Demonstrations in Iraq – 2nd update
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I Introduction

Pursuant to its mandate to promote accountability and the protection of human rights, UNAMI is closely monitoring ongoing demonstrations in Iraq.\(^1\) It is UNAMI’s third report on this subject and it follows UNAMI’s Special Report on Demonstrations in Iraq (1-9 October), issued on 22 October 2019, and Special Report: Demonstrations in Iraq: update (25 October-4 November), issued on 5 November 2019.\(^2\)

Based on 183 monitoring interviews conducted from 5 November to 8 December with sources having direct and secondary knowledge of demonstrations across Iraq, this report outlines human rights concerns related to ongoing demonstrations with an emphasis on the period of 5 November to 8 December.

Preliminary findings indicate that human rights violations and abuses continued during the period covered by the report, including unlawful, improper and excessive use of (lethal and less-lethal) force as well as ill-treatment and violations of procedural rights of arrested demonstrators.\(^3\) UNAMI continued to receive credible allegations of deliberate killings, abduction and arbitrary detention carried out by unknown armed men described as: ‘militia’, ‘unknown third parties’, ‘armed entities’, ‘outlaws’ and ‘spoilers’.

During the reporting period 170 deaths and 2,264 injuries were recorded.\(^4\) These figures should be considered preliminary: contrary to practice in the past, the Government did not permit UNAMI to obtain official hospital statistical data concerning demonstrations related casualties or visit hospitals to interview victims.

II Continuation of Demonstrations

The large-scale demonstrations that resumed in Iraq on 25 October 2019, driven by protestors’ frustration at limited economic, social and political prospects, continued through November and into December 2019. The high loss of life and many injuries attributed to the use of violence contributed to a crisis of confidence, further stimulating protestors. Tahrir square in Baghdad continued to be the epicenter of the demonstrations, with peaceful protestors maintaining a sit-in and organizing tents providing food, healthcare, legal assistance and clothing. Protesters also arranged memorials for those killed and notice boards for the missing, as well as street art, sporting events and entertainment.

Demonstrations also continued in the central and southern governorates - Babil, Basra, Dhi Qar, Karbala, Missan, Muthana, Najaf, Qadisiya\(^5\) and Wasit. The majority of demonstrations remained peaceful. Some actors in Dhi Qar, Karbala and Najaf attempted to burn down buildings perceived to be affiliated with, for instance, political parties and Iran. In response to the killings in Najaf and Dhi Qar at the end of November, demonstrations expanded to Mosul (Ninewa governorate) and Anbar governorate in the form of peaceful ‘solidarity protests’. Peaceful demonstrations also took place in Kirkuk, Diyala and Salah al-Din in early December. In Basra, Missan, Muthana, Dhi Qar, Karbala and Babil, most schools and universities have remained closed since early November following strikes and calls for school closures by demonstrators.

Prime Minister Abdul Mahdi announced his intention to relinquish his post on 29 November 2019. On 1 December 2019, the Council of Representatives accepted his resignation.

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\(^1\) Security Council Resolution 2470 (2019) mandates UNAMI to ‘promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, to strengthen the rule of law in Iraq [..].’

\(^2\) Both reports accessible at: http://www.uniraq.org

\(^3\) UNAMI was unable to conduct individual interviews with members of security forces and employees of public hospitals due to restrictions in place concerning the release of information to external stakeholders, including United Nations human rights representatives.

\(^4\) Since 1 October, violence during demonstrations caused at least 424 deaths and at least 8,758 injuries including members of the Iraqi security forces. The 8,758 include those injured in attacks recorded by UNAMI and do not include the thousands of demonstrators who received treatment for other injuries, particularly resulting from tear gas inhalation. These numbers are estimated to have reached 19,000.

\(^5\) Qadisiya governorate is also known as Diwaniya, its capital city.
III Allegations concerning the Excessive Use of Force

Central and Southern Iraq

In central and southern governorates, most deaths and serious injuries resulted from the use of live ammunition by security forces and armed men described as ‘militia’ to disperse crowds. Protesters attempted to set ablaze buildings and used Molotov cocktails⁶ and stones against security forces. Demonstration-related deaths and injuries occurred in Basra, Dhi Qar, Karbala, Missan and Najaf with key incidents detailed below.

