

COUNTRY ASSESSMENT - IRAQ

April 2002

Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

2. GEOGRAPHY

2.1 The Republic of Iraq is a virtually land locked state in Western Asia, with a narrow outlet to the sea on the Persian (Arabian) Gulf. Its neighbours are Iran to the east, Turkey to the north, Syria and Jordan to the west, and Saudi Arabia and Kuwait to the south. [1][2]

2.2 Since the end of the Gulf War in 1991, Iraq has essentially been divided by a de facto temporary line of control. The north east of the country comprises the three governorates of Arbil, Duhok and Sulaimaniya and is also known as Kurdistan. The sovereignty remains the same. [1][2]

2.3 The Republic of Iraq has a population of 22,017,983 (official estimate as at mid 1997). Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkomen, Yazidis, Armenians and Assyrians. The official language is Arabic, which is spoken by approximately 80% of the population. About 15% speak Kurdish, while there are small Turkoman and Suriani (Assyrian) speaking minorities. [1][2]

2.4 The Iraqi Government controls most of the economy, which is largely based on oil production, and owns all major industries. UN sanctions originally banned all exports and allowed imports only of food, medicine and materials for essential civilian need. In May 1996, after a year of obstruction and delay, the Government reached agreement with the UN on a plan to implement UN Security Council Resolution (UNSCR) 986, which would allow a controlled sale of Iraqi oil to purchase food and other humanitarian goods to improve the deteriorating situation of the Iraqi people, so called "oil for food" program. Throughout the rest of 1996, however, the Government continued to engage in delaying tactics and other actions, which the UN and other observers cited as delaying implementation. The Government's actions threatened the Resolution's intended controls on oil sales and the conditions required to ensure fair and equitable distribution of relief. [2a][24]

2.5 On 2 April 1997, the Government of Iraq began distributing the first food rations to its citizens under the "Memorandum of Understanding" or "oil for food" programme arranged with the UN. The first ship carrying food under the programme, which had

been approved in December 1996 arrived in Iraq on 31 March. Sanctions remain in place due to the Government's failure to comply with UN Security Council resolutions. There have been reports that the sanctions have affected not only health, food and educational systems but also Iraq's power system. In March 1998 the ceiling on Iraq's oil exports was raised from \$2 billion to \$5.3 billion every 6 months and provision has been made for the import of approved spare parts to facilitate expansion of U.N.-controlled oil exports. In December 1999, the ceiling on Iraq's oil exports was removed altogether. [2c][3g][3h][3i][4a][4b][5b][24]

2.6 The Government continued to interfere routinely with the international community's provision of humanitarian assistance to the populace by placing a higher priority on importing industrial items than on food and medicine, diverting goods to benefit the regime, and restricting the work of UN personnel and relief workers. In response to an increase in international humanitarian aid, the Government announced on 6 June 1998 that it would refuse to accept shipments of humanitarian aid from other governments and non-governmental agencies (NGOs). The Government stated that it previously had accepted such aid only to effect contacts with organisations and nations that might support Iraq politically. Some humanitarian aid was allowed into the country in 1998, but only on a case-by-case basis and with clear political overtones. For example, aid from Kuwait, the United Arab Emirates, and Saudi Arabia was refused consistently. The Iraqi opposition reported that the Government ordered the confiscation of all agricultural crops in February 1998 in order to maintain its monopoly on the supply of food. Later, in what appeared to be a further attempt to strengthen political power by controlling food supplies, the Government imposed a tax on all imported goods. [2c]

2.7 There were widespread reports in the year 2000 that food and medicine that could have been made available to the general public were stockpiled in warehouses rather than ordered, or diverted, for the personal use of some officials. In a letter to the Government in January 2000, the executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders 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 Iraq through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies. [2e]

3. HISTORY

Origins of Iraq

3.1 Iraq was formerly part of Turkey's Ottoman Empire. During the First World War (1914-18) when Turkey was allied with Germany, the territory was placed under a League of Nations mandate, administered by the United Kingdom. In 1921 Amir Faisal ibn Hussain was proclaimed King of Iraq. During the early years the new kingdom was faced by Kurdish revolts (1922-32) and by border disputes to the south. The British mandate ended on 3 October 1932, when Iraq became fully independent. [1]

3.2 Following the overthrow of King Faisal II during a military revolution on 14 July 1958, which brought to power a left-wing nationalist regime headed by Brig. (later Lt-Gen.) Abd al-Karim Kassem, the 1925 Constitution was abolished, the legislature was dissolved, and in March 1959 Iraq withdrew from the Baghdad Pact, a British-inspired agreement

on collective regional security. Until his assassination in February 1963, during a coup by members of the armed forces, Kassem maintained an increasingly isolated position. The new government of Col. (later Field Marshal) Abd as-Salem Muhammed Aref was more pan-Arab in outlook and sought relations with the United Arab Republic (Egypt).

[1]

3.3 Following his death in 1966 President Aref was succeeded by his brother, Maj.-Gen. Abd ar-Rahman Muhammed Aref, who remained in power until he was ousted by members of the Arab Renaissance (Ba'ath) Socialist Party on 17 July 1968. Maj.-Gen. (later Field Marshal) Ahmad Hassan al-Bakr became President and Prime Minister, and supreme authority was vested in the Revolutionary Command Council (RCC), of which President al-Bakr was also Chairman. On 16 July 1979 the Vice-Chairman of the RCC, Saddam Hussein, who had long since exercised the real power in Iraq, replaced Al-Bakr as Chairman. [1]

Iran - Iraq War

3.4 Relations with Iran, precarious for many years developed into full scale war in September 1980. The Algiers agreement between Iran and Iraq, signed in 1975, had defined the southern border between the two countries as a line along the middle of the Shatt al-Arab waterway. In the ensuing years Iraq had become dissatisfied with the 1975 agreement and called for the withdrawal of Iranian forces from Abu Musa and the Tumb islands, dependency of the UAE which Iran had occupied in 1971. The Iranian revolution of 1979 escalated the situation. Border disputes occurred in the summer of 1980 and in September Iraqi forces advanced into Iran. The fighting continued until August 1988 when a cease-fire was agreed after Iran announced its unconditional acceptance of the UN Security Council Resolution 598. However, negotiations on the full implementation of the Resolution made little progress until Iraq's invasion of Kuwait in August 1990, at which point Iraq abruptly sought a formal peace agreement with Iran, by accepting all the claims that Iran had pursued since the cease-fire, including the re-instatement of the Algiers Agreement of 1975, dividing the Shatt al-Arab. [1]

Invasion of Kuwait

3.5 In mid-1990 the Iraqi Government criticised countries (Principally Kuwait and the UAE) which persistently produced petroleum in excess of the quotas imposed by OPEC. Iraq also accused Kuwait of violating the Iraqi border in order to secure petroleum resources, and suggested that Kuwait should waive Iraq's debt repayments. In July Kuwait and the UAE agreed to reduce their petroleum production, and it was agreed that the minimum price of crude petroleum should be increased. Direct negotiations between Iraq and Kuwait began at the end of July, with the aim of resolving their disputes over territory and Iraqi Debt. The discussions failed and on 2 August 1990 Iraqi forces invaded Kuwait. On 8 August 1990 Iraq announced the formal annexation of Kuwait, claiming that it's forces had entered Kuwait at the invitation of insurgents, who had overthrown the Kuwaiti government. [1]

3.6 The UN Security Council responded by unanimously adopting, on the day of the invasion, Resolution No. 660, which demanded the immediate and unconditional withdrawal of Iraqi forces from Kuwait. Subsequent resolutions imposed mandatory economic sanctions on Iraq and occupied Kuwait, and declared Iraq's annexation of Kuwait to be null and void. Diplomatic efforts to achieve a peaceful solution to the crisis all foundered on Iraq's refusal to withdraw its forces from Kuwait. In late November the UN Security Council adopted a Resolution (No. 678) which permitted member states to use 'all necessary means' to enforce the withdrawal of Iraqi forces from Kuwait, if they

had not left by 15 January 1991. On the night of 16-17 January 1991 'Operation Desert Storm' began with attacks on Baghdad by the multinational force. The US government on 28 February declared a cease-fire. Iraq agreed to renounce its claim to Kuwait, to release prisoners of war, and to comply with the relevant UN Security Council resolutions. [1]

Events in northern Iraq

3.7 Each of the regions administered by the KDP and PUK has a system of justice, based on Iraqi legislation, with police to enforce public order; there are also hospitals, schools and universities. Both regions have their own administrations, in which several parties have seats. [22]

3.8 There was a brief flirtation by the Iraqi regime with a Kurdish autonomous region in the early 1970's which would have given the Kurds limited powers of self-determination. But the experiment broke down with the Kurds complaining that they were not being given any effective decision making powers over the region. Kurdish demands for autonomy continued throughout the 1970's and 1980's. Discussions began in December 1983, following a cease-fire, between the Iraqi government and Jalal Talabani, the leader of one the two main Kurdish opposition parties in Iraq, the Patriotic Union of Kurdistan (PUK). These discussions did not include the other main Kurdish group, the Democratic Party of Kurdistan (KDP). The collapse of negotiations in May 1984 frustrated hopes for a government of national unity, including the PUK and the Iraqi Communist Party. In January 1985 armed conflict was resumed in northern Iraq between PUK guerrillas and government troops. The PUK blamed the Government's continued persecution and execution of Kurds, its refusal to permit consideration in autonomy talks of the inclusion of Kirkuk province, which contains some of Iraq's main oilfields, and an agreement with Turkey to act jointly to quell Kurdish resistance. [1]

3.9 In February 1988 PUK and KDP guerrillas (assisted by Iranian forces) made inroads into government-controlled territory in Iraqi Kurdistan. In March the Iraqi Government retaliated by using chemical weapons against the Kurdish town of Halabja. The cease-fire in the Iran-Iraq War in August enabled Iraq to divert more troops and equipment to Kurdistan, and to launch a new offensive to over-run guerrilla bases near the borders with Iran and Turkey, during which chemical weapons were allegedly used, forcing Kurdish civilians and fighters to escape across the borders. The various Kurdish factions appeared to have achieved greater unity of purpose through their alliance in May 1988, in the Kurdistan Iraqi Front (KIF). In September the Iraqi Government began to forcibly remove Kurds of northern Iraq to the interior of Iraq and by October 1989 an uninhabited 30 Km wide 'security zone' was in place along the whole of Iraq's border with Iran and Turkey. This prompted the PUK to announce a campaign of urban guerrilla warfare against the Government throughout Iraq. [1]

3.10 In April 1991 the leader of the PUK, Jalal Talibani, announced that Saddam Hussain had agreed, in principle, to implement the provisions of the Kurdish peace plan of 1970. However, negotiations subsequently became deadlocked over the delineation of the Kurdish Autonomous Region, in which Kurdish groups wished the city of Kirkuk to be included. In October 1991, in the absence of any negotiated agreement on an "autonomous Kurdistan", the Iraqi Government withdrew all services from the area, effectively subjecting it to an economic blockade. The KIF proceeded to organise elections to a 105-member Kurdish national assembly, and for a paramount Kurdish leader. The result of the elections to the Assembly held on 19 May 1992 and in which virtually the whole of the estimated 1.1m strong electorate participated was that the KDP and the PUK were entitled to an almost equal number of seats [1]

3.11 On 5 April 1991, the United Nations passed resolution 688. This resolution condemned Iraqi repression and asked member states to assist the Kurds and other refugees in northern Iraq, with a demand for Iraq to co-operate with these relief efforts. Joint Task Force Provide Comfort was formed on 6 April 1991 and deployed to Incirlik Air Base, Turkey, to conduct humanitarian operations in northern Iraq. The task force dropped its first supplies to Kurdish refugees on 7 April 1991. [26b]

3.12 In March 1993 the Kurdish Regional Government was dismissed by the Iraqi Kurdistan Assembly for its failure to effectively deal with the crisis in the region. A new Kurdish Regional Government was appointed at the end of April. The PUK withdrew from the Assembly and the wrangling over a regional President led to armed conflict between fighters belonging to the PUK and the KDP in May 1994, resulting in the division of the northern Kurdish-controlled enclave into two zones. A peace agreement was reported to have been concluded in early June, but fighting broke out again in August. Numerous other peace agreements were short lived and sporadic fighting continued between the two factions for several years. Essentially KDP military units controlled the Governorate of Dohuk; and part of the governorate of Arbil up to the heights of Salahaddina and Sari Roj, with PUK units controlling the city of Arbil and the governorates of Sulaimaniya.[1d]

3.13 NATO's 'Operation Provide Comfort' was still ongoing in February 1996 under which US, British and French aircraft based in Turkey enforced the Iraqi air exclusion zone north of latitude 36 degrees N in order to protect the Kurdish enclave. At the end of 1996 Operation Provide Comfort was terminated at Turkey's request. [1d]

3.14 During 1996, fighting continued between the KDP and PUK in northern Iraq, in which both fighters and civilians were killed. On 31 August 1996, Iraqi government troops, tanks, artillery, and helicopters, in co-operation with the KDP, first shelled and then captured the city of Irbil (aka Arbil, Erbil) in northern Iraq. Several other cities and villages in northern Iraq were shelled by artillery and then were entered by government troops. A cease-fire established on 23 October 1996 ended fighting for the rest of 1996, albeit with a few sporadic clashes. The Special Rapporteur stated in November 1996 that indiscriminate shelling by Iraqi forces of civilian settlements had been a recurrent practice well before these most recent clashes. [1][2a]

3.15 Disappearances in northern Iraq also increased in 1996 as Iraqi and Iranian intelligence units grew more active. The Special Rapporteur stated that the fate of these individuals remains unknown. Unconfirmed reports blamed Iran for the disappearances of several Iranian opposition figures who resided in the north. KDP co-operation with the Iraqi government and PUK co-operation with Iran increased instability and the ability of both governments to act against political opponents in the area. [1][2a]

3.16 On several occasions in 1996, Turkish armed forces entered northern Iraq in pursuit of members of the Kurdistan Workers' Party (PKK), (a Turkish terrorist organisation whose members had been driven into northern Iraq from Turkey and Iran) and their bases. Terrorist activities in northern Iraq and Turkey by the PKK terrorist organisation, also resulted in the death of both fighters and civilians.

