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First UA: 104/23 Index: MDE 14/7367/2023 Iraq of November 1, 2023

## **IRAQ DEMAND JUSTICE FOR DISAPPEARED ACTIVIST**

On September 19, 2020, a group of armed men abducted Sajjad al-Iraqi from a vehicle he was travelling in with his friends in Nasiriya, Thi Qar governorate, Iraq. Sajjad is a prominent protester and activist involved in the 2019 Tishreen [October] protest movement. More than three years after his abduction, his whereabouts remain unknown, and his family has been subjected to threats as they pursue truth and justice. On March 22, 2023, the Dhi Qar Criminal Court sentenced to death in absentia two individuals convicted for kidnapping Sajjad al-Iraqi, but no arrests have been made.

The Iraqi authorities must reveal the fate and whereabouts of Sajjad al-Iraqi, ensure his family is protected from reprisals, and hold those found to be responsible to account in fair trials without recourse to the death penalty.

### **Write to the Prime Minister urging him to:**

- Urgently order investigations to reveal the fate and whereabouts of Sajjad al-Iraqi and to ensure his family members are protected from threats and reprisals.
- Order a re-trial of the defendants in their presence and in a manner that respects international standards without recourse to the death penalty.

### **Write to:**

Prime Minister Mohammed Shia' al-Sudani

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Twitter: @mohamedshia

### **And copy:**

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### **ADDITIONAL INFORMATION**

During the mass anti-government protests that began in October 2019, known as the Tishreen [October] protests, security forces including security forces and members of the Popular Mobilization Units (PMU), a large network of militias legally considered part of the Iraqi Armed Forces, used lethal force against protestors and pursued a sinister campaign of extrajudicial killings and enforced disappearances.

Very few members of the security forces or affiliated militias have been prosecuted for their roles in violence against protestors and activists. In a report released in June 2022, the United Nations Assistance Mission to Iraq (UNAMI) was only able to identify the conviction of four “unidentified armed elements” since May 2021 and of six members of the security forces for targeted shootings, killings and abductions. The report added: “UNAMI/OHCHR was unable to identify any other cases that progressed beyond the investigative stage during the reporting period.”

Since 2019, successive Iraqi governments have formed numerous committees to investigate violations committed in the context of the protests at the national and governorate level, but these committees have failed to deliver on truth or justice.

The most notable was the ‘Fact-Finding Committee’, established by Executive Order 293 issued by then-Prime Minister Mustafa al-Kadhimi on October 18, 2020 with the goal of gathering evidence, publishing a comprehensive report, and identifying those responsible for the crimes committed. Under the decree, the Committee has the right to refer cases to the judiciary. However there has been no transparency as to whether this has occurred.

In a letter from Prime Minister Shia al-Sudani’s Office to Amnesty International on April 2, 2023, the Office said that “the Prime Minister ordered in November 2022 the activation of the work of the [Fact-Finding] committee and outreach to representatives from the demonstrators.” The Prime Minister’s Office outlined measures the Fact-Finding Committee had taken down, including having looked into “more than 215 cases obtained from the Rusafa Central Investigative Court and reviewed more than 5,375 official documents that included medical reports, victim autopsy forms and reports of forensic experts, and the committee continues to examine documents received from courts of appeal.” The Prime Minister also confirmed that reparations had been paid to the families of those killed, amounting to ten million Iraqi dinars for each victim.

However, reparations are not a substitute for establishing the truth or bringing perpetrators to justice, and nearly three years after it was formed, the Fact-Finding Committee has yet to publish any findings.

Enforced disappearance is currently not a crime under Iraqi law and therefore cannot be prosecuted as a distinct offence. On August 6, 2023, the Iraqi Council of Ministers issued a draft “Missing Persons Law” and sent it to Parliament. The draft’s stated aim is to help relatives of the missing learn their fate and be given access to reparations, including by setting up a national commission for the missing. Yet, this draft law does not criminalize enforced disappearance or outline penalties for perpetrators. As a state party to the International Convention for the Protection of all Persons against Enforced Disappearance, Iraq has an obligation to criminalize enforced disappearances, investigate, bring perpetrators to justice, and ensure reparation for victims.