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Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements

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Photo on cover: 1 July 2020, Baghdad - protestors in Baghdad near the Freedom Monument, march to commemorate martyrs from other governorates of Iraq. Photograph taken by Ibraheem Hussain and shared with UNAMI.

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I. Summary

“Allow me to be frank with you. We all know who the killers are, but do you think the authorities dare to mention their names? The Government knows exactly who the killers are, and they are affiliated to the political parties and the ‘militia’. Do you expect me to believe that for one year and a half, the State cannot find the killers? They have all the authority and resources to do so”.

UNAMI interview with father of demonstrator killed in Baghdad in October 2019, March 2021

Pursuant to its mandate under Security Council Resolution 2576 (2021) to ‘promote accountability and the protection of human rights’, UNAMI continues to monitor and document human rights violations and abuses in the context of ongoing demonstrations, which began in October 2019 and have continued into 2021, calling for political reform and the fulfilment of economic and social rights in Iraq.

This report, *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, is UNAMI’s sixth public report on this subject since October 2019. It focuses on the steps taken by the Iraqi authorities to ensure accountability for human rights violations and abuses linked to these demonstrations, in particular those attributed to ‘unidentified armed elements’¹ frequently referred to by victims and witnesses as ‘militia’.²

The report serves as an update to *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq*, released in August 2020, which documented a range of human rights violations and abuses attributable both to state security forces and ‘unidentified armed elements’, and detailed patterns of demonstrations-related violence between 1 October 2019 and 30 April 2020 which resulted in the deaths of at least 487 people and injury to 7,715.

In all its previous public reports on demonstrations UNAMI provided concrete recommendations aimed at ensuring accountability and providing redress to victims. Since taking office in May 2020, the Government has taken welcome steps to establish an independent fact-finding body, and offered certain redress for the victims and their families. The High Judicial Council established judicial investigative committees in each governorate, registered 8,163 cases of violations, abuses, criminal acts and complaints related to violence during demonstrations, and initiated thousands of investigations. However, much more needs to be done, particularly the implementation of arrest warrants and the initiation of prosecutions to hold accountable perpetrators of serious crimes against activists.

Between 1 October 2019 and 15 May 2021, UNAMI documented 48 incidents of attempted or completed targeted killings of protestors and critics, mostly shootings by ‘unidentified armed elements’, resulting in at least 32 deaths and injuries to 21 others. Although there have been several arrests related to targeted killings, not a single case appears to have moved beyond the investigative phase. The ‘unidentified armed elements’ responsible for the abduction and torture or ill-treatment of at least 32 protestors from across Iraq similarly enjoy impunity. At least 20 protestors abducted by

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

² ‘Militia’ is terminology commonly used in Iraq to describe armed groups operating outside state control.

‘unidentified armed elements’ remain missing, without any apparent efforts to locate and release them or determine their fate.³

Moreover, no information has been released publicly as to the circumstances behind the violent attacks attributed to ‘unidentified armed elements’, including information on the identity of those responsible. Consequently, UNAMI finds that in addition to the observed inability to fully guarantee the right to life, or to uphold obligations to protect all persons from enforced disappearances and torture and ill-treatment, the rights of many victims and their families to truth, justice, redress and reparation have not been fully respected.

UNAMI acknowledges the complex environment in which the Government operates, facing many challenges at once in its pursuit of accountability. Whilst the complexity is well understood, the pursuit of accountability must remain a priority. The lack thereof only emboldens the perpetrators and enables recurrence of serious abuses with impunity. Moreover, and with only limited protection available, the continued attacks against critics give rise to serious human rights protection concerns. Space for freedom of expression has significantly deteriorated meanwhile, leading many to self-censor and others to relocate to areas outside of Federal Iraq.

This report aims to highlight the criticality and urgency of meaningful steps toward accountability, and the responsibility of the Iraqi authorities to provide victims the right to justice, truth, redress, and reparations beyond financial compensation.

II. Methodology

In preparing this report, UNAMI carried out 80 individual interviews with persons having direct and secondary knowledge concerning the accountability and compensation process, nearly all of which were conducted remotely using internet-based technology due to limitations imposed by the COVID-19 pandemic. UNAMI also conducted 10 roundtables with demonstrators/activists/lawyers and others working on issues related to accountability and demonstrations, both in person and using internet technology.

In addition, UNAMI met with judiciary in Baghdad, Babil, Najaf, Diwaniya, Misan, Basra and Nasiriyah. UNAMI also met with the Martyr’s Foundation.

In March and April 2021, UNAMI submitted letters to the Martyrs Foundation, High Judicial Council and Ministry of Interior requesting information on accountability with respect to violations and abuses occurring in the context of the demonstrations. A response was received from the High Judicial Council summarizing the work of the judicial investigative committees established to investigate the violations in the demonstrations, covering the period 1/10/2019 to 1/3/2021.

This report has been shared with the Government of Iraq in advance of publication and integrates their comments.

³ See UNAMI reports: <https://bit.ly/2A7oe75> and https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=632&lang=en

III. Legal Framework

This report is prepared in line with the international human rights framework applicable to Iraq, as well as relevant domestic law. Iraq is party to almost all major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). Of relevance to this report, Iraq is also a party to 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).⁴

International human rights law requires that victims of human rights violations and abuses have accessible and effective remedies, including: (a) equal and effective access to justice; (b) adequate, effective and prompt reparation for harm suffered; and (c) access to relevant information concerning violations and reparation mechanisms.⁵

IV. Context

The targeting of political and civic activists, outspoken human rights defenders and prominent protestors by armed actors is not a new trend in Iraq. However, the number and scope of incidents increased after October 2019 in response to the emergence of widespread popular protests across central and southern Iraq ('Tishreen Demonstrations') against the political system, perceived by protestors as structurally corrupt and vulnerable to interference. Demonstrators also called for the fulfilment of economic and social rights, including employment and access to basic services.

The Tishreen Demonstrations had significant political impact. Former Prime Minister Adil Abdul-Mahdi officially resigned from his post on 1 December 2019 and was ultimately replaced by current Prime Minister Mustafa al-Kadhimi on 7 May 2020. The protests also led to the announcement of early elections, scheduled for October 2021.

As previously documented in public reports issued by UNAMI and OHCHR,⁶ the Government's response to the Tishreen Demonstrations was characterized by multiple instances of serious violations of international human rights law, particularly from October 2019 to April 2020. Violations included the excessive use of force, arbitrary detention and related ill-treatment and torture, and interference with freedom of expression, including restrictions on internet access and media channels reporting on the demonstrations. UNAMI documented 487 deaths and the injury of over 7,715 others at demonstration sites, largely attributed to formal state security forces. In parallel, and with the corresponding aim of suppressing the demonstrations by targeting protestors and criticism, armed elements commonly referred to as 'militia',

⁴ For more detailed information on the Legal Framework, please refer to the August 2020 Report, Annex 1: Legal Framework. Reference is made to relevant Iraqi law throughout this report.

