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COUNTRY OF ORIGIN INFORMATION REPORT

IRAQ

15 MAY 2008

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 15 May 2008. The 'Latest News' section contains further brief information on events and reports accessed from 15 May to 27 May 2008.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk

xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html

xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to

countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:
Email: apci@homeoffice.gsi.gov.uk
Website: www.apci.org.uk

Latest News

EVENTS IN IRAQ FROM 15 MAY TO 27 MAY 2008

25 May "Iraqi troops on Monday arrested six teenage boys suspected of being forcibly trained by Al-Qaeda to carry out suicide bombings, … The boys were rounded up during a house-to-house search in the Sumer neighbourhood of Mosul, the capital of the northern Nineveh province where security forces have been carrying out a major sweep against jihadists."
AFP News: Six teen 'suicide bombers' arrested in Iraq, 26 May 2008
http://afp.google.com/article/ALeqM5iFfWtlOKu_YDMozPCvaMzH-d5GdA
Accessed 27 May 2008

23 May At least twenty-nine of Sadr City's schools were damaged in fighting between military forces and militia groups in the area. At the time of publishing, UNICEF were starting to restore the schools and providing new school supplies.
UNICEF: In the wake of violence, working to repair the damage done to children's schools and confidence, 23 May 2008
http://www.unicef.org/infobycountry/iraq_44134.html
Accessed 28 May 2008

22 May "Iraq is suffering from water shortages that could lead to widespread drought as a result of the water policies of neighbouring countries and an unusually dry winter, the Iraqi Water Resources Ministry has said in a statement."
IRIN News: IRAQ: Ministry issues drought warning, 22 May 2008
http://www.irinnews.org/Report.aspx?ReportId=78350
Accessed 27 May 2008

22 May Two journalists were murdered in separate incidents in Baghdad and Diyala, bringing the number of journalists killed in Iraq since the start of the year to seven, and the overall media death toll since the start of the war in March 2003 to 215.
Reporters Without Borders: Government's poor record in combatting impunity condemned after two more journalists killed, 22 May 2008
http://www.rsf.org/article.php3?id_article=27137
Accessed 28 May 2008

21 May "US military authorities, operating as the Multinational Forces in Iraq, were as of May 12, 2008 holding 513 Iraqi children as 'imperative threats to security,' and have transferred an unknown number of other children to Iraqi custody. … As of February 2008, the reported average length of detention for children was more than 130 days, and some children have been detained for more than a year without charge or trial, in violation of the Coalition Provisional Authority memorandum on criminal procedures."
Human Rights Watch: Respect rights of child detainees in Iraq, 21 May 2008 (accessed via ReliefWeb)
http://www.reliefweb.int/rw/rwb.nsf/db900sid/KKAA-7EU9CP?OpenDocument
Accessed 21 May 2008

18 May "Residents of Baghdad's mainly Shia district of Sadr City are breathing a sigh of relief as a ceasefire between Shia militiamen loyal to Moqtada al-Sadr and US-backed government forces has brought

to an end seven weeks of clashes that left daily life all but paralysed. Schools, government offices and businesses have re-opened, mine clearing operations have begun and aid teams are bringing much needed relief items to those who had been cut off."
IRIN News: IRAQ: Normalcy returns to beleaguered Baghdad suburb, 18 May 2008
http://www.irinnews.org/Report.aspx?ReportId=78277
Accessed 27 May 2008

18 May "A leader of al-Qaeda in Iraq has been sentenced to death for the killing of the Chaldean Catholic Archbishop Paulos Faraj Rahho. … The Iraqi government said the criminal court had imposed the death sentence on Ahmed Ali Ahmed, known as Abu Omar."
BBC News: IRAQ: Death penalty over Iraq killing, 18 May 2008
http://news.bbc.co.uk/1/hi/world/middle_east/7407489.stm
Accessed 27 May 2008

15 May The interior ministry raided and closed down a privately-owned radio station linked to Shiite leader Moqtada al-Sadr as fierce clashes continued between the cleric's militia, the Mahdi Army, and the US and Iraqi armies. This action was condemmed by Reporters Without Borders.
Reporters Without Borders: Government orders closure of radio linked to Moqtada al-Sadr, 15 May 2008
http://www.rsf.org/article.php3?id_article=27044
Accessed 28 May 2008

