

Update on Accountability in Iraq

Limited progress towards justice for human rights violations and abuses by
'Unidentified Armed Elements'

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I. SUMMARY

Pursuant to its mandate under Security Council Resolution 2631 (2022) to ‘promote accountability and the protection of human rights’, the United Nations Assistance Mission for Iraq (UNAMI) continues to closely monitor the response of the Government to patterns of violence, attributable to the state and ‘unidentified armed elements’¹, against protestors as well as against activists expressing dissent towards political parties and armed elements.

This report, *Update on Accountability in Iraq: limited progress toward justice for human rights violations and abuses by ‘Unidentified Armed Elements’*, was prepared by the Human Rights Office of UNAMI and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in line with the international human rights framework applicable to Iraq as well as relevant national law. It is the seventh publication issued on this subject since October 2019² and covers the period of 1 May 2021 to 15 May 2022. During this period, in October 2021, Iraq held early parliamentary elections. These elections emerged from an unprecedented wave of country-wide demonstrations in 2019, marked by violence, excessive use of force, abductions, and targeted killings, with hundreds of deaths and thousands of injuries. As of May 2022, a new Government has yet to be formed.³

This update highlights that some progress has been made, particularly on compensation for victims, but results regarding accountability remain limited. From 1 May 2021 to 30 April 2022, UNAMI/OHCHR documented convictions in relation to four cases concerning violence perpetrated by armed elements. The Fact-Finding Committee established by the Government is operational but has not produced any investigative outcomes or provided public information about its work. Many of those individuals seeking accountability have been subjected to threats, including violence. The Government of Iraq admittedly operates in a complex environment, including within the context of stalled government formation. However, continued impunity for killings, disappearances, abduction and torture of activists, undermines the authority of state institutions.

II. BACKGROUND

Between 1 October 2019 and 30 April 2020, UNAMI/OHCHR documented the death of at least 487 protestors and the injury of 7,715 others during protests in Iraq due to violence by security forces and incidents attributed to ‘unidentified armed elements’.⁴ The range of incidents attributed to ‘unidentified armed elements’ included armed attacks on demonstration sites and shootings outside of buildings used by, amongst others, political parties.

In addition, between 1 October 2019 and 15 May 2021, UNAMI/OHCHR documented 48 incidents of attempted or executed targeted killings of protestors, activists and critics, mostly shootings by ‘unidentified armed elements’,

¹ As in its previous reports, UNAMI defines ‘unidentified armed elements’ as armed actors not clearly identifiable as regular state security forces. This does not preclude the possibility that these ‘elements’ have various links to the state and/or political parties.

² See ‘Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements’ (May 2021 Report), UNAMI, 15 May 2021, available at: [May 2021 Report](#).

^{3 3} UNAMI and OHCHR’s previous reports provide contextual background on the Tishreen Demonstrations: ‘Demonstrations in Iraq from 1-9 October 2019’, UNAMI, 1 October 2019, available at: [October 2019 Report](#); ‘Demonstrations in Iraq: Update from 25 October – 4 November 2019’, UNAMI, available at: [November 2019 Report](#); ‘Demonstrations in Iraq: 2nd update from 5 November – 9 December 2019’, UNAMI, available at: [December 2019 Report](#); ‘Demonstrations in Iraq: 3rd update’, UNAMI, available at: [May 2020 Report](#); Human Rights Violations and Abuses in the Context of Demonstrations in Iraq, October 2019 to April 2020’, available at: [August 2020 Report](#); and the [May 2021 Report](#).

⁴ Those killed included at least 34 children - all boys - and one woman. While a comprehensive disaggregation of those injured was not possible, according to the Government of Iraq, violence during demonstrations killed 653 people: 620 protestors, 16 government employees and 17 members of security forces. UNAMI meeting with Committee for Dialogue and Community Peace in the Office of the Prime Minister, 18 May 2022.

resulting in at least 32 deaths and injuries to 21 others. UNAMI/OHCHR also recorded the abduction and ill-treatment of at least 32 protestors and activists by ‘unidentified armed elements’ and the ongoing disappearance of at least 20 others.

The previous report issued by UNAMI/OHCHR and OHCHR in May 2021 entitled “Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements”⁵ (hereafter referred to as the “2021 Accountability Report”) noted that efforts to ensure accountability appeared to have been largely limited to the formation of various investigative bodies and committees, the issuing of condemnatory statements, and the reassignment of security and other officials.

The judicial investigative committees established in each governorate by the High Judicial Council registered 8,163 cases of criminal acts and related allegations related to violence during demonstrations, and initiated thousands of investigations. These committees focused on incidents occurring during protests, while terrorism or regular criminal investigative courts addressed incidents of targeted killing or abductions. At the time, only two cases of crimes committed against protestors had progressed to trial and subsequent conviction, both of which concerned low-ranking members of the police forces.

The 2021 Accountability Report also reviewed progress by the Fact-Finding Committee⁶ established in 2020, noting that UNAMI/OHCHR had only been able to obtain limited information on the outcome of the committee’s activities.

This report provides an update on progress towards justice and prevention, covering the period between May 2021 and May 2022.