⁵ See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147 of 16 December 2005.

⁶ From October to December 2019, UNAMI issued three human rights reports concerning violations and abuses occurring as the protests began, continued and expanded. In May 2020, UNAMI issued a fourth report focused on incidents of abduction of prominent protestors and activists. In August 2020, UNAMI/OHCHR published a comprehensive report detailing patterns of human rights violations and abuses that occurred in the context of the Tishreen Demonstrations from October 2019 to April 2020 (August 2020 report). All reports are accessible at: https://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en.

mostly acting anonymously, carried out violent attacks against prominent demonstrators and outspoken activists, both at protest sites and other locations, sometimes with limited intervention by security forces (*see below for key cases*).

This report focuses on the severe negative impact on human rights protection in Iraq arising from a lack of accountability, the absence of public information concerning the identity of those responsible and the efforts being taken by Iraq's authorities to prevent similar crimes, considered against the continued targeting of prominent demonstrators and critics.

Notwithstanding measures taken by the Government and justice authorities, such as investigations of violations and abuses, efforts by security authorities to allow peaceful assemblies to safely take place⁷ and provide compensation to victims and their families, much more is required to address and prevent serious abuses by 'unidentified armed elements'. The inability to fully protect protestors and activists from potentially foreseeable acts of violence, and to carry out criminal investigations and hold the perpetrators accountable, give rise to concerns over potential violations of the right to life, right to physical integrity and security, as well as over prohibitions on enforced disappearance, torture and ill-treatment, requiring accountability and reparation.

⁷ See our *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq* report that provides positive examples of engagement between security forces and protesters.

Key Incidents Attributed to ‘Unidentified Armed Elements’ from October 2019 to May 2021

Between October 2019 and May 2021, UNAMI documented a range of incidents attributed to a multiplicity of unidentified armed elements. UNAMI encountered significant challenges in gathering information on the incidents detailed below due to an environment of fear and secrecy surrounding the identity of the perpetrators. Several key incidents and patterns of attacks are listed below:

(i) Attacks on Protest Sites

- **4 to 5 October 2019, in Baghdad, Baghdad governorate**, an unidentified shooter, or shooters, targeted unarmed protestors in the vicinity of the Nakheel mall. The exact number of casualties is unknown, although the October Committee Report noted that, of 107 protestor deaths recorded in Baghdad from 1 to 8 October, the highest number of casualties occurred around this area. No public information as to the identity of the perpetrators has been released, including any suspected affiliation to a ‘third party’, as described by state authorities at the time.
- **6 December 2019, in Baghdad, Baghdad governorate**, approximately 100 armed and masked men dressed in civilian clothes travelling in at least eight vehicles (including white pick-ups with mounted machine guns and coaster buses) entered the area around Al Senak bridge and indiscriminately shot at protestors located around and inside a garage building, reportedly killing at least 22 protestors and injuring at least 116 others.
- **5 February 2020, in Najaf, Najaf governorate**, armed men shot at protestors at the main demonstration site in Sadreen square, killing at least seven people, injuring over 100 others and setting fire to demonstrator tents.
- **January 2020, in Nasiriyah, Dhi Qar governorate**, armed individuals shot at protestors on four separate occasions, resulting in two deaths and 22 injured.
- **January 2020, in Basra, Basra governorate**, armed individuals shot at protestors on five separate occasions, resulting in two deaths and 12 injured.
- **27 November 2020, in Nasiriyah, Dhi Qar governorate**, armed men shot at protestors at the main demonstration site in Haboubi square, killing four people and injuring over 70 others.

(ii) Patterns of Targeted Attacks on Protestors away from protest sites

UNAMI documented premeditated killings and abductions targeting prominent protestors, activists, and other persons, with the aim of removing prominent actors from the protests, silencing outspoken individuals and dissuading participation in protests by sowing fear.

- Across Federal Iraq, 48 incidents of attempted or completed targeted killings, mostly shootings by unidentified gunmen, resulting in 32 deaths and injuries to 21 others.
- Across Federal Iraq, the abduction of at least 32 protestors, most of whom were subsequently tortured or ill-treated; and the disappearance of 20 protestors who remained missing as of May 2021.

(iii) Shootings by ‘Guards’

- **27 to 30 November 2019, in Najaf, Najaf governorate**, armed elements ‘guarding’ the Mohammad Baqir Al Hakim Shrine shot and killed at least 27 protestors gathered outside the shrine.
- **25 October 2019, in Al-Amarah city, Misan governorate**, armed guards shot dead 12 protestors and injured over 110 others gathered outside a party headquarters.
- **26 October 2019, in Babil, Babil governorate**, armed guards in Hilla, Babil province, shot and killed 11 protestors and injured 41 others.

V. Government Response

“Criminal accountability can’t happen without a strong government and political will, regardless of the role of the judiciary. Information and evidence need to be shared from within the Government entities, including information on the ‘sensitive cases’, and security forces have to implement the arrest warrants”.

UNAMI interview with a Judge, March 2021 [details withheld for confidentiality purposes]

The response of Iraq’s authorities to the crimes perpetrated by Iraqi security forces and ‘unidentified armed elements’ against demonstrators and critics from October 2019 to May 2021 appears to have been largely limited to the formation of various investigative bodies and committees, condemnatory statements, and the reassignment of security and other officials. To date, despite the initiation of thousands of investigations with respect to demonstration-related violence, only two cases of crimes committed against protestors appear to have progressed to a trial and subsequent conviction, and neither case concerned ‘unidentified armed elements’ but focused on low-ranking members of the police forces.⁸

October 2019 Fact-Finding Committee

On 12 October 2019, Prime Minister Adil Abdul-Mahdi established a High Ministerial Investigative Committee mandated to investigate death, injury and other violations that occurred in the context of the demonstrations from 1 to 8 October 2019.⁹ While its report identified 44 members of the security forces with varying degrees of responsibility for the killing and injury of protestors, including those of high rank, limited judicial investigations and prosecutions have taken place in response and most recommendations appeared to refer to disciplinary or administrative punishment. No information is publicly available on whether individuals were referred to boards of inquiry, or on findings and recommendations.¹⁰

⁸ In Babil, Babil governorate, a policeman and member of the ‘Riot Force’ was convicted of the murder of a protestor in late October 2019 and sentenced to 15 years imprisonment, upheld on appeal. The court found that the policeman had been off duty at the time of the killing and used his private pistol to shoot the protestor dead after protestors smashed the windows of his private vehicle. In Kut, Wasit governorate, one member of SWAT forces was sentenced to death and another was sentenced to seven years imprisonment for the killing of two demonstrators.

⁹ The High Ministerial Committee was established by Executive Order on 12 October 2019, chaired by the Minister of Planning and conducted investigations between 13 and 21 October 2019.

