

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	386
Land:	Irak
Kilde:	U.S. Department of State.
Titel:	Country Report on Human Rights Practices – 2008
Udgivet:	25. februar 2009
Optaget på baggrundsmaterialet:	23. marts 2009

Title	2008 Country Reports on Human Rights Practices - Iraq
Publisher	United States Department of State
Country	Iraq
Publication Date	25 February 2009
Cite as	United States Department of State, <i>2008 Country Reports on Human Rights Practices - Iraq</i> , 25 February 2009. Online. UNHCR Refworld, available at: http://www.unhcr.org/refworld/docid/49a8f181c.html [accessed 16 March 2009]

2008 Country Reports on Human Rights Practices - Iraq

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Iraq, with a population of approximately 27.5 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al Maliki. The current administration assumed office in 2006 after the Council of Representatives (COR) approved a unity government composed of the major political parties. The 2005 COR elections establishing this government met internationally recognized electoral standards for free and fair elections, and the results of the elections reflected the will of the voters, according to the final report of the International Mission for Iraqi Elections.

Since the second half of 2007 and during the year, the general security situation in the country substantially improved. Violence has decreased to the lowest level since 2004, although attacks on military, police, and civilians continued. According to Multinational Force-Iraq (MNF-I), civilian deaths from violence during the year fell 72 percent to approximately 15 per day; Iraqi Security Forces (ISF) deaths from violence fell by 57 percent to five per day, compared to the previous year. Successful ISF operations contributed to decreasing violence by establishing government control of areas previously dominated by Shia special groups and other extremists. Throughout the year the Shia militia Jaysh al-Mahdi (JAM) or Mahdi's Army reorganized, repudiating violence against Iraqis, and "Sons of Iraq" (SOI) neighborhood security forces – many affiliated with Sunni tribal groups – continued to combat insurgents and terrorists. These developments undermined the terrorist group Al-Qa'ida in Iraq (AQI) and Sunni insurgent influence, contributing to even further reductions in violence.

During the year, the Ministries of Interior (MOI) and Defense (MOD) increased the numbers of trained security forces. At the end of the year there were over 590,000 trained security forces, an increase from 430,000 in November 2007. The strengthened ISF led successful operations, often jointly with the MNF-I, against insurgents and terrorists in Basrah, Maysan, Baghdad, Diyala, Ninewa, Qadisiyah, and Wasit Provinces. Civilian authorities generally maintained control of the ISF, although sectarian and party-affiliated militias, which sometimes controlled local security, at times failed to provide even-handed enforcement of the law and acted independently. Although reduced, continuing violence, corruption, and organizational dysfunction undermined the government's ability to protect human rights.

During the year, the following significant human rights problems were reported: a climate of violence; misappropriation of official authority by sectarian, criminal, and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention and prison facilities; denial of fair public trials; delays in resolving property restitution claims; immature judicial institutions lacking capacity; arbitrary arrest and

detention; arbitrary interference with privacy and home; other abuses in internal conflicts; limitations on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; restrictions on religious freedom; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of protection of refugees and stateless persons; lack of transparency and widespread, severe corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women, and ethnic and religious minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Insurgent and extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses. Although their influence and ability to attack was significantly weakened since 2007, terrorist groups such as AQI and other extremist elements continued to launch attacks against Shia and Sunnis, fueling sectarian tensions and undermining the government's ability to maintain law and order. Extremist and AQI attacks against Sunni SOI and tribal leaders and offices rose during the year. Extremists and AQI also conducted high-profile bombings near Shia markets and mosques and killed Shia religious pilgrims. Shia militias and armed paramilitary groups, some substantially incorporated into the ISF, also frequently attacked civilians and government officials. Religious minorities, sometimes labeled "anti-Islamic," were caught in the violence. Amidst attacks, Shia armed groups fought each other and against government forces for control of the nine provinces in the South, especially in Basrah. Insurgents also carried out a number of attacks against civilians and ethnic and religious minorities. During the year, despite some reconciliation and easing of tensions in several provinces, the government's human rights performance consistently fell short of according citizens the protections provided for by the law.

The constitution and law provide a strong framework for the free exercise of human rights. A major achievement was the passage of the Provincial Election Law on September 24 calling for provincial elections on January 31, 2009, in 14 majority-Arab provinces, with elections later in the year in the three Kurdish provinces and in Tameem (Kirkuk). As well, the adoption on November 16 by the COR of the law authorizing the establishment of the constitutionally mandated Independent High Commission for Human Rights marked a step forward towards the goal of building institutions to protect those rights.

RESPECT FOR HUMAN RIGHTS

1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

During the year, there were numerous reports that the government or its agents committed arbitrary or unlawful killings in connection with the ongoing conflict. Security forces under government control killed armed fighters or persons planning to carry out violence against civilian or military targets. According to personal accounts and numerous press reports, these forces caused civilian deaths during these operations. The UN Assistance Mission for Iraq (UNAMI) cited reports that the ISF in January Basrah battles and April Sadr City battles against Shia militia failed to distinguish sufficiently between combatants and civilians, and often used disproportionate force.

An extensive security operation in Diyala Province resulted in mass arrests, denial of due process, and credible reports of torture, some resulting in death. In one case, Sheikh Bashir, a Diyala community leader, was arrested by police in November and died in custody shortly thereafter. Government officials claimed he died from a pre-existing kidney condition, but his corpse had markings consistent with torture.

With the increased exercise of central government authority over security forces, the

phenomena of widespread and confirmed unauthorized government agent involvement in extrajudicial killings has ceased to reoccur. UNAMI did not report in its January-June Human Rights Report that there was involvement of ISF in extrajudicial killings in Baghdad, nor were there reports of MOI-affiliated death squads targeting Sunnis.

In the central and southern parts of the country, successful government military operations against militia activity significantly reduced the ability of JAM and the Badr Organization of the Islamic Supreme Council of Iraq (ISCI) factions in the security forces to pursue political agendas. The change in leadership was not without disruption, however. On August 21, there were three attempts to kill General Sabah, the Provincial Chief of Police in Dhi Qar. Three Iraqi Police (IP) officers were arrested and charged with planting improvised explosive devices (IEDs). At year's end there was no further reported judicial follow-up.

There was virtual impunity for officials tried for killings. In February 2007 several high officials in the Ministry of Health (MOH) who were JAM members – including Deputy Minister Hakim al-Zamili – were arrested and charged with organizing the killing of hundreds of Sunnis in Baghdad's hospitals. On March 2, their trial began after a month of delays due to the unavailability of witnesses. On March 3, the three-judge panel, citing a lack of evidence, acquitted the defendants, who were released soon after. There were allegations of witness intimidation throughout the process. At year's end, an appeal by the prosecution was pending. According to local residents, in May 2007 personnel wearing MOI police uniforms reportedly arrested and killed 16 individuals in the Hay al-Amel neighborhood. MOI Internal Affairs and Hay al-Amel Chief of Police investigated but did not find any evidence to substantiate the reports. There were no further developments related to the investigations into 2006 killings of Sunni Arabs by MOI-affiliated death squads.

On August 24, seven men in military uniforms attacked the editor of the Kurdish monthly review Araa, Sadiq Jaafar Bashir, at his home in Baghdad, seriously wounding him and killing his sister, according to the international NGO Reporters Without Borders (RSF). There was no confirmation that the assailants were ISF; criminals have often disguised themselves in ISF or police uniforms.

Insurgent and terrorist bombings, executions, and killings were a regular occurrence throughout all regions and sectors of society. In Baghdad there were 92 persons killed in September, 86 in October, 82 in November, and 56 in December. The attacks were sometimes targeted at police stations or Army patrols, but often were indiscriminate, killing morning rush-hour commuters and market-goers. The Ministry of Human Rights (MOHR) annual report on Victims of Terrorism reported that 6,787 civilians were killed by terrorist attacks during the year, and 20,178 were wounded.

On March 6, two bombings in Baghdad killed 70 civilians and wounded hundreds. On August 24, a suicide bomber targeted a group of Sunni sheikhs known for cooperating with Coalition Forces (CF) who were celebrating a release of a family member from prison, killing at least 25 and wounding 29. On November 10, a roadside IED followed by a suicide bomber mingling in the crowd destroyed a minibus carrying school girls in Baghdad, resulting in 28 deaths. On August 28, the Karbala judiciary found JAM member Ali Abd al-Ta'an guilty of committing terrorist acts and sentenced him to death. Al-Ta'an confessed to multiple killings and involvement in the August 2007 Shabaniyah violence.

Incidents of terrorist attacks by female suicide bombers increased. On February 1, two female suicide bombers blew themselves up in pet markets in Baghdad, killing an estimated 100 civilians. On July 28, a female suicide bomber detonated her explosives in the middle of a public demonstration on the elections law in Kirkuk, killing 10 and wounding 40. The police then fired into the crowd to clear the crowd, causing 20 more deaths and 60 additional injuries. The UNAMI human rights report recorded 13 attacks by female suicide bombers between January and June in Baghdad, Diyala, and Karbala, which left 140 dead and 307 wounded.

During the year insurgents, terrorists, and extremist group members beat,

dismembered, beheaded, and electrically drilled and shocked their victims. On May 19, police found three unknown bodies in Kirkuk. According to the police, two of the victims were exposed to torture including burning with acid and gunshot wounds. The third body was beheaded. On July 27, Police found four unidentified bodies in Mosul. The bodies had been subjected to torture and chemical burns. On July 23, the Iraqi NGO Constitutional Rights and Freedoms Observer reported that there had been a total of 1,538 unidentified bodies recovered between January and July, many bearing signs of torture. According to the NGO, the number of bodies found rose in the spring but has dropped since mid-year. Most of the bodies were found in Diyala and Baghdad.

An estimated 1,900 ISF members were killed during the year. Police officers were particularly targeted. On February 25, a suicide bomber killed Major General Abdul Jabbar Muttar, the assistant police chief in Samarra in Salah ad-Din Province. On June 22, a female suicide bomber killed seven and injured 10 police officers near a heavily fortified courthouse in central Baquba, in Diyala Province.

Terrorists also targeted political institutions and leaders, religious institutions, and minorities. On March 17, a female suicide bomber killed 39 Shia worshippers near a mosque in Karbala. On April 29, Dhia Jodi Jaber, a director general at the Ministry of Labor and Social Affairs (MOLSA), was killed by a roadside bomb outside his house. On July 28, three suicide bombers and a roadside bomb struck Shia pilgrims taking part in a religious procession in Baghdad, killing 24 and wounding 72. On August 23, senior Ministry of Culture official Kamel Shiaa was shot dead in Baghdad. On October 9, Saleh al-Ugaili, a Sadrist parliamentarian, was killed along with two others in his convoy by a roadside bomb in Baghdad.

AQI attacks against SOI and Sunni tribal leaders increased over the year. On February 11, twin car bombs targeted a meeting of Sunni tribal leaders killing 22, including Sheik Ali Hatem al-Sulaiman, deputy chief of Anbar's largest Sunni tribe and a leading member of the Anbar Awakening Council, and wounding at least 40. On June 26, a bomb exploded at a SOI meeting in the city of Garma in Anbar, killing 20 and injuring 27. On August 5, the convoy of senior SOI leader Sheik Ibrahim Karbouli came under attack resulting in his death along with six of his guards in an ambush south of Baghdad.

There also were reports throughout the South that Shia militias and special groups increased their attacks seeking to intimidate government officials and influence government actions. On April 2, a roadside bomb exploded in Basrah, targeting Ministry of Defense (MOD) spokesman Major General Mohammed al-Askari and Basrah security chief Lieutenant General Mohan al-Firaji. One person was injured in this attack, which occurred a week after military operations began in Basrah. Shia militias also targeted other rival Shia groups. In June, the ISCI-affiliated Badr Organization reportedly launched new covert actions called "the yellow way" aimed at killing other Shia leaders, including journalists.

In 2007, Shia militias and criminal gangs terrorized civilians in Basrah through a campaign of killings, intimidation, kidnappings, rape, and other abuses. There also were a series of killings and attempted killings by sniper fire of police and political figures in Basrah. Iraqi military operations in Basrah launched in March have reduced Shia militia and criminal gang attacks.

A 2006 terrorist bombing, and one again in 2007, of the Al-Askariya Shrine in Samarra provoked a cycle of daily sectarian retaliatory attacks.

On July 23, a bomb exploded in Kirkuk, killing 23 and wounding 98 persons who were demonstrating against the provincial elections law. On December 11, at the end of a four-day Islamic holiday, a bomb exploded in a popular restaurant in Kirkuk, killing 100 and wounding 50. On December 22, ISF arrested a group of terrorists who confessed to the explosion. These attacks highlighted the tensions among Kurdish, Arab, and Turkmen residents of Kirkuk. Kirkuk is at the center of ongoing deliberations over the implementation of Article 140 of the constitution, which provided a December 31, 2007, deadline for a referendum over the future of disputed internal boundaries.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces comprising the majority of the area under the jurisdiction of the Kurdish Regional Government (KRG), there were significantly fewer reports of sectarian violence than elsewhere in the country.

