



# **The state of civil and political rights in Iraq since the 2019 Tishreen protests**

## **Universal Periodic Review of Iraq**

*Report submitted to the United Nations Human Rights Council in the context of the fourth periodic review of Iraq*

**July 2024**

# Table of Contents

1	Introduction.....	3
2	Scope of international obligations .....	3
2.1	Cooperation with international human rights mechanisms and bodies.....	4
3	National human rights framework.....	4
4	Implementation of international human rights obligations .....	6
4.1	Human rights and counter-terrorism.....	6
4.2	Right to life, liberty and security of person.....	8
4.2.1	The death penalty and summary executions.....	8
4.2.2	Enforced disappearances.....	10
4.2.3	Arbitrary deprivation of liberty.....	12
4.2.4	Torture and ill-treatment.....	13
4.3	Fundamental freedoms.....	14
4.3.1	Right to peaceful assembly.....	14
4.3.2	Right to freedom of expression.....	17
4.3.3	Right to freedom of association.....	22

# 1 Introduction

---

Since Iraq's third Universal Periodic Review (UPR) in 2019, the human rights situation has considerably deteriorated. The national human rights institution (NHRI) has become non-operational. The counter-terrorism framework and practices in Federal Iraq and the Kurdistan Region of Iraq (K-RI) remain non-compliant with international human rights standards. The death penalty is still in force, and summary executions are rampant. Iraq continues to have one of the highest numbers of enforced disappearances globally, and arbitrary detention, torture and ill-treatment remain systematic practices. Recent years have seen an escalating crackdown on civic space, with a severe repression on freedom of expression, peaceful assembly, and association.

## 2 Scope of international obligations

---

Iraq has not acceded to the Rome Statute of the International Criminal Court (ICC),<sup>1</sup> nor has it ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2)<sup>2</sup> or the Optional Protocol to the Convention against Torture (OPCAT).<sup>3</sup>

In addition, the state has not accepted the individual or inter-state complaint mechanisms under the Convention against Torture (UNCAT), the International Covenant on Civil and Political Rights (ICCPR) or the Convention on the protection of all Persons from Enforced Disappearances (ICPPED).

### Recommendations

- Ratify the Rome Statute of the ICC, ICCPR-OP2 and the OPCAT;
- Accept individual and inter-state complaint mechanisms under the UNCAT, ICCPR and ICPPED.

---

<sup>1</sup> Iraq did not support any of the 11 recommendation it received on ratifying the Rome Statute of the ICC during the third cycle of the UPR. See: 147.13 (Spain); 147.12 (Poland); 147.11 (Peru); 147.10 (Czechia); 147.9.2 (Estonia); 147.9.1 (Honduras); 147.8 (Slovenia); 147.7.3 (Liechtenstein); 147.7.2 (France); 147.7.1 (Austria); 147.6 (Timor-Leste).

<sup>2</sup> Iraq received 8 recommendations on ratifying the ICCPR-OP2. It did not support any of them. See: 147.149 (Estonia); 147.146 (Ireland); 147.136 (Croatia); 147.126 (Poland); 147.27 (Mongolia); 147.25.3 (Uruguay); 147.25.2 (Ukraine); 147.25.1 (Togo).

<sup>3</sup> Iraq received 10 recommendations on ratifying the Rome Statute of the ICC during the third cycle of the UPR. It did not support any of them. See: 147.24 (Czechia); 147.23 (Ghana); 147.22.4 (Uruguay); 147.22.3 (Ukraine); 147.22.2 (Estonia); 147.22.1 (Togo); 147.21.4 (Denmark); 147.21.3 (Hungary); 147.21.2 (United Kingdom); 147.21.1 (Spain).

## 2.1 Cooperation with international human rights mechanisms and bodies

Despite previously accepting to cooperate with UN human rights mechanisms, Iraqi authorities did not respond to 10 of the 26 communications they received from UN Special Procedures since its last review.<sup>4</sup> In addition, the government has failed to implement 4 of the 5 Opinions issued by the UN Working Group on Arbitrary Detention (WGAD) since 2019.<sup>5</sup> It is also important to highlight that the United Nations Assistance Mission for Iraq (UNAMI) will cease its operations on 31 December 2025,<sup>6</sup> following the Iraqi Prime Minister's request that its mandate be "terminated definitively".<sup>7</sup>

### Recommendations:

- Fully cooperate with UN human rights mechanisms, by responding to all UN Special Procedures' communications and effectively implementing WGAD Opinions;
- Implement the recommendations contained in UNAMI reports.

## 3 National human rights framework

---

The Iraqi High Commission for Human Rights (IHCHR), established in 2008<sup>8</sup> and awarded A status by the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee

---

<sup>4</sup> Iraq supported all 8 recommendations it received on cooperation with UN human rights mechanisms during the third cycle of the UPR. See: 147.89 (Libya); 147.74 (Saudi Arabia); 147.59 (Azerbaijan); 147.60 (Bahrain); 147.47 (Syria); 147.63 (Egypt); 147.159 (Norway); 147.83 (India).

<sup>5</sup> See the following opinions: No. 57/2023, No. 34/2023, No. 5/2022, No. 70/2021, No. 71/2021.

<sup>6</sup> Security Council Report, *Iraq: Vote on UNAMI Mandate Renewal\**, 30 May 2024, <https://www.securitycouncilreport.org/whatsinblue/2024/05/iraq-vote-on-unami-mandate-renewal-4.php> (accessed 27 June 2024).

<sup>7</sup> UN Security Council, *Letter dated 8 May 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General*, 13 May 2024, UN Doc. S/2024/378, <https://digitallibrary.un.org/record/4048070?ln=en&v=pdf> (accessed 27 June 2024).

<sup>8</sup> Law No. 53/2008 of the High Commission for Human Rights, accessible here: [https://menarights.org/sites/default/files/2016-12/IRQ\\_NHRI%20law\\_2008\\_AR.pdf](https://menarights.org/sites/default/files/2016-12/IRQ_NHRI%20law_2008_AR.pdf) (accessed 16 February 2021).

on Accreditation (SCA),<sup>9</sup> does not comply with the Paris Principles and remains largely non-operational.<sup>10</sup>

In October 2024, the SCA is set to conduct a special review of the IHCHR.<sup>11</sup> Ahead of this review, MENA Rights Group highlighted the IHCHR's failure to adhere to international standards, in law and in practice, and to fulfil its role as an independent, impartial, and effective NHRI.<sup>12</sup> The concerns identified by MENA Rights Group regarding the IHCHR include the lack of renewal of the IHCHR's Board of Commissioners following the termination of the mandate of former members who served for the period 2017-2021, the apparent lack of a meaningful inclusion of civil society representatives in the Committee of Experts responsible for appointing the commissioners coupled with excessive influence of political parties within the Committee of Experts, a case of reprisal against a former commissioner,<sup>13</sup> a recent decree placing the IHCHR under the authority of the Ministry of Justice, and delays in reporting.<sup>14</sup>

### Recommendation:

- Bring the IHCHR into line with the Paris Principles.<sup>15</sup>

---

<sup>9</sup> In February 2021, MENA Rights Group submitted an evaluation report of the IHCHR to the SCA, highlighting its numerous shortcomings, notably in the context of the October 2019 popular protests. Despite these concerns, the SCA recommended that the IHCHR be re-accredited with "A" status in June 2021. See: MENA Rights Group, *Evaluation Report of the Iraqi High Commission for Human Rights*, 19 February 2021, <https://www.menarights.org/en/documents/evaluation-report-iraqi-high-commission-human-rights> (accessed 18 June 2024); GANHRI, *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA)*, 14-24 June 2021, <https://ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf> (accessed 10 June 2024).

<sup>10</sup> Iraq failed to implement the five recommendations it received and supported on bringing the IHCHR into line with the Paris Principles during its third UPR. See: 147.92 (Nepal); 147.91 (Pakistan); 147.89 (Libya); 147.56 (Yemen); 147.51 (Ukraine).

<sup>11</sup> A special review is initiated when the circumstances of an NHRI that has been accredited with 'A' status are deemed to "have changed in a way that affects its compliance with the Paris Principles". See: GANHRI SCA, *Rules and Working methods of the SCA*, <https://www.ohchr.org/en/countries/nhri/ganhri-sub-committee-accreditation-sca> (accessed 9 July 2024), articles 16 (1) and (2).

<sup>12</sup> See: MENA Rights Group, *The Iraqi High Commission for Human Rights needs urgent reform*, 12 June 2024, <https://menarights.org/en/articles/iraqi-high-commission-human-rights-needs-urgent-reform> (accessed 18 June 2024).

<sup>13</sup> Ali al-Bayati faced judicial harassment as reprisal for his human rights work as a former commissioner of the Iraqi High Commission for Human Rights (IHCHR), despite the immunity he was entitled to in his position. See: MENA Rights Group, *Intimidation and reprisal against Commissioner of Iraq's High Commission for Human Rights*, 5 May 2022, <https://menarights.org/en/case/ali-al-bayati> (accessed 27 May 2024).

<sup>14</sup> *Ibid.*

<sup>15</sup> More detailed recommendations aimed at bringing the IHCHR into line with the Paris Principles are included in MENA Rights Group's report submitted to the SCA ahead of its special review, accessible here: MENA Rights Group, *Information regarding the Iraqi High Commission for Human Rights*, 29 May 2024, [https://menarights.org/sites/default/files/2024-06/Iraq\\_NHRI\\_SCA%20Letter\\_Final\\_29052024.pdf](https://menarights.org/sites/default/files/2024-06/Iraq_NHRI_SCA%20Letter_Final_29052024.pdf) (accessed 5 July 2024).