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State of the World's Human Rights report 2008, published 28 May 2008
http://thereport.amnesty.org/eng/regions/middle-east-and-north-africa/iraq
Date accessed 28 May 2008

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Iraq Weekly Status Report 21 May 2008, released 23 May 2008
http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/LRON-7EWDBP-full_report.pdf/$File/full_report.pdf
Date accessed 28 May 2008

Advancing Freedom and Democracy Reports, released 23 May 2008
http://www.state.gov/g/drl/rls/afdr/2008/104839.htm
Date accessed 29 May 2008

Coalition to stop the use of child soldiers
Child soldiers global report 2008, released 21 May 2008
http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf
Date accessed 21 May 2008

The Jamestown Foundation: Terrorism Focus, Volume V Issue 20 May 20, 2008
http://www.jamestown.org/terrorism/news/uploads/tf_005_020.pdf
Date accessed 29 May 2008

International Federation of Red Cross And Red Crescent Societies (IFRC)
Iraq: Expanding Response to Humanitarian Crisis Emergency Appeal No.MDRIQ003 Operations Update No. 01 covering 12 February to 25 April, 2008, released 16 May 2008
http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ASAZ-7EPJB7-full_report.pdf/$File/full_report.pdf
Date accessed 28 May 2008

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Emergency Needs Assessment, BiWeekly Report 15 May 2008, released 15 May 2008
http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/LSGZ-7EPCCJ-full_report.pdf/$File/full_report.pdf
Date accessed 28 May 2008

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Background information

GEOGRAPHY

1.01 The Republic of Iraq is bordered to the north by Turkey, to the east by Iran, to the south-east by Kuwait and the Gulf, to the south and south-west by Saudi Arabia and Jordan and to the north-west by Syria. (FCO Country Profiles: Iraq, 8 February 2007) **[66e] (p2)**

1.02 Iraq covers an area of 437,072 sq. km. (FCO Country Profiles: Iraq, 8 February 2007) **[66e] (p1)** Baghdad is the country's capital city. (United States State Department (USSD) Background Note: Iraq, last updated June 2007) **[2k] (p1)** Europa Regional Surveys: The Middle East and North Africa, 2005 added that other principal cities include Mosul, Arbil, Kirkuk, Basra, Sulaimaniya, An-Najaf, Karbala, Hilla and Nasiriya. **[1a] (p524)**

1.03 Iraq's estimated population in 2007 was 27,499,638 with an estimated annual growth rate of 2.618% per year. (CIA world factbook, last updated on 24 January 2008) **[78a] (p2)** The US Library of Congress reported, in August 2006, that "The most densely populated governorate (province) is Baghdad, near the northern end of the alluvial plain, followed by Ninawa in the western section of the uplands region." **[33a] (p6)**

1.04 Politically, the country is divided into 18 Governorates, which are divided into 102 districts. **[1b] (p2193, 2199) [33a] (p18)** The Governorates comprise of:

Al Anbar	As Sulaymaniyah	Diyala
Al Basra	At Ta'min	Karbala'
Al Muthanna	Babil	Maysan
Al Qadisiyah	Baghdad	Ninawa
Al Najaf	Dahuk	Salah ad Din
Arbil	Dhi Qar	Waasit **[78a] (p4)**

1.05 Iraq's two largest ethnic groups are Arabs, which make up approximately 75-80 per cent of the population and Kurds, which make up approximately 15-20 per cent of the population. (US Library of Congress, August 2006) **[33a] (p7)** (FCO country profile, last updated 8 February 2007) **[66e] (p1)** (CIA world factbook, last updated on 24 January 2008) **[78a] (p5)** Other evident ethnic groups are Turkmens, Chaldeans, Assyrians. (US Library of Congress, August 2006) **[33a] (p7)** The 2005 Constitution recognises Arabic and Kurdish (spoken in the regions with a Kurdish majority) as the two official languages of Iraq. (US Library of Congress, August 2006) **[33a] (p7)** Arabic is the official and most commonly spoken language in Iraq with over three quarters of the population speaking it. Several dialects of the language are spoken within the country which are generally understandable, but significant variations do exist. (USSD Background Note: Iraq, last updated June 2007) **[2k] (p1)** (Encyclopaedia Britannica, accessed 3 January 2007) **[106a]** The Encyclopaedia Britannica (accessed on 3 January 2007) stated that "Modern Standard Arabic – the benchmark of literacy – is taught in schools, and most Arabs and many non-Arabs, even those who lack schooling, are able to understand it." **[106a]** Kurdish is spoken in the north. (USSD Background Note: Iraq, last updated June 2007) **[2k] (p1)** (Encyclopaedia Britannica, accessed 3 January 2007) **[106a]** The Encyclopaedia Britannica (accessed on 3 January 2007) notes that "A number of other languages are spoken by smaller ethnic