Unlike in the previous year, there were reports of KRG security forces using excessive lethal force. On August 17, residents of Sreshma village in Erbil demonstrated in favor of improved access to water. As they reached the Khalifan village mayor's office, the police opened fire, killing a 15-year-old bystander and injuring four others. The governor of Erbil suspended the head of the Khalifan police, and several police were imprisoned. Since both police and villagers were shooting, no individual was found responsible for the killing, and the police were released.

During the year, terrorist attacks in the KRG were infrequent. On March 10, a car bomb killed two and injured dozens in the Sulaymaniyah city center. On March 20, 10 AQI-linked terrorists were arrested for involvement in the attack, including an alleged leader, Riyadh Jasim Nouri. Four terrorists, including Riyadh Jasim Nouri, were convicted and sentenced to death. There were no further developments at year's end.

Since February Turkish ground forces entered KRG territory in northern Iraq targeting the terrorist group Kurdistan Workers' Party (PKK), leading to dozens of PKK casualties. On several occasions, Turkish and Iranian air forces bombed PKK sites. Beginning in March Iranian forces shelled areas in northern Iraq, which it claimed had been infiltrated by members of the Party of Free Life of Kurdistan (PJAK), an Iranian Kurdish separatist rebel group. Bombings in March and April led to forced displacement of 130 families fleeing the attacks. In December, the Pishdar District Mayor stated the district, with the assistance of UNHCR, is expected to build a new IDP camp for those fleeing the bombing in their villages. There were weekly reports of Turkish bombings throughout the year.

Press reports on November 11 indicated that a court in Tikrit convicted and sentenced to death a Salah Al Din Provincial Council member, Abd Al Hadi Tameel Shindik and his son, Mohammad, for the July 2006 killing of Dr. Amina Al Rubaie, wife of Salah Al Din's governor, Hamid Hammoud Al Qaisi.

During the year, there were no other known developments in the killings reported in section 1.a. in the previous year's report.

Other parts of this report contain related information; see sections 2.a., 2.c., and 2.d.

b. Disappearance

During the year kidnappings and disappearances remained a severe problem; many individuals disappeared and incidents of child kidnapping increased in the latter half of the year. Unlike in the previous year, the majority of the reported cases were not sectarian related. According to UNAMI's January-June human rights report and government sources, almost all of the cases during the year appeared to be motivated by monetary reasons. Police believed that the great majority of cases were unreported.

According to the MOI, unlike in previous years, there were very few kidnappings by MOI personnel for ransom or sectarian motivations, and there were fewer reports that police arrested civilians without an arrest warrant and held them for ransom. UNAMI did not report any kidnappings by MOI personnel in its January-June human rights report.

Kidnappings were often conducted for ransom, and religious minorities were often the target of such kidnappings. On July 9, two Shabak individuals, Luqman Hamza and Hayder Shahab, were allegedly kidnapped in Ninewa. They both were released four days later after a ransom payment of approximately \$40,000 (approximately 47 million dinars). On August 28, police found the body of Tariq Al Katane, a Christian doctor, in Mosul. He had been kidnapped four days earlier, and his body showed signs of abuse and bullet wounds. During the year the police solved virtually none of these cases and rescued few kidnapped individuals. The MOI Human Rights office reported that it

investigated 525 missing person cases during the year; results are pending.

Incidents of political kidnappings occurred during the year. On February 28, Matar Thamer Muhyee, the director of the Basrah Electricity Department, was kidnapped. On April 6, seven workers from the Ministry of Energy were kidnapped in Balad. On May 17, Dr. Sabbar Abdallah, the director of the Tikrit teaching hospital, was kidnapped, along with his two aides. All were released after being held for two weeks.

On February 10, men in security uniforms kidnapped Richard Butler, a British journalist working for CBS news, and his Iraqi interpreter in Basrah. The ISF freed the Iraqi interpreter a few days later and Butler on April 14.

There was no further information available on the following 2007 disappearances: five British men (a computer expert and four bodyguards) and acting undersecretary of the Ministry of Science and Technology Samir Salim al-Attar.

By year's end there were no new developments in the following 2006 disappearances: Ali al-Mahdawi, director of Diyala Health Directorate; Ahmed al-Mosawi, the head of the Iraq Human Rights Society; approximately 50 persons from the Salhiya neighborhood in Baghdad reportedly by assailants wearing police uniforms; and approximately 70 Ministry of Industry and Minerals employees.

Until its fall in 2003, the former regime caused the disappearance of many thousands of persons. Additional mass graves from that period were still being discovered during the year. In June, government human rights officials opened a mass grave in Najaf Province and examined the remains of over 170 Kurdish victims from 1984.

There also were more recent mass graves. On March 26, villagers in Zahamm in Diyala province uncovered a mass grave of at least 52 persons killed by AQI during the last two years. On December 6, Iraqi officials discovered 27 bodies in two graves, one south of Baghdad and one near Tal Afar.

In the first half of the year, UNAMI reported that between three to five unidentified bodies were found in Baghdad almost daily; however, the number of unidentified bodies discovered was lower than the previous year.

Other parts of this report contain related information; see sections 1.b. and 2.a.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. During the year there were documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. The government's effectiveness in adhering to the rule of law in these circumstances was hampered by ongoing large-scale violence, corruption, sectarian bias, and lack of civilian oversight and accountability, particularly in the security forces and detention facilities.

During the year local and international human rights organizations and the MOHR continued to report torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces' detention facilities. In August, the MOHR reported that electricity and cold water, which leave few physical traces, were the most commonly used torture methods.

Numerous and serious reports of torture and abuse were leveled at MOI's Kadhamiya National Police detention facility and the MOD/MOJ Harithiya facility in Baghdad. As in previous years, reports of abuse at the point of arrest and during the investigation period, particularly by MOI's National Police forces and MOD's battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. In 2007, former detainees in MOI and MOD facilities reported that they

suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and in some cases, gunshot wounds.

On February 14, thousands of protestors reportedly called for Diyala provincial police chief, Ghanim al-Quraishi to be fired for several incidents of torture. An investigation begun in February resulted in his being relieved of duty in mid-August.

There were other indications that disciplinary action was taken against security forces accused of human rights abuses. From 2006 to June, the MOI Internal Affairs, which has a staff of approximately 2000, investigated and convicted 218 lower-level officers of human rights violations. According to MOI Internal Affairs, many officers accused of major violations are arrested and fired although when there is a lack of evidence, the officers are only transferred. During the year the MOI Human Rights office, with a staff of 50 investigators, opened 42 investigations into human rights abuse cases and sent 28 cases to court for further investigation. At year's end 19 officers were being investigated. Several suspects have been convicted and sentenced, including high-ranking officials.

In March 2007, joint British and Iraqi Special Forces raided the MOI National Iraqi Intelligence Agency headquarters building in Basrah and arrested an alleged death squad leader. The special forces found 30 detainees with signs of torture. According to press reports, the Prime Minister's office stressed the need to punish the special forces that carried out the raid. Several Iraqi officers who participated in the raid were arrested and others fired, according to MOI Internal Affairs.

There was little judicial follow-up in older torture cases. Four MOD officers in the Iraqi Army 24th Brigade in the 6th Division were implicated in the May 2007 torture and killing of a detainee. One arrest warrant was outstanding for a high-ranking IA official in connection with the case, but was not executed by year's end. In October 2007, arrest warrants were issued for Lieutenant Nabil Rahmin Ali for murder and manslaughter, but he fled Baghdad before it was executed. On March 4, 13, and 19, Brigadier General Nasser and Colonel Hassan were ordered to appear in court concerning Lt Nabil's escape. Neither man appeared; they were granted amnesty for allowing a suspect to escape after applying on March 17. Two IA officers were arrested in November 2007 in connection with the torture and murder charges; one was released in May, and one was still in custody at year's end. In June Lt. Nabil was found in Al Hillah and arrested. Despite the evidence against him, he was released on September 8.

Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police reportedly threatened and sexually abused detainees, including juveniles, and also committed acts of torture, including beatings and use of drills.

At year's end there were no new developments in the following 2006 cases: Basrah police station torture chambers and a Mulla Eid mass grave. At year's end a National Police "Lieutenant Colonel A," accused of assaulting and torturing dozens of Sunni captives in custody on behalf of a Shia militia at the "Site 4" Baghdad Central Detention Facility in 2006, was in government custody and awaiting trial in Baghdad (see section 1.d.).

Prison and Detention Center Conditions

Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate Ministries: MOJ, MOI, MOD, and MOLSA for juvenile detention. Additionally, the KRG Ministry of Labor and Social Welfare (MOLSW) operated prisons in the KRG, and the KRG MOI operated pretrial detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities as well.

At year's end there were 10 MOJ prisons and six pretrial detention facilities. The total number of MOI detention facilities was estimated to be six National Police facilities and 294 Iraqi Police facilities. Including police holding stations, there were estimated to be more than 1,200 official MOI detention locations. The MOD operated 51 Iraqi Army (IA) pretrial detention centers for detainees captured during military raids and operations. Additionally, there were reports of unofficial detention centers throughout the country. Continued detention beyond the date of ordered release and unlawful releases, as well as targeting and kidnapping of Sunni Arab detainees, were reported. Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight internal security pretrial detention facilities.

Treatment of detainees under government authority was generally poor, although MOJ prison and detention facilities and personnel (otherwise known as the Iraqi Correctional Services or ICS) generally met internationally accepted standards for basic prisoner needs. ICS is required to provide food for all detainees, although ICS did not pay for a food contract for facilities in Anbar Province until July 1. Previously detainees relied on food donations and other non-Iraqi government grants.

The ICS internal affairs department monitored abuse or violations of international standards for human rights in prisons. Increased allegations of harassment and abuse have resulted in the disciplining of ICS officers in some cases. On August 12, according to the deputy minister of justice, there were allegations that 19 Iraqi correction officers (ICO) physically abused detainees being transferred to Kadhamiya Maximum Security Prison. The deputy minister investigated and determined 16 were innocent; the other three were transferred to prisons in Samawah, Nasiriyah, and Hillah, with the possibility of future criminal prosecutions. In August, the MOHR reported that 14 deaths of detainees under investigation in 2007 were pending at year's end. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard.

Kadhamiya Female Prison, an ICS facility, was reportedly infiltrated by JAM and operated as a brothel at night. On August 22, the acting minister of justice acted to rectify the problem by relocating the inmates (174 females and 17 children) to a new female prison at the Rusafa Rule of Law Complex.

Most detention facilities under MOI and MOD control did not meet international standards. Overcrowding remained endemic. Many lacked adequate food, exercise facilities, medical care, and family visitation. Detainee populations under government control, estimated at more than 40,000, were high due to mass arrests carried out in security and military operations. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not provided consistently, and rape, torture, and abuse, sometimes leading to death, have been reported in some facilities.

During the year food, medical supplies, and hygiene conditions at the MOD detention facility in Abu Ghraib operated by the IA 24/6 Brigade vastly improved. Overcrowding was reduced, and at the end of the year there were less than 200 detainees compared to 550 in July 2007.

During the year the Second National Police Detention Center in Kadhamiya, a neighborhood of northern Baghdad, which was built to hold approximately 350 persons, was overcrowded. By year's end the detention facility held a population of approximately 625. Partially treated wounds, skin diseases, and unsanitary conditions were common, as was extortion by guards. Former and current detainees at Kadhamiya alleged that they were tortured while in the facility. Several investigations were launched with evidence from the MOHR and were pending at year's end.

The law mandates that women and juveniles be held separately from men. While this law is generally upheld, in some cases women were housed in the same detention facility as men. Juveniles were also occasionally held with adults. A number of juvenile

detainees, mostly young teenagers, alleged sexual abuse at the hands of MOI and MOD personnel and adult prisoners. Additionally pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.

MOLSA's juvenile facilities lacked adequate resources and space and did not adequately support rehabilitative programs. On July 13, international media reported that two Sunni juveniles were killed in the facility, but these allegations were unsubstantiated by investigations. There have been other allegations of torture but no confirmed cases. There were no reports by juvenile detainees of abuse or torture cases in MOLSA facilities. According to MOLSA officials, children were often abused and tortured during interrogation while detained by MOI and MOD security forces, particularly by National Police, before their transfer to MOLSA facilities.

National detention facilities permitted visits by representatives of the national MOHR and KRG detention facilities permitted visits by the KRG MOHR. In accordance with a prime ministerial directive, the national MOHR continued its own inspection program inspecting every detention facility monthly, apart from those run by the KRG, and published its second annual report on the state of detention facilities. The report addressed general conditions and populations of detention facilities, judicial processes, and torture allegations. It reported 112 confirmed cases of torture or abuse within the MOI, 69 cases within the MOD, 107 cases in KRG facilities, and no cases in the MOJ. The cases are being investigated by the HJC. The report was generally critical of prison standards across the country.