## 4 Implementation of international human rights obligations

---

### 4.1 Human rights and counter-terrorism

Iraq failed to implement the recommendations it received and supported on bringing its counter-terrorism legislation into line with international standards.<sup>16</sup>

Both the Iraqi Federal Government's 2005 Anti-Terrorism Law<sup>17</sup> and the Kurdistan Regional Government (KRG)'s 2006 Law on Combating Terrorism<sup>18</sup> contain overly broad and vague definitions of terrorism,<sup>19</sup> which fail to comply with the principle of legality.<sup>20</sup> Both laws impose mandatory death sentences for crimes that do not meet the standard of the most serious crimes.<sup>21</sup> While Iraqi authorities have asserted that there is an ongoing revision of the Anti-Terrorism Law, it continues to be applied.<sup>22</sup>

The Criminal Procedure Code does not apply in cases where individuals are tried under the Iraqi Anti-Terrorism Law,<sup>23</sup> and the latter is silent on fair trial rights and procedural guarantees.

---

<sup>16</sup> See: 147.132 (Switzerland); 147.124 (Macedonia FYR).

<sup>17</sup> Anti-Terrorism Law No. 13 of 2005, accessible here: <https://www.refworld.org/legal/legislation/natlegbod/2005/en/122206> (accessed 18 June 2024).

<sup>18</sup> Law No. 3 of 2006 on Combating Terrorism, accessible here: <https://legislation.krd/law-detail/?id=2281> (accessed 22 May 2024).

<sup>19</sup> Article 1 of Iraq's Federal Anti-Terrorism Law defines "terrorism" as "[e]very criminal act committed by an individual or an organised group that targeted an individual or a group of individuals or official or unofficial institutions and caused damage to public or private properties with the aim to disturb the peace, stability and national unity or to bring about horror and fear among people and to create chaos to achieve terrorist goals."; Article 1 of the KRG's Law on Combating Terrorism defines "terrorism" as "[o]rganised use of violence, or threatening to use violence, or encouraging or glorifying the use of violence to achieve a criminal act either by an individual or groups randomly for the purpose of spreading terror, fear, chaos among the people to sabotage the general system or jeopardize security and safety in the region or the lives of individuals or their freedoms or security or sanctity, and causing damage to the environment or natural resources or public utilities or public or private properties to achieve political, intellectual religious, racist or ethnic aims or goals."

<sup>20</sup> The principle of legality, enshrined in article 15 ICCPR, encompasses the principle of legal certainty, which requires that any law be formulated with sufficient precision to enable an individual to regulate their conduct accordingly.

<sup>21</sup> UNAMI, *Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL*, January 2020, [https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI\\_Report\\_HRAAdministrationJustice\\_Iraq\\_28January2020.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf) (accessed 18 June 2024), p. 5.

<sup>22</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 18.

<sup>23</sup> UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq*, 20 June 2018. UN Doc. A/HRC/38/44/Add.1, para. 47.

In addition, the KR-I's Anti-Terror Law allows for confessions extracted under duress to be used in court if they are supported by other evidence.<sup>24</sup>

In practice, terrorism suspects are subjected to arbitrary arrests<sup>25</sup> and detention,<sup>26</sup> torture,<sup>27</sup> and unfair trials leading to death sentences and sometimes executions.<sup>28</sup> Reintegration services for individuals associated with ISIL are lacking, and families of suspected members of ISIL face stigmatisation, threats, and retaliation.<sup>29</sup> In the K-RI, released individuals, including children, risk arbitrary detention or killing due to suspected ISIL ties.<sup>30</sup>

Human rights abuses committed by Iraqi forces in counter-terrorism operations remain largely unpunished.<sup>31</sup> Domestic courts lack jurisdiction over war crimes, crimes against humanity, and genocide,<sup>32</sup> failing to adequately account for crimes committed in the context of the fight against ISIL.<sup>33</sup>

## Recommendations:

---

<sup>24</sup> Law No. 3 of 2006 on Combating Terrorism, *op. cit.*, article 13.

<sup>25</sup> Individuals with (perceived) ISIL affiliation have routinely been arrested at checkpoints for not carrying identification documents, without a warrant, military and security forces assuming that men and boys who left ISIL-controlled areas without documents must be affiliated with ISIL and were therefore trying to conceal their identities. See: EUAA, *Persons (perceived to be) affiliated with ISIL*, June 2022, <https://euaa.europa.eu/country-guidance-iraq-2022/21-persons-perceived-be-affiliated-isil> (accessed 28 June 2024).

<sup>26</sup> In 2021, there were 22,380 people detained in Iraqi prisons convicted of terrorism-related offences, and an estimated 2,294 children remained in detention in Bagdad due to their (perceived) ISIL affiliation with sentences averaging between 5 to 15 years. See: EUAA, *Persons (perceived to be) affiliated with ISIL*, June 2022, <https://euaa.europa.eu/country-guidance-iraq-2022/21-persons-perceived-be-affiliated-isil> (accessed 28 June 2024).

<sup>27</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, paras. 18, 24, 25.

<sup>28</sup> Human Rights Watch, *Iraq: Flawed Prosecution of ISIS Suspects*, 5 December 2017, <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects> (accessed 4 July 2024); Human Rights Watch, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://www.hrw.org/news/2024/01/24/iraq-unlawful-mass-executions-resume> (accessed 4 July 2024); Human Rights Watch, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, <https://www.hrw.org/news/2018/07/31/iraq-judges-disregard-torture-allegations> (accessed 4 July 2024).

<sup>29</sup> See: EUAA, *Persons (perceived to be) affiliated with ISIL*, June 2022, <https://euaa.europa.eu/country-guidance-iraq-2022/21-persons-perceived-be-affiliated-isil> (accessed 28 June 2024).

<sup>30</sup> *Ibid.*

<sup>31</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 18.

<sup>32</sup> UNAMI, *Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL*, January 2020, [https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI\\_Report\\_HRAAdministrationJustice\\_Iraq\\_28January2020.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf) (accessed 18 June 2024), p. 6.

<sup>33</sup> Before both federal and Kurdistan courts, the prosecution of Da'esh fighters is based primarily on the counter-terrorism legislation, which fails to reflect the nature and gravity of the international crimes reportedly committed by Da'esh and excludes victims from participating in trials. See: Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 18. Also see: UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq*, 20 June 2018, UN Doc. A/HRC/38/44/Add.1, para. 77.

- Repeal Federal Iraq's Anti-Terrorism Law No.13 of 2005 and the KRG's Law No. 3 of 2006 on Combating Terrorism or bring them into line with international standards;
- Ensure that due process guarantees and fair trial rights are upheld in all cases, including for defendants tried for terrorist offenses;
- Ensure that no arbitrary arrest and detention or enforced disappearance is carried out in the context of counter-terrorism operations;
- Undertake prompt, thorough and impartial investigations into all violations committed in the context of counter-terrorism operations, undertake prosecutions, and ensure that all victims obtain redress;
- Introduce amendments to relevant laws to grant domestic courts jurisdiction over international crimes committed in Iraq.

## 4.2 Right to life, liberty and security of person

### 4.2.1 The death penalty and summary executions

In Iraq, secret, mass summary<sup>34</sup> executions of detainees are perpetrated in Nasiriyah Central Prison,<sup>35</sup> following flawed terrorism trials.<sup>36</sup> After a three-year hiatus following the execution of 21 men in November 2020,<sup>37</sup> Iraqi authorities executed 13 men in December 2023,<sup>38</sup> and another 13 in April 2024.<sup>39</sup> Hundreds more have reportedly been executed in secret,<sup>40</sup> and thousands face imminent execution.<sup>41</sup> The executions occur unannounced, without prior notice to detainees' families or lawyers.<sup>42</sup> UN Special Procedures have warned that they may amount to crimes against humanity.<sup>43</sup>

<sup>34</sup> Iraq's systematic executions of prisoners have been described by UN Special Procedures as "arbitrary in nature", given that crimes contained in the counter-terrorism law foreseeing the death penalty fail to meet the threshold of the 'most serious crimes'. See: UN Special Procedures, *Scale and cycle of Iraq's arbitrary executions may be a crime against humanity: Special Rapporteurs*, 27 June 2024, <https://www.ohchr.org/en/press-releases/2024/06/scale-and-cycle-iraqs-arbitrary-executions-may-be-crime-against-humanity> (accessed 27 June 2024).

<sup>35</sup> Nasiriyah Central prison is reportedly the only prison in Iraq that carries out executions.

<sup>36</sup> UN Special Procedures, *Scale and cycle of Iraq's arbitrary executions may be a crime against humanity: Special Rapporteurs*, 27 June 2024, <https://www.ohchr.org/en/press-releases/2024/06/scale-and-cycle-iraqs-arbitrary-executions-may-be-crime-against-humanity> (accessed 27 June 2024).

<sup>37</sup> Arab News, *Iraq executes 21 convicted of 'terrorism' at notorious Nasiriyah prison*, 16 November 2020, <https://www.arabnews.com/node/1763941/middle-east> (accessed 19 June 2024).

<sup>38</sup> Human Rights Watch, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://www.hrw.org/news/2024/01/24/iraq-unlawful-mass-executions-resume> (accessed 19 June 2024).

<sup>39</sup> Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency*, 24 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed 19 June 2024).

