

PIHN 

المدافعون عن حقوق الانسان في العراق





**Annual report to monitor the
condition of human rights
defenders in Iraq**

July/June 2023-June 2024

Campaign: "Protect Iraqi Human Rights
Defenders now"

Index

Executive Summary.....	4
Methodology.....	6
Human Rights Defenders.....	7
The political landscape and the decline of Democracy.....	9
The reality of human rights and the process of democratisation.....	17
Restrictions on freedom of opinion and expression.....	25
Right to peaceful association and demonstration.....	28
The arbitrary deprivation of life.....	30
Impunity.....	32
Legislative authority and restrictions on freedoms.....	34
Abuse of judiciary powers.....	37
Harassment against Civil Society Organizations.....	40
Human Rights Defenders in Kurdistan.....	43
Recommendations.....	46

Executive Summary

This report comes as a part of a series of periodic reports issued by the campaign “Protect Iraqi Human Rights Defenders Now”. The campaign works to monitor and document violations to which human rights defenders are exposed to on an ongoing basis through the efforts of a team of male and female researchers verifying all published and received reports of cases of violations all across Iraq. Other reports will be released periodically to highlight the condition of human rights defenders, as well as working with civil society partners and official institutions to provide support to defenders and improve the human rights environment in Iraq.

Throughout the period of interest for the compilation of this report (july/ june ۲۰۲۳-june ۲۰۲۴), the human rights situation in Iraq has deteriorated due to the Government’s restrictions of freedoms, to the continuous attempts to restrict civic spaces and to the campaigns launched by Government agencies and other government-supported actors against human rights defenders, civil society activists and journalists. The situation has also worsened as a result of the political disputes that hit the country after the formation of the government of Mohammed Shia al-Soudani and the Parliament’s vote of confidence on the ۲۷th of October ۲۰۲۲, following the withdrawal of the “Sadrist block” from Parliament. The conflict between the forces that formed the government and the withdrawing and opposition forces assumed a violent tone, and several Iraqi Governorates, especially the governorates of central and southern Iraq, witnessed frequent security tensions and armed clashes. The volatile security situation has significantly affected civilian activity, due to the fear of retaliations that could affect opinion holders and Human Rights Defenders.

This report documented approximately ۵۰ cases of human rights violations, many of which are categorised as serious violations, exercised by the federal government, the Kurdistan Regional Government, the legislative authority, the judiciary and the armed groups. These violations included: arbitrary deprivation of life, arbitrary arrest and detention, restrictions on the right to peaceful protest, the use of force against protesters, restrictions on freedom of opinion, of expression, of media outlets and of media professionals, fraudulent lawsuits, prosecutions against civil



activists and Human Rights Defenders, issuing regulations restricting the work of the journalist, restricting access to some websites and some social media platforms and other violations documented in this report in its different sections.

On the other hand, the government has not dealt seriously with human rights violations, it did not take firm and effective measures against the perpetrators of the violations, nor provided reparations to victims nor guaranteed that such violations will not be repeated in the future. The relevant government organisations have ordered a number of investigations about several violations that occurred, especially about the assassinations of civil activists, protesters and a number of public figures; however, government agencies often avoided publicising the results of the investigations and have not transparently shared the proceedings of these investigations to the public. Repeated impunity has encouraged perpetrators of violations to commit further violations of human rights.

Methodology

This report covers violations against Human Rights Defenders in Iraq over one year (July ۲۰۲۳ - June ۲۰۲۴). Our team of researchers and observers worked to monitor violations by consulting content published on social media and human rights websites. Data monitored through social media websites is subject to a verification process that includes direct contact and interviews with human rights defenders who were victims of violations. Researchers conducted in-person and remote interviews.

The team of researchers conducted the interviews between February ۲۰۲۴ and May ۲۰۲۴. Violations included criminal charges, threats, arrests and the use of disproportionate force. The team of researchers reviewed the official documents related to the cases of criminal charges and proceedings against journalists, activists and Human Rights Defenders at the hands of people holding positions of responsibility or by official entities and organisations.

Consultation has been made, during the monitoring and research period, with legal experts and Civil Society Organizations to get legal advice in relation to the cases presented before the Courts and targeting activists, Human Rights Defenders and lawyers, to ensure the appropriateness of the actions taken and the interpretations of the legal articles on the basis of which activists, defenders and journalists are prosecuted.

Researchers also tried to reach out to official bodies to seek clarification on some cases and practices perpetrated against human rights defenders, activists and journalists. However, responsiveness was poor and in many cases non-existent.



Human Rights Defenders

The term 'human rights defender' refers to those individuals who prioritise the defence of human rights individually or in groups and teams to promote and protect human rights by exposing human rights violations and by collaborating with stakeholders to address them, to hold perpetrators accountable and to work towards reforms that will prevent these violations from being repeated in the future.

Human Rights Advocates believe that promoting a culture of human rights and strengthening them at the level of politics, convictions and behaviours is the main guarantor of stability, development and prosperity for societies. It is also a cornerstone of democratic systems, as Democracy at its core is individual and collective freedom in expressing their beliefs, opinions and practising this by all available means without fear of repression, or persecution, violence or vilification by the State or the community. Human Rights Defenders also work to ensure that all members of society enjoy all civil and political rights, as well as to promote and protect social, economic and cultural rights.

Working to promote a broad network of rights in regions that are affected by different circumstances and subject to various contexts is at the heart of Human Right Defenders' action. It also gives to human rights defenders' activity the highest importance, even to the point of contributing to development processes, conflict prevention, reconciliation and peacebuilding in internally divided countries and stable states alike.

The process of gathering information, of reaching out to victims of human rights violations and of reporting cases of violations is an essential aspect of the work of human rights defenders. Human rights defenders may use different methodologies to address cases of violation and ensure they are not repeated, such as lobbying campaigns, mobilisation to draw public attention to a particular human rights issue, putting pressure on official organisations to address them and conduct institutional and policy changes to ensure they are not repeated in the future. Issuing periodic reports that monitor the reality of human rights and the situation of human rights defenders is also a mechanic and one of the most important means of pressure and attention.

The role of human rights defenders does not stop at exposing violations and report them, It also includes supporting victims of human rights violations by providing various types of assistance, including psychological and legal support, the work to rehabilitate victims and reintegrate them into society, as well as lobbying to repair the damage caused by the violation, guarantee non-recurrence by ensuring accountability for the perpetrators of violations and institutional reforms with human rights principles and concepts as their foundation.

There is no specific definition of who is a human rights defender or which qualities a person should have to be a human rights defender, on the contrary, there are several definitions and each side, or perhaps each person, can offer a different understanding of what a human rights defender is and of the roles they perform in society. The Declaration on Human Rights Defenders published in 1991, provides a general definition in the fourth preambular paragraph as “Individuals, groups and associations that contribute to the effective elimination of all forms of human rights violations and to the promotion of fundamental freedoms of peoples and individuals”. (1)



The political landscape and the decline of Democracy

After a year of intense political conflict between the Sadrist block, which won 6th seats in the parliamentary elections organised by the government of the former Prime Minister Mustafa Kadhimi on the 1st of October 2011, and the political parties united under the name “Coordination Framework”, the Sadrist bloc withdrew from the Iraqi Parliament on the 10th of June 2012, a green light for the forces and parties of the Coordination Framework to nominate Mohammed Shia Al Sudani for the position of Prime Minister. The Iraqi Parliament voted to give confidence to Al Sudani’s government on the 15th of October 2012; however, the vote on Al Sudani’s government and the assumption of its duties was nothing but a continuation of the conflict already existing, between the “Sadrist Movement”, whose adherents especially at its popular base felt injustice for not being able to form a government that was perceived as their right, and between other political parties opposed to Al-Sadr, especially the Coordination Framework parties.

This conflict has often taken a violent form through armed clashes which occurred between the Sadr-affiliated armed faction and the armed faction affiliated with the Coordination Framework parties, especially in the capital Baghdad and some of the governorates of central and southern Iraq, and it also led to assassinations that targeted people on both sides of the conflict. This conflict has greatly affected the security situation and the economic and living conditions in the governorates in which both parties have influence, with the government’s apparent inability to deal with events of this nature, often politically motivated and justified in terms of maintaining the status quo and not touching the centres of power and influence, but with an undercurrent fear of retaliation. Many of them possess weapons that official state agencies cannot control and regulate, in addition to thinking about the political consequences of confronting these groups and its implications for the desire of these parties to support the political parties.

In addition to the traditional conflict between rivals, a different kind of conflict began to emerge during the formation of Al-Sudani’s government due to the rivalry between these forces and parties in order to win the ‘political quotas’ they aspire to, which are translated into a number of

ministries on the field, agencies, autonomous bodies and directorates; However, this conflict began to take a clearer form immediately after the formation of Al-Sudani's government, between the same parties whose alliance played a key role in forming the government and that gave it the vote of confidence, since an internal struggle began between the parties of the Coordination Framework for influence, resources and access to investment opportunities, competition for business start-ups expanding the role of economic committees to exploit a political reality in which these forces impose near-absolute control and influence over state institutions and resources.