groups, including Turkish, Turkmen, Azerbaijanian, and Syriac. Persian, once commonly spoken, is now seldom heard." **[106a]** English is the most commonly spoken Western language and is widely used in commerce. (USSD Background Note: Iraq, last updated June 2007) **[2k] (p1)** (Encyclopaedia Britannica, accessed 3 January 2007) **[106a]** "Bilingualism is fairly common, particularly among minorities who are conversant in Arabic." (Encyclopaedia Britannica, accessed 3 January 2007) **[106a]**

1.06 The CIA world factbook (last updated on 24 January 2008) stated that approximately 97 per cent of the population were Muslims, of which 60–65 per cent were Shi'a and 32–37 per cent were Sunni. Approximately three per cent adhered to Christian or other religions. **[78a] (p5)**

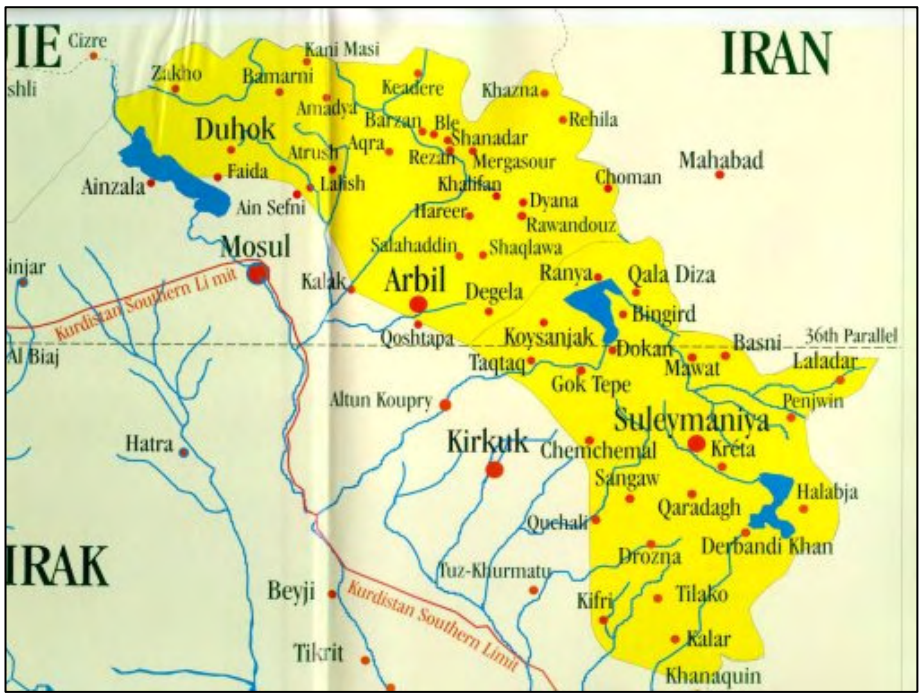
MAPS

Iraq and neighbouring countries

1.07 UN Cartographic Section map, of January 2004. **[61a]**

Kurdish Regional Government (KRG) area

1.08 Map from Dr Rebwar Fatah report, dated 28 June 2006. **[77b] (p7)**



1.09 Global Security Map, last modified 24 February 2006. **[83a]**

Ethnic distribution

1.10 Center for Strategic and International Studies (CSIS) map, dated 22 June 2006. **[63b] (p173)**

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ECONOMY

2.01 Iraq's economy is in a poor state following years of successive wars and economic sanctions. (HRW World Report 2006) **[15i] (p1)** (US Library of Congress, August 2006) **[33a] (p9)** (Economist Intelligence Unit (EIU) 2007) **[58a] (p30)** (World Bank) **[100a]** Although the sanctions have been lifted, economic reconstruction has been hampered by the instability of the security situation in the country. (HRW World Report 2006) **[15i] (p1)** (EIU 2007) **[58a] (p30)**

