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Human rights in the Middle East and North Africa: Review of 2019; Iraq

From October onwards, security forces, including factions of the Popular Mobilization Units (PMU), used excessive force against protesters involved in nationwide demonstrations, killing over 500 and injuring thousands; many of those killed were shot with live ammunition or hit with previously unseen tear gas canisters. Activists, as well as lawyers representing protesters, medics treating injured ones and journalists covering the protests, were subjected to arrest, enforced disappearance and other forms of intimidation by intelligence and security forces. Authorities blocked access to the internet, apparently to prevent the circulation of images of abuses by security forces. Approximately 1.55 million people remained internally displaced; many faced severe restrictions on their freedom of movement. Abrupt camp closures in Anbar and Ninewa governorates forced many families into secondary displacement. Thousands of men and boys remained missing after being forcibly disappeared by Iraqi security forces, including the PMU, while fleeing IS-held territories. There were widespread reports of torture and other ill-treatment of detainees held by central Iraqi and KRG forces, particularly of those suspected of affiliation with IS. Iraqi courts continued to pass down death sentences, some after unfair trials. IS targeted civilians, carrying out bomb attacks in cities and assassinating community leaders.

Background

Despite the conclusion of the military campaign to retake areas from IS in December 2017, central Iraqi and KRG forces continued to report small-scale military operations, including air strikes, in which they targeted IS cells in such areas, especially in the governorates of Anbar, Diyala and Ninewa. While over 4 million displaced Iraqis had returned to their areas of origin, the pace of reconstruction in places badly hit by the conflict, such as the governorates of Anbar, Ninewa and Salah al-Din, was slow. Humanitarian funding continued to dwindle; residents in camps for internally displaced people reported deterioration of medical, education and other services.

After Turkish military operations in north-east Syria began on 9 October, around 17,000 Syrian refugees fled to the Kurdistan Region of Iraq. Separately, Turkish air strikes continued in the north of this region, reportedly targeting members of the Kurdistan Workers Party (PKK).

On 1 October, nationwide protests commenced to demand better employment opportunities and public services, as well as an end to government corruption. On 24 October, even larger protests began across Iraq calling for the fall of the government. On 1 December, parliament accepted the resignation of Prime Minister Adil Abdul Mahdi

who nonetheless continued in a caretaker position.

Freedom of expression and assembly

Excessive use of force

Between October and December, security forces used excessive force against protesters, killing over 500 and injuring thousands.

Between 1 and 7 October, security forces killed scores of protesters and injured thousands when they dispersed protests by firing live ammunition as well as deploying tear gas and hot water cannons.

In Baghdad, witnesses said that apparent sniper fire coming from behind security lines killed protesters. Protesters also reported that armed men shot at them, attempted to run them over with vehicles and, in the city's Za'faraniya district, surrounded them and then fired live ammunition at them continuously.^[1] Witnesses also said that security forces chased protesters trying to flee, trapped them and then beat them with metal rods and rifle butts.

In cities across several southern governorates, protesters set light to government buildings and buildings affiliated with political parties and factions of the PMU, part of Iraq's security forces since 2016. At least 12 protesters were killed after they were trapped in one such fire. PMU factions killed a number of other protesters approaching PMU buildings.

An investigation ordered by the then prime minister into the events of 1-7 October revealed that 149 protesters and eight members of the security forces were killed as a result of the use of excessive force, including the firing of live ammunition. Over 70% of the deaths were caused by shots to the head or chest. The investigation found that high-ranking commanders of security forces did not order the use of excessive force but lost control of their forces. A number of these commanders were subsequently removed from their positions.