III. METHODOLOGY

The information in this report is based on 27 individual interviews, conducted between May 2021 and 14 April 2022, with persons holding direct and secondary knowledge of the accountability and compensation processes.⁷ Additionally, during the same period, UNAMI/OHCHR met with judiciary officials in Baghdad, Basra, Karbala, Maysan, Najaf and Nasiriyah governorates as well as the Office of the Prime Minister, Martyrs Foundation, Fact-Finding Committee and Ministry of Interior.⁸ On 30 January 2022, UNAMI/OHCHR submitted letters to the Martyrs Foundation, High Judicial Council, Fact-Finding Committee, Ministry of Defence and Ministry of Interior requesting information on accountability with respect to violations and abuses attributed to ‘unidentified armed elements’ in the context of demonstrations. As of May 2022, UNAMI/OHCHR received written responses from the High Judicial Council and Martyrs Foundation.

This update has been shared with the Government of Iraq in advance of publication and integrates their comments on the factual aspects of the report.⁹

⁵ See [May 2021 Report](#).

⁶ In October 2020, Prime Minister Al-Kadhimi established the Fact-Finding Committee by Executive Order 293 to “find out about all the violent events that accompanied the demonstrations from 1 October 2019 onwards, highlighting the reasons for it and who was responsible”.

⁷ Interviews predominantly conducted by telephone or internet-based technology.

⁸ In 2021, UNAMI/OHCHR met with judiciary in Baghdad, Basra, Nasiriyah, Najaf, Diwaniya, Babil and Wasit governorates to discuss accountability. See ‘Methodology’ section of the [May 2021 Report](#).

⁹ UNAMI/OHCHR received inputs to this report from the Ministry of Foreign Affairs, Ministry of Justice, Fact-Finding Committee and Committee for Dialogue and Societal Peace, Office of the Prime Minister.

IV. LEGAL FRAMEWORK

The report relies on Iraq's international human rights law binding on Iraq.¹⁰ For the purposes of examining implementation and compliance with international human rights law, the report takes into account relevant national law. Iraq is party to almost all core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention for the Protection of All Persons from Enforced Disappearance (CED).¹¹

These treaties impose obligations, *inter alia*, to respect and ensure the rights to life, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the prohibition on enforced disappearances, the rights to liberty and security of persons, to freedoms of opinion and expression, and the right of peaceful assembly and of association.¹² The duty to ensure human rights entails that States can be held responsible where they permit or fail to take appropriate measures to prevent, punish, investigate or redress the harm caused by non-State entities.¹³

Lastly, States must ensure that individuals have access to effective remedies to vindicate their rights,¹⁴ such as through appropriate judicial and administrative mechanisms for addressing claims of rights violations,¹⁵ and must respect and ensure the right of access to information with respect to those mechanisms.¹⁶ States also have obligations to promptly, thoroughly, effectively and transparently investigate certain human rights violations and abuses through independent and impartial bodies.¹⁷ Where appropriate, States also have an obligation to prosecute and punish those responsible.¹⁸ Lastly, States must ensure the right to reparations for victims of human rights violations, including restitution, compensation, and just satisfaction.¹⁹

V. RESPONSE OF STATE AUTHORITIES

The Government's response to violations and crimes perpetrated against protestors, critics and outspoken activists remains limited. The Fact-Finding Committee, established to investigate the circumstances surrounding the violence that occurred in the context of the demonstrations, does not provide any public information in relation to its work, making an assessment of its efficiency difficult.²⁰ In relation to judicial proceedings, very few investigations have progressed to trial. Of concern, in several cases, family members, judges, investigative officers and activists calling for accountability were subjected to threat and intimidation or violent attack by persons believed to be linked to, or supportive of, armed elements.

¹⁰ For more detailed information on the legal framework, please refer to Annex 1 of the [August 2020 Report](#), pages 53 to 58. Reference is made to relevant Iraqi law throughout this report.

¹¹ Ibid.

¹² See ICCPR, arts. 6, 7, 9, 19, 21 and 22; CAT; CED

¹³ See Human Rights Committee general comment no. 31 para. 8

¹⁴ See ICCPR, art. 2, para. 3

¹⁵ See Human Rights Committee General Comment no. 31, para. 15

¹⁶ See ICCPR, art. 19, para. 2

¹⁷ See Human Rights Committee General Comment no. 31, para. 15 and General Comment no. 36, para. 27

¹⁸ See Human Rights Committee General Comment no. 31, para. 18 and General Comment no. 36, para. 27 and 67

¹⁹ See Human Rights Committee General Comment no. 31, para. 16-17

²⁰ In its [May 2021 Report](#), p.9, UNAMI HRO noted that former Prime Minister Adil Abdul-Mahdi had established a High Ministerial Investigative Committee mandated to investigate death, injury and other violations that occurred from 1 to 8 October 2019 in the context of demonstrations. That Committee completed a report and made a number of recommendations with respect to prosecution and administrative and disciplinary responses. However, no information was publicly available on whether the recommendations were implemented. The committee referenced here is the Fact-Finding Committee established by Executive Order 293 issued by Prime Minister Mustafa al-Kadhimi.

In a positive development, compensation has been paid to the families of the majority of those victims killed during the demonstrations. Other efforts to assist victims, including severely injured victims, have generally been led by civil society, although the Prime Minister's Office assisted in several cases.

October 2020 Fact-Finding Committee established by Executive Order 293

On 18 October 2020, the Prime Minister's Office established a Fact-Finding Committee by Executive Order 293, mandated to "find out about all the violent events that accompanied the demonstrations from 1 October 2019 onwards, highlighting the reasons for it and who was responsible". According to information received by UNAMI/OHCHR, the Committee effectively commenced operating by April 2021, and opened a field office in Dhi Qar governorate. Committee staff confirmed that they are reviewing over 18,000 cases filed during²¹ and after the October 2019 demonstrations, and are in contact with judicial authorities to assess the possibility of reopening cases that had already been processed with no follow up action taken.