2.02 The EIU country profile 2007 stated that "The lifting of sanctions following the passing of UN Security Council Resolution (UNSCR) 1483 in May 2003 allowed reconstruction efforts to begin, but serious security problems continue to hamper the rebuilding effort." **[58a] (p30)**

2.03 A report by Robert Looney, published by the Center for Contemporary Conflict (CCC) in May 2006, stated that:

> "Clearly the security situation remains the largest obstacle to Iraq's economic growth and it is proving the most difficult problem to resolve. The combination of high unemployment, easily available weaponry, a fast widening gap between the rich and poor and a largely impotent government have combined to produce an environment characterized by poverty, despair and violence. Specifically, the violence undermines the government's ability to tackle the economy's four basic problems: The security of the supply of oil, high levels of unemployment, and deficiencies in infrastructure and political difficulties in pushing through much-needed reforms. In turn, widespread poverty and frustrated expectations create an environment conduce to continued violence and increased conflict." **[101a] (p2)**

2.04 Looney added that "Only the Kurdish region rated stable overall and across governance, security and the economy." **[101a] (p5)**

2.05 A further report by Robert Looney, published by the CCC in December 2007, further added that: "Insecurity in many areas results in increased transport costs thus raising the cost of production. … While electrical supply has improved in many parts of the country, it is still insufficient for jumpstarting the economy of Baghdad and its environs. " **[101b] (p5)**

2.06 The CIA World Factbook profile of Iraq, last updated 24 January 2008, reported on the International Compact with Iraq, established in May 2007. **[78a] (p7)** This partnership between Iraq and the national community aimed to build a framework for Iraq's economic transformation and incorporation into the regional and global economy. (International Compact with Iraq, last updated 4 December 2007) **[122]** New legislation is yet to be passed under this agreement. **[78a] (p7)**

2.07 The World Bank report, published August 2006, noted that "The oil sector dominates Iraq's economy: it accounts for two-thirds of GDP and over 98 percent of exports and own government revenues. Since 2004, oil production fluctuated at about 2.0 million barrels per day, below government targets and below the pre-2003 levels. High world oil prices, however, have boosted oil revenues significantly." **[100a]**

2.08 The World Bank Country Brief, dated August 2006, noted that "Iraq has abundant natural resources. **[100a]** The FCO Country Profile on Iraq, last reviewed 8 February 2007, "Iraq holds the fourth largest proven reserves in the world (115bn barrels; 10 per cent of global reserves). However, its potential reserves are unknown and are widely believed to have the world's second largest reserves of oil after Saudi Arabia." **[66e] (p10)**

2.09 The EIU country profile 2007 noted under the Baathist regime Iraq's natural resources had been neglected and mismanagement. **[58a] (p30)** The report added that:

"The oil industry, which is the bedrock of the economy, has begun gradually to recover from the toll of war-related damage and post-war looting. However, attempts to boost and sustain exports have been held back by persistent and often organised sabotage, targeted mainly at oil export infrastructure, as well as by a lack of investment in new production." **[58a] (p30-31)**

2.10 As documented in the CIA world factbook (last updated on 24 January 2008) the main agricultural products included wheat, barley, rice, vegetables, dates, cotton, cattle, sheep and poultry. **[78a] (p7)** The World Bank report, published August 2006 stated that "Agriculture, which has historically been an important employer, suffers from lack of investment and distorted input and output prices. Inflation remains high, driven by security costs, supply bottlenecks, and rising public spending." **[100a]**

2.11 An article published in December 2007 by the Center for Contemporary Conflict noted that "the non-oil sector is dominated by agriculture. Here expansion has been weak, with production not yet returning to the levels achieved in the last years of the Saddam Hussein regime." **[101b] (p4)**

