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Iraq

Country Reports on Human Rights Practices - 2001

Released by the Bureau of Democracy, Human Rights, and Labor
March 4, 2002



Political power in Iraq¹ lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who also is Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, wields decisive power. Hussein and his Government continued to refer to an October 1995 non-democratic "referendum" on his presidency, in which he received 99.96 percent of the vote. This referendum included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkmens, Assyrians, Yazidis, and Armenians. The religious mix likewise is varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), and a small number of Jews and Mandaeans. Civil uprisings have occurred in previous years, especially in the north and the south. The Government has reacted with extreme repression against those who oppose or even question it. The judiciary is not independent, and the President may override any court decision.

The Government's security apparatus includes militias attached to the President, the Ba'th Party, and the Interior Ministry. Military and paramilitary forces often fulfill an internal security role. The military and security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. The Government makes no attempt to acknowledge, investigate, or punish officials or members of the military or security forces accused of human rights abuses. Military and security forces committed widespread, serious, and systematic human rights abuses.

The country has a population of approximately 22 million. The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The Iran-Iraq and Gulf Wars damaged the economy, and the country has been under U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions (the "oil-for-food" program). Under the program, the country also is permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agricultural, and educational projects, and spare parts for the oil sector. Reliable economic statistics are unavailable; however, estimates for GDP are approximately \$57 billion.

The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily alleged political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of—or related to persons suspected of—economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are extremely poor and at times life threatening. The Government reportedly has conducted "prison cleansing" campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The Government continued to infringe on citizens' privacy rights.

The Government restricts severely freedoms of speech, the press, assembly, association, religion, and movement. The U.N. Special Rapporteur on the situation of human rights in the country issued a report in January detailing ongoing, grievous violations of human rights by the Government. The U.N. Commission on Human Rights and the U.N. General Assembly passed resolutions in April and November criticizing the Government's suppression of these freedoms. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to the country, the Special Rapporteur bases his reports on the Government's human rights abuses on interviews with recent emigrants, interviews with opposition groups and others that have contacts inside the country, and on published reports from outside the country. Violence and discrimination against women occur. The Government has enacted laws affording a variety of protections to women; however, it is difficult to determine the practical effects of such protections. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts severely trade union rights. Child labor persists, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok, and Sulaymaniah since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures have not been implemented. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair. The KDP, PUK, and opposition groups committed human rights abuses. However, the PUK and KDP have enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights, and, according to press reporting and independent observers, both groups generally observed such laws in practice. In addition both the PUK and KDP have established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, including the ICRC, on worthy cases, and to recommend ways to end abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The Government committed numerous political and other extrajudicial killings. The Government has a long record of executing perceived or alleged opponents. In a report released by the U.N. Secretary General on September 13, the U.N. Special Rapporteur criticized the Government for the "sheer number of executions" taking place in the country, the number of "extrajudicial executions on political grounds," and "the absence of a due process of the law." The list of offenses requiring a mandatory death penalty has grown substantially in the past few years and now includes anything that could be characterized as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Special Rapporteur has noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'th Party. "The mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty," the Special Rapporteur stated. The Government made no attempt to answer allegations of either past or present political or extrajudicial killings, investigate such abuses, nor identify and punish the perpetrators.

In a report released in January, Amnesty International reported that in October 2000 the Government had executed dozens of women accused of prostitution.

In February the Government reportedly executed 37 political detainees for opposition activity. According to press reports, prominent Kurd writer Muhammad Jamil Bandi Rozhbayani was killed in March after a visit to his home by intelligence service personnel investigating his writings regarding the Government's Arabization and ethnic cleansing programs. In May the Government reportedly executed two Shi'a clerics, Abdulsattar Abed-Ibrahim al-Mausawi and Ahmad al-Hashemi, for claiming that the Government was involved in the killing of a Shi'a cleric in 1999 and the killings of four engineers from the Electricity Board for receiving bribes in May (see Section 1.d.). According to credible reporting, in June security forces killed another Shi'a cleric, Hussein Bahar al-Uloom, for refusing to appear on television to congratulate Qusay Saddam Hussein for his election to a Ba'th Party position.

Such killings continue an apparent government policy of eliminating prominent Shi'a clerics who are suspected of disloyalty to the Government. In 1998 and 1999, the Government killed a number of leading Shi'a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the Government that the killings might be part of a systematic attack by government officials on the independent leadership of the Shi'a Muslim community (see Section 2.c.). The Government did not respond to the Special Rapporteur's letter.