Both Iraqi Kurdish groups and the PKK reportedly committed serious abuses, including killings, torture, arbitrary arrest and detention. [2a]

3.17 In 1997 sporadic fighting between the KDP and PUK continued. A truce brokered

by the United States, the United Kingdom and Turkey called the "Ankara Process" was broken when PUK forces attacked KDP positions and occupied the Safeen mountain positions on 12 October 1997. Turkish forces entering the area to attack members of the Kurdistan Workers Party (PKK) have further complicated the situation in Kurdistan. The PKK has also come under attack from KDP forces after they attempted to support PUK forces. [3a][3b]

3.18 In northern Iraq the main Kurdish parties, KDP and PUK, continued a dialogue leading to a peace agreement. It was reported that in March 1998 the KDP and PUK released a number of prisoners of war (POW's), following an agreement between the parties to release all detainees and POW's. However, the peace did not continue throughout the whole of Northern Iraq. Reports continued throughout 1998 of Turkish forces entering Iraq to battle with PKK forces. It was reported that the Turkish forces had the backing of the KDP. In February 1999 Turkish forces in Nairobi, Kenya captured the PKK leader Abdullah Ocalan. This provoked demonstrations by Kurds in northern Iraq and worldwide. Following Ocalan's capture, Turkish armed forces were reported to have halted their campaign against the PKK in northern Iraq. There have also been reports of fighting between KDP and PKK forces. [1][4d][4e][4f][4g]

3.19 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. However, during 2001, 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. [2f]

3.20 In September 1998 the KDP and PUK agreed a conciliatory and peace agreement called the Washington Accord following talks in the United States of America. The agreement planned for parliamentary elections the next summer, and guaranteed the lawful rights of Turkomen, Assyrians and Chaldeans in Iraqi Kurdistan. The agreement did not call for a separate Kurdish state but protected the territorial integrity and sovereignty of Iraq. [4h][4i]

3.21 The PUK held municipal elections February 2000 and the KDP held municipal elections in May 2000, the first elections held in Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair. [2f]

3.22 Armed hostilities and resulting deaths were reported in 2000 between the KDP and the Iraqi Turkoman Front (ITF), the PUK and the IWCP, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. There were a number of bomb attacks on civilian targets during the year in both the KDP- and PUK-controlled areas, which killed at least 12 persons. Ocalan has warned from prison that the PKK would continue to harass Turkish forces from the Northern Kurd zone. [2e][25b]

3.23 KDP forces attacked the Erbil headquarters of the ITF in July 2000, killing at least two persons and injuring several others. Tension between the KDP and the ITF had been building for months as the KDP leadership expressed frustration that the ITF failed to accept the KDP as the local authority. The ITF complained that the KDP interfered in

its internal affairs. [2e]

3.24 In July 2000 the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniya's city centre 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. 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 Centre in July and detained temporarily 12 women who had been staying at an abused women's shelter within the Centre. The PUK announced that it would investigate the security forces' actions; however, no information was available by year's end as to whether an investigation had taken place. [2e][2f]

3.25 There were repeated military incursions by Turkish security forces into northern Iraq during the year 1999/2000. In late 1999, the Turkish airforce targeted PKK positions in both KDP and PUK controlled areas. In April, May, and August 2000, Turkish troops again were deployed to the region. In one incident, Turkish troops killed 38 Kurdish civilians. In July the PUK attempted to push the PKK out of its territory and fighting ensued. Both the PKK and the PUK suffered a number of casualties. In December 2000, hundreds of Turkish troops were deployed to the region, threatening to intervene on the PUK's behalf. Subsequently, the PUK and the PKK declared a cease-fire. [2e]

3.26 The Islamic Movement of Iraqi Kurdistan (IMIK) has, over the year 2001, splintered. Four dissident factions have emerged - "Islamic Group", "Unification" movement and the "Soran Force", and "Jund al-Islam", with the latter founded on 1 September 2001. The Jund al-Islam is a militant group that has vowed destruction of established secular Kurdish political parties in the northern enclave. In turn, it was roundly condemned by the KCP and the KDP, pledging every assistance to the PUK to arrest Jund extremists. 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. [2f] Jund al-Islam, alongside a number of other Islamist groups, has merged into a new group, Ansar al-Islam, ("Supporters of Islam"). Despite a few negotiation rounds with Iranian mediation, tension between the PUK and the Islamist group remains unsolved. [2f][26][28b]

3.27 There were no major Turkish military incursions into the country during the year 2001. [2f]

3.28 On 2 April 2002 the head of the Iraqi Kurdish Patriotic Union of Kurdistan (PUK) regional government, Barham Salih, escaped an assassination attempt outside his house in Sulaymaniyah. Barham Salih was representative for his party in Washington for almost 10 years before he became the Prime Minister of the PUK led Kurdish regional government in Sulaymaniyah last year. [26][28b]

Events in southern Iraq since 1990

3.29 The conflict with the United Nations was followed by domestic unrest. In early March 1991 rebel forces, including Shi'a Muslims and disaffected soldiers were reported

to have seized Basra and other southern cities gaining control of much of the country, but the rebellion was soon crushed by troops loyal to Saddam Hussein. In the north, a loose grouping of Kurdish political groups known as the Iraqi Kurdistan Front, made military gains in the three northern governorates, however they were unable to resist the onslaught of the Iraqi armed forces, which were redeployed northwards as soon as they crushed the uprising in Southern Iraq. By mid-June 1991 the United Nations and the Iraqi government had negotiated a 'memorandum of understanding' whereby the UN was permitted to establish humanitarian centres ('safe havens' for the Kurdish population) on Iraqi territory for a period of 6 months which was subsequently extended. In response to renewed attacks by Government forces on southern Iraqi Shi'a communities and on the inhabitants of Iraq's southern marshlands, on 26 August 1992 the US, British, French, and Russian Governments announced their decision to establish a zone in southern Iraq, south of latitude 32 degrees N, from which all Iraqi fixed-wing aircraft would be excluded. [1a][1b]

3.30 In May 1994, facing an economic crisis, Saddam Hussein assumed the post of Prime Minister in a reshuffle of the Council of Ministers. In January 1995 a comprehensive reorganisation of military ranks took place, apparently as a result of an unsuccessful attempt to stage a military *coup d'état* in the same month. In March 1995 another attempted coup, allegedly organised this time by the former head of Iraqi military intelligence and supported by Kurdish insurgents in the north and Shi'a rebels in the south, was reported to have been suppressed. The UN Special Rapporteur, the international media, and other groups all have reported a heightened number of summary executions in Iraq since 1997. The Government's motive for such high numbers of summary executions, estimated at over 3,000 between 1997 and year 2000, may be linked to reported intimidation of the population and reduction of prison populations. [2e]

3.31 The Government in February 1996 executed Hussein Kamel and Saddam Kamel, Saddam Hussein's sons in law, when they returned from Jordan after defecting in August 1995. Although the Government announced amnesties for both men, they and over 40 relatives, including women and children, were killed in what the official Iraqi press described as the spontaneous administration of tribal justice. The UN Special Rapporteur, Max van de Stoel, noted in his November 1998 report that "the killings occurred without any legal process and with total impunity". In 2000, Government agents reportedly killed Safiyah Hassan, the mother of Hussein and Saddam Kamal who had allegedly criticized the Government publicly, for killing her husband and her sons. [2a][2e]

3.32 In 1996, Iraqi military operations continued to target Shi'a Arabs living in the southern marshes. In central and southern Iraq, the regime continued to divert humanitarian supplies to its security forces, the military, and other supporters. Government forces reportedly executed more Shi'a inhabitants of the southern marshes in 1996, but there remains no independent means to verify these reports. Credible reports confirm the ongoing destruction of the marshes by the army continuing to construct canals, causeways, and earthen berms to divert water from the wetlands. Hundreds of square kilometres have been burned in military operations. Moreover, the regime's diversion of supplies in the south limited the population's access to food, medicine, drinking water and transportation. [2a]

3.33 On 3 September 1996, the US extended the northern limit of the southern no-fly zone to latitude 33 degrees north, just south of Baghdad. [28a]

3.34 Opposition groups have claimed the Iraqi regime carried out large numbers of

executions in 1997. The Iraqi National Congress (INC) claimed in December 1997 that at least 1,200 prisoners were executed as part of a so-called "prison cleansing campaign". It was claimed that most were suspected

Of belonging to opposition groups. Also in December 1997 four Jordanian students were executed for smuggling car parts. However, in January 1998 Iraq released 95 Jordanian prisoners. During 1999, the UN Special Rapporteur continued to receive reports referring to a "prison cleansing" execution campaign taking place in Abu Ghraib and Radwanayah prisons [2d][3c][3d][3e][3f]

3.35 In January 1998 a military build-up occurred in the Gulf region when the United Nations withdrew its inspection teams (UNSCOM), who were searching for chemical weapons facilities, when they were unable to inspect certain Iraqi sites. Military action was avoided when the Secretary-General of the United Nations, Kofi Annan signed a Memorandum of Understanding in February with the Iraqi Deputy Prime Minister, Tareq Aziz. A further crisis between Iraq and the UN occurred in August 1998 when the Iraqi National Assembly voted to suspend most co-operation with UNSCOM. As a result of Iraq's attempts to restrict the work of UNSCOM, the UK and the US came very close to taking military action. [3i][3j][3l][4p][5d]

3.36 The Iraqi Government ended all forms of co-operation with the UN Special Commission (UNSCOM) in October 1998. They asserted that all of UNSCOM's activities would be halted until; the UN Security Council adopted "a positive and honest view of Iraq's firm right" to the lifting of UN sanctions; and Richard Butler was dismissed as the UNSCOM chairman and UNSCOM was restructured in "a manner that makes it a neutral and professional institution". This decision came the day after the Security Council had agreed outline terms of reference for a comprehensive review of Iraq's compliance with its obligations. Faced with the prospect of imminent military strikes Iraq backed down and gave, and the Security Council demanded, an unconditional undertaking to allow the weapons inspectors unrestricted access. Richard Butler was given one month to report on Iraqi co-operation. His December report indicated that the Iraqi Government had failed to meet its obligations and continued to obstruct the weapons inspectors. Operation Desert Fox was initiated in December 1998. The Iraqi Government reacted to it by deciding to challenge the "no-fly" zones that had been established in December 1992 and May 1993 [1][5d][5e][24]

3.36 The US Government designated 7 Iraqi opposition groups, in January 1999, eligible for US\$97 million worth of financial assistance under the Iraqi Liberation Act approved by Congress in October 1998. The groups were the Iraqi National Congress, Kurdish Democratic Party, Patriotic party of Kurdistan, Supreme Council for the Islamic Revolution in Iraq, Iraqi National Accord, Islamic Movement of Iraqi Kurdistan (IMIK), Movement for Constitutional Monarchy. [5e]

3.37 Following the killing on 19 February 1999 of Ayatollah Mohammad Sadeq Al-Sadr and his sons, 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. Novelist Hamad Al-Moukhtar reportedly was executed after several months in prison following his detention for holding a funeral for Al-Sadr. Government security forces used excessive force in breaking up these illegal gatherings. For example, in the impoverished Shi'a district of Al-Thawra in Baghdad, a crowd of tens of thousands was attacked by government security forces using automatic weapons and armoured vehicles, which resulted in the deaths of approximately 25 mourners (although

estimates ranged up to 400) including, according to one report, the imam of the Al-Thawra mosque. Fifty persons reportedly were wounded seriously and about 250 persons were arrested, including 15 religious scholars. In a related incident, 22 persons reportedly were killed in the Shu'la district of Baghdad. Afterwards, more than 600 Shi'a residents of Al-Thawra reportedly were arrested arbitrarily in security sweeps. [2d]

3.38 Outside Baghdad "illegal" assemblies of Shi'a took place in most of the major cities of the south in reaction to the Al-Sadr killing, according to many Shi'a sources. Ali Hassan Al-Majid, the military "super-governor" for southern Iraq, reportedly declared martial law throughout the region. On 20 February 1999, 22 persons reportedly were killed in the Suq As-Shuyukh area of Nasiriyah when security forces attempted to disperse mourners from three mosques who gathered in the marketplace. When the crowds could not be forced to disperse, the army reportedly surrounded the city and shelled its Centre, which killed 17 more persons. Shi'a sources reported that 10 to 20 armoured personnel carriers then entered the city, sealed off the marketplace, and caused a stampede within the crowd, which resulted in further injuries and deaths. Other Shi'a sources report that on the same day, the city of Najaf was surrounded by government troops. The news of Al-Sadr's death and government suppression of mourning activities incited demonstrations in Karbala and Basra. Several Shi'a sources report that in Amara, Sheikh Ali As-Sahalani, the imam of the Majar Al-Kabir mosque, was shot and killed along with other mourners; the enraged crowd then reportedly seized control of the city for a short period of time. Nine demonstrators reportedly were executed in Ramadi. The chief Shi'a clerics of Basra and Nasiriyah reportedly were arrested to prevent them from leading religious gatherings. [2d]

3.39 The Iraqi Communist Party and other Shi'a groups reported large-scale protests in Basra in March 1999 when Government authorities sought to prevent Shi'a gatherings by forbidding Friday prayer gatherings. According to these reports, security forces under Ali Hassan Al-Majid attacked the marchers, which resulted in many deaths and detentions, including 70 persons who were detained in the Abu Sakhair region of Basra, 100 in the Hayaniyh district, 40 in the Dor Ad-Dubat area, 85 in the Jumhuriya district, and an unspecified number in the Khamasiya district. A large number of those detained reportedly were executed summarily under the direct supervision of senior government officials, including Al-Majid and Basra governor Ahmed Ibrahim Hamash. Opposition sources reported that Al-Majid ordered the execution of 180 persons on 21 March 1999 and 56 persons on 23 March 1999. The Special Rapporteur reported that many of those executed were buried in a mass grave in Buresiyya district, about 12 miles from Basra. As part of its policy, the authorities demolished the houses and detained the family members of protesters. [2d]

3.40 In Najaf 15 persons reportedly were wounded and hundreds arrested in early April 1999 while they commemorated the 40-day anniversary of Al-Sadr's death; such a commemoration is a traditional Islamic religious observance. On 16 April 1999, dozens of unarmed protesters (some reports indicate hundreds) allegedly were killed in street gatherings in the Al-Thawra district of Baghdad after the Security Services prohibited Shi'a worshipers from attending Friday prayers. After the closure announcement, a large unarmed crowd reportedly gathered at the entrance of the Hikmat mosque in the Jawadir section of Thawra, which was guarded by Ba'ath party members. At the same time, a smaller group—in which some individuals were armed, gathered in the Sharkat neighbourhood nearby. When shooting began between security forces and the Sharkat group around noon, the Ba'ath Party members fired on the unarmed group at the Hikmat mosque. The Supreme Council of the Islamic Revolution of Iraq (SCIRI) reported that regime forces later opened fire at another crowd that had formed outside the Abbas Mosque near the Al-Thawra Children's Hospital. Thousands of Shi'a men reportedly

were arrested in security sweeps in Basra that month. [2d]

3.41 From 19-27 May 1999, the Al-Fatah Al-Mubaeen forces of the Special Republican Guards and the Ba'ath Party militia under the command of Aziz Salih Al-Noman, reportedly conducted operations in the Jazirah region of Kut, Amarah, and Nasiriyah provinces. The local resistance forces reported that it repelled the attack. On 5 June 1999, the village of Al-Maeil in Meisah province reportedly was attacked and 15 houses were destroyed. The HROI reported that 1,093 persons were arrested in June in Basra alone. [2d]

3.42 On 22 June 1999 the Iraq Revolutionary Council issued Decree 101 banning the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. Based on paragraph (A) of section 42 of the Constitution, the revolutionary council decreed the following;

It shall be impermissible to detain women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case.

The victim's hospitalisation or death because of attempted manslaughter shall not prevent the release of the accused on bail during the investigation or trial of the case until a decision or sentence is issued in the case.

