



His Excellency Mr Mustafa Al Kadhimi, Prime Minister of Iraq

10 December 2020

Re: Intervention to ensure the release of all forcibly disappeared protesters

We, the undersigned, are addressing you to request your intervention, as the Prime Minister of Iraq, to ensure that all peaceful protesters who disappeared in relation with the Iraqi demonstrations be released immediately.

In the context of the demonstrations that erupted in October over unemployment, corruption, and poor public services, dozens of peaceful protesters have been forcibly disappeared. We are concerned about numerous reports indicating that Iraqi security forces as well as various armed groups are responsible for these abductions.¹ Although many of those kidnapped have been released after being secretly detained for several days – if not weeks –, a number of them are still missing.

¹ See, for instance, UNAMI, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq – October 2019 to April 2020*, August 2020, Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Demonstrations%20in%20Iraq_UNAMI%20OHCHR%20report_08%2027%202020.pdf (accessed 17 November 2020); Human Rights Watch, *Iraq: No Justice for Enforced Disappearances*, 16 November 2020, Available at: <https://www.hrw.org/news/2020/11/16/iraq-no-justice-enforced-disappearances> (accessed 17 November 2020); Amnesty International, *Iraq: Stop security forces from threatening, forcibly disappearing and abusing activists*, 18 October 2019, Available at: <https://www.amnesty.org/en/latest/news/2019/10/iraq-stop-security-forces-from-threatening-forcibly-disappearing-and-abusing-activists/> (accessed on 17 November 2020).

Among those who remain disappeared to date are Abdel-Messih Romeo, Osama Al Tamimi, Tawfiq Mohamad Hasan Atwan Al Tamimi, Mahmoud Ali Khaz'al Alak Al Shuwaili, Ali Jasib Hattab Al Heliji and Sajjad Sattar Shannan Al Mishrifawi (please refer to the [Annex](#) for more details). These cases are currently pending before the United Nations Committee on Enforced Disappearances that regularly requests the government of Iraq to clarify the fate and whereabouts of the victims, to no avail.

In May 2020, new hope was instilled in the Iraqi society when you assumed the position of Prime Minister and pledged that your government would provide solutions and bring justice to the Iraqi people. Your previous work as a journalist and human rights activist and your former role as Director of the Iraq Memory Foundation in the documentation of the crimes committed by Saddam Hussein's regime make you understand the importance of protecting human rights in Iraq and for your government to abide by its international obligations with regard to the crime of enforced disappearances. While we understand that your premiership is confronted with significant challenges, we believe that certain pressing files, such as the ongoing disappearance of peaceful protesters, must urgently be dealt with. Your previous experience as the Head of the National Intelligence Service could be crucial with regard to the search for and liberation of the missing protesters.

23 December 2020 will mark the tenth anniversary of the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), to which Iraq's ratification in 2010 paved the way. On this occasion, we would like to remind you that the Iraqi authorities are under the obligation to combat such heinous crime, which may amount to a crime against humanity under article 5 of the ICPPED when conducted on a widespread and systematic basis.

We understand that the practice of enforced disappearance is well entrenched in the history of Iraq. It was widespread under the former Ba'athist regime and continued to be perpetrated after 2003 on a large scale by the newly formed security forces, as well as by members of terrorist groups, such as the so-called Islamic State of Iraq and the Levant (ISIL). Now that ISIL has been mostly driven out of Iraq, we are concerned that armed groups have reportedly been responsible for the abduction of several Iraqi demonstrators who had participated in the 2019-2020 protests.²

² See UNAMI, *Human Rights Violations and Abuses in the Context of Demonstrations in Iraq – October 2019 to April 2020*, August 2020, Available at:

In the event that certain factions of the PMU are responsible for the disappearances of some of the missing protestors, we would like to recall that the Iraqi authorities have a duty to hold them accountable: since the passing of the Law of the Popular Mobilisation Authority in 2016, the actions of the PMU-affiliated groups fall under the Iraqi government's responsibility.

Your ability to bridge divisions and create unity between divergent groups – as you did between regional powers, Iraqi political forces and the U.S. in your role as the director of the National Intelligence Service in the fight against ISIL – could be instrumental to ensure that the different security forces and armed groups are accountable to your administration.

To avoid the risk of history repeating itself, we strongly encourage the current government under your premiership to break away from past practises. The abduction followed by the enforced disappearance of peaceful protestors have no place in today's Iraq. In its 2020 Observations on the additional information submitted by Iraq,³ the UN Committee on Enforced Disappearances accordingly reiterated its calls on Iraq to finally tackle the persisting patterns of enforced disappearances in Iraq. We are thus urging you, as the Prime Minister of Iraq, to take all necessary urgent measures to ensure the release of any individual disappeared by security forces or by armed groups falling under the State's authority.

