

AMNESTY INTERNATIONAL OPEN LETTER

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OPEN LETTER TO PRIME MINISTER AL-SUDANI: END IRAQ'S REIGN OF IMPUNITY

Dear Prime Minister,

Amnesty International takes note of your commitments to protect human rights in Iraq, which are an important signal, but is concerned about recent decisions by your government impacting freedom of expression. We write to urge you to take more decisive measures to break with the failures of past governments and end the reign of impunity.

The organization recognizes the economic, political and security challenges facing the country. However, we stress the importance of meaningful progress to ensure justice, truth and reparation for crimes under international law, to remedy gross human rights violations inflicted upon people in Iraq and to break the endless cycles of abuse, compounded by a lack of accountability.

Amnesty International closely followed the commitments you made on the occasion of Human Rights Day on 10 December 2022 for “the protection of public freedoms and human rights” and “to make the necessary efforts to establish a culture of human rights” in the country.¹ We also take note of your government’s stated aim to “guarantee public freedoms” as set out in the ministerial programme² approved on 27 October 2022, as well as the Minister of Justice’s commitment to the implementation of the National Human Rights Action Plan for 2021-2025 set by the previous government.³

We were therefore concerned to learn of the establishment of new mechanisms to monitor “indecent content” on social media, which has already led to courts sentencing six people to prison for exercising their rights to free speech. In the months since your appointment as Prime Minister, Amnesty International has observed concerning developments around repression of freedom of expression, along with a lack of progress on long-standing issues, such as the absence of meaningful action to combat gender-based violence and the continued handing down of death penalty sentences, frequently following unfair trials.

The organization continues to closely monitor progress on the human rights situation in Iraq and calls on your government to match its rhetoric on human rights with meaningful action.

JUSTICE, TRUTH AND REPARATION FOR CRIMES UNDER INTERNATIONAL LAW AND HUMAN RIGHTS

Amnesty International documented the crackdown on the largely peaceful protests which began in October 2019, at times referred to as the Tishreen protests, and which led to hundreds of deaths – many of which may amount to extrajudicial executions – and thousands of injuries at the hands of Iraqi security forces consisting of the anti-riot police, counterterrorism forces and factions of the Popular Mobilization Units (PMU).⁴ The organization also documented the deplorable targeted killings, torture and enforced disappearances of protesters, journalists, and activists involved in the protests and its aftermath.⁵

To date, there have been no public announcements on the results of the numerous committees established to investigate violations. Relatives of people who were killed or remain disappeared told Amnesty International that their hopes of the

¹ Government of Iraq, “Statement by the PM Mohammed S. Al-Sudani, on the occasion of International Human Rights Day”, 10 December 2022, <https://gds.gov.iq/statement-by-the-pm-mohammed-s-al-sudani-on-the-occasion-of-international-human-rights-day/>

² Prime Minister Mohammed S. Al-Sudani, “Ministerial Programme”, 27 October 2023, <https://pmo.iq/mnhaj.htm>

³ Iraqi News Agency, “Minister of Justice: The government has worked since its formation to combat corruption through direct measures”, 22 December 2022, <https://www.ina.iq/173776--.html>

⁴ Amnesty International, “Iraq: Protest death toll surges as security forces resume brutal repression”, 23 January 2020, www.amnesty.org/en/latest/news/2020/01/iraq-protest-death-toll-surges-as-security-forces-resume-brutal-repression/

⁵ Amnesty International, “End ‘campaign of terror’ targeting protesters”, 13 December 2019, www.amnesty.org/en/latest/press-release/2019/12/iraq-end-campaign-of-terror-targeting-protesters/

Iraqi authorities delivering on their promises for truth, justice and reparation had faded after their multiple attempts to obtain information about the progress of investigations and prosecutions went unanswered. Survivors and family members of people who were killed in the protests or remain forcibly disappeared also told Amnesty International that they had been subjected to continuous attacks including defamation campaigns, death threats, and other intimidation, for their attempts to seek justice. This has prompted some of them to go into hiding or flee abroad.