¹⁰ The Internal Security Force Penal Code (No. 14 of 2008) and the Rules of Criminal Procedure for the Internal Security Forces (No. 17 of 2008) apply to the Iraqi police forces in addition to the Criminal Code and delineate a range of crimes and disciplinary offences, including crimes of absence, disrespect and disobedience as well as the crime of misusing authority, including ordering subordinates to commit a crime (Article 22(2)); breach of duty crimes, including overlooking a crime that could be prevented (Article 31); and neglecting to report crimes committed by subordinates (Article 34). UNAMI notes that police in Iraq are authorized to use force by the Law of Police Officers Crime Prevention Duties passed in 1980, which is impermissibly broad (see August 2020 report, pp. 16, 17 for further discussion). On 15 March 2021, UNAMI submitted a letter to the Ministry of Interior requesting, *inter alia*, details of any criminal, disciplinary or administrative actions taken against members of the police in the context of the Tishreen Demonstrations. At the time of the publication of this report in May 2021, UNAMI had not received a response. The Military Penal Code (No. 19 of 2007) and Military Criminal Procedure Code (No. 30 of 2007), in addition to the Criminal Code, apply to serving members of the armed forces and include ‘abuse of power’ offences, including issuing orders to commit a crime (Article 52).

The report made no direct reference to violence attributed to ‘unidentified armed elements’. It did, however, recommend “complementing investigations being conducted with protection guards of political parties’ offices who opened fire at the protestors who stormed through these offices, as in the cases of Asayib-Ahlil-Haq’s offices in Misan and Souq-Al-Shiyoukh cities”. UNAMI has not been able to verify whether they have taken place, and if so, what their results were.

In addition, the factual findings of the report noted that the highest number of casualties in Baghdad occurred in the Al-Nakheel mall area and identified a ‘sniping’ site in an abandoned building near the Al-Gaylani Fuel station where the committee found “many 5.56 mm spent bullets”. To date, UNAMI has been unable to ascertain if any state body has provided official information on the entity believed to be responsible for these killings.

October 2020 Fact-Finding Committee

In May 2020, shortly after being confirmed, Prime Minister Mustafa Al-Kadhimi announced the establishment of a committee to prepare lists of victims of violence during the demonstrations with the aim of providing compensation to the families of victims. On 18 October, one week prior to an attempt by protestors to restart demonstrations, the Prime Minister’s Office formally established a fact-finding committee by Executive Order 293 to “find out about all the violent events that accompanied the demonstrations from 1 October onwards, highlighting the reasons for it and who was responsible”. According to the text of the order, it should, *inter alia*, “monitor and listen to the victims, witnesses, and their families, and review [...] the documents and data that are related to any case or situation”, with authority to “transfer any case and anyone to the court of law”.¹¹

As of May 2021, UNAMI could not obtain any information on the outcome of the committee’s activities, despite multiple requests for information. Whilst some judicial officials interviewed by UNAMI stated that they had been contacted by the fact-finding committee, none was aware of the outcome of the committee’s activities. Nearly all professed a lack of faith in the committee’s abilities and perceived the committee as having been created for political ends rather than meaningful accountability.

The absence of information available on the committee, 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 source of funding and reporting lines, prevents an objective assessment of its adherence to human rights standards, including impartiality and independence. None of the members of judicial investigative committees at the governorate level consulted by UNAMI had received any referred cases from this committee, nor had the committee published any information or reports at the

¹¹ In June 2020, UNAMI Human Rights Office submitted the following documents to the Prime Minister’s Office to aid the work of the fact-finding committee: (1) a list of attempted and completed targeted killings of demonstrators and political and civic activists requiring criminal accountability (with the consent of the victims and victim’s families); (2) a list of key incidents involving the use of force by security forces at demonstration sites that resulted in the death and injury of protestors; (3) a list of abducted/disappeared demonstrators and political and civic activists (with the consent of the victims and victim’s families) and copies of all Urgent Appeals transmitted by UN human rights mechanisms to the Government since October 2019; and (4) 25 reference documents containing international standards and best practices relevant to the work of a fact-finding committee, including Arabic versions of the Minnesota Protocol on the Investigation of Potentially Unlawful Death, the Istanbul Protocol on the Effective Investigation of Torture [...], the Committee on Enforced Disappearance Guiding Principles on the Search for Missing Persons; and General Comments on the right to life, freedom of expression and liberty and security of person.

time of the drafting of this report. In addition, it appears that the committee was formed without the consultation of victims or civil society representation.

Martyr Compensation Fund

On 5 October 2019, Prime Minister Adil Abdul-Mahdi and the Council of Ministers announced that protestors and security officials killed or injured during demonstrations are considered martyrs pursuant to the Martyrs Foundation Act and eligible for compensation.¹²

UNAMI met with the Head of the Terrorism Directorate of the Martyrs Foundation in Baghdad in January 2021. During the meeting, the Head reported that “over 90 per cent” of demonstration-related martyrs had been paid and that contact had been made with all 562 recorded martyrs. The foundation reported that some delays in providing compensation arose due to families not submitting paperwork in time or not trusting the foundation; the Head reported that they have made significant efforts to meet with families. In February 2021 UNAMI wrote to the Terrorism Directorate of the Martyrs Foundation requesting detailed information on the compensation paid to those persons killed, injured or abducted in the context of the Tishreen demonstrations, including clarification of the number of claims received, the number of payments made, and the procedures required for claimants to obtain compensation. As of May 2021, UNAMI had not yet received a response.

The process to obtain compensation can be lengthy and burdensome for the families of persons killed as it often requires the submission of multiple officially certified documents and attending interviews before judges. All the judicial investigative committees visited by UNAMI reported that they regularly had, or, had previously, shared documentation with the fund.

Of 47 families of persons killed at demonstration sites interviewed by UNAMI in March 2021, only three had received money from the foundation, while 27 had contact with the foundation but had yet to receive any payments, with five noting that this was apparently due to the delayed confirmation of the budget. The remaining families either had no interest in the foundation or no information. With respect to cases of targeted killings by ‘unidentified armed elements’, generally prosecuted pursuant to the Anti-Terrorism Law, it appeared no families consulted had received compensation from the fund. However, UNAMI interviewed 16 families who also reported receiving a payment of 10 million dinar for immediate burial costs.

UNAMI welcomes the steps taken toward payment of compensation through existing mechanisms to the families of those killed at demonstration sites and encourages continued efforts to ensure payments to eligible victims, while noting that compensation does not replace the obligation to investigate credible allegations of human rights violations.

¹² Compensation is governed by the Martyrs Foundation Act No. 3 of 2005 and Law No. 20 of 2009 on Compensating the Victims of Military Operations, Military Mistakes and Terrorist Actions and its first amendment by Law No. 57 of 2015.

VI. Criminal Prosecution

“We refuse to even come close to touching anything to do with ‘militia’ cases because it would put our lives in jeopardy. Our strategy is to focus on the violations against the protestors by the security forces instead”.