Allegations of armed elements using live ammunition against protesters

Between 27 and 30 November, ‘militia’ reported as affiliated to the Popular Mobilization Forces (PMF) allegedly shot dead 27 demonstrators in Najaf. The shootings began on 27 November in response to attempts by protesters to set fire to a compound which houses the al-Hakim shrine. Earlier in the evening, protesters burned down the Iranian consulate and reportedly targeted the compound in the belief that militia members may have fled there. Anti-Riot Police reportedly withdrew from the area shortly before the shootings. At the time of publication, no information has been made available concerning accountability for the killings.

Allegations of security forces using live ammunition against protesters

In the early hours of 28 November, security forces deployed to Nasiriya in Dhi Qar governorate reportedly shot live ammunition at crowds of demonstrators on Al-Zaitoun bridge, killing 24 people and injuring 200 others. On 29 November, security forces allegedly shot dead an additional 17 demonstrators and injured 300 others as they protested the killings outside Dhi Qar police station. The incident followed a failed attempt by security forces on 27 November to clear the bridge of demonstrators using tear gas and stun grenades, that demonstrators had responded to by throwing stones and Molotov cocktails. From 10 to 11 November, security forces reportedly used live ammunition, tear gas and rubber bullets to disperse demonstrators from the same bridge, killing six people and injuring over 100 others. On 1 December, in response to the killings of 28 and 29 November, the Federal Criminal Court of Dhi Qar issued an arrest warrant for a senior general with command responsibility over security forces deployed in Nasiriya.

In Basra governorate, demonstrators blocked the road leading to Umm Qasr Port on 29 October. On 24 November, security forces used live ammunition to disperse protesters, resulting in four demonstrator deaths and the injury of at least 70 others. Security forces had previously failed to disperse the demonstrators using live ammunition on 5 November, which resulted in the death of two demonstrators and injury of over 100 others. Other attempts to disperse the demonstrators included the use of less-lethal weapons on 2 November, and ongoing attempts by local authorities to negotiate with demonstrators to open access to the port. Throughout the sit-in, demonstrators had thrown stones and bricks at security forces.

Also in Basra, on 6 and 7 November, security forces reportedly killed nine demonstrators and injured over 150 others when they fired live ammunition, tear gas, rubber bullets and stun grenades against demonstrators attempting to enter the Basra Governor’s compound. Demonstrators had thrown stones and Molotov cocktails at the security forces. Security forces also reportedly chased demonstrators away from the compound and burned down tents set up by demonstrators.

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⁶ A Molotov cocktail is a homemade incendiary weapon made of a glass bottle filled with a flammable liquid (such as gasoline) and usually fitted with a wick (such as a saturated rag) that is ignited just before the bottle is thrown.
Baghdad

The overwhelming majority of demonstrators in Baghdad engaged in peaceful expressions of protest in Tahrir square during the reporting period. Smaller groups of protesters continued attempts to reach the former International Zone by crossing Jumhuriyah bridge and expanded their efforts to traverse Al Senak, Ahrar and Shuhada bridges, throwing stones and Molotov cocktails at security forces. Similarly, in the Rasheed street area, a small group of protesters threw rocks, Molotov cocktails and fireworks directly at security forces during demonstrations throughout most of November in what appeared an attempt to provoke security forces.

Live ammunition started to be used again in Baghdad from 4 November. Credible reports indicate that from 5 November to 8 December, at least 66 demonstration-related deaths occurred in Baghdad. For example, on 6 to 7 December, an armed group described as ‘militia’ entered areas adjacent to Al Senak bridge in the Rusafa area of Baghdad and shot automatic weapons at demonstrators. The Government confirmed seven fatalities, describing the events as a physical quarrel that developed into a confrontation using Molotov projectiles and live ammunition. No information indicates that Iraqi security forces responded or intervened during or in the immediate aftermath of the incident. Prior to the incident, on 5 December, people believed to be affiliated to ‘militia’ reportedly stabbed at least nine demonstrators in the vicinity of Tahrir square.