This decree is effective immediately. [3m]

3.43 The Iraq Revolutionary Council also issued Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country. Based on paragraph (A) of section 42 of the Constitution, the revolutionary council decrees the following;

All Iraqi who left illegally,

Those Iraqi who left Iraq on official mission but did not return after completion of the mission. This includes those who managed to do so through illegal departures, forgery (of official documents used for this purpose),

All the Iraqi's who fall under the above-mentioned categories and who had been sentenced, are now exempted, they shall be free, released unless they had been sentenced with other crimes (in addition to the above),

The decree is effective from the date of issue (28/06/99). However, the decree makes no mention of those Iraqi's who left Iraq legally and failed to return nor of those Iraqis who left illegally and where legal proceedings have not been started. [3m]

3.44 On 17 December 1999 the UN Security Council adopted Resolution 1284 (1999) which created a new inspection regime (UNMOVIC) which would have allowed the suspension of all sanctions against Iraq for 4 month renewable phases if the Government had co-operated fully with UNMOVIC and the International Atomic Energy Agency (IAEA) within a whole 120-day period. The Resolution also lifted the ceiling on the amount of oil which Iraq could sell abroad under the "oil for food" deal. The Government of Iraq immediately rejected the Resolution, stating that it would not co-operate with UNMOVIC. [1c][3h] Renewed sanctions may be revived in discussions at the UN Security Council in December 2001. [25a]

3.45 In September 2000 Government authorities reportedly amputated the tongue of a

person who allegedly criticized Saddam Hussein. Following the amputation, authorities reportedly drove him around in an open truck and broadcast his alleged crime and punishment. [2f]

3.46 In the year 2000, there were numerous credible reports that the regime 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, according to various opposition groups, government officials reportedly executed Republican Guard Brigadier General Abd al-Karim al-Dulaymi and between 25 and 38 other Republican Guard officers on suspicion of disloyalty during the year 2000. Also in 2000 Government officials killed seven employees of the Central Computer Department in Baghdad because they allegedly purchased computer equipment from the UAE; the Government reportedly believed that the equipment would be used to send information abroad. [2e]

3.47 The details of the ninth phase of the oil-for-food programme were finalised in early 2001. In a letter addressed to the Iraqi authorities in mid February 2001, the UN Secretary-General urged them to provide more food for the civilian population and in particular to allocate a greater part of their oil revenues to improving the health of children suffering from malnutrition [1]

3.48 The UN Special Rapporteur also cited continued reports of the frequent use of the death penalty for such offences as "insulting" the President or the Ba'ath Party and the pervasive fear of death for any act or expression of dissent. [2a]

3.49 The regime has for some years, forced Turkomans, Assyrians and Kurds from government-controlled areas into the northern governorates in line with the Iraqi regime's policy of "Arabisation". See section on Human Rights [24]

4. STATE STRUCTURES

The Constitution

4.1 The Iraqi Provisional constitution issued on 22 September 1968 states that the Iraqi Republic is a popular democratic and sovereign state. Islam is the state religion. The political economy of the State is founded on socialism. The state will protect liberty of religion, freedom of speech and opinion. Public meetings are permitted under the law. All discrimination based on race, religion or language is forbidden. There shall be freedom of the Press, and the right to form societies and trade unions in conformity with the law is guaranteed.[1]

4.2 The Iraqi people is composed of two main nationalities: Arabs and Kurds. The Constitution confirms the nationalistic rights of the Kurdish people and the legitimate rights of all other minorities within the framework of Iraqi unity.[1]

4.3 The highest authority in the country is the Council of Command of the Revolution (or Revolutionary Command council - RRC), which will promulgate laws until the election of a National Assembly. The council exercises its prerogatives and powers by a two-thirds majority.[1]

4.4 Two amendments to the Constitution were announced in November 1969. The

President already Chief of State and Head of the Government, also became the official Supreme Commander of the Armed Forces and President of the RCC. Membership of the latter body was to increase from five to a larger number at the President's discretion. [1c]

4.5 Following an abortive coup in July 1973, led by the security chief Nazim Kazzar, in which the minister of Defence, Gen. Hammad Shehab was killed. Consequences of the attempted coup included an amendment to the Constitution giving more power to the President and the formation of a National Front between the Baath party and the Iraqi Communist Party (ICP). [1e]

4.6 Saddam Hussain is the head of state and assumed power on 16 July 1979, confirmed in office by national referendum on 15 October 1995 as The President and President of the Revolutionary Command (RCC). Vice-Presidents are Taha Yassin Ramadan, Taha Mohi ed-Din Maruf. Izzat Ibrahim Ad-Dur is Vice President of the RCC . Saddam Hussain holds the position as Prime Minister and Tareq Aziz is Deputy Prime Minister and Acting Minister of Foreign Affairs. [1f]

The Constitution - northern Iraq

4.7 In principle the Iraqi constitution applies in Northern Iraq also. The basis for legislation in Northern Iraq is still the Iraqi constitution. [22]

Political system

4.8 Political power in Iraq 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'ath Socialist Party (ABSP) governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the ABSP, wields decisive power. [2b]

4.9 There are strict qualifications for electoral candidates; the candidates for the National Assembly, by law. Must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." [1c]

4.10 Full political participation in the Iraqi Government at the national level is confined to members of the Arab Ba'ath Socialist Party, estimated at about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council, headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. It overshadows the National Assembly, which is completely subordinate to it and the executive branch. Saddam Hussein and his regime refer to an October 1995, non-democratic "referendum" to legitimise 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 negative vote. [2b]

4.11 Elections to the 220 elective seats of the fifth national Assembly took place on 27 March 2000. According to official results, candidates of the ruling Ba'ath Party were reported to have successfully contested 165 of the Assembly's seats, while independent candidates were returned to the remaining 55 elective seats. The remaining 30 seats of the Assembly that are reserved for representatives of the Kurdish Autonomous Regions

were filled by government appointed independents. According to the Special Rapporteur, the Ba'ath Party allegedly instructed a number of its members to run as nominally independent candidates. [1c][2e]

Political system - northern Iraq

4.12 In May 1992, in the absence of a negotiated autonomy agreement with the Iraqi Government, the Kurdistan Iraqi Front (KIF) organised elections to a 105 member Kurdish National Assembly. The Kurdistan Democratic Party (KDP) and the PUK were the only parties to achieve representation in the new Assembly. Elections held at the same time as those to the National Assembly, to choose an overall Kurdish leader, were inconclusive and were to be held again at a later date.^[1e] A nominal presence in the National Assembly is given to Assyrian-Christians ^[29] and the Turkoman. The joint parliament last met in 1994 but the KDP continues to meet unilaterally and have, since they took over the Arbil in August/September 1996, used the KRG assembly building for their meetings.

Judiciary

4.13 There are two parallel judicial systems: the regular courts, which try common criminal offences; and special security courts, which generally try national security cases, but may also try criminal cases. Procedures in the regular courts theoretically provide for many protections. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defence 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, 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. The judiciary is not independent, and the President can override any court decision. [2b]

4.14 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. The courts admit confessions extracted by torture, which often served as the basis for conviction. 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. [2b]

4.15 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.[2b]

4.16 The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honour crimes," a violent assault with intent to commit murder against a women by a relative for her perceived immodest behaviour or alleged sexual misconduct. 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. Courts in Iraq consist of the following: the court of Cassation, Courts of Appeal, First Instance Courts, Peace Courts, Courts of Sessions, Sharia'a Courts and Penal Courts. [1][2b]

4.17 The court of Cassation is the highest judicial bench of all the Civil Courts it sits in Baghdad and consists of the President and a number of Vice-presidents and no fewer than 15 judges, delegated judges and reporters as necessity requires. The Court of Appeal consists of a President and Vice-Presidents and no fewer than 3 members who consider the objections against the decisions issued by the First Instance Courts of first grade. The country is divided into five Districts of Appeal, namely Baghdad, Mosul, Basra, Hilla and Kirkuk. The Courts of First Instance are of two kinds, Limited and Unlimited in jurisdiction. Courts of Sessions consist of 3 judges under the presidency of the President of the Court of Appeal or one of his vice Presidents. These courts consider the penal suits prescribed by Penal Proceedings Law and other Courts. A Sharia court is established wherever there is a first instance court. Sharia courts consider matters of personal status and religious matters in accordance with the provisions of the law supplement to the civil and Commercial Proceedings Law. Penal Courts, a Penal Court of first grade is established in every First Instance Court. There is in every First Instance court a department for the execution of judgements. It carries out its duties in accordance with the provisions of Execution Law. [1][1e]

Judiciary - northern Iraq

4.18 There is a functioning judicial system operating in northern Iraq. The principle of separation of power is applied and the judiciary is considered to be independent. However, Amnesty International claims that due to the influence of parties and clans the judiciary is not independent. [22]

4.19 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. [2b]

4.20 Following the withdrawal of Saddam Hussein from northern Iraq in 1992, the Kurdish authorities continued to apply the bulk of Central Iraqi law. Since 1991 sections of Central Iraqi law have been repealed. Some provisions of Iraqi law that are incompatible with the autonomy of Northern Iraq have been repealed. One example is the scrapping of the rules on the Baath party. The North also has its own family law, which is applied in keeping with individuals' religion. This ensures that Christians are not subject to Islamic law. Tribal law may also play a role in Northern Iraq. For example, an offence may escape prosecution if it arises from a tribal conflict and the parties wish to settle their dispute amongst themselves. [22]

4.21 The PUK and KDP authorities may intervene to bring about settlements between the families, clans and tribes concerned. Where tribal chiefs cannot agree or in the case of a particularly serious criminal offence (such as murder), the KDP and the PUK will endeavour to ensure that due judicial process operates and that a court judgement is in fact accepted. One means available to the authorities here is the imposition of fines or reduction of sentences. [22]

4.22 In both PUK and KDP areas, judges are appointed by the government and the parliament. New judges are required, inter alia, to have considerable legal experience. Court sessions and sentencing in principle take place in public. Justice can be sought at three levels: courts of first instance, courts of appeal and the supreme court. The lower

courts may be divided into courts for various branches of law, such as criminal law, civil law, youth law, family law and labour law. Appeals may be brought against judgments at first instance to one of the Courts of Appeal. The highest court in the KDP area (Supreme Court) is located in Arbil. For a long time this court acted as the Supreme Court for cases from Northern Iraq as a whole. However, the PUK recently established its own Supreme Court in Sulaymaniyah. Everyone in Northern Iraq is entitled to the assistance of legal counsel. In civil proceedings, the parties usually defend their interests themselves. The assistance of legal counsel is customary in criminal proceedings. If a party cannot afford legal counsel, a lawyer is assigned by the authorities. There are currently many legal practitioners in Northern Iraq with little or no work. It is thus not difficult at the moment in Northern Iraq to find a lawyer for a reasonable fee. [22]

Military Service

4.23 Military service is compulsory for all men at the age of 18 years, and lasts between 18 months and two years, extendable in wartime. It is possible to begin military service at the age of 14, however those under the age of 18 require the consent of their father. [30] See also Saddam Cubs under "Children"

4.24. Saddam Hussain is the Commander-in-chief of the Armed Forces. In August 2000 the armed forces totalled an estimated 429,000 regular members; (mostly conscripts) the army had an estimated total strength of 375,000 (including an estimated 100,000 recalled reserves); the air force had a strength of 35,000, the navy an estimated 2,000 and the air defence command 17,000. Additionally 45,000-50,000 people were in the paramilitary forces; with 650, 000 reserves. [1] Paramilitary forces comprised security troops, border guards and *fedayeen* (martyrs) with strengths estimated respectively, at 15,00, 20,000, and 10,000-15,000.people. Defence expenditure in 1999 was estimated at US \$1,400m. [1b]

Fedayeen Saddam - Saddam's Martyrs ["Men of Sacrifice"]

4.25 The paramilitary Fedayeen Saddam (Saddam's "Men of Sacrifice") was founded by Saddam's son Uday in 1995. In September 1996 Uday was removed from command of the Fedayeen. Control passed to Qusay, further consolidating his responsibility for the Iraqi security apparatus. The Deputy Commander is Staff Lieutenant General Mezahem Saab Al Hassan Al-Tikriti. The Fedayeen, with a total strength reportedly between 30 - 40,000 troops, is composed of young soldiers recruited from regions loyal to Saddam. The unit reports directly to the Presidential Palace, rather than through the army command, and is responsible for patrol and anti-smuggling duties. The Fedayeen is a politically reliable force that can be counted on to support Saddam against domestic opponents. [26a]

Saddam's Cubs

4.26 School boys aged between 12-17 years may attend a month long military training camp for 3 weeks during the summer holidays. Dubbed the "lion cubs of Saddam" the school boys allegedly receive training in small arms at the camp. Saddam's Cubs prepare young volunteers for Saddam's Fedayeen. [27][30]

Military Service - northern Iraq

4.27 There is no compulsory military service in the areas controlled by the PUK. All

military personnel (Peshmergas) join the service voluntarily. [31]

4.28 Conscription in the central Iraqi army cannot be enforced in northern Iraq. However, occasionally (as far as is known) male Arabs from Northern Iraq travelling to Central Iraq, eg to apply for a passport, are conscripted into the Central Iraqi army. [22]

4.29 The Kurdish authorities in northern Iraq do not impose military service. In general no pressure is exerted on people to become peshmergas. Nor is any pressure necessary as being a peshmerga is regarded by many as an honourable career providing an income, when unemployment runs high, many will volunteer to become peshmergas. For this reason, the drop-out rate is low. Anyone no longer wishing to be a Peshmerga can resign without problems. There are always enough volunteers to take his place. However, peshmergas with sensitive information about the party or its top officials may have problems resigning. Peshmergas are not allowed to leave, desert or refuse orders during armed operations. A peshmerga doing so in KDP territory will be tried under Iraqi military law (the "Disciplinary Code"). In PUK territory a Peshmerga Court was set up under Kemal Mufti's leadership in 1999 to deal with such matters. Punishment of KDP or PUK peshmergas who desert or refuse to carry out orders from their superiors may be influenced by family ties, clan connections and specific circumstances. Depending on the charge brought, punishment may theoretically range from a reprimand or disciplinary action to a prison sentence or even the death penalty. Severe punishment hardly ever occurs in practice. Cases of desertion and insubordination are reported to be rare. Both the KDP and PUK are in the process of professionalising their peshmerga forces and organising them more tightly. [22]

4.30 The PUK and the KDP each have their own police force, security service (the Asayish), intelligence service and armed forces. Both sets of armed forces consist in the main of peshmergas. A number of other parties also have such armed fighters. [22]

Internal Security

4.31 The Government's security apparatus includes militias attached to the President, the Ba'ath Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread serious and systematic human rights abuses. [2f] **see Human Rights section**

Legal Rights/Detention

4.32 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. 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. 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.