UNAMI Interview with lawyer working on cases perpetrated against protestors related to the demonstrations, March 2021
[details withheld for confidentiality purposes]

UNAMI could not identify any judicial investigations into crimes perpetrated by ‘unidentified armed elements’ against protestors and critics since 1 October 2019 that have culminated in a trial or prosecution.¹³ Limited numbers of arrest warrants have been issued and the few alleged perpetrators arrested and subsequently prosecuted were linked to security forces.

On 23 October 2019, the High Judicial Council issued an order establishing judicial investigative committees, comprised of three investigative judges and a member of the public prosecution, in each demonstration-affected governorate.¹⁴ The committees were tasked with the investigation of allegations of crimes linked to the demonstrations, including crimes attributed to protestors and crimes perpetrated against demonstrators, including deaths, injury of demonstrators and security forces, and attacks on the media during the demonstrations, as well as incidents related to assassinations and kidnappings of activists in the governorates that witnessed these incidents.

In July 2020, the High Judicial Council also issued a statement announcing the formation of a special investigative commission to address the issue of assassinations in response to the shooting to death of a prominent analyst in Baghdad by unidentified gunmen.¹⁵ However, the actions carried out by this commission to date are not clear and there remain no reported arrests of suspected perpetrators of assassinations of activists, critics, or demonstrators except for the March 2021 arrests in Basra (*see below*).¹⁶

¹³ Criminal law in Iraq is based on an inquisitorial trial process. Criminal proceedings are initiated by the submission of an oral or written complaint by an injured party, any person taking his place in law, or any person who knows that the crime has taken place (see Articles 1,3 of the Criminal Procedure Code (Law No. 23 of 1971)). The investigative judge leads investigative efforts and the determination of the facts, with the support of investigative officers and/or crime scene officers. Crime-scene officers, often police, conduct a preliminary crime-scene investigation, followed by a formal investigation led by the Investigative Judge, at the conclusion of which a formal investigative hearing is conducted, at which point the case is either dismissed, temporarily closed because the perpetrator is unknown, or referred to the relevant court for trial along with the case file created during the investigative process. The Prosecutor plays a limited role centred on acting as a check, monitoring the criminal process, and providing advice to judges. See the Public Prosecution Law (Law No. 159 of 1979) and Amendment to the Law of Public Prosecution (Law No. 15 of 1988).

¹⁴ Statement available at <https://www.hjc.iq/view.6105/>. In its engagement with Governmental authorities, UNAMI met with members of the judicial investigative committees in Baghdad, Babil, Najaf, Diwaniya, Nasiriyah and Misan in 2021 to obtain information on the status of investigations into crimes committed against demonstrators.

¹⁵ See: <https://www.hjc.iq/view-en.67383>.

¹⁶ UNAMI notes that according to the High Judicial Council, the judicial investigative committees addressed cases of assassination and attempted assassination, though in meetings with UNAMI, some committees stated that these cases entered the criminal justice system through regular procedures.

UNAMI submitted a letter to the High Judicial Council on 28 March 2021 requesting information on the investigation and prosecution of crimes perpetrated against protestors, including data on the number of open judicial investigations, the number of arrest warrants issued, the number of accused persons detained, the number of cases referred to trial, and the number of convictions. UNAMI requested that the data be disaggregated by incidents attributed to security forces and those attributed to ‘unidentified armed elements’, and that it includes the rank of those under investigation or referred to trial. UNAMI also requested information on measures taken to protect witnesses, informants and victims in the context of the prosecution of demonstration-related crimes.

On 18 April 2021, UNAMI received a response from the High Judicial Council stating that 8,163 cases concerning alleged crimes with a link to demonstrations were filed with the investigative committees from 1 October 2019 to 31 March 2021.¹⁷ The letter summarizes the findings of the judicial committees in each governorate, including the numbers of complaints submitted, cases under investigation, cases closed, cases referred to courts, arrest warrants issued and persons released.

Of the 8,163 cases filed, 3,897 remain under investigation, 783 cases referred to criminal courts or ‘specialized courts’, 37 cases referred to misdemeanour court and acquitted or fined, 345 conditionally or conditionally released, 13 cases involving property damage at appeal stage or currently undergoing trial and 1,122 cases have been closed. Information was not provided for the remaining 1,966 cases. Refer to Annex 1 for details.

The High Judicial Council did not provide the reason for the closure of all cases but reported at least 451 cases closed due to them being attributed to ‘unknown perpetrators’. Information previously shared with UNAMI by other sources suggested as many 1,831 cases have been recorded as attributed to ‘unknown perpetrators’ in Baghdad alone.¹⁸ The response also noted that at least 508 cases were referred to other courts for ‘prosecution’.

The information provided by the High Judicial Council did not differentiate between cases involving crimes perpetrated against protestors, which includes killing and injury, and those perpetrated by protestors, which typically concerned burning tyres, throwing stones and setting fire to buildings, preventing further analysis by UNAMI.

In recent months, several arrests have occurred in relation to targeted killings and attacks. In Al-Amarah city, Misan governorate, security forces arrested and detained an individual accused of killing the father of an activist who disappeared in Misan in October 2019. The arrest took place shortly after the incident on 10 March 2021 and the individual remains under investigation.

On 26 May 2021, Iraqi security forces arrested an individual suspected of ordering the killing of an activist in Karbala earlier in the month. Related to the same killing, on 28 May in Karbala, another two persons were reportedly arrested.

On 13 February 2021, in Basra, security forces arrested and detained four individuals accused of several targeted killings, including the shooting to death of two journalists as they travelled by vehicle in Basra city centre on 10 January 2020 while reporting on demonstrations and ‘militia’ influence in Basra. All four suspects are under criminal investigation and remain in detention. On 16 March 2021, also in Basra, security forces arrested and detained two individuals accused of several crimes, including attacks against demonstrators and activists.

¹⁷ Letter received by High Judicial Council, 18 April 2021, see Annex 1.

¹⁸ UNAMI interview with a judge in Baghdad, March 2021.

In May 2020, in Basra, security forces detained five individuals suspected of shooting at protestors who had gathered outside a political party's office and thrown stones, leading to the death of one demonstrator and injury of five others. As of the end of April 2021, three had been released due to lack of evidence and two remained in detention pending transfer to the Basra Criminal Court for trial.

Arrests may indicate a positive trajectory towards accountability where they occur in compliance with Iraqi procedural law and the rights of the accused are upheld. Pursuant to international human rights standards, the judiciary must ensure that it utilizes its full resources to conduct independent, prompt and effective investigations, followed by prosecution and conviction, where appropriate, with a view to securing justice for victims.

Challenges

"We grudgingly agreed to accept blood money of 30 million Iraqi dinar because we know the case may take ages with no tangible results, since those responsible are an 'influential entity' who will do whatever they can to close the case and hide the evidence. We had to waive the case to receive this compensation. Another reason that we closed the case is because we were threatened by [...], of course, it was offered as 'advice' but I took it seriously and decided to waive the case and receive the compensation. At least I will have some money for his children".