At the same time, the government's economic policies have been ineffective in terms of investing oil revenues in the development process, in diversifying the economy and in maximising state-resources and thereby in creating job opportunities for a large segment of job seekers addressing the unemployment crisis and improving the living conditions, which was one of the main reasons that led to the popular protests in October 2019. The government has continued its policy of indiscriminate recruitment to avoid the anger of groups of protesters and to ensure that the protest would not expand to other social groups, without any government strategies and plans to deal with the unemployment crisis and the repercussions of the massive increase in employment in the public sector. Some reports, based on government data, have indicated that during the first week of 2020, the government launched a new set of decisions that included the largest recruitment process in the Iraqi state since 2009. The Prime Minister issued a directive to hire more than 300,000 people in government-jobs as part of the so-called 'contractors'. The question of employment was also not far apart from the competition between political parties, through the use of state resources to gain loyalties and secure electoral votes in an easy way.

The period after the formation of the current Iraqi government headed by Mohammed Shiya Al-Sudani witnessed an increase in the intensity of the rhetoric directed against different segments and groups of Iraqi society and an increase in the tone of accusation and denigration, which may often culminate into direct and clear hate speech against specific social groups or regions through visual, audio and print media, as well as social media.



This phase was also characterised by extremism in taking sharp positions, even at the official level, which could often harm the country's interests, diplomatic relations and image before the world. However, internal competition has led many parties to exaggerate their positions and behaviours in order to achieve political and popular support at the expense of other parties.

On the 18th of December 2013, the Independent High Electoral Commission organised the elections for the provincial councils that are not linked to a region. The Sadrist movement did not participate in these elections and continued its boycott; other forces boycotted these elections in protest against the electoral law and the fairness of the electoral competition and many youth forces and personalities found that participating in elections that adopt the same old formulas is a perpetuation of the behaviours and practices that the political process has followed since 2003, which had pushed demonstrators out in October 2019 to correct them and find alternative formulas and a clear legal framework to prevent the recurrence of confrontations, political tensions and stumbling blocks in the formation of local governments that have marked the formation of previous federal or local governments.

Despite all the objections, the local elections were held as scheduled and the Electoral Commission announced that the voter turnout in these elections amounted to 58.8%, after calculating the number of voters in comparison to the number of those who renewed their electoral cards, and not in comparison to those who were granted the right to vote by the constitution and the law. The low turnout has reopened the debate in media, political and popular arenas regarding the legitimacy of the elections and the legitimacy of the resulting formation of provincial councils and the election of governors.

The results of these elections helped some of the forces that achieved a clear victory in some governorates to move forward with the process of electing governors smoothly and in record time; however, the process of electing governors has been hampered in other governorates characterised by a diverse social structure and the provincial councils in Diyala and Kirkuk governorates have not succeeded in electing new governors at the time of publishing this report.

In its ministerial programme presented by the Prime Minister, the Iraqi government committed to amending the parliamentary election law within three months, and early elections to be held within a year. However, the government has not fulfilled its commitment to open a national-level dialogue to discuss the results of the political process in its current version, nor the work to expand political participation and ensure multiparty pluralism based on providing fairer opportunities for new forces and movements, especially for young people who want to enter the political arena. This would lead to early elections within a period not exceeding a year from the date of voting on the Sudani government in the Iraqi parliament. At the end of the first half of ۲۰۲۳, talk of early elections began. Some political forces and currents are concerned about the growing influence of the current prime minister and his political ambition to continue for a second term, especially after implementing a number of infrastructure and rehabilitation projects, which received media coverage and promotion on social media. Other political forces also found that holding early elections would be a way out to solve the crisis of choosing a new speaker of parliament after the Federal Court's decision to end the membership of former Speaker Mohammed al-Halboosi on 1۳ November ۲۰۲۳, as well as the return of the Sadrist movement to the political process, as some find that its withdrawal from them has created an imbalance in representation and political balance in the country. The formation of new political parties capable of conducting public activity, attracting the public through an inclusive discourse and realistic political, economic and social programmes, and participating effectively in elections faces several obstacles; the situation has become more complicated after the parliamentary elections in ۲۰۲1 and the formation of the current government headed by Sudani, as many of the political and armed forces that were previously operating in the shadows have increased their influence and have become participants in parliament and the government, giving them a greater ability to implement exclusionary policies through the use of official channels, narrowing the space for political action and the possibility of having multi party pluralism through the use of state resources.

In addition to the above, the rampant administrative and financial corruption in state institutions is an obstacle to the emergence of new forces and parties that do not enjoy the support of one of the influential



or power-participating forces, as those who wish to register a new party must pay large sums of money for what is called 'name assignment', i.e. the approval of the party's name by the relevant department in the Electoral Commission, and also pay additional sums of money, not stipulated in the law, to facilitate the registration procedures of the new party, otherwise the registration procedures will take a long period of time that may reach a year, and there is no doubt that these procedures are a clear violation of the Parties Law No. ٣٦ of ٢٠١٥, which was approved by the Iraqi parliament at the time following a wave of popular protests that broke out in the country, one of whose demands was to approve and implement fairer procedures that allow independent youth movements to form political entities through which they can practise political work and participate in elections.

The lack or weakness of trust between different political parties and forces, the absence of clear policies and rules governing political action, the multiplicity of power and decision centres, the overlapping of powers between constitutional authorities or the attempt by some authorities to expand at the expense of other authorities at times, the denial of basic societal forces of their right to be politically represented, and the weakness of mechanisms that help to integrate different community and civil actors in the decision-making process, all these and other factors led to a state of political instability that resulted in a decline in the democratic building process and human rights reality in Iraq, which we will address in the following sections.

The reality of human rights and the process of democratisation

Although more than a year and a half has passed since the formation of the government of Mohammed Shiḡa al-Sudani, who previously served as Minister of Human Rights, the human rights situation in Iraq is witnessing a decline, and many human rights issues are still timidly addressed, especially violations whose victims are waiting for justice and redress and for a comprehensive process to review legislation and policies and address their structural causes to minimise the possibility of recurrence in the future.

In the eighteenth paragraph of his ministry's government platform, Al-

Sudani pledged to protect and promote human rights, qualify ways to comply with international human rights conventions, and form a legal team to investigate the killing of protesters and hold perpetrators accountable. (f) However, these commitments remained on paper and were not translated into real actions on the ground, and the Iraqi government did not take serious steps to start implementing these commitments, despite the fact that in November 2011, the Iraqi government allocated an email address to receive complaints from those who were subjected to violations such as torture and forced confessions, and the number of complaints received reached

The Iraqi government did not fulfil its pledge to investigate the human rights violations, killings, enforced disappearances and excessive use of force against protesters that accompanied the October 2019 protests, despite the admission by the relevant government agencies that 137 protesters were killed, at least 70,000 others were injured, and kidnappings and assassinations of prominent figures of the protest movement in central and southern Iraq aimed at suppressing the protest movement, specifically during the first six months of the protest movement's outbreak.

The practice of hate speech, incitement and violence has a fundamental and direct impact on the destabilisation and deterioration of the human rights situation in any country, and even creates the appropriate ground for official and unofficial power centres to practise violations against opinion holders, political opponents and activists, as the systematic media momentum of hate speech gives justification for the practice of violence and creates a state of 'social acceptance' of this practice against the weaker groups in society, and the danger of this speech increases when some parties are willing to take a step towards the other, against whom hate speech is practised, and turn this speech into violent action on the ground.

Activists, journalists and human rights defenders were subjected to organised and systematic hate speech and incitement during the post-2019 period. This speech increased in intensity and organisation shortly after the formation of the Sudanese government due to the clear tendency of many parties and groups participating in power to empty the arena of



opposition voices and pressure to reduce civil and human rights activity and bring the country under unilateral control, eliminating the natural role that civil society actors should play in any pluralistic, democratic society.

Hate speech has gone beyond the targeting of civil activists and human rights defenders and has reached the stage where some members of the Iraqi parliament appear on satellite channels and direct speeches that violate the religious beliefs of large segments of Iraqi society, as well as the chanting of 'sectarian slogans' during marches organised by some influential parties in different regions, especially in areas where groups from different religious and cultural backgrounds coexist.

Many human rights defenders and activists, especially women and youth, have been subjected to systematic defamation campaigns by satellite channels and social media pages. This discourse had negative effects on the personal security of the activists and human rights defenders who were exposed to this discourse, as well as social stigmatisation, especially in areas with a conservative social character. The hate speech and defamation campaigns against activist and human rights defender Manal Hamid through fake pages on social networking sites during April ۲۰۲۳, which focused mainly on her being a woman who interacts with public affairs and defends women's rights, is an example of the systematic nature of these campaigns, their goals, and the parties behind them.

The continuation of human rights violations and the targeting of human rights defenders, civil activists and opinion holders, which has begun to take on a systematic and widespread pattern practised by official and non-official entities that enjoy government support, indicates a dangerous situation that threatens one of the pillars on which democratic systems are based, namely respect for human rights and control of the policies and practices of various state institutions in line with human rights standards and international humanitarian law. What raises concern and fears is that the Iraqi government, which promised in its government programmes to investigate human rights violations, hold perpetrators accountable, and achieve justice for victims, has neglected the violations and avoided opening these files, which include serious violations, and has even treated the human rights violations that occurred during the past 18 months of its mandate with cynicism.

Turning a blind eye and tolerating the perpetrators of violations and repression of freedom of opinion and expression and using some articles of the law arbitrarily is a violation of the Iraqi Constitution issued in ۲۰۰۵, which guarantees in many of its articles and paragraphs the basic freedoms of citizens, including Article ۳۸, which guarantees freedom of opinion and expression by all means without restriction or condition and without reference to the enactment of a law to regulate it. This government behaviour is also a retreat by the Iraqi state from its international obligations as a member of the United Nations and the moral obligation imposed by this membership to the Universal Declaration of Human Rights and the two international covenants and international agreements.