Further demonstrations-related deaths and injuries in Baghdad, attributed to live ammunition and the impact trauma from tear gas canisters, occurred, primarily in the Ahrar bridge and Rasheed street area, and earlier in November, in the vicinity of Al Senak bridge and Khilani square and on Shuhada bridge. In contrast to the period 25 October to 4 November, deaths and injuries from so-called less-lethal weapons substantially decreased on Jumhuriyah bridge, with reports of two deaths attributed to severe impact trauma from tear gas canisters. On 16 November, an explosive device of unknown origin detonated in proximity to Tahrir square, killing at least two persons and injuring 12 others.

IV Accountability for Excessive Use of Force

International human rights law permits the use of force by law enforcement agencies only where it serves a legitimate law enforcement purpose and it is necessary and proportionate. The use of potentially lethal force - including firearms - is only permitted by law enforcement agencies in self defence or for the defence of others as an extreme measure of last resort when there is an imminent threat to life or of serious injury. Lethal force may only be used intentionally when strictly unavoidable to protect life from an imminent threat. Consequently, it is never lawful to fire indiscriminately into a crowd and firearms should not be used simply to disperse an assembly. Any use of force should be targeted at individuals using violence as opposed to the entire crowd participating in a demonstration.

Where the use of force is non-compliant with the above principles and causes a fatality, it amounts to an arbitrary killing. States are obliged to investigate, and, where appropriate, prosecute potentially unlawful deprivations of life. Investigations must be independent, impartial, prompt, thorough, effective, credible and transparent.

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7 Information received by UNAMI suggests that as many as 22 people were killed in the incident and more than 100 injured.
9 See UN Basic Principles on the Use of Force and Firearms (1990), Principles 5 + 9; the 1979 Code of Conduct for Law Enforcement Officials, Art. 3; Report by the Special Rapporteur (A/HRC/14/24), para. 35; Report by the Special Rapporteur (A/HRC/26/36), paras. 59-73 (an imminent threat is defined as a situation in which an attack will occur ‘in a matter of seconds, not hours’, implying geographic proximity for the attack to succeed and no opportunity to take alternative action); Human Rights Committee, General Comment No. 36, paras. 12 + 20.
10 See General Comment No. 36, paras. 28,29; the Minnesota Protocol on the Investigation of Potentially Unlawful Death 2016 ("Minnesota Protocol").
Where a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. The duty to protect the right to life also requires States to take adequate preventive measures to protect individuals against reasonably foreseen threats of being murdered or killed by criminals and organized crime or militia groups, including armed or terrorist groups.\(^\text{11}\)

UNAMI notes that a number of steps have been taken toward accountability. On 15 October, the High Judicial Council issued a statement that the Kut investigation court issued a warrant of arrest for two SWAT\(^\text{12}\) police officers in Wasit on charges of killing demonstrators pursuant to Article 406 of the Iraq Criminal Code.\(^\text{13}\) On 1 December, the Criminal Court in Wasit sentenced one of the police officers, a major, to death and issued a seven-year prison sentence to the second, a police force commander, for involvement in the killing of demonstrators. On 1 December, the High Judicial Council issued a statement that the Appeal Court in Najaf had issued warrants for the attackers of protesters in the province. Also, on 1 December, the High Judicial Council issued a statement that the investigative body in the presidency of the Dhi Qar Appeals Court issued an arrest warrant and travel ban against a senior general for the crime of issuing orders that caused the killing of protesters in Dhi-Qar on 28 and 29 November in accordance with Article 406 of the Iraq Criminal Code.

V Allegations concerning Arrest, Detention and Abduction

**Arrest of demonstrators by security forces**

Since the beginning of the demonstrations on 1 October, Iraqi security forces arrested and detained thousands of demonstrators, typically without warrant and mostly without providing those arrested the means to contact their families or defence lawyers, prompting fears that those arrested were being held incommunicado or had disappeared. Provisions of the Penal Code relating to public gatherings and acts of civil disobedience enable broad discretionary authority concerning arrest.\(^\text{14}\)

Based on information obtained with sources with direct knowledge, many persons arrested on charges related to demonstrations in Baghdad in November were ultimately transferred to a facility under the command of security forces, after which they were released without charge, released on bail, or remanded in custody during investigation. During its monitoring of places of detention, including facilities detaining protesters, and consultations with the governmental authorities, UNAMI confirmed that the most demonstrators have been released and those remaining in detention have been charged pursuant to the Iraqi Criminal Code.