The KRG minister for human rights visited several KRG MOLSA detention facilities during the year; however, a report was not available at year's end. The KRG intelligence services reportedly maintained separate detention facilities; however, there were no reports of access by independent organizations to these facilities. On August 2, the Kurdish newspaper Hawlati reported that prisoners and detainees face sexual abuse, lengthy detentions without trial, and risks of disappearing in KRG detention facilities.

Domestic and international human rights NGOs and intergovernmental organizations did not generally have access to national MOI detention and pretrial facilities or to similar facilities of the KRG internal security (Asayish) and intelligence forces. Only the International Committee of the Red Cross (ICRC) inspected several detention facilities and prisons under the MOI, MOD, and MOJ around the country and had access to KRG detainees, some of whom were held in Asayish facilities. The ICRC visits to these facilities were in accordance with standard modalities. During the first half of the year, UNAMI reported visits to four prison and detention facilities in Baghdad and Anbar, and 17 facilities in the KRG.

Other parts of this report contain related information; see sections 1.d. and 5.

d. Arbitrary Arrest or Detention

The constitution provides for protection against arbitrary arrest and detention without a warrant, except in extreme exigent circumstances as provided for in a state of emergency. In practice, there were a number of instances of arbitrary arrest and detention. On April 1, a prime ministerial order to all security agencies forbade any raids or arrests without prior warrants. In practice, the order was frequently not followed.

Role of the Police and Security Apparatus

The ISF were composed of MOI security forces and the MOD military forces. The MOI exercised its responsibilities throughout the country, except in the KRG area. These responsibilities included providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies. ISF also had responsibility for emergency response, border enforcement, dignitary protection, firefighting, and internal monitoring of the conduct of MOI personnel. The army, under direction of the MOD, also played a part in providing

domestic security. In an effort to strengthen IA leadership, the government began a recall effort to attract former IA officers and NCOs to return to service. The expectation was that most of the 114,000 officers and NCOs from the former army registered through this process would be processed for formal retirement and a smaller number brought back to service to fill identified skill deficiencies in the IA.

The MOI security forces included several components: the 280,000-member Iraqi Police Service deployed in police stations; the 41,000-member National Police, overwhelmingly Shia and organized into commandos and public order police; the 40,000-member Border Enforcement Police, as well as the 83,000 Facilities Protection Service security guards employed at MOI direction at individual ministries. The MOI was responsible for approximately 500,000 employees, nearly 10 percent of the country's male labor force.

Unlike in previous years, there were improvements within the security services in militia integration into the ISF, strengthened chain of command and control, and personnel and equipment shortages. Total trained ISF numbers grew to at least 590,000 from 430,000, which allowed ISF to successfully pursue military operations against extremist activity around the country and particularly in Baghdad. The overall security situation improved as oversight by MOI and MOD Internal Affairs increased. A November study by researchers from the College of William and Mary found that the MOI was making meaningful reform efforts and is substantively addressing problems of lack of efficiency, effectiveness, accountability, and professionalism. Some problems continued, however, with all security services regarding sectarian divisions, corruption, and unwillingness to serve outside the areas in which they were recruited.

The inability of the overwhelmingly Shia ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement was a problem. However, the GOI's commitment to assume payment for approximately 94,000 "Sons of Iraq" neighborhood security forces, largely Sunni tribesmen and former insurgents, with a commitment to integrate 20 percent of them in to the ISF, was a positive development. At the end of the year, SOI transition was ongoing in Baghdad Province, with preparations underway for transition elsewhere in the country. The targeting of members of the SOI for arrest in connection with previous insurgent or Ba'athist activity hampered effectiveness.

The KRG maintained its own regional security forces as set forth in the constitution. Pending further progress on implementing the Unification Plan for the KRG, the two main parties of the Kurdish region maintained MOI Peshmerga units as regional guards outside the control of the KRG, internal security units (Asayish), and intelligence units. KRG security forces and intelligence services were involved in the detention of suspects in KRG-controlled areas. The variety of borders and areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts.

The KRG functioned with two party-based Ministries of Interior. The PUK Party controlled the Ministry with oversight of the province of Sulaymaniyah, and the KDP controlled the Ministry with oversight of the provinces of Erbil and Dohuk. KRG officials stated that unification of the party-based Ministries of Interior was their goal but missed two self-announced deadlines for doing so during the year.

Authorities often did not maintain effective control over security forces despite increased efforts. MOI security force effectiveness, particularly the National Police, was seriously compromised, although less frequently than the previous year, by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity.

Unlike the previous year, there were new mechanisms to investigate and punish abuse and corruption, but their effectiveness in holding high-level officials accountable for serious violations remained unproven. On April 17, the MOI established an internal criminal court system to try crimes committed by MOI officials, and the first cases were heard in July. There are five regional courts in: Erbil, Mosul, Baghdad, Hillah, and

Basrah. All have conducted trials. There is a cassation court to hear appeals in Baghdad. By year's end, the five regional courts had reviewed 1,315 cases, returned 655 cases for further investigation, completed 314 cases, and have 346 cases pending. The officials convicted ranged from officers to police. In November, the court had convicted and sentenced 69 officials to jail and fined one official. In December, the court convicted and sentenced three officials to between five and 15 years, two officials to one to five years, and 91 officials to less than a year in jail, and fined one official.

Between January and June, MOI Internal Affairs opened 3,539 investigations and closed 3,369 of the cases. The MOI fired 499 MOI personnel as a result of the investigations. By September MOI Internal Affairs investigations between January 2006 and June had resulted in 2,529 firings or forced retirements, 3,283 arrest warrants, 2,475 disciplinary actions, 149 arrests for bribe-taking police officers, and 218 convictions. Over the past several years, members of the MOI Internal Affairs staff have been targeted for assassination. The head of MOI Internal Affairs has faced 13 assassination attempts. The MOI director general of internal affairs reported there had been 288 cases of human rights violations and that 180 corruption cases were referred to the Commission of Integrity (COI). On September 4, the inspector general of the MOI reported that the IG office has 384 cases under investigation and referred 49 to the COI for further investigation during the year. The IG office recovered almost 610 million dinars (approximately \$520,000) from salaries from nonexistent employees within the MOI. The MOI appointed a director general for human rights in August; the directorate conducted 42 investigations into human rights violations during the year.

In an environment lacking convictions of allegations, there were fewer allegations of MOD abuses during the year than in the previous year. There were continuing reports of torture and abuse throughout the country in many police stations; the incidents generally occurred during the interrogation phases. MOI employees accused of serious human rights abuses were often transferred rather than fired or arrested.

During the year several members of the security forces were tried or convicted in judicial or internal courts in connection with alleged violations of human rights, but most were not held for more than a few days or weeks. Many of the officials accused of killings and torture in the 2005 Jadriyah bunker incident have returned to work in the government. Following the 2006 discovery by a joint inspection team of the abuse at the "Site 4" facility in Baghdad, arrest warrants were issued in 2006 for over 50 suspected abusers. However, the MOI executed only three of the arrest warrants by year's end, and there were no trials or convictions (see section 1.c.).

Investigative judges rarely referred security force officials to the Central Criminal Court of Iraq because of Section 136 (b) of the Criminal Procedure Code, which stipulates that such referrals are possible only with the permission of the minister responsible for the suspect. Permission was only given during the year for lower-level officials.

Arrest and Detention

The constitution prohibits "unlawful detention" and mandates that preliminary investigative documents be submitted to an investigative judge within 24 hours from time of arrest, a period which can be extended only by one day. For offenses punishable by death, the defendant can be detained for as long as necessary to complete the judicial process. Under a state of emergency, the Prime Minister has the authority under "extreme exigent circumstances" to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April 2007, although there were no reliable statistics available on such incidents.

In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of

detention, resulting in incommunicado detention.

At the end of the year the number of non-Coalition detainees in the country was estimated at 40,000, the great majority being Sunni. The ICS held 19,766; the MOI, unverified but estimated at 19,000; the MOD, 2,388; and the MOLSA, approximately 800. The KRG total was approximately 2,200, not including central government facilities located in the KRG or Asayish and KRG intelligence service facilities.

In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place. Lengthy detention periods without judicial action were a systemic problem. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, but included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and a grossly insufficient number of judges. As of June, fewer than half of detainee cases went before a judge within a year of detention.

There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees' family members were not allowed to know their location or visit them. Reportedly police across the country continued to use coerced confessions and abuse as methods of investigation.

The law allows release on bond, and in practice criminal detainees were generally allowed to be released after paying bail, pending the outcome of a criminal investigation.

Judges are authorized to appoint paid counsel for the indigent and did so in practice; however, some attorneys appointed to represent detainees complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

There were continued reports that MOI detention facility personnel took bribes in exchange for releases. Guards at the MOI's Second National Police Detention Center in Baghdad and other officials were reportedly asking families for 1170 to 2340 dinars (approximately \$1000 to \$2000) to free their relatives. According to MOI internal affairs, the bribe amounts were significantly lower than in the previous year.

Amnesty

The COR passed a general Amnesty Law on February 13. Instructions from the Higher Judicial Council (HJC) implementing the law became effective on February 27. The law was published in the Official Gazette on March 3. Pursuant to the law, the HJC formed amnesty committees in each province headed by four judges and a prosecutor to review all detainee cases and, where appropriate, recommend release. The law, designed to foster national reconciliation since detainees are disproportionately Sunni Arab, allowed amnesty for cases predating the passage of the law. It was not applicable for detainees sentenced to death and excluded from amnesty other specified crimes, such as murder and acts of terrorism. At the end of the year the HJC had reviewed over 156,000 cases and granted amnesty in over 23,600 cases affecting individuals held in pre- or post-trial confinement, which relates to an estimated 20,000 detainees (some detainees have multiple cases). At the end of the year, there were approximately 7,500 releases, according to data from the Ministry of Human Rights.

In April 2007, the Kurdistan National Assembly passed a General Amnesty Law for the KRG. The KRG minister of human rights reported on December 16 that over 660 of the approximately 4000 detainees had been amnestied.

Other sections of this report contain related information; see sections 2.a. and 2.d.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements caused fear of retribution, impairing judicial independence in virtually all provinces. The MOI agreed to supplement security for judges.

Judges frequently faced death threats and attacks. The MOHR reported in its annual Victims of Terrorism report that 10 judges and 86 lawyers were killed during the year, an increase from five judges killed in 2007 and seven in 2006. Other international reports indicate that six judges were killed during the year. On January 14, Appeals Court Judge Amir Naeib was assassinated on his way to work in Baghdad. On June 26, Judge Kamil Al-Showaili, President of the Rusafa Court of Appeals, was assassinated after leaving the Rusafa Rule of Law Complex in his unarmored car. On June 30, there were five assassination attempts against five judges from the Rusafa Court of Appeals when bombs detonated outside their homes in Baghdad. The judiciary suffered from a severe shortage of security and other support for judges, which has contributed to major deficiencies in the rule of law.

While individual judges were generally viewed as objective and courageous, judges also were vulnerable to intimidation and violence. In Ninewa, the only convictions made in such crimes during the year were by traveling judges from Baghdad. In Wasit, investigative judges refused to issue arrest warrants for terrorists. There were reports that criminal cases at the trial level or on appeal to the Court of Cassation were decided by corruption or intimidation. There were also reports that court-issued detainee release orders were not consistently enforced.

Security threats hindered the ability of citizens to access courts and the judicial system. Witness intimidation continued, and witnesses to criminal trials often failed to attend trials and testify due to threats against them.

The law also restricted the free investigation of wrong-doing. Ministers were afforded the opportunity to review and prevent the execution of arrest warrants against ministry employees lawfully issued by sitting judges presiding over criminal investigations. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch.

On December 14, Human Rights Watch (HRW) reported that the Central Criminal Court-Iraq failed to meet basic international fair trial and due process standards. The report documented lengthy delays before detainees face a judge, low standards of evidence, and inadequate access to legal representation.

The judiciary at all levels – investigative, trial, appellate, and supreme – is managed and supervised by the Higher Judicial Council (HJC), an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation, and the appeals courts. Representatives of the Office of the Public Defender, a judicial oversight board (that hears charges of misconduct by judges), and regional judicial councils also sit on the HJC. Unlike the formal courts, the HJC does not investigate and adjudicate cases involving criminal conduct or civil claims.

The constitution provides for an independent judiciary in all regions. In November 2007, the KRG passed the Judicial Power Law of 2007, which attempted to create a more independent judiciary. The Kurdish Judicial Council (KJC), which had been part of the KRG executive branch's MOJ, became legally independent and took responsibility for the creation of its own budget, human resource management, and reporting. The KRG MOJ no longer has direct operational control over the judiciary, the KRG Ministry of Finance relinquished control of the KJC's budget, and the chief justice was appointed by other judges and not by the executive branch. The executive's influence has been important in

politically sensitive cases such as freedom of speech and the press.