After the second wave of protests began on 24 October, security forces again met protesters with excessive force. On 25 October in Baghdad, anti-riot forces launched previously unseen types of tear gas grenades into crowds in a manner that witnesses said was intended to kill rather than disperse protesters. The grenades were 10 times heavier than regular tear gas canisters, killing almost instantly anyone hit by them. Medical volunteers reported that the grenades were fired directly into crowds of peaceful protesters, causing men, women and children to faint or suffocate.^[2]

On 28 October, security forces fired live ammunition and tear gas to disperse crowds of largely peaceful protesters in the southern city of Karbala. They also chased away protesters staging a peaceful sit-in and attempted to run protesters over with vehicles.^[3]

Security forces continued to use violence against protesters throughout November, particularly in the cities of Baghdad, Basra, Najaf and Nasiriyah.^[4] During the night of 27 November in Najaf, at least 12 protesters were reported to have been killed in clashes with security forces after protesters stormed and torched the Iranian consulate in the city. The following night, various security forces attacked protesters in Nasiriyah, killing at least 30 protesters and injuring many others.

Arbitrary arrests and intimidation

In the context of the protests, activists, as well as lawyers representing protesters, medics treating injured ones and journalists covering the protests, faced a campaign of intimidation by intelligence and security forces, including factions of the PMU, who systematically targeted anyone speaking out against the conduct of security forces. In many cases, activists were threatened, beaten and forced to sign pledges to cease protesting, before being released from detention. Activists said that security forces warned them that they had been added to a list compiled by intelligence services.

In Baghdad, activists reported that men in civilian clothing, who identified themselves as local intelligence agents, visited their homes and interrogated them about their activities during the protests. At no point were the activists presented with an arrest or search warrant.^[5] Injured protesters were arrested from hospitals in Baghdad and Karbala, leading many others who were injured to avoid seeking medical help. Some people who were arrested in Karbala reported that security forces beat and wounded protesters, including children, during interrogation.

Dozens of protesters and activists from several governorates, including Baghdad, Amarah and Karbala, were abducted and forcibly disappeared by security forces in the period between early October and December; a few were released days or weeks later. In addition, unknown armed assailants shot and killed a number of protesters and attacked the offices of a number of local and regional media outlets in Baghdad that were covering the protests.

Curfews and internet shutdown

The authorities imposed curfews repeatedly in October and November and intermittently blocked access to the internet across the country, excluding the Kurdistan Region of Iraq. While restricted access to the internet was restored subsequently, access to social media platforms remained blocked. Many believed that the authorities disabled internet access during the crackdown to prevent the circulation of photographs and videos of abuses by security forces.

Kurdistan region of Iraq

On 26 January, protests broke out near a Turkish military base in the area of Shiladze, Dohuk governorate, after civilian casualties were reported to have occurred as a result of Turkish air strikes carried out on 24 January. Local media and activists reported that a number of protesters stormed the base and started fires and that two of them were killed. On 27 January, the Asayish, the KRG security agency, arrested dozens of protesters, activists, journalists and individuals who may have been bystanders. Some were released without charge on the same day, while others were charged. Of these, most were released on bail in the subsequent days and weeks. Also on 27 January, the Asayish arrested a journalist and two activists, who, according to their relatives, were on their way to a gathering in the city of Duhok in support of the Shiladze protests; they were charged and released on bail at the beginning of March.[6]

Internally displaced people

Approximately 1.55 million people remained internally displaced as a result of the armed conflict against IS, the majority in camps and informal settlements in Anbar, Ninewa and Salah al-Din governorates following secondary displacement.

Displaced families continued to face obstacles to accessing civil status documentation. This restricted their freedom of movement and their access to employment and public services, including education for their children. Security officers threatened and, in some cases, arrested lawyers who tried to help families perceived to be affiliated with IS to obtain civil documents.

Internally displaced people in camps across Iraq continued to face severe restrictions on their freedom of movement when attempting to leave camps, even for medical reasons. KRG authorities continued to prevent displaced Arabs from returning to their home towns and villages in disputed territories controlled by the KRG. Many men and unaccompanied boys living in camps in the Kurdistan Region of Iraq following their release from KRG detention for alleged affiliation with IS – either without charge or after being convicted and sentenced – did not return to their home areas in territories controlled by the central Iraqi authorities due to risks of arrest and harassment by security forces there.