<sup>40</sup> Information provided to MENA Rights Group by a lawyer representing detainees held in Nasiriyah Central prison.

<sup>41</sup> Over 8,000 prisoners are believed to be on death row in Iraq. See: Rudaw, *Iraq has executed 100 since January, 8,000 on death row: official*, 19 August 2019, <https://www.rudaw.net/english/middleeast/iraq/190820191> (accessed 19 June 2024).

<sup>42</sup> UN Special Procedures, *Iraq must immediately stop mass, unannounced executions: UN experts*, 30 January 2024, <https://www.ohchr.org/en/press-releases/2024/01/iraq-must-immediately-stop-mass-unannounced-executions-un-experts> (accessed 19 June 2024).

<sup>43</sup> UN Special Procedures, *Scale and cycle of Iraq's arbitrary executions may be a crime against humanity: Special*



In the K-RI, 36 criminals were sentenced to death in 2021,<sup>44</sup> and as of 2023, over 440 detainees are on death row.<sup>45</sup>

The right to life of individuals exercising their fundamental freedoms has also been violated through the killings of protestors,<sup>46</sup> critics,<sup>47</sup> journalists,<sup>48</sup> human rights defenders (HRDs),<sup>49</sup> and social media users.<sup>50</sup>

## Recommendations:

---

Rapporteurs, 27 June 2024, <https://www.ohchr.org/en/press-releases/2024/06/scale-and-cycle-iraqs-arbitrary-executions-may-be-crime-against-humanity> (accessed 27 June 2024).

<sup>44</sup> Committee Against Torture, *Experts of the Committee against Torture praise Iraq's Human Rights Training in Police and Military Colleges, ask about overcrowding in prisons and the continued use of the death penalty*, 27 April 2022, <https://www.ohchr.org/en/news/2022/04/experts-committee-against-torture-praise-iraqs-human-rights-training-police-and> (accessed 19 June 2024).

<sup>45</sup> Rudaw, *Over 440 death row inmates in Kurdistan Region: Official*, 4 August 2023, <https://www.rudaw.net/english/kurdistan/04082023> (accessed 19 June 2024).

<sup>46</sup> In the October 2019 anti-government protests in Iraq, security forces used excessive and unnecessary lethal force and carried out a string of assassination attempts against peaceful demonstrators, and at least 600 people were killed. See: Human Rights Watch, *Iraq: Lethal Force Used Against Protesters*, 10 October 2019, <https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters> (accessed 24 May 2024); Amnesty International, *Iraq: End 'campaign of terror' targeting protesters*, 13 December 2019, <https://www.amnesty.org/en/latest/press-release/2019/12/iraq-end-campaign-of-terror-targeting-protesters/> (accessed 24 May 2024); MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, <https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015> (accessed 24 May 2024).

<sup>47</sup> UNAMI, *Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements*, May 2021, [https://www.ohchr.org/sites/default/files/UNAMI\\_Report\\_Accountability\\_for\\_Human\\_Rights\\_Violations\\_and\\_Abus\\_es\\_ENG.pdf](https://www.ohchr.org/sites/default/files/UNAMI_Report_Accountability_for_Human_Rights_Violations_and_Abus_es_ENG.pdf) (accessed 27 June 2024), p. 4.

<sup>48</sup> Between 2019 and 2023, Press Freedom Advocacy Association (PFAA) recorded eight killings and one assassination attempt of journalists and media professionals. See PFAA's annual reports on their website, accessible here: <https://pfaa-iq.com/?cat=10> (accessed 19 June 2024).

<sup>49</sup> In July and August 2020, two women HRDs were killed, and a well-known academic and expert on jihadist groups was shot dead. In March 2021, a father advocating for the release of his son, who had been forcibly disappeared after having represented demonstrators arrested in connection with the October 2019 protests, was assassinated. See: OHCHR, *UN experts call on Iraq to investigate attacks on women human rights defenders*, 2 October 2020, <https://www.ohchr.org/en/press-releases/2020/10/un-experts-call-iraq-investigate-attacks-women-human-rights-defenders> (accessed 30 May 2024); France24, *Iraq court sentences to death killer of academic Hisham al-Hashemi*, 7 May 2023, <https://www.france24.com/en/live-news/20230507-iraq-court-sentences-to-death-killer-of-academic-hisham-al-hashemi> (accessed 30 May 2024); UN Special Procedures, *Iraq: UN experts appalled by killing of disappeared human rights defender's father*, 26 March 2021, <https://www.ohchr.org/en/press-releases/2021/03/iraq-un-experts-appalled-killing-disappeared-human-rights-defenders-father> (accessed 27 May 2024).

<sup>50</sup> In September 2023 and February 2024, two TikTokers with many online followers were shot dead. One of them had been sentenced in January 2023 to six months in prison for posting videos of herself singing and dancing following the Ministry of Interior's launch of an "indecent content" campaign, criminalising published material that "violates public integrity or decency". See: CNN, *Prominent Iraqi TikTok star fatally shot in Baghdad amid crackdown on LGBTQ community*, 28 September 2023, <https://edition.cnn.com/2023/09/27/middleeast/iraq-lgbtq-shot-intl/index.html> (accessed 24 May 2024); 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/> (accessed 19 June 2024).

- Adopt a formal moratorium on the death penalty in Federal Iraq and the KR-I with a view towards its abolition;<sup>51</sup>
- Immediately halt all executions;
- Ensure a fair retrial for prisoners on death row, particularly those accused of terrorism-related offences;
- Conduct prompt, independent and effective investigations into the killings of protesters, journalists, HRDs and social media figures, and bring perpetrators to justice.

#### 4.2.2 Enforced disappearances

Iraq has one of the highest numbers of enforced disappearances in the world,<sup>52</sup> estimated between 250,000 and one million missing and disappeared persons to date.<sup>53</sup> As of March 2023, the Committee on Enforced Disappearances (CED) registered 575 urgent cases in Iraq, with 413 filed since 2019.<sup>54</sup> As of May 2023, the UN Working Group on Enforced or Involuntary Disappearances (WGEID) recorded 16'428 outstanding cases for Iraq.<sup>55</sup>

Under the Iraqi legal framework, the notion of enforced disappearance is unclear.<sup>56</sup> It is not criminalised as an autonomous offense, and thereby cannot be prosecuted as such.<sup>57</sup> A draft law on enforced disappearance, which has been underway since 2017,<sup>58</sup> falls short of

<sup>51</sup> Iraq noted the following recommendations on abolishing or halting the use of the death penalty: 147.153 (Mexico); 147.150 (Liechtenstein); 147.149 (Estonia); 147.147 (Italy); 147.146 (Ireland); 147.144 (Iceland); 147.143 (Greece); 147.141 (Latvia); 147.139 (Denmark); 147.136 (Croatia); 147.135 (Belgium); 147.131 (Sweden); 147.128 (Spain); 147.127 (Slovenia); 147.126 (Poland); 147.125.6 (Chile); 147.125.5 (Australia); 147.125.4 (Albania); 147.125.3 (France); 147.125.2 (Moldova); 147.122 (Portugal). Iraq noted the following recommendations on reducing the number of crimes for which the death penalty may be applied: 147.142 (Germany); 147.137 (Cyprus); 147.129 (Spain). Iraq supported the following recommendation on reducing the number of crimes for which the death penalty may be applied: 147.132 (Switzerland).

<sup>52</sup> Iraq supported all 5 recommendations pertaining to enforced disappearances in its third cycle. See: 147.157 (Netherlands); 147.156 (Slovakia); 147.152 (Malta); 147.169 (Argentina); 147.137 (Oman).

<sup>53</sup> Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Information on the visit and findings (art. 33, para. 1)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, para. 9.

<sup>54</sup> Human Rights Council, *Report of the Committee on Enforced Disappearances*, 13 July 2023, UN Doc. A/78/56, p. 16.

<sup>55</sup> General Assembly, *Report of the Working Group on Enforced or Involuntary Disappearances*, 8 August 2023, UN Doc. A/HRC/54/22, p. 9.

<sup>56</sup> Although 30 pieces of legislation address this issue, none of them provide a definition of enforced disappearance, a crime that is often confused with the notions of "abduction", "missing person" and "kidnapping". See: Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 49-54.

<sup>57</sup> See: Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 55-62.

<sup>58</sup> The most recent reading of the bill, at the time of writing, was on 30 January 2024. The text of the draft law is available on the website of the Iraqi Parliament, accessible here: <https://iq.parliament.iq/law/%d9%85%d8%b4%d8%b1%d9%88%d8%b9%d8%a7%d8%aa-%d8%a7%d9%84%d9%82%d9%88%d8%a7%d9%86%d9%8a%d9%86-%d8%a7%d9%84%d8%ae%d8%a7%d9%85%d8%b3%d8%a9/?frm-page-357=2> (accessed 24 June 2024).

international standards.<sup>59</sup> In addition, there are no specific procedures for searching and investigating alleged enforced disappearances,<sup>60</sup> nor is there an efficient and effective system of registration of disappearance cases.<sup>61</sup>

The fate and whereabouts of many forcibly disappeared individuals, notably those associated with ISIL<sup>62</sup> or the October 2019 protests,<sup>63</sup> remain unknown to date.<sup>64</sup>

In terms of accountability, the CED has characterised Iraq's system as "ruled by impunity"<sup>65</sup> and conducive to the recurrence and concealment of enforced disappearances.<sup>66</sup> Family members, judges, investigating officers, IHCHR commissioners, and activists seeking accountability face threats, intimidation, or violent attacks.<sup>67</sup> Additionally, families are forced

---

<sup>59</sup> MENA Rights Group, *Iraqi draft laws on torture and enforced disappearances fall short of international human rights standards*, 11 December 2019, <https://www.menarights.org/en/articles/iraqi-draft-laws-torture-and-enforced-disappearances-fall-short-international-human-rights> (accessed 24 June 2024); Committee on Enforced Disappearances, *Concluding Observations on the additional information submitted by Iraq under article 29 (4) of the Convention*, 1 December 2020, UN Doc. CED/C/IRQ/OAI/1, para. 6.

