



GIJTR

Global Initiative for Justice
Truth & Reconciliation

VICTIM-CENTERED APPROACH TO TRANSITIONAL JUSTICE

COUNTRY: Republic of Iraq

INTRODUCTION

The deterioration of the economic situation, the decline in the level of services, the exacerbation of unemployment, the faltering of reconstruction efforts, financial and administrative corruption, militia control over the government and its institutions, and external international interventions led to the outbreak of peaceful protests on October 1, 2019, in Baghdad and the rest of the governorates of central and southern Iraq. Most of the participants in these protests were young people from poor and marginalized areas. These protests were followed by a high level of sympathy and solidarity, but the state dealt violently with them. Security forces used combat ammunition, tear gas, hunting rifles, and hot water. The armed militias carried out assassinations, torture, and abductions of protest leaders.¹

The government's insistence on repressive measures, which left more than 1,000 dead and more than 30,000 wounded and disabled, in addition to hundreds of detainees on malicious charges and hundreds of forcibly disappeared, proved the seriousness and impact of these protests.² In addition, the government blocked social media, cut off the internet, and attempted to curb the press.³ Ignoring the protesters' demands led to the indignation and anger of the demonstrators and the victims' families.

The described protest and human rights violations that followed were not systematically covered by transitional justice mechanisms, except through compensation via an amendment to the Law on Compensation for Victims of War Operations, Military Mistakes and Terrorist Operations.⁴ This law was amended in 2020 to include dead, wounded, and disabled people from peaceful protests. However, this amendment covered only some of the categories referred to by the law, such as individuals wounded and killed in peaceful protests, but it did not refer to the kidnapped civil activists whose fate is still unknown. Notably, in addition to the failure to implement the majority of its paragraphs, the compensation law was not issued by order of the judiciary; rather, it was a political decision by the parties in power. Consequently, none of the victims' basic needs were met within this amendment.

Besides this, the government formed a fact-finding committee on the parties involved in killing peaceful protesters. Still, none of the perpetrators and those behind them have been revealed.⁵ The government also formed a committee to combat financial and administrative corruption, but none of the significant corruption files have been opened.⁶

BACKGROUND

This study describes the context around the peaceful mass protests in Iraq, which began on October 1, 2019. The majority of the protesters were young people who were demanding changes to the electoral law, job opportunities and services, amendments to the constitution and the political system, transparency and efficiency in government, inclusion of citizens in decision-making, a stop to the dominance of militias and armed religious parties, a strengthening of the rule of law, accountability of corrupt officials, and removal of partisan and political influences on the Supreme Judicial Council and the Federal Court. The slogan of these protests was unified in all the governorates that witnessed the protests: "We want a homeland." The protest had broad societal support, starting with young school and university students and tribal chiefs and clerics of all denominations and ages. The government confronted these peaceful protests with repression, as government forces used illegal means to suppress the protests (combat ammunition, sniper teams, tear gas grenades, hunting rifles, hot water), in addition to the abductions and systematic assassination of activists and protest leaders by the militias affiliated with the parties in power.

THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH, AND RECONCILIATION

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth & Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative, and multidisciplinary approaches to issues of truth, justice, and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors, and governments to develop transitional justice approaches that are victim-centered and collaborative and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 72 countries, worked with 681 civil society organizations, conducted 323 community-driven projects, and documented more than 5,040 human rights violations.

For more information, please visit gijtr.org.



GIJTR

Global Initiative for Justice
Truth & Reconciliation

To calm the protesters, the government amended the Law on Compensation for Victims of War Operations, Military Mistakes and Terrorist Operations and added to it compensation for victims of peaceful protests. Despite this amendment, most victims of peaceful protests (both families of the dead and the wounded protesters) were not compensated, because this amendment was a political decision, not a judicial one. A judicial decision would have brought suspects to justice and provided conditions for a trial. This way, victims and their families would have felt they had achieved justice, which is one of the essential principles of transitional justice. However, no judicial procedures that could reveal the perpetrators and hold them accountable were launched.