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-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 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. Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing. 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.[2f]

4.33 Although the Constitution and Legal Code explicitly prohibit arbitrary arrest and detention, the authorities routinely engage in these practices. The Special Rapporteur stated that arbitrary arrests are still common throughout the country and many times lead to detention for often long periods of time without access to a lawyer or being brought before a court. The military and security services, rather than the ordinary police, carry out most cases of arbitrary arrest and detention. It is claimed that numerous foreigners arrested arbitrarily in previous years remain in detention. [2b]

4.34 It has also been reported that there is a widespread practice of holding family members and close associates responsible for the alleged actions of others. The Special Rapporteur notes that "guilt by association" is facilitated by administrative requirements on relatives of deserters or other perceived opponents of the regime. For example, relatives who did not report deserters, for example, could lose their ration cards for purchasing government-controlled food supplies or be evicted from their residences. It has been reported that relatives often do not inquire about the whereabouts of arrested family members for fear of being arrested themselves.[2b]

4.35 Mass arrests are also reportedly commonplace; the Special Rapporteur learned of at least 3 such instances in southern Iraq in 1997. Twenty-five families are reported to have been interred in Al-Fajir prison in Nassariyah province; 30 persons (women, children and old men) from Al-Ghizlah reportedly were arrested and taken to Baghdad; on 3 April, a large number of persons were reportedly arrested in the Bani Said area and

have yet to be released. [2b]

Legal Rights/Detention - northern Iraq

4.36 Apart from *flagrante delicto* arrests, an arrest warrant must in principle be completed before anyone can be arrested. The investigating magistrate is competent to issue such warrants. This is not always the case in practice; individuals are occasionally arrested without it being possible to produce an arrest warrant. Those involved do not normally receive a copy of the arrest warrant. However, legal counsel of the person concerned may obtain a copy on request. The PUK and KDP have recently tried to achieve the introduction of a maximum remand period of thirty days and a greater role for the courts in arrests. Release on bail is possible for a number of offences.[22]

4.37 As far as is known, there are no indications that the KDP and PUK have been responsible for any extra-judicial executions over recent years. Following the Washington agreement, as far as is known there have been no summary executions within the prison system.[22]

4.38 The death penalty is imposed in northern Iraq for a large number of offences such as murder. In principal the Iraqi criminal code is adhered to. However since the conclusion of the Washington agreement, it would seem that the death penalty is no longer carried out. [22]

Prisons

4.39 Prison conditions are extremely poor and life threatening. There reportedly are numerous official, semi-official, and private prisons throughout the country. Overcrowding is a serious problem. In May 1998, Labour 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.[2f]

4.40 Certain prisons are infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly have torture chambers. [2f]

4.41 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. [2f]

4.42 The Al-Radwaniyah detention centre is a former POW facility near Baghdad and reportedly the site of torture as well as mass executions. This prison was the principal detention centre for persons arrested following the civil uprisings of 1991. Human Rights Watch and others have estimated that Radwaniyah has held more than 5,000 detainees. [2d][2f]

4.43 Abu Ghraib prison, west of Baghdad, may hold as many as 15,000 persons, many of whom are reportedly subject to torture. According to a report received by the Special Rapporteur in 1998, these persons have been detained for close to 2 decades in extremely harsh conditions without specific charges or trials. The report states that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical

and biological weapons programs. 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.[2d][2f]

4.44 In 2000 the Iraqi Communist Party reported that 13 prisoners died at Makaseb detention centre 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 Sheik Al-Sadr. 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.[2f]

4.45 Al-Rashidiya prison, on the Tigris River north of Taji, reportedly has torture chambers. [2d]

4.46 In 1999, the US State Department reported that a multi-story underground detention and torture centre reportedly had been built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Centre 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 may not be inquired into.[2d]

4.47 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.[2f]

4.48 Human rights organisations 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 institutionalised 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 co-operation.[2f]

4.49 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.[2f]

4.50 According to former detainees, torture techniques include branding, electric shocks, administered to the genitals and other areas, beatings, burnings with hot irons, suspension from ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of

food and water, and threats to rape or otherwise harm relatives. Tormentors kill many victims and mutilate their bodies before returning them to the victims' families. During the year 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.[2a][2f][8]

Prisons - northern Iraq

4.51 Various local administration agencies have responsibilities within the Northern Iraqi prison system. As well as regular state prisons, there are detention centres run by the PUK and KDP and their Asayish. In addition there are also military prisons.[22]

4.52 The total number of prisoners with a (partially) political background in Northern Iraq is said to range from a few hundred to an estimated maximum of fifteen hundred, spread in a reasonably balanced manner across PUK and KDP areas. Conditions in prisons in Northern Iraq do not meet international requirements as laid down in 1955 in the United Nations minimum standards for the treatment of prisoners. Human rights violations do occur upon arrest and during detention. Conditions of hygiene in the prisons leave much to be desired.[22] There has been some improvement in prison conditions over recent years owing to the intervention of the ICRC. At the beginning of 2002 the ICRC visited 500 prisons regularly and as a result of these visits workshops have been set up by the ICRC to improve the quality of prison life, the Northern Iraqi authorities are co-operating with them.[22]

4.53 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.[2f]

4.54 At present the ICRC regularly visits between 500-600 prisoners in 40 detention centres in northern Iraq to monitor prison conditions and treatment of detainees. The ICRC tries to promote awareness of and respect for international human rights. In the past the local authorities have been receptive to ICRC recommendations and many have been implemented.[22]

Medical Services

4.55 A limited Social Security Scheme was introduced in 1957 and extended in 1976. Benefits are given for old age, sickness, unemployment, maternity, marriage and death. Health services are provided free of charge. More than US \$1,500m was spent on building more than 30 new hospitals under the 1981-85 five-year Plan, providing about 11,500 beds. By the end of 1986 as a result of these additions, Iraq had 228 hospital establishments, with a total of 32,166 beds. In 1998, according to WHO data, Iraq had 55 physicians per 100,000 population and 236 nursing personnel per 100,000 population. In September 1997 the Iraqi Government stated that hospitals could operate at only 30% of capacity.[1b]

4.56 The report of the Special Rapporteur covering August - November 2000 comments on the deplorable conditions in the country's hospitals including the deterioration of the buildings and equipment. He states that there has been a deterioration in medical

treatment because of a lack of medical literature and training; a decision by the government to increase allocations under the oil-for-food programme to meet the food, nutrition and health requirements of the population. The SR stated that: while the oil-for-food programme and other humanitarian assistance had met to some extent certain immediate needs, this was a short term answer to a long standing issue.[32]

Medical Services - northern Iraq

4.57 In northern Iraq developmental projects and aid schemes are currently underway with some international NGO's operating there. No substantial shortage of medicine is felt, the food situation does not pose any problems and there is no acute malnutrition.[22]

Educational system

4.58 The Government does not permit education in languages other than Arabic and Kurdish. [2f]

4.59 Education is provided free of charge, and primary education, beginning at six years of age and lasting for six years, has been made compulsory in an effort to reduce illiteracy. (In 1995 an estimated 42% of Iraqi adults were illiterate.) Enrolment at primary schools of children in the relevant age group reached 100% in 1978, but the proportion had fallen to 76% by 1995 (males 81%, females 71%). Secondary education begins at 12 years of age and lasts for up to six years, divided into two cycles of three years each. Enrolment at secondary schools in 1995 was equivalent to 42% of children in the appropriate age group (males 51%; females 32%). There are 47 teacher-training institutes, 19 technical institutes and eight universities. In the 1991/92 academic year 46,250 students were reported to have enrolled in courses of higher education.[1b]

4.60 Since the establishment of the Republic in 1958, there has been a marked expansion in education at all levels. Spending on education increased substantially after that time. During the mid-1970's free education was established at all stages from pre-primary to higher and private education was abolished; all existing private schools were transformed into state schools. Pre-school education is expanding, although as yet it reaches only a small proportion of children in this age-group. Primary education, lasting six years, is now officially compulsory, and there are plans to extend full-time education to nine years as soon as possible. Primary enrolment of children aged 6 to 11 reached 99% in 1980, but by 1995 enrolment included just 76% of students in the relevant age group. At present, secondary education, which is expanding rapidly, is available for 6 years (two three year cycles). In 1992 enrolment at secondary schools included 37% of students in the relevant age-group. A US \$22m. anti illiteracy campaign began during the 1978-79 academic year. There are several teacher training institutes in Iraq. Teacher training schools were abolished at the end of the 1985-86 academic year.[1]

4.61 Science, medical and engineering faculties of the universities have undergone considerable expansion, although technical training is less developed. Two branches of Baghdad University at Basra and Mosul became independent universities in 1967. There are eight universities - the universities of Baghdad, Basra, Mosul, Salah ad-Din (in Arbil), al-Mustansiriya (in Baghdad), Tikrit and a university of engineering and science and another of technology (both in Din and ar-Rashid) have been completed. The foundation for Technical Institutes incorporates 18 institutes of technology throughout the country.[1]

Educational system - northern Iraq

4.62 In areas of the north under Kurdish control, classes in Syriac and Turkish have been permitted in primary schools run by Assyrian or Turkman 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. [2f]

5. HUMAN RIGHTS

A. HUMAN RIGHTS - OVERVIEW

B. HUMAN RIGHTS - SPECIFIC GROUPS

C. HUMAN RIGHTS - OTHER ISSUES

5. HUMAN RIGHTS

Overview

5.1 The Government's human rights record continued to be appalling. 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. [2f]

5.2 The Government restricts severely freedoms of speech, the press, assembly, association, religion, and movement. The UN Special Rapporteur on the situation of human rights in the country issued a report in January 2001 detailing ongoing, grievous violations of human rights by the Government. The UN Commission on Human Rights and the UN General Assembly passed resolutions in April and November criticising 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 labour persists, and there were instances of forced labour. [2f]

5.3 The judiciary is not independent, and there is no check on the President's power to override any court decision. However, the regime often assigns to the security courts cases which, on their merits, would appear to fall under the jurisdiction of the regular courts. [2b]

5.4 The Government shields certain groups from prosecution for alleged crimes. A 1992 decree grants immunity from prosecution to members of the Ba'ath Party and the security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree was applied in 1997 to prevent trials or punishment of government officials. [2b]

5.5 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. The courts admit confessions extracted by torture, which often serve as the basis for conviction. There are reports that individuals who have co-operated with UN weapons inspectors have been subjected to secret trials. [2b]

5.6 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 apparently suits his political goals. There are no Shari'a, or Islamic law, courts as such. Regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance. [2b]

5.7 As socio-economic conditions deteriorated, the regime punished persons accused of economic crimes, military desertion, and a variety of other charges with torture and cruel and inhuman penalties, including the extensive use of amputation. In his 1994 report, the UN Special Rapporteur refers to the recent laws for the punishment of thieves and military deserters as promoting the application of cruel and unusual punishments. [2a][6]

5.8 Between June and September 1994 the RCC issued several decrees which amended Iraq's Penal Code. The decrees introduced new punishments including amputation, branding and execution for a number of offences including theft, desertion, currently speculation, draft evasion, monopolising rationed goods, performing plastic surgery on an amputated limb or removing the mark branded on convicted criminals foreheads. The Iraqi government maintains that the new decrees are based on Sharia (Islamic) law and are a response to a significant rise in crime precipitated by the prevailing harsh economic conditions created by UN sanctions. [33]

5.9 Certain prisons are notorious for routine mistreatment of prisoners. Abu Ghraib prison, west of Baghdad, may hold as many as 15,000 persons, many of whom reportedly are subjected to torture. According to a report received by the Special Rapporteur in 1998, these persons have been detained for close to 2 decades in extremely harsh conditions without specific charges or trials. The report states that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical

and biological weapons programs. Al-Rashidiya prison, on the Tigris River north of Taji, reportedly has torture chambers. The Al-Shamma'iya prison, located in east Baghdad, holds the mentally ill and reportedly is the site of both torture and disappearances. The Al-Radwanayah detention centre is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions. This prison was the principal detention centre for persons arrested following the civil uprisings of 1991. Human Rights Watch and others have estimated that Radwanayah has held more than 5,000 detainees. A multi-story underground detention and torture centre reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Centre 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 may not be inquired into. [2d]

5.10 According to former detainees, torture techniques include branding, electric shocks, administered to the genitals and other areas, beatings, burnings with hot irons, suspension from ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, and threats to rape or otherwise harm relatives. Tormentors kill many victims and mutilate their bodies before returning them to the victims' families. [2a][8]

5.11 During the year 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. [1f]

5.12 The Government apparently revived its use of thallium poisoning as a means of killing political opponents. Although not widely used in recent years, the use of slow-acting poisons such as thallium (a radioactive substance that can be dissolved in drinking water) was a preferred method of political killing in the late 1980's and early 1990's. Observers attributed the death in August 1999 of Iraq's chief architect Husam Bahnam Khuduri and the August attempted murder of Salahadeen University president Hamed Idris to political plots. Khuduri had extensive knowledge about the construction of Saddam's palaces, tunnels, and bunkers. While the official obituary did not state a cause of death, acquaintances reported that Khuduri showed signs of being under the effect of slow-acting poison during the days before he died. Similarly, Salahadeen University president Idris, long active in human rights circles, also developed signs of the effects of a slow-acting poison in August. Laboratory tests conducted outside Iraq confirmed the presence of thallium in his system. Because the attempted murder of Idris occurred outside of central government control in northern Iraq, he was able to obtain medical attention, and he survived. Salahadeen University is in Arbil and this demonstrates that Government of Iraq agents target political opponents and human rights promoters in the north. Other suspected thallium-poisoning cases include those of former Security director Abd Al-Rahman Ahmad Al-Duri, who reportedly was dying of thallium poisoning in December 1999, and former Security director Taha Al-Ahbab (Al-Duri's successor), who died mysteriously in 1998. [2d]

5.13 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 UN personnel throughout the country, continued threatening to arrest or kill relief workers in the north, and staged protests against UN offices in the capital. In September 2001, the Government arrested and expelled six UN humanitarian workers without providing a

basis for its actions. As in previous years, the Government did not allow the UN Special Rapporteur to visit the country, nor did it respond to his requests for information. [2f]

5.14 In November the UN Commission on Human Rights and the UN 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 fulfil 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. [2f]

5.15 At the end of April 2001 British police announced that they were investigating allegations of war crimes by Saddam Hussain related to the case of the 4,500 British nationals taken hostage in Iraq and Kuwait at the beginning of the 1990-91 Gulf war [1]

5.16 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. [2f]

5.17 The Government continued its "Arabisation" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkomans, and Assyrians from the Government controlled northern parts of Iraq, into northern Iraq. 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. Frequently, a security force official demands that a family change its ethnicity from "Kurdish" or "Turkoman" to "Arab". Subsequently, security officials frequently arrest the head of household and tell the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families are usually forced to move to northern Iraq. 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 family's house to an Arab Ba'ath Party member. Those expelled to Iraqi Kurdistan are not permitted to return to the area controlled by the Government. [2f]

Overview - northern Iraq

5.18 In principle the international human rights conventions to which Iraq is a party apply. Northern Iraq cannot accede to human rights or other international Conventions on its own account. The presence of many international aid organisations in northern Iraq is beneficial to the observance of human rights there. The authorities, on the whole, co-operate fully with the implementation of programmes. The activities of the ICRC, the UNHCR, the UNGCI and other UN organisations give them a clear picture of the human rights situation. UN representatives deal inter alia with the issue of displaced persons and intercede with the KDP and PUK in that connection. [22]

5.19 The KDP, PUK, and opposition groups had 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.[2f]

5.20 The northern Iraqi community has developed its own human rights initiatives. A number of local human rights organisations are active in northern Iraq and in practice most are linked with one of the political groups there. In some cases the party has an official separate human rights section.[22]

5.21 On 18 February 2001, Franso Hariri, former governor of Arbil and a central committee member of the KDP, was assassinated on his way home from Arbil. He was allegedly killed by armed terrorists. Two previous assassination attempts had been made on his life in 1994 and 1997.[34]

5.22 Local and international observers in northern Iraq agree that the human rights situation has improved markedly in recent years.[22]

Freedom of Speech and the Media

5.23 The Government severely restricts freedom of speech, press, assembly, association, religion, and movement. Special Rapporteur van der Stoep, who resigned in October 1999, confirmed in his February and October reports that these freedoms do not exist, except in some parts of the north under the control of Kurdish factions. [2d]