<sup>60</sup> See: Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 63-81.

<sup>61</sup> See: Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 82-89.

<sup>62</sup> MENA Rights Group has submitted hundreds of cases to the CED of men who were subjected to enforced disappearances in the context Iraqi authorities' counter-terrorism operations following the seizure of large territories by the so-called Islamic State of Iraq and the Levant (ISIL) between 2014 and 2017. See: MENA Rights Group, *Cases / Iraq*, <https://menarights.org/en/country/cases/6> (accessed 4 July 2024).

<sup>63</sup> Iraqi authorities executed a campaign of targeted abductions and enforced disappearances against activists, journalists, HRDs and anyone involved, directly or indirectly, with the October 2019 protest movement. MENA Rights Group has notably documented a dozen cases of enforced disappearances perpetrated in the context of the October 2019 protest movement, including eight individuals who directly participated in protests between October 2019 and March 2020, two individuals who had provided medical assistance to protestors, two freelance photographers and one journalist covering the protests, one individual who had expressed support for the protests online, and one human rights lawyer who had represented several demonstrators arrested in connection with the protests.

<sup>64</sup> See: MENA Rights Group, *Four years on, peaceful Iraqi protesters remain missing*, 2 October 2023, <https://menarights.org/en/articles/four-years-peaceful-iraqi-protesters-remain-missing> (accessed 24 May 2024).

<sup>65</sup> For instance, article 130 of the Criminal Procedure Code allows the investigating judge to temporarily close a case of disappearance if the perpetrator is unknown. Moreover, "security screenings" remain necessary to submit a complaint, ask for the search for a disappeared person, or access the broader range of rights to which family members of those classified as 'martyrs' qualify. If the disappeared person is on one of the "wanted lists" established by the authorities, the family and relatives lose all entitlements and have no access to any form of truth and justice. See: Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 25, 26.

<sup>66</sup> The CED further stated that impunity prevails as a rule, and that it has "turned into a structural feature that contributes to revictimisation and undermines the impact of any related initiatives". See: Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 24, 29.

<sup>67</sup> Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, para. 24.

to declare their disappeared loved ones dead and obtain a death certificate to receive financial compensation, causing immense pain and denying their right to know the truth.<sup>68</sup>

### Recommendations:

- Urgently clarify the fate and whereabouts of disappeared individuals, including by responding to all CED urgent actions;
- Define and criminalise enforced disappearance as an autonomous offence;
- Clarify and strengthen the institutional framework and ensure systematic and effective coordination;
- Set up a consolidated and reliable nationwide register of disappearances;
- Immediately suspend, pending a full and impartial investigation, any member of State affiliated security forces alleged to have committed an act of enforced disappearance;
- Fully investigate and prosecute perpetrators of enforced disappearances.

### 4.2.3 Arbitrary deprivation of liberty

Individuals in custody are often denied legal safeguards.<sup>69</sup> Access to a lawyer is delayed until after initial interrogations, terrorism suspects lack effective legal representation, detainees are brought before a judicial authority well beyond the 24-hour legal limit, and detention records are not centralised.<sup>70</sup>

Fair trial and due process rights are severely compromised, especially in terrorism cases.<sup>71</sup> Trials are rushed, confessions are often obtained under torture, and victim participation is lacking.<sup>72</sup> Legal guarantees, such as timely judicial review, access to lawyers, and family notification, are systematically violated.<sup>73</sup> In the K-RI, individuals, including children, risk double jeopardy for the same terrorism offenses following their release due to lack of coordination between different legal systems.<sup>74</sup>

### Recommendations:

---

<sup>68</sup> Committee on Enforced Disappearances, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention: Observations and recommendations (art. 33, para. 5)*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, paras. 108-109.

<sup>69</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para.10.

<sup>70</sup> *Ibid.*

<sup>71</sup> Human Rights Watch, *Iraq: Flawed Prosecution of ISIS Suspects*, 5 December 2017, <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects> (accessed 4 July 2024).

<sup>72</sup> Human Rights Watch, *Iraq: Unlawful Mass Executions Resume*, 24 January 2024, <https://www.hrw.org/news/2024/01/24/iraq-unlawful-mass-executions-resume> (accessed 4 July 2024); Human Rights Watch, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, <https://www.hrw.org/news/2018/07/31/iraq-judges-disregard-torture-allegations> (accessed 4 July 2024).

<sup>73</sup> Human Rights Watch, *Iraq: Flawed Prosecution of ISIS Suspects*, 5 December 2017, <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects> (accessed 4 July 2024).

<sup>74</sup> Dozens of Sunni Arab men in the K-RI were examples of those at risk of rearrest and retaliation if they try to reunite with their families in areas controlled by Baghdad. See: EUAA, *Persons (perceived to be) affiliated with ISIL*, June 2022, <https://euaa.europa.eu/country-guidance-iraq-2022/21-persons-perceived-be-affiliated-isis> (accessed 28 June 2024).

- Immediately release anyone currently arbitrarily detained in Iraqi prisons, including on terrorism-related charges;
- Ensure that due process guarantees and fair trial rights are upheld in all cases, including for defendants tried for terrorist offenses.

#### 4.2.4 Torture and ill-treatment

Torture is systematically practised in Iraq.<sup>75</sup> There is no anti-torture legislation,<sup>76</sup> the current definition of torture does not align with the UNCAT,<sup>77</sup> and a pending draft law also fails to meet international standards.<sup>78</sup> Although Iraq's Criminal Procedure Code prohibits torture and coerced confessions,<sup>79</sup> it does not explicitly state that other evidence obtained by torture should be excluded.<sup>80</sup> Existing legislation fails to provide any means of redress for victims of torture.<sup>81</sup>

In practice, evidence obtained through torture is often admitted in court, including for children, particularly in terrorism trials.<sup>82</sup> Detention conditions are poor, marked by overcrowding, inadequate medical care, and high death rates, including due to torture.<sup>83</sup> Death row prisoners, particularly in Nasiriyah Central Prison, face severe psychological distress and poor living conditions.<sup>84</sup> Unofficial or secret places of detention where detainees are held *incommunicado*, coupled with a lack of adequate monitoring visits, create an enabling environment for torture.<sup>85</sup>

---

<sup>75</sup> During its third UPR, Iraq noted the following recommendations on abolishing torture, in law and in practice. See: Czechia (147.24); Ghana (147.23); Uruguay (147.22.4); Ukraine (147.22.3); Estonia (147.22.2); Togo (147.22.1); Denmark (147.21.4); Hungary (147.21.3); United Kingdom (147.21.2); Spain (147.21.1); Montenegro (147.155). It supported the following recommendations pertaining to torture: Oman (147.37); Canada (147.172); Norway (147.159); Macedonia FYR (147.158); Slovakia (147.156); Malta (147.152).

<sup>76</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 8.

<sup>77</sup> Committee against Torture, *Concluding Observations on the initial report of Iraq*, 7 September 2015, UN Doc. CAT/C/IRQ/CO/1, para. 27.

<sup>78</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 8.

<sup>79</sup> See: Iraq's Criminal Procedure Code No. 23 of 1971, [https://menarights.org/sites/default/files/2016-11/Iraq\\_CodeofCriminalProcedure%201971%2C%20amended%202010\\_EN.pdf](https://menarights.org/sites/default/files/2016-11/Iraq_CodeofCriminalProcedure%201971%2C%20amended%202010_EN.pdf), article 127.

<sup>80</sup> Human Rights Watch, *Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment Ahead of the Review of the Republic of Iraq*, 7 April 2022, [https://www.hrw.org/news/2022/04/07/submission-committee-against-torture-and-other-cruel-inhuman-or-degrading#\\_ftn12](https://www.hrw.org/news/2022/04/07/submission-committee-against-torture-and-other-cruel-inhuman-or-degrading#_ftn12) (accessed 26 June 2024).

<sup>81</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 34.

<sup>82</sup> *Ibid.*, para. 14.

<sup>83</sup> A rise of deaths in custody has also been reported, including 461 deaths in 2021, notably due to torture and the lack of health care. See: Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, paras. 24, 28.

<sup>84</sup> Prisoners on death row in Nasiriyah Central Prison are held in deplorable conditions of detention and have often been subjected to torture and ill-treatment, including false threats from the prison guards about their imminent execution. See: Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para. 30.

<sup>85</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, para.16, 22.

Additionally, in March 2024, Iraqi authorities conducted a campaign of unlawful deportations of Syrian asylum seekers, violating the principle of *non-refoulement*.<sup>86</sup>

Accountability for torture is minimal, with judges often ignoring allegations, and complaints rarely pursued due to fear of retaliation.<sup>87</sup> Investigations into torture and deaths in custody are insufficient, with no effective redress or compensation for victims.<sup>88</sup>

## Recommendations:

- Adopt anti-torture legislation and bring the definition of torture into line with international standards;
- Investigate allegations of torture, prosecute perpetrators, and compensate the victim;
- Transfer detainees to different facilities immediately after they allege torture or ill-treatment to protect them from retaliation;
- Ensure that judges are obligated to dismiss any evidence obtained under torture.