The Committee's work is focused on the gathering of evidence, including through taking testimony from eyewitnesses and family members of victims, as well as the collection of documents, digital recordings and other materials in relation to these cases. Eventually, the Committee aims to publish a comprehensive report, reflecting the Committee's findings on violations during the Tishreen demonstrations²² while identifying those responsible for the crimes committed.²³

The Committee has also supported the referral of victims for medical treatment outside of Iraq²⁴ and provides supports in coordination with the Martyrs Foundation to families of victims.²⁵ In December 2021, UNAMI/OHCHR conducted a two-day training on human rights fact-finding and reporting with the Committee.

Due to the classified nature of the Committee's work, UNAMI/OHCHR received limited information on its organization and work, including the selection process for its members, the identity or background of its members, its methodology, criteria for the selection of cases to document, its jurisdiction and scope of authority, its source of funding and reporting lines as well as the extent and any outcomes of its investigations. While there might be good reasons for not going public with such information at this stage, in the complex environment of Iraq, the limited availability of information relating to the Committee's investigative efforts does not allow for an objective assessment of the Committee's effectiveness in the pursuit of accountability, as well as adherence to human rights standards, including the principles of impartiality and independence.²⁶

UNAMI/OHCHR encourages the Committee to report publicly and on a regular basis, to the extent possible, about its scope of authority, structure, methodology as well as progress made and results achieved, taking due note of security considerations.²⁷ On 30 January 2022, UNAMI/OHCHR sent a letter to the Fact-Finding Commission requesting information on the Committee and its work. On 14 April, UNAMI HRO met with the Coordinator of the Fact-Finding Committee who provided a briefing on the Committee's work.

²¹ UNAMI meetings with members of the Fact-Finding Committee, April 2022, Baghdad.

²² See footnote 1 for details on Tishreen demonstrations.

²³ UNAMI meetings with members of the Fact-Finding Committee, April 2022, Baghdad.

²⁴ To date, 73 individuals have received medical treatment in the United Arab Emirates, India and Germany.

²⁵ Ibid.

²⁶ As noted in the [May 2021 Report](#), the UNAMI Human Rights Office submitted a number of documents, including guidance materials and information on cases of assassinated, abducted, disappeared and killed protestors, to the Committee in June 2020.

²⁷ See ICCPR art. 19 (2) and General Comment no. 34 (2011), available online:

<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

Criminal Prosecution²⁸

UNAMI/OHCHR submitted a letter to the High Judicial Council on 30 January 2022 requesting information on the investigation and prosecution of crimes perpetrated against protestors, including data on the number of open judicial investigations or arrest warrants issued, the number of accused persons detained, the number of cases referred to trial and the number of convictions. UNAMI/OHCHR also requested information on measures taken to protect witnesses, informants, and victims in the context of the prosecution of demonstration-related crimes.

On 8 May, UNAMI/OHCHR received a response from the High Judicial Council (see Annex to this report) in which the High Judicial Council's indicated that 664 demonstrations-related cases are currently under investigation, 327 have been referred to the court or are under trial, and that sentences have been issued in ten cases. An additional 1,106 cases are listed as 'completed' or 'closed'.

Regarding justice for targeted killings, shootings, abductions and disappearances of activists attributed to 'unidentified armed elements', UNAMI/OHCHR documented three convictions in Basra governorate: one for the targeted killing of two journalists critical of 'armed elements', one for shooting into a crowd of protestors at a demonstration site, and one for shootings from the building of a political party. In Maysan governorate, UNAMI/OHCHR documented a fourth conviction for the targeted killing of a father who openly called for accountability for the disappearance of his son, an activist and lawyer.

In addition, UNAMI/OHCHR documented four cases against State security forces before courts, including one conviction for the killing of a demonstrator in Basra governorate, two convictions for the killing of demonstrators in Wasit and three convictions for killing demonstrators in Baghdad. UNAMI/OHCHR was unable to identify any other cases that progressed beyond the investigative stage during the reporting period. At least two cases concerning assassinations were investigated by a special committee formed in August 2020 to investigate 'major corruption and crime cases', later abolished by a Supreme Court decision. Further details on these cases are outlined below.

- *Basra governorate*

Since May 2021, most progress towards accountability appears to have occurred in Basra governorate. UNAMI/OHCHR recorded convictions with respect to the following three incidents in Basra.

On 31 August 2021, pursuant to Article 406 of the Criminal Code, the Basra Criminal Court convicted two members of the *Thar Allah* armed group (outside state control) for the killing of a protestor and the injury of several others on 10 May 2020 after protestors had gathered outside its headquarters.²⁹ On 19 December 2021, the Basra Appeal Court upheld the verdict, with those convicted currently serving their sentences.

On 1 November 2021, the Basra Criminal Court convicted one individual for the shooting to death in Basra city centre on 10 January 2020 of two journalists known to report on demonstrations and the influence of armed elements. The conviction was pursuant to Article 4 of the Anti-Terrorism Law and the court sentenced the defendant to death.³⁰

On 2 November 2021, the Basra Criminal Court convicted two men for the killing of a 14-year-old juvenile protestor in Basra city in January 2020. One of those convicted has already been convicted and sentenced the previous day for the aforementioned killing of the journalists. Both defendants were convicted under Article 4 of the Anti-Terrorism

²⁸ The information set out in this report in the section entitled "criminal prosecution" below concerning the detention, trial and/or conviction of persons in relation to crimes targeting protestors/activists, does not assess due process and fair trial rights or constitute an endorsement of the verdicts.