In September the Government executed 28 political prisoners in Abu Ghurayb prison as a part of its "prison cleansing" campaign. During 2000 the Special Rapporteur received reports referring to a "prison cleansing" execution campaign taking place in Abu Ghurayb, Radwanayah, and other prisons. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), the Iraqi National Congress (INC), and others with a network inside the country, provided detailed accounts of summary executions, including the names of hundreds of persons killed. A former officer from the Mukhabarat (Intelligence Service) reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to "clean out" the country's prisons. The Government's motive for such high numbers of summary executions—estimated at more than 3,000 since 1997—may be linked to reported intimidation of the population and reduction of prison populations. The Government has made no effort to investigate current or past cases, answer accusations about the executions, or identify and punish the perpetrators.

As in previous years, there were numerous credible reports that the Government continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba'th Party. These executions included high-ranking civilian, military, and tribal leaders. For example, in March army Major General Tariq Sa'dun was arrested, tortured, and executed for criticizing the Government. Also in March, according to Amnesty International (AI) and press reports, three officers from the Iraqi Air Force: Sa'eed 'Abd al-Majid 'Abd al-Ilah, Fawzi Hamed al-'Ubaidi, and Fares Ahmad al-'Alwan, were executed.

Government agents targeted for killing family members of defectors (see Section 1.f.). For example, in May the Government reportedly tortured to death the mother of three Iraqi defectors for her children's opposition activities. In 2000 government agents reportedly killed Safiyah Hassan, who allegedly criticized publicly the Government for killing her husband and two sons, Hussein and Saddam Kamal. Her husband and sons had been senior government officials; however, the brothers defected to Jordan in 1996. The Government offered the men immunity if they returned to the country; however, upon their return, government agents killed them and their father.

In October 2000, security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities (see Section 5). Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, which included three doctors and one medical assistant.

Reports of deaths due to poor prison conditions continued (see Section 1.c.).

Many persons who were displaced forcibly still lived in tent camps under harsh conditions, which also resulted in many deaths (see Sections 2.d. and 5).

As in previous years, the Government continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and Human Rights Watch (HRW) have concluded that the Government's policies against the Kurds raise questions of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in the Kurd-controlled north of the country. For example, assailants assassinated the governor of Arbil, Fransu Hariri. PUK and KDP investigators blamed Islamic groups for the killing. In June the Supreme Council for the Islamic Revolution in Iraq reported that its members killed Raed Khidir, a Ba'th Party official in southern Iraq. In 2000 unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July 2000, unknown assailants killed parliamentary deputy Osman Hassan. Also in July 2000, PUK forces reportedly killed a number of members of the Iraqi Communist Workers Party (IWCP), and KDP forces killed several members of the Iraqi Turkmen Front (ITF). Neither the PUK nor the KDP released information regarding investigations into the killings.

b. Disappearance

There continued to be widespread reports of widespread disappearances. Hundreds still were missing in the aftermath of the brief Iraqi military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported "prison-cleansing" campaign (see Section 1.a.). Sources inside the country reported the existence of special prison wards that hold individuals whose whereabouts, status, and fate was not disclosed (see Section 1.c.). The missing were primarily from the Kurd minority but include members of the Assyrian, Turkmen, and Yazidi community. In August AI reported that the Government has the world's worst record for numbers of persons who have disappeared and remain unaccounted for. The whereabouts of Hashem Hasan, a journalist and professor, who was arrested as he attempted to leave the country in 1999, remained unknown at year's end (see Section 2.a.).

The Government continued to ignore the more than 16,000 cases conveyed to it in 1994 and 1995 by the U.N., as well as requests from the Governments of Kuwait and Saudi Arabia to account for the whereabouts of those who had disappeared during Iraq's 1990-91 occupation of Kuwait, and from Iran regarding the whereabouts of prisoners of war that Iraq captured in the 1980-88 Iran-Iraq war. The majority of the 16,496 cases known to the Special Rapporteur are persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. Human Rights Watch (HRW) estimated the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of cases known to the Special Rapporteur consists of Shi'a Muslims who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait and continues to refuse to cooperate with the Tripartite Commission to resolve the cases. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. In a December report to the U.N. Security Council, the U.N. Secretary General criticized the Government's refusal to cooperate with the U.N. on the issue of the missing Kuwaiti citizens. Iran reports that the Government still has not accounted for 5,000 Iranian prisoners of war (POW's) missing since the Iran-Iraq War.

In 1997 and 1999, AI documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed numerous unresolved cases dating from the early 1980's through the mid-1990's. The report concludes that few victims became targets of the Government because of any crime they had committed; rather, they were arrested and held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested because of their family's link to a political opponent or simply because of their ethnic origin (see Sections 1.d. and 1.f.).

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the 1991 arrest of the late Grand Ayatollah Abdul Qasim Al-Khoei and 108 of his associates.