5.24 The Government and the Ba'ath Party 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. According to the Special Rapporteur, journalists are under regular pressure to join the Ba'ath party and must follow the recommendations of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough. At the same time, the value of awards granted to writers who praised Saddam Hussein increased. According to a September 1999 report, Uday Hussein jailed at least four leaders of the Iraqi National Students Union for not carrying out his orders to take action against students known for their criticism of the situation in the country. 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 Frontières (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts remained unknown at year's end.[2f]

5.25 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. [2f]

5.26 Negative articles can carry extreme consequences: one journalist was reportedly executed extra-judicially for criticising an article written by Saddam Hussein under a

pseudonym, while another was sentenced to life imprisonment for telling a joke about the President. [2a]

5.27 The Ministry of Culture and Information periodically holds meetings at which general guidelines for the press are provided. 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. Many Western news services are represented in Baghdad by bureaucrats who are based in the Ministry of Information and Culture. [2d]

5.28 Books may be published only with the authorisation of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with pro-regime propaganda to Kurdish regions; the Kurds routinely remove propaganda items from the books. In October 1997, the Minister of Education stated that he had "warned these cliques that we hold them responsible" for altering the books. [2d]

5.29 The Government regularly jammed foreign news broadcasts. Satellite dishes and fax machines are banned, although some restrictions reportedly were lifted toward the end of the year. The penalty for possessing a satellite dish reportedly was an indefinite term of imprisonment in solitary confinement and confiscation of all household effects. However, in mid-November the Government announced that ownership of satellite dishes would be permitted and that certain accredited journalists would be permitted to use fax machines. [2d]

5.30 Several statutes and decrees suppress freedom of speech and the press. These include a 1986 decree stipulating 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 Press Act of 1968, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President. [2a]

5.31 The president's son Uday Hussein, heads an extensive media empire, he is also head of the national press union. [28c] In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the Government sufficiently. 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. [2f]

Freedom of Speech and the Media - northern Iraq

5.32 Freedom of the press and freedom of expression are better respected in northern Iraq than in most of the surrounding countries. Political parties and interest groups can broadcast via their own regional TV stations and print newspapers and publications. [22]

5.33 In northern Iraq, several newspapers have appeared over the past five years, as have opposition radio and television broadcasts. The absence of central authority permits some freedom of expression, although most journalists are influenced or controlled by various political organisations. [2a]

Freedom of the Individual

5.34 The Government frequently disregards the constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offences so broadly that authorities are virtually exempt from the legal requirement to

obtain search warrants. In 1996 the authorities subjected citizens of various ethnic groups and tribal affiliations to searches without warrants. [2a]

5.35 The regime routinely ignores the constitutional provisions safeguarding the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jams news broadcasts, coming from outside Iraq including those of opposition groups. [2a]

Freedom of religion

5.36 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. [2f]

Freedom of religion - northern Iraq

5.37 The majority of people of northern Iraq are Sunni Muslims, Christians and Shi'ites forming the minority. In Iraq there has always been tension between Sunnis and Shiites based more on political affiliations and tribal background rather than religious differences. The tension is much less a factor in Northern Iraq because of the small number of Shiites. [22]

5.38 Christians in northern Iraq enjoy freedom of religion and worship, they are not persecuted on religious grounds and there is no question of systematic discrimination. They are permitted to form political parties. [22]

5.39 The Assyrian community in northern Iraq is free to profess its faith without risk of persecution, however there are still unresolved problems between the KDP and the Assyrians, stemming from the Anfal Campaign when Assyrian villagers were forced to leave their homes. [22]

Freedom of Assembly and Association

5.40 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. [2f]

5.41 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'ath party to power. Several parties are outlawed specifically, and membership in them is a capital offence. The law prescribes the death penalty for anyone "infiltrating" the Ba'ath Party. [2f]

5.42 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. [2f]

Employment Rights

5.43 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'ath 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. There is also a Union of Teachers, doctors, pharmacologists, jurists, artists and a General Federation of Iraqi Women. [1][2f]

5.44 The Labour 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.[2f]

5.45 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.[2f]

5.46 The right to bargain collectively is not recognised. 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 Labour Code does not protect workers from antiunion discrimination, an omission that has been criticised repeatedly by the Committee of Experts of the International Labour Organisation (ILO). There are no export processing zones. [2f]

5.47 Compulsory labour is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labour, for civil servants and employees of state enterprises for breaches of labour "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 labour by children.[2f]

5.48 Status of Child Labour 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. There is no information available regarding forced and bonded labour by children. The Government has not ratified ILO Convention 182 on the worst forms of child labour. [2f]

5.49 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. [2f]

Freedom of Movement within the Country and Foreign Travel

5.50 The Government controls the movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways. [2a]

5.51 The Government requires citizens to obtain specific government authorisation and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before travelling 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. [2f]

5.52 All Iraqis who wish to travel abroad must obtain exit permission. Efforts to control currency exchange have led, since September 1986, to further travel limitations being imposed. Only a few categories of Iraqis are now granted permission to travel abroad. These include government officials; government approved students and persons needing medical treatment abroad. The government can require a prospective traveller to post a substantial bond to assure return. It also seeks to limit the countries that an Iraqi may visit and should the traveller visit an unauthorised country he may have to pay a small fine on his return. Prior to December 1999, each 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), cancelled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses. [2a][2d]

5.53 The Government prohibits the granting of approval for foreign travel to journalists, authors, and all the employees of the Information Ministry. Security authorities interrogate all media employees, journalists, and writers who have travelled outside Iraq about the reasons for their travel and who they met during their trips. [2a]

5.54 The Iraq Revolutionary Council also issued Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country. Based on paragraph (A) of section

42 of the Constitution, the revolutionary council decreed the following;

All Iraqi who left illegally,

Those Iraqi who left Iraq on official mission but did not return after completion of the mission. This includes those who managed to do so through illegal departures, forgery (of official documents used for this purpose),

All the Iraqi's who fall under the above-mentioned categories and who had been sentenced, are now exempted, they shall be free, released unless they had been sentenced with other crimes (in addition to the above),

The decree was effective from the date of issue (28/06/99). However, the decree made no mention of those Iraqis who left Iraq legally and failed to return nor of those Iraqis who left illegally and where legal proceedings had not been started. [3m]

5.55 In October 1999 Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to Iraqis living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor Iraqis inside the country who received money from relatives abroad. [2d]

5.56 A new travel law that took effect in November 1999 placed additional penalties on 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. [2d]

5.57 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 governates. 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 programme. 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.[2f]

Freedom of Movement within the Country and Foreign Travel - northern Iraq

5.58 The line dividing northern Iraq from Central Iraq is heavily guarded. The army of Central Iraq maintains a highly visible presence to the south of that line. Checks at the border between northern Iraq and the Baghdad controlled area are strict. However "ordinary" citizens are able to travel freely between Central Iraq and the Kurdish enclave. People from northern Iraq travel to Central Iraq for the purposes of family visits, work, study, sport, medical treatment etc. In principle, persons from northern Iraq can travel to Baghdad for medical treatment. Checks on individuals by Central Iraq aim to identify persons against whom objections exist on political grounds or from the point of view of security.[22]

People Trafficking

5.59 There is no information available on the trafficking of people.[2f]

5B. HUMAN RIGHTS -SPECIFIC GROUPS

Women

5.60 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 equalise 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.[2f]

5.61 The Iraqi Government has stated that women constitute 48.7 per cent of Iraq's total population, and that like all other Iraqi citizens, have suffered the adverse effects of the embargo in the form of a drop in income, rapidly escalating prices and a sinking level of food and health security. The Government claims that it is committed to equality for women, who make up about 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; to require education for girls; and to equalise women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine to what extent these protections are afforded in practice. However, reports indicate that the application of these laws has declined as Iraq's political and economic crisis persists. A large number of Iraqi women have been forced to abandon working life by resigning or retiring from jobs and are denied the opportunity to participate in public life. [2c][16][17]

5.62 The Iraqi Government has also claimed the embargo has an adverse impact on women's physical and mental health with a shortage of food, medicines and essential humanitarian needs. It has been claimed that 73 per cent of women suffered from anaemia and the maternal mortality rate had risen from 36 per 1,000 to 120 per 1,000. [16][17]

5.63 Although the Government has stated that women have suffered because of the embargo, the Special Rapporteur, human rights organisations, and opposition groups continued to receive numerous reports of women suffering severe psychological trauma after they were raped in custody. The security forces allegedly raped women captured during the Anfal campaign and during the occupation of Kuwait. The Government has never acknowledged these reports of rape or conducted any investigation. Although the Government made a variety of announcements against rape and other violent crimes throughout 1997, it took no action against those who committed this abuse. [2b]

5.64 The Special Rapporteur also noted that there is an unusually high percentage of women in the Kurdish areas, caused by the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur reported that the widows, daughters, and mothers of the Anfal Campaign victims are economically dependent on their relatives or villages because they may not inherit the property or assets of their missing family members. [2c]

5.65 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 criminal charges; however, suits brought on these charges are believed to be rare. Men who kill female family members for "immoral deeds" may receive immunity from prosecution for such "honour crimes" under a 1990 law. [2d] There are widespread reports of an increase in honour killings throughout northern Iraq [24]. However, the PUK declared in April 2000 that "honour crime" immunity would not apply in the area under its control. [2e]

5.66 On 22 June 1999 the Iraq Revolutionary Council issued Decree 101 banning the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. Based on paragraph (A) of section 42 of the Constitution, the revolutionary council decreed the following;

1. It shall be impermissible to detain women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case.

2. The victim's hospitalisation or death because of attempted manslaughter shall not prevent the release of the accused on bail during the investigation or trial of the case until a decision or sentence is issued in the case. [3m]

5.67 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. Security agents reportedly decapitated numerous women and men in front of their family members. The victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, including three doctors and one medical assistant. [2e]

5.68 Rape is prohibited by law; however, security forces rape family members of

persons in the opposition as a punishment. No information is available regarding the frequency or severity of rape in society. [2f]

5.69 In April 2000, the PUK declared that immunity would not be given for honour crimes in the area under its control. Several active women's organisations 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. [2f]

5.70 Looking for differences in the situation of women between northern Iraq and the Government controlled areas, it is more common for women living in rural areas to fall victim to ill-treatment and honour killings, while this is less a concern in big cities, like Baghdad and its surroundings. In northern Iraq Sulaymaniyah people are known to be quite liberal whereas the Arbil and Dohuk regions are very conservative areas. [26][35]

Children

5.71 The Government claims that it has enacted laws to require education for girls. No information is available on 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 pointing to the Government's continuing disregard for the rights and welfare of children. The evidence may include government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority. [2d]

5.72 Government authorities failed to take advantage of available resources for the benefit of the country's citizens, and used some resources to enrich themselves at the expense of vulnerable sectors of the population. For example, on August 11 1999, the Kuwaiti coast guard seized a shipment that was leaving Iraq carrying, among other items, 75 cartons of infant powder and 25 cartons of infant feeding bottles. The captain of the boat confessed that he previously had committed six similar violations. [2d]

5.73 The employment of children under age 14 is prohibited, except in small-scale family enterprises. Children reportedly are encouraged increasingly to work in order to 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. There is no information available on forced and bonded labour by children. The Government has not ratified ILO Convention 182 on the worst forms of child labour. [2d][2f]

5.74 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. [2f]

Saddam's Cubs

5.75 In the year 2000, for the seventh year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children from 10 to 15 years of age. Camps for these "Saddam's 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 tough

training for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the slots in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enrol their children in the gruelling 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. Similarly, authorities reportedly withheld school examination results to students unless they registered in the Feddayin Saddam organisation.[2e][30]

Ethnic Groups (General)

5.76 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.[2f]

5.77 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.[2f]

5.78 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. 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.[2f]

5.79 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. [2f]

5.80 Ethnic Turkmen 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. [2f]

Kurds

5.81 The Kurds constitute the largest ethnic minority and comprise approximately 20% of the population. Historically they have suffered political and economic discrimination, despite the token presence of a small number of Kurds in the national Government. The majority live in or around the northern hill country of Iraq, where they retain their tribal organisation, although there are a proportion who reside in Baghdad. The Kurds have been seeking greater autonomy from Iraq for many years. In 1970, they came close to an agreement, however, this broke down in 1974. The Iraqi regime is known to have employed some particularly harsh methods of crush the Kurdish resistance, such as the Anfal Campaign in 1988, during which the people were attacked with chemical bombs. However, since the end of the Gulf War, the "Safe Haven" was set up in April 1991. [1] [2c][6][12][24] The Northern No Fly Zone was established in 1992 to prevent the Iraqi regime from using its air power against the people of northern Iraq. The NNFZ only covers part of the area now administered by the KDP and PUK. (see sections on Northern Iraq).

Faili Kurds

5.82 In describing the Faili Kurds, the Special Rapporteur noted that this group reflect in their persons the fault lines of much of the Iraqi society under Ba'ath rule: Arab versus Kurd; Sunni versus Shi'a; and Iraq versus Iran. He added that the Faili Kurds have suffered considerably since the beginning of Ba'ath rule because they were suspected of disloyalty by their non-Arab, Shi'a nature and their almost Iranian geographical location. Hundreds of thousands of Faili Kurds were reportedly expelled in mass waves during the 1970's and in April and May of 1980. Following this suppression took the form of arbitrary arrests, detention and expulsion. In the early 1970's after the seizure of the Arab islands of Abu Musa, Tunb al-Sughra, and Tunb al-Kubra in the straits of Hormuz 100,000 Shi'a Faili Kurds had their possessions confiscated and were forcibly expelled from Iraq to Iran. [12]

5.83 The Special Rapporteur received a report in May that indicated that hundreds of Faili (Shi'a) Kurds and other citizens of Iranian origin who had disappeared in the early 1980's during the Iran-Iraq war are being held incommunicado at the Abu Ghraib prison. According to the report, these persons have been detained for 17 to 18 years in extremely harsh conditions without specific charges or trials. The report alleged that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical and biological weapons programs. [2c]

Turkomans or Turcomans

5.84 The Turkomans are predominately Sunni Muslims although there exists a small community of Shi'a Turkomans. The Turkomans are concentrated in northern Iraq, principally in the governorates of Kirkuk (the main centre of Turkoman population), Mosul, Arbil and Diyala. The population estimates of the Turkomans range from 300,000 to as high as two million. The Special Rapporteur stated that the most basic problem of the Iraqi Turkomans is that their national identity, their civil and political rights are not recognised by the Constitution of Iraq. They speak Turkik language, which is written in

Arabic script. The Turkomen minority are restricted in the use of their language, cultural and propriety rights, even in areas where they constitute the majority of the population. [4o][2b][12]

5.85 Multiple sources in the Turkomen community reported a brief outbreak of fighting between Turkomen and Iraqi Kurds in Irbil in August and September 1998. The incidents apparently were related to Turkomen political and cultural activity with dozens of Turkomen offices temporarily closed by local Kurdish authorities. Turkomen and Kurdish officials disagreed about responsibility for the incidents. Kurdish officials claimed that they closed the Turkomen offices to prevent spontaneous violence. However, Turkomen sources claimed that the local Kurdish authorities instigated the violence. Initial reports that the clashes resulted in several deaths apparently were exaggerated and, by late October 1998, the situation was calm. [2c]

Marsh Arabs

5.86 The Marsh Arabs, followers of the Shi'a religion lived in the area of permanent lakes and marshes surrounding the Tigris and Euphrates rivers in south-east Iraq. In 1988, at the end of the Iran-Iraq war, there were about half a million Marsh Arabs. By early 1994 almost all Marsh Arabs had been forced from their homes as Saddam Hussein asserted his control of the area with massive drainage programmes and continuous military attacks. Many were forcibly resettled on artificial waterways or on dykes built to separate one Marsh region from another. Here the Iraqi army closely supervises their movements. Approximately two thirds of the Amarah and Hammar marshes - representing the bulk of Iraq's traditional marshland - had been drained. [12]

5.87 The practice of the security services to force large numbers of Shi'a inhabitants of the southern marshes to relocate to major southern cities and to areas along the Iranian border probably is connected to the destruction of villages. Special Rapporteur van der Stoep described this practice in his February 1999 report, and added that many other persons were transferred to detention centres and prisons in central Iraq, primarily in Baghdad. The military also continued its water-diversion and other projects in the south. Observers gave little credence to the Government's claim that the drainage is part of a land reclamation plan to increase the acreage of arable land and spur agricultural production. Hundreds of square miles have been burned in military operations. The UN Special Rapporteur has noted the serious detrimental impact that draining the marshes has had on the culture of the Shi'a marsh Arabs. The SCIRI claims to have captured government documents that detail the destructive intent of the water-diversion program and its connection to "strategic security operations," economic blockade, and "withdrawal of food supply agencies." [2d]

Religious Groups General

5.88 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. [2f]

5.89 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.