In the subsequent sections of this report, we will focus on violations against human rights defenders, opinion holders and civil activists, and will focus on the period from June ۲۰۲۳ to June ۲۰۲۴.



Restrictions on freedom of opinion and expression

The Iraqi Constitution guarantees freedom of opinion and expression, including the freedom to practise journalism without violating public order and morals. Despite the existence of explicit legal provisions guaranteeing this right, human rights defenders, activists, journalists and media organisations have faced various forms of intimidation, arrest, defamation and various forms of pressure from official bodies and other bodies with government cover, which put great pressure on human rights defenders, opinion leaders and journalists, and generated a constant fear of being exposed to worse, due to the exercise of their work and fulfilment of their social roles.

'Criticism' and exposing facts to public opinion is the essence of journalism, and monitoring, documenting and exposing violations to public opinion and working to improve the human rights situation is the essence of the work of human rights defenders; but the fear of reprisals has dominated many who work in the public sphere and led them to minimise or avoid publicly criticising the government, giving media outlets and social media platforms associated with political parties or owned by businessmen with economic interests with government entities the opportunity to dominate the media scene, direct public opinion and gloss over every action taken by the government, no matter how important it may be. The phrase 'without prejudice to public order and morals' gives the legal text a genericness that the authorities may use to restrict freedom of opinion and expression and suppress opinion holders.

The harassment of activists, journalists and human rights defenders through the filing of malicious lawsuits against them has led to a tightening of the noose on freedom of opinion and expression and a reduction in the space for civic activity. The Tishreen Movement activists had the largest share of these lawsuits, which were apparently intended to punish them and intimidate others who are thinking of exercising their right to demonstrate and protest.

The legal articles related to 'defamation' and 'slander' in the Iraqi Penal Code No. III of 1979 are among the most common legal articles used to suppress freedom of opinion and expression. The Iraqi judiciary has issued

several arrest warrants in defamation cases at the urging of political parties and government figures to punish and silence activists, journalists and human rights defenders. The arbitrary use of these legal articles has prompted many human rights defenders and organisations concerned with the maintenance and preservation of freedoms, especially freedom of opinion and expression, to call for a review of these articles in the Iraqi Penal Code and their replacement with new legislation that is consistent with the spirit of the Iraqi Constitution and democratic values. Perhaps the lawsuit filed in October ۲۰۲۲ by Prime Minister Mohammed Shiḡa Al Sudani against politician and media personality Mohammed Naḡna accusing him of defamation, after the latter stated on a satellite channel that Al Sudani is 'hostage to some political parties and cannot leave them', represents a good example of this.

Successive Iraqi governments have often resorted to blocking Internet service during popular protests, from ۲۰۱۱ until the popular movement in October ۲۰۱۹, in order to prevent protesters from communicating and organising themselves, as well as preventing the transmission of news of the protest movement and the diffusion of photos and videos through social media. The current government headed by Mohammed Shiḡa Al Sudani, in the span of one year from June ۲۰۲۳ to June ۲۰۲۴, blocked several news websites and channels on YouTube and Telegram without legal justification and for reasons related to the political stance of these websites' owners, but also blocked journalists and opinion holders who had manifested criticism of the government's performance or were shedding light on files of administrative and financial corruption.

The issue of so-called 'low-brow content' is still raging, and arrests are continuing against a number of content creators, some of whom have received swift prison sentences. These judicial rulings were based on Articles ۴۰۳ and ۲۲۱ of the Iraqi Penal Code No. ۱۱۱ of ۱۹۷۹, which relate to 'criminalising offending public taste' and 'insulting state institutions and their employees.' The lack of a clear interpretation of these legal articles makes them a source of concern for many activists, journalists and human rights defenders, as it is very likely they could be deliberately used at any time to muzzle people; in particular, the sentence 'insulting state institutions and their employees' could be easily abused to discredit anyone who criticises the work of official institutions or the performance of their employees.



In March 2018, the Iraqi government sent a draft law to the House of Representatives entitled 'Freedom of Expression and Peaceful Demonstration', which is among a series of draft laws sent by successive governments that have always been rejected by human rights organisations and associations and human rights defenders. However this draft, and its title, reveals that there is a common desire by the executive and legislative authorities to enact a law regulating the right to freedom of expression: a clear violation of the Iraqi Constitution, and Article 38 of it specifically, whose paragraph (I) states that 'the state guarantees freedom of expression by all means'. Paragraph (II) also stipulates that 'the State guarantees freedom of the press, printing, advertising, information and publication', without indicating, in the same constitutional text, that these rights must be regulated by law, unlike paragraph (III) of Article 38, which stipulates that 'the State guarantees freedom of assembly and peaceful demonstration and shall be regulated by law', meaning that the enactment of the law, according to the constitutional text, must include only the freedom of assembly and peaceful demonstration. Thus, the government and the Council of Representatives' approach to enacting a law regulating the right to freedom of expression is a clear violation of the Iraqi Constitution; this approach stems from the will and desire of the majority of political forces to restrict freedoms, especially the freedom of opinion and expression.

In its report published on 3 May 2018, on the occasion of World Press Freedom Day, the Association for the Defence of Press Freedom in Iraq documented 333 violations against journalists during the year, including 62 cases of detention and arrest, 7 injuries, 18 armed attacks, 132 cases of prevention, obstruction and beating, as well as 11 lawsuits filed against journalists, in addition to 8 other separate cases.

According to the 2018 World Press Freedom Index, released by Reporters Without Borders, Iraq ranked 179th in the world for press freedom out of 180 countries, down two places from last year 2017, when it ranked 177th globally.

The following are some of the violations of the right to freedom of opinion and expression for the period from June 2017 to June 2018 that the research team monitored and verified:

Security forces in Dhi Qar arrested civil activist Larry Abbas on 1 July 2013 while he and a group of activists were carrying out a cleaning and graffiti campaign in the streets, and Ali Abbas was beaten during the arrest process. His arrest was carried out without an arrest warrant or a legal basis to justify it, and he was placed in the Dhi Qar Intelligence Directorate. Ahmed Abbas, Larry's brother, told Shafaq News, 'My brother was born in 1980, and within his community activities, he painted a mural of the late popular poet Arian al-Sayed Khalaf on one of the walls adjacent to the lobby of the Nasiriyah municipality. He added, 'This initiative was considered by some as glorifying the banned Baath Party and that my brother had actually painted a picture of Saddam Hussein on the wall.' Abbas confirmed, 'My brother was tortured inside the Intelligence Division and false confessions were extracted from him.' The activist was released two days after his arrest on 12 July 2013 after he signed a pledge not to clean, paint and glorify Baath Party slogans again, after his family held a protest in the centre of Nasiriyah city to demand his release and to apologise to him. (3)

On 3 October 2013, a group belonging to an armed faction surrounded the Baghdadia TV building in Baghdad, and attempted to storm the channel's headquarters in response to satirical comments made by the channel's presenter, journalist Ali Al Dabhawi, in which he criticised the leader of the armed group. As a result of these comments, the journalist was kidnapped, beaten and treated inhumanely before being released a few days later.

On 18 November 2013, the Iraqi government blocked the 'Ultra Iraq' news website without issuing a statement explaining the reasons for the blocking, without going through the official and legal process, nor was a warning given to the media outlet to correct any violation of laws and regulations, or informing those in charge in advance about the order issued. (4)

After his political show 'Biwadu' ("Clearly"), on Zacro channel, was suspended several times by the Information and Communications Commission under the pretext that it contained 'serious violations of the media broadcasting rules', journalist and presenter Mohammed Jabbar revealed in press statements to 'The New Arab' website on 1 December



٢٠٢٣ that he was denied the renewal of his passport by a political decision, three months after the suspension of his show. Jabbar added that 'a number of arrest warrants were issued against him during the past period, and he appeared in front of the judiciary several times, but there are other arrest warrants issued against him that have not been reported by the courts'. The journalist considered that the refusal of the concerned institution to renew his passport is a step towards revoking his Iraqi citizenship. He also revealed that he has been subjected to several threats from armed groups because of his exercise of his journalistic role. He also considered that the government led by the Coordination Framework coalition is practising a process of killing freedom of opinion and expression by intimidating journalists and depriving them of their constitutional rights. (٦)

On ١٨ January ٢٠٢٤, the Information and Communications Authority (ICA) issued a directive banning the appearance of journalist and political analyst Imad Baglan in the Iraqi media for a period of two months. The ICA justified this decision by the journalist's violation of the media broadcasting rules, which include 'preventing incitement to violence and hatred', 'decency, morality and public taste' and 'accuracy and integrity in the transmission of information'. However, the ICA did not clarify the statements issued by the journalist that violated the rules mentioned in the banning decision, and the generality of many articles of the media broadcasting rules gives wide space for the ICA to hold journalists and administrators accountable. (٧)

During the consultation session held by the Anbar Provincial Council on ٥ February ٢٠٢٤ to elect the governor and his two deputies, the Anbar Provincial Council dealt selectively with the media, as it prevented a number of satellite channels and journalists from entering the consultation hall to carry out their journalistic mission. In a video clip published on social media, a journalist talked about being prevented from entering the hall with a number of other journalists, while only Al Iraqiya, Al Sharqiya, Al Arabiya and Anbar channels were allowed to enter. (٨)

Closure of the 'Hada al-Ayam' channel. The channel, owned by researcher and journalist Dr Hamid Abdullah on the YouTube platform, was closed on ١٢ February ٢٠٢٤, two hours after the broadcast of an episode in which

Dr Hamid announced that the President of the Republic Abdullatif Rashid seized a house belonging to the state when he was the Minister of Water Resources, and rented the house for a sum of money from which he personally benefits until now.