²⁹ During the incident, protestors gathered outside a building in Basra affiliated to the *Thar Allah* armed group (outside state control). In response, the 'guards' of the building shot towards the crowds of protestors, killing one and injuring several others.

³⁰ UNAMI did not monitor the trial and therefore cannot comment on the fairness of the proceedings. For analysis on trials under the Anti-Terrorism law, see [Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL, January 2020](#).

Law and sentenced to death.³¹ The defendants in these cases were alleged members of the ‘death squad’, a group of ‘unidentified armed elements’ reportedly responsible for ‘terrorizing’ and killing activists in Basra governorate.

Of concern, some investigators engaged on sensitive cases faced violent reprisals. For instance, officials of the Basra Investigative Court on Terrorism Cases investigated the ‘death squad’ cases with support from Intelligence Officers of the Ministry of Interior. On 12 November 2021, ‘unidentified armed elements’ shot and killed an intelligence officer assigned to the investigation in Basra.

On 7 December 2021, also in Basra, an improvised explosive device attached to a motorbike detonated, killing two civilians, and injuring four others shortly after an investigative officer travelled through the area in a vehicle. UNAMI/OHCHR also received reports of verbal threats made directly toward officials involved in these cases.³²

- *Maysan governorate*

On 29 September 2021, the Maysan Criminal Court in Amarah, Maysan governorate, convicted a man pursuant to Article 406 of the Iraqi Criminal Code. The Court sentenced him to death for the killing on 10 March 2021 of the father of a lawyer and an activist abducted in October 2019³³ by ‘unidentified armed elements’.³⁴ Since the disappearance of his son, the father had campaigned publicly for accountability, openly accusing Ansar Allah Al Awfiya, an armed group known to operate in Maysan, of responsibility for his son’s disappearance.

Unidentified armed elements have continued to subject the family to violence. On 2 September 2021, ‘unidentified armed elements’ shot at a vehicle being driven by the uncle of the disappeared activist in Amarah, Maysan governorate. On 30 July 2021, also in Amarah, armed men shot at a car being driven by another uncle of the disappeared activist and severely physically assaulted him. On 29 June 2021, the Maysan investigative court summoned four family members of the disappeared activist for questioning in relation to a complaint of defamation of the alleged perpetrators. The family members were released from detention later that day and the charges dismissed.

To date, the activist remains missing with no apparent steps taken to ascertain his whereabouts.

- *“Committee 29”*

In two high-profile cases of assassination of prominent activists, security forces arrested and detained suspects, but neither investigation resulted in a trial. On 26 May 2021, security forces arrested and detained the commander of the 13th Brigade of the Popular Mobilisation Forces, purportedly in relation to the killing of a prominent activist in May 2021.³⁵ Immediately after the killing, large protests had taken place in Baghdad and several other governorates with demonstrators calling for accountability. In response to the arrest of the commander, armed elements gathered at

³¹ On 22 January 2020, unidentified gunmen shot at a crowd of protestors near the sit-in square, killing a 14-year-old boy and injuring at least one other person. One night prior, on 21 January 2020, unidentified gunmen shot at a crowd of protestors in the same area, killing a woman medical volunteer and injuring eight others.

³² Details withheld due to security concerns.

³³ Ibid.

³⁴ Regarding the fate and whereabouts of the activist, the UN Committee on Enforced Disappearances transmitted an Urgent Action to the Government of Iraq on 24 October 2019. To date, the Government has not responded despite the committee’s transmittal of two reminders, on 22 November 2019 and 10 February 2021. In addition, on 9 November 2020, the Special Procedure Mandate Holders of the Human Rights Council issued a separate joint Urgent Appeal calling on the government to establish the fate and whereabouts of the disappeared activist. As of 20 May 2022, the OHCHR Secretariat has not received a response from the government. Since October 2019, 25 Urgent Actions/Appeals concerning disappeared protesters and activists were transmitted to the Government. Of these 25 communications, in 14 cases the individuals were subsequently located (three in detention and 11 released by unidentified perpetrators) whilst 11 individuals remain missing.

³⁵ See Section VI. page 10.

the gates of the International Zone in Baghdad, demanding his release. On 9 June, the commander was released, purportedly due to a lack of evidence.³⁶

On 16 July 2021, Prime Minister Kadhimi announced on social media that the perpetrators who assassinated a prominent analyst on 6 July 2020 in Baghdad had been arrested.³⁷ A video purporting to be an interview with a Ministry of Interior lieutenant was released by the Government in which he confessed to the killing. No information was released regarding investigations into who was responsible for ordering the killing or any links between the suspect and ‘armed elements’. In February 2022, the trial was delayed for the fourth time to 16 May 2022 and subsequently postponed, with no specific date provided, due to the “inability of bringing the defendant to the court”.³⁸

Investigations in both cases appear to have been conducted by a Special Committee established by the Prime Minister under Executive Order No 29 on 27 August 2020. This Committee, headed by Lieutenant-General Ahmed Abu Ragheef³⁹ and also known as ‘Committee 29’ or ‘Abu Ragheef Committee’, was tasked to investigate ‘cases of corruption and major crimes’, with the Iraqi Counter-Terrorism Service mandated to implement decisions. The establishment of a special mechanism outside of the regular system and reporting directly to the Prime Minister raised concerns about *inter alia* due process and fair trial rights.