The judicial system includes civil courts that address domestic, family, labor, employment, contract, and real and personal property claims. Challenges to the judgments rendered in these civil proceedings are first taken to the appeals courts of the provinces in which the trial courts sit; after that, secondary appeals may be made to the Court of Cassation.

In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the federal government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government throughout the country. The Presidency Council appointed the nine members of the Federal Supreme Court.

At the end of the year the HJC reported a total of approximately 1,200 judges and prosecutors. There were 673 courts throughout the country: 16 appeals courts, 19 criminal courts, 17 juvenile courts, 15 labor courts, 15 commerce courts, 137 civil courts, 138 family affairs courts, 136 misdemeanor courts, 148 investigative courts, 16 Central Criminal Courts, 13 central investigative courts, and three customs courts.

In 2003, the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 17, 1968, through May 1, 2003. After a trial, the IHT in 2006 sentenced former dictator Saddam Hussein to death based upon his conviction for crimes against humanity relating to the killing of 148 villagers from Ad-Dujayl following an alleged assassination attempt against him in 1982. Two other regime members, Barzan al-Tikriti and Awad al-Bandar, were also convicted and sentenced to death at the same time for similar crimes. The verdicts were confirmed on appeal. Saddam Hussein was executed in 2006. Al-Tikriti and al-Bandar were executed in January 2007.

In June 2007, in the Anfal Trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali," and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Mohammed, were convicted of genocide and related charges and sentenced to death. The sentences were upheld on appeal. Codefendants Farhan Jubouri and Saber Abdel Aziz al-Douri were sentenced to life imprisonment, and Taher Tawfiq al-Ani was acquitted. The Anfal trial, which concluded in June 2007, concerned the deaths of an estimated 182,000 Kurdish men, women, and children, in part by the use of chemical weapons. The death sentences have not been carried out at year's end because of a dispute between the Prime Minister's office and the Presidency Council (the president and two deputy presidents) over whether the sentences have to be affirmed by the Presidency Council.

In August 2007, the IHT began its third trial, the 1991 Intifada case, in which 15 defendants were charged with crimes against humanity in the Maysan and Basrah Provinces. The 15 defendants are former high-level members of the former regime and key military and Ba'ath Party officials, including "Chemical Ali" (Ali Hasan Al-Majid). The prosecution's closing arguments were heard September 3, and the defendant's closing arguments were made October 19-23. On December 2, the IHT sentenced al-Majid and Abdul Ghani Abdul Ghafour to death. Former minister of defense, Sultan Hashim Ahmad al-Tai, was sentenced to 15 years (al-Tai already had been sentenced to death for his role in Anfal). The sentences were submitted for appellate review. Four defendants received life sentences, Sultan Hashim and five others were sentenced to 15 years imprisonment, and three defendants were acquitted of all charges. The events in other provinces involving the 1991 Intifada are still under investigation and have yet to be referred to trial.

In April, the IHT began its fourth trial, the merchants' case, where in 1992 the former regime blamed merchants for shortages and high prices. At that time a "Special Court" was convened and 42 merchants brought before the court were convicted and executed within a matter of hours. The eight defendants include former deputy prime minister

Tariq Aziz.

On July 21, the IHT began its fifth trial, the Friday Prayers trial, involving the 1999 Shia protests following the killing by Sadddam's agents of the Shia leader and father of Muqtada, Mohamed Sadiq al-Sadr. The protests in Baghdad, Maysan, Basrah, and Muthanna were brutally quashed by the 3rd and 4th Iraqi Army Corps, overseen by Ali Hassan al-Majid. Fourteen defendants, including Ali Hassan al-Majid and Tariq Aziz, are standing trial. The prosecution presented its case at year's end, and the defendants are scheduled to present their evidence subsequently.

Two additional cases were referred to the trial chamber. The Halabja case, which includes five defendants and began on December 21, involves the chemical attacks on the Kurdish town of Halabja that resulted in the death of over 5,000 civilians. On December 28, the trial of 25 defendants who are part of the former regime and were allegedly involved in the persecution of DAWA party members began.

In addition to the two new trials in December, three additional cases are scheduled to begin in early 2009. These cases are the Fayli Kurd case, the Ethnic Cleansing case, and the Barzani Clan case.

During the year investigations continued into a number of crimes allegedly committed by members of the former regime, including other atrocities following the 1991 uprising, the draining of the southern marshes, and the invasion of Kuwait. The IHT has also dropped charges against some detainees.

Trial Procedures

The constitution provides for the right to a fair trial, and judges – investigative, trial, and appellate – generally sought to enforce that right. An accused person is considered innocent until proven guilty and has the right to privately-retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts, however, was insufficient access to defense attorneys. Defense attorneys theoretically were provided, but detainees rarely had access to them before the initial judicial hearing. Many detainees met their lawyers for the first time during the initial hearing. Most of the time defense attorneys were provided at public expense if needed. On May 12, the Rusafa Legal Defense Center opened at the Rusafa Prison Complex in Baghdad providing 25 attorneys to assist 7,500 detainees. On average the attorneys consult with 83 detainees per day, for four days a week. Since May, the attorneys have met with 6,129 detainees including 62 female detainees held at the Rusafa women's prison.

The criminal justice system is based on a civil law regime similar to the Napoleonic Code. It is fundamentally inquisitorial – and not adversarial – in form and content. The system is focused centrally on the search for the truth, initiated and pursued almost exclusively by judges, whose role is to assemble evidence and adjudicate guilt or innocence.

Investigative judges, working collaboratively with judicial investigators, and in some cases police officers, are responsible for interviewing witnesses, assembling evidence, examining suspected criminals, and generating files on the results of the investigative work. Although prosecutors and defense attorneys frequently participated in these pretrial investigative hearings, their roles were, for the most part, limited to recommending the pursuit of certain lines of investigation, including posing suggested questions of witnesses and detainees. They rarely appealed decisions of judges about the manner and scope of their investigations.

Three-judge panels are responsible for trying the accused persons in trials open to the public, based largely on the results of judicial investigations. During those trials the presiding judges question the accused detainees; witnesses may testify at these proceedings. The prosecutor and the defense attorney can make brief closing statements.

After deliberation among the members of the panel, the presiding judge announces the verdict and, in the case of a conviction, the sentence. Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation, a judicial panel that reviews the evidence assembled in the investigative and trial stages and renders a decision.

The constitution provides for the establishment of military courts, but only military crimes committed by the armed forces and the security forces may come before such courts.

Political Prisoners and Detainees

Unlike in 2007, there were some reports of political prisoners detained during the year. During a major security operation in Diyala Province launched by the government in August, an estimated 97 percent of the approximately 1,600 security detainees were Sunni Arabs. In this operation a number of prominent members of the province's Sunni Arab political establishment were arrested, prompting complaints from Sunni Arabs that the government was pursuing sectarian political objectives rather than counterterrorist objectives. Sunni Arabs make up around 60 percent of the province's population. The most prominent detainee was a Diyala Provincial Council member, who remains in custody without trial and without access to legal representation. The government stated that a rogue unit conducted the arrests, and it would investigate the situation. Some of the Sunni Arab detainees were released, but approximately 300 remain in detention. No further developments in the investigation have been reported.

On December 18, approximately 24 MOI officials were accused of allegedly plotting a coup against the government and were arrested reportedly by the Prime Minister's Counter-Terrorism Bureau. Most of the MOI officials arrested were low-level traffic police. A judge found no evidence to the allegations and ordered their release after two days in detention. The MOI reported that all 24 were released on December 20.

There was scant information concerning persons detained in Kurdish detention facilities.

The Political Prisoners Organization, a quasi-governmental organization with 500 employees, worked on behalf of Saddam-era political prisoners to reintegrate them into society and the work force. It provided former prisoners with monthly stipends of 500,000 dinars (approximately \$430) and is generally considered to be an effective organization.

Civil Judicial Procedures and Remedies

The legal framework exists, as well as an independent and impartial judiciary, for dealing with civil issues in lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies also exist. However, during the year the priorities of an understaffed judiciary and government administration focused on issues more directly related to security, and these procedures and remedies were not effectively implemented.

Property Restitution

There was a problem with serious delays in adjudicating claims for property restitution. The Commission for the Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission, is governed by a 2005 law and is an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between 1968 and 2003, for reasons other than land reform or lawfully applied eminent domain. The CRRPD process is intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of sectarian displacements. The previously announced deadline for filing claims of June 2007 was extended and remained open at year's end.

By year's end the CRRPD received over 164,000 claims nationwide. To date, the CRRPD reportedly has resolved over 67,000 claims nationwide of which over 10,000 relate to Kirkuk. The claims were handled on a case-by-case basis through a technically complex process, but most claims were resolved in a matter of months. There is a CRRPD appellate commission in Baghdad comprised of seven judges. Since 2003, some Arabs previously settled in the Kirkuk region by Saddam's anti-Kurdish policies (wafadin) have returned to their prior homes in the center and south of the country and have applied for compensation. As of December 4, 24,250 wafadin have applied for compensation to the Article 140 committee, which resolves claims for wafadin who seek compensation for returning to their original provinces. Approval for compensation has been given to 16,500, and 8,602 wafadin have received compensation, and in theory, have returned to their original provinces.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution mandates that homes not be entered or searched except with a judicial order issued in accordance with the law. The constitution also prohibits arbitrary interference with privacy. In practice, security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence.

Under the constitution the COR may consent to a state of emergency upon the joint request of the president and the prime minister. Under this authority the prime minister may authorize authorities to detain suspects and search them, their homes, and their work places. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are extreme exigent circumstances. The state of emergency lapsed in April 2007 and was not renewed by year's end; however, there were reports that law enforcement activities often continued as if the state of emergency was still in effect. The police were instructed to comply with legal warrant requirements but reportedly often entered homes without search warrants.

In the KRG-controlled provinces, there was pressure on citizens to join the PUK party in the province of Sulaymaniyah, and the KDP party in the provinces of Erbil and Dohuk.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years for any person who publicly insults the COR, the government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.

The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of persecution. There was widespread self-censorship.

The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party or for "alterations to Iraq's borders by violent means."

There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem.

The government acted to restrict freedom of expression in some circumstances. On March 3, the Journalists' Freedom Observatory reported that IA members physically abused reporters covering a Baghdad car bombing and confiscated their cameras. On September 3, the press reported that the governor of Babil restricted journalists from covering a public protest by civil servants. Also on September 3, according to press reports, guards of the minister of science and technology physically abused and detained briefly a correspondent of the al-Sumeria channel in Baghdad. The government's 2007 closure of the Baghdad office of the Dubai-based independent Al-Sharqiya satellite television channel continued, although the channel's informal office in the KRG continued to operate.

In February 2007, interior ministry forces arrested 11 media workers at the Baghdad offices of Wasan Media and charged them with inciting terror. They had supplied video footage of a controversial interview with Sabine al-Janabi, a citizen allegedly raped by police officers in February, to the Al-Jazeera satellite news television channel which continued to be banned from operating in the country. Wasan Media officials denied the accusations. In August 2007, a judge dismissed the charges, and nine of the 11 media workers were released. There was no update at year's end on the two who remained imprisoned.

Media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was used actively against media workers. On January 27, the editor-in-chief of As-Sabah newspaper fired several editors on requests from COR members after the newspaper published several articles criticizing representatives' salaries and other financial benefits. On February 20, journalists in Basrah reported that the governor threatened a journalist for criticizing conditions in Basrah. Security forces frequently harassed local journalists. On October 9, 35 journalists were detained inside the COR for one hour after they filmed an argument between parliamentarians.

Print publications and broadcast media were a primary source of news and public discourse in the KRG provinces; however, almost all media outlets were controlled or funded by the major political parties and followed party lines in their publications and broadcasts. On September 22, the KRG approved a KRG press law abolishing jail terms for defamation.

The KDP sponsored a Kurdish-language newspaper, an Arabic-language version, and two television stations. The PUK sponsored a Kurdish-language newspaper, an Arabic-language newspaper, and KurdSat television. Minor parties such as the Kurdish Islamic Union also had their own newspapers, radio stations, and a widely watched television station.

In the KRG, in addition to the party press, there were a few notable independent media outlets that covered government and party corruption, for example, the weekly newspapers Hawlati (the Citizen) and Awene (Mirror), Lvin magazine, and Radio Nawa. However, libel remains a criminal offense in the KRG area, and judges issued arrest orders for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of the information they published.

There also was a marked increase in intimidation of independent journalists by extrajudicial means in the KRG region. Local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the KRG or Kurdish party officials, especially for alleged corruption. For example, on January 29, President Talabani filed a criminal defamation lawsuit against the editor-in-chief of Hawlati for printing an article originally published abroad that criticized the president. At year's end the lawsuit was still pending as more evidence was collected. On July 20, a journalist, Sherzad Shakhani, was sentenced to one month in prison reportedly because of a disagreement with the Erbil governor. On September 3, Editor-in-Chief of Biraw newspaper, Mariwan Tofiq, was arrested by police and imprisoned for five days because he allegedly defamed a Kurdish hero.

