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Iraq: Stop Blocking Demonstrations

(New York) - Iraqi authorities should stop blocking peaceful demonstrations and arresting and intimidating organizers, Human Rights Watch said today. Iraqi security forces should also respect the right of free assembly and use only the minimum necessary force when violence occurs at a protest.

After thousands of Iraqis took to the streets in the summer of 2010 to protest a chronic lack of government services, Iraqi authorities cracked down on demonstrations. The Interior Ministry issued onerous regulations about public protests, and the prime minister's office apparently issued a secret order instructing the interior minister to refuse permits for demonstrations about power shortages. In the past few months, the government has refused to authorize numerous requests for public demonstrations, with no explanation. Authorities have also arrested and intimidated organizers and protesters, and policing actions have led to deaths and injuries. The clampdown has created a climate of fear among organizers and demonstrators.

"To take away the rights and freedoms Iraqis have been promised in exchange for all the suffering they have endured since the war is to add insult to injury," said Sarah Leah Whitson, Middle East director for Human Rights Watch. "When will Iraqi officials learn that silencing the voice of the people is only a formula for strife?"

In recent months, public frustration has mounted across Iraq at the government's inability to provide sufficient electricity and other basic services. With as little as a few hours of electricity a day in many areas, and with summer temperatures soaring to 50 degrees Celsius, demonstrations broke out across the country in June. The protests in Basra culminated on June 19, when security forces killed two protesters and wounded two others after demonstrators tried to force their way into the provincial council building.

Other demonstrations started to spring up around Iraq with some turning violent, injuring some protesters and police. In an attempt to calm public furor, Prime Minister Nuri al-Maliki replaced the electricity minister, and several government officials promised to improve services and to investigate the lethal actions by security forces. However, behind the scenes, Iraqi authorities have moved to prevent other demonstrations and to target organizers for arrest or harassment.

New Regulations

On June 25, the Interior Ministry issued new regulations with onerous provisions that effectively impede Iraqis from organizing lawful protests. The regulations require organizers to get "written approval of both the minister of interior and the provincial governor" before submitting an application to the relevant police department, not less than 72 hours before a planned event. The regulations fail to state what standards the Interior Ministry, governors, or police may apply in approving or denying demonstration permits, effectively granting the government unfettered power to determine who may hold a demonstration. It is not clear whether an organizer can challenge a permit denial.

These regulations undermine guarantees in the Iraqi constitution of "freedom of assembly and peaceful demonstration." The International Covenant on Civil and Political Rights (ICCPR), to which Iraq is a state party, also guarantees the right to peaceful assembly and to be free from arbitrary arrest and detention. The ICCPR makes clear that restrictions on peaceful demonstrations should be exceptional and narrowly permitted, only if found to be "*necessary in a democratic society*" to safeguard "national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." Iraq's grant of over-broad approval authority to government agents fails to meet the narrow criteria international law allows for limits on the right to assembly, Human Rights Watch said.

The Interior Ministry regulations are also problematic because they explicitly permit Iraqi security forces to use unlimited force against protesters, whether proportional or not, Human Rights Watch said. The regulations state that, in the case of any violence occurring during a demonstration, "all known methods to disperse protesters will be used."

On September 5, a high-ranking Interior Ministry official told Human Rights Watch that on the day the new regulations were promulgated, the prime minister's office sent a secret order to the ministry instructing Interior Minister Jawad al-Bolani to deny approval for all demonstrations dealing with electricity shortages or other government services, and telling him to "make up excuses if needed."

"Squashing Iraqis' ability to express their grievances about the government's failure to provide basic services certainly only makes people angrier and more frustrated," Whitson said. "If the government can't even provide electricity to Iraq's cities and towns, it should at least allow public complaints."

Falah Alwan, president of the Federation of Workers' Councils and Unions in Iraq, told Human Rights Watch that since the new regulations were introduced, "it has become impossible to get permission to protest the government's failure to provide services, so people stop trying." Alwan, who has organized dozens of marches and protests since 2003, said that the law effectively bans demonstrations.

"It amounts to the same thing," he said. "When we try to get a permit from the Interior Ministry, we either get no response, or they keep telling us that they are 'checking on it.' After a while, organizers just give up."

Four other would-be organizers told Human Rights Watch that they have not received permits - or responses to permit requests - in the months since the regulations went into effect.

"After I told them that we were going to protest in solidarity with the Basrans and against the power shortages, I was redirected from one Interior Ministry building to another for over a week, with each saying it was not their responsibility to help me," said Rashid Ismail Mahmoud, of the Worker-Communist Party of Iraq. Mahmoud tried to get permission for a small gathering at Baghdad's traditional protest site, Firdos Square.