UNAMI interview with the father of a demonstrator killed in Najaf in November 2019, March 2021

[details withheld for confidentiality purposes]

UNAMI appreciates that the investigations into incidents attributed to armed groups operating outside state control, including 'unidentified armed elements', may be technically complex, challenging and lengthy. Nonetheless, the apparent lack of tangible progress raises concerns.

Despite the Government's obligations to investigate and prosecute the perpetrators of suspicious deaths, enforced disappearance and torture, on multiple occasions UNAMI heard from both judicial sources, lawyers, and victims that cases had been closed or 'waived' based on the withdrawal of a complaint by victims. This is particularly pertinent in relation to demonstration-related cases attributed to 'unidentified armed elements', where at least three families of those killed reported being pressured to 'waive cases' in return for 'blood money' or being threatened to withdraw complaints against certain armed actors.¹⁹ Moreover, UNAMI has been unable to confirm the number of cases temporarily closed by investigative judges after being attributed to 'unknown perpetrators'. Information obtained from judicial sources (see previous section) suggests that the number is high.

UNAMI is not in a position to assess whether the investigations in these individual cases meet international human rights standards and best practices. Several sources with first-hand knowledge of criminal accountability processes reported that the preliminary investigations of incidents involving 'unidentified armed elements' had been conducted and the case files 'referred to Baghdad'. Others, however, highlighted the challenges in determining the identity of the individuals

¹⁹ According to the Code of Criminal Procedure, an investigative judge may reject a complaint and close the case file 'definitively' where the complainant has withdrawn the complaint.

responsible due to the unwillingness or inability on the part of some security forces and entities to share information and evidence, in particular with regards to ‘sensitive cases’, including those attributed to armed actors operating outside state control.

UNAMI received reports that in some governorates, arrest warrants issued by the judiciary have not been executed, most notably with respect to those implicated in the killing of protestors in the Zaytoun bridge incident in Nasiriyah.²⁰ The information provided by the High Judicial Council does not enable UNAMI to compare the number of warrants issued with those implemented. Several judicial sources identified Article 111 of the Internal Security Law (Procedure) as limitation on their efforts to ensure accountability. Article 111 requires approval from the Minister of Interior or an appointed person to notify, summon or arrest a policeman for actions committed during the ‘performance of his duty’.²¹ While this provision only applies to cases involving police officers, the failure to enforce arrest warrants raises broader concerns about the prevailing absence of accountability for all crimes against protestors.

Victims interviewed by UNAMI frequently expressed a lack of trust in the formal justice system. This lack of trust, combined with a pattern of threats and intimidation linked to victims’ attempts to obtain criminal accountability for demonstration-related cases, led some to resort to the use of informal tribal customary mechanisms. Of 47 interviewed families, five reported being offered ‘blood money’, including – and as stated above - at least three who ‘waived’ cases in the criminal courts as a result.

Threat and Intimidation

“One of the biggest challenges for accountability is the fear faced by the families of the victims. They are scared to give their names and initiate cases in case there is retaliation from ‘militia’ and political parties. Even when lawyers reach out to them to offer legal advice or follow-up on the cases, they often do not want to mention their names. I doubt there is even an accurate number of casualties from the demonstration sites because some victims and families did not register themselves”.

UNAMI interview with lawyers in Baghdad, February 2021

Victims and lawyers reported an environment of fear and intimidation with respect to pursuing accountability for demonstration-related crimes, particularly in relation to those attributed to ‘unidentified armed elements’.

As noted in the previous section, on 10 March 2021, in Al-Amarah city, Misan governorate, ‘unidentified armed elements’ assassinated the father of an activist who had been abducted and disappeared in October 2019. The missing activist’s father had become an activist himself, campaigning publicly and openly for the Iraqi authorities to locate his son and hold

²⁰ The Code of Criminal Procedure also provides that if an investigative judge finds ‘that the perpetrator is unknown’, a decision may be issued to close the file temporarily.

²¹ Article 136 (B) of the Criminal Procedure Code, which required the permission of the minister to transfer an accused for trial in relation to offences committed during performance of an official duty or as a consequence of performance of his duty, was repealed in July 2011. Article 113 of the Internal Security Law (Procedure), which states that the Minister may not approve the referral of a policeman to civil criminal courts if the crime is shown to result from, or caused by, fulfilling his official duty pursuant to the recommendation of the military appeal court, was ruled unconstitutional by the Iraqi Constitutional Court in decision number 15 issued on 24 October 2017.

the perpetrators accountable. Other parents of victims openly calling for accountability have also been threatened. In October 2020, the mother of a demonstrator killed in February 2020 in Najaf during the Sadreen square shootings fled Iraq after receiving a high volume of threats in response to her open and proactive campaign urging the Iraqi authorities to hold criminally accountable those responsible for the incident.

UNAMI documented the cases of at least two lawyers who received threats for attempting to work on cases alleging the criminal responsibility of armed men affiliated to political parties for the shootings of demonstrators. In response, the lawyers ceased working on such cases, and in one instance, temporarily left their home governorate.

The apparent continued impunity and lack of transparency as to who is responsible for these crimes, in combination with ongoing incidents of targeted killings, harassment and intimidation against individuals who critique such actors regardless of accountability or not, act as an indirect threat. Lawyers and victims reported this environment as dissuading them from providing legal advice to victims or filing or pursuing complaints.

The arrest on 26 May 2021²² turned into an encroachment on the authority and prestige of the State. Such behaviour by armed actors explains, yet again, the complex environment of Iraq, and only further erodes public trust. Nobody is above the law and nobody should resort to a show of force to get their way.

Impact of impunity

The very limited accountability with respect to crimes perpetrated against critics perpetuates an environment enabling their recurrence. Given the reduction in demonstrations, violence at demonstration sites decreased. However, UNAMI continues to document targeted attacks against demonstrations and activists.

The lack of criminal accountability with respect to targeted killings is of particular concern. From 1 May 2020 to 15 May 2021, UNAMI documented the targeted killings of a further ten persons, including one woman, and nine incidents of attempted killing, that resulted in the injury of eight persons, including two women, all injured by bullet wounds. Those targeted are people who were considered (or who are) influential critical voices capable of disrupting the political and civil status quo.

Prominent demonstrators remain at risk of abduction. On 19 September 2020 in Nasiriyah, Dhi Qar, unidentified armed men in two pick-up trucks abducted a protestor from a vehicle in which he was travelling with another activist. To date, the individual remains missing with no official information released as to his fate or whereabouts and no arrests in relation to the case, despite the initiation of a large-scale security operation to locate the victim in the days following his disappearance and the issuance of two arrest warrants for suspected perpetrators by the Nasiriyah Investigative Court.²³

²² See supra, page 13.