2.12 The World Bank report, dated August 2006, noted per capita income to be estimated at around US$1,635, less than what Iraqis expected to receive 25 years ago. **[100a] (p1)** Unemployment figures were estimated about 22-28 percent in 2006; **[100a] (p1)** however more recent estimations suggest the figure is nearer 60 to 70 percent, according to a report issued in early 2007 by the Iraqi Planning Ministry. (IRIN News, 10 July 2007) **[18bs]**

2.13 The World Bank notes that "Women's labor participation in the non-agricultural economy is 14 percent, a very low level even by regional standards." **[100a]** Recent news reports noted that women were forced to give up their jobs for security reasons; many women were sacked after companies received threats. (IRIN News, 30 May 2007) **[18bt]**

2.14 The country's currency is the Iraq Dinar (ID). There are 1,000 fils to 20 dirhams which is equal to 1 Iraqi Dinar. (Europa Regional Survey 2005) **[1a] (p526)** The exchange rate on 27 May 2008 was £1 sterling to 2,364.12 ID, and US$1 to 1,199.95ID. **[55a]**

2.15 The EIU country profile 2007 noted that: "inflation had fallen to 15.5%, year on year, in November (2007), down from 52% a year earlier (2006). **[58a] (p15)** According to the report, the infrastructure collapse following the 2003 invasion had lead to a scarcity of items and difficulty distributing supplies, but the gradual re-establishment of the public sector and other networks helped stabilise the Iraqi dinar. **[58a] (p15)**

2.16 Iraq still faces obstacles to economic progress because of "rampant corruption". (EIU Country Profile 2007, Country Report 2008) **[58a] (p29) [58b] (p7)** Transparency International's (TI) Corruption Perceptions Index, last published 26 September 2007, ranked Iraq as 176th most corrupt out of 179 countries (1 being the least corrupt and 179 the most corrupt country). **[51b]**

2.17 Jane's Sentinel, last updated 18 February 2008, reported that "UNDP [United Nations Development Programme] suggests the poorest 20 per cent of the population earns seven per cent of the income, while the top 20 per cent earns 44 per cent. An accelerating 'brain drain' is seeing educated technocrats seek work overseas." **[14d] (p7)**

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HISTORY

3.01 A report by Amnesty International (AI), dated 25 July 2005, noted that:

> "In early April 2003, the US-led military intervention in Iraq, which had started just days earlier on 18 March, ended the 25-year rule of Saddam Hussain and the even longer rule of the Ba'ath party. Following the fall of Baghdad on 9 April, Iraq was occupied by the US-led coalition. US forces controlled central and northern Iraq, with the exception of Kurdistan which has kept its autonomous status since 1991. United Kingdom (UK) forces controlled the south." **[28c] (p2)**

POST-SADDAM IRAQ

3.02 As documented in the Europa Regional Survey 2005: "The ousting of Saddam Hussein's government was followed by a period of civil unrest. Looting, revenge killings and destruction of property were regular occurrences." **[1a] (p497)**

3.03 Following the ousting of the Ba'athist regime and in the absence of an elected government, a Coalition Provisional Authority (CPA) was established. **[1a] (p529)** Europa World Online (accessed on 12 August 2005) added that "UN Security Council Resolution 1483, passed on 22 May 2003, recognized the CPA as the legal occupying power in Iraq, and mandated the CPA to establish a temporary Iraqi governing authority." **[1c] (Recent History)** One of the first acts of the CPA was to outlaw the Ba'ath Party and demobilise the Iraqi army and security apparatus including the ministries of defence and information. (*The Washington Post*, 12 May 2003) **[16a]**

3.04 On 8 March 2004, after considerable last-minute wrangling, a 'Law of Administration for the State of Iraq for the Transitional Period', generally known as the Transitional Administrative Law (TAL), was signed. (Institute of War and Peace Reporting (IWPR), 22 March 2004) **[11j]** The TAL acted as an interim Constitution. (Europa Regional Survey 2005) **[1a] (p499)**