On July 3, the Kurdistan Journalists' Syndicate published a report accusing KRG security forces of routinely using violence against journalists. On August 4, the International NGO Committee to Protect Journalists (CPJ) issued an open letter to KRG President Barzani condemning the July 22 killing of Lvin magazine reporter Soran Hama and several other attacks against journalists. Lvin Editor-in-Chief Ahmed Mira claimed that the killing was likely a result of Lvin's critical stance toward the Kurdish parties operating in Kirkuk. The KRG took no action to help solve the Soran Hama case, claiming that it lacked jurisdiction because the killing happened in Kirkuk.

Violence against the media, primarily by militia and insurgency groups, was commonplace. Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. On February 12, police found the body of Hisham Mijawet Hamdan, a board member of the Young Journalists' Association. Hamdan, whose body showed signs of torture, had been kidnapped two days earlier. On February 27, the head of the Iraqi Journalist Syndicate, Shihab Al-Tamimi died after being shot by unknown gunmen. In April, the Society for Defending Press Freedoms in Iraq, a domestic NGO, reported that JAM was threatening to kill journalists in southern Iraq if they portrayed Sadrists in a negative light. According to the NGO Society for Defending Press Freedoms, JAM elements set fire to homes of journalists and launched rockets at the Ahwar local TV station in Amarra. On September 13, four employees operating out of the informal office in the KRG of the Dubai-based Al-Sharqiya television channel were kidnapped and killed in Mosul. Security officials reported that they arrested 68 suspects. According to the domestic NGO Journalists Freedoms Observatory (JFO), two suspects were still in custody after confessing to the crime. During the year there were 11 journalists killed, one journalist abducted, and two media workers killed, according to the CPJ. The international NGO Press Emblem Campaign reported 15 journalists killed during the year. According to the domestic NGO Journalists Freedoms Observatory, violence against journalists rose by 60 percent in the year beginning in May 2007. During that period, there were 88 violent incidents, harassment, and threats by ISF; 30 arrests by ISF; and nine criminal defamation lawsuits by government officials. The MOHR reported in its Victims of Terrorism report that 197 journalists were killed in various acts of violence between 2004 and 2006.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally low for direct access due to a lack of infrastructure in homes. However, the prevalence of internet cafes contributed to extensive usage among Iraqi youth. According to International Telecommunications 2007 data, there were an estimated 14,900 subscribers and 275,000 users.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, social and religious as well as political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups reportedly sought to control the pursuit of formal education and the granting of academic positions. During the year extremists, insurgents and terrorists targeted cultural figures such as doctors, academics, and scientists. On January 23, dean of the dental college of Baghdad University, Munthir Mirhij Radhi and Mosul University professor Aziz Suleiman al-Nuaimie were killed in Baghdad and Mosul, respectively. On August 23, an unidentified gunman killed Kaamal Shiya, a leading cultural figure and chair of the National Coordinating Committee for the Safeguarding of the Cultural Heritage of Iraq. On February 17, the international NGO Amnesty International (AI) reported that 10 staff members from the University of Baghdad, School of Dentistry, including three professors were arrested. They were released after a few weeks in detention. During military operations in Diyala in August, several professors from the Diyala University were arrested, allegedly for sectarian reasons. Two professors remain in detention at the end of the year.

In the central and southern parts of the country, there were a number of reports of threats by militia, extremists, or insurgent groups against schools and universities, urging them to modify activities, favor certain students, or face violence. Educational institutions often complied with the threats.

According to the MOHR, 340 university professors and 446 students were killed between 2005 and 2007 by insurgents and militias. In 2007, the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003. On August 26, the inspector general's office in the MOH stated that 650 of the 8,000 doctors who fled the country since 2003 returned to their jobs in July and August. On September 1, the minister of higher education reported that he recently received 150 applications from academics who want to return to the country. Following the successful military operations in Basrah, academics have started returning to their positions in the universities. Universities in Baghdad reported that professors have returned to their jobs following the improvement in security.

During the beginning of the year, threats against secular female students were occasionally posted on billboards and spray-painted on the walls of Basrah University. A female university professor reported that there were no more threats after the ISF operations in March in Basrah.

Other parts of this report contain related information; see sections 1.b. and 1.d.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April 2007, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency, the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.

Unlike in 2007, there were reports that KRG security forces killed or detained protesters when demonstrations protested government acts.

Other parts of this report contain related information; see section 1.a.

Freedom of Association

The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party. Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk.

c. Freedom of Religion

The constitution proclaims Islam as the official religion of the state. While providing for full religious rights for all individuals "such as Christians, Yazidis, and Mandeans," the constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. While the government generally respected the right of individuals to worship according to thought, conscience, and belief, private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to

conform to extremist interpretations of Islam's precepts.

The government publicly called for tolerance and acceptance for all religious minorities on many occasions, and it established a high-level minorities committee to monitor and report on the situation of religious minorities. In September, the MOHR published a report on minorities which outlined the major demands of minority communities, discussed the legal rights of minorities, and recommended specific government actions for improving the situation of minorities. The government also undertook security operations against violent groups in Basrah, Baghdad, and Ninewa, the provinces with the greatest concentrations of minorities. Article 50 of the Provincial Elections Law guaranteed political representation for minorities.

Frequent attacks on places of worship, as well as sectarian violence, hampered the ability of citizens to practice their religion freely. On April 5, Father Adel Youssef, a Christian Assyrian priest, was killed in central Baghdad near his house. On July 12, Mullah Abbas Khadhim, a Shabak leader, was killed in Ninewa Province by unknown gunmen.

On December 14, seven members of a Yazidi family were killed by unknown assailants in their home in Sinjar, a city outside the KRG region but with some links to Kurds.

During the year there were a number of reports indicating that women were pressured to wear veils or face security threats, regardless of the individual's religious affiliation.

There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.

Religious groups are required to register with the government. The requirements include having at least 500 followers. Unlike previous years, non-Muslims did not report that the government disregarded their religious holidays. On December 20, the MOI sponsored a public Christmas event in Baghdad, which was well attended by Christians and Muslims.

Members of religious minorities continued to flee to the KRG to escape targeted violence, particularly against Christians. In October, violence against Christians in Mosul prompted over 2,000 families to flee to safe-havens in remote parts of Ninewa Province and the KRG. By year's end more than half the families had returned to their home.

During the year, there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land.

Since the MOI's April 2007 cancellation of its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, six or seven Baha'is have been issued identity cards. There were reported implementation problems, limiting the numbers of Baha'is who received the identification cards.

Societal Abuses and Discrimination

Religious extremists, including terrorist groups and special group members, targeted many individuals because of their religious identity. Others were targeted because of their secular leanings. Religious-based violence between Shia and Sunni Arabs continued to decline since mid-2007. The reduction in sectarian violence enabled Shia pilgrims to travel to Samarra and visit the remains of the Al-Askariya Shrine.

Sectarian attacks appeared to decline during the reporting period. All groups continued to report receiving death threat letters demanding they leave their homes. The government took action to restrain and punish violence and discrimination, such as focusing military operations in areas with heavy militia activity and providing more

security for groups facing sectarian threats.

Religious leaders, groups, and centers were in several instances targeted for killings. In January, Christian churches and convents were the target of ten reported bomb attacks. On January 17, a Shia mosque in Baqubah, northeast of Baghdad, was bombed. Police reported eight dead and 14 injured among the worshippers who had gathered to observe Ashura, one of the Shia holy days. The same mosque had been targeted twice before. On February 15, two suicide bombers blew themselves up during Friday prayers at the Shia Jawad al-Sadiq mosque in Tal Afar, a Turkomen town 260 miles northwest of Baghdad. At least four persons were killed and 13 wounded. On April 6, Father Adel Youssef, an Assyrian Orthodox priest, was shot and killed in Baghdad's Karrada district. UNAMI received information that 17 Christians were victims of attacks and kidnappings in the first half of the year, resulting in at least 10 killings. Nine of the incidents were in Mosul; the others occurred in Basrah, Baghdad, and Kirkuk.

In October, 12 Christians were reported killed in Mosul. The attacks began after hundreds of Christians began protesting an initial parliamentary removal of guarantees of seats for minorities on provincial councils in Mosul and the surrounding area. According to UNHCR, 2,000 Christian families fled Mosul after the attacks. The government, UN, and NGOs provided prompt humanitarian assistance to the displaced. The government moved quickly to enhance security in Mosul following the attacks. On October 12, Prime Minister Maliki publicly denounced the killings vowing to take "immediate action to resolve the problems and difficulties faced by Christians in Mosul." Iraq's National Security Council set up a committee to assess the situation. In response to the violence and in support of ongoing ISF operations, the government dispatched two brigades of National Police and increased patrols around Christian neighborhoods. The prime minister also launched an investigation into the attacks; results of which had not been released by the end of the reporting period. According to UNHCR, violence has decreased in Mosul as a result of greater MOI presence, leading to the return of approximately half of the families that had left.

There were also kidnappings, with ransoms paid, of religious figures. On February 29, Archbishop of the Chaldean Catholic Church Paulos Faraj Rahho was kidnapped in Mosul; his body, along with those of his two guards and his driver, was found buried on March 13. On May 18, government spokesman Ali al-Dabbagh said the Central Criminal Court-Iraq sentenced Ahmed Ali Ahmed, an al-Qaida leader also known as Abu Omar, to death for Archbishop Rahho's killing; the sentence has not yet been carried out.

Sabean-Mandaean leaders reported that their community continued to be targeted by Islamic extremists. They reported forced conversions, forced hijab (head scarf) wearing by Sabean-Mandaean women, and kidnappings for ransom. While ransom payments secured the release of some victims, other victims, despite the payment, were killed or remained missing. On February 2, 10 members of a Sabean-Mandaean family died in a rocket attack on their house in the Alaza area in Kut after having received threats from Islamist militants. On September 8, armed men reportedly killed three Sabean-Mandaean family members, including a child, in their family store in Baghdad. In March the Mandaean Human Rights Group NGO reported 42 killings, 46 kidnappings, 10 threats, and 21 attacks against Mandaeans in the 13-month period beginning in January 2007.

Members of the Yazidi community reported that they continued to be targeted by Islamists and discriminated against by the KRG throughout the year. UNAMI reported that at least five Yazidis were killed in the first half of the year. A prominent Yazidi leader reported that Yazidis are restricted from entering the KRG and have to get KRG approval for finding jobs in Ninewa Province.

Islamist militants continued to target stores that provided goods or services considered to be inconsistent with Islam. Islamic extremists bombed, looted, and defaced liquor stores in Baghdad and elsewhere.

The country's Jewish population was virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. A 2006

citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

Other parts of this report contain related information; see sections 2.d., 4, and 5.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. The government generally respected these rights. However, there were some limitations in practice, particularly regarding travel into and residence in the KRG region. Unlike the previous year, restrictions by provinces on the entry of new IDPs had little impact as there was little new displacement during the year. During the year the World Food Program and the ICRC delivered food rations to IDPs who were unable to access the Public Distribution System.

In September, after Sunni COR member Mithal al-Alusi traveled to Israel, the COR stripped him of his parliamentary immunity in order to make him eligible for prosecution under a 1950s era law that makes travel to Israel punishable by death. In November, the Supreme Federal Court overturned the decision to strip him of immunity in a unanimous vote, ruling it to be unconstitutional.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems were not completely established by year's end.

Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). Although the state of emergency lapsed in April 2007, the government availed itself of these powers in practice over the course of the year. In response to security threats, the government continued to declare curfews and take other necessary military and security measures of limited duration after the state of emergency expired.

Since May 2007, the KRG did not allow persons, including citizens from outside the region, to enter unless a Kurdish resident met them in person and "guaranteed" their stay. Similarly, those from outside the region seeking to live within the jurisdiction of the KRG must have a local resident guarantor, and register on arrival with the KRG Residency Office.

The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.

The constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Internally Displaced Persons (IDPs)

In 2006, sectarian militia and terrorist actions provoked fear and chaos leading to large-scale movements of Sunni and Shia populations from mixed Sunni/Shia areas towards areas of greater sectarian homogeneity. Although the rate of displacement has declined

since late 2007, the total numbers of displaced remained high. At the end of the year the International Organization for Migration (IOM) and UNHCR estimated the number of refugees to be two million and IDPs within the country to be 2.8 million, with an estimated one million refugees and 1.5 million IDPs displaced following the 2006 destruction of the dome of Al-Askariya Mosque and Shrine in Samarra, a Shia holy site. Further movements were stimulated by the June 2007 destruction of its two remaining minarets. In October 2007, IOM estimated the August 2007 bombing attacks on the Yazidi areas in Ninewa Province displaced up to 1,000 families. On March 20, an international IDP working group, which includes UNHCR, other UN agencies, NGOs, and the IOM, reported that of the 2.8 million IDPs, only 1 percent were displaced in the first three months of the year.