In its ministerial programme, the Iraqi government made commitments to “forming a legal team to review the work of the previously formed investigation committees regarding the killings of demonstrators and members of the security services, and the measures taken to punish the killers and ensure that there is no impunity”.⁶ On 15 February, you directed the committee formed in 2020 to investigate events in the context of the October protests to accelerate its work.⁷ While this order is a positive step, the government should ensure that there is meaningful progress towards accountability. Amnesty International calls on your government to ensure timely, independent and thorough investigations into the crimes committed in the context of the October 2019 protests, provide regular and transparent updates to the public about the progress of these investigations, bring the perpetrators of those crimes to account, and ensure protection from reprisals for those seeking justice.

FREEDOM OF EXPRESSION AND ASSEMBLY

Despite your government’s commitments to guarantee public freedoms, in January, the Ministry of Interior announced a campaign to crack down on “indecent content” online. So far, the judge at the Third Investigative Court in Al-Karkh specialized in media and publishing issues announced that the courts had charged 14 people for publishing “indecent” or “immoral” content on social media, and already sentenced six of those individuals to prison terms ranging between six months to two years.

The judge in Al-Karkh said that those prosecuted were charged under Article 403 of the Iraqi Penal Code which criminalizes published material that “violates public integrity or decency”. The AFP reported that some of the individuals who were prosecuted were known for creating content related to music and comedy. The judge added that the courts had initiated the prosecutions based on complaints referred to it by a new committee set up by the Ministry of Interior to monitor “indecent” or “immoral” content on social media platforms, as well as complaints submitted on the “Balgh” (report in Arabic) platform, which the Ministry of Interior launched on 10 January 2023 to report social media content that “violates public morals, contains negative and indecent messages, and undermines social stability”.

Such crackdowns on free speech and assembly are contrary to a culture of human rights and are not in line with Iraq’s obligations under international law. Amnesty International along with a dozen other human rights organizations, in a joint statement published on 3 March 2023 called on on Iraqi authorities to end their alarming campaign to crack down on “indecent” content, drop all charges against individuals prosecuted solely for exercising their right to free speech and immediately release all those imprisoned on those charges, consult with civil society regarding draft legislation related to the regulation of speech, repeal Article 403 of the penal code, and bring Iraqi domestic law in line with its international obligations to respect the right to freedom of speech for all people in Iraq, online and offline.⁸

Further, the courts continue to prosecute people for expressing critical political views, and security forces continue to use unlawful lethal force to crack down on protests. On 5 December 2022, a criminal court in Baghdad sentenced 20-year-old Haidar al-Zaidi to three years in prison for a tweet criticizing the deceased deputy commander of the Popular Mobilisation Units (PMU).⁹ Al-Zaidi’s arrest led to subsequent demonstrations in Nasiriya, Dhi Qar governorate, in which three protesters were killed after riot police fired live ammunition into the crowd.¹⁰ Al-Zaidi has since been released and his charges dropped after the PMU withdrew the complaint against him, following a meeting between a PMU official and Al-Zaidi’s family.

⁶ Prime Minister Mohammed S. Al-Sudani, “Ministerial Programme”, 27 October 2023, <https://pmo.iq/mnhaj.htm>

⁷ Rudaw, “Al-Sudani directs acceleration in the investigation of the events of the October 2019 protests”, 15 February 2023, <https://www.rudawarabia.net/arabic/middleeast/iraq/140220234>

⁸ Amnesty International, “Iraq: Joint Statement : Iraqi authorities must cease chilling crackdown on free speech”, 3 March 2023, <https://www.amnesty.org/en/documents/mde14/6511/2023/en/>

⁹ BBC, “Iraqi activist jailed over tweet ‘insulting’ Iran-backed militia force”, 7 December 2022, www.bbc.co.uk/news/world-middle-east-63890358

¹⁰ AFP, “Two killed in Iraq clashes after activist given prison term”, 7 December 2022, www.france24.com/en/live-news/20221207-two-killed-in-iraq-clashes-after-activist-given-prison-term