The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status. Similarly, Al identified a number of Ayatollah Sadeq Al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remained unknown. In its November 1999 report, Al identified eight aides of Al-Sadr who disappeared.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands of other citizens in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

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

The Constitution prohibits torture; however, the security services routinely and systematically tortured detainees. According to former prisoners, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, pulling out of fingernails, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture often was apparent when security forces returned the mutilated bodies of torture victims to their families. There were persistent reports that the families were made to pay for the cost of executions. Refugees who arrived in Europe often reported instances of torture to receiving governments, and displayed scars and mutilations to substantiate their claims. In August Al released a report entitled "Iraq: Systematic Torture of Political Prisoners," which detailed the systematic and routine use of torture against suspected political opponents and, occasionally, other prisoners.

In May Saad Keis Naoman, an Iraqi soccer player who defected to Europe, reported that he and his teammates were beaten and humiliated at the order of Uday Saddam Hussein for poor performances. He was flogged until his back was bloody, forcing him to sleep on his stomach in the tiny cell in Al-Radwaniya prison in which he was jailed. His account supports allegations made by Sharar Haydar Mohamad Al-Hadithi, a former Iraqi international soccer player, who stated in August 1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. In 2000 three soccer players who played for a team that lost an October game in the Asian Cup quarter finals, reportedly were whipped and detained for 3 days. In 1997 members of the national football team reportedly were beaten and tortured on Uday's orders because of poor play in a World Cup qualifying match.

The Special Rapporteur continued to receive reports that arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur has expressed concern about cruel and unusual punishments prescribed by the law, including amputations and brandings. In 2000 the authorities reportedly introduced tongue amputation as a punishment for persons who criticize Saddam Hussein or his family, and on July 17, government authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein. Authorities reportedly performed the amputation in front of a large crowd. Similar tongue amputations also reportedly occurred in the city of Hilla during the year. The Government never has acknowledged such reports, conducted any investigation, nor taken action against those tortured prisoners.

Human rights organizations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted both government officials and opposition members in order to blackmail them into compliance. Former Mukhabarat member Khalid Al-Janabi reported that a Mukhabarat unit, the Technical Operations Directorate, used rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure their future cooperation (see Section 1.f.).

The security forces allegedly raped women who were captured during the Anfal Campaign and during the occupation of Kuwait. The Government never has acknowledged these reports, conducted any investigation, nor taken action against those who committed the rapes.

Prison conditions are extremely poor and life threatening. There reportedly are numerous official, semiofficial, and private prisons throughout the country. Overcrowding is a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post after the interview, and the government-owned daily newspaper Babel reiterated the Government's long-standing claim that it holds virtually no prisoners. It was unclear to what extent the mass executions committed pursuant to the "prison cleansing" campaign have reduced overcrowding (see Section 1.a.).

Certain prisons are infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly have torture chambers. There are numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly is the site of torture and a number of disappearances. The Al-Radwaniyah detention center is a former POW facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.).

In 2000 the Special Rapporteur reported receiving information about two detention facilities in which prisoners are locked in metal boxes the size of coffins that reportedly are opened for only 30 minutes each day. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state—that is, those whose status, fate, or whereabouts are not disclosed

(see Section 1.b.).

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison.

In 2000 the Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January 2000 as a result of torture and poor prison conditions. The 13 prisoners reportedly were among the Shi'a detained in the aftermath of the protests following the February 1999 assassination of Sheikh Al-Sadr (see Section 1.g.). In August 2000, the ICP reported that three political prisoners died from illnesses contracted in Abu Ghurayb prison. The prisoners reportedly were denied medical treatment.

The Government does not permit visits by human rights monitors.

Iraqi Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions was observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintain private, undeclared prisons, and both groups reportedly deny access to ICRC officials. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999 AI report, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in the last few years because of suspected opposition activities or because they were related to persons sought by the authorities. Those arrested often were taken away by plainclothes security agents, who offered no explanation and produced no warrant to the person or family members (see Section 1.f.). The authorities deny detainees legal representation and visits by family members. In most cases, family members do not know the whereabouts of detainees and do not make inquiries due to fear of reprisal. Many persons are taken away in front of family members, who hear nothing further until days, months, or years later, when they are told to retrieve the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Section 1.f.).

In July the Government initiated an arrest and detention campaign involving thousands of individuals who initially had volunteered to serve in the newly formed Al-Quds militia force, but who had not shown up for training.

Mass arbitrary arrests and detentions often occurred in areas in which antigovernment leaflets were distributed. In June the Coalition for Justice in Iraq reported that the Government arrested dozens of lawyers and jurists for distributing antigovernment leaflets. The leaflets reportedly indicated the authors' intent to expose the Government's violations of human rights. Security forces arrested hundreds of persons in al-Najaf, Karbala, and the Shi'a section of Baghdad following an anonymous distribution of antigovernment leaflets in 2000. Other arrests have no apparent basis.