The closure of the channel in such a quick and sudden manner violated YouTube's policies, which require three warnings to the channel within a period of up to 90 days. In a television interview on the 'Fi-I Mutanawal / In Reach' programme on Iraq ٢٤, Dr Hamid suggested that 'this quick closure may be due to pressure from influential political parties in Iraq.' Dr Hamid Abdullah founded a YouTube channel named "Tilka al-Ayam", to discuss events from Iraq's modern history, with profiles and testimonies from people who lived through these events and were part of their making. The channel "Hada al-Ayam" was instead used to create a similar space to talk about the post٢٠٠٣- era. (٩)

On ٢٠ February ٢٠٢٤, the Media and Communications Commission issued a directive to all media organisations to ban the hosting of the writer and political analyst Yahya Al-Kubaisi in all media platforms associated with them. This decision, as stated in the text of the ban decision, came based on 'the directive of the Federal Supreme Court / Office of the President of the Court dated 1٨ February ٢٠٢٤, and further to the letter of the President of the Republic dated 1٩ February ٢٠٢٤.' It is noticeable that the ban decision is absolute in terms of time, as no time limit was set for the penalty, and the intervention of two constitutional authorities, the Federal Court Presidency and the President of the Republic to prevent the appearance of a journalist on media outlets is a violation of the Constitution.

On ٢٦ February ٢٠٢٤, the Iraqi security authorities arrested the blogger Yasser Al-Jabouri at Baghdad International Airport while he was trying to leave the country for Ireland, where he resides. The Iraqi authorities did not provide any explanations about the reasons for the arrest, the party that carried out the operation, or the place where he is being held. Yasser Al-Jabouri holds Irish citizenship and is known for addressing corruption issues and criticising the behaviour of some armed factions through his account on X website. On ٢٧ February ٢٠٢٤, Al Jabouri's family published a statement accusing the Iraqi authorities of arresting him without legal basis, adding that the reason he went to Iraq was 'to visit his sick mother.' The statement also indicated that Al Jabouri was insulted and



beaten before his phone, money, and passport were 'confiscated without a judicial order.' The family added that 'the reason for the complaint filed against him is due to a tweet he posted on the "X" website earlier that talks about "appointing relatives of senior officials in the Iraqi government," that the arrest was made based on a complaint filed by Prime Minister Mohammed Shiya Al-Sudani, and the arrest warrant was issued according to Article 177 of the Penal Code.

'The information we have from some sources indicates that al-Jubouri was initially arrested without a judicial warrant and was later interrogated and then placed in a police station, which is illegal,' said Dolivan Barwari, head of the Volunteer Lawyers Network in Iraq (VLNI). Our research team learned from a source who declined to be identified that government-linked figures had met with al-Jubouri while he was in Baghdad and asked him to change his rhetoric and tone down his criticism of the government. After al-Jubouri refused, the authorities carried out the arrest to put pressure on him and try to silence him. Three days after the arrest, a government source announced on 19 February 2023 that Prime Minister Mohammed Shiya Al-Sudani had instructed to drop all cases against Al-Jubouri in preparation for his release. (II) The Irish Foreign Ministry has been in contact with the Iraqi government since the first hours of his arrest to press for his release as he holds Irish citizenship.

On 23 March 2023, the authorities in Iraq blocked the website of Shabakat al-Hudud, an Arabic network that provides political content in a satirical style.

On 30 March 2023, the Ministry of Communications submitted an official request to the Council of Ministers to shut down TikTok in Iraq. In a press conference, the minister justified her ministry's request by stating that the platform 'disrupts the social fabric' and that it is 'a means of entertainment, promotion and publication.' She added that blocking the platform 'does not affect our government institutions.' The minister did not clarify what is meant by "dismantling the social fabric," what proof she has of this, whether the reasons provided constitute an acceptable justification for shutting it down, and how the use of this platform for entertainment by some users can be a reason to shut it down. The minister's statements were met with a lot of disapproval on social media, while activists considered it a government attempt, among a series of

previous attempts, to restrict freedom of opinion in Iraq and reduce the spaces used by members of society to express their opinions. Additionally, TikTok provides educational content for various school stages: on 7 March 2023, the platform launched its e-learning content centre entitled 'Ready to Study', in cooperation with a number of the best e-learning platforms in the Middle East and North Africa (MENA). (13)

On 13 April 2023, journalist and human rights defender Mustafa al-Shammari announced through his personal account on Instagram that he had been threatened through messages received from a female member of the Iraqi Parliament from Basra governorate against the background of a misunderstanding that occurred between them while he was doing his journalistic work. al-Shammari filed a complaint against the member of Parliament on 18 April 2023. (14)

On 21 April 2023, a security force from the Wasit Anti-Crime Squad raided the house of the 'representative of the Kasbah segment', the protester Karrar Al Harb, in the city of Kut without warning and arrested him in front of his family. (15) A video was posted on social media sites showing the raid on the house at night and the arrest of the protester, who is considered one of the most prominent young members of the protest movement in Wasit Governorate.

On 7 May 2023, security forces assigned to protect the Karbala Provincial Council building beat journalist Haider Hadi while he was attending a protest organised by the relatives of the late Fahim al-Taie, who was assassinated in Karbala governorate on 9 December 2019 in connection with his participation in the Tishreen protests. Haider Hadi was arrested and detained at the Abbasiya police station to prevent him from covering the protest. He had previously revealed through several videos posted on his Facebook account that he had been threatened by influential parties and figures in Karbala governorate; the intimidation took a serious turn with members of his family being threatened and intimidated because of his journalistic work, including his mother, who received threatening letters on 14 February 2023. (16)



Right to peaceful association and demonstration

Article 38 of the Iraqi Constitution guarantees freedom of assembly and peaceful demonstration, provided that 'it shall be regulated by law.' This constitutional article also states in its introduction that the state guarantees this right 'without prejudice to public order and morals.' Such phrases are often a gateway to suppress and restrict the right to freedom of opinion, expression and peaceful demonstration, because they are general terms that are not governed by specific and clear controls and criteria and can be used to suppress any popular movement or silence any dissenting voice that the authorities want to suppress or silence. The use of the phrase 'the state guarantees' in the same constitutional article could be interpreted as an exemption or authorisation for the state to shirk its 'protection' responsibilities, i.e. the protection of the right to freedom of expression and peaceful assembly. The state's protection of its citizens and their civil and political rights and the exercise of these rights is one of the inherent responsibilities and duties of the state, and it is not enough for the state to guarantee any right; it must protect it, guarantee it, and create a suitable ground for its exercise.

At the level of instructions and regulations, submitting a request seven days before the day on which the demonstration is scheduled to take place in order to obtain a 'licence' is an unjustified restriction of the right to peaceful demonstration and an unfair use of power, because demonstrating is a right, and citizens do not need a 'licence' to exercise their right, as stipulated in all international conventions and treaties that address this right, legitimise it and bind states to it, sometimes in a moral way, and other times in a legal way through states' agreement to accede to and ratify treaties. The 'notification' of the authorities of the date and place of the demonstration, which is applied in many democratic countries, is to oblige the relevant state institutions to do their duty and hold them responsible for protecting the demonstration and creating the appropriate atmosphere for the exercise of this right, and not to obtain the 'approval' of the authorities for the demonstration.

As for the draft law on 'freedom of expression and peaceful demonstration', it has gone through several stages starting from 2011, when the first draft law to regulate demonstrations was proposed, to the latest draft proposed by the Sudani government in March 2018. In all these proposed

drafts, the authorities have tried to restrict the right to demonstrate and impose restrictions in various ways. Human rights associations and organisations and human rights defenders have seriously confronted these attempts and prevented, until now, the enactment of a law that does not protect the right to demonstrate.

The latest draft of the 'Freedom of Expression and Peaceful Demonstration' law contains provisions that are clearly intended to place restrictions on demonstrations that amount to prohibition. Human Rights Watch expressed this by describing the draft as 'criminalising freedom of expression, restricting freedoms, and violating international law.' The draft requires, for example, that the head of the administrative unit approve the organisation of a demonstration, as he has the right to refuse, with no possibility of appealing his decision. Another article includes the use of the phrase 'public morals', as is customary in all laws, controls and instructions related to the exercise of the right to freedom of expression and demonstration, as the authority uses such floating and broad terms to restrict and suppress freedoms.

The way in which the executive and legislative authorities work raises the concern of human rights organisations, associations and individuals active in the field of human rights. The authority has been drafting draft laws, some of which have become laws, in a way that is unilateral and does not take into account the role of stakeholders and the importance of involving them in the discussion process and taking their opinions and views into account as actors concerned with defending and preserving rights and building the foundations on which the democratic system is based, of which the right to freedom of expression and demonstration is undoubtedly one of the most important.

With regard to the behaviour of security forces towards demonstrators, the excessive use of force and the perpetration of violations against demonstrators of all kinds, from harassment, beating, the use of water cannons and tear gas to firing live bullets horizontally towards demonstrators' gatherings, has been the pattern that has dominated the way security forces have dealt with demonstrators since 2011, until dealing with demonstrators as adversaries became normal for many in security institutions. The lack of law enforcement and impunity for violators



has encouraged these behaviours, which contradict the principles of democracy and human rights.