According to the KRG, MODM, UNHCR, and IOM, the KRG hosts approximately 873,000 IDPs. Of the total, 635,000 were Kurds displaced from southern and central regions during the previous regime. IDPs arriving after February 2006 numbered 238,000. Hygiene and sanitation for IDPs were generally better in the KRG than in other areas; however, shelter, food, and other concerns remained critical. There were fewer reports than in 2007 of threat letters delivered to Shia and Sunni residents warning them to leave their homes within a certain period of time or face death; however, in general Christian residents in the north saw increased threats in the second half of the year, for example in Mosul during October.

Many Baghdad residents migrated to other neighborhoods due to sectarian violence and lawlessness, while others left the city altogether. Since 2006 according to MODM, approximately 154,000 families have left their homes. According to the March 20 international IDP working group assessment most of the 2006 to 2008 IDPs came from Baghdad and Diyala. Eighty percent of UNHCR-registered refugees came from Baghdad.

Small numbers of IDPs have begun to move back into former residences, particularly in Baghdad. According to information collected by UNHCR a total of 185,000 IDPs and 23,000 refugees returned during the year. Returns to neighborhoods were haphazard and lacked a comprehensive government plan for handling consequent displacement of squatters and were often marred by violence. On August 20, there were press reports of three sniper fire incidents in one week targeting returning Shia IDPs to Sunni neighborhoods in western Baghdad. Many returns occurred spontaneously without assistance or registration.

Prime Ministerial Order 101 and Council of Ministers' Decree 262 promised a process for restitution of property and eviction of squatters, along with a system of grants and stipends for IDPs. The government provided stipends of one million dinars (approximately \$805) to encourage families to return. According to MODM, as of mid-November, 9,149 families had received the one million dinar grant, and another 1,050 claims were being processed. In August and September the government opened two Returns Assistance Centers in Baghdad, at which prospective returnees could document their property and ask the police to evict illegal occupants. MODM committed to make rent subsidy payments of 300,000 dinars (approximately \$254) for six months to registered IDPs who are forced into secondary displacement by returnees and the property restitution process. According to UN and NGO sources, the government made few rent subsidy payments. The government implemented a policy on property restitution enforced by ISF. In districts where returns occurred, ISF reportedly evicted several thousand squatters with minimal violence.

The government has no policy for undoing sectarian cleansing. The property restitution policy depended on individual requests for restitution from property owners. There was no wholesale eviction of squatters from neighborhoods. Sunni Arab leaders frequently cited the lack of steps to reverse the worst of the sectarian cleansing as calling into question whether the government genuinely wants Sunni Arab refugees and IDPs to return to Baghdad.

The government allowed IDP access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The

majority of IDPs in Kirkuk Province are Kurds who left the KRG under the sponsorship of the Kurdish political parties.

Most IDPs were living with families or renting houses in the host community. Other IDPs have occupied abandoned buildings, public buildings, or homes abandoned by other displaced families. Some were living in ad hoc "camps."

The government, through the MODM, allowed IDPs access to humanitarian organizations, collected information about IDPs and provided some protection and assistance in the form of humanitarian supplies. MODM also coordinated the provision of aid to IDPs with the Iraqi Red Crescent Society. Non-registration limited IDPs' access to basic services and legal documentation necessary to receive food rations from the public distribution system. The government did not target IDPs or forcibly return them under dangerous conditions. In 2007, the KRG established a directorate for displacement and migration in the KRG Ministry for Extra Regional Affairs.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish by year's end an effective system for providing protection to refugees. In practice, the government provided protection against "refoulement," the return of persons to a country where their lives or freedom would be threatened.

The government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to 15,000 Palestinian refugees, according to UNHCR. Generally refugee groups of Turkish and Iranian Kurds in the KRG reached a high level of integration. For the majority of the 11,135 Iranian Kurds registered by UNHCR as refugees in the north, local integration remained the best and most likely option. For the 15,553 Turkish Kurds registered by UNHCR as refugees, UNHCR's strategies included voluntary repatriation and local settlement, subject to negotiations with Turkey and the Iraqi government on a Tripartite Voluntary Repatriation Agreement and a Local Settlement/Resettlement Protocol for those willing to remain and integrate. Refugee groups in central and southern regions, particularly refugees who were perceived to have been privileged by the former regime such as the Palestinians, Ahwazis in the South, and Syrian Arabs in Baghdad and Mosul, had a lesser chance of integration and continued to face discrimination and protection problems.

Since the end of 2007 there have been few reports of attacks and arrests of refugees in central and southern Iraq. Refugees were targeted periodically in attacks carried out by insurgents, militias, and criminals. According to UNHCR, there has been a reduction in general violence in central Iraq and attacks against Palestinians. There were some credible reports that police targeted Palestinians for arbitrary arrest, detention, house raids, and extortion. On May 22, police arrested 15 Palestinian refugees from Al Waleed camp. UNHCR intervened and secured the release of all detainees by May 25. The arrested refugees alleged that they were subjected to beatings, threats, and intimidation. Some of the refugees had fresh marks consistent with their claim that they were beaten with cables and burned with cigarettes. According to the refugees, they were made to confess verbally under duress that they had participated in terrorist activities. According to UNHCR hundreds of Palestinian refugees left Baghdad to seek refuge in Jordan and Syria during the year; however, there were very few numbers of Palestinians trying to flee Baghdad for Al Waleed camp. UNHCR reported that it was working with MODM to provide ID cards to the 15,000 Palestinians remaining in Iraq. MODM reported in August that it had registered 10,500 Palestinians in Baghdad and expected to provide ID cards to an estimated 3,000 Palestinians in Basrah and Ninewa.

Sudanese refugees were relocated to UNHCR's newly established Emergency Transit Center (ETC) in Romania for third country resettlement by UNHCR. The 139 Darfurians, who could not return to Sudan after 2003, were subjected to violence in Baghdad in 2004 and 2005 and fled the capital to a makeshift camp in the Anbar desert. In December, 97 arrived at the ETC, with the remainder expected to follow in January

2009.

The threats against refugees favored by the previous regime subsided throughout the year. Nevertheless, lack of proper identification documentation compromised freedom of movement and personal security for certain refugee groups, namely Palestinians and Syrians in Baghdad and Ahwazis in Basrah.

Other parts of this report contain related information; see sections 1.a., 1.d., and 2.c.

3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 2005 citizens voted in a referendum to adopt a permanent constitution, which included the full panoply of protections of human rights including the right of citizens to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level in 2005 when they elected the 275 members of the COR. The Independent Electoral Commission of Iraq had sole responsibility for administering the 2005 referendum and elections.

In January 2007, the COR passed the Independent High Electoral Commission (IHEC) Law, which the Presidency Council approved in February 2007. In April 2007, the COR appointed the nine IHEC Commissioners in a process that the UN deemed fair and transparent.

Article 140 of the constitution calls for resolution of the status of Kirkuk and other disputed internal boundaries by December 31, 2007. At the end of 2007 the major political blocs, including the Kurdish parties and the KRG, agreed to a six-month technical delay in implementation and to seek technical assistance from UNAMI on structuring a process of implementation. The Provincial Elections Law adopted in October provided for a committee to be established that would submit a report to the COR by March 31, 2009 on mechanisms for power-sharing, property restitution, and demographics in Kirkuk. The COR was expected to enact a special law for the elections in Kirkuk subsequent to submission of the report. UNAMI was working with respective entities on a process to implement Article 140 on all disputed internal boundaries in Iraq. The first stage of the UN report was delivered to the KRG in July, and the KRG rejected its recommendations. A second report was due after provincial elections in January 2009.

Elections and Political Participation

The 2006 final report of the International Mission for Iraqi Elections stated that the 2005 national elections met internationally recognized electoral standards for free and fair elections and the election results reflected the will of the voters.

Political parties and candidates had the right to propose themselves or be nominated by other groups. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views, apart from the legal prohibition on supporting the Ba'ath Party.

The country's political parties, as a general rule, tended to be organized along either religious and/or ethnic lines. Shia Islamist parties, such as the ISCI, the al-Dawa al-Islamiyya Party, and the Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement.

Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK reportedly prevented the government employment of non-party citizens.

On September 24, the COR passed and on October 3, the Presidency Council ratified a

law on provincial, district, and sub-district elections. The law provides for Provincial Council elections in the 14 provinces other than Tameem (Kirkuk) and the provinces of the KRG by January 31, 2009, and district and sub-district elections within six months of provincial elections. The Law of Governorates Not Incorporated into a Region (Provincial Powers Law), passed by the COR in February, was scheduled to go into effect when the new Provincial Councils are seated. The Provincial Councils, which coordinate with the national government to provide resources and services, such as gasoline, security, health, and education, to the local population, was expected to have further latitude when the law goes into effect. There was no quota required for women, but entities were required to have 25 percent representation of women on their list of candidates.

On November 3, the Council of Representatives passed an amendment to the law that granted six seats to minorities. Christians received three seats, one each in Baghdad, Ninewa, and Basrah; Yazidis and Shebaks received one seat each in Ninewa; and Sabeen Mandeans received one seat in Baghdad. The amendment was approved by the Presidency Council on November 8. Minorities also are eligible to compete for general seats.

Past Sunni Arab election boycotts caused the under-representation of Sunni Arabs in provincial councils. In Baghdad Province, which in 2005 was approximately 40 percent Sunni Arab, only one Sunni Arab was elected to the 51-member Baghdad provisional council. The Sunni boycott in Tameem (Kirkuk) also resulted in clear under-representation.

In the 2005 election, female voter turnout was reportedly as high if not higher than male turnout. The 2005 national elections law provides for the election of women to the COR, aiming to achieve a minimum of one-quarter female representation.

There were 75 women in the COR, under 25 percent of the membership. Women chaired two of the 24 standing committees. There were five female ministers of 37 in the cabinet: the ministers of state for women's affairs and provincial affairs; and the ministers of human rights, environment, and housing and construction. Additionally two cabinet members were from religious and ethnic minority groups.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, large-scale corruption pervaded the government, and public perception of government corruption continued to be high. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the "de-Ba'athification" process to further political and personal agendas.

Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role, partly due to a lack of effective legislation, as well as lack of political will to eliminate widespread corruption. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency.

The law did not provide public access to government information for citizens and non-citizens, including foreign media. Government officials who were required by law to file financial disclosure reports, such as ministers, governors, and parliamentarians, in many cases failed to do so. The Commission of Integrity (COI), formerly the Commission on Public Integrity, was authorized by law, but was not powerful enough to enforce such disclosures. On January 3, the government held its first conference on corruption and outlined an 18-point plan to fight corruption. On March 17, the government signed the UN Convention against Corruption.

The COI, formed in 2004, is the government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The COI, with a staff of 1,285, which reports to the commissioner of integrity and legislature, has the authority to refer cases

for criminal prosecution. Since its establishment, the COI sent to trial only 300 of more than 4,000 cases under investigation and 143 persons were convicted on corruption charges. Approximately 70 percent of those convictions were overturned as a result of an amnesty law passed on February 28. An estimated 700 of the investigations, including the convictions, were curtailed as a result of amnesty. Even with the case reduction, the caseload far outstripped the organization's investigative capacity and reflected intimidation and lack of training.

According to a prime ministerial order, the COI may not initiate cases and has instructed the ministerial Inspectors General to perform all initial investigations. In practice this order has placed the ministers in control of any investigation of corruption within their own ministry. There are documented instances where the ministers have ordered major corruptions investigations to be dropped.

The constitution provides immunity from arrest to COR members unless the member is caught in the criminal act or charged with a felony and the immunity is overturned by a majority vote of the COR.

Paragraph 136 (b) of the Criminal Procedure Code provides ministers with the ability to prevent enforcement of the arrest of their employees. This law allows ministers to halt corruption proceedings against their employees. Although in 2007 there were at least 67 separate occasions when a minister reportedly halted adjudication and arrest of employees suspected of corruption by the COI, there was only one such case reported during the year. The prime minister created a committee in April to review all 136 (b) cases. In other cases, ministers ignored the court and prevented prosecution without formally refusing permission to try a case in court. Other incidents included ministries effectively stalling the investigation by failing to provide information or not complying with requests for officials to appear in court. The prime minister's approval was required before corruption cases proceed forward against members of the Presidency, the Council of Ministers, or any current or previous ministers.

In October 2007, COI Commissioner Judge Radhi al-Radhi alleged during testimony before a foreign legislature that corruption cost the government 22.5 quadrillion dinars (approximately \$18 billion) in the previous three years, affecting virtually every government ministry and involving some of the country's most powerful public officials. The government accused Radhi of fleeing the country to avoid corruption charges and appointed Moussa Faraj to replace him as Acting COI Commissioner. Radhi denied the accusations, and the sums about which Radhi testified have not been independently verified. On April 11, Faraj said corruption cost the government \$250 billion in the last five years and added that the MOD was the most corrupt ministry, followed by electricity, oil, trade, interior, and health. On January 17, the Council of Ministers appointed Judge Raheem al-Ugaili to head the COI, although the COR had not confirmed his nomination by year's end.