POLITICAL AND SOCIAL CONTEXT THAT CONTRIBUTED TO THE OUTBREAK OF THE CONFLICT

The factors that led to the outbreak of protests can be summarized in two leading causes, economic and political. Although Iraq is among the wealthiest countries in oil in the world and receives large incomes from its export, it did not significantly reduce poverty, develop infrastructure, or create job opportunities. According to the Ministry of Planning, Iraq's poverty rate increased to more than 31.7% in 2021.⁷ Unemployment also rose to more than 27% of the population in 2021, according to the Ministry of Planning.⁸ Many students could not continue studying because of poverty and the poor educational services across the country, especially outside the capital, in Baghdad, and in nonurban areas. This severe imbalance between Iraq's financial capabilities and the difficult economic conditions of the people is caused by corruption, mismanagement, and financial waste that have characterized the Iraqi governments since 2003. Successive governments have spent hundreds of billions of dollars strengthening their influence and arming their affiliated militias, which have carried out killings and liquidations of peaceful protesters and anyone who opposes those governments.

The continuing sharing of power between the ruling parties has generated great administrative corruption, in addition to the lack of actual political participation of citizens and independent young leaders, as there are no new faces on the political scene. Also, the rigging of the elections led to the citizens' lack of confidence in the government, and the political parties resorted to rigging to increase their influence. According to government sources, the parliamentary elections in 2018 obtained a participation rate of only 44%, but in reality, it was less than 20%.⁹

On the other hand, the peaceful protesters in Iraq considered Iran among Iraq's most interfering and influential countries. Iran played an important role in Iraq's deteriorating economic and political conditions by draining the wealth of Iraq through Iraqi politicians who hold power.¹⁰ All these reasons combined led to the situation in which Iraqis felt less safe and poorer in their livelihoods.

THE NATURE OF THE CONFLICT AND VIOLATIONS WITNESSED IN IRAQ

The Iraqi society witnessed the exposure of peaceful protesters to multiple forms of violations, most notably the direct and deliberate killing carried out by government security forces and militias affiliated with the ruling parties, as well as the armed militias' kidnapping of hundreds of leaders of peaceful protests and civil activists whose fate is still unknown, in addition to the organized assassinations carried out by these militias against dozens of activists in the protest movement.

The government forces and militias arrested thousands of peaceful demonstrators and brutally tortured them. The Iraqi government also used forces in civilian clothes affiliated with the Iranian Revolutionary Guard, which brutally killed and tortured the demonstrators.¹¹ The issuance of arrest warrants against protesters by the Iraqi judiciary, by fabricating malicious charges against them, made the situation even worse. Hundreds of demonstrators were forced to flee their places of residence to the Kurdistan region or outside Iraq. Also, the government cut internet services for long periods and raided the offices of independent news channels that followed the protests, and attacked, harassed, and arbitrarily detained journalists and confiscated or deleted their media materials related to demonstrations.¹² One of the victims, a journalist, said:

I have been covering the peaceful protests since their launch in October 2019, and I have documented the crimes of the government forces against the protesters. These forces were firing live bullets at the peaceful protesters. My camera was smashed several times by militia in civilian clothes, as well as by the government forces. Sometimes my camera was confiscated from me because they did not want me to film their actions and crimes. I was also stabbed with knives by armed militias affiliated with the government because of my documentation of these violations.¹³

THE STATUS OF VICTIMS IN THE CONTEXT OF TRANSITIONAL JUSTICE

In January 2020, the Iraqi Parliament approved the addition of victims of peaceful protests as beneficiaries of the Law on Compensation for Victims of Terrorism and Military Operations, issued in 2009. The government also formed a fact-finding committee in 2020 to investigate the violence carried out by state security personnel and armed groups against protesters and activists.¹⁴

Although there are laws that should support efforts to respond to the victims' needs, these laws have not been thoughtfully implemented on the ground. For example, in addition to the tedious routine that the wounded and the families of the victims suffer from when applying for

compensation, they are forced to hire a lawyer, which often exceeds their financial capabilities, and they wait for an extended period to obtain the compensation.

Most of the victims (the families of the dead, the wounded, and the disabled) did not receive any compensation promised by the government through the amendment of the Law on Compensation for Victims of Terrorism and Military Operations. Also, thousands of wounded and disabled people did not receive the necessary treatment and health care promised by the government.¹⁵ One of the injured victims said:

SWAT forces shot me and hit me in my left foot and smashed all of my toes during peaceful protests. I didn't get any medical assistance from the government for my treatment, as my family had to take out a loan for the purpose of performing surgery on my feet. Now my family suffers from a bad psychological situation because I need a second surgery and my family cannot afford the costs of this surgery. The government has lied to us.¹⁶

In addition, the judiciary did not follow up on the thousands of complaints filed by the victims against the perpetrators.¹⁷ The government has turned a blind eye to the violations committed by government forces and militias against peaceful demonstrators. One of the victims said:

Justice was not applied, and the perpetrators were not held accountable for their crimes against me or against the rest of the peaceful protesters, and this is because of the great power enjoyed by the militias affiliated with the parties in power, as well as the dominance of these parties on the security leaders in Iraq. Therefore, I do not expect the application of justice in Iraq at the present time.¹⁸

VICTIMS' PERCEPTIONS OF THEIR POSITION IN SOCIETY AND THE CHALLENGES THEY FACE

Society is fully sympathetic to the victims – from raising pictures of the victims of the peaceful protests in the cities that witnessed protests to providing humanitarian aid and moral support to the victims' families.