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.[2b]

5.90 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.[2f]

5.91 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. 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 worshippers.[2f]

5.92 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 Al 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. [2f]

5.93 The Provisional Constitution of 1968 states that "Islam is the religion of the State." The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy and approves the publication of religious literature. However, the Government severely limits freedom of religion. [2a][2b]

5.94 About 95% of the population of Iraq are Muslims, of whom 50% belong to the Shi'a Sect. However, since the present regime came into power in 1968, members of the Sunni Sect have dominated it. Despite legal guarantees of sectarian equality, the regime has in recent years repressed the Shi'a clergy and followers of the Shi'a faith. Security forces have desecrated Shi'a mosques and holy sites, particularly in the aftermath of the 1991 civil uprisings. Reports have claimed that Iraqi Government forces attacked. In June 1999 several Shi'a opposition groups reported that the Government instituted a new 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 UN 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 unauthorised location. Shi'a sources outside the country who reported this new policy believe that it is aimed not only at preventing unauthorised religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, which many pious Shi'a have turned to since the closure of their own mosques. [1][2d]

5.95 The Special Rapporteur for Iraq expressed his concern that the killings of two leading Shi'a scholars were part of an organised attack by Iraqi officials against the independent leadership of the Shi'a religious community in Iraq. On 21 April 1998 Ayatollah Shaykh Murtada al-Burujerdi was assassinated after leading congregational prayers. The killing of Grand Ayatollah Shaykh Mirza Ali al-Gharawi on 18 June 1998 followed this. It was also alleged that Ayatollah al-Burujerdi had suffered various forms of harassment by Iraqi officials in the two years prior to his arrest. [19]

5.96 The Iraqi authorities accused foreign parties of carrying out the killings of the Shi'a scholars. Following these killings the Iraqi authorities developed a security plan to provide protection for religious scholars. This involved the Iraqi military intelligence service directly supervising the security of all religious centres in southern Iraq and will also be assigned to provide protection to the religious scholars there. [4m]

Sunni Muslims

5.97 Sunni Arabs make up 12-15% of the population have traditionally dominated economic and political life. The wealthier Muslims tend to be made up of the Sunni Sect. Saddam Hussein and most of the ruling Ba'ath Party are of Sunni persuasion. [7a][12]

Shi'a (shi'ite) Muslims

5.98 Shi'a Muslim Arabs make up between 50-65% of the population in Iraq. They live predominantly in the southern Iraq, Baghdad and in Saddam City, a satellite town on the outskirts of Baghdad. Despite their demographic majority, Iraqi Shia's have historically played a subordinate role to the country's Sunni population. Shi'a under representation in government positions persisted after the Ba'athist Party came to power in 1968. Despite legal guarantees of sectarian equality the Government has in recent years repressed the Shi'a clergy and followers of the Shi'a faith. Security forces have

desecrated Shi'a mosques and holy sites, particularly in the aftermath of the 1991 civil uprising. [12][13]

5.99 The Iraqi government continues to insist that its own appointee replace the late Grand Ayatollah Abul Qasim Al-Khoei, the formerly highest-ranking Shi'a clergyman, who died in government custody in 1992. The Shi'a religious establishment refuses to accept the Government's choice and in 1998 two leading religious scholars were allegedly killed by Iraqi authorities after refusing to stop leading congregational prayers. The following government restrictions on religious rights remained in effect throughout 1998: A ban on the Muslim call to prayer in certain cities; 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; a ban on funeral processions other than those organised by the Government; and the prohibition of certain processions and public meetings commemorating Shi'a holy days. [2b][2c][19]

5.100 The Government reportedly continued to target Shi'a Muslim clergy and their supporters for arbitrary arrest and other abuses in 1998. It also reportedly continued forcibly to move Shi'a populations from the south to the north, and other minority groups such as Assyrians and Turkomen from the north to government-controlled territory. Large-scale assaults by the Government against the Shi'a population were reported by several sources in September 1998, an estimated 20,000 persons reportedly were detained arbitrarily and trucked to tent-camp holding facilities in the desert region of al Rifa'i about 60 miles (100 kilometres) north of the marshes in southern Iraq. It was reported in January 1999 that the Iraqi Government had executed hundreds of Shi'a's and detained many more in the south. [2c][21]

Christians

5.101 Iraq is home to 1½ million Christians who follow mostly eastern forms of Christianity with special rites. There have been allegations by Christians of discrimination but many have reportedly attained important official and private positions. One of the Deputy Prime Ministers, Tariq Aziz, is a Chaldean Christian. Despite this the influence of Christians in the Ba'athist government has been small. [9][13]

5.102 There are Christian communities in all the principal towns of Iraq, but their principal villages lie mostly in the Mosul district. The Christians of Iraq comprise three groups: the free churches, including the Nestorian, Gregorian and Syrian Orthodox; the churches known as Uniate, since they are in union with the Roman Catholic church, including the Armenians Uniates, Syrian Uniates and Chaldeans; mixed bodies of Protestant converts, New Chaldeans and Orthodox Armenians. [1c]

Christians - northern Iraq

5.103 Estimates of the number of Christians in Northern Iraq range from 600,000 to one and a half million. A few hundred thousand Christians live in Northern Iraq, mostly in the KDP area, including Ain Kawa (a suburb of Arbil), Shaqlawa, Diyana, Harir and Koi Sanjaq. Many Christians

from Shaqlawa are said to have moved to Ain Kawa in recent years. The Christian community in Sulaymaniyah and the surrounding area is very small, comprising only a few hundred people. Few Christians live in the PUK area. The PUK leader, Talabani, has done much for the Christian community there, for example funding the renovation of one or more churches in Sulaymaniyah.

While their freedom of movement is greater in Ain Kawa and other areas where they are mainly present, Christians in Northern Iraq enjoy freedom of religion and worship. They are not persecuted on religious grounds and there is no question of systematic discrimination against Christians or systematic repression of Christian minorities in Northern Iraq. They are allowed to

form political parties.

Proselytising by foreign evangelical churches is on a very small scale. To date there has been only one instance of the killing of a Muslim convert to Christianity. The socio-economic position of Christians is traditionally fair to good. The Christian churches, organisations and foundations are distinguished by the fact that they have always been well-organised. They are also supported by (Iraqi) co-religionists abroad. Christians hold positions at almost all levels of society in Northern Iraq. Their economic superiority makes them in general more inclined and better able to leave the country because of the political and economic situation. In addition, some Christian minorities in Northern Iraq are under increasing social pressure in a predominantly Muslim society. [22]

Assyrians

5.104 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. [2f]

5.105 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. [2f]

5.106 Assyrian Christians are an ancient sect and speak Syriac. Public instruction in Syriac, which was to have been allowed under a 1972 decree, has never been implemented. The estimated 350,000 members of the Apostolic Catholic Assyrian Church of the East in Iraq traditionally live in the northern governorates. Their leader is the Catholicos Patriarch, His Holiness Mar Dinkha IV. The Special Rapporteur and others report that the government has engaged various abuses against the Assyrian Christians, and has often suspected them of "collaborating" with Kurds. Military forces have destroyed numerous Assyrian churches. Numerous reports indicated continued systemic discrimination against Assyrians, especially in terms of forced movements from northern areas and repression of political rights there. Assyrian groups reported several instances of mob violence by Muslims against Christians in the North. In October 1998 Assyrian sources reported that regional Iraqi Kurdish authorities refused to allow secondary school classes in the Assyrian language. However, details of the practice were not available and regional authorities denied engaging in this practice. Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party (PKK). The Christians often feel caught in the middle of intra-Kurdish fighting. In December 1997, six Assyrians died in an attack near Dohuk by the PKK. Some Assyrian villagers have reported 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.[1][2c][2e][4i][7b]

5.107 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.[2f]

Chaldean Rite

5.108 There were an estimated 202,998 Chaldean Catholics in Iraq at December 1996. They are scattered through Iraq and are a uniate Church, i.e. they recognise the supreme authority of the Roman Catholic Pope. The agreement between the Kurdish parties in Northern Iraq planned to guarantee the lawful rights of Chaldeans there. [1][4h]

Armenian Apostolic Church

5.109 It is an Orthodox Church with 18,000 followers and nine churches situated mainly in Baghdad (4 churches in Baghdad). The head of the church is Garegin I. [1][10]

Armenian Rite

5.110 They are members of the Roman Catholic faith and at 31 December 1996 the archdiocese of Baghdad contained an estimated 2,200 adherents. [1]

Mandeans (also known as Nasoraeans, Sabians or Subbis)

5.111 There are various differing views on Mandeans in Iraq. Mandeism, has been classed as an ancient Middle East religion still surviving in Iraq and Khuzistan (Southwest Iran). The religion is usually treated as a Gnostic sect that resembles Manichaeism in some respects. Another viewpoint describes the religion as having affinities with Judaism and Christianity and exhibits early influences from the Iranian religious milieu and the Mandeans live, as their ancestors did along the rivers and waterways of southern Iraq and Khuzistan. However others have claimed that Mandeans can be found in Baghdad. [7c]

5.112 Another viewpoint claims that Mandeans have claimed to be Christians of St. John, but this claim appears to have been made largely in order to gain status in Arab eyes as 'people of the book', in order to claim certain religious and legal rights. Their scriptures and other documents suggest they are pre-Christian and that they were regularly in doctrinal and sometimes in political conflict with early Christians.[7c]

Yazidis or Yezidis

5.113 The Yazidis are a Kurmanji speaking group and are exclusively Kurdish. Yazidi beliefs incorporate aspects of several major religions in the region, including Zoroastrianism, Islam, Nestorian Christianity, Judaism and Manichaeism. There are

figures of the Yazidi population in Iraq ranging from 30,000 to 120,000 and they live predominately in the Mosul region of Iraq. The leader is Tashin Baik, Ainsifni. The allegation that they are devil-worshippers and many other things do not bear scrutiny. [1] [13] [14]

5.114 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 [2f]

Baptists

5.115 No sources could be found on Baptists in Iraq. Baptists have a relationship with the Mandeans, who are known as Subbi (baptisers), a Gnostic Baptist Community. [7c]

Sabeans

5.116 They are said to have originated from a people from South Arabia in pre-Islamic times who were founders of the Kingdom of Saba. There is an estimated 20,000 adherents whose head is Sheikh Dakhil and they live mostly in Nasiriyah. [1]

Jews

5.117 Most of Iraq's Jews have emigrated to Israel, leaving only 2,500 Jews in Iraq, principally in Basra and Baghdad. They are free to practice their religion but face restrictions in travelling abroad and in contacting Jewish groups outside the country. The Iraqi cabinet condemned the killings of two Jews and two Muslims when an individual stormed a synagogue for Iraqi Jews. [1] [4n] [13]

5.118 Although few Jews remain in the country, government officials frequently make anti-Semitic statements. Unofficial estimates assess the present size of the Jewish community at 2,500, almost all residing in Baghdad. [1c] [2f]

5C Other Issues

Homosexuals

5.119 Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code. However homosexuality is taboo, and there is no viable support for lesbian and gay rights. Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years. [36]

Annex A**CHRONOLOGY OF IMPORTANT EVENTS**

14 July 1958: The monarchy was overthrown. The new Government consisted of military and civilian members under Brigadier Abd Al-Karim Qassem.

February 1963 : Qassem was killed in a coup organised by nationalist and Ba'athist officers, who then seized power under Abd Al-Salam Aref.

17 July 1968 : A group of Ba'athist officers led by Ahmad Hasan Al-Bakr organised another coup.

30 July 1968 : Ahmad Hasan Al-Bakr made President, and Saddam Hussein appointed Deputy President.

March 1970 : An agreement was reached between Barzani (leader of the KDP) and the regime.

Spring 1974 : Ba'ath Party promises regarding a Kurdish autonomy were not fulfilled which resulted in a major conflict between the Kurds and the regime.

March 1975 : Iran and Iraq signed the Algiers agreement, ending their border disputes.

16 July 1979 : Ahmad Hasan Al-Bakr resigned as President in favour of Saddam Hussein. At this time, real power moved away from the Ba'ath Party and almost exclusively to Saddam Hussein.

September 1980 : Saddam Hussein ordered Iraqi forces into western Iran, which began the Iran/Iraq war (also at the time, called the "Gulf War"). Around this time, Saddam also expelled many Iraqi's of possible Iranian extraction, mainly Shi'a, from Iraq. They were taken to the Iranian border and left. Many remain there, although some travelled to other countries and claimed asylum.

June 1987 : The United Nations passed Resolution No.598, which called for a cease-fire of the Iran/Iraq war.

8 August 1988 : The United Nations announced a cease-fire, which came into effect on 20 August 1988. The economic situation in Iraq after the end of the war was precarious which led to high inflation and steep rises in the cost of living.

16 March 1988 : Saddam launched the Anfal Campaign. This involved chemical bombing against the Kurds residing in the north of Iraq. Many thousands of Kurds were killed or disappeared during this campaign. Halabja was the most publicised town, as 5,000 people were poisoned there by chemical gases. This campaign was initially set up to resettle Kurds to where they were more easily controlled.

20 August 1988: A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIMOG).

Spring 1990 : Saddam demanded access to the Kuwait islands of Bubiyan and Warba as well as reviving Iraq's claim to part of the Rumailia oil fields. This led to the Gulf War/Desert Storm.

2 August 1990 :Iraq invaded Kuwait and is condemned by United Nations Security Council (UNSC) Resolution 660 which calls for full withdrawal.

6 August 1990 UNSC Resolution 661 imposes economic sanctions on Iraq.

29 November 1990: UNSC Resolution 678 authorises the states co-operating with Kuwait to use "all necessary means" to uphold UNSC Resolution 660.