3.05 The FCO human rights report 2005, notes that "In accordance with UN Security Council Resolution (UNSCR) 1546, the CPA and the Iraqi Governing Council were dissolved on 28 June 2004 [two days ahead of the scheduled handover date of 30 June 2004]. They were succeeded by a sovereign Iraqi interim government, which was established after a wide-ranging consultive process led by the UN." **[66j] (p61)** Dr Ayad Allawi was appointed interim Prime Minister of the Iraqi interim government. (Europa World Online, accessed on 12 August 2005) **[1c] (Recent History)**

Election, January 2005

3.06 The multi-party national elections were held in Iraq on 30 January 2005. **[6v]** A total of 8,456 million Iraqis voted in the elections. (BBC, 14 February 2005) **[4o]** The BBC further reported on 13 February 2005 that "A total of 280,303 Iraqi exiles in 14 countries registered to vote – roughly one in four of those eligible to do so." **[4p]** The overall turnout across the country was 58 per cent of registered Iraq voters. **[4n] [4o] [17c]** There were 111 political parties and coalitions, with a total of 7,500 candidates represented in the election. (*The Guardian*, 27 January 2005) **[6p]** However, Iraq's major Sunni political groups

boycotted the election because of the continued violence in the Sunni areas of the country. (IWPR, 14 February 2005) **[11r]**

3.07 The results of the election were announced on Sunday 13 February 2005 having initially been delayed. (CNN, 14 February 2005) **[17c]** The Shi'a United Iraqi Alliance (UIA), backed by Grand Ayatollah Ali al-Sistani, won the election with 48 per cent of the votes cast and 140 seats in the 275-seat National Assembly. (BBC, 14 February 2005) **[4n]** (CNN, 14 February 2005) **[17c]** The Kurdistan Alliance List, led by Jalal Talabani, obtained 26 per cent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the former interim Prime Minister Ayad Allawi, gained 14 per cent and 40 seats. **[4r] [6t] [6p] [17c] [11p] [37a]**

3.08 The Kurdistan Alliance List gained the majority of the vote in Arbil with 95 per cent, Dahuk with 95 per cent, Ninawa with 38 per cent, Sulaymainyah with 92 per cent and Tamin with 59 per cent. (Psephos, accessed on 17 February 2005) **[37b]** As the UIA failed to get 50 per cent of the vote the Shi'as and the Kurds shared the balance of power. (*The Guardian*, 14 February 2005) **[6q]** (IWPR report, accessed on 17 February 2005) **[11s]** Following the formation of the Presidency Council, Jalal Talabani was sworn in as President of Iraq on 7 April 2005. (UNSC report, 7 June 2005) **[38b] (p2)** Ibrahim al-Jaafari was appointed as Iraq's next interim Prime Minister. (*The Guardian*, 7 April 2005) **[6o]**

3.09 Voters in the three Kurdish provinces (Sulaimaniyah, Arbil and Dohuk) also elected a 111-member Iraqi Kurdistan National Assembly. (IWPR) **[11q]** The Human Rights Watch (HRW) statement, released 1 February 2005, notes that: "The two main Kurdish political parties, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), formed a joint list for the national and Kurdish assemblies. They did, however, compete in local provincial elections and both parties complained of some threats and manipulation by the other side." **[15c]** The Kurdistan Democratic List gained the majority of votes in the Kurdistan legislative election with 90 per cent of the votes and 104 seats in the Kurdistan National Assembly. **[37c]** The leader of the KDP, Massoud Barzani, was sworn in as the new regional president of Iraqi Kurdistan on 12 June 2005. (BBC, 14 June 2005) **[4g]**

Referendum on the Constitution, October 2005

3.10 The FCO stated in a report (accessed on 21 November 2005) that:

"On 25 October [2005], it was announced that the Constitution was passed in the referendum held on 15 October [2005]. 78 percent of Iraqis nation-wide voted in favour in a turnout of 63 percent. There was a majority Yes vote in 15 out of the 18 Governorates; in 12 of these, the Yes vote was over 90 percent. The International Electoral Commission for Iraq said there were few irregularities and these would not materially affect the overall result." **[66l]**

3.11 An IWPR article, dated 15 November 2005, stated that: "Dozens of policemen and government employees in Sulaimaniyah province have been reprimanded, fired or imprisoned for not voting in the constitutional referendum. … Kurdish officials and a police chief admitted they punished government employees for not voting, saying they had a democratic duty to go to the polls." **[11i]**