The challenges that the victims faced are many. Some of the biggest challenges involve access to justice, restoration of dignity, and the exercising of rights, in addition to medical treatments for the injured, which were very expensive for most of them because of the severity of their injuries.

Many victims' lawyers were forced to withdraw from cases, and some fled their area of residence because of militia threats. Also, many victims withdrew their complaints because some influential officials, security forces, or militias threatened them. There were also situations in

which perpetrators were bargaining with the victims' families. The families were given a choice to accept money in exchange for dropping the complaints or to be killed by the perpetrators. In most cases, the victims' families accepted the money to preserve their lives. Many who continued to complain were killed, or the complaint remained intact in court without initiating any procedures. Today, the victims feel as if their rights have been revoked and their demands to restore their dignity have been ignored, with much anger at the ruling political class because it did not fulfill its duties to protect them from the violations they were subjected to.¹⁹

Most victims refer to mixed feelings of sadness and fear of the unknown future, and the trauma they went through remains in their memories and lives with them to this day. One of the victims stated this by saying:

The brutal torture I was subjected to by the security forces, during my arrest in peaceful demonstrations, had a negative impact on my life, as I feel physically and psychologically broken. My confidence in myself and in others has become shaky and destroyed, and my soul bears very deep scars. I suffer from lack of sleep, in addition to the nightmares that come to me in a dream.²⁰

Another victim said:

The detention and torture I was subjected to left a huge mark on me. I feel that something inside me has been broken, my dignity as a human being has been violated, and I have been humiliated. This is certainly reflected in my family, which is trying to help me forget that bitter experience that I went through. I'm not the same as I was. Something changed inside me that I can't explain.²¹

Families of victims who died or were wounded feel respected in society. However, at the same time, they struggle socially to coexist with the new conditions after losing their loved ones, especially families who lost their primary breadwinner or were subjected to injuries, torture, and abuse. They struggle to escape the trauma and pain they have experienced. One of the people whose brother was killed by government forces said:

My murdered brother left behind a little girl. This child searches every day in the corners of the house for her father, but to no avail. When someone knocks on the door, she runs to open it, thinking that her father is behind the door. And when she does not find her father, she withdraws to one of the corners of the house and cries.... This sight and the daily pain we live in are unimaginable.²²

THE ROLE OF VICTIMS' COMMUNITIES AND OFFICIAL INSTITUTIONS IN SUPPORTING VICTIMS

Iraqi society seems more cohesive and ready to support the victims and interventions that would alleviate the suffering of the victims and contribute to achieving justice for them. For example, the Iraqi Institute for Civil Development and the Abaad Foundation for Civil Development conducted field visits to the families of the victims of the protests and provided them with psychological support, in addition to organizing an advocacy campaign for the protest movement's issues.²³

Some official institutions have expressed their support and solidarity for victims. For example, the Commission for Human Rights in Iraq urged the government to respond to calls to "hold the perpetrators accountable."²⁴ This commission issued reports that condemned the use of violence against the demonstrators, in addition to documenting the violations that the demonstrators were subjected to and visiting the victims' families and providing them with psychological support. Also, some health directorates showed great cooperation by treating the wounded protesters.²⁵

Civil society organizations have implemented many initiatives to commemorate the victims of the peaceful protests, as well as several campaigns advocating for the demands of the peaceful protests. Traveling exhibitions of pictures of the victims have also been organized in some governorates in Iraq, as well as awareness workshops for victims about local and international laws that guarantee their rights.²⁶ At the informal level, advocacy campaigns and memorialization initiatives continued. New initiatives emerged that organized seminars to promote dialogue and acquaint society with the laws protecting freedom of expression. Activists have become bolder in raising the issues that the victims of the protests have faced, primarily through social media.