## 4.3 Fundamental freedoms

### 4.3.1 Right to peaceful assembly

Iraq's Penal Code<sup>89</sup> imposes up to two years' imprisonment for acts related to freedom of peaceful assembly.<sup>90</sup> In the K-RI, while there exists a Law on Organising Demonstrations,<sup>91</sup> authorities regularly resort to the Penal Code or to the Law on National Security<sup>92</sup> to punish and imprison peaceful protesters.<sup>93</sup>

---

<sup>86</sup> Human Rights Watch, *Iraq: Unlawful Deportations of Syrians*, 27 June 2024, <https://www.hrw.org/news/2024/06/27/iraq-unlawful-deportations-syrians> (accessed 27 June 2024).

<sup>87</sup> Committee against Torture, *Concluding Observations on the second periodic report of Iraq*, 15 June 2022, UN Doc. CAT/C/IRQ/CO/2, paras. 12, 14.

<sup>88</sup> *Ibid.*, paras. 28, 34.

<sup>89</sup> Law No. 111 of 1969, accessible here: [https://menarights.org/sites/default/files/2016-11/IRQ\\_Penal%20Code%201969%20as%20amended\\_eng.pdf](https://menarights.org/sites/default/files/2016-11/IRQ_Penal%20Code%201969%20as%20amended_eng.pdf) (accessed 9 July 2024).

<sup>90</sup> For instance, Article 221 criminalises inciting or “calling for a gathering in a public place or [...] organising such a gathering or participating in it while being aware of any ban on such gatherings by the public authorities”.

<sup>91</sup> Law No. 11 of 2010 on Organising Demonstrations, accessible here: <https://legislation.krd/law-detail/?id=1663> (accessed 22 May 2024). Article 2 of this law enshrines the right to protest. Articles 3 and 4 provide some restrictions to this right, such as prohibiting people from participating in protests for which the organisers have not sought advanced permission from authorities, and providing that in case of non-response to the request submitted by the committee after the expiration of 48 hours from the date of submission of the request, this will be considered as approval to organise the demonstration.

<sup>92</sup> Law No. 21 of 2003 Repealing Article 156 of the Iraqi Penal Code No. 111 of 1969, accessible here: <https://legislation.krd/law-detail/?id=2374> (accessed 22 May 2024).

<sup>93</sup> Article 1 of Law No. 21 of 2003 provides for up to lifetime imprisonment for the “intent of infringing the security, stability and sovereignty of the institutions of the Kurdistan Region in Iraq”. See examples of peaceful protesters targeted on the basis of this law, here: <https://cptik.org/bp-updates> (accessed 27 May 2024).

Following the October 2019 anti-government protests,<sup>94</sup> Iraqi security forces<sup>95</sup> violently attacked demonstrators,<sup>96</sup> resulting in at least 600 deaths and tens of thousands injured.<sup>97</sup> Media outlets covering the protests were shut down.<sup>98</sup> Activists, journalists, and HRDs involved, directly or indirectly, with the protest movement, faced targeted abductions and enforced disappearances, and many remain missing to date.<sup>99</sup>

During its third UPR, Iraq supported 19 recommendations pertaining to freedom of assembly, including 13 regarding the human rights violations and the excessive use of force against protesters, notably in the context of the October 2019 demonstrations.<sup>100</sup> However,

---

<sup>94</sup> The protests focused on government corruption, economic conditions, and abuse by security forces, also referred to as the Tishreen protests, broke out across central and southern Iraq. See: MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, <https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015> (accessed 24 May 2024); 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/> (accessed 24 May 2024); Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, <https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq> (accessed 24 May 2024).

<sup>95</sup> The Iraqi security forces included riot police, counterterrorism forces, and factions of the Popular Mobilisation Units (PMU). The PMU are a large, well-established network of militia groups and that are legally considered part of the Iraqi Armed Forces.

<sup>96</sup> The attacks included the use of excessive and unnecessary lethal force, including by military-grade tear gas canisters causing horrific lethal injuries, live ammunition, deadly sniper attacks, and a string of assassination attempts. See: Human Rights Watch, *Iraq: Lethal Force Used Against Protesters*, 10 October 2019, <https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters> (accessed 24 May 2024); MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, <https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015> (accessed 24 May 2024); 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/> (accessed 24 May 2024); Amnesty International, *Iraq: End 'campaign of terror' targeting protesters*, 13 December 2019, <https://www.amnesty.org/en/latest/press-release/2019/12/iraq-end-campaign-of-terror-targeting-protesters/> (accessed 24 May 2024).

<sup>97</sup> MENA Rights Group, *Report on Iraq's implementation of the International Covenant on Civil and Political Rights since 2015*, 31 January 2022, <https://menarights.org/en/documents/report-iraqs-implementation-international-covenant-civil-and-political-rights-2015> (accessed 24 May 2024); 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/> (accessed 24 May 2024); Human Rights Watch, *"We Might Call You in at Any Time" Free Speech Under Threat in Iraq*, 15 June 2020, <https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq> (accessed 24 May 2024).

<sup>98</sup> See: CPJ, *Iraq media regulator orders closure of 12 broadcast news outlets*, 25 November 2019, <https://cpj.org/2019/11/iraq-media-regulator-orders-closure-of-12-broadcas/> (accessed 22 May 2024); PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, May 2021, <https://pfaa-iq.com/?p=5071> (accessed 22 May 2024).

<sup>99</sup> Among them, MENA Rights Group notably documented a dozen cases of enforced disappearances, including eight individuals who directly participated in protests between October 2019 and March 2020, two individuals who had provided medical assistance to protestors, two freelance photographers and one journalist covering the protests, one individual who had expressed support for the protests online, and one human rights lawyer who had represented several demonstrators arrested in connection with the protests. See: MENA Rights Group, *Four years on, peaceful Iraqi protesters remain missing*, 2 October 2023, <https://menarights.org/en/articles/four-years-peaceful-iraqi-protesters-remain-missing> (accessed 24 May 2024).

<sup>100</sup> See: 147.205 (Estonia); 147.203 (Japan); 147.202 (Italy); 147.201 (Greece); 147.200 (Czechia); 147.197 (Canada); 147.194 (Australia); 147.191 (United States); 147.190 (United Kingdom); 147.189 (Switzerland); 147.188 (France); 147.186 (Netherlands); 147.185 (Slovakia); 147.181 (Liechtenstein); 147.176 (Germany); 147.173

perpetrators of these violations largely remain unpunished. While authorities established a fact-finding committee and judicial investigative committees in each demonstration-affected governorate,<sup>101</sup> these steps have been undermined by the lack of public reports on the actions taken by the fact-finding committee, the limited progress made on investigations, and the fact that very few perpetrators have been prosecuted.<sup>102</sup>

Similarly, during protests in August 2020 in the K-RI,<sup>103</sup> authorities blocked internet access,<sup>104</sup> raided and closed down media outlets covering the demonstrations,<sup>105</sup> and deployed security forces to suppress the protests, leading to injuries and arbitrary arrests, detentions, and disappearances of activists and journalists.<sup>106</sup>

## Recommendations:

- Guarantee full respect for the right to peaceful assembly, in law and practice;
- Amend the Iraqi Penal Code and the K-RI's Law on National Security in line with international standards, and cease applying them to peaceful acts of free assembly;
- Conduct prompt, independent and effective investigations into the excessive use of force against protesters;
- Hold accountable officials alleged to have violated the rights of peaceful protesters and individuals in connection to peaceful protests;

---

(Canada); 147.167 (Republic of Korea); 147.161 (Slovenia); 147.156 (Slovakia).

<sup>101</sup> UNAMI, *Update on Accountability in Iraq: Limited progress towards justice for human rights violations and abuses by 'Unidentified Armed Elements'*, June 2022, [https://iraq.un.org/sites/default/files/2022-07/OHCHR%20UNAMI%20Update%20on%20Accountability%20in%20Iraq\\_12%20July%202022%20ENG.pdf](https://iraq.un.org/sites/default/files/2022-07/OHCHR%20UNAMI%20Update%20on%20Accountability%20in%20Iraq_12%20July%202022%20ENG.pdf) (accessed 29 May 2024).

<sup>102</sup> Committee against Torture, *Concluding observations on the second periodic report of Iraq*, 9 May 2022, UN Doc. CAT/C/IRQ/CO/2, para. 32.

<sup>103</sup> In August 2020, widespread protests erupted in the KR-I, mainly in Sulaimaniyah, Duhok and Erbil, demanding an end to corruption, better public services, and the payment of overdue salaries of government employees.

<sup>104</sup> The Washington Post, *Protests flare in Iraq's Kurdish north, adding new front in national crisis*, 12 December 2020, [https://www.washingtonpost.com/world/middle\\_east/iraq-kurdistan-protests-north/2020/12/12/72e75066-3be4-11eb-aad9-8959227280c4\\_story.html](https://www.washingtonpost.com/world/middle_east/iraq-kurdistan-protests-north/2020/12/12/72e75066-3be4-11eb-aad9-8959227280c4_story.html) (accessed 24 May 2024).