On 2 March 2022, the Iraq Federal Court issued a decision abolishing Executive Order 29 because it violated several articles of the Constitution, guaranteeing *inter alia* the rights to liberty and dignity and the principles of separation of powers and independence of the judiciary.⁴⁰ Judicial authorities have unofficially reported to UNAMI/OHCHR that investigations into the Committee’s open cases are continued by the relevant investigative and judicial entities, while cases with final decisions will not be re-opened.

- *State security forces*

From May 2021, UNAMI/OHCHR documented four cases against State security forces: in one case, the perpetrators remains in detention, while three cases led to convictions.

On 22 February 2022, security forces arrested and detained a Lieutenant Colonel of the Rapid Response Forces, who reported to the Ministry of Interior, based on an arrest warrant issued by the Nasiriyah Investigative Court alleging involvement in suppressing demonstrations on Zaitoun bridge in Nasiriyah, Dhi Qar governorate. During this incident, in November 2019, security forces fired live ammunition at crowds of demonstrators, killing at least 25 people and injuring 200 others.⁴¹ As of April 2022, the one suspect arrested reportedly remains in detention on charges pursuant to Article 406 of the Criminal Code, which criminalizes wilful killing.

³⁶ Pursuant to the Iraqi Criminal Code, suspects may be detained for 15 days of pre-trial detention, which can be extended if allowed by the investigative to collect more evidence for maximum six months, or alternatively can be released and the case closed, or a formal indictment is issued and the individual is referred to the appropriate court. On 9 June 2021, the High Judicial Council stated that ‘no evidence was presented against [the accused], noting that he was outside of Iraq when the killing occurred, denied committing or participating in the crime, and the court ‘did not find any evidence to prove his direct or indirect involvement in that crime, whether by incitement or otherwise’. The statement also emphasized that ‘the authorities were unable to provide evidence, especially since the family, while writing down their testimony, did not provide any evidence’ (UNAMI translation), available at: <https://www.hjc.iq/view.68449/>.

³⁷ See <https://twitter.com/MAKadhimi>, 16 July 2021.

³⁸ UNAMI meetings [confidential firsthand sources], May 2022.

³⁹ Senior police official from the Ministry of Interior.

⁴⁰ According to the High Judicial Council, the court issued its decision based on Article 93 (3) of the Constitution regarding constitutional interpretation. The Federal Court found that the committee violated Article 37, 47, 87 and 88 of the Constitution, and also constituted an amendment to the Law of Integrity Commission, a constitutional body specializing in the investigation of financial and administrative corruption.

⁴¹ See [August 2020 Report](#).

On 31 May 2021, the Basra Criminal Court convicted a member of a police Special Weapons and Tactics (SWAT) force (with the rank of Captain) for murder under Article 405 of the Iraqi Criminal Code. The convicted officer was sentenced to six years of imprisonment for killing a protestor at a protest site on 6 November 2020.⁴²

On 1 December 2019, the Wasit Criminal Court convicted and sentenced to death one member of the police SWAT forces with the rank of Major, while his supervisor, with the rank of Lieutenant Colonel was sentenced to seven years of imprisonment. Both were sentenced pursuant to Article 406 of the Criminal Code in relation to the killing of two demonstrators on 2 October 2019 in front of the Wasit provincial council.⁴³

On 10 May 2022, the Rusafa Criminal Court, Baghdad issued life sentences against three members of the riot police for the killing of demonstrators in Tahrir Square in July 2020 pursuant to Article 406 of the Criminal Code.

Compensation to victims and their families

Significant progress has been made to provide compensation to the families of those killed during protests, with the majority of *martyr* cases (killings of activists and security forces) being processed.⁴⁴ Through the efforts of the Committee for Dialogue and Societal Peace, Office of the Prime Minister, and the Martyrs Foundation: 407 cases for martyrs have been processed by the National Pension Board; 509 families of martyrs have received the Prime Minister's grant (10 million Iraqi Dinars); and families of 17 martyred security officers have received full pension and grant entitlements.⁴⁵

This progress is a critical step in providing redress to victims. However, not all victims have yet received compensation, with many cases pending finalization, particularly victims suffering serious injuries.⁴⁶ Information received indicates that relevant state bodies, including the Ministry of Finance as well as the Ministry of Housing and Construction, have not allocated sufficient resources in order to duly compensate all victims.

VI. CONTINUED THREATS AGAINST ACTIVISTS

Persistent impunity with respect to targeted attacks against protestors, persons seeking accountability for these attacks, and activists and critics espousing views critical of armed elements and affiliated political actors, propagates an environment of fear and intimidation that continues to severely restrict the enjoyment of the rights to freedom of expression and peaceful assembly. Several activists remain relocated inside or outside of Iraq out of fear for their security and safety.

From 1 May 2021 to 30 April 2022, UNAMI/OHCHR continued to document incidents aimed at suppressing dissent and criticism carried out by 'unidentified armed elements'.

Specifically, UNAMI/OHCHR documented 26 incidents targeting activists, including: one targeted killing, three attempted targeted killings, five violent assaults, one house raid, 14 attacks using improvised explosive devices, one abduction, one property destruction and numerous non-violent threats. For example, in Karbala, on 8 May 2021, an

⁴² The Basra Appeal Court rejected the appeal on 19 October 2021 and upheld the verdict of the criminal court issued on 31 May 2021.

⁴³ The first session of the re-trial took place on 6 April 2022 at the Rusafa Criminal Court and was postponed until 5 May 2022.