The following are some of the violations of the right to demonstrate that our research team has monitored:

On 11 July 2023, a group of Basra residents held a demonstration to demand improved services in the province and to address the electricity crisis in light of the high temperatures in the province. Our coordinator in Basra observed security forces using violence against the demonstrators and forcing them to disperse the demonstration.

On 1 October 2023, activists held a demonstration in Tahrir Square in Baghdad on the anniversary of the Tishreen Revolution. The demonstrators raised slogans demanding retribution for the victims of the Revolution, accountability for perpetrators of violations against demonstrators, justice for victims, and political reform. However, the security services dealt with the demonstrators with excessive violence, dispersing the demonstration by force and chasing the demonstrators in the alleys near Tahrir Square. The security forces had blocked the roads leading to Tahrir Square hours before the start time of the demonstration to prevent the arrival of the demonstrators at the venue. (IV)

On 27 February 2024, videos circulated on social media documenting riot forces in Basra governorate attacking female engineers who participated in a peaceful demonstration in front of the South Gas Company on the Basra-Safwan road to demand job opportunities for them. (IA) The riot forces used batons to beat the female demonstrators and disperse the demonstration.

On 6 March 2024, anti-riot forces used violence against a number of demonstrators from engineering colleges demanding job opportunities for them. The demonstration was held in front of the Maysan Governorate Oil Company in the city of Amara. Several protesters were injured as a result of the use of excessive force against them. (I9)

Arbitrary deprivation of life

The 'right to life' is one of the basic rights recognised by international charters and conventions, as well as human values. It is meaningless to talk about any other right when a person's life is threatened and his security is at risk because of a belief he believes in, a political opinion he holds, a social or cultural activity he performs, or a right he exercises. International charters have elevated the importance of this right and devoted a large space to it in their contents, as Article 3 of the Universal Declaration of Human Rights states that 'Everyone has the right to life, liberty and security of person.' Article 7 of the International Covenant on Civil and Political Rights stipulates that Article 7 of the International Covenant on Civil and Political Rights stipulates that 'the right to life is an inherent right of every human being. The law shall protect this right, and no one shall be arbitrarily deprived of his life.' Article 8 of the same Covenant states that 'exceptional circumstances, such as internal instability or any other public emergency, may not be invoked to justify any derogation from the right to life and security of person.'

At the level of domestic legislation, the Iraqi Constitution, the supreme national document, stipulates in Title II, Article 10: 'Everyone has the right to life, security and freedom, and these rights may not be deprived or restricted except in accordance with the law and based on a decision issued by a competent judicial authority.'

International and national legislation unequivocally places the right to life at the forefront of the rights that states must endeavour to safeguard and preserve, and places severe restrictions on the neglect of this right and severe penalties on those who violate it. A number of civil activists and human rights defenders were assassinated during the period covered by this report (June 2013 - June 2014) because of their civil activities, political orientations, or intellectual convictions. These assassinations are a continuation of the approach taken by some power centres that want to impose a single ideology on society and maintain the status quo by punishing those with different political and intellectual orientations.



The following are some of the cases and assassination attempts monitored by our team of researchers:

On 17 October 2013, human rights defender and journalist Ali Mahmoud Abboud Al-Sabawi was shot with a silenced weapon while he was near the Saadoun Tunnel in central Baghdad, killing him on the spot. Masked gunmen on a motorcycle fired at Al-Sabawi, who was known for his journalistic activities in exposing corruption files and documenting human rights violations, especially the violations suffered by demonstrators in the Tishreen popular movement. The security services have opened an investigation into the assassination, whose results have not been announced at the time of publication of this report. (10)

On the evening of 10 February 2014, an armed group attacked transgender blogger Salam Musafir, known as 'Samsam', near Al-Jadariyah Street in the centre of Diwaniyah Governorate, two days after they returned from Turkey, where they lived to visit their family. 'Samsam' was stabbed in different parts of their body, including their heart and chest, causing their death on the spot. A source in the Diwaniyah police announced the opening of an investigation into the murder, but the police did not announce the results of the investigation at the time of publication of this report; people close to the victim confirmed that they had been subjected to several threats and warnings against returning to Iraq. The Iraqi Observatory for Human Rights commented on the incident by saying: 'This crime is an extension of previous crimes committed against those people who differ from us in thinking and form, and no matter how much we disagree with them, no one has the right to take a person's life, there is secrecy about the case, and no details from the authorities.' (11)

On 18 February 2014, an armed group kidnapped political activist Aysar al-Khafaji after he was run over by a car in front of his house in the city of Hilla. His body was found the next day dumped on the side of the international road in Babylon Governorate, showing that he had been subjected to severe torture all over his body. The Ministry of Interior issued a statement following the incident, saying that 'a group of outlaws ran over a citizen in front of his house in Abi Ghargh district in the city of Hilla and took him to an unknown destination. A specialised task force within the Babylon Provincial Police Command began searching, investigating and gathering information.' The statement added that 'the security task force reached important leads about the perpetrators who

will be handed over to the judiciary to receive their just punishment.’ The Supreme Judicial Council issued a statement on 15 February 2018, stating that ‘Judge Zeidan directed the competent investigative court to take appropriate legal measures in cooperation with the investigative body in the Ministry of Interior, which is investigating the crime of assassinating the young man Aysar Al-Khafaji.’ The statement stressed the speedy identification of the criminals and their prosecution according to the law. Despite the firm statements of the Ministry of Interior and the Supreme Judicial Council regarding the detection and prosecution of the perpetrators, the concerned authorities have not yet revealed the identity of the perpetrators by the time of issuing this report.(11)

On 17 February 2018, Fakhri Karim, President of Al-Mada Foundation for Media, Culture and Arts, survived an assassination attempt in the Al-Qadisiyah area of Baghdad, near one of the gates of the Green Zone, on his way back from the book fair organised by Al-Mada every year on the grounds of the Baghdad International Fair, when an armed group in a four-wheel drive vehicle fired ten bullets at his car. In a statement issued after the assassination, Al-Mada Foundation noted that ‘the forces of darkness and backwardness responsible for the destruction of Iraq do not want to see happiness in Iraq, as they reacted to a major cultural event such as the Iraq International Book Fair in this way.’ Those interested in cultural affairs have linked the assassination attempt to the cultural activity sponsored by Al-Mada Foundation in the form of the Iraq International Book Fair, as the assassination attempt aims to send a warning to anyone who tries to play a cultural role that may not, in some aspects, conform to the directives of religious groups and armed factions trying to impose their full control over all aspects of life. The Iraqi government did not issue a statement to clarify the circumstances of the assassination attempt, and the security services opened an investigation into the incident, the results of which have not been announced at the time of issuing this report.

On 10 February 2018, the body of civil activist Muhammad al-Baqer was found in Al-Kindi Hospital in Baghdad with signs of torture. No statement was issued by the concerned security authorities regarding the incident, and the authorities have not announced, until the time of issuing this report, the progress of the investigation and the parties behind the assassination, noting that the slain young man was a university student with voluntary contributions.(12)



As part of a series of assassinations and assassination attempts against activists, protesters and creative people in Dhi Qar governorate, a bullet ended the life of 'Million Poet' Falah al-Badri near the old vegetable market in Nasiriyah city, where gunmen shot al-Badri at dawn on 31 March 2018 and killed him. The competent authorities had not revealed the results of the investigation into the incident by the time of publication of this report. It is noteworthy that al-Badri was a very popular poet in Iraq and abroad, and participated in several poetry festivals, won awards, and was one of the participants in the 'Million Poet' competition in 2018 held in Abu Dhabi, in addition to his civic activism and support for the Tishreen demonstrations. (10)

On 9 April 2018, unidentified gunmen riding a motorcycle in the city of Nasiriyah, the centre of Dhi Qar governorate, assassinated the young activist and protester Moatamin. The gunmen fired four bullets that lodged in his body and killed him, and those close to the victim confirmed that he had no personal animosities, and Moatamin had been injured during his participation in the Tishreen protest movement in al-Habboubi Square. Ten days after the assassination, the Dhi Qar police issued a statement saying that the assassination of Moatamin was criminal and not political, and that the investigations concluded that the perpetrator was his friend, and that he committed the crime for personal reasons.

Impunity

Iraq occupies an advanced position in impunity indicators, ranking sixth in the world in the 2013 Committee to Protect Journalists (CPJ)'s Global Impunity Index. Despite the existence of some legislation and policies, primarily the Constitution, that impose strict penalties on perpetrators of human rights violations, the complexity of the political situation in Iraq, the multiplicity of power centres and overlapping interests, and the lack of political will to enforce the law (so as not to prejudice the interests of some influential parties), often hinder the process of accountability and the application of justice, as well as the complex litigation procedures, which are sometimes deliberately complicated to prevent victims from pursuing legal action.

Impunity has become a prevalent feature in Iraq, and a pattern whose negative effects on the human rights situation and citizens' trust in official institutions cannot be overlooked.

We cannot overlook the victims of the popular Tishreen movement when talking about impunity. The government had pledged to hold perpetrators of violations against protesters accountable: in particular, the ministerial platform of the Sudani government had stated that 'the government will work to form a legal team to review the work of previous investigation committees on the killing of protesters and members of the security services, and will take measures to punish the killers and ensure that there is no impunity'. However, these pledges remained a dead letter: the results of the investigations have not been made public, and it is unknown whether the legal team that the government promised to form was actually formed. Information is unavailable, transparency is absent, and the concerned institutions are dealing with extreme secrecy that makes access to information an extremely difficult task.