In line with the latest recommendations issued by the UN Committee on Enforced Disappearances, we ask you in particular to take steps to make sure that the relevant government bodies:

- Investigate the fate and whereabouts of any disappeared person, as required by articles 3 and 24(2)(3) of the ICPPED;
- Bring to justice anyone responsible for disappearance crimes of protestors and activists, in accordance with article 6 of the ICPPED;
- Provide reparation and prompt, fair and adequate compensation to the disappeared person and their loved ones, as stipulated in article 24(4) of the ICPPED;

https://reliefweb.int/sites/reliefweb.int/files/resources/Demonstrations%20in%20Iraq_UNAMI%20OHCHR%20report_08%2027%202020.pdf (accessed 17 November 2020); Human Rights Watch, *Iraq: No Justice for Enforced Disappearances*, 16 November 2020, Available at: <https://www.hrw.org/news/2020/11/16/iraq-no-justice-enforced-disappearances> (accessed 17 November 2020); Amnesty International, *Iraq: Stop security forces from threatening, forcibly disappearing and abusing activists*, 18 October 2019, Available at: <https://www.amnesty.org/en/latest/news/2019/10/iraq-stop-security-forces-from-threatening-forcibly-disappearing-and-abusing-activists/> (accessed on 17 November 2020).

³ See Committee on Enforced Disappearances, *Observations on the additional information submitted by Iraq under article 29 (4) of the Convention**, 25 November 2020, UN Doc. CED/C/IRQ/OAI/1 and <https://news.un.org/ar/story/2020/11/1066582>.

- Ensure that the practice constitutes an offence under national criminal law, in compliance with article 4 of the Covenant, by integrating a clear definition of the crime in Iraq's criminal code or by adopting a law on enforced disappearances in line with international standards;
- Respond to the urgent requests issued by the United Nations Committee on Enforced Disappearances and provide thorough information on the steps taken to locate the missing persons.

We thank you for your understanding,

List of signatories:

Al Haq Human Rights

Al Wissam Humanitarian Assembly

Awareness Centre for Human Development

Babelyat Centre for Women Empowerment

Baghdad Mental Health Organization

Being Together Organization for Human Rights

Building Foundation for Training and Development

Defenders for protection and advocating of human rights

Express center for rights and freedoms

Impunity Watch

Iraqi Al Amal Association

Iraqi Human Rights Defenders And Activist Forum

Iraqi Network for Social Media

Iraqi Observatory for Human Rights

Iraqi War Crimes Documentation Center

Iraqi Women's League

MENA Rights Group

Peace Forum in Al Ramadi

PEN Center Iraq

Tahrir Institute for Middle East Policy (TIMEP)

Tweet For Goodwill

We Can Volunteer Group

Women Human Rights Defenders Coalition

Women's Voice for peacebuilding

Annex:

MENA Rights Group submitted the following six cases of missing protesters to the United Nations Committee on Enforced Disappearances. For all of these cases, the Iraqi authorities have not responded. We therefore urge you to ensure that the fate and whereabouts of the following victims are clarified:

Abdel-Messih Romeo (عبد المسيح روميو), a daily worker born on 14 July 1986, who participated in the protests. He was abducted on the night of 1 March 2020 at Al Kuhlani square by the anti-riot police. He has not been heard of since.

Osama Al Tamimi (أسامة التميمي), a freelance photographer born in 1998, who disappeared on 2 January 2020 near Al Tahrir square in Baghdad. He had documented the protests with his camera and was abducted when returning home. His family believe that he was abducted by an armed group acting with the authorisation, support, acquiescence or approval of the Iraqi Government. His fate and whereabouts remain unknown until to date.

Tawfiq Mohamad Hasan Atwan Al Tamimi (توفيق محمد حسن عطوان التميمي), a journalist and editor born on 1 December 1962, who disappeared on 9 March 2020 in the Ur neighbourhood of Baghdad. He had posted content on Facebook calling for the release of Mazen Latif, a publisher and writer disappeared in February 2020. Tawfiq Al Tamimi also voiced support for the Iraqi protests online. His family believe that he was abducted by an armed group acting with the authorisation, support, acquiescence or approval of the Iraqi government. He has not been heard of since.

Mahmoud Ali Khaz'al Alak Al Shuwaili (محمود علي خزعل علك الشويلي), born in 1990, who disappeared on 2 December 2019 at Tahrir square in Baghdad after leaving the broadcast of a football game at the square. Mahmoud had attended most of the protests. He was seen by a former detainee inside Baghdad airport prison in August 2020.

Ali Jasib Hattab Al Heliji (علي جاسب), a human rights lawyer born on 16 May 1990, who was representing several demonstrators arrested in connection with the protests, was abducted by members of an armed group in the Iraqi city of Amarah on 8 October 2019. His fate and whereabouts remain unknown until to date.

Sajjad Sattar Shannan Al Mishrifawi (سجاد ستار شنان المشرفاوي), a university graduate born on 27 June 1995, who was among the most prominent activists and peaceful protesters in the recent demonstrations in the Dhi Qar governorate. On 19 September 2020, he was abducted by

members of an armed group acting with the authorisation, support, acquiescence or approval of the Iraqi Government. Despite the search conducted by Iraq's Anti-Terrorism Service and the army's air force under your command, Mr Al Mishrifawi has not been heard of since.