⁴⁴ On 5 October 2019, then Prime Minister Adil Abdul-Mahdi and the Council of Ministers announced that protestors and security officials killed or injured during demonstrations would be considered martyrs pursuant to the Martyrs Foundation Act, and were eligible for compensation.

⁴⁵ Statistical information received from the Committee for Dialogue and Societal Peace, Office of the Prime Minister, 18 May 2022. UNAMI Human Rights Office staff members met with the Head of the Martyr Foundation on 24 March 2022.

⁴⁶ See [May 2021 Report](#), p. 10.

unidentified gunmen shot dead a prominent activist and coordinator of the Tishreen demonstrations, leading to demonstrations across the country on 25 May 2021 calling for accountability.⁴⁷ In Baghdad, on the same day, ‘unidentified armed elements’ attacked at least two activists and participants in the demonstrations. This included a woman activist reportedly shot in the arm by armed men as she departed from the demonstration site, despite the presence of security forces, and a prominent male activist being beaten and stabbed by armed men, resulting in serious injury.

It is of concern that eight of the 26 documented incidents were directed against activists and family members calling specifically for accountability with respect to the killing and disappearance of activists, critics and protestors.

In addition to incidents noted, on 9 July, in Baghdad, ‘unidentified armed elements’ abducted a prominent protestor and outspoken activist who on 26 June 2021 had published an online article about ongoing assassinations of Iraqi activists. He was tortured, being reportedly questioned about his links to foreign states, before being left unconscious on a busy street on 10 July.

In a different case, the family of a young protestor (shot dead by security forces in Baghdad in February 2020) reported receiving multiple threats. These culminated in a raid on their home in Baghdad on 15 June 2021 by ‘unidentified armed elements’ who threatened to kill the family if they did not drop the criminal complaint filed in relation to the killing.

Of 26 individuals interviewed by UNAMI/OHCHR who were either victims of attacks, or had friends or family who were, eight reported receiving direct threats related to calls for accountability, all in the context of high-profile cases and continued activism. Nearly all of those interviewed referred to a general environment of fear and intimidation in relation to pursuing accountability with respect to crimes believed to be committed by ‘unidentified armed elements’. UNAMI/OHCHR documented the situation of six families of high-profile victims who relocated inside or outside of Iraq due to security concerns.

UNAMI/OHCHR notes that while most of the incidents are carried out anonymously, information indicates that individuals detained and convicted for these incidents may belong to well-known armed elements operating outside state control. At least one of those convicted and one detained were also employees of state security services at the time of the alleged commission of the crimes.

While no discernible increase in incidents occurred during the reporting period, UNAMI/OHCHR did observe an increase in incidents of politically motivated violence during the pre- and post-election period. In this context, the pursuit of accountability remains integral to the protection of the civic and democratic space, in addition to upholding the rights of victims.

VII. CONCLUSION

Whilst welcoming the processing of compensation for victims and the collection of evidence by fact-finding mechanisms, and noting that there have been some convictions, UNAMI/OHCHR remains extremely concerned by the continued limited progress towards accountability for crimes perpetrated against protestors, critics and activists. Those attempting to pursue accountability, including family members of victims, in particular for crimes allegedly committed by ‘unidentified armed elements’, have also experienced threats and intimidation. In addition, activists and others openly critical of actions by armed elements and/or actors supportive of, or affiliated to, such groups,

⁴⁷ During these demonstrations, at least two protestors died due to use of force attributed to state security forces in Baghdad. On 10 June, the High Judicial Council issued a statement that it had met with protestors and had begun investigating the deaths of protestors on 25 May 2021.

continue to be targeted. Consequently, civic space remains limited in Iraq and persons expressing dissent continue to risk reprisal from armed elements or their sympathizers.

UNAMI/OHCHR remains concerned about the lack of clarity as to the legal status, membership, and command structure of some Iraqi armed elements, as well as the degree of operational coordination between such armed elements. This lack of clarity risks hampering accountability for crimes constituting human rights violations and abuses, as it makes it difficult to determine what conduct is attributable to the State and what conduct the State is in a position to prevent.

While recognizing the complex environment in which the Government of Iraq operates, the present report finds that Iraqi authorities have taken limited steps to investigate the unlawful killing and injury of protestors, critics and activists. Much more needs to be done to identify, arrest and prosecute the perpetrators of those crimes, including those responsible for ordering and planning them. The present report also finds continued risk and lack of protection for those advocating for accountability for those crimes from reasonably foreseeable threats to life, physical and mental health and integrity. These findings, combined with the continued lack of clarity about potential connections between the alleged perpetrators and some armed elements, risk contributing to a climate of impunity for human rights violations, and a chilling effect on the exercise of the rights to freedom of expression and of peaceful assembly.

VIII. RECOMMENDATIONS

UNAMI/OHCHR reiterates the recommendations its 2021 Accountability Report and makes the following additional recommendations:

To the Government of Iraq:

- Conduct effective, prompt, thorough, impartial, independent, transparent, and credible investigations of all alleged human rights violations and abuse perpetrated against protestors, activists, journalists, and critics.
- Strengthen efforts to ensure that victims have access to effective remedies, including by ensuring that the judicial and administrative processes are responsive to the needs of victims, and by informing victims of their role and the scope, timing, and progress of the proceedings and of the disposition of their cases.
- Provide effective and full assistance to victims throughout the legal process and take measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation.

To the international community:

- Ensure that funding and capacity-building programmes provided to the police and judiciary include structured oversight to ensure that entities comply with international human rights law standards regarding investigation, prosecution, and victim's rights, particularly in the context of crimes targeting protesters, activists and critics, and provide assistance where needed.