Unlike in 2007, there was one new high-profile corruption case in the courts. On July 7, several top officials of the Iraqi Red Crescent Society (IRCS) were dismissed for the alleged misuse of IRCS funds; the dismissal was confirmed by the IRCS board in September. Arrest warrants were issued against Sa'ed Hakki, president of the IRCS, Jamal Karbouli, vice-president, Adnan Khademi, Hakki's deputy, and others and stemmed from alleged misappropriation of government funds provided to the IRCS for the past four years and other forms of corruption. Karbouli was arrested; Dr. Hakki remained at large at year's end.

On March 5, the COR Integrity Committee decided to further investigate Minister of Health Salih al-Hasnawi after criminal charges were dropped in court, based on information submitted by the Inspector General of the Ministry of Health, who uncovered fraud related to the import of counterfeit medicines and financial corruption. All officials charged and imprisoned with criminal negligence and implicated in the former defense minister's 2004 theft of 1.3 trillion dinars (approximately \$1 billion) were granted amnesty immediately after passage of the Amnesty Law, except for the minister who remained outside the country and was convicted in absentia in 2006. In September,

six officials from the Ministry of Trade were forced into early retirement as part of an anticorruption plan; there were no charges.

There have been several accusations by government officials supported by documented evidence pointing to large scale corruption, but these allegations have not yet been investigated.

In 2006, former minister of electricity Ayham al-Samaraii was sentenced to two years' imprisonment on charges of corruption. Several charges were amnestied following the Amnesty Law passage. After fleeing the country, he remained at-large at year's end.

According to an external assessment of the Ministry of Interior, nearly 3,000 employees were fired on administrative corruption charges between 2006 and June.

The government also has a system of 34 inspectors general (IG) in the various ministries, the city of Baghdad, the Central Bank (dismissed on September 16), and the religious endowments. In September 2007 the Council of Ministers issued an order effectively blocking ministries' cooperation with the COI, making the inspectors general, appointed by the prime minister and confirmed by the COR, the primary investigators of corruption in the central government ministries. The mandate of the inspectors general, with 1,795 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. More than 50 percent of these offices have a human rights unit within their organization.

According to the government, eight IGs were relieved of duty after evaluation of their work by the head of the Board of Supreme Audit (BSA), head of the COI, and Secretary General of the Council of Ministers. The IGs were from the Ministries of Culture, Foreign Affairs, Municipalities, Water Resources, and Youth and Sports, as well as the Sunni Endowment, Christian Endowment, and Central Bank.

In contrast to the internal audit function performed by the ministerial IGs, the role of external auditing was conducted by the BSA. BSA is responsible for conducting audits of all ministerial contracts; the BSA also audits the COR, the COR presidency, and each member's allowance and expenditures. BSA, COI, and ministerial Inspectors General continued to suffer from a lack of political support.

Political parties subjected the COI to a number of high-level attempts to influence prosecutions. Members of the legislature also reportedly attempted to pressure the court on numerous occasions.

There were allegations that during the year, government authorities along party lines avoided pursuing prosecutions of document fraud and misrepresentation of credentials.

There were reports that various government ministries employed a substantial, but undetermined number of nonexistent "ghost" employees with multiple records and duplicate salaries. During the year in the KRG there were roughly one million employees on the government payroll out of a total population of approximately three million.

Unlike previous years, rates of absenteeism and desertion of ISF members decreased, and there were fewer reports of payroll fraud.

On August 25, the KRG established a corruption committee, comprised of seven KRG ministries, to review the level of corruption and make recommendations on how to prevent corruption. KRG Minister of Planning Othman Shwani headed the committee. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures.

Local business organizations in the KRG complained that the KRG did not publicly tender contracts in sufficient time to allow local business owners to compete, and that political and personal favoritism determined the results.

Both the COI and the inspection system remained vulnerable during the year. There was widespread intimidation, but there were fewer killings and attacks than the previous year against COI employees, inspection personnel, witnesses, and family members involved with COI cases. On May 25, the director of investigations at the Ministry of Health was killed in Baghdad, and in an unrelated attack on the same day the BSA Director General at the Ministry of Trade was attacked as she left the Ministry. COI employees reported that one employee was killed during the year and 39 employees or family members were killed since 2005.

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government's cooperation with NGOs and with the UN and its agencies on human rights issues was minimal, generally citing varied security restrictions. On May 4, the government signed an agreement with the ICRC, granting it legal status and permanent representation in the country. ICRC also has increased access to visit detainees at central government detention facilities due to verbal agreements it has with several ministries that grant it unrestricted access to all detention facilities. A prime ministerial order declared that only ICRC and MOHR had unrestricted access to all detention facilities in the country except those run by the KRG. ICRC had a separate agreement with the KRG for unrestricted access to KRG detention facilities.

All nongovernmental investigations of alleged human rights violations, such as access to prison and detention facilities, continued to be highly restricted. The government attributed restrictions to the security situation and its policy of allowing only MOHR and ICRC unrestricted access to detention facilities. The government generally did not permit detention center or prison visits by NGOs. However, the MOHR did meet with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations.

During the year activity and advocacy by the country's relatively new NGOs remained weak overall. At the end of the year more than 6,000 NGOs were registered, although according to the director of the NGO Office, only approximately 1,800 were operational, including 235 human rights NGOs and 181 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern.

The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. Only one office in the country, located in Baghdad, accepted registrations for NGOs. Unlike the previous year, NGOs did not have their assets frozen arbitrarily by the government, according to two well-established NGOs.

As a standard practice, the Central Bank of Iraq froze the assets of organizations, including both international and domestic NGOs, contractors, and unions if the government determined that the organization held a significant amount of funds from an unknown source. This practice affected NGOs that were not registered or have not held elections that the Ministry of State for Civil Society Affairs (MOSCA) has judged to be fair. Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services. According to NGOs, unlike last year, assets of women's rights NGOs were not seized.

During the year, unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur.

Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs.

The Kurdish areas, which have been largely autonomous since 1991, were able to

develop a stronger NGO community, although many Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

The national government and the KRG were both "strongly critical" of UNAMI's April 2007 assessment of the human rights situation in the country, based largely on the tone rather than the substance of the report, according to UNAMI. There was little criticism of UNAMI's January-June report.

Although no ombudsman existed, a national MOHR and a KRG ministry focused on raising awareness and knowledge of human rights and conducting prison visits. Each ministry reported to its respective prime minister. The MOHR published a 2007 report on prison conditions, but not a new report by year's end. The KRG published no similar report. The national MOHR attempted to monitor human rights abuses and advocate for and assist victims, and issued public reports on prisons and detention centers, minorities, and victims of terrorism. Limited resources and poor cooperation from other ministries limited the Ministry's effectiveness. The effectiveness of the KRG MOHR was limited by a lack of trained human resources and effective follow-up throughout the government on human rights issues. The KRG MOHR and the KRG's Honor Killing Monitoring Commission, established in June 2007, were active on women's issues, particularly on steps to end honor killings. The KRG MOHR collated and published monthly data on honor killings.

On November 16, the COR Committee on Human Rights passed legislation establishing an Independent High Commission of Human Rights. On December 14, the legislation was ratified. The COR Committee also advocated publicly the raising of standards in government detention facilities and prisons. The KRG's legislative body, the Kurdistan National Assembly, formed a special committee to deal with human rights and detainee issues in 2007 but did not issue any public reports.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability or social status. The government did not effectively enforce these provisions.

Women

The constitution provides for equal treatment before the law without discrimination based on gender; however, in practice, discrimination existed, and enforcement of equal treatment was uneven.

The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. Women's rights activists continued to be targeted by militant groups. On December 18, Nahla Hussain, the leader of the women's league of the Kurdish Communist Party, was killed by gunmen in Kirkuk. The MOHR reported in its annual Victims of Terrorism report that 580 women were killed and 1,940 wounded in various acts of violence during the year. UNAMI reported in its January-June human rights report that kidnapping of young women increased in the second quarter of the year. UNAMI received information of 26 kidnapping cases of women aged 11 and older. Most of the women were released within days; there was no further information into the circumstances of the kidnappings.

The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators. It was difficult to estimate the incidence of rape or the effectiveness of government enforcement of the law; however, there were many allegations of rape at police stations during the initial detention of prisoners.

The constitution prohibits all forms of violence and abuse in the family, school, and

society. Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice.

There are no specific laws that concern domestic violence. Under the Penal Code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom." Existing laws were widely unenforced, including those on domestic violence.

During the year, NGOs reported that domestic violence against women increased, although no reliable statistics existed. On June 23, the NGO Iraqi Women's Network reported that violence against women increased in the first half of the year. Throughout the year 72 women were reportedly killed in Basrah for various reasons, according to local statistics. According to statistics from the Basrah Police Directorate Statistics Division, 147 women were killed in 2007, the majority due to terrorism.

"Honor killings" were a serious problem. Legislation in force permits "honor" considerations to mitigate sentences. During the first three months of the year before ISF operations in Basrah, 35 women were killed. From April to December 37 women were killed, including six honor killings and nine killings from domestic violence. On December 19, the Basrah Police spokesman reported that honor killings had dropped 90 percent during the year compared to 2007 due to the improved security situation. Rand Abdel-Qade was killed by her father on March 16 for befriending a British soldier. Her mother, Leila Hussein was killed on May 17 after denouncing and divorcing her husband. On December 19, national media reported that two women were killed in honor crimes in Basrah.

Honor killings were also widespread in the Kurdish region. The KRG minister of human rights reported on December 16 that the KRG does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The KRG MOHR reported that between January and August, 77 women were killed in honor killings. During this period, 211 women were burn victims. According to the Erbil hospital, 154 women were killed in Erbil between January and November. On April 2, three persons accused of an honor killing in Sulaymaniyah were arrested by the Asayish, according to press reports, but were later released. The suspects reportedly fled the country. The KRG reported that there were 528 honor killings in 2007; civil society observers and UNAMI in its human rights report considered the number to err on the low side. During the year, there were anecdotal reports from an NGO that between 200 and 250 women self-immolate in the region each year.

On May 13, two days after a shooting at a women's shelter, the KRG Violence Against Women Commission, which is under the direct supervision of the prime minister and deputy prime minister, created monitoring boards to ensure that the region's existing laws to protect women are upheld and enforced by the courts. The commission also recommended that "komalayati" bodies, or traditional panels led by village elders to reconcile disputes, no longer play a role in deciding legal cases. The monitoring boards are reportedly underfunded, and members lack appropriate training. Komalayati boards still play a role. In October and November, five murder cases were resolved by these boards.

Private shelters for women exist; however, space was limited. Information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the government. On May 11, armed gunmen attacked the women's shelter Asuda, a Sulaimaniyah-based women's NGO that provided shelter for victims of violence and abuse, seriously wounding one of the shelter's residents. Asuda had worked since 2000 to highlight the plight of female victims of violence, domestic abuse, and tribal honor killings.

Prostitution is illegal. During the year, reports of prostitution increased. According to

the NGO Organization for Women's Freedom in Iraq, some women have resorted to prostitution in order to provide for their children. On June 15, the Kurdish Lvin magazine published a detailed report on police involvement in a major Kirkuk prostitution ring, which routinely bribed government officials with prostitutes. The woman who ran the network asserted that there are over 200 brothels in Kirkuk. The author of the Lvin article, Soran Hama, was killed on July 21. The case remained unsolved at year's end.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported pressure to wear veils. Women were targeted for undertaking normal activities, such as driving a car, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam.

Islamic extremists reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public. On April 30, according to international press reports Basrah police acknowledge that 15 women a month were killed for breaching Islamic dress codes. In December 2007, Basrah's police chief Major General Abdul Jalil Khalaf, who has since been replaced with Adil Daham in June, confirmed that police documented that 57 women were killed and their bodies dumped in the streets of Basrah since mid 2007 for behavior deemed un-Islamic.

Women's NGOs reported that during the beginning of the year warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. Several sources suggested the restrictions against women significantly decreased since the March ISF operations in Basrah.

The MOI's Passport Office maintained a national policy requiring women to obtain the approval of a close male relative before receiving a passport.

The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.

Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.

The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Children

The government in general was committed to children's rights and welfare, although non-citizen children were denied government benefits. They had to pay for services that were otherwise free, such as public schools, health services, and, except for several hundred Palestinian families, were not eligible for the national food rationing program.

Unlike in 2006 the Higher Education Commission set up by the Tameem (Kirkuk) Provincial Council stated that any student could enroll in school if they had Tameem registration papers. Free primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. According to the Ministry of Education, total elementary school enrollment during the 2007-2008 school year was 4.33 million students, an increase from 4.15 million during the 2006-2007 school year.

According to information from the Central Organization for Statistics and Information Technology in the Ministry of Planning, literacy (15 to 45 years-old) was 65 percent. There was an increase in the number of illiterate children between the ages of six to 11 who are not in school due to security, poverty, and homelessness. NGOs and international organizations noted increasing numbers of street children since mid-2007. Approximately 66 percent of women between the ages of 15-24 were literate. Literacy varied considerably between urban and rural areas of residence, with less than half the women in rural areas literate compared to 80 percent in metropolitan areas and 72 percent in other urban areas.