Credible information indicates that no demonstrators were charged with crimes pursuant to the Federal Anti-Terrorism Law following the statement issued by the Federal Cassation Court on 24 November that crimes committed by demonstrators should be prosecuted under the Iraqi Criminal Code as opposed to the Federal Anti-Terrorism Law.\(^\text{15}\) This decision superseded the 25 October statement by the High Judicial Council stating that the use of violence and sabotaging public property are acts of terrorism, punishable by death. Most demonstrators appear to be charged under Article 355 of the Iraq Criminal Code (willfully

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\(^{11}\) See General Comment No. 36, paras. 12, 21, 28, 29.

\(^{12}\) SWAT (special weapons and tactics), typically a unit comprised of law enforcement personnel which uses specialized or military equipment and tactics.


\(^{14}\) See Articles 220 and 240 of the Penal Code of 1969.

\(^{15}\) On 24 November, the Federal Cassation Court issued a statement that it considered the acts against law by demonstrators to be ordinary crimes punishable by Penal Code No. 111 of 1969 as opposed to crimes punishable pursuant to the Anti-Terrorism Law due to the absence of the criminal intent of its perpetrators to achieve terrorist ends as required in Article 1 of the Anti-Terrorism Law.
damaging or sabotaging a public highway [...] or bridge [...]”), with some detainees charged pursuant to Articles 222, 230, 240, 342 and 345.\(^{16}\)

UNAMI continues to verify information related to the treatment of demonstrators during arrest, investigation and detention as well as with respect to procedural rights in ongoing cases. Reports indicate that some arrested demonstrators may have been beaten during arrest and interrogation by various security forces. UNAMI is in the process of determining the extent to which the procedural rights of detained demonstrators have been respected. Reliable information suggests that several demonstrators were unable to contact family members while detained in holding facilities for investigation prior to transfer to the detention facility and did not have access to lawyers. The lack of communication caused great distress to family members who had no knowledge of their whereabouts for several days and considered them missing, possibly abducted or killed.

**Targeted arrests of high-profile demonstrators and civil society activists**

UNAMI received credible information that so-called high-profile demonstrators and activists have been targeted for arrest by the security forces and groups described as ‘militia’. Credible information also indicates that security forces have arrested people from their homes and/or vehicles and detained them incommunicado while under investigation, possibly in relation to national security charges.

Credible information furthermore indicates that groups described as ‘militia’ abducted at least five high-profile activists and demonstrators in Baghdad and detained them incommunicado in unofficial detention sites for several days while questioning them. For example, in late November [date/location withheld]\(^{17}\) men described as ‘militia’ abducted a civil society activist, held him incommunicado for two days and subjected him to severe beatings and other forms of inhumane and cruel treatment. The victim had been previously arrested by the same militia, beaten and injured, and had attempted to lodge a complaint with authorities.

Demonstrators and activists may be being targeted based on social media posts and their degree of influence or following. Due to the fear surrounding such ‘militia’ and the risk of reprisal, persons who may have experienced such an abduction are not always willing to speak up and/or to share detailed information, suggesting that the number of victims is higher. UNAMI continues to track all reports of persons who have been detained incommunicado or abducted, including the disappearance of a lawyer in Al-Asmarah, Missan governorate, on 8 October 2019.

**VI Allegations of Deliberate Killings of Civil Society Activists**

In early November, a pattern emerged of attacks targeting human rights defenders in Missan governorate. The following incidents were documented in Al-Asmarah, all carried out by armed elements described as ‘militia’: on 2 November, armed elements shot and injured a civil society activist. On 6 November, armed elements reportedly shot dead an activist and severely injured another. On 22 November, armed elements shot at two civil society activists. On 29 November, a civil society activist was shot dead by armed elements as he travelled home from demonstrations. Other human rights activists have intentionally left Missan after receiving threats. A range of persons interviewed consistently expressed belief that these cases could be

\(^{16}\) Criminal offences related to 342 (willfully setting fire to property), Article 345 (attempt to use or uses explosive endangering the life of others), Article 240 (any person who contravenes an order issued by a public official or agent, municipal council or official or semiofficial body), Art. 222 (calling for – or participating in - a gathering where the intent of the gathering is to commit a felony or a misdemeanor or prevent the implementation of laws, regulations or decision to influence the affairs the public authorities to deprive another of his freedom of action with the use of force or menaces)(using weapons)(committing an offence).