Annex I [Translation of the letter received from the High Judicial Council on 8 May]

To United Nations Assistance Mission for Iraq (UNAMI) Human Rights Office

Greetings,

With regard to your email dated 10 April 2022 and your letter number (4/2022) dated 30 Jan 2022, we would like to inform you the High Judicial Council has invited petitions on behalf of killed, injured, families of missing people, and media outlets that have been assaulted, to follow up with the investigative bodies which have been established in each of the Iraqi governorates which have undergone demonstrations, within his/her respective governorate of residency. The judiciary has issued arrest warrants against those accused of killing demonstrators, some cases have been completed and verdicts of death sentences were issued regarding officer in security forces.

The High Judicial Council also instructed all investigative bodies to release arrested demonstrators considering that the right to protest is guaranteed by article 38 of the constitution under the condition that demonstrations are not to be associated with an act against the law and against public/governmental institutions or against individuals. In addition, the Head of High Judicial Council himself emphasized the need to give the utmost care to cases of demonstrators and consider them as urgent, important cases which have priority attention and follow up by his leadership.

This is why his excellency has recently met with representatives who have coordinated demonstrations and listened to the demands and comments of demonstrators' representatives; during the meeting his excellency stressed the right to demonstrate (peacefully), reemphasizing for all the investigative bodies the need to complete all cases of killing and injury of demonstrators and instructed all presidencies of Federal Cassation Courts to follow up those cases in every Iraqi province in which demonstration happened.

In relation to an information update on demonstration cases we would like to enclose the following as per the table below:

Presidency Baghdad Cassation Court / Rusafa Federal:

Under Investigation	Under trial	Verdict issued	Released by the related – subject matter court
122	2	8 verdicts between six months and three years	61

Presidency Baghdad Cassation Court / Karkh Federal:

Under Investigation	Closed cases	Accused released on Bail	Referred to the related –courts
32	35	37	20

Presidency of Najaf Federal cassation court:

Total number of registered cases	Under investigation	Closed cases	Referred to the related –courts	Unified cases
383	24	257	88	14

Presidency of Wasit Federal Cassation court:

Total number of registered cases	Completed Cases	Under investigation
445	422	23

Presidency of Babil Federal Cassation court:

Total number of registered cases	Under investigation	Closed cases	Referred to the related –courts
339	96	61	82

Presidency of Missan Federal Cassation court:

Total number of cases still under investigation (12)

Presidency of Muthanna Federal Cassation court:

Total number of registered cases	Under investigation	Closed cases	Verdict issued fine	Referred to the related –courts
304	31	270	2	1

Presidency of Basra Federal Cassation court:

Total number of cases still under investigation (234)

Presidency of Qadisiya Federal Cassation court:

Under Investigation	Accused released on Bail	Released	Referred to the related –courts
82	124	160	91

Presidency of Karbala Federal Cassation court:

Under Investigation	Referred to the related –courts
8	43

For your information with regards,

Office of the Head of the High Judicial Council
19 April 2022

Annex II [Translation of the letter received from the Ministry of Foreign Affairs, dated 18 May 2022]

Ministry of Foreign Affairs

Human Rights Department

Number 12/h/4/811

Date: 18 May 2022

The Ministry of Foreign Affairs of the Republic of Iraq/Human Rights Directorate sends its best regards to the United Nation Mission for Iraq (UNAMI)/Office of High commissioner for Human Rights in Baghdad with reference to the office's report titled "Limited progress towards justice for human rights violations and abuses by 'Unidentified Armed Elements", the Ministry has the honor to convey the replies of both the High Judicial Council/Head of the Prosecutor General, and the Ministry of Justice/Human Rights Directorate, regarding what has been mentioned in the above-mentioned report.

The Ministry of Foreign Affairs of the Republic of Iraq/Human Rights Directorate would like to seize this opportunity to express its high regard and appreciation to the United Nations Assistance Mission for Iraq (UNAMI)/Office of the High Commissioner for Human Rights in Baghdad.

Attachment:

Answer 5 pages

United Nations Assistance Mission for Iraq UNAMI / Office of the High Commission for Iraq in Baghdad

Stamp of

the HRO MOFA

Republic of Iraq

High Judicial Council

Presidency of Public Prosecution Office

Human Rights

Number 28/2022

Date: 11 May 2022

Ministry of Justice

Human Rights Directorate

Subject: Update on accountability in Iraq

Greetings

Reference to your letter number (813) on 10 May 2022

After reading the report issued by United Nation Mission for Iraq titled “Limited progress towards justice for human rights violations and abuses by ‘Unidentified Armed Elements’”

We would like to clarify that what was mentioned in the report is not accurate and the High Judicial Council and the Presidency of the General Prosecution Office through its follow up and human rights units were and continue to be in immediate and rapid response to all inquiries and official correspondence received from the working groups or entities of the United Nations in Iraq, in addition to providing governmental entities including the Ministry of Foreign Affairs and the Ministry of Justice with the needed information related to cases mentioned in the report, and as related to the work of different bodies of the HJC from one side; also, the HJC represented by cassation courts presidencies and subject matter courts which are entities of law implementation and not executive bodies and from the principle of justice and implementation of laws in the country, its decisions are made based on the law and available evidences in each case and based on the evidences accordingly it is not bound by what is circulated within those reports and its general principle is implementation of justice and giving rights to whoever have rights through prosecution of accused for crimes committed according to what has been mentioned above,

The High Judicial Council continues to provide all government and international entities with procedures related to cases referred on violence against demonstrators and other cases.