BEST PRACTICES AND LESSONS LEARNED FROM IRAQI CIVIC ACTION

Realizing justice requires revealing the truth, which entails the establishment of a truth commission. Through the Iraqi context, establishing such a commission will be an important step in the fundamental reform of society. The government also has an important duty to comply with the constitution, which guarantees the protection of protesters and the right to peaceful demonstrations. Also, the Law on Compensation for Victims of Terrorism and Military Operations needs judicial procedures to be acceptable to the victims and their families. Victims should be aware of their rights and the remedies available to them, as well as how to benefit from them.

NETWORK EXPERIENCE

The challenges faced while working with victims include the fear of some victims disclosing information or the fear of naming perpetrators. This can be addressed by building trust with the victims, assuring them of the confidentiality of the information they provide, and emphasizing the importance of obtaining information to establish facts and violations. The government should apply the same principle and give the victims sufficient guarantees to protect them by the law and the constitution, which prevents reprisals against them.

Inviting more civil society organizations to engage in the process of documenting violations will increase the base of civil society interested in documentation, and this means exposing more violations and thus more reports, awareness campaigns, advocacy and commemoration, and an increase in societal awareness. All of this will put additional pressure on the government and help to achieve the desired societal change.

VICTIMS' STATEMENTS

Interviews with victims must be accompanied by informed consent, with the need to plan the interview. Special care must be taken when communicating with the victim, providing psychological support and posttraumatic rehabilitation, as well as counseling, especially legal advice, on the abuse they have been subjected to. In addition, the victims' statements should be verified, corroborated with information collected from other victims or witnesses. Working with a team of at least two people, a male and a female, could be more helpful, as a female victim or witness may not feel comfortable sharing sensitive details with a male interviewer. In addition, the involvement of the victims in conducting other interviews can be motivating, and it could encourage other victims to give interviews. Finally, it is essential that victims' grief and concerns be acknowledged throughout the documentation process.

CONCLUSION

Peaceful protesters in Iraq in October 2019 were subjected to many human rights violations committed by government forces and militias affiliated with parties in power. The tragedies in these protests affected the lives of thousands of young people, who were killed, suffered severe injuries, or were subjected to displacement, abductions, and disappearance. The government failed to prosecute the perpetrators and hold them accountable.

There is no safe environment for the victims, as they cannot speak publicly about the violations they suffered. A victim-focused approach is not adopted – and there is no transitional justice process that focuses on consultations with the injured victims or the families of those killed – in defining appropriate transitional justice measures and procedures. Because of the lack of impartiality of the Iraqi government and its failure to acknowledge the existence of violations committed by government forces or militias affiliated with the parties in power, government investigators, civil society organizations, and investigators cannot collect and preserve evidence. Transitional justice in Iraq has been limited to promises of compensation to the victims and their families without a system of accountability that would hold the perpetrators accountable.

RECOMMENDATIONS

1. A need exists to follow a victim-centered approach, and victims should be consulted and listened to regarding appropriate measures and transitional justice procedures.
2. Victims' claims and their expectations and those of their families should be acknowledged.
3. Victims must be provided with a safe environment that allows them to speak frankly and without fear about the violations they were subjected to.
4. A need exists to provide psychological support to the victims through systematic work to recognize posttraumatic symptoms and form specialized committees that treat those who need treatment.
5. Prioritizing justice and promoting legal accountability are essential. The authorities must enable the victims to submit their complaints. It is necessary to remove the political interference from the judiciary to achieve justice.
6. Systematizing documentation of violations and collecting evidence and testimonies that can be used for accountability are essential.
7. It is necessary to preserve the memory of what happened. Memory could be preserved through documentaries or memorials that raise awareness on human rights violations committed and advocate for their nonrecurrence, commemorate victims, and promote peace and justice.