²³ Prior to his abduction, the demonstrator had received death threats linked to posts on social media criticizing 'militia', corruption and demonstrations. On 21 August 2020, a small improvised explosive device detonated at the protest tent he erected in Al Haboubi square, injuring 11 protestors, and on 26 August he was reportedly visited by individuals linked to 'militia' and threatened in relation to his posts on social media and participation in demonstrations. On 2 October 2020, the UN Committee on Enforced Disappearances issued an Urgent Action (UA), calling on the Government of Iraq to take all the necessary measures to search for the activist and find out his fate and whereabouts. The UA also called on the Government to bring perpetrators to justice and provide protection to his family. To date, there is no information about his fate and whereabouts.

Nineteen protesters/activists (17 men and two boys) who were abducted and disappeared from October 2019 to March 2020, remain missing²⁴, including a prominent lawyer and activist, who was last seen in Al-Amarah city, Misan governorate on 8 October 2019 being abducted by unidentified armed men (*see section VI above for discussion of the killing of his father*).

Critics of influential (political) leaders also continue to be violently targeted. For example, in May 2020, at least five people associated with public criticism were abducted for several hours and questioned and beaten before being released. Due to the secrecy and fear that often surrounds reporting these incidents, UNAMI notes that the number of such incidents may be higher: multiple credible reports of similar incidents in Baghdad were received throughout 2020.

UNAMI notes with concern that at least two demonstrators were killed and 70 injured in Nasiriyah in November 2020 after tensions between protestors and others that led to violent confrontations. During the same period, tensions rose in Baghdad with an increase in incidents, including in December 2020, the shooting to death of one protestor; a shooting attack on a vehicle carrying protestors, resulting in injury to two; the stabbing and serious injury of another protestor after a group of men attacked protestors leaving Tahrir square; and acts of intimidation and harassment that included shooting at the house of a woman protestor. Such attacks indicate the fragility of the security situation at the demonstration sites and the often violent situations faced by activists.

Violent incidents of harassment continue to take place against demonstrators and critics of armed groups and political parties, typically increasing as protests intensified. For example, since May 2020, UNAMI recorded at least 15 incidents in Nasiriyah, Dhi Qar governorate, when small improvised explosive devices detonated outside the homes of protestors or critics, resulting in property damage, mostly in December 2020 and January 2021.

On 25 May 2021, large demonstrations protesting the Government's failure to identify and hold accountable those responsible for the targeted killings of protestors and activists took place countrywide, with the largest gatherings in several areas of Baghdad. In Tahrir square, security forces (thus far it could not be verified which one exactly) used excessive force against the protestors to disperse demonstrations and fired live ammunition, tear gas canisters and used batons. Two demonstrators were killed and 130 injured, including security forces²⁵. At least 11 protestors were hospitalized with gunshot wounds, and others treated for serious stabbing or severe beatings with metal rods.

In response to the dangerous environment, tens of demonstrators and activists have fled central and southern Iraq. Most of those who relocated live in unsustainable and difficult economic circumstances with limited avenues for support. They are, however, unwilling to return to their home governorates due to a lack of trust in the ability of the State to protect them from reprisals for their previous participation in demonstrations and their outspoken criticism of political parties and armed groups. Those who relocated include individuals who have previously been abducted, targeted for assassination, injured, and/or received multiple threats. The primary responsibility for the protection of activists and critics at risk of foreseeable violence lies with the State, and further accountability and protection efforts are required to enable protestors under threat to safely return.

²⁴ On 9 October, his family lodged a complaint about the abduction and disappearance at a local police station, which was forwarded to the investigative court in the city, with no further action apparently taken. On 10 March 2021 his father was shot and killed in Al-Amarah city, Misan governorate.

²⁵ Figures for 130 injured demonstrators and security forces provided by IHCHR and includes those with minor injuries.

VII. Conclusion

The information detailed in this report indicates a lack of accountability with respect to the crimes perpetrated against protestors and critics by various armed elements commonly referred to as ‘militia’, most of whom carried out attacks anonymously and have yet to be identified publicly.

UNAMI appreciates the difficult environment and the fact that investigations into crimes of killing, abduction and disappearance are often technically complex and lengthy. In this regard, it welcomes the efforts to establish investigative (judicial) committees and notes that the committees have engaged in investigations into crimes against protestors and, in some cases, issued arrest warrants and referred cases for trial.

Notwithstanding these positive indications, and despite the allocation of resources, with the passage of time, UNAMI is concerned by the high number of cases not being pursued (because they are attributed to ‘unknown perpetrators’), the limited number of arrests, the minimal number of cases referred to trial (with all cases involving ‘unidentified armed elements’ currently remaining at the investigation stage) and the near absence of convictions.

Despite the Government’s stated commitment to ensuring accountability and conducting human rights investigations into the violence that occurred during the Tishreen demonstrations, UNAMI could find no information indicating that the fact-finding committee established by Executive Order 293 has reached any conclusions or provided any concrete output.

There remains a lack of public information regarding the circumstances surrounding the targeting of protestors and critics by ‘unidentified armed elements’, the existence or absence of connections between the perpetrators and (political) officials or entities, and the absence of effective measures by state entities to prevent foreseeable violent attacks, intervene in ongoing attacks, and determine the fate and whereabouts of those abducted and disappeared.

UNAMI welcomes the decision to provide compensation through existing mechanisms to the families of those killed during demonstrations and other victims of demonstration-related violence, including actions taken by the Martyrs Foundation towards providing payments. At the same time, this does not replace the State’s obligation to uphold the rights of victims to truth and justice by investigating human rights violations and providing information on the circumstances behind the death and injury of demonstrators. UNAMI urges the Martyrs Foundation to ensure that payments will be made as promised to victims and families.

UNAMI emphasizes that the crimes perpetrated by all armed actors operating within Iraqi territory trigger due diligence obligations on the part of the State, particularly with respect to the right to life and the rights to protection from enforced disappearance and ill-treatment and torture.

Moreover, attacks against protestors and critics did not occur randomly, and - in many cases - appear to be motivated with the apparent aim of silencing dissenting and critical voices. The inability of the Iraqi authorities to hold accountable the perpetrators, the reported barriers encountered during investigations and the implementation of arrest warrants, as well as the persistent absence of information in the public domain about the identity and affiliations of perpetrators, raises serious concern that the political and security environment may be inhibiting the pursuit of accountability and justice for victims.

Consequently, Iraq’s authorities are not meeting the international obligations to investigate the killing, injury, abduction, disappearance and ill-treatment and torture of demonstrators and critics, and to ensure that the perpetrators are prosecuted,

tried and punished and that the rights of victims to truth, justice and redress are respected. UNAMI notes that, while this report is focused on acts attributed to ‘unidentified armed elements’, as opposed to incidents of violence attributed to recognizable state security forces, there similarly exists very limited progress with respect to accountability for those actions.

The continued absence of accountability contributes to the recurrence of these crimes and an environment of fear and intimidation persists, amplified by the perception that such actors can act with impunity, shrinking space for criticism and critical expression.