<sup>105</sup> For instance, Kurdish security forces raided broadcast media outlet NRT's offices in Duhok and Erbil in August 2020, as well as its headquarters in Sulaymaniyah in December 2020, and they were suspended, during a period when the media outlet was covering demonstrations occurring in parts of Sulaymaniyah. See: CPJ, *Iraqi Kurdish security forces raid NRT headquarters, suspend broadcasts*, 8 December 2020, <https://cpj.org/2020/12/iraqi-kurdish-security-forces-raid-nrt-headquarters-suspend-broadcasts/> (accessed 24 May 2024); CPJ, *Iraqi Kurdish authorities shutter NRT offices in Erbil and Duhok; 1 journalist still held*, 20 August 2020, <https://cpj.org/2020/08/iraqi-kurdish-authorities-shutter-nrt-offices-in-erbil-and-duhok-1-journalist-still-held/> (accessed 24 May 2024).

<sup>106</sup> Hundreds of individuals were arrested by security forces in Duhok governorate alone. Amnesty International notably documented the cases of 14 individuals from Badinan who were arbitrarily arrested, detained, and in some cases disappeared, by *Asayish* and *Parastin* forces, between August and October 2020. See: Amnesty International, *Kurdistan Region Of Iraq: Authorities Must End Protests-Related Repression*, 15 June 2021, <https://www.amnesty.org/en/wp-content/uploads/2021/07/MDE1442332021ENGLISH.pdf> (accessed 22 May 2024); The Washington Post, *Protests flare in Iraq's Kurdish north, adding new front in national crisis*, 12 December 2020, [https://www.washingtonpost.com/world/middle\\_east/iraq-kurdistan-protests-north/2020/12/12/72e75066-3be4-11eb-aad9-8959227280c4\\_story.html](https://www.washingtonpost.com/world/middle_east/iraq-kurdistan-protests-north/2020/12/12/72e75066-3be4-11eb-aad9-8959227280c4_story.html) (accessed 24 May 2024); Al Jazeera, *Iraq's Kurdish region is not a model for free speech*, 25 September 2020, <https://www.aljazeera.com/opinions/2020/9/25/iraqs-kurdish-region-is-not-a-model-for-free-speech> (accessed 27 May 2024).



- Ensure access to effective remedies and reparation for those whose rights have been violated in relation to their involvement in peaceful protests.

### 4.3.2 Right to freedom of expression

Iraq's legal framework imposes severe restrictions on free speech. Iraq's Penal Code<sup>107</sup> and Publications Law<sup>108</sup> penalise vaguely defined offences with imprisonment.<sup>109</sup> The 2024 “anti-LGBT law”<sup>110</sup> punishes “promoting homosexuality” with severe penalties.<sup>111</sup> In the K-RI, the Law to Prevent the Misuse of Telecommunications Equipment<sup>112</sup> abusively restricts internet use,<sup>113</sup> the Law governing matters of national security<sup>114</sup> is used to imprison journalists and critics,<sup>115</sup> and the Ministry of Culture and Youth's May 2023 directive<sup>116</sup> imposes arbitrary media regulations.<sup>117</sup>

<sup>107</sup> Law No. 111 of 1969, accessible here: [https://menarights.org/sites/default/files/2016-11/IRQ\\_Penal%20Code%201969%20as%20amended\\_eng.pdf](https://menarights.org/sites/default/files/2016-11/IRQ_Penal%20Code%201969%20as%20amended_eng.pdf) (accessed 9 July 2024).

<sup>108</sup> The 1968 Publications Law, accessible here: [https://menarights.org/sites/default/files/2016-12/IRQ\\_PublicationsLaw\\_1968\\_AR.pdf](https://menarights.org/sites/default/files/2016-12/IRQ_PublicationsLaw_1968_AR.pdf) (accessed 16 May 2024).

<sup>109</sup> The Penal Code, notably its articles 202, 210-212, 226, 227 and 229, 403, and 430-434, criminalises critiques of existing policies or officials, calling for political change, or expressing a range of other opinions, and punishes these offenses with disproportionate penalties going up to 10 years of imprisonment. The Publications Law provides for up to seven years of imprisonment for publicly “insulting” authorities or “inciting violence and civil disorder”.

<sup>110</sup> The “anti-LGBT” law was passed by the parliament on 27 April 2024 as an amendment to Iraq's existing Law No. 8 of 1988 on Combatting Prostitution.

<sup>111</sup> Iraq's 2024 so-called “anti-LGBT law” punishes “promoting homosexuality” with seven years of imprisonment and a fine between 10 million Iraqi dinars (US\$7,700) and 15 million dinars (US\$11,500). See: Human Rights Watch, *Iraq: Repeal Anti-LGBT Law*, 20 May 2024, <https://www.hrw.org/news/2024/05/20/iraq-repeal-anti-lgbt-law> (accessed 22 May 2024).

<sup>112</sup> Law No. 6 of 2008 to Prevent the Misuse of Telecommunications Equipment, accessible here: <https://legislation.krd/law-detail/?id=1774> (accessed 24 May 2024).

<sup>113</sup> The law prohibits using cell phones and email – or more broadly, the internet – to threaten someone, use profanities, spread misinformation, share images counter to public values, or share private information, even if that information is true. See: Human Rights Watch, *The KRG Needs to Listen to Critics, Not Arrest Them*, 15 June 2020, <https://www.hrw.org/news/2020/06/15/krg-needs-listen-critics-not-arrest-them> (accessed 24 May 2024).

<sup>114</sup> Law No. 21 of 2003 Repealing Article 156 of the Iraqi Penal Code No. 111 of 1969, accessible here: <https://legislation.krd/law-detail/?id=2374> (accessed 22 May 2024).

<sup>115</sup> See: CPT-IK, *The Badinan Prisoners: Updates and Biographies*, <https://cptik.org/bp-updates> (accessed 27 May 2024).

<sup>116</sup> Directive No. 1 of 2023 of the Ministry of Culture and Youth on media work in the Kurdistan Region, accessible here: <https://govkrd.b-cdn.net/Ministries/Ministry%20of%20Justice/Kurdish/%D8%A8%DA%B5%D8%A7%D9%88%DA%A9%D8%B1%D8%A7%D9%88%DB%95%DA%A9%D8%A7%D9%86%D9%88%DB%95%D9%82%D8%A7%D9%8A%D9%94%D8%B9%DB%8C%20%DA%A9%D9%88%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86/301-350/%D9%88%DB%95%D9%82%D8%A7%DB%8C%D8%B9%DB%8C%20%DA%A9%D9%88%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86%20%DA%98%D9%85%D8%A7%D8%B1%DB%95%20305.pdf> (accessed 23 May 2024).

<sup>117</sup> The directive tightened licensing procedures for K-RI-based media outlets, increased license fees, asserted control over what individuals in the K-RI could say on social media, and authorised the ministry to monitor published content and restrict the material outlets could broadcast. See: U.S. Department of State, *Iraq 2023 Human Rights Report*, <https://iq.usembassy.gov/wp-content/uploads/sites/103/2024/04/IRAQ-2023-HUMAN-RIGHTS-REPORT.pdf> (accessed 24 May 2024), pp. 30-31.

While some laws theoretically protect press freedom, such as the K-RI Press Law<sup>118</sup> and the Iraqi Journalist Protection Law,<sup>119</sup> they contain vague provisions<sup>120</sup> and are not adequately enforced.<sup>121</sup> The K-RI's Law on the Right to Information<sup>122</sup> faces practical implementation challenges.<sup>123</sup> In addition, the Iraqi draft laws on Freedom of Expression and Peaceful Assembly<sup>124</sup> and on Cybercrime,<sup>125</sup> as well as the K-RI's Bill on the Prohibition of Promoting Homosexuality<sup>126</sup> and general amnesty bill<sup>127</sup> excluding imprisoned journalists and political prisoners,<sup>128</sup> threaten further restrictions on free speech.<sup>129</sup>

<sup>118</sup> Press Law No. 35 of 2007, accessible here: <https://legislation.krd/law-detail/?id=1849> (accessed 22 May 2024).

<sup>119</sup> Journalist Protection Law No. 21 of 2011, accessible here: <https://iraqid.e-sjc-services.iq/LoadLawBook.aspx?SC=251020115230627>.

<sup>120</sup> See: Human Rights Watch, "We Might Call You in at Any Time" Free Speech Under Threat in Iraq, 15 June 2020, <https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq> (accessed 22 May 2024); Article 19, *Comment on Draft Journalist Protection Law of Iraq*, May 2011, <https://www.article19.org/data/files/pdfs/reports/comment-on-draft-journalist-protection-law-of-iraq.pdf> (accessed 22 May 2024).

<sup>121</sup> In practice, journalists and media professionals in Iraq are routinely targeted on the basis of defamation and other criminal offenses contained in other sets of laws, such as the Penal Code. See: Human Rights Watch, *Human Rights Watch Submission to the UN Human Rights Committee in Advance of its Review of Iraq*, 25 January 2022, <https://www.hrw.org/news/2022/01/25/human-rights-watch-submission-un-human-rights-committee-advance-its-review-iraq> (accessed 22 May 2024).

<sup>122</sup> Law No. 11 of 2013 on the Right to Information, accessible here: <https://legislation.krd/law-detail/?id=1507> (accessed 22 May 2024).

<sup>123</sup> While in theory, this law, which guarantees the right to access to information and transparency and aims to create a favourable environment for freedom of expression and broadcasting, should enable journalists to consult government offices to ask for information in view of guaranteeing the accuracy of their reports, journalists have reported significant challenges in obtaining information from government authorities in practice.