\(^{17}\) Details withheld to protect victim.
revenge attacks connected to the beating to death of a commander and his brother on 25 October, which had followed the death of 12 demonstrators reportedly attributed to his entity.

UNAMI is closely monitoring all allegations concerning human rights defenders, demonstrators and activists.

VII Allegations concerning Freedom of Expression

On 26 November, the Committee for Media Communications (CMC) issued a statement declaring a decision to close eight satellite news stations for “failing to comply with broadcasting rules and regulations” and warning five channels to “correct their speech in a way that complied with regulations of media broadcasting”. The statement extended the closure of another channel for an additional three months and ordered the closure of four radio stations. Despite issuing a letter to the Ministry of Interior (MoI) to enforce its decision, MoI forces only implemented the CMC decision with respect to Dijla TV, which continued to broadcast from offices outside Iraq in order to bypass the ban and resumed broadcasting from Baghdad on 30 November.

Reports were received of security forces preventing journalists from reporting on demonstrations, including through violent means. For example, on 27 November, in Najaf, a Dijlah TV correspondent and her cameraman were reportedly beaten by security forces using batons.

The Government restored access to social media throughout Iraq on 21 November. While the Government restored access to the internet earlier in November, access to social media had remained blocked since 2 October. Access to the internet was blocked in Nasiriyah at 8.30 a.m. on 28 November, the morning after security forces reportedly killed 24 unarmed demonstrators. Access was restored at 6.30 p.m. on 29 November 2019. Residents of Nasiriyah received a text message sent by telecommunications companies apologizing for the interruption in service and explaining that it was “beyond [their] control” and “done according to the instructions from the highest official authorities”.

VIII Demonstrations and the Right to Education

While some students and school children participated in the demonstrations when the protests began on 1 October, schools and universities continued to function normally during the first wave of demonstrations. This situation changed after 28 October, when the Iraqi Teachers’ Union called a strike in support of the demonstrators’ demands. Following this announcement, schools and universities in Basra, Missan, Muthana, Dhi Qar, Karbala and Babil governorates, as well as at some locations in Baghdad, were closed. Additionally, from early November, students and school children in Ninewa and Salah al-Din commenced a boycott of classes in solidarity with the demonstrators.

On 10 November the Teachers’ Union declared the strike over and requested its members to return to work. Subsequently on 24 November, the Ministry of Education issued a statement confirming that all schools were open for regular classes. However, at the time of writing, schools and universities remain closed and/or have still not resumed their normal functioning.

In this context, UNAMI has also received several reports of intimidation against schools, teachers and students by unknown persons presumed to be supportive of the demonstrations. Some schools received anonymous messages urging them to remain closed in support of the demonstrations. For example, on 18 November, in Zayona area in Baghdad the front wall of a school was spray-painted with the message ‘Closed by the people - do not make fun of the blood of the martyrs’. Similar incidents have also been reported in Basra, Dhi Qar, Wassit and Missan. Of particular concern, on 4 December, in Al-Dawaya sub-district,

Dhi Qar governorate, Iraqi security forces made safe a sound bomb which had been placed in a school complex hosting three schools that had been open for classes.

Whilst the Constitution, and relevant international human rights instruments, guarantee the right to freedom of expression and peaceful assembly, these rights are not absolute and can be limited in order to protect the rights and freedoms of others. The rights of demonstrators to express their concerns should not be exercised in a way that interferes with other fundamental freedoms and rights, particularly concerning the rights of children. The right to education is critical to both individual and societal development and it should not be jeopardized by those who seek to raise their legitimate concerns against the government through public protest.

IX Conclusion

UNAMI’s preliminary findings indicate that serious human rights violations and abuses continue to be committed, including violations of the rights to life, physical integrity, liberty and security of person, freedom of peaceful assembly and freedom of expression.