Several cases of human rights violations occurred during the period covered by the report (June 2013 - June 2014), including cases in which activists, journalists and human rights defenders were subjected to assassinations or assassination attempts (which we referred to under 'Arbitrary Deprivation of Life'); however, the relevant authorities always announced the opening of investigations without informing the public about their progress nor their results.



On 22 March 2015, an Iraqi court issued a decision to acquit the perpetrator of the assassination of Iraqi researcher and academic Hisham al-Hashemi, who was assassinated on 7 July 2010 in front of his home in the Zayouna area of Baghdad, after masked gunmen on a motorcycle shot him using a police weapon, and a Baghdad court convicted the defendant in May 2013 after he confessed to the crime. However, the Court of Appeals overturned the verdict and ordered a retrial, which took place in an atmosphere of secrecy as the media was not allowed to attend the session, and the court sentenced the convict to drop all charges against him and release him for 'insufficient evidence', as the judges found that 'there is no legal basis for charging him.'(16) Analysts, politicians, activists and commentators linked the release of the convict to political pressures exerted on the court. At the same time, they demanded that the beneficiaries behind the assassination be revealed, as the victim was a public figure and a prominent researcher and his assassination was political rather than criminal, as it is not possible to focus on the direct perpetrator and neglect the supporting, funding and backing parties in such crimes. Shortly before his assassination, al-Hashemi had published a study on armed groups in Iraq. This study received great attention in research centres and media attention at the Arab and local level, and many channels devoted air time to discuss and analyse it. In conjunction with the publication of this study, an organised campaign of demonisation and hate speech targeting al-Hashemi began through media platforms and fake pages on social networking sites.

The danger of impunity, in the long run, is the creation of a new generation that believes in achieving justice outside the framework of the law and official state institutions. A victim cannot be convinced to follow legal methods that have often been ineffective in holding perpetrators accountable, providing reparations to victims, and ensuring that violations are not repeated. This will necessarily lead to the accumulation of grievances and create a desire for revenge against perpetrators outside legal frameworks, turning the victim itself into a perpetrator, thus continuing the cycle of violence and instability in Iraqi society.

Legislative authority and restrictions on freedoms

Under no circumstances can the great importance and influential role played by the legislative authority in consolidating the principles of democracy and strengthening the human rights situation in the country be overlooked through the role played by this constitutional institution in enacting laws that are supposed to guarantee freedoms in a country whose Constitution Article I states that 'The Republic of Iraq is a single, independent, fully sovereign federal state, with a democratic, representative republican (parliamentary) system of government', in addition to the monitoring exercised by members of the Council on the executive authority institutions to assess the extent of these institutions' commitment in implementing legislation and hold them accountable accordingly.

Despite the restrictions imposed by the Iraqi Constitution and the international laws to which Iraq is committed, successive sessions of the House of Representatives have witnessed vigorous attempts to legislate laws that contradict the principles of democracy and human rights, and the current session is perhaps the most severe on freedom of opinion and expression. The House of Representatives amended some legal articles and issued some regulations, instructions and directives that reduced the space for freedom of opinion and expression and restricted journalistic work:

On ۳۰ January ۲۰۲۳, the House of Representatives, through its Media Department, issued new controls to regulate the work of journalists inside the House of Representatives. These controls sparked a wave of anger in journalistic circles, and journalists considered them interference in journalistic work and a restriction of press freedom from an institution that should be working to give more freedoms and ease restrictions instead of imposing additional restrictions. These controls included determining the number of media representatives who enter the House of Representatives building by the Media Relations Department with the approval of the Director General of the Media Department, based on a set of criteria including the extent of that institution's interest in reporting the news and activities of the House of Representatives on an ongoing basis, the continuous presence of its representatives in the House



building, and its impact on public opinion. The new controls also restrict media personnel from entering the House of Representatives building through daily permits or cards issued according to specific controls, and even interfere in the dress of journalists by imposing a uniform for all journalists. According to the rules for journalists to enter the Council's building, 'the media outlet must send an official letter to the Council's Media Department to accredit its delegates, provided that the request includes a copy of the approval of the Information and Communications Commission for audio and video media, a copy of the approval of the Iraqi Journalists Syndicate for electronic and print media, and that news agencies wishing to accredit their delegates with the Media Department have a website that is continuously updated.' The regulations also prohibit journalists from roaming the corridors of the House of Representatives, conducting interviews and filming, and designating specific places for their presence. These controls imposed by the House of Representatives on journalists come within a series of measures taken by some institutions to restrict the work of journalists, including a regulation issued by the Media and Communications Authority on 17 March 2023, consisting of 37 articles and IV chapters that include penalties that may reach imprisonment for writing a comment or publishing a video clip on social media sites. The regulation also included broad terms such as 'national security', 'protecting individuals' and 'threatening civil peace' without setting specific criteria for their interpretation and leaving them to personal interpretations, in addition to penal provisions starting with a pledge, deleting the content and blocking the page, until the file is referred to the judiciary, and imposing financial fines starting with '50 thousand dinars' and up to '5 million dinars.' (28)

On 30 January 2023, the Iraqi Council of Representatives filed a complaint against Al-Sharqiya TV and the host of the 'Game of Chairs' programme, journalist Hisham Ali, after former MPs Rihab al-Abouda and Rizan Sheikh Dalir disclosed in an episode of said programme about cases of 'sexual harassment' to which female MPs were subjected inside parliament. In a statement, the House of Representatives considered the statements of the two former MPs to be 'an offence to the legislative authority'. A number of journalists were surprised that a complaint was filed against journalist Hisham Ali, as the journalist is not responsible for the statements made by his guests, and the House of Representatives should have opened an investigation into the serious statements made by the two former MPs,

instead of filing a complaint against the journalist.(٢٩)

On ١٧ February ٢٠٢٤, the First Deputy Speaker of the House of Representatives, Mohsen al-Mandalawi, directed the legal department of the House to file a lawsuit against any institution or individual who 'offends' the legislative institution and the members of the House of Representatives. No statement was issued by the Presidency of Parliament or the legal department of the House of Representatives explaining what is meant by 'offence' in this context, especially since the directive did not only refer to the institution, but included the members of the House of Representatives. MPs, most of whom have an almost daily presence in the media, whether through television interviews, statements and statements they publish through their official platforms, or debates they engage in on social media, where any criticism of the MP's performance or debate with him on a particular issue could be interpreted as 'abuse' of the MP and should result in legal action being taken against any citizen, journalist or activist. (٣٠)

In its session held on ١٧ March ٢٠٢٤, members of the Iraqi Council of Representatives voted to repeal Article ٢٢٦ of the Iraqi Penal Code No. III of ١٩٦٩. The vote on the alternative text of the repealed article included criminalising those who publicly insult public legislative, executive, judicial, regional or local authorities or official or semi-official state departments, excluding any statement or act exercised within the framework of freedom of expression of opinion or criticism of public authorities with the aim of correcting performance or expressing grievances.

The vote of the members of the House of Representatives on this amendment is a dangerous precedent and a clear violation of the principles of the Iraqi Constitution and democratic values. The text of the amended Article ٢٢٦ includes the use of vague vocabulary and broad, broad language. The text criminalises 'insulting' public authorities and permits 'criticism' within the framework of freedom of expression of opinion, without defining a dividing line between 'insult' and 'criticism' and without setting controls that restrict arbitrariness in implementing this law against opinion holders, leaving a wide scope for interpretation and use of this amendment according to political moods, desires and interests. (٣١)



Abuse of judiciary powers

By its nature, the judiciary is an independent authority that is relied upon to be an impartial party and a fair arbiter to adjudicate between litigants, regardless of the political, ethnic and intellectual affiliation of one or both parties to the dispute, as affirmed in Article 18 of the Iraqi Constitution, which stipulates that 'Iraqis are equal before the law without discrimination based on gender, race, nationality, origin, colour, religion, sect, belief or belief, or economic or social opinion'. If the executive and legislative authorities are formed by parties, currents and forces with political interests that work to achieve and maintain them using the tools and resources provided by the authority, the judiciary is the authority responsible for achieving balance and putting an end to the overreach of political actors and lifting injustice from the most vulnerable groups in the face of those who possess power and use it to overthrow their opponents in illegal ways.

Over the past years, the political authority has used all means to put pressure on the judiciary, as acknowledged by one of its figures, and tried to twist it to serve its interests. However, the Tishreen protest movement and the unprecedented repression and excessive and unjustified use of force that accompanied it represented a turning point in looking at the judiciary, its role and how it reacted to the serious human rights violations to which the demonstrators were exposed, as although some judicial judgements were issued against a number of members of the security services, the judiciary remained unable to hold the political and security leaders who issued orders to commit the killings and violations accountable for their actions. In addition, the judiciary issued a number of judgements in later periods against protesters who participated in the protest movement, based on malicious lawsuits filed by officials whose performance and management of public funds the demonstrations were originally organised to protest. The political authority took advantage of the declining momentum of the demonstrations and began taking punitive measures against prominent figures in the protest movement in order to silence them and eliminate the possibility of renewed protests in the future, and the use of the judiciary was part of the methodology adopted by the authority to achieve this goal.

Here are some of the cases related to the judiciary that our team of researchers monitored:

Civil activist Mohammed al-Fartousi was sentenced to four months in prison for publishing documents related to corruption in Muthanna governorate, the sentence was issued on 19 September 2023.