In September the Government arrested and expelled six U.N. humanitarian workers and refused to provide any evidence as a basis for its actions (see Section 1.g.).

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remained in detention.

The Government reportedly targeted the Shi'a Muslim community for arbitrary arrest and other abuses. For example, in May the Government reportedly executed two Shi'a clerics, Abdulsattar Abed-Ibrahim al-Mausavi and Ahmad al-Hashemi, for claiming that the Government was involved in the killing of a Shi'a cleric in 1999 and the killings of four engineers from the Electricity Board for receiving bribes. In the weeks preceding the February 1999 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (see Sections 1.a., 1.b., and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing (see Section 1.g.).

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. According to a report received by the Special Rapporteur in 1998, such persons have been detained without charge for close to 2 decades in extremely harsh conditions. The report states that many of the detainees were used as subjects in the country's outlawed experimental chemical and biological weapons programs.

Although no statistics were available, observers estimated the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

In May the press reported that the authorities released 3,000 prisoners who paid bribes to prison officials to have their prison terms cut. One former prisoner said his family paid approximately \$3,125 (5 million Iraqi Dinars) for him to be released after serving 7 years of his original 15-year sentence.

The Government announced in June 1999 a general amnesty for citizens who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (see Section 2.d.). No citizens are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens reportedly remain fearful of returning to the country.

The PUK and the KDP reportedly hold some political prisoners and detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March 2000, the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (see Section 1.g.). During the year, PUK and KDP officials reported that all remaining PUK and KDP political prisoners and detainees had been exchanged per the agreement.

e. Denial of Fair Public Trial

The judiciary is not independent, and there is no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes the rule of law. Numerous laws facilitate continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation.

There are two parallel judicial systems: the regular courts, which try common criminal offenses; and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court.

Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers (see Section 1.d.). The courts admit confessions extracted by torture, which often served as the basis for conviction (see Section 1.c.). Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or personal predilection. There are no Shari'a (Islamic law) courts; however, regular courts are empowered to administer Shari'a in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts in theory provide for many protections; however, the Government often assigns to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honor crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behavior or alleged sexual misconduct (see Section 5). A 1992 decree grants immunity from prosecution to members of the Ba'th Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials.

It was difficult to estimate the number of political prisoners, because the Government rarely acknowledges arrests or imprisonments, and families are afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in the past few years originally were held as political prisoners.

Both the PUK and the KDP-controlled local administrations maintain separate judicial systems. They use the Iraqi legal code. Both come under a separate Supreme Court of Cassation. During the year, PUK and KDP officials reported that all PUK and KDP political prisoners and detainees had been exchanged in accordance with a 1999 agreement. However, the PUK and the KDP reportedly continued to hold some political prisoners and detainees (see Section 1.d.).

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

The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities effectively are exempt from the legal requirement to obtain search warrants, and searches without warrants are commonplace. The Government routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts from outside the country, including those of opposition groups (see Section 2.a.). The security services and the Ba'th Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public.

The authorities continued systematically to detain, abuse, and kill family members and close associates of alleged government opponents (see Sections 1.a., 1.b., 1.d., and 1.g.). For example, in May the authorities reportedly tortured to death the mother of three defectors because of her children's opposition activities. In June 2000, a former general reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the Government.

In November 1999, the Government expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

The Government continues its Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from government-controlled areas. According to press reports and opposition sources, the Government has displaced forcibly hundreds of families. As in previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches (see Sections 2.d. and 5). Government officials also took hostage members of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5).

In the past, the authorities demolished the houses and detained and executed family members of Shi'a who protested government actions (see Section 1.g.).

The Special Rapporteur noted that guilt by association is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the Government. For example, relatives who do not report deserters may lose their ration cards for purchasing government-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons training camps (see Section 5). Conscripts are required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted.

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities.

g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

The authorities continued to detain, abuse, and kill family members and close associates of alleged government opponents (see Sections 1.a., 1.b., and 1.f.). The Government has continued a campaign of intimidation directed at U.N. and nongovernmental organization (NGO) relief workers. In February the Foreign Minister threatened to break off official ties to U.N. workers supervising Oil-for-Food Program distribution in northern Iraq, and to revoke their visas and deport them. In September the Government expelled six U.N. humanitarian relief workers without providing any explanation.

The Government continued to "Arabize" certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 2.d. and 5).

Landmines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq and Gulf Wars; however, the army failed to clear them before it abandoned the area. Landmines also are a problem along the Iraq-Iran border throughout the central and southern areas in the country. There is no information regarding civilian casualties or the Government's efforts, if any, to clear old mine fields in areas under the central Government's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, landmines have killed more than 3,000 persons in the three northern governorates since the 1991 uprising. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various NGO's continued efforts to remove landmines from the area and increase awareness of mines among local residents.