16-17 January 1991 :The Gulf War commenced, in which Iraq was opposed by the UN with coalition forces including troops from 40 countries (including Egypt, Syria, Saudi Arabia, Kuwait). ("Operation Desert Storm").

27 February 1991 :A cease-fire was agreed upon.

24 February 1991: The start of a ground operation which results in the liberation of Kuwait on 24 February. On 3 March Iraq accepts the terms of a ceasefire.

28 February 1991 :The Intifada commenced (also known as the 1991 uprising by the people against the regime). This began in the southern city of Basra.

March 1991 :There was a spontaneous uprising in the north of Iraq in the town of Ranya, which spread across Kurdistan.

29 March 1991 :Samawa (southern Iraq), which held out the longest against the authorities was retaken.

3 April 1991 : The Iraqi army recaptured Sulaimaniya (northern Iraq). About 1.5 million Kurds fled to the mountains and this eventually led to setting-up of the "Safe Haven" in the north of Iraq.

October 1991 : The Iraqi Government withdrew its armed forces from the north, together with police units and pro-Ba'ath employees from the governorates of Irbil, Suliamaniya and the Dohuk areas which it had occupied.

December 1992 & May 1993: Gulf War allies imposed "no-fly" zones over both northern and southern Iraq.

27 June 1993: US forces launch a cruise missile attack on Iraqi intelligence headquarters in Al Mansur district, Baghdad in retaliation for the attempted assassination of US President, George Bush, in Kuwait in April.

29 May 1994: Saddam Hussein becomes Prime Minister.

October 1994 : An attempted coup was uncovered resulting in the execution of senior army officers.

10 November 1994: The Iraqi National Assembly recognises Kuwait's borders and its independence.

November 1994 : The UN Security Council voted to continue economic sanctions imposed on Iraq after the Gulf War.

15 October 1995: Saddam Hussein wins a referendum allowing him to remain President for another 7 years.

31 August 1996 : KDP forces with Iraqi Government troops, first shelled and recaptured the city of Irbil in northern Iraq. Disturbances continued in September until government authorities were forced to leave the "Safe Haven".

1996 : Fighting resumed between the KDP and the PUK

12 December 1996: Saddam Hussein's elder son, Uday, is seriously wounded in an assassination attempt in Baghdad's Al-Mansur district.

December 1997 : Reports of over 1,200 executions of prisoners.

13-14 January 1998: Iraq prevented UNSCOM team led by Scott Ritter from carrying out inspection work.

6 February 1998: Amidst build-up of US and UK forces in the Gulf, President Clinton and Prime Minister Blair reiterated determination to prevent Saddam from threatening neighbours and the world with weapons of mass destruction.

February 1998 : Kofi Annan, the Secretary-General of the United Nations agreed a deal with the Iraqi Government, and averted a military attack. An agreement for Iraq to double its oil output was also accepted by the UN.

<http://194.203.40.90/ppage.asp?section=179&title=ifaq%2C%20community>

"severest consequences" if it breached the February 23 memorandum of understanding.

26 March 1998: UNSCOM began inspection of "presidential sites".

2 April 1998: UNSCOM completed first round of inspections of "presidential sites".

27 April 1998: After reviewing the latest six-monthly UNSCOM report, UN Security Council decided against reviewing sanctions against Iraq.

30 April 1998: Clinton announced intention to reduce strength of US forces in the Gulf.

April and June 1998 : Two Shi'a clerics murdered.

11-15 June 1998: UNSCOM head Richard Butler and Iraqi Deputy Prime Minister Tariq Aziz reached agreement on "road map" for verification of Iraqi disarmament and the eventual lifting of UN sanctions.

19 June 1998: UN Security Council adopted Resolution 1175 allowing Iraq to purchase US\$300 million worth of equipment for its oil industry.

24 June 1998: In a presentation to the UN Security Council, Butler asserted that Iraq had loaded missile warheads with the chemical weapon VX before the 1991 Gulf War.

27 July 1998: The International Atomic Energy Agency (IAEA) reported that there was evidence that Iraq was concealing nuclear weapons.

August 1998 : The Iraqi National Assembly voted to temporarily suspend UNSCOM inspections.

5 August 1998: After the collapse of the latest round of Aziz-Butler talks, the Iraqi legislature voted for immediate suspension of UNSCOM inspections.

9 August 1998: UNSCOM suspended inspections.

20 August 1998: UN Security Council decided to maintain sanctions against Iraq.

9 September 1998: UN Security Council adopted Resolution 1194 demanding that Iraq co-operate with UNSCOM and suspending indefinitely periodic reviews of UN sanctions against Iraq.

August 1998: The Iraqi National Assembly voted to suspend most co-operation with UNSCOM.

September 1998 : The Iraqi National Assembly voted to suspend all co-operation with UNSCOM and the IAEA.

October 1998 : The Iraqi National Assembly ceased all co-operation with UNSCOM

31 October 1998: A joint meeting of the Revolutionary Command Council and the Ba'ath Party formally ended all forms of co-operation with UNSCOM and called for Butler's dismissal.

5 November 1998: Amidst a fresh build-up of US and UK forces in the Gulf, the UN Security Council adopted Resolution 1205 demanding that Iraq rescind immediately and unconditionally the Oct 31 decision, but made no mention of military threat.

15 November 1998: Only hours before planned US and UK air strikes, Saddam annulled the October 31 decision.

17 November 1998: UNSCOM inspectors returned to Iraq.

24 November 1998: UN Security Council approved the renewal of the "oil-for-food" deal which allows Iraq to sell US\$5,200 million worth of oil over the next six months for the purchase of humanitarian goods.

9 December 1998: Iraq blocked UNSCOM inspectors from entering a sensitive site in Baghdad.

15 December 1998: Butler delivers a highly critical report to the UN Security Council.

16-20 December 1998: "Operation Desert Fox" The US and UK launched air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes.

January and February 1999 : Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft caused the latter to respond in self-defence.

February 1999 : Disturbances in southern Iraq following the assassination of Grand Ayatollah Mohammed Sadeq al-Sadr, spiritual leader of the Shi'i sect, and his sons. Later followers of al-Sadr were arrested and executed. There were also demonstrations by Kurds in northern Iraq against the capture by the Turkish authorities of the Turkish PKK leader Abdullah Ocalan.

June 1999 The Iraq Revolutionary Council issued Decree 101 banning the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. The Iraq Revolutionary Council also issued Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country.

August 1999 A former Iraqi international soccer player stated that he and his teammates had been tortured on Uday Hussein's orders for not winning matches. Sharar Haydar Mohamad Al-Hadithi, said that he was subjected to beatings on the soles of his feet, dragged shirtless through a gravel pit, then made to jump into sewage to cause infection. He also was subjected to sleep deprivation and beatings during periods of detention in Al-Radwaniya prison. His claims of brutality were supported by Uday Hussein's former private secretary and press spokesman Abbas Janabi who described watching members of the national soccer team being forced to kick a concrete ball on the grounds of Al-Radwaniya prison after they failed to qualify for the 1994 World Cup.[2d] There were reports that three soccer players who lost a game in the Asian Cup quarter finals in October 2000 were whipped and detained for three days. [2e]

December 1999 The UN Security Council adopted Resolution 1284 (1999) which created a new weapons inspection body for Iraq, the United Nations Monitoring,

Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body was established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. [3h] [24] Iraq rejects the resolution.

January 2000 The IAEA carried out a physical inventory verification of Iraq's uranium stockpiles as part of its Safeguards Agreement with Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons. This inspection in no way substituted for the IAEA's verification activities in Iraq under the relevant Security Council Resolutions. [23a][23b] Iraq repeated its rejection of Resolution 1284, insisting on the total lifting of sanctions as a precondition for the return of UN arms inspectors to Iraq. [3n]

February 2000 Hans Blix, a former director of the IAEA, was appointed chairman of UNMOVIC.

27 March 2000 In the National Assembly elections, Saddam Hussein's son, Uday, becomes a member for Baghdad Governorate's fifth constituency.

August 2000 Reopening of Baghdad airport, followed by a stream of international flights organised by countries and organisations to campaign against sanctions. The flights are labelled humanitarian missions to comply with UN sanctions.

October 2000 Iraq resumes domestic passenger flights, the first since the 1991 Gulf War. Commercial air links re-established with Russia, Ireland and the Middle East.

November 2000 Deputy Prime Minister Tariz Aziz rejects new weapons inspection proposals.

1 December 2000 Iraq temporarily halts oil exports after the UN rejects a request for a surcharge to be paid into a Iraqi bank account not controlled by the UN.

2001 - Free-trade zone agreements set up with neighbouring countries. Rail link with Turkey re-opened in May for first time since 1981.

February 2001 - Britain and United States carry out bombing raids in an attempt to disable Iraq's air defence network.

May 2001 Saddam Hussein's son Qusay elected to the leadership of the ruling Baath party.

January 2002 Iraq invites a UN human rights expert to visit for the first time since envoys were banned from the country in 1992.

Sources [1][2a][2c][3][4][5][6][7][26]bbc news

Annex B

MAJOR POLITICAL PARTIES

New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The Government does not recognise political organisations

that have been formed by Shi'a Muslims or Assyrian Christians.[2d]

Ba'ath Party - Arab Ba'ath Socialist Party (Hizb al-Ba'ath al-Arabi al-Ishtiraki)

The Ba'ath Party was established in Damascus in the early 1940s and is the ruling party in Iraq. It came to power in Iraq on 17 July 1968 when Maj.-Gen. (later Field Marshal) Ahmed Hassan Al-Bakr became President and Prime Minister, and supreme authority was vested in the Revolutionary Command Council (RCC), of which President Al-Bakr was also Chairman. On 16 July 1979 Saddam Hussein replaced Al-Bakr as Chairman and as President of Iraq. His rule has continued and in May 1994, facing a deepening economic crisis, he also assumed the post of Prime Minister in a reshuffle of the Council of Ministers. [1][15]

A referendum on 15 October 1995 approved an amendment of the Constitution whereby the elected Chairman of the RCC would automatically assume the Presidency of the Republic, subject to the approval by the National Assembly and endorsement by the national referendum. [1]

National Progressive Front (NPF)

The NPF was formed in 1973 when the Ba'ath Party and the Iraqi Communist Party signed a joint manifesto agreeing to establish a comprehensive progressive nationalist front. In 1975 representatives of Kurdish and independent organisations joined the front. In March 1979 the Iraqi Communist party left the National Progressive Front. [1]

Iraqi Communist Party (ICP)

Parti Communisti Iraq, al-Hizb al Shuyu'i al-Iraqi

The Iraqi Communist Party was founded in 1934, becoming legally recognised in July 1973 on formation of National Progressive Front; left National Progressive Front March 1979 and was proscribed as a result of its support for Iran during the Iran-Iraq war. Aziz Muhammad holds the position of First Secretary of the party.[1e] The ICP's influence and activities in Northern Iraq have declined since the attack on Arbil in August 1996. Many Arab ICP members have left Northern Iraq. The ICP has a few offices in Northern Iraq in places such as Shaqlawa and Sulaymaniyah. The party publishes a few periodicals in the region, including "Tariq al-Sha'b". It maintain normal relations with the KDP and the PUK and has close links with its fellow communist party, the KCP.[22]

Iraqi National Congress (INC)

al-Mu'tamar al-Watani al-Iraqi

The Iraqi National Congress (INC) was launched in June 1992 aiming to unite the various Kurdish, Sunni and Shi'a factions of the opposition and consists of a Presidential Council of 3 members. Although launched initially by Kurdish exiles, 170 representatives from a wide spectrum of Iraqi opposition groups attended the INC's conference held in Iraqi Kurdistan in October 1992. Participants committed themselves to the non-violent overthrow of Saddam Hussein and the establishment of a federal system that would permit a substantial degree of ethnic autonomy without partition of the country. However, the INC's unification efforts encountered some obstacles, for example, the INC has neglected to provide an essential place for the Shi'a religious movement. The triumvirate presidency of the INC acknowledges the three principal Iraqi communities but does not

offer a framework for communal existence.[13][15]

Kurdistan Democratic Party (KDP)

The KDP is a largely tribal party based in the northern governorates of Dohuk and Arbil. Throughout the 1960s there was fighting as Kurdish groups tried to gain autonomy within Iraq. After the coup of 1968 the Ba'ath Party wanted to solve the Kurdish problem and in 1969 Saddam Hussein entered into negotiations with Mulla Mustafa Barzani, the KDP's leader. The talks between the Ba'ath Party and the KDP brought about a ceasefire and the declaration of a peace agreement on 11 March 1970. This agreement recognised the Kurdish people as a distinct national entity and therefore with the right of autonomy. A general amnesty was declared and the government subsidised the KDP. It was agreed to implement the agreement within 4 years. [15]

In 1974, through the Autonomy Law, the Ba'ath Party acknowledged the existence of Kurds as a distinct group and granted them a level of autonomy. However, it also imposed limits on this autonomy and effective authority remained with the central government in Baghdad. The KDP rejected the law and in April 1974 hostilities broke out again. Their campaign collapsed when the Shah abandoned the Kurds as the counterpart for gaining the control he wanted in the Shatt-al-Arab waterway in the Algiers Agreement of 1975. Mulla Mustafa Barzani, went into exile in the United States of America and the KDP broke into several factions. The Patriotic Union of Kurdistan (PUK) was formed in June 1975 under the leadership of Jalal Talabani. Ma'sud Barzani, the son of Mulla Mustafa Barzani, took command of the KDP.[15]

In 1987 Kurdish political and military strength gathered through the rapprochement of the two main parties, the KDP and PUK, in early 1987 and the subsequent formation of the Iraqi Kurdistan Front (IKF) in July 1987. After the defeat of the Iraqi armed forces in Kuwait in February 1991 the KDP took part in the armed uprising in northern Iraq. Although the rising was initially successful, by April 1991 the Kurdish guerrillas had been driven out of the cities of northern Iraq. In mid April 1991 the KDP, with the PUK, accepted the offer of talks with the Iraqi leadership. The talks were suspended in the autumn of 1991 when the Iraqi regime imposed a partial economic blockade on Kurdish areas. [15] In Kurdish elections in May 1992 the KDP and the PUK emerged as the two dominant Kurdish groups opposing the Iraqi government. In June 1992 the KDP and other Kurdish opposition parties met together in Vienna to establish the Iraqi National Congress (See above). However conflict between the KDP and PUK resumed, although meetings have been held to organise a transitional government. A conciliatory and peace agreement was reached with the PUK in September 1998. (See III) [3][4hi][15]

Patriotic Union of Kurdistan (PUK)

The PUK is led by Jalal Talabani and follows a Marxist-Leninist ideology and was formed in 1975 following a split in the KDP. In the early years of the Iran-Iraq War the rivalry between the PUK and KDP prevented a joint Kurdish strategy against the Ba'ath Party. [15]

By 1985 the PUK were taking part in a full-scale insurrection against the Ba'ath regime. In July 1987 the PUK joined the Iraqi Kurdistan Front (IKF) with the KDP following a rapprochement between the two parties. In Kurdish elections in May 1992 the PUK and the KDP emerged as the two dominant Kurdish groups opposing the Iraqi government. In June 1992 the PUK and other Kurdish opposition parties met together in Vienna to establish the Iraqi National Congress (See above). However conflict between the KDP

and PUK resumed, although meetings have been held to organise a transitional government. A conciliatory and peace agreement was reached with the KDP in September 1998. (See III) [3j][4][hi][15]