For your information with regards,

Judge

[redacted]

Head of the Prosecutor General

11 May 2022

Reply Ministry of Justice

Subject: Report of the United Nation Mission for Iraq (UNAMI) titled update on accountability in Iraq 25 -04-2022

As far as it is related to the Ministry of Justice and concerning the Iraqi government process in following up demonstrators' files who have been subjected to enforced disappearance since the start of public demonstrations in 2019 we would like to clarify the following:

- 1- The number of cases presented by the United Nations Committee on Enforced Disappearance and mainly related to demonstrators who have been subjected to enforced disappearance during demonstrations are (21) cases and after follow up and serious efforts by the Ministry of Justice and in coordination with the judiciary and security apparatus the fate of (13) have been identified as cases of demonstrators released according to the law, as for the rest of the cases, necessary judicial and security actions have been undertaken to identify their fate as criminal courts, investigation procedures and prosecutions about those cases are still ongoing by those courts according to the law and until their fate is identified.
- 2- Regarding of what has been mentioned in the report in footnote page (8) regarding the fate of the disappeared lawyer and activist referred by United Nation Committee on Enforced Disappearance and Prosecutor General that no response was provided by the Iraqi government until now despite the committee sending two reminding letters in this regard, here we would like to clarify that info here above is inaccurate and has not been based on the official position of a specialized entity in the Iraqi government that provided a full briefing to the mentioned international committee as per official letter from Iraqi Ministry of Foreign Affairs numbered (12/t/3/148) on 30 Jan 2022 which was referred by the permanent representative of the Republic of Iraq in Geneva, as in the case of (Ali Jassep Hattab Al-Hiligi) shows that it has been presented in front of the Iraqi judiciary where the specialized investigation court in Missan has started its procedures and due to the security situation that case was transferred from the Emara investigative court to the central investigation court in Rusafa which issued arrest warrants against accused and freezing orders of their movable and immovable assets and prohibited them from travel and the case is still under investigation according to the High Judicial Council letter number (239/ Mutaba'a/ 2019/3403) on 6 July 2021.

At the end, all cases related to demonstrators subjected to enforced disappearance are being followed up by the Ministry of Justice in coordination with the judiciary and security apparatus, mentioning that all the follow up special procedures related to all cases herein, have been presented during joint face to face meetings with representatives of UNAMI among them the Head of the Missing People Team in the mentioned office, where he has been provided with all details of cases in question and since the beginning of demonstration in 2019 and throughout the mentioned meetings.

[redacted]

Missing Persons Unit

25 April

Human Rights Department

Regarding the file of demonstration mentioned in UNAMI reports, we would like to state the following:

The Iraqi government assumed its full responsibility and did not abandon it, and this was represented by issuing many packages of reforms in response to the demands of the demonstrators, whether executive or legislative, which was led by the Iraqi Council of Representatives, and at the level of investigations and allegations of violations strict instructions were given to the security services not to use force and not to carry weapons at the demonstration sites. The Law Enforcement Forces Command was formed to carry out the tasks of protecting major social events, maintaining the law, and promoting the freedom of peaceful demonstration.

The government did not hesitate to form multiple committees and urged the Judicial Council to take its measures and implement them immediately. However, strict instructions were sent to the security services not to use force and not to carry weapons at the demonstration sites. The Law Enforcement Forces Command was formed to carry out the tasks of protecting major social events, preserving the law, and promoting the freedom of peaceful demonstration and assembly and provide protection to the demonstrators and the freedom to express opinion peacefully in all governorates, considering human rights, preserving public and private property and the safety of society for the purpose of establishing a dialogue with the demonstrators, they did the following:

1. Conducted several meetings by the three authorities including;(The President of the Republic, the Speaker of the House of Representatives, and the Prime Minister) with different levels of the Iraqi society containing youth unions and number of demonstrators.
2. Reform a follow up committee within the council of ministers to communicate with the protesters to fulfill their needs.
3. Issuance of several reform decisions under Cabinet Resolutions No. 340 and 341 on October 5 and 8, 2019, to fulfill the calls from the protesters, regarding the martyrs and the wounded during the demonstrations of 2019, the government instructed to include them in the rights of the martyrs and other relevant laws, and the Martyrs Foundation promoted their documents and worked to secure appropriate health care for the wounded and follow up their health conditions, as the Council of Ministers decided in its session held on August 12, 2020 to include the martyrs and the wounded who were injured in the demonstrations under the Law of the Martyrs Foundation and they have all rights and privileges, in addition to directing the Ministry of Health to form medical committees from various disciplines to follow up the health status of the wounded and provide the necessary care and amend the People with Disabilities Law to include October 2019 demonstrators within this law because they were exposed to physical disability due to these events.

Regarding the investigation and litigation contained in the report, we would like to state the following:

in regard to arrest without a judicial arrest warrant, there is an instruction from the Supreme Judicial Council not to arrest any accused without presenting him to the investigation court or a judge, and that the Supreme Judicial Council made it clear that confrontations between demonstrators and security forces are not considered a terrorist act and therefore the anti-terrorism law does not apply to it, but rather it is applied the Penal Code No. 11 of 1969, several people accused of these acts are being held pending investigation, and several decisions have been issued against those found guilty of committing the criminal acts attributed to them, and the rest of the cases are still being pursued for the purpose of resolving them and issuing judgments in their regard.