In December 1998, the Government declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen. In April Kurd sources accused the Government of exploding a bomb near an NGO working on mine clearing in the north.

Following the February 1999 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons (see Section 1.a.), there were widespread reports of military assaults on protesters in areas of Baghdad heavily populated by Shi'a, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra, in which hundreds of persons were killed. While a funeral for Al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Government security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons.

In 2000 authorities continued to target alleged supporters of Al-Sadr. In February 2000, security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In March 2000, numerous Shi'a who fled the country in 1999 and 2000, told HRW that security forces interrogated, detained, and tortured them. In May 2000, six additional students who were arrested following the killing were sentenced to death.

In 1999 and 2000, as a reprisal for the disturbances following Al-Sadr's killing, the Government expelled

approximately 4,000 Shi'a families from Baghdad.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the Government, including deliberate killing, torture, rape, pillage, and hostage-taking. HRW and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

No hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress was made at the time toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDP's) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented (see Section 1.d.). However, during the year, the two main Kurdish parties reported some progress toward full implementation of the Washington Agreement, including the return of 3,000 IDP's displaced since the 1995-96 fighting, improved movement between the Kurd-controlled areas, and the exchange of all prisoners.

Armed hostilities, which resulted in deaths were reported between the PUK and Islamic Groups, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. The heaviest fighting began in September, when a newly created Islamist group, the Jund al-Islam, seized control of some villages near the Iranian border and attempted to institute a strictly Islamic theocratic regime. According to press and opposition reporting, the Jund al-Islam attacked PUK fighters near Halabjah, killing dozens of persons. Intermittent fighting between the PUK, and the Jund al-Islam, and other Islamic groups continued until late November, when an agreement between those involved and the Iranian Government dissolved the Jund al-Islam and imposed a cease-fire.

In July 2000, the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the IWCP reportedly refused to move. PUK security forces subsequently killed at least six IWCP members and arrested several others at an IWCP office in Sulaymaniah. PUK forces also killed several IWCP members who were inside a car. In connection with this dispute, the PUK closed the IWCP-affiliated Independent Women's Organization and the Women's Protection Center in July 2000 and detained temporarily 12 women who had been staying at an abused women's shelter within the Center. The PUK announced that it would investigate the security forces' actions; however, no information was available by year's end.

There were no Turkish military invasions into the country during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press "in compliance with the revolutionary, national, and progressive trend;" however, in practice the Government does not permit freedom of speech or of the press, and does not tolerate political dissent in areas under its control. In November 2000, the U.N. General Assembly criticized the Government's "suppression of freedom of thought, expression, information, association, and assembly." The Special Rapporteur stated in October 1999 that citizens lived "in a climate of fear," in which whatever they said or did, particularly in the area of politics, involved "the risk of arrest and interrogation by the police or military intelligence." He noted that "the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty." In June the Human Rights Alliance reported that the Government had killed more than 500 journalists and other intellectuals in the past decade.

The Ministry of Culture and Information periodically held meetings at which they issued general guidelines for the press. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens.

The Government, the Ba'th Party, or persons close to Saddam Hussein own all print and broadcast media, and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed either domestically or abroad. A 1999 Freedom House report rated press freedom in the country at 98 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high government officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'th Party. In February opposition press reported that the Government added the penalty of cutting out the tongue of anyone who ridiculed the President. There were several reports during the year that the penalty was imposed on citizens (see Section 1.e.).

Each reporter must inform a security officer regarding the nature of news intended for the foreign media, and intelligence officers screen broadcasts before they are aired. In September the Government threatened to fire any journalist who issued a report detrimental to national security.

In September 1999, Hashem Hasan, a journalist and Baghdad University professor, was arrested after declining an appointment as editor of one of Uday Hussein's publications. The Paris-based Reporters Sans

Frontieres (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts remained unknown at year's end (see Section 1.b.).

According to the Special Rapporteur, journalists are under continuous pressure to join the Ba'th party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the Government sufficiently or often enough (see Section 6.a.).

The Government regularly jams foreign news broadcasts (see Section 1.f.). Satellite dishes, modems, and fax machines are banned, although some restrictions reportedly were lifted in 1999. Government-controlled areas have only two terrestrial television channels, the official Iraq Television and Youth TV, owned by Uday Saddam Hussein. The Information Ministry announced a plan to make limited satellite television service available, offering eight channels at a cost of \$33 to \$38 (10,000 to 12,000 dinars) per month, twice the average wage of a government employee. In September Uday Hussein reportedly had assumed control of the satellite television service.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with progovernment propaganda to Kurdish regions; however, Kurds routinely remove propaganda items from such textbooks.