"I finally told an officer that if they were going to purposely withhold permission, we would protest anyway, as was our right," Mahmoud said. "He threatened that there were orders to disperse illegal demonstrations by firing over their heads and to arrest everyone involved."

At one unauthorized demonstration in the southern city of Nasiriyah on the evening of August 21, clashes between police and protesters injured about 16 people, on both sides, news reports said. Security forces arrested 37 people and fired water cannons and used batons to disperse the protest, while demonstrators threw rocks and sticks. An Associated Press journalist, Akram al-Timimi, who witnessed the protest, said that organizers in the area are now afraid to identify themselves, and that the behavior of the security forces raised tensions and made the situation much worse.

"The police acted very aggressively and started to fire their guns over the heads of the people," he told Human Rights Watch. Security forces prevented news cameramen from filming the event and, al-Timimi said, beat up one television correspondent and smashed his camera.

The next day, Vice-President Adel Abdul-Mahdi condemned authorities for their response to the protest.

"Peaceful demonstrations that respect the public interest and public property are one of the means of expression guaranteed by the constitution and Iraqi law," read the statement, which was sent to Human Rights Watch. "It is the duty of the security forces to protect the demonstrators, not to harm and arrest them.... We call upon the local government and security forces to abide by the law and stay within the limits of its powers and to listen to the requests of the protesters and citizens. Instead of using force and oppression, they should work to address the deterioration of government-provided services."

At a protest decrying water shortages on August 11 in the northern city of Chamchamal, security forces demanded footage from a cameraman that showed them firing over the heads of protesters. According to witnesses, security officials fired at the journalist after he refused and ran away.

"What happened in Chamchamal is absolutely outrageous," said a statement by Reporters Without Borders. "Journalists are often the targets of verbal threats or physical violence from the security forces, but this time the security forces deliberately fired on a journalist in the middle of a city street."

Targeting Organizers

Immediately after the death of the two protesters at the June 19 Basra demonstration, Iraqi authorities moved on the organizers, arresting at least two suspected organizers in the following days. On June 22, Iraqi Army forces raided the house of a suspected organizer, Matham Kadhem, who was not home. Basra local officials and media reports said that the soldiers arrested Kadhem's two sons and told his family they would be held until Kadhem turned himself in.

"This is completely unacceptable," Ahmed al-Sulaiti, deputy head of Basra Provincial Council, told Human Rights Watch on September 8. "We [in the local government] made many calls to security forces, telling them to stop targeting the organizers of the protest. This was not about security, but was politically motivated."

One of the organizers of the Basra demonstration who spoke to Human Rights Watch said: "Three of us went into hiding. Those who weren't arrested were harassed. Soldiers would come to my neighborhood every day and question me about what I was doing, where I was going, and who I was meeting.... Treating me as though I was a criminal was a message to me and to others to not take part in organizing."

The regulations require protest organizers to register with the Interior Ministry, causing concern among some activists that they will be targeted for harassment or worse. An organizer from Baghdad told Human Rights Watch: "The government's reactions in Basra have really affected people in the rest of the country. Now, I'm trying to organize a demonstration in Baghdad about employees' rights, and it is difficult. Not only are organizers afraid now, but many regular people do not want to be a part of any demonstration because of the chance of being arrested, and they are fearful of how

security forces will use violence to break up the crowd."

"This is all too reminiscent of Iraq's bad old days of scaring activists into keeping their mouths shut and their heads down," Whitson said. "Iraqis who care about what's happening in their country and want to voice their opinions about the country's problems should be celebrated, not intimidated."

While the crackdown has focused primarily on preventing demonstrations about the lack of government services, other protests have not been immune to government interference - even if organizers have proper permits.

On September 7, security forces prevented protesters urging Iraq's political parties to form a government from continuing along their planned route in Baghdad even though organizers had all the necessary permits from the Interior Ministry, including written permission from the interior minister himself, and the route was pre-approved by government and security officials. The protest, organized by the Iraqi Al-Amal Association, a human rights nongovernmental organization, was scheduled to be held in front of Parliament, where the organization had held protests over the years without incident.

"Our organization has a history of many peaceful demonstrations, but we were suddenly not allowed to [proceed]," said Al-Amal's secretary-general, Hanaa Edwar. After speaking to security officials on the phone, she was told that, by order of the prime minister's office, no demonstration would be permitted.

"Today, they are preventing peaceful, legal demonstrations," she told Human Rights Watch. "Tomorrow, we are afraid they will do more than this."

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