ENDNOTES

1. *Ongoing Updates on Protests in Iraq*, Jadaliyya, October 29, 2019, read more: <https://www.jadaliyya.com/Details/40166>, (last accessed: March 21, 2023).
2. *Iraq's Tishreen Uprising: From Barricades to Ballot Box*, International Crisis Group, July 26, 2021, read more: <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/223-iraqs-tishreen-uprising-barricades-ballot-box>, (last accessed: March 21, 2023).
3. *Iraq: government continues to block social media*, Middle East Monitor, October 10, 2019, read more: <https://www.middleeastmonitor.com/20191010-iraq-government-continues-to-block-social-media/>, (last accessed: March 21, 2023).
4. Iraq's Council of Ministers decides to include the martyrs and wounded of the peaceful protest movement in the *Law on Compensation for Victims of War Operations, Military Mistakes and Terrorist Operations*, August 21, 2020, read more (in Arabic): <https://cabinet.iq/ArticleShow.aspx?ID=9716>, (last accessed: February 28, 2023).
5. *Iraq to launch investigations against killing of protesters*, AL Monitor, May 24, 2020, read more: <https://www.al-monitor.com/originals/2020/05/iraq-protests-militias.html#ixzz7up03Vq46>, (last accessed: March 21, 2023).
6. *The Price of Corruption in Iraq: Kadhimi Faces the Challenge of Systematic Reform*, Washington Institute, November 10, 2020, read more: <https://www.washingtoninstitute.org/policy-analysis/price-corruption-iraq-kadhimi-faces-challenge-systemic-reform>, (last accessed: February 28, 2023).
7. *Iraqi University Graduates Rally to Demand Jobs*, Anadolu Agency, March 9, 2021, read more: <https://www.aa.com.tr/en/middle-east/iraqi-university-graduates-rally-to-demand-jobs/2169709>, (last accessed: February 28, 2023).
8. Ibid.
9. *Iraq's Election: The Participation Rate reached 20%, Official says*, Shafaq, October 10, 2021, read more: <https://shafaq.com/en/Iraq-News/Iraq-s-elections-The-participation-rate-reached-20-Official-says>, (last accessed: February 28, 2023).
10. *Iraq's Tishreen Uprising: From Barricades to Ballot Box*, International Crisis Group, July 26, 2021, read more: <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/223-iraqs-tishreen-uprising-barricades-ballot-box>, (last accessed: February 28, 2023).
11. *Free Speech Under Threat in Iraq*, The Tahrir Institute for Middle East Policy, May 17, 2021, read more: <https://timep.org/2021/05/17/free-speech-under-threat-in-iraq/>, (last accessed: March 21, 2023).
12. *Iraq issues arrest warrants for 'assaulters' amid protests*, Vanguard, October 26, 2019: <https://www.vanguardngr.com/2019/10/iraq-issues-arrest-warrants-for-assaulters-amid-protests/>, (last accessed: March 21, 2023).
13. Interviewee #1, Wasit, July 4, 2022.
14. Inclusion of the martyrs and wounded of the protests of October 2019 and what followed them by Law (20) of 2009 (in Arabic): <https://www.cabinet.iq/ArticleShow.aspx?ID=9716>, (last accessed: March 21, 2023).
15. *To Sleep the Law, Violence Against Protesters and Unaccountable Perpetrators in Iraq*, Human Rights Watch, November 29, 2022, read more: <https://www.hrw.org/report/2022/11/29/sleep-law/violence-against-protesters-and-unaccountable-perpetrators-iraq>, (last accessed: March 21, 2023).
16. Interviewee # 5, Babylon, July 13, 2022.
17. *Iraq: No Justice for Protester Deaths*: <https://www.hrw.org/news/2022/11/29/iraq-no-justice-protester-deaths>, (last accessed: March 21, 2023).
18. Interviewee # 1, Wasit, July 4, 2022.
19. Interviewee # 6, Wasit, July 19, 2022.
20. Interviewee # 4, Wasit, July 8, 2022.
21. Interviewee # 6, Wasit, July 19, 2022.
22. Interviewee # 2, Wasit, July 4, 2022.
23. *Advocacy for the Protest Movement Issues in Iraq*, Facebook profile, available here (in Arabic): <https://www.facebook.com/apmi.iraqi>, (last accessed: February 28, 2023).
24. *Commission on Human Rights on the report 'UNAMI': Iraq's reputation is at stake*, NasNews, May, 31, 2021, read more (in Arabic): <https://www.nas-news.com/view.php?cat=61699>, (last accessed: February 28, 2023).
25. *Evaluation Report of the Iraqi High Commission for Human Rights*, February 19, 2021, read more: <https://menarights.org/en/documents/evaluation-report-iraqi-high-commission-human-rights>, (last accessed: February 28, 2023).
26. *Advocacy for the Protest Movement Issues in Iraq*, Facebook post, August 16, 2021, available here: <https://www.facebook.com/107312388326353/posts/109421284782130/>, (last accessed: February 28, 2023). Together for a Better Life Foundation for Human & Social Development has organized several traveling exhibitions, and has held awareness workshops about local and international laws that guarantee freedom of expression and peaceful demonstration. The *Iraqi Institute for Civil Development* implemented an advocacy campaign for the victims of the protests, in addition to many awareness workshops about the rights of victims according to the law.



GIJTR

Global Initiative for Justice
Truth & Reconciliation