Iraqi security forces have an obligation to maintain public order and to protect Government buildings and public property, but restraint must be shown, and efforts taken to de-escalate the situation and/or to prevent situations in which the use of excessive force may occur. In some areas, such as at Jumhuriyah bridge and Tahrir square, security forces have demonstrated restraint and taken measures to protect demonstrators and limit direct confrontations. These commendable efforts should be replicated elsewhere to avoid unnecessary death and injury.

UNAMI would also like to underline that there is no right to act violently in the exercise of the right to peaceful assembly. UNAMI therefore urges to protest peacefully and not to engage in violence such as attempts to burn down buildings, including diplomatic missions, religious and heritage sites. Notwithstanding, UNAMI emphasizes that all protesters remain protected by the rights to life and physical integrity.

Groups referred to as ‘militia’, ‘unknown third parties’, ‘armed entities’, ‘outlaws’ and ‘spoilers’ are responsible for the deliberate killings and abductions of demonstrators. These acts contribute to a climate of anger and fear. The Government must identify those groups responsible without delay and hold perpetrators accountable. Bearing the primary responsibility for the protection of its people, the State must spare no effort to protect the peaceful protesters from violence by armed actors operating outside state control as well as those with formal and informal reporting lines within the state. In turn, and while taking note of the ongoing crisis of confidence, peaceful protesters need to cooperate constructively to ensure the peaceful protests can, indeed, be duly protected. Acts of violence that are gang-driven, arising from external loyalties, politically motivated or intended to settle scores, risk placing Iraq on a dangerous trajectory. It is essential to join hands in defending fundamental rights, such as the right to peaceful assembly and freedom of speech.

The application of the Iraqi Criminal Code to demonstrators alleged to have committed offences while participating in demonstrations, as opposed to the Federal Anti-Terrorism Law, is welcomed. All persons investigated and prosecuted in connection with demonstrations must be afforded procedural safeguards, including those that prevent incommunicado detention, and given a fair trial.

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19 A ‘peaceful’ assembly stands in contradistinction to one that is violent, and which as a result is not protected under article 21, International Covenant on Civil and Political Rights (ICCPR). See Draft General Comment No. 37 Article 21: right of peaceful assembly, HRC.
**Recommendations:**

While acknowledging the steps already taken by the Government of Iraq, based on the preliminary findings of this report, UNAMI re-emphasizes the recommendations provided in its previous reports\(^{20}\) and further recommends:

1. **Right to Life**
   - Immediate compliance by all security forces (including armed actors with official reporting lines to Government institutions) with international standards on the use of force and firearms in law enforcement contexts, including by exercising restraint at all times.
   - Proactive and effective protection of demonstrators by security forces from violence by armed actors, including groups described as ‘militia’, ‘unknown third parties’, ‘armed entities’, ‘outlaws’ and ‘spoilers’.
   - The adoption of a national, comprehensive strategy for policing and securing demonstrations, based on lessons learnt, focusing on practicing restraint and using methods of de-escalation, with the overall aim of ensuring the safety of citizens and security personnel.
   - Prompt, independent, impartial, effective, thorough and transparent investigation of all demonstration-related deaths since 1 October 2019, with a view to ensuring full accountability and justice at all levels.

2. **Arrest and Detention**
   - Ensure that all persons arrested – including those charged with crimes against protestors - are afforded due process rights and protected from unlawful detention. Due process rights include the right to a lawyer, the right to be informed promptly of any charges against the arrested person, the right to communicate with relatives, and the right to promptly challenge their detention before a court.
   - Protection of all detainees from torture or any other forms of cruel, degrading and inhuman treatment or punishment, and provision of prompt access to medical services if they so require.
   - Compliance with Iraq’s obligations under the International Convention on the Protection of All Persons from Enforced Disappearance.

3. **Protection of Human Rights Defenders and Freedom of Expression**
   - Prompt investigation of all allegations of abduction, immediate action to release abductees from any form of unlawful detention as well as swift identification and prosecution of those responsible.
   - Immediate steps to prevent deliberate killings of human rights defenders by all actors, the public condemnation of any attempted or completed killings of human rights defenders, and full, impartial and thorough investigations into any incidents of killings of human rights defenders.
   - Refrain from blocking internet and social media access as well as interference with media channels.
   - Investigate allegations of intimidation, threats or violence against individual journalists and hold accountable those responsible.