The Government does not respect academic freedom and exercises strict control over academic publications and foreign travel by academics. University staff are hired and fired depending on their support for the Government.

In the north, many independent newspapers have appeared over the past 8 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists are influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services are available. Although the rival Kurdish parties in the north, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution of the opposing group's newspapers and other literature.

The Internet was available widely through Internet cafes in major urban centers in Kurdish-controlled areas. In government-operated Internet cafes, users only are permitted to view Web sites provided by the Ministry of Culture and Information. The regional authorities did not try to limit access to preapproved web sites; however, they often monitored web usage by individuals.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Citizens may not assemble legally other than to express support for the Government. The Government regularly orchestrated crowds to demonstrate support for the Government and its policies through financial incentives for those who participate and threats of violence against those who do not.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The political magazine Alef-Be, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which include the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'th party to power. Several parties are outlawed specifically, and membership in them is a capital offense (see Section 3). The law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In the Kurdish-controlled north, numerous political parties and social and cultural organizations exist. The KDP and PUK-controlled administrations impose restrictions on some political parties and groups they consider security risks, or that refuse to register as political parties or to participate in local elections. The PUK and KDP have forced political parties that violate these rules to shut down. Neither the KDP nor PUK allow the other group to open party offices in territory under their control; however, they do allow other political parties to operate in those territories and include them in their administrations.

c. Freedom of Religion

The Constitution provides for freedom of religion provided that it does not violate "morality and public order;" however, the Government severely limited freedom of religion in practice. Islam is the official state religion.

The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves the building and repair of all places of worship, and approves the publication of all religious literature.

More than 95 percent of the population are Muslim. The (predominantly Arab) Shi'a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkmen). The remaining approximately 5

percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenian Orthodox), Yazidis, and a small number of Jews and Mandaeanes.

The Government does not recognize political organizations that have been formed by Shi'a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, "must believe in God" (see Section 3).

Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi'a and Sunni Arabs are not distinct ethnically. Shi'a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the army in the 1980-88 Iran-Iraq War.

The Government has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a Muslim population (See Sections 1.a., 1.d., and 1.g.). Despite nominal legal protection of religious equality, the Government has repressed severely the Shi'a clergy and those who follow the Shi'a faith. Forces from the Mukhabarat, General Security (Amn Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party have killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, and interfered with Shi'a religious education. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshipers.

The following government restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a Muslims; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the Government; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising that listed thousands of forbidden Shi'a religious writings.

In June 1999, several Shi'a opposition groups reported that the Government instituted a program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an unauthorized location.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. In 2000 AI reported that the Government deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970's and early 1980's, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were the principal targets for deportation. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools. However, the revival of the schools appears to have exceeded greatly the Government's expectations, and led to an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends.

Authorities continued to target alleged supporters of Grand Ayatollah Al-Sadr during the year (see Sections 1.a. and 1.g.). The Government neither acknowledged nor investigated the reported arrest and execution in February and May 2000 of 36 religious school students.

The Government consistently politicizes and interferes with religious pilgrimages, both of Iraqi Muslims who wish to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims who travel to holy sites within the country (see Section 2.d.). For example, in 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the Government rejected this offer. In 1999 the Sanctions Committee offered to disburse funds to cover Hajj-related expenses via a neutral third party; the Government again rejected the offer. Following the December 1999 passage of U.N. Security Council Resolution 1284, the Sanctions Committee again sought to devise a protocol to facilitate the payment for individuals making the journey. The Sanctions Committee proposed to issue \$250 in cash and \$1,750 in travelers checks to each individual pilgrim to be distributed at the U.N. office in Baghdad in the presence of both U.N. and Iraqi officials. The Government again declined and, consequently, no Iraqi pilgrims were able to take advantage of the available funds or, in 2000, of the permitted flights. The Government continued to insist that these funds would be accepted only if they were paid in cash to the government-controlled central bank, not to the Hajj pilgrims.

Twice each year—on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar—Shi'a pilgrims from throughout the country and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The Government for several decades has interfered with these Ashura commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between Iraqi pilgrims on one side and Ba'th party members and security forces enforcing the ban on the other. In 2000 security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.). During the year, there were no reports of violence during the pilgrimage; however, the Government reportedly imposed travel restrictions.

The Government also has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (see Section 2.d.). Most Assyrians live in the northern governorates, and the Government often has accused them of collaborating with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk in order to attempt to Arabize the city (see Section 2.d.).

The Government imposes repressive measures on Yazidis (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts movement within the country of citizens and foreigners. Police checkpoints are common on major roads and highways. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest.

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), canceled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In an apparent effort to convince citizens living abroad to return to the country, government radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (see Section 1.d.). In October 1999, Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to citizens living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor citizens inside the country who received money from relatives living abroad.