RIGHTS OF DISPLACED PEOPLE

Amnesty International continues to monitor the situation of people displaced in the wake of the armed conflict with the armed group calling itself the Islamic State (IS) and the hasty closure of camps for the internally displaced (IDPs) between 2020 and 2021 by the Ministry of Migration and Displacement, despite obstacles to the dignified and safe return of thousands to their areas of origin. They continue to face risks of arbitrary arrest and other harassment by armed actors and security forces, a lack of livelihood opportunities, and obstacles in obtaining basic civil documentation that is necessary freedom of movement and for access to many essential services.¹¹ We urge the government to uphold the commitments laid out in the previous government's National Human Rights Action Plan for 2021-2025 on "The Rights of Internally Displaced People", which the Minister of Justice has recommitted to, for "safe return and preventing discrimination in the enjoyment of rights for all displaced persons".¹²

Amnesty International notes the repatriations from northeast Syria of thousands of Iraqis who were displaced by the conflict.¹³ The organization urges you to protect repatriated Iraqis from arbitrary and flawed screening processes, ensure that they are able to obtain civil status documentation, and facilitate safe, dignified and voluntary returns to their areas of origin.¹⁴

In 2021, Amnesty International welcomed the Yazidi Survivors Law which provides to some extent a reparations framework for many survivors of IS crimes.¹⁵ The organization calls for swift implementation of the Yazidi Survivors Law, ensuring justice and remedy for the Yazidi community. Iraqi authorities must also do more to address the needs of all survivors, including by specifically providing reparations for children who were born as a result of sexual violence by IS members during captivity.

ABSENCE OF EFFECTIVE ACTION TO ADDRESS GENDER-BASED VIOLENCE

The organization is gravely concerned with the continued inadequacy of Iraq's policies and legislative framework to combat gender-based violence in the domestic and public sphere despite the frequency in reporting of gender-based violence by Iraqi civil society. The Iraqi penal code still treats leniently so called "honour crimes" comprising violent acts such as assault and even murder. Iraq does not have in place a centralized system for reporting domestic violence, and it does not have adequate shelters where victims/survivors of domestic violence can seek protection.

On the 1st of February of this year, 22-year-old Tiba Ali was murdered by her father after a family dispute.¹⁶ The Iraqi authorities should promptly and impartially investigate her murder, and bring the perpetrator to justice, without a recourse to the death penalty. Iraq must also pass a domestic violence law that meets international standards and that ensures sentences prescribed are commensurate with the gravity of the crime committed, establish shelters and other support services for victims/survivors, and set up an effective and accessible reporting mechanism.

THE USE OF THE DEATH PENALTY

Amnesty International is concerned that death sentences continue to be handed down, with at least 20 people sentenced to death since your government took office. Iraq has a long-standing track record of sentencing people to death, often following unfair trials that rely on torture-tainted evidence and "coerced" confessions.¹⁷ Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or

¹¹ Amnesty International, "Iraq: Marked for life: Displaced Iraqis in cycle of abuse and stigmatization", 24 November 2020, <https://www.amnesty.org/en/documents/mde14/3318/2020/en/>

¹² Republic of Iraq Ministry of Justice Human Rights Department, *National Human Rights Plan in Iraq 2021-2025*, 26 July 2021, www.humanrights.dk/sites/humanrights.dk/files/media/document/Iraq%20NHRAP%202021-2025%20English.pdf

¹³ Al-Monitor, "Iraq repatriates 580 citizens from Syria's al-Hol camp", 18 January 2023, www.al-monitor.com/originals/2023/01/iraq-repatriates-580-citizens-syrias-al-hol-camp

¹⁴ Amnesty International, 24 November 2020

¹⁵ Amnesty International, "Iraq: Yazidi reparations law progress welcome, but more must be done to assist survivors", 2 November 2021, www.amnesty.org/en/latest/news/2021/11/iraq-yezidi-reparations-law-progress-welcome-but-more-must-be-done-to-assist-survivors/

¹⁶ Ghinwa Obeid, "Iraqi blogger killed by her father causing outrage", 2 February, 2022, <https://english.alarabiya.net/News/middle-east/2023/02/02/Iraqi-blogger-killed-by-her-father-causing-outrage->

¹⁷ Amnesty International, "Iraq: Fair trials for IS suspects critical to justice for atrocity crimes", 26 June 2019, www.amnesty.org/en/documents/mde14/0540/2019/en/

other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights; it is the ultimate cruel, inhuman and degrading punishment. The organization urges the Iraqi authorities to immediately establish an official moratorium on executions with a view to abolishing the death penalty entirely.