<sup>124</sup> The draft law on Freedom of Expression and Peaceful Assembly is accessible on the Iraqi Parliament's website, accessible here:

<https://iq.parliament.iq/law/%d9%85%d8%b4%d8%b1%d9%88%d8%b9%d8%a7%d8%aa-%d8%a7%d9%84%d9%82%d9%88%d8%a7%d9%86%d9%8a%d9%86-%d8%a7%d9%84%d8%ae%d8%a7%d9%85%d8%b3%d8%a9/?frm-page-357=1> (accessed 22 May 2024).

<sup>125</sup> The draft law on Cybercrime is accessible on the Iraqi Parliament's website, accessible here:

<https://iq.parliament.iq/law/%d9%85%d8%b4%d8%b1%d9%88%d8%b9%d8%a7%d8%aa-%d8%a7%d9%84%d9%82%d9%88%d8%a7%d9%86%d9%8a%d9%86-%d8%a7%d9%84%d8%ae%d8%a7%d9%85%d8%b3%d8%a9/?frm-page-357=6> (accessed 22 May 2024).

<sup>126</sup> Human Rights Watch, *A Push to Silence LGBT Rights in the Kurdistan Region of Iraq*, 7 September 2022, <https://www.hrw.org/news/2022/09/07/push-silence-lgbt-rights-kurdistan-region-iraq> (accessed 22 May 2024).

<sup>127</sup> See general amnesty bill here: <https://www.newarab.com/sites/default/files/2023-01/General%20pardon%20bill-KRG.pdf> (accessed 24 May 2024).

<sup>128</sup> Article 6 of the proposed law excluded from its scope offenses contained in the Law No. 21 of 2003 on national security and Law No. 3 of 2006 on Combating Terrorism, which have been used to charge, prosecute and detain journalists and activists in the K-RI. See: The New Arab, *Political prisoners excluded from Iraqi Kurdistan general amnesty bill*, 4 January 2023, <https://www.newarab.com/news/krg-excludes-political-prisoners-general-amnesty-bill> (accessed 24 May 2024).

<sup>129</sup> Amnesty International, *Iraq: Draft laws threaten rights to freedom of expression and peaceful assembly*, 18 July 2023, <https://www.amnesty.org/en/latest/news/2023/07/iraq-draft-laws-threaten-rights-to-freedom-of-expression-and-peaceful-assembly/> (accessed 22 May 2024).

Despite prior commitments,<sup>130</sup> over the last few years, HRDs, activists, and dissidents face increased targeting, including through enforced disappearances and judicial harassment, particularly in the aftermath of the October 2019 protests.<sup>131</sup> Women HRDs, in particular, have faced smear campaigns, abductions, and killings.<sup>132</sup> Online expression is severely restricted,<sup>133</sup> with artists and activists targeted through arrests, prosecutions, and sometimes killings.<sup>134</sup> The Ministry of Interior's "indecent content" campaign has led to numerous arrests and prison sentences for social media content deemed "immoral".<sup>135</sup>

In terms of press freedom,<sup>136</sup> Press Freedom Advocacy Association (PFAA)<sup>137</sup> has documented 373 violations perpetrated against journalists and media professionals and outlets in Iraq and the K-RI in 2019, 305 cases in 2020, 233 cases in 2021, 388 cases in 2022, and 256 cases in 2023.<sup>138</sup> According to Reporters Without Borders' 2024 annual World Press Freedom Index, Iraq is ranked 169<sup>th</sup> out of 180 countries.<sup>139</sup>

---

<sup>130</sup> Iraq supported the following recommendations to protect HRDs, to guarantee their freedom of expression and opinion, and to investigate all disappearances and death of human rights activists and bring perpetrators to justice: 147.198 (Chile); 147.193 (Argentina); 147.157 (Netherlands).

<sup>131</sup> See for instance: MENA Rights Group, *Human rights lawyer Ali Jaseb Hattab Al Heliji disappeared since arrest in Amarah on October 8, 2019*, 23 October 2019, <https://menarights.org/en/caseprofile/human-rights-lawyer-ali-jasib-hattab-al-heliji-disappeared-arrest-amarah-october-8-2019> (accessed 27 May 2024); UN Special Procedures, *Iraq: UN experts appalled by killing of disappeared human rights defender's father*, 26 March 2021, <https://www.ohchr.org/en/press-releases/2021/03/iraq-un-experts-appalled-killing-disappeared-human-rights-defenders-father> (accessed 27 May 2024).

<sup>132</sup> OHCHR, *UN experts call on Iraq to investigate attacks on women human rights defenders*, 2 October 2020, <https://www.ohchr.org/en/press-releases/2020/10/un-experts-call-iraq-investigate-attacks-women-human-rights-defenders> (accessed 30 May 2024).

<sup>133</sup> Iraq supported two recommendations to protect freedom of expression online: 147.205 (Estonia); 147.197 (Canada).

<sup>134</sup> Al Jazeera, *Iraqi TikTok star Om Fahad shot dead in Baghdad night attack*, 27 April 2024, <https://www.aljazeera.com/news/2024/4/27/iraqi-tiktok-star-om-fahad-shot-dead-in-baghdad-night-attack> (accessed 24 May 2024); CNN, *Prominent Iraqi TikToker fatally shot in Baghdad amid crackdown on LGBTQ community*, 28 September 2023, <https://edition.cnn.com/2023/09/27/middleeast/iraq-lgbtq-shot-intl/index.html> (accessed 24 May 2024).

<sup>135</sup> 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/> (accessed 16 May 2024).

<sup>136</sup> Iraq failed to implement the nine recommendations it supported pertaining to freedom of the press and of the media, and the protection of journalists and media professionals, including 2 recommendations specifically referring to the killings of journalists. See: 147.197 (Canada); 147.195 (Austria); 147.193 (Argentina); 147.188 (France); 147.186 (Netherlands); 147.185 (Slovakia); 147.183 (Maldives); 147.177 (Greece); 147.71 (Denmark).

<sup>137</sup> Press Freedom Advocacy Association (PFAA) is a non-governmental organisation composed by a group of Iraqi journalists and media professionals defending and monitoring human rights violations against journalists and media professionals. See website of Press Freedom Advocacy Association (PFAA) here: <https://pfaa-iq.com/>.

<sup>138</sup> See PFAA's annual reports on their website, accessible here: <https://pfaa-iq.com/?cat=10> (accessed 19 June 2024).

<sup>139</sup> RSF, *Iraq*, 2024, <https://rsf.org/en/country/iraq> (accessed 23 May 2024).

The Communications and Media Commission (CMC)<sup>140</sup> in Iraq imposes unlawful<sup>141</sup> restrictions on media,<sup>142</sup> including by issuing directives banning terms like “homosexuality” and “gender”,<sup>143</sup> retaliating against critical outlets,<sup>144</sup> and obstructing journalistic work.<sup>145</sup> Iraqi authorities have raided news outlets,<sup>146</sup> assaulted journalists,<sup>147</sup> and prevented coverage of protests.<sup>148</sup> The abolition of the specialised Publications and Media Court<sup>149</sup> in 2017<sup>150</sup> reduced

<sup>140</sup> The CMC is the regulatory body for broadcasting and telecommunications established by article 103 of the Iraqi Constitution, and is directly linked to the parliament, despite it being characterised as a “financially and administratively independent institution”. See: Human Rights Watch, “*We Might Call You in at Any Time*” *Free Speech Under Threat in Iraq*, 15 June 2020, [https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq#\\_ftn22](https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq#_ftn22) (accessed 20 May 2024).

<sup>141</sup> In April 2014, a senior CMC official admitted to Human Rights Watch that the CMC had no legal basis for suspending ten media outlets. See: Human Rights Watch, *World Report 2014*, 2014, <https://www.hrw.org/world-report/2014/country-chapters/iraq> (accessed 22 May 2024).

<sup>142</sup> The CMC’s guidelines, issued in June 2014 to regulate media “during the war on terror” before being updated and renamed the “Media Broadcasting Rules” in May 2019, restrict freedom of the press to the point of requiring pro-government coverage. For instance, article 1(2) of the guidelines forbids the media from broadcasting or publishing material that promotes the Baath party, promotes illegal acts that “may be interpreted as being against the security forces,” includes a statement from an opposition armed group or an interview with one of its members, targets the democratic process, or provokes conflict between parties or tribes or within society. See: Human Rights Watch, “*We Might Call You in at Any Time*” *Free Speech Under Threat in Iraq*, 15 June 2020, [https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq#\\_ftn39](https://www.hrw.org/report/2020/06/15/we-might-call-you-any-time/free-speech-under-threat-iraq#_ftn39) (accessed 22 May 2024).

<sup>143</sup> Amnesty International, *Iraq: Authorities must immediately reverse media ban on the terms “homosexuality” and “gender”*, 9 August 2023, <https://www.amnesty.org/en/latest/news/2023/08/iraq-authorities-must-immediately-reverse-media-ban-on-the-terms-homosexuality-and-gender/> (accessed 22 May 2024).

<sup>144</sup> For instance, in April 2020, the CMC suspended Reuters’ license for three months in addition to a fine of 25 million Iraqi Dinars (US\$21,000) for publishing an article alleging that the number of confirmed Covid-19 cases in the country was much higher than official statistics were stating. The CMC in its statement accused Reuters of relying on vague and untrue sources to fabricate news about Covid-19 in Iraq and of endangering public safety and hindering the government’s efforts to prevent the spread of the virus. Authorities lifted the suspension on April 19. See: Reuters, *Iraq has confirmed thousands more COVID-19 cases than reported, medics say*, 2 April 2020, <https://www.reuters.com/article/us-health-coronavirus-iraq/iraq-has-confirmed-thousands-more-covid-19-cases-than-reported-medics-say-idUSKBN21K2GQ/> (accessed 22 May 2024).