A November 1999 law provides for additional penalties for citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In 2000 the director of the Real Estate Registration Department stated that pursuant to the decree, the Government confiscated the property of a number of persons.

The Government restricts foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogate all media employees, journalists, and writers upon their return from foreign travel.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in the country (see Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) are required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimated that there are more than 500,000 IDP's remaining in the 3 northern provinces (Arbil, Dohuk, and Sulaymaniah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. The Government continued its Arabization policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers view the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area.

Non-Arab citizens are forced to either change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern governorates. Persons may avoid expulsion if they relinquish their Kurdish, Turkmen, or Assyrian identity and register as Arabs. Persons who refuse to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

The Revolutionary Command Council has mandated that new housing and employment be created for Arab

residents who have been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly is prohibited. Non-Arabs may not sell their homes, except to Arabs, nor register or inherit property. Authorities estimate that since 1991, more than 100,000 persons have been displaced as part of the Arabization program.

According to numerous deportees in the north, the Government generally uses a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demands that a family change its ethnicity from Kurdish or Turkmen to Arab. Subsequently, security officials frequently arrest the head of household and inform the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families frequently choose to move to the north; family members must sign a form that states that the departure is voluntary and they are not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The Government frequently transfers the families' houses to Arab Ba'th Party members.

Those expelled are not permitted to return. The Special Rapporteur reported in 1999 that citizens who provide employment, food, or shelter to returning or newly arriving Kurds are subject to arrest. The Government denies that it expels non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remained abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled during the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves in northern areas outside of government control.

The Government does not cooperate with the UNHCR, does not provide first asylum, and does not respect the rights of refugees.

Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in northern areas controlled by the central Government. The UNHCR is treating such displaced persons as refugees until it reaches an official determination of their status.

During the year, the KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons each side had expelled as a result of intra-Kurdish fighting in the three northern provinces. In June the first 70 families were returned. In April 2000, the UNHCR noted that displaced persons still were living in tents or in open, unheated buildings (see Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. Some sources indicated that KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. The KDP denied that the blockade or village raids occurred.

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

Citizens do not have the right to change their government. The President wields power over all instruments of government. Most important officials either are members of Saddam Hussein's family or are family allies from his hometown of Tikrit. Although the Government has taken steps to increase the perception of democracy, the political process still is controlled firmly by the State. The 1995 so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal if they cast a dissenting vote. A total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Elections for the National Assembly were held in March 2000; 220 of the 250 parliamentary seats were contested and presidential appointees filled the 30 remaining seats. Out of the 250 seats, members of the Ba'th reportedly won 165 seats, independents won 55, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates. Saddam Hussein's son Uday was elected to the National Assembly by receiving 99.9 percent of the vote.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who are estimated to constitute approximately 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council. President Saddam Hussein heads the council. However, the RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death. In October 2000 security forces reportedly executed eight persons on charges of forming an opposition organization (see Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law is used to prohibit parties that do not support the President and the Government. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an

insufficient number of members.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, Kurds, Assyrians, Turkmens, or other communities. These political groups continued to attract support despite their illegal status.

The percentages of women and minorities in government and politics does not correspond to their percentages of the population. The law provides for the election of women and minorities to the National Assembly; however, they have only token representation.

In the north, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local government administrators were elected in 1992. The parliament last met in May 1995. The two major Kurdish parties in de facto control of the north, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures have not been implemented. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP reportedly requires membership lists from ethnic minority political parties. The Government also imposes additional restrictions on some political parties (see Section 2.b.).

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

The Government does not permit the establishment of independent human rights organizations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from most foreign and international human rights groups are not allowed in the country. However, the Government allows several international humanitarian and aid organizations to operate in the country.

The Government harassed and intimidated relief workers and U.N. personnel throughout the country, continued threatening to arrest or kill relief workers in the north, and staged protests against U.N. offices in the capital (see Sections 1.g. and 2.a.). In September the Government arrested and expelled six U.N. humanitarian workers without providing a basis for its actions.

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit the country, nor did it respond to his requests for information.

In November the U.N. Commission on Human Rights and the U.N. General Assembly issued a report that noted "with dismay" the lack of improvement in the situation of human rights in Iraq. The report strongly criticized the "systematic, widespread, and extremely grave violations of human rights" and of international humanitarian law by the Government, which it stated resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The report called on the Government to fulfill its obligations under international human rights treaties.

For the ninth consecutive year, the Commission called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these requests.

The Government operates an official human rights group that routinely denies allegations of abuses.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the Government systematically violates these rights.

Women

Domestic violence against women occurs but little is known about its extent. Such abuse customarily is addressed within the tightly knit family structure. There is no public discussion of the subject, and no statistics are published. Spousal violence constitutes grounds for divorce and may be prosecuted; however, suits brought on such charges reportedly are rare. Under a 1990 law, men who committed honor crimes may receive immunity from prosecution (see Section 1.e.).