On 18 January 2024, a militant belonging to the National Security Agency arrested the activist and political analyst Mohammed Na'na'a while dressed in civilian clothes. The arrest came in implementation of the decision of the Karrada Misdemeanour Court and based on a complaint filed by Prime Minister Mohammed Shi'a Al Sudani on 9 September 2022 against Na'na'a due to political statements in which the latter criticised Al Sudani on a television programme in the past. Al-Sudani dropped his complaint and Mohammed Na'na'a was released on 29 January 2024 after he apologised for his statements.

On 22 January 2024, a security force belonging to the National Security Agency arrested Diaa Mahja, a journalist and correspondent of Al-Mada newspaper, in the middle of Al-Thawra Street in Diwaniyah, and took him to the National Security building in the governorate. The journalist was arrested because of a document he published about the fire at the Women and Children's Hospital in Diwaniyah. Security authorities in Diwaniyah governorate filed a lawsuit against the journalist for publishing the document issued by the Ministry of Interior's forensic evidence, which indicates that the hospital fire was caused by an electrical short circuit, while the security services in Diwaniyah arrested four young men after the incident and accused them of starting the fire.

On 22 February 2024, a police force from Al-Fuhud district in Dhi Qar governorate arrested the civil activist Haider Hussein Hamid, known as 'Haider Hawija'. The arrest came against the backdrop of a lawsuit filed by the mayor of Al-Fuhud due to criticism that the activist had levelled against him and a number of local officials in the governorate. The Dhi Qar governorate Court of Appeal sentenced Haider Hawija to six months in prison.

On 24 February 2024, a security force arrested journalist Ali Al Dabhawi in Baghdad against the backdrop of a lawsuit filed by three senior officials in the security establishment. The journalist was detained at Al Salhiya police station, and the arrest came after Al Dabhawi showed a video clip containing a complaint filed by a citizen.



On 10 February 2018, the Basra Criminal Court sentenced activist and protester Ahmed Muhlehl to three years in prison on charges of participating in the burning of the Basra Provincial Council building on 18 September 2018 during a demonstration demanding improved public services for citizens that took place in the centre of the province. A number of Basra activists stressed in their comments on social media that the charge on which Ahmed Mehlhel was sentenced is malicious and untrue, and that Mehlhel is known for his peacefulness during demonstrations, and that the court did not provide concrete evidence of his participation in burning the council building. Others were surprised that the decision coincided with posts written by Mehlhel on social media sites criticising Basra's service situation and the financial corruption of some influential people in the province. It is indicated that Ahmed Mehlhel was imprisoned on 10 February 2018 (37).

On 11 March 2018, the Information and Communications Authority closed the official website and Telegram channel of the Expert Centre. The decision to close the website was based on a complaint filed by the President of the Federal Court earlier, accusing the Expert Centre of 'setting itself up to evaluate government agencies and those in charge of them' and using 'unethical' language. The closure of the Expert Centre raised reactions and questions because one of the main roles of the press and media is to evaluate the performance of official institutions and the way they deal with various issues, so how can the ban be justified because a media outlet has exercised this role. (38)

On 14 March 2018, a security force arrested civil activist Karrar al-Zirjawi in the city of Nasiriyah against the background of a malicious lawsuit filed against him by a member of the Iraqi Council of Representatives. According to those close to al-Zirjawi, the force that arrested him came from Baghdad and was not a local force, and it is noteworthy that al-Zirjawi was a prominent figure during the Tishreen protest movement. Photos and videos posted on social media showed that dozens of protesters gathered in al-Haboubi Square in the centre of Nasiriyah demanding his release, while security forces used repressive methods against the protesters in an attempt to disperse them, including the use of live bullets. (39)

Harassment against Civil Society Organisations

The activity of civil society organisations in Iraq began in ۲۰۰۳ after a long period of total prohibition of civil activity that Iraqi society lived under the previous dictatorial regimes, where the only opinion and voice was that of the ruling regimes, under whose rule there was no room for civil activity, pluralism and freedoms.

After ۲۰۰۳, civil society organisations began to work and expand their activities in Iraq under a political system that adopted new concepts and values that were more open to the world and more consistent with the principles of democracy and human rights. This adoption was translated, in an acceptable way, into the ۲۰۰۵ constitution, which guaranteed a set of civil and political rights that civil society found a good start that could be developed in later periods.

However, after a short period of time, civil society organisations and their workers began to be subjected to successive attacks, continuous incitement and hate speech, which are now and then appearing on various platforms. Political and religious parties saw, and still see, the activities of civil society organisations as a threat to their hegemony and control over members of society, especially youth, their monopoly on public opinion and media platforms, and their ability to steer society in the direction they see fit without the presence of other actors in society who possess another type of discourse and, perhaps, another way of thinking that may compete with them in attracting members of society. These parties have used all means, including religious platforms and political and media platforms, to discredit and incite against civil society organisations.

Through their activities in organising workshops, dialogue sessions and conferences, civil society organisations promote certain human rights concepts and democratic values and raise awareness of the importance of working to consolidate them in line with the Iraqi societal context. Some of the concepts and terms used and promoted by civil society organisations may be incomprehensible to many members of society, due to the newness of civil activity in Iraq, as well as the newness of some concepts and terms that often take time for societies everywhere to understand and assimilate, and this is what some parties hostile to the



organisations have exploited, as these parties have provided erroneous interpretations of many of the terms and promoted these interpretations through organised campaigns that included all media, including social media, and portrayed civil society organisations as institutions that are ‘used by external forces to strike at “society’s values” and target “the fabric of society”’. They promoted these interpretations through organised campaigns that included all media outlets, including social media, and portrayed CSOs as institutions ‘used by external forces’ to strike ‘society’s values’ and target the ‘Iraqi social fabric’, contrary to the reality, which records the organisations’ standing in the crises that Iraq went through after 2003 to provide relief aid, and their role in the development process, empowering youth and helping them obtain job opportunities. The statement issued by the United Nations High Commissioner for Human Rights, Mr. Volker Türk, at the conclusion of his visit to Iraq, which lasted from 7 August to 9 August 2023, came to confirm the importance of the role played by civil society organisations in Iraq and the nature of the attack on them. ‘My visit to Iraq came at a time when terms such as ‘gender’ and ‘women’s empowerment’ are surprisingly under attack, distorted and confused, which makes no sense in the face of the enormous challenges the country is facing. The use of these terms is not incompatible with any culture, religion or tradition,’ he said in his statement. ‘All the evidence shows that we need more women in decision-making positions and more protection in law, policy and society against violence against women. Attempts to ban the use of universally accepted terms that are critical to achieving equality and non-discrimination are harmful, as are threats and intimidation against women working on these issues,’ the statement added. The statement considered that this attack and distortion is part of the politics of distraction: “I urge leaders across society to stop the politics of distraction, human rights must not be used as a means to divide us, human rights are what unites us and what brings us together as human beings,” the statement said, adding, ‘I urge leaders across society to stop the politics of distraction. (8.)

In spite of all the media targeting that we have mentioned, successive governments did not take clear official measures to restrict the work of CSOs, and the door of many official institutions remained open for organisations to work together, build partnerships and implement community programmes, but this change in government policy towards

CSOs began to manifest itself during the Sudani government, as some ministries and government institutions took unwritten measures to restrict the work of CSOs, and others took measures by directing internal official letters to institutions affiliated with the Sudani government.

The following are some of the cases monitored by our team of researchers:

On 19 November 2023, the Ministry of Higher Education and Scientific Research sent a letter to all associated institutions, based on the recommendations received by the Ministry from the Prime Minister's Office/National Security Advisory, to not allow civil society organisations to carry out their activities inside colleges, institutes and schools, unless they receive the 'original approvals' and confirm their 'security position' by the National Security Agency and the NGO Department. The letter also directed that the National Security Agency be provided with a list of 'suspicious organisations' and that international organisations be referred to the Ministry of Foreign Affairs to deal with them. In its letter, the Ministry justified these measures due to the existence of civil society organisations 'targeting Iraqi society', without clarifying the nature of the targeting in question.(E1)

The Ministry of Higher Education and Scientific Research issued a directive to its affiliated institutions on 21 November 2023 to stop dealing with a number of civil society organisations on the grounds that these organisations target the 'values' of Iraqi society.(E2)



Human Rights Defenders in Kurdistan

During the period from June ۲۰۲۳ to June ۲۰۲۴, the regions of the Kurdistan Region witnessed a series of violations committed by the security forces against demonstrators who came out to demand the payment of delayed salaries for employees and to improve the living conditions of all citizens of the region. This living crisis was exacerbated by the sharp political differences between the regional government and the ruling powers in Baghdad, which were reflected in the living conditions in the cities and regions of the region, especially the category of employees who were the most affected by these differences.

In light of the political clash between the centre and the region, on ۲۱ February ۲۰۲۴, the Federal Court issued a ruling that required the federal government to settle the salaries of all Kurdistan Region employees in all ministries and public institutions, as well as retirees and social welfare beneficiaries at federal government banks operating outside the region. In the same decision, the Federal Court also obliged the KRG to hand over all oil and non-oil revenues to Baghdad and impose an audit on the data related to those revenues.

The government in Baghdad welcomed the Federal Court's decision, while the KRG expressed concern that this decision came to undermine the powers and privileges granted to the region by the constitution, but at the same time, it expressed its willingness to cooperate in implementing this decision, but the Federal Court's decision has not been implemented until the time of issuing this report, and the crisis in the salaries of the region's employees still casts a shadow over the economic and living conditions in the region.

At the same time, a number of journalists and human rights defenders in Kurdistan have been subjected to a campaign of arrests and prison sentences issued against them for criticising the performance of the authorities in the region, the uniqueness of decision-making, the exclusion of political opponents and opinion holders, and the lack of space to create a multiparty pluralism and practice political work freely within the region.