Iraqi authorities abruptly closed camps for internally displaced people in Anbar and Ninewa governorates, forcing those affected to move to nearby consolidated camps or return to their areas of origin. This violated their right to voluntary, dignified and safe return. Many people were displaced for a second time and were hard to reach and track by humanitarian agencies after local and security actors refused them entry to their areas of origin, perceiving them to be affiliated with IS.[7]

Humanitarian agencies reported that an increased number of displaced Iraqis who had returned to their areas of origin were living in poor conditions. Some families, particularly those perceived to be affiliated with IS, were evicted from their homes by armed men, including local tribal militias, who then confiscated or destroyed the properties. Women from these families were sexually harassed and intimidated by such actors.

Enforced disappearances

Displaced Iraqis perceived to be affiliated with IS were subjected to enforced disappearance following arrest by central Iraqi security forces at checkpoints, in IDP camps and in areas of origin to which they had returned. Many of the arrests occurred in areas previously held by IS or considered to have been IS strongholds.

The fate of thousands of men and boys who were arrested and then forcibly disappeared by central Iraqi security forces, including the PMU, while fleeing IS-held areas between 2014 and 2018 remained unknown. Their disappearances left behind many female-headed households; these women suffered the stigma of perceived affiliation with IS.

In September, the Iraqi High Commission for Human Rights called for the parliament to pass a draft law, first presented in 2015, to incorporate the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance, which Iraq ratified in 2010, into national legislation. This remained pending at the end of the year.

Torture and other ill-treatment

There were widespread reports of torture and other ill-treatment of detainees held by central Iraqi and KRG forces, particularly of those suspected of affiliation with IS, who were coerced to provide “confessions” during interrogation. Courts continued to allow torture-tainted evidence to be used in trials, especially in those of IS suspects.

The Iraqi High Commission for Human Rights reported deteriorating and overcrowded prison conditions across Iraq owing to the rise in the number of detainees suspected of affiliation with IS.

Death penalty

Death sentences were handed down for terrorism-related activity, drug-related crimes, murder and kidnapping.

Iraqi and foreign nationals held on suspicion of affiliation with IS were condemned to death following critically flawed trials, often having had no access to an adequate defence and on the basis of torture-tainted “confessions”.

Abuses by armed groups

IS continued to target civilians in assassinations and bomb attacks. The armed group claimed a bombing in the city of Karbala on 20 September that killed at least 12 civilians and injured five others. IS assassinated community leaders in Diyala and Ninewa governorates in an apparent attempt to deter residents from co-operating with security forces and to allow IS fighters to move unhindered through the area.

Bodies exhumed from a mass grave in the Sinjar region of Ninewa governorate, under the supervision of the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), were identified as those of Yazidi men and boys killed by IS in August 2014. The fate of over 3,000 Yazidi women and girls abducted by the armed group remained unknown.

Over 400 hectares of agricultural land were set ablaze in central governorates, allegedly by IS. Iraqi authorities ordered an investigation, but no results were made public.

[1] Amnesty International, Iraq: Deadly sniper attacks and intimidation as protesters face intensifying crackdown (Press release, 9 October 2019). (<https://www.amnesty.org/en/latest/news/2019/10/iraq-deadly-sniper-attacks-and-intimidation-as-protesters-face-intensifying-crackdown/>)
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[3] Amnesty International, Iraq: Horrific scenes as security forces resort to lethal force to disperse Karbala protests (Press release, 29 October 2019). (<https://www.amnesty.org/en/latest/news/2019/10/iraq-horrific-scenes-as-security-forces-resort-to-lethal-force-to-disperse-karbala-protests/>)
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[6] Amnesty International, Iraq: Fist around freedom of expression tightens (Index: MDE 14/9962/2019).
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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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