<sup>145</sup> The CMC routinely restricts or interferes with journalists and media professionals’ work, notably by banning them from publishing or broadcasting any opinions deemed critical of political parties and threatening them of denying their broadcasting license. Most of the media institutions that have been shut down were forced to do so because of their inability to pay large fines they had been arbitrarily imposed, and when the institutions close down, workers are frequently released without prior notice nor any financial compensation. See: PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, 18 May 2021, <https://pfaa-iq.com/?p=5071> (accessed 22 May 2024).

<sup>146</sup> In the beginning of the October 2019 demonstrations, armed and masked gunmen, some in military uniform, raided offices of the news outlets Al Arabiya, Dijlah, NRT, Al Hadath and TRT, stealing equipment and assaulting employees. See: CPJ, *Unidentified assailants raid 4 broadcasters in Baghdad, assault staffers*, 7 October 2019, <https://cpj.org/2019/10/four-baghdad-broadcasters-raided-staffers-assault/> (accessed 23 May 2024); Human Rights Watch, *Iraq: Lethal Force Used Against Protesters*, 10 October 2019, <https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters> (accessed 23 May 2024).

<sup>147</sup> In the context of the August 2022 demonstrations in Baghdad’s Green Zone by supporters of Iraqi Shiite cleric Muqtada al-Sadr after he announced his decision to retire from politics, Iraqi security forces arrested, assaulted, injured and confiscated equipment from journalists with local and international outlets covering the protests. See: CPJ, *Iraqi security forces assault, detain journalists covering Baghdad protests*, 31 August 2022, <https://cpj.org/2022/08/iraqi-security-forces-assault-detain-journalists-covering-baghdad-protests/> (accessed 23 May 2024); CPJ, *Iraqi journalists injured by security forces while covering Baghdad protests*, 2 August 2022, <https://cpj.org/2022/08/iraqi-journalists-injured-by-security-forces-while-covering-baghdad-protests/> (accessed 23 May 2024).

<sup>148</sup> In November 2019, the CMC ordered the closure of eight television broadcasters and four radio stations for

protections for journalists,<sup>151</sup> leading to increased repression under ordinary courts.<sup>152</sup> In the K-RI, journalists and activists critical of authorities endure intimidation,<sup>153</sup> arrests,<sup>154</sup> and unfair trials.<sup>155</sup>

## Recommendations:

- Guarantee and protect journalists, activists, HRDs and social media figures' right to freedom of expression, online and offline, in law and in practice, and immediately and unconditionally release those detained for the legitimate exercise of their freedom of expression;
- Amend Iraqi and Kurdish laws on free speech, press, demonstrations, and NGOs to meet international human rights standards;
- Amend the Penal Code and the laws on publications, anti-LGBTQ+, telecommunications, and national security to comply with human rights standards, and stop applying them to acts of peaceful expression;
- Revoke draft laws on freedom of expression and peaceful assembly, on cybercrime, on prohibiting the promotion of homosexuality, and excluding imprisoned journalists and political prisoners from a general amnesty;
- Conduct prompt, independent and effective investigations into the abuses committed against journalists, activists, HRDs and social media figures, ensure that the perpetrators are prosecuted and that the victims or their families receive full redress.

---

three months for allegedly violating media licensing rules as outlined in their guidelines, and issued a warning to five other broadcasters over their coverage of the October 2019 protests. See: CPJ, *Iraq media regulator orders closure of 12 broadcast news outlets*, 25 November 2019, <https://cpj.org/2019/11/iraq-media-regulator-orders-closure-of-12-broadcas/> (accessed 22 May 2024); PFAA, *Results of the survey of journalists and media-workers on the performance of the Media and Communications Commission*, 18 May 2021, <https://pfaa-iq.com/?p=5071> (accessed 22 May 2024).

<sup>149</sup> Established in July 2010, this court was competent in media, publishing, and press issues.

<sup>150</sup> The court was abolished in April 2017 due to a lack of a legal basis, as article 95 of the Constitution prohibits the establishment of special or extraordinary courts.

<sup>151</sup> PFAA, *Campaign Launched to Revive Publication Court in Iraq*, 12 April 2022, <https://pfaa-iq.com/?p=5934> (accessed 21 May 2024).

<sup>152</sup> Human rights organisations, including PFAA, argue that the specialised court offered greater protection for journalists, imposing at most fines rather than the lengthy prison sentences now possible under ordinary courts, and that this shift has resulted in increased repression of press freedom.

<sup>153</sup> Amnesty International, *Iraq: Authorities in the Kurdistan Region of Iraq must immediately end their assault on press freedom*, 2 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/iraq-authorities-in-the-kurdistan-region-of-iraq-must-immediately-end-their-assault-on-press-freedom/> (accessed 22 May 2024).

<sup>154</sup> Amnesty International, *Iraq: Authorities in the Kurdistan Region of Iraq must immediately end their assault on press freedom*, 2 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/iraq-authorities-in-the-kurdistan-region-of-iraq-must-immediately-end-their-assault-on-press-freedom/> (accessed 22 May 2024).

<sup>155</sup> In February 2021, five individuals among the so-called “Badinan prisoners”, including three journalists, Sherwan Sherwani, Eyaz Karam and Guhdar Zebari, and two activists, were sentenced to six years in prison. Based on proceedings marred by serious violations of fair trial standards as well as high-level political interference, they were all found guilty of “espionage” and “conspiracy to commit acts that destabilise national security and stability”. See: CPT-IK, *Freedom of Expression Under Threat*, 6 March 2021, <https://cptik.org/reports/2021/3/3/freedom-of-expression-under-threat> (accessed 22 May 2024).

### 4.3.3 Right to freedom of association

Despite Iraq's support for recommendations to protect freedom of association,<sup>156</sup> existing laws protecting this right<sup>157</sup> are undermined by the restrictive practices of the Iraqi federal Department of NGOs<sup>158</sup> and the KRG's Department of Non-Governmental Organisations.<sup>159</sup> These departments impose increasing restrictions and cumbersome registration processes on NGOs, including control over internal structures and mandates, and threats of closure for activities deemed compromising to "security" or "social norms".<sup>160</sup> NGOs working on human rights and LGBTQ+ rights have been particularly targeted in the K-RI, leading to closures and arrests.<sup>161</sup>

#### Recommendations:

- Guarantee and protect the right to freedom of association, in law and in practice;
- Guarantee the establishing of associations upon notification.

---

<sup>156</sup> Supported: 147.202 (Italy); 147.194 (Australia); 147.189 (Switzerland); 147.185 (Slovakia).

<sup>157</sup> The K-RI Law No. 1 of 2011 on Non-Governmental Organisations, accessible here: <https://legislation.krd/law-detail/?id=1870> (accessed 24 May 2024); the Iraqi Law No. 12 of 2010 on Non-Governmental Organisations, accessible here: [https://www.icnl.org/wp-content/uploads/Iraq\\_12-2010-En.pdf](https://www.icnl.org/wp-content/uploads/Iraq_12-2010-En.pdf) (accessed 9 July 2024).

<sup>158</sup> See website of the Iraqi federal Department of NGOs, accessible here: <https://www.ngoao.gov.iq/> (accessed 27 May 2024).

<sup>159</sup> The Kurdistan Regional Government's Department of Non-Governmental Organisations is an official body responsible for registering, organising, and monitoring all non-governmental organisations in the region. See their website here: <https://gov.krd/dngo-en/> (accessed 22 May 2024).

<sup>160</sup> NGOs are reportedly subjected to overly lengthy and cumbersome procedures with short deadlines, and authorities can dictate their internal structure, mandate, and even their choice of name. One NGO has reported that the NGO Department requires from NGOs the submission of annual financial reports since the date of establishment until the present day, as well as the approval of the reports by the Board of Financial Supervision or the Accountants Syndicate, within a 10-day deadline. An official from the NGO Department reportedly told one NGO that Iraq was already "enjoying democracy and human rights" and questioned the "need and benefit" of registering an organisation focused on those matters. See: U.S. Department of State, *Iraq 2023 Human Rights Report*, <https://iq.usembassy.gov/wp-content/uploads/sites/103/2024/04/IRAQ-2023-HUMAN-RIGHTS-REPORT.pdf> (accessed 24 May 2024), p. 36.

<sup>161</sup> In May 2023, a court ordered the closure of Rasan Organisation over "its activities in the field of homosexuality", because its rainbow-coloured logo, stating that the latter was "a complete expression of its activities in the field of homosexuality". Local police then issued arrest warrants for 11 LGBT rights activists associated with Rasan. See: Human Rights Watch, *Kurdistan Region of Iraq: LGBT Rights Group Shuttered*, 6 July 2023, <https://www.hrw.org/news/2023/07/06/kurdistan-region-iraq-lgbt-rights-group-shuttered> (accessed 22 May 2024).

MENA Rights Group is a Geneva-based legal advocacy NGO, focusing on the protection and promotion of fundamental rights and freedoms in the Middle East and North Africa. Adopting a holistic approach, we work at both the individual and structural level. We provide legal counselling to victims of human rights violations through recourse to international law mechanisms. In addition, we assess the human rights situation on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.