Election, December 2005

3.12 The general elections were held in Iraq on 15 December 2005 to elect the first permanent government and parliament (Council of Representatives) since the US-led invasion. (BBC, 20 January 2006) **[4i]** (UNSC, 3 March 2006) **[38e] (p1)** Under the new electoral law, the political parties had to submit separate lists of candidates for each governorate rather than a single national list as required during the previous election. The UNSC report, dated 3 March 2006, notes that "The lists were subjected to close scrutiny by the De-Baathification Commission as required by the electoral law. As a result, about 200 candidates were disqualified from the election as they did not meet the requirements of the De-Baathification regulations." **[38e] (p2)**

3.13 Many safeguards were established to guarantee a fair, genuine and transparent election including pre-election and post-election auditors, field monitors and accredited observers. **[38e] (p2)** The UNSC report, dated 3 March 2006, notes that "Overall, election day was calm and no major incidents were reported." **[38e] (p1)** Al-Jazeera reported, on 15 December 2005, that voter turnout was high. **[84a]** 12,194,133 (over 75 per cent of the population) valid votes were cast. (UNSC report, 3 March 2006) **[38e] (p1)** Additionally, Sunni Arabs, who boycotted the last election in January 2006, appeared to have voted in large numbers. (BBC, 15 December 2005) **[4af]** The UNSC report, dated 3 March 2006, mentions that "Several Sunni Arab and tribal leaders encouraged local populations to support the electoral process and in some areas provided protection to polling centres." **[38e] (p2)**

3.14 The election resulted in 12 political entities and coalitions, representing a broad political, ethnic and religious spectrum, winning seats in the Council of Representatives. (UNSC, 3 March 2006) **[38e] (p3)** Several articles noted that the Shi'ite-led United Alliance (UIA) won 128 seats in the 275-member parliament, compared to 146 in the January election. The Kurdistan Coalition won 53 seats, compared to 75 last time, and the Sunni-led Iraqi Accordance Front won 44 seats. **[22k] [11h] [85a] [6g]** The Kurdistan Coalition gained the majority of the vote in Arbil with 94.7 per cent, Dahuk with 90.3 per cent, Sulaymainyah with 87.2 per cent and Kirkuk (At-Tamin) with 53.4 per cent. (Psephos report, accessed on 2 February 2006) **[37d]**

3.15 The Associated Press (AP) mentioned in a report, dated 20 January 2006, that:

> "Sunnis fared better – and Kurds poorer – because of a change in the election law between the two national elections last year. In the January 2005 balloting, seats were allocated based on the percentage of votes that tickets won nationwide. In the December vote, candidates competed for seats by district. This meant that Sunnis were all but guaranteed seats from predominately Sunni areas." **[65f]**

3.16 The results of the poll were delayed several weeks after a number of political parties and political movements, known as the Maram Movement accused the UIA of electoral fraud and organised street protests. The Movement protested against intimidation, ballot stuffing, over-registration, improper apportionment of seats to governorates and other election-related practices. The protests declined after international monitors were asked to review the work of the

Independent Electoral Commission in Iraq (IECI). (IWPR, 26 January 2006) **[11h]** (UNSC, 3 March 2006) **[38e] (p3)** The International Mission for Iraqi Elections (IMIE) report, dated 19 January 2006, stated that:

"Some 2000 complaints were submitted, alleging a wide range of electoral violations and irregularities that include ballot box stuffing and theft; tally sheet tampering; intimidation; violence; voter list deficiencies; shortages of ballots; multiple voting; improper conduct of the police and Iraqi National Guard; voting by security forces who had previously voted on the special voting day; campaigning within polling centers; and non-observance of the silent day. Many of the complaints deemed most serious by the IECI were properly investigated and judiciously resolved. Where IECI staff were found to have violated elections law, the Board applied sanctions to its staff, including fines and dismissal." **[86a] (p4)**

3.17 The same report notes that: "Violations of the law led the IECI to cancel the vote in 227 out of some 30,000 polling stations. This has left void a great number of fraudulent ballots, but has simultaneously annulled the