Al-Da'wah Party

The Al-Da'wah Party, or Islamic Call, is a militant Shi'a organisation, formed in 1968 and is based in Tehran. The Al-Da'wah was not just a reformist movement but rather a revolutionary party advocating the replacement of the modern secular state by an Islamic social political order. It was inspired by the prominent Iraqi Ayatollah Muhammad Baqir al-Sadr. After the Iranian Revolution a massive wave of enthusiasm engulfed the Shi'a community in Iraq and drove the Al-Da'wah party, which openly endorsed Ayatollah Khomeini as its spiritual leader, to step up its activities against the regime. In 1989 the Ba'ath regime responded to demonstrations in support of Khomeini by imposing martial law in southern cities. Membership of the Al-Da'wah Party became punishable by death. It has made assassination attempts on Saddam Hussein. [15]

Umma (Nation) Party

The party was founded in 1982 and opposes Saddam Hussain's regime. Saad Saleh Jabr leads the party. [1e]

Supreme Council of the Islamic Revolution of Iraq (SCIRI)

SCIRI was founded in 1982 and is a Shi'a organisation. It was led for the first three years of its existence by its founder, Hojjat al-Islam Muhammad Baqr al-Hakim, and then by a collective leadership. SCIRI was based in Iran and provided a focal point for Iraqi Shi'a opposition to the war with Iran. [15]

The 10,000 strong military arm of SCIRI, largely under the control of the Iranians, is largely made up of Iraqi Shi'a prisoners taken by the Iranians during the Iran-Iraq War. [15]

Al Khoei Foundation

A religious body established by Ayatollah al Khoei, the Shi'a Mirja of Naja, in the 1970's and run as a charitable organisation. Co-operates with opposition to Saddam Hussein. [15]

Association of Iraqi Democrats

Grouping of Iraqi's who share the same national, democratic and liberal views. [15]

Iraqi National Accord Party - Wifaq

Harakat Wifaq al-Watani

This opposition movement has its origins in Central Iraq and consists chiefly of Iraqis who still adhere to the doctrine of the Ba'ath Party, but have distanced themselves from Saddam Hussein. The INA had a few offices in Dohuk, Suleimaniyya, Zakho, Salahuddin and Arbil, but its activities in Iraq diminished after August 1996 as a result of the underlying struggle between the KDP and the PUK. The INA used the Kurdish offices among other things as a base for mobilising people and making contacts with

INA followers who were carrying out underground activities in Iraq. Since February 1996 the INA has had an office in Amman.

Kurdish Tribal Association

Leading Kurdish tribal grouping (about 20 tribes), established 1991. [15]

Iraqi Free Officers

Connected to Iraqi Independent Alliance. The group appears to have support in Iraq and has attempted to poison Saddam Hussein at least once. [15]

Iraqi Kurdistan Front (Berey Kurdistan Iraq)

In 1988 the KDP, the PUK, the KPDP, the KSP-I and the PASOK together formed the Iraqi Kurdistan Front (IKF). The aim of the Front was the establishment of united Kurdish movement in the fight against the regime in Baghdad. The IKF played a major role during the Intifada and in the preparations for the general elections on 19 May 1992. After the elections, the ICP, the KTP and the Assyrian Democratic Movement (ADM) also joined the Front. The activities of the Front were hindered, however, by the underlying rivalry between the KDP and the PUK. [22] The IKF has since disbanded. [24]

Royalists

Followers of Sherif Ali Hussain, cousin of King Faisal who was killed in the 1958 coup. [15]

Unity Party of Kurdistan

Coalition of three of the smaller Kurdish parties - the Kurdistan Popular Democratic party (DPDP), the Kurdistan Socialist Party of Iraq (KSPI) and the Popular Alliance of Socialist Kurdistan (PASOK). Merged with the KDP in the summer of 1993. [15]

Islamic Movement of Iraqi Kurdistan (IMIK)

Bizutnewey Islami le Kurdistan Iraq, Al-Haraka al-Islamiyya fi Kurdistan al-Iraq

The Islamic Movement (IMIK) was founded in 1986 by Sheikh Uthman Abd al-Aziz and several other Sunni mullahs who were all part of the non-political "Union of Religious Scholars" (*Yaketi Mamostayani Ayni Islami, Ittihad Ulama' al-Din*). The foundation was officially ratified in 1998. The IMIK operates from the town of Halabja and after the KDP and the PUK it is currently the largest party in Northern Iraq. In the region controlled by the IMIK, the party has set up its own infrastructure. Sheikh Uthman Abd al-Aziz was appointed as a *mufri* (religious judge) by the IMIK.

In 1998. He has moved to Arbil with a number of followers. The leadership of the party is currently in the hands of his brother Mullah Ali Abd al-Aziz Halabji, who has his office in Halabja.

IMIK holds two ministerial posts in the PUK-dominated government. This co-operation appears to be principally a temporary coalition dictated by pragmatic considerations. IMIK is receiving aid from Iran and is also said to receive money from other Islamic

countries. IMIK has offices in various towns in Northern Iraq, including Suleimaniyya and Arbil.

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.[2f]

Kurdistan Revolutionary Party (KRP)

Hizbi Shorishgeri Kurdistan, al-Hizb al-Thawri al-Kurdistani

The Kurdistan Revolutionary Party was set up in 1972 after a conflict with Mustafa Barzani by a group of former members of the KDP. Two years later the KRP joined the government-inclined National Progressive Front (NPF), the only organisation in Iraq to which parties other than the Ba'ath Party are admitted. The Secretary-General of the party was Abdul Sattar Taher Sharef. He fled Iraq about two years ago. The party supports Baghdad and plays practically no active role in the part of Northern Iraq, which is under the control of the Kurdish parties.

Kurdish Revolutionary Hizbollah (KRH)

Hizbullahi Kurdi Shorishger, Hizbullah al-Kurdi al-Thawri

The KRH was set up in 1988 and is a splinter group of the *Kurdish Hizbollah*. The KRH is under the leadership of Adham Barzani, also a cousin of Masud Barzani, the leader of the KDP. The KRH is a small military organisation, which has a few offices in the vicinity of Diyana and Hadji Omran near the Iranian border. This organisation receives both military and financial support from Iran, but has little influence on Kurdish society. [4]

Conservative Party of Kurdistan (CPK/AI Muhafinin)

Parti Parezgarani Kurdistan, Hizb al-Muhafidhin al-Kurdistani

The CPK was set up in late 1991/early 1992. The party is mainly clan-based and not very ideological, having links with the Surchi tribe. At first it maintained normal contacts with the KDP and the PUK. Since 1995/1996, however, relations with the KDP have deteriorated considerably, with the KDP suspecting AI-Muhafizin of ties with the PUK. The KDP raid on a Surchi village in 1996, in which the Surchi tribal chief at the time was killed, provides one explanation for deep-felt CPK grievances against the KDP. The CPK has since then in practice no longer been tolerated in KDP territory. The party has ceased to operate there, although the CPK has never officially been banned. The party does operate in PUK territory, though, and until recently had a minister in the PUK government.[22]

Kurdistan Islamic Union (KIU)

Yaketi Islami le Kurdistan, Rabetat Al-Muslimin Fi Kurdistan

The KIU is part of an international Islamic organisation called the Ikhwan Al-Muslimin (Islamic Brotherhood). The branch in Kurdistan is in principle independent and is directly responsible for policy matters. The KIU receives a lot of support from various countries around the Arabian Gulf.

The KIU is under the leadership of Salahadin Mohammed Baha al-Din. Other leaders include Ali Mohammed Ahmad, Dendaar Najmen Al-Doski and Omar Abdul Aziz. The party is striving to set up an Islamic state in Iraq in which the rights of the Kurds are recognised. It is chiefly active among students, but also has an adult political base, particularly in Arbil and enjoys good relations with both the PUK and the KDP.

Kurdistan Socialist Democratic Party (KSDP)

Parti Sosyaliri Dimuqrati Kurdistan, Al-Hizb al-Ishtiraki al-Dimuqrati al-Kurdistani

The KSDP, springing from the Kurdistan Socialist Party - Iraq (KSP-I), is a small, tribally-based party, led by Muhammed (or Hama) Hadji Mahmoud. He was briefly a member of the KDP when the Socialist Party, to which he belonged, united with the KDP in 1993. Mahmoud soon clashed with the KDP leadership, left the party and set up the KSDP. That party does not engage in any open activities in KDP territory. The KDP would not allow it to, as relations between them are apparently too bad. The KSDP is included in the PUK government and reportedly has hundreds of *peshmergas* in PUK territory. It is on good terms with the PUK and operates openly in the latter's territory. The KSDP enjoys good relations with the Iranian intelligence service, Ettela'at, and is said to receive financial support from Iran. The KSDP executive is based in Sulaymaniyah. [22]

Kurdistan National Democratic Union (YNDK)

Yaketi Natawaie Dimokrati Kurdistan, Inihjad al-Qaumi al-Demoqrati al-Kurdistani

This party was set up in March 1996 in the province of Arbil where it also has its headquarters. The YNDK was in the first instance an extension of the PKK, but the founders of the former party quickly turned against the PKK. During the conflict between the KDP and the PUK the party split into two groups. One group was under the PUK and the PKK, the other under the KDP. The first group has meanwhile almost disappeared and some of its leaders have been murdered. There are thought to be fewer than 100 armed fighters linked to the YNDK. The party publishes a party newspaper under the name "Media". The aim of the party is the independence of Kurdistan.

Action Party for the Independence of Kurdistan (PKSK of PSKI)

Parti Kari Sarbakhoy Kurdistan or Party Khabat bo Serbogoy Kurdistan

The PKSK is a splinter organisation of the ICP and was originally affiliated with both the PKK and the PUK. The party was initially under the leadership of Mohammed (Hussein) Halleg. However, he was murdered on 2 November 1995. After his murder, relations between the PKSK and the PUK became difficult because the PKSK accused the PUK of the murder. The PKSK is now trying to restore its relationship with the PUK. Contacts with the PKK have also deteriorated because the PKSK has taken the side of the KDP and opposes the presence of armed PKK fighters in North Iraq.

The present leader of the party is thought to be Yousif Hanna Yousif, who is better

known as Abu Hikmat. He is also a minister in the cabinet of the KDP in Arbil. At the moment there is some confusion about the question of where the offices of the PKSK are located. There are reports that the party also has offices in Suleimaniyya and Rania. According to some reports, the office in Suleimaniyya is said to be run by a so-called "carbon-copy party". Other sources state that these offices represent the actual PKSK, while on the contrary the office in Arbil is said to no longer belong to the "real" PKSK but to be controlled by a "carbon-copy party".

The fairly small PKSK, led by Yousif Hanna Yousif ("Abu Hikmet"), is represented in the KDP government in Arbil, where the PKSK also has a party office. The party is on good terms with the KDP. [22]

Hamas

During a conference of the IMIK at the beginning of 1998, a group of officials under the leadership of Najim al-Dien Faraj (better known as Mullah Kerekaar) left the IMIK and set up Hamas. Hamas is an illegal orthodox military grouping which is thought to be increasingly active in the PUK region but has no official responsibility. It is not known whether this organisation receives much support from IMIK members. Several recent bomb attacks and murders which took place in Suleimaniyya and Arbil in the first half of 1998 have been attributed to Hamas.

Iraqi Workers' Communist Party (IWCP/WCPI)

Hizbi Communisti Krekari Iraq. Al-Hizb al-Shuyu'i al-Ummali al-Iraqi

The IWCP is represented in KDP territory although, strictly speaking, an illegal party there, not being officially registered and authorised to engage in political activities. The IWCP increasingly includes extreme left-wing Iranians. The party's supposed anti-nationalist and anti-religious leanings cause friction with the KDP and have of late also been giving rise to trouble with the PUK.

The IWCP is nevertheless officially represented in PUK territory, having its head office and radio station in Sulaymaniyah. The party publishes the newspaper "Bopeshawa". Relations between the IWCP and the PUK could until a short while ago be described as reasonably good. The PUK used to assist the IWCP by means of monthly donations. Recently, however, some tension has arisen, partly as a result of an accusation of illegal fund-raising levelled at the IWCP by the PUK and an investigation into IWCP involvement in the death of two former IWCP members. There are also rumours abroad of an IWCP *rapprochement* with Baghdad. Fierce animosity is felt between the IWCP and the Islamic Movement in Kurdistan. The IWCP arouses irritation, not only on the part of the IMK, by its extreme political views, which often run directly counter to Kurdish traditions. At the funeral of the IWCP's founder, Farad Farradj, for instance, the *Internationale* blared forth. The IMK was suspected of involvement in the murder of two IWCP members in Sulaymaniyah in October 1999. The IWCP earlier accused "Islamic groups in the city of Arbil" of the murder of two IWCP members on 18 April 1998. To the best of our knowledge, however, there have been no really large-scale incidents between the IMK and the IWCP. [22]

Democratic Alliance of Kurdistan (DAK)

Hawpaymani Demoqrati Kurdistan, al-Tahalluf al-Dimuqrati al-Kurdistani

On 13 October 1996 five Kurdish parties set up the Democratic Alliance of Kurdistan together as a protest against the co-operation of the KDP with the Iraqi authorities. The front comprised the PUK, the Iraqi Toilers' Party, the Democratic Movement, Socialist Democratic Kurdistan and the Conservative Party of Kurdistan. The DAK publishes a newspaper called Haw Pemani, in Arabic al-tahalluf

Iraqi Democratic Liberation Movement (IDLm)

This is an Arab tribal party, led by the reputedly very wealthy Jebouri family. The party is reported to be on good terms with the KDP and the PUK, but to engage in little activity in Northern Iraq[22]

Kurdistan Toilers' Party (KTP)

Zahmatkeshan

The left-leaning parti Zametkeshani Kurdistan, founded according to the party itself on 12 December 1985, publishes the newspaper "Alay Azadi" (Banner of Freedom) in Sulaymaniyah. A few cultural and ideological periodicals ("Pesh Kawtin" and "Nojan") are also reportedly published and television and radio programmes put out on its own broadcasting stations. The relatively small KTP is included in the PUK dominated government. The KTP does not enjoy good relations with the KDP and has no offices in KDP territory. There has, however, never been any serious confrontation between the two parties.[22]

Action Party for the Independence of Kurdistan(PKSA)

Parti Kari Sarbakhoy Kurdistan (PKSK/Action Party for the Independence of Kurdistan)

The fairly small PKSK, led by Yousif Hanna Yousif ("Abu Hikmet"), is represented in the KDP government in Arbil, where the PKSK also has a party office. The party is on good terms with the KDP.[22]

In addition to the above parties, there are also known to be others such as the **Kurdistan Democratic Movement (KDM)**. [22]

ANNEX C

ABBREVIATIONS

ABSP - ARAB BA'ATH SOCIALIST PARTY

ILK - ISLAMIC LEAGUE OF KURDISTAN (another name for IMIK)

IMIK - ISLAMIC MOVEMENT OF IRAQI KURDISTAN

INC - IRAQI NATIONAL CONGRESS

KDP - KURDISH DEMOCRATIC PARTY

KIF - KURDISTAN IRAQI FRONT

PKK - KURDISTAN WORKERS PARTY

PUK - PATRIOTIC UNION OF KURDISTAN

ANNEX D

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