The following are some of the violations in the Kurdistan Region monitored by our team of researchers:

On 1 July 2023, the Erbil court sentenced civil activist and journalist Shirwan Shirwani to four years' imprisonment under Articles 190 and 198 related to forgery. Shirwan, who was previously sentenced in October 2022, was sentenced after he was accused of "forging a fingerprint" in prison. Legal experts confirmed that this procedure is customary inside prisons for one detainee to sign on behalf of other detainees when they want to submit a memo to demand their rights and not for other purposes. 'The judge could have sentenced him to much less than four years in prison, but he chose to apply the maximum sentence,' Pavel Surji, a member of the Badinan detainees' defence team, told the PUK's official website. Amnesty International described Shirwani's trial as 'grossly unfair' and the charges against him as 'false.' (E3)

On 1 October 2023, a security force 'mistakenly' arrested journalist and human rights defender Yasser Al-Hamdani in the Kurdistan Region based on a complaint filed by a local official in Ninewa Governorate dating back to November 2022 accusing Al-Hamdani of defaming him. An arrest warrant was issued by the Publishing and Media Court in Ninewa Governorate under Article 433 of the Iraqi Penal Code of 1979. On 21 February 2023, after two consecutive hearings, the court acquitted Al-Hamdani of the charge against him and released him on 3 May 2023, but the court did not inform the security services of its decision and did not cancel the circular previously issued to arrest him, which led to Al-Hamdani being arrested again in the Kurdistan Region by mistake on the charge that the court had previously acquitted him of. He remained in detention for six days until he was able to prove his innocence by presenting the judgement issued by the court in Nineveh. Al-Hamdani has been subjected to harassment and judicial prosecution during his journalistic work in Ninewa, which prompted him to leave the province and has been living in the Kurdistan Region for years. He is known for his fight against financial corruption in Ninewa, his defence of journalists' rights and his documentation of human rights violations in the province since 2020, and is a member of the Iraqi Journalists Syndicate. The Iraqi Journalists Protection Law of 2011 stipulates that special procedures must be taken before summoning or arresting a journalist, and these procedures were violated in the arrest process. (E4)



On 0 February 2018, security forces in Erbil arrested Diako Hussein, a correspondent for the Standard TV channel, for preventing him from covering a demonstration organised by the Communist Party in Erbil to demand the payment of the delayed salaries of Kurdistan Region employees.

On 17 February 2018, a security force in Sulaymaniyah arrested the reporter and cameraman of Jeter Media, the reporter Barwa Abdulrahman and cameraman Barham Siddiq were arrested to prevent them from covering a march organised by the people of Sulaymaniyah against what they called the 'February 10 conspiracy', the security force took the journalists to the city police station, the detention lasted for more than five hours, after which they were released. (E7)

On 22 February 2018, a security force raided the home of journalist Umid Prushki, director of Rust Media in Dohuk, and arrested him for unknown reasons and placed him in Zarka prison. A number of journalists in Dohuk confirmed that the reason for the arrest was due to the journalist's criticism of the Kurdistan Regional Presidency on social media, noting that he had previously spent two years in prison for undermining national security in the region. (E8)

Recommendations

We urge the Iraqi government to improve the human rights situation in line with its obligations under the Iraqi constitution, international legislation and conventions that Iraq has committed to and ratified as part of the international system, as well as the government programme through which the current government has committed to address human rights violations and hold the killers of protesters accountable.

We urge the Iraqi government to provide protection for human rights defenders, hold perpetrators of violations against them accountable, and take measures to ensure that they are not repeated in the future.

We urge the Iraqi government to announce the results of investigations into the assassinations or attempted assassinations of civil activists, journalists and human rights defenders, to deal transparently with public opinion and inform it of the progress of these investigations, and to hold the perpetrators of these grave human rights violations accountable.

We urge the Iraqi government to stop measures restricting freedom of opinion and expression, and to reverse the decisions to block some websites and platforms, as well as the decisions to prevent the appearance of a number of media professionals and journalists in the media.

We urge the Iraqi Council of Representatives to reconsider the amendments it voted on to Article 177 of the Penal Code No. 111 of 1979 due to its restriction of freedom of opinion and expression and its use of vague expressions that may be exploited to suppress opinion holders, as well as the cancellation of the regulation 'regulating the work of journalists' issued by the Council due to its restriction of journalistic work and preventing journalists from exercising their role.

We urge the Iraqi Council of Representatives to engage civil society to discuss the draft law on 'Freedom of Expression and Peaceful Demonstration' sent by the government in March 2023, and not to proceed with the procedures to legislate the law based on the current version of the draft as it suppresses freedom of opinion and expression and the right to peaceful demonstration.



We urge the judiciary to deal firmly with the malicious lawsuits filed against human rights defenders, especially protesters, to stop the prosecutions they are subjected to, and to reconsider the judgements issued against them.

We urge the Kurdistan Regional Government (KRG) to stop violations by security forces against demonstrators, hold perpetrators accountable, provide the necessary protection for demonstrators to exercise this right, and stop arbitrary arrests of human rights defenders, journalists and opinion holders.

المصادر

ت	المصدر
(1)	موقع المفوضية السامية للأمم المتحدة لحقوق الانسان: الاعلان الخاص بالمدافعين عن حقوق الانسان
(2)	المرصد الحكومي: المنهاج الوزاري
(3)	شفق نيوز: اعتقال الناشط المدني لاري عباس
(4)	موازين نيوز: محاصرة مقر قناة البغدادية
(5)	جمعية الدفاع عن حرية الصحافة في العراق: حجب موقع الترا عراق
(6)	العربي الجديد: الصحفي محمد جبار
(7)	شفق نيوز: منع عماد باجلان من الظهور الاعلامي
(8)	جمعية الدفاع عن حرية الصحافة في العراق: منع قنوات فضائية
(9)	موقع يوتيوب: إغلاق قناة هذه الأيام
(10)	الوكالة الوطنية العراقية للأخبار: منع يحيى الكبيسي من الظهور الاعلامي
(11)	موقع قناة الحرة: اعتقال ياسر الجبوري
(12)	جمعية الدفاع عن حرية الصحافة في العراق: حجب موقع شبكة الحدود
(13)	صحيفة الشرق الاوسط: حجب تطبيق تيك توك
(14)	قناة وطن: الصحفي مصطفى الشمري يتعرض للتهديد
(15)	تجمع الكسبة والخريجين/الكويت: اعتقال المتظاهر كرار ال حرب
(16)	مركز النخيل: الاعتداء على الاعلامي حيدر هادي
(17)	الجزيرة نت: تفريق تظاهرة بالذكرى الرابعة لاحتجاجات تشرين
(18)	طريق الشعب: الاعتداء بالضرب على مهندسات في البصرة
(19)	العربية العراق: الاعتداء على المتظاهرين في ميسان
(20)	وكالة اخر الاخبار: اغتيال الصحفي علي السعاوي
(21)	موقع قناة الحرة: اغتيال سمس
(22)	صحيفة الشرق الاوسط: اغتيال ايسر الخفاجي
(23)	موقع قناة الحرة: محاولة اغتيال فخري كريم
(24)	منشور أحد أقارب الضحية: اغتيال محمد الباقر في بغداد
(25)	موقع أخبار الوطن: اغتيال الشاعر فلاح البدري
(26)	موقع رووداو: اغتيال المتظاهر مؤتمن
(27)	موقع قناة الحرة: تبرئة قاتل هشام الهاشمي
(28)	شفق نيوز: قيود على عمل الصحفيين في مجلس النواب
(29)	جمعية الدفاع عن حرية الصحافة في العراق: شكوى ضد هشام علي
(30)	موقع الجزيرة: توجية بمقاضاة الصحفيين
(31)	عراق أوبزيرفر: تعديل المادة (226) من قانون العقوبات
(32)	فيديو على موقع فيسبوك: وقف تضامنية مع محمد الفرطوسي

(33)	<u>مركز النخيل: اعتقال محمد نعناع</u>
(34)	<u>شفق نيوز: اعتقال مراسل المدى في الديوانية</u>
(35)	<u>طريق الشعب: اعتقال حيدر حويجة في ذي قار</u>
(36)	<u>وكالة بغداد اليوم الاخبارية: اعتقال علي الذبحاوي</u>
(37)	<u>شفق نيوز: الحكم بالسجن على احمد مهلهل</u>
(38)	<u>السومرية نيوز: اغلاق المركز الخبري</u>
(39)	<u>موقع المرصد: اعتقال كرار الزيرجاوي</u>
(40)	<u>موقع الامم المتحدة: بيان المفوض السامي لحقوق الانسان</u>
(41)	<u>العالم الجديد: كتاب وزارة التعليم</u>
(42)	<u>العالم الجديد: حظر التعامل مع منظمات</u>
(43)	<u>منظمة العفو الدولية: الحكم بالسجن على الصحفي شيرواني</u>
(44)	<u>الوكالة الوطنية العراقية للأنباء: اعتقال الصحفي ياسر الحمداني</u>
(45)	<u>جمعية الدفاع عن حرية الصحافة في العراق: اعتقال دياكو حسين</u>
(46)	<u>جمعية الدفاع عن حرية الصحافة في العراق: اعتقال مراسل ومصور جتر</u>
(47)	<u>جمعية الدفاع عن حرية الصحافة في العراق: اعتقال الصحفي اوميد بروشكي</u>