VIII. Recommendations

UNAMI makes the following recommendations to the Government of Iraq:

Investigations and Accountability

1. With respect to the Fact-Finding Committee established by Executive Order 293 in October 2020:

- a. Publish information on the selection process for its five members, and any relationship and/or reporting lines the committee has with Government entities, including the Prime Minister’s Office;
- b. Issue a public report detailing the actions the Committee has taken so far, including any recommendations given by the committee to any Government entities, the number of human rights investigations undertaken into individual allegations/incidents, the number of cases referred to judicial authorities, efforts taken in the area of reparations and efforts to engage with civil society and victims;
- c. Ensure that the Iraqi High Commission for Human Rights, a diverse range of civil society organisations and victims are consulted and provided a platform to share information, evidence, concerns and recommendations to the Committee;
- d. Ensure that the Committee investigates the full circumstances of all human rights violations linked to the Tishreen demonstrations and related attacks on protestors and critics away from protest sites, including, in particular, the identity of *all* armed actors suspected of perpetrating crimes against protestors; and any actions or failures to act by state security forces and institutions to prevent, halt or protect protestors and critics from foreseeable acts of violence by armed actors;
- e. Consider the addition of one or several independent international experts to the Committee through a transparent selection process.

2. With respect to criminal accountability for crimes carried out against demonstrators and critics:

- a. Request the High Judicial Council to prepare and publish a report detailing the progress of investigations into all death and injury at demonstration sites and all alleged crimes perpetrated against protestors and critics, including targeted killings, abductions and disappearances. The report should include an assessment in each case of the obstacles faced to identify the perpetrators and measures taken to overcome them, and ensure that

the following serious incidents are addressed, at minimum (in addition to those listed in the annex to UNAMI's August 2020 report on Demonstrations);

- b. Ensure that killings, disappearances, abductions, and violence against protestors or critics are criminally investigated regardless of whether a complaint has been filed by the victim, taking into account the role of the Prosecutor in this regard;
- c. Ensure that all criminal investigations and prosecutions address the full chain of responsibility, including those who may have planned and ordered such killings as opposed to only those who committed the final act of murder or attempted murder;
- d. Ensure that the Ministry of Defence and Ministry of Interior share information required for investigations into demonstration-related crimes and violations;
- e. Make public any disciplinary or administrative actions taken against security officials for failures in relation to attacks by 'unidentified armed groups' or incidents of targeted killings, disappearance, ill-treatment and torture;
- f. Ensure a victim-centred approach to justice, including through actively soliciting victim and witness participation in trials, supporting their participation, ensuring confidentiality of information and data, and providing witness protection programs where necessary;
- g. Ensure that individuals investigated and prosecuted for alleged offences committed in the context of demonstrations enjoy all the procedural and fair trial guarantees, and appropriately remedy any violations of them;
- h. Ensure the protection of any persons who cooperate with prosecutions into cases concerning 'unidentified armed elements'.

Protection

3. With respect to the protection of protestors, human rights activists and others seeking to exercise their lawful rights to freedom of expression, peaceful assembly and freedom of movement:
 - a. Take measures to protect anyone at risk of foreseeable violence by non-state actors or armed groups, including those expressing critical comments – by allocating resources to investigate threats, assess the credibility of threats, inform people of threats, take reports of threats, and provide protective assistance.
 - b. Take measures to support and assist persons who have left their homes due to the receipt of threats, including by supporting with relocation to areas where they may work, study and live safely with family until the situation in their home area is settled.
 - c. Halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds, including stigmatizing rhetoric and smear campaigns, including in the online space. Take immediate action to protect persons at foreseeable risk of violence from impending attacks and ensure physical protection and relocation, including by allocating adequate resources.
 - d. Disarm groups operating outside of state control.

IX. Annex

[Translation of letter received from High Judicial Council, 17 April 2021]

In the name of Allah the Merciful,

Mr. Chairman of the respected judicial supervision bodies

Greetings,

This is in reference to your request on 1/4/2021 and the request of the President of the Judicial Council on the same date relating to the letter sent by the Office of Human Rights of the United Nations in Baghdad. The Human Rights Office requested information on the alleged human rights violations that took place during the October demonstrations, for the purpose of preparing a report on the steps the Government should take in this regard and on the role of the HJC in responding to the allegations of excessive use of force by the security forces.

This letter also provides information relating to the creation of judicial investigative committees between 1/10/2019 and 1/3/2021 to investigate violations during the demonstrations. Please see the findings of the committees on the wounding and killing of the October protestors by the personnel affiliated to political parties who abducted, shot at the protest squares, assassinated and attempted to assassinate Iraqis - which relates to torture, degrading and inhumane treatment.

To answer UNAMI's Human Rights Office in Baghdad, this document lays out the judicial committees' relation to the investigative courts, the number of complaints submitted, the arrest warrants issued and the cases that were referred to courts. It also discusses the nature of the criminal incidents, the political affiliation of the perpetrators and the verdicts pronounced by the court.

- 1- From the first moment of the peaceful popular demonstrations, the HJC, represented by investigation courts, has dealt with the matters objectively and impartially. Given the aim of the judiciary to bring about societal justice, equality and stability, the HJC decided to immediately release all peaceful protestors not proven guilty of violence, vandalizing public or private properties, committing killings, theft or any action prohibited by law. On another front, the decisions of the HJC were stringent when it comes to dealing with any party (including decisionmakers in the government) that infringed on the rights of the demonstrators. This is a clear indicator of the independence and transparency of the judiciary and on the principle of equality before the law.
- 2- The competent judicial investigative committees were formed to investigate incidents of martyrdom, injury of demonstrators and security forces, and attacks on the media during the demonstrations, as well as incidents related to assassinations and kidnappings of activists in the governorates that witnessed these incidents. The first of these investigative committees were formed on 23/10/2019 (Presidency of the Baghdad Federal Court of Appeal Al-Karkh and Al-Rusfa and the Presidency of the Courts of Appeal in the

governorates of Babel, Wassit, Thi-Qar, Misan, Muthanna and Basra). These committees were kept abreast of the events and their developments.