MOH clinics provided health care, which was largely free to all citizens. There was no systemic difference in the care provided to boys and girls.

Female genital mutilation (FGM) is not illegal and was reported in the rural areas of the Kurdish region. The government offered no substantive assistance for victims of FGM.

Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.

MOLSA operated 19 orphanages for older children in Baghdad and the provinces, housing a total of 392 children, and 40 orphanages for young children, housing approximately 2,000 children.

In June 2007, an orphanage in Baghdad was discovered to be housing 24 severely malnourished boys from three to 15 years-old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment (six had cholera) and moved to another orphanage. Arrest warrants were issued for three employees of the orphanage, all of whom remained at large at year's end.

Despite laws against child labor, children often worked illegally on farms or in street commerce.

In April, the UN Special Representative of the Secretary-General for Children in Armed Conflict issued a report that highlighted widespread child recruitment into armed militia groups throughout the country. There were numerous reports of children being used to fight government forces during military operations in Sadr City in March and April. The MOHR reported in its annual Victims of Terrorism report that 376 children were killed and 1,594 wounded from various acts of terrorism during the year.

Trafficking in Persons

The constitution states that forced labor, slavery, slave trade, trafficking in women or children, and the sex trade should be prohibited; however, there were reports that persons were trafficked to, from, and within the country. In October, the government established a committee to examine trafficking problems after the MOHR raised concerns about the existence of trafficking in the country.

Although reliable statistics did not exist, Iraq was a source and destination country for men and women trafficked for commercial sexual exploitation and involuntary servitude. Children are trafficked within the country and abroad for commercial sexual exploitation. Women are trafficked within the country, as well as to Syria, Jordan, Kuwait, Qatar, United Arab Emirates, Turkey, and Iran for the purpose of commercial sexual exploitation. The country is also a destination for men and women trafficked from Georgia, India, Pakistan, Indonesia, Nepal, Philippines, and Sri Lanka for involuntary servitude as construction workers, cleaners, and handymen. Women from the Philippines and Indonesia are trafficked into the Kurdish territory for involuntary servitude as domestic servants. Some of these workers are offered fraudulent jobs in Kuwait or Jordan, but are then tricked or forced into involuntary servitude in Iraq instead; others went to the country voluntarily, but were still subjected to conditions of

involuntary servitude after arrival.

On January 29, the domestic press reported that two Swedish journalists discovered a market for selling children in Baghdad. On February 26, Tariq Al Ta'e, chairman of the NGO Iraqi Human Rights Justice Center in Baghdad, stated his center was following 16 cases of missing children.

On April 23, 42 Bangladeshis were repatriated with the help of IOM after being trafficked into the country by illegal traders. Those who returned estimated that an estimated 10,000 more Bangladeshis were still in the country, without jobs and proper documents, and stated that agents seized passports from workers in and around Kurdistan. On August 14, press reports indicated 43 Nepalis were repatriated after allegedly coming to the country for work but found upon arrival that their passports were seized, and they were forced to live in one hotel room. In December, IOM began investigations into the cases of third country nationals who had been abandoned after seeking employment in Iraq and were forced to live in transit housing and makeshift camps by the Baghdad Airport. IOM began facilitating the return of some of the workers; others found jobs with international contracting companies.

Anecdotal evidence and media reports suggested that some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations. MOLSA and the Ministry of State for Women's Affairs continued to accuse private orphanages of involvement in these activities and stated a private orphanage in Sadr City trafficked young girls for forced prostitution. MOLSA called for all private orphanages to be under its purview and inspection authority; however, MOLSA did not achieve this goal by year's end. There were also reports that criminal gangs used threats and blackmail to exploit teenage boys sexually for commercial and other motives.

Both the MOI and the KRG MOI have responsibility for trafficking-related issues. However, the demands of the security situation relegated trafficking to a lower priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity. During the year, the government neither prosecuted any trafficking cases nor convicted any traffickers. The government offered no protection services to victims of trafficking, reported no efforts to prevent trafficking in persons, and did not acknowledge trafficking to be a problem in the country. On August 11, KRG Parliamentarian, Kareen Bahri, told the press that there is no trafficking of women in the KRG.

The MOI did not monitor trafficking crimes, include them in the police-training curriculum, or conduct trafficking-related investigations.

The MOLSA and MOHR also had roles in anti-trafficking efforts. The government did not have programs to prevent trafficking; however, it operated orphanages and homeless shelters, which may have prevented vulnerable individuals from becoming trafficking victims.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of female victims being kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Few shelters existed in the country; most were run by NGOs.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination in employment, education, access to health care, and other state services against persons with physical disabilities. The government enforced the law in the government sector but not in the private sector.

MOLSA operated several institutions for the education of children and young adults with disabilities. MOLSA also operated workshops and associations to provide employment opportunities to persons with mental disabilities.

As of October, 17 institutes operated in Baghdad and the non-KRG provinces outside of the KRG for persons with mental and psychological disabilities and housed approximately 1,100 persons. Additionally, there were 34 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The government, through the Prime Minister's Office and Ministry of Health, provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities

Ethnically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions.

During the year, discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem (Kirkuk) frequently charged that Kurdish security forces targeted Arabs and Turkmen.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A 2006 citizenship law prevents Palestinians from obtaining citizenship or Jews who emigrated to other countries from reclaiming citizenship.

Other Societal Abuses and Discrimination

There were continued reports of societal discrimination and reported violence against individuals based on sexual orientation.

Since 2003, the Iraqi Lesbian, Gay, Bisexual and Transgender Organization stated that 430 gay men have been killed because of their sexual orientation. The international NGO provided shelter for an estimated 40 men between 14 and 28 in several Baghdad safe houses. During the year there were reports of discrimination and violence against homosexual men and women, mostly by militias. On September 25, a coordinator of the NGO was killed in Baghdad by militia members, according to press reports. There were no government statistics on discrimination or on government programs protecting such groups, and requests by news agencies for information have been largely ignored.

According to press reports, on November 24, freelance journalist Adel Hussein was sentenced by a court in Erbil to six months in prison for violating a public decency law by writing an article about homosexuality. On December 7, KRG President Barzani pardoned him. The article was published by independent Kurdish Hawlati in April 2007.

Other parts of this report contain related information; see sections 1.c, 2.c., and 6.d.

6. Worker Rights

a. The Right of Association

The constitution provides the right to form and join unions and professional associations, subject to regulating law. Labor Law 150 of 1987, enacted by the Saddam government, did not technically remove that right. However, it declared virtually all public sector workers to be government "executives," and therefore legally ineligible to form or to join unions, a move that, in effect, eliminated unions and the right of association from the public sector. In the private sector, the extant 1987 Trade Union Organization Law allows employees to form workers' committees, with limited rights of association, in private sector worksites employing more than 50 workers. Originally, this was also intended, in practice, to remove the right of association from a majority of private sector workers, because most private sector businesses employ fewer than 50 workers. Decree 8750 of 2005, which cancelled unions' leadership boards, froze their assets, and formed an inter-ministerial committee to administer unions' assets and assess their capacity to resume activity, also inhibited union activity. The laws and decree do not prohibit antiunion discrimination by employers or others. In addition to this oppressive legal and regulatory framework, violence and insecurity, high unemployment, and maladapted labor organizational structures inhibited the exercise of labor rights.

Despite the restrictions, however, MOLSA worked with the International Labor Organization (ILO) during the year to prepare modern labor legislation that was expected to supersede the 1987 laws and the 2005 decree, and conform to international statutes and to retrain ministry staff in applying its provisions. The legislation was under constitutional review at year's end.

During the year MOLSA also made some progress toward reforming and removing some the limitations the Saddam regime had imposed on workers' rights. In the private sector, MOLSA extended the right to form workers' committees to work sites employing fewer than 50 persons. In the public sector, it permitted workers in several state-owned enterprises (SOEs) and in some sectors of the Ministry of Oil to form workers' committees. Several of these committees were in the nascent phase of their existence, so there was little reliable information as to their numbers or their effectiveness at year's end. However, MOLSA officials stated that the committees are already cooperating with MOLSA to help enforce occupational safety standards. However, public sector unions were still not permitted in practice, while private sector unions enjoy the right to seek government arbitration for labor disputes, but not the right to strike.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

The government was the largest employer in the country; reliable estimates indicate the public sector accounted for 30 to 35 percent of the total workforce. There were no government-sponsored prosecutions or attacks on trade union activists during the year.

During most of the year MOLSA only recognized and dealt with private sector unions belonging to the General Federation of Iraqi Workers (GFIW). The GFIW formed in 2005 when the Iraqi Federation of Workers' Trade Unions, the General Federation of Trade Unions, and General Federation of Iraqi Trade Unions merged. During the year MOLSA also worked to monitor workplace safety and workers' rights with 11 independent unions, which were officially registered with the government but would not be formally recognized unless the new ILO-compatible legislation is enacted.

The constitution states that every citizen has the right to demonstrate and strike peaceably in accordance with the law; however, the extant 1987 labor code rules out the existence of public sector labor unions capable of carrying out industrial action and prohibits striking in the public and private sectors. There were no major strikes. However, workers at state-owned companies affiliated with the Ministry of Oil in Basrah walked off the job briefly in June to protest a government decision to transfer eight labor activists and to demand the legal right to strike. The event was resolved following MOLSA mediation. Public sector workers in several areas also engaged in organized protests or brief work stoppages in August in support of a government bill to raise wages.

b. The Right to Organize and Bargain Collectively

The extant 1987 labor code in effect rules out the existence of labor unions able to carry out any free and independent labor union activity and therefore effectively prohibits independent organizing and collective bargaining in the public and private sectors.

Because unions have no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining and written collective contracts is not possible. Unions, however, can play a reactive role when there are labor disputes, and they have the right to demand government arbitration. The 1987 Trade Union Organization Law defines "labor disputes" as collective conflicts arising between workers and employers over the provisions of the labor code and/or individual employment contracts. Government labor courts are empowered to rule on labor code violations and disagreements. MOLSA officials, who are charged with ensuring that public and private sector employers provide workers government-mandated social security, pension, health care, and other benefits regardless of the size of the company, readily acknowledged that enforcing these social safety net laws was made more difficult without the partnership and cooperation of strong unions.

The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' power to defend workers' rights pertaining to their access to social protection.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, according to press reports, foreign workers were sometimes subjected to abusive forced labor. Foreign workers were also reportedly induced, tricked, or forced to enter the country for work via nearby countries. In some cases, they were the victims of involuntary servitude involving high indebtedness, passport confiscation, and virtual imprisonment, or fraud amounting to involuntary servitude and trafficking. There were reports throughout the year that foreign workers in the Kurdish region complained they were unable to return to their countries of origin because their employment agencies seized their passports when they arrived in the country. Some countries of origin undertook efforts to repatriate workers.

Other parts of this report contain related information; see section 5.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor; however, the government did not effectively enforce these laws. The law limits working hours for workers less than 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment was 15 years; however employment of anyone under 16 years in work detrimental to health, safety, or morals was prohibited. MOLSA's Child Labor Unit sought to enforce child labor standards, but its work suffered from insufficient personnel and budget resources.

Poor families routinely used children to augment their income-earning potential. This work often took the form of seasonal labor in rural areas or begging or peddling in urban settings. There were anecdotal reports of children working in hazardous family-owned automobile shops or on construction sites.

The government introduced a targeted, means-tested social safety net (SSN) program in 2005 to reduce poverty and protect children against the deteriorating living conditions in their households. To date, one million families have received benefits and services administered by MOLSA. The SSN package included a child allowance, conditional upon

school attendance, and programs to assist former and current street children were also funded by the government. Additional projects to enhance the protection of children have been funded by international organizations and NGOs.

Other parts of this report contain related information; see section 5.

e. Acceptable Conditions of Work

Wages are set by contract in the private sector and set by the government in the public sector. The national minimum wage for a skilled worker was less than 10,500 dinars (approximately \$7) per day and for an unskilled worker less than 5,250 dinars (\$3.50) per day. The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. The average salary was approximately 1.875 million dinars (\$1,250) per year. These earnings were barely above poverty level (\$2 or 3,000 dinars per day) and did not provide a decent standard of living for a worker and family.

According to international governmental organizations, NGOs, and press reports, some foreign workers in the country were subjected to abusive treatment, including confiscation of travel and identity documents, confinement, physical abuse, unwanted sexual advances, delayed or no pay, forced daily and weekly overtime, and hazardous working conditions; no legal action in this area was reported.

The occupational safety and health component of MOLSA had staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment. Occupational safety and health standards and programs existed and were sometimes enforced in state-owned enterprises. However, MOLSA officials acknowledged that enforcing occupational safety and health standards was made more difficult without the partnership and cooperation of strong unions.
