



His Excellency Mr Barham Salih, President 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 President 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.

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

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).

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 December 2019, you took a clear stance in favour of a non-partisan Prime Minister, and showed support for the Iraqi protesters and their demands for an independent premier. By recognising that the will of the Iraqi people must be the “source of the authorities and their legitimacy”, you instilled hope in the Iraqi society that a future, in which citizens feel represented and their human rights are respected, is possible.

By approving Mr Mustafa Al Kadhimi for Prime Minister, a non-partisan former human rights activist and journalist, you made these aspirations even more tangible.

We address you as the guarantor of the Iraqi Constitution under its article 67, who understands the importance of having the rights contained therein, such as the rights to life, security and liberty, fully implemented. While we are aware that your presidency is confronted with significant challenges, we believe that certain pressing files, such as the ongoing disappearance of peaceful protesters, must urgently be dealt with.

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. Your demonstrated efforts to build balanced relations in the region, coupled with your non-sectarian approach to domestic politics and your ability to create unity between divergent forces could be instrumental in the enforcement of the Convention.

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 and security forces are

reportedly responsible for the abduction of several demonstrators who had participated in the 2019-2020 protests.²

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. We are confident that you will be able to help build bridges between Iraq's multiple security elements and to ensure that the latter and the different armed groups are accountable to the Iraqi State.

To avoid the risk of history repeating itself, we strongly encourage the current government 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 (CED) accordingly reiterated its calls on Iraq to finally tackle the persisting patterns of enforced disappearances in Iraq. We are thus asking you, as the President 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 CED, 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;

² 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).

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, Mr Al Mishrifawi has not been heard of since.