- 3- Investigative committees were created in the governorates where protestors were killed as a result of excessive force at the hands of the security forces or parties that attacked security forces in order to mislead the investigations. The judiciary took strict measures and issued arrest warrants and search/investigation warrants despite the alleged perpetrators' status or place in government. Kindly find enclosed the details of the cases of the investigate courts of appeal:
 - a- There are 346 cases relating to the demonstrations that took place in Najaf from 1/10/2019 until 1/3/2021. They covered allegations of killing, attempted killings of protestors, road blocks, burning of tyres, assault on security forces and the burning of government buildings. Currently 30 cases are being investigated, 234 cases were closed, and 72 cases were referred to the specialised courts for prosecution according to decision 177 of the presidency of the Federal Court of Appeal in Najaf in 6/4/2021.
 - b- There are 376 cases relating to the demonstrations in Wassit from 1/10/2019 until 1/3/2021. They covered allegations of killing, attempted killings of protestors, roadblocks, burning of tyres, assault on security forces, burning of government buildings and possession of weapons without license. Currently, 189 are being investigated. From these 189 cases, 163 were considered for security information, were registered and investigated. 187 cases were referred to the specialised courts for prosecution. Decisions of death penalty were handed to persons (unspecified number of persons) responsible for the killing of demonstrators according to Article 406 of the Criminal procedure code. Other sentences were pronounced (not related to killings) as stated by the Presidency of the Federal Court of Appeal in Wasit, decision 898 on 6/4/2021.
 - c- Relating to the demonstrations in Babel between 1/10/2019 and 1/3/2021 there were 69 cases. They covered allegations of killing, attempted killings of protestors, roadblocks, burning of tyres, assault on security forces, burning of government buildings and political parties' headquarters, these cases are still under investigation. 20 Arrest warrants were issued according to decision 458 on 6/4/2021 by the Presidency of the Federal Court of Appeal in Babel.
 - d- 299 Cases filed in Misan governorate between 1/10/2019 and 1/3/2021. They covered allegations of killing, attempted killings of protestors and burning of governmental buildings. 29 Cases of killings fell under article 4 of the Anti-Terrorism Law - these were closed as the perpetrators are unknown. 159 Cases related to assaults and attempted killings were closed due to unknown perpetrators. 11 Cases of burning of government buildings were tried under article 342 of the criminal procedure code - these cases are still under investigation according to the letter of the presidency of the Federal Court of Appeal in Misan No 162 on 5/4/2021.

- e- Cases relating to Muthanna governorate: Between 1/10/2019 and 1/3/2021, 265 cases were registered covering assaults and threats to government employees. 263 cases were closed due to unknown perpetrators and 2 cases were referred to the misdemeanor court. The 2 perpetrators were fined according to the letter of the Presidency of the Muthana Federal Court of Appeal No 1503 on 6/4/2021.
- f- Cases relating to the demonstrations that took place in Baghdad governorate, Karkh between 1/10/2019 until 1/3/2021: 269 cases were filed covering assault and threats to government employees, disruption of government departments, possession of fireworks, road blocks and allegations of kidnapping. The Investigative court of Dora in Baghdad had 6 cases; 4 are closed and 2 under investigation. The Investigative Office of Kadhimiya deals with 45 cases of assault and injuries of protestors. 6 of the 45 cases were referred to the Central Committee responsible for the cases of demonstrators. 9 Cases of torture were referred to the investigative branch in Karkh: they are still under investigation. 186 Cases were referred to the Karkh Criminal Court and Investigative Division 1. Out of the 186 cases, 5 persons were released and 82 were referred to the specialized courts for proceedings. 28 Cases were closed, 71 were released on bail according to the Presidency of the Federal Court of Appeal of Baghdad/Karkh, decision No 5147 on 7/4/2021.
- g- Cases relating to the demonstrations that took place in Baghdad /Rasafa between 1/10/2019 and 1/3/2021: 2188 cases were registered. They varied from allegations of assault on government employees, disruption of government departments, possession of fireworks, roadblocks and allegations of kidnappings. 42 Cases were referred to the First Committee of the Central Criminal Court and 59 referred to the second committee of the Central Criminal Court - the accused persons were either acquitted, or were sentenced to one year in jail (decision is yet to be implemented), or were imprisoned for one year. 35 Cases were referred to the misdemeanor court in Rasafa, the accused in these cases were all acquitted. Most of these cases were assaults on security forces and riots according to the decision No 1543 by the presidency of the Federal Court of Appeal in Rasafa on 7/4/2021.
- h- Cases relating to the demonstrations in Basra governorate between 1/10/2019 and 1/3/2021. 265 Cases were filed and they varied from allegations of killings, assaults, road blocks, burning of tyres to battery against protestors. 35 Cases of killings were referred to the Third Investigative Court in Basra and 27 cases of attempted killings and wounding of demonstrators referred to the same court in Basra. 36 Cases were referred to the Investigative Court for running over demonstrators, asphyxiation and injuring. 166 Cases were referred to Al-Maqal Investigative Court and 2 cases were referred to the Judicial Investigate Office relating to damages caused by the demonstrations. These cases are still under investigation and there are many arrest warrants issued following decision 2020 of the Presidency of the Federal Court of Appeal in Basra on 6/4/2021.
- i- Cases relating to the demonstrations in Qadisiya Governorate from 1/10/2019 until 1/3/2021: 452 cases were filed and they varied between killings, assaults, road blocks, burning of tyres, assaults on security forces and the burning of governmental buildings. 407 Cases were closed and 71 cases were referred to the specialized court. 152 Persons and then another 117 persons were released. There are 145 cases under investigation, there are

no persons currently detained according to the decision No 458 of the presidency of the federal court of appeal of Qadisiya on 6/4/2021.

- j- Cases relating to the demonstrations in Karbala governorate between 1/10/2019 and 1/3/2021: 389 cases were filed and they varied between killings, assaults, road blocks, burning of tyres , assaults on security forces and the burning of governmental buildings. All the cases are under investigation, there are 20 arrest warrants issued according to decision 338 of the Presidency of the Federal Court of Appeal of Karbala on 6/4/2021.
- k- Cases relating to the demonstrations in the governorate of Dhi Qar from 1/10/2019 until 1/3/2021: 3245 cases were filed and they covered allegations of killing, road blocks, burning of tyres, assaults on security forces, burning of government buildings and political parties' headquarters - these cases are still under investigation. There are warrants issued for the arrest of the perpetrators, noting that some of them are personnel in the ministry of interior and others are affiliated to different parties according to decision 396 of the Presidency of the Federal Court of Appeal of Dhi Qar on 8/4/2021.
- 4- There are no cases filed between 1/10/2019 and 1/3/2021 in the governorates of Ninewa, Salah Al-din, Anbar, Kirkuk and Diyala.
- 5- The body responsible for investigations into allegations of torture or ill-treatment carried out by the security services against demonstrators, in accordance with the amended Criminal Procedure Law No. 23 of 1971, is the investigative judge, as well as the investigators - under the supervision of the investigating judge. This is according to Article 51 paragraph A that stipulates that [the investigative judge shall undertake the primary investigation, as well as the investigators, under the supervision of the investigating judge].
- 6- The efforts of the HJC, represented by investigative courts and judicial committees formed for the purposes of investigating the cases of protesters, violations of human rights, murders and assassinations of activists during the period referred to in the letter by UNAMI's Human Rights Office, are serious and we continue to resolve all cases within the time limits stipulated by law, in order to refer the accused before the competent courts so they receive their fair penalty according to the law.

Much appreciation and many thanks.

Signed:

Judge and Judicial supervisor
Laith Jabr Hamza
11/4/2021