Rape is prohibited by law; however, security forces rape family members of persons in the opposition a punishment. No information is available regarding the frequency or severity of rape in society.

Prostitution is illegal. During the year, the Government reportedly beheaded women accused of prostitution (see Section 1.a.).

The Government states that it is committed to equality for women, who make up approximately 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine the extent to which these protections are afforded in practice. Women are not allowed to travel outside the country alone (see Section 2.d.).

In April 2000, the PUK declared that immunity would not be given for honor crimes in the area under its control. Several active women's organizations operate in the Kurd-controlled regions in the north. In September the KDP began admitting women into the police academy in preparation for the planned integration of women into the police force.

Children

No information is available regarding whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the Government's continued disregard for the rights and welfare of children. Education for boys is compulsory through the sixth grade. Children may continue in public schools through grade 12, but children often leave after grade 6 to help in family enterprises. The Government claims that it also has enacted laws to make education for girls compulsory.

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that could have been made available to the general public, including children, were stockpiled in warehouses or diverted for the personal use of some government officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January 2000 letter to the Government, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and oil sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in the country through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The Government's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in the country that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the Government in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and center parts of the country, home to 85 percent of the population, children under 5 years old were dying at more than twice the rate that they were a decade before. In contrast mortality rates for children under 5 years old in the Kurdish-controlled north dropped in the period between 1994 and 1999. The Special Rapporteur criticized the Government for "letting innocent people suffer while [it] maneuvered to get sanctions lifted." Had the Government not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

For the 8th, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the opposition report that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (see Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization (see Section 1.f.).

Government officials allegedly took children from minority groups in order to intimidate their families to leave cities and regions in which the Government wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

Persons with Disabilities

No information was available regarding the Government's policy towards persons with disabilities.

Religious Minorities

The country's cultural, religious, and linguistic diversity is not reflected in its political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse (see Section 2.c.).

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years.

Although few Jews remain in the country, government officials frequently make anti-Semitic statements.

National/Racial/Ethnic Minorities

Non-Arabs are denied equal access to employment, education, and physical security. Non-Arabs are not permitted to sell their homes except to Arabs, nor to register or inherit property. The Government continued to relocate forcibly the non-Arab population, including Kurds, Turkmens, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated Government (see Section 2.c.).

The Government does not permit education in languages other than Arabic and Kurdish. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac.

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government imposes the same repressive measures on Yazidis as on other groups (see Section 2.c.).

Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

Ethnic and religious minorities face some discrimination and harassment by Kurds in the north. In areas of the north under Kurdish control, classes in Syriac and Turkish have been permitted in primary schools run by Assyrian or Turkmen parties, since the 1991 uprising against the Government. However, teaching of Syriac reportedly remains restricted. The Kurdish administrations also require that all school children begin learning Arabic in primary school.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years. Assyrians continue to fear attacks by the PKK, a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. In 2000 Christians reported feeling caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported in 2000 being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies. There were no reports during the year of the Kurdistan Regional Government's investigation into a series of bombings in 1998 and 1999 that many Assyrian groups believed were part of a terror campaign designed to intimidate them into leaving the north.

Ethnic Turkmens also claim discrimination by Kurdish groups, including the required use of the Kurdistan flag in Turkmen schools and the assignment of Kurdish teachers to Turkmen schools.

Section 6 Worker Rights

a. The Right of Association

There are no trade unions independent of government control. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government controlled trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th Party, which uses it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the Government sufficiently (see Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country.

The Labor Law restricts the right to strike. According to the International Confederation of Free Trade Unions,

such restrictions on the right to strike include penal sanctions. No strike has been reported for during the past 2 decades.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively is not recognized. The Government sets salaries for public sector workers, the majority of employed persons. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, an omission that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises for breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in the country have been prevented from terminating their employment and returning to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available regarding forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment

The employment of children under the age of 14 is prohibited, except in small-scale family enterprises. However, children reportedly are encouraged increasingly to work in order to help support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program (see Section 5). There is no information available regarding forced and bonded labor by children (see Section 6.c.).

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

There was no information available regarding minimum wages.

Most workers in urban areas work a 6-day, 48-hour workweek. The head of each ministry sets hours for government employees. Working hours for agricultural workers vary according to individual employer-employee agreements.

Occupational safety programs are in effect in state-run enterprises. Inspectors ostensibly inspect private establishments, but enforcement varies widely. There was no information regarding workers' ability to remove themselves from work situations that endanger their health or safety.

f. Trafficking in Persons

There was no information available regarding whether trafficking in persons is prohibited by law, or whether persons were trafficked to, from, or within the country.

¹ The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.