the use by security forces of live ammunition forcefully to clear demonstrators out of the same area from the first day of demonstrations in early October. The Government imposed a curfew in Baghdad from midnight to 6 a.m. on 29 October but when demonstrators did not respect it, the Government did not enforce it.

Notwithstanding the apparent reduction in the use of live ammunition against demonstrators by security forces in Baghdad, credible witness and victim accounts and video footage indicates that security forces shot tear gas canisters directly into crowds of demonstrators, leading to at least 16 fatalities caused by those canisters impacting the head or upper body. The fatalities included one woman and a young volunteer paramedic attempting to treat injured demonstrators. In addition, hundreds of demonstrators required medical treatment for the effects of inhalation of tear gas, including respiratory distress.

¹¹ Human Rights Committee, General Comment No. 36, para. 29 and 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death.

¹² Human Rights Committee, General Comment No. 36, para. 21.

Eyewitness reports confirmed that the severity of tear gas was such that areas of Tahrir Square became virtually inaccessible at times, with volunteers and medics constantly evacuating injured demonstrators in ambulances and Tuk Tuks, several of which were hit directly by tear gas canisters. Multiple sources reported that security forces also fired sound and flash devices horizontally towards crowds of demonstrators and people sitting on the banks of the Tigris river. Demonstrators stationed next to Jumhuriya bridge and in the adjacent 'Turkish restaurant building' threw Molotov cocktails at security forces on the bridge, shone lasers and lit fireworks, sometimes directed at security forces. No information indicates that any demonstrators carried firearms.

The use of less-lethal weaponry to control crowds and demonstrators must comply with international human rights provisions on the use of force, including the principles of precaution, necessity and proportionality. It is unlawful to fire tear gas canisters directly at individuals, and particularly at the head and face, due to the risk of death or serious injury from impact trauma.¹³ Even where tear gas is employed in a manner that complies with the use of force principles outlined above, less-lethal force should only be targeted at individuals using violence, as opposed to the entire crowd participating in a demonstration.¹⁴ The Government must investigate any deaths attributable to its use of force during demonstrations.

While demonstrators attempted to breach the T-wall erected by security forces on Jumhuriya bridge, most protesters assembled in Tahrir Square, where they organized the provision of food and water, medical supplies and set up music and entertainment. Attempts were also made to cross Senak bridge on 30 October, resulting in at least three deaths from injuries sustained when demonstrators were struck by tear gas canisters.

Peaceful demonstrations took place in other areas of Baghdad, including Nisoor Square in Mansour district. After 27 October, school children and university students joined demonstrations at Tahrir Square and in other areas of the city. Credible reports were received that security forces also deployed sound and flash devices, as well as tear gas, in the vicinity of children and university students participating in the demonstrations on 28 October in Nisoor Square and Masafi Street.

UNAMI emphasizes that the use of force must always be necessary and proportionate – it is difficult to envisage any circumstances that would justify the use of tear gas and other devices to disperse those demonstrating peacefully. In addition, the use of force in such a context may increase tensions between demonstrators and security forces, risking escalation of violence in subsequent demonstrations.

Allegations Concerning Arrest, Detention and Abduction

UNAMI is following up on reports of multiple arrests of demonstrators and activists, to determine the legal basis upon which the arrests were made and the status of detained persons. Reliable information indicates that arrests of dozens of demonstrators took place in Babil, Baghdad, Basra, Dhi Qar, Qadisiyah and Karbala. Arrests in Baghdad reportedly occurred in lower numbers than during the 1 to 9 October demonstrations. Credible sources, however, gave account of the arrest of several bloggers and social media commentators in different locations, including for expressions of support for demonstrations.

On 25 October, the High Judicial Council issued a statement asserting that, according to Article 2 of the Federal Anti-Terrorism Law, resorting to violence and sabotaging public property and using firearms against security forces are acts of terrorism, punishable by death. This statement, issued on the first day of the renewed protests, was explained as an attempt to put off demonstrators.

¹³ See United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, para. 7.3.6.

¹⁴ Joint report, para. 57.

Meanwhile, UNAMI received some reports of the application of the Federal Anti-Terrorism Law to demonstrators in Babil, Baghdad, Dhi Qar and Qadissiya, although most cases against demonstrators appear to have been processed under criminal legislation.

In addition, UNAMI recorded six reported cases of abduction of protestors, or volunteers providing assistance in the demonstrations, by unknown elements in Baghdad. On 2 November, a female volunteer paramedic was reportedly abducted on her way home from the demonstrations, and her whereabouts and fate remain unknown.

Allegations Concerning Freedom of Expression

UNAMI observed continued efforts by the Government to suppress coverage of the demonstrations, including statements that may be perceived as intended to intimidate media, and an ongoing block on access to social media. On 24 October, the day prior to the planned resumption of the demonstrations, the Ministry of Interior announced a strict prohibition on live coverage of the demonstrations. On 25 October, the Communications and Media Commission (CMC) issued a statement calling for the media to “act responsibly”, warning them to refrain from transmitting fake news or inciting and promoting violence, or be at risk of legal and regulatory action. On the same day, Dijla Television, which had been raided by unidentified armed men on 5 October, was reportedly blocked by the CMC because it had broadcast live footage of demonstrations. It resumed transmission within a few hours. Al Sharqiya News Television was jammed by an unknown source on 25 October but later resolved the attempted shut-down.

NRT Television, also previously raided on 5 October, reported on 26 October that unknown security forces entered their office in Baghdad. No staff members were present at the time.¹⁵ On the same day, Al-Arabiya channel stated online that, along with Al-Hadath channel, it was being suspended by the Iraqi government on the basis that they lacked operating licenses.¹⁶ Sources also indicated that the CMC and police reportedly visited Al Hurra on 26 October to ensure that the channel was not broadcasting in breach of a three-month ban issued by the CMC in September.

Journalists covering demonstrations remained at risk of injury and arrest. Incidents included a journalist hit in the face by a tear gas canister in Tahrir square in Baghdad on the first day of demonstrations and a cameraman shot in the eye with live ammunition while covering demonstrations in Karbala.

Conclusion

Particularly in Baghdad, security forces displayed more restraint and organization in their general policing of demonstrations from 25 October to 4 November (the period covered by this report) compared with the demonstrations that took place from 1 to 9 October. Notably, security forces deployed amongst the crowds in Tahrir square area demonstrated appropriate crowd control techniques. However, UNAMI’s latest preliminary findings also indicate that serious human rights violations and abuses continued to occur during demonstrations, particularly with respect to the right to life and to freedom of expression - and resulting from failure to fully comply with international norms and standards on the use of force.

The Government continues to repress coverage of demonstrations by restricting the sharing of casualty figures and blocking access to social media. Most participants in the ongoing demonstrations did not resort

¹⁵ See: <http://www.nrttv.com/Ar/News.aspx?id=17793&MapID=2>.

¹⁶ See: https://twitter.com/AlArabiya_Eng/status/1188193697193742336.

to violence, and their right to peaceful assembly must be protected, respected and fulfilled. Even where demonstrators resort to the violence, such as the destruction of property, they remain protected by the right to life. UNAMI continues to call on all demonstrators to protest peacefully in accordance with applicable national law, and to refrain from any form of violence.

The intentional use of lethal force by armed groups against demonstrators in Missan, Dhi Qar, Qadisiyah and Babil to deter protestors from entering buildings and properties is extremely concerning, as are allegations that security forces reportedly used unlawful lethal force against demonstrators in Karbala governorate and Baghdad. The Government bears the ultimate responsibility for violence perpetrated against its citizens by both its security forces and other armed elements acting with or without the government's consent or acquiescence. Those responsible (at all levels) for the use of lethal force against demonstrators must be held fully accountable.

Additionally, the number of deaths - and serious injuries - from tear gas canisters indicates that security forces may have intentionally and unlawfully fired tear gas canisters directly at demonstrators or, at minimum, fired tear gas canisters indiscriminately and recklessly and at an angle capable of causing severe impact trauma.

The right to freedom of expression, which is integral to the right of demonstrators to peaceful assembly, continued to be undermined by a block on social media, arrests of bloggers, and statements apparently intended to intimidate media and prevent open and transparent reporting. The government sought to justify the limitations imposed on media reporting by claiming they were based on legitimate regulatory grounds, such as a lack of licenses or ongoing bans. These ongoing and heavy-handed attempts to restrict media reporting continue to create a climate of fear amongst journalists attempting to cover demonstrations.

The announced potential use of the Federal Anti-Terrorism Law to prosecute demonstrators, particularly those who participated in destruction of property, reflects a worrying attempt to improperly apply counter-terrorism rhetoric and frameworks to deter protest.

Recommendations

While acknowledging the steps already taken by the Government of Iraq, based on the preliminary findings of this report UNAMI re-emphasizes the need for the Government to fully implement the recommendations provided in its *Human Rights Special Report 'Demonstrations in Iraq' (1-9 October 2019)*.¹⁷ It further recommends:

1. The Right to Life

- Acknowledgement of the deaths and investigation of the full circumstances of the killings that have occurred since 1 October in Baghdad, Babil, Basra, Karbala, Missan, Dhi Qar and elsewhere, including consideration of the full range of potential perpetrators and the human rights violations and abuses which they may have committed.
- Conduct prompt, independent, impartial, effective, thorough and transparent investigations into all demonstration-linked deaths that occurred since 1 October, with a view to holding accountable those persons responsible for any unlawful deaths and finding justice and truth for the victims and

¹⁷ Accessible at: <http://www.uniraq.org>

their families. This includes accountability for all those who perpetrated, directly or indirectly, ordered and/or supported, consented or acquiesced to violations.

- Prompt implementation of the recommendations for accountability contained in the Government's Investigative Committee Report issued on 22 October.
- Preventive steps to protect demonstrators from potential violence by 'third' armed elements, taking into account the context in which arbitrary killings occurred in Baghdad and southern and central Iraq since 1 October.
- Reassessment of instructions on the use of tear gas to security forces policing demonstrations, including the immediate issuance of an explicit prohibition on shooting tear gas canisters directly at demonstrators.
- Acknowledgement that the use of force against demonstrators is always a measure of last resort, should never be indiscriminate and must fully distinguish between those acting violently and the majority of demonstrators who are protesting peacefully.

2. The Right to Peaceful Assembly & Freedom of Expression

- Protection, respect and fulfilment of the right to peaceful assembly, including by exercising due diligence in preventing abuse committed by non-State actors.
- Restoration and maintenance of access to social media.
- Cessation of all interference with media actors aimed at reducing coverage of the demonstrations, including any forms of intimidation, harassment and unnecessary restrictions.
- Protection of media actors from interference by armed elements.
- Cessation of all arrests of journalists, social media commentators and bloggers and activists solely for expressing support to protests or reporting on, and participating in, demonstrations.
- Retraction of the application of the Federal Anti-Terrorism Law to demonstrators, so that demonstrators who have committed crimes, such as destruction of property, are always charged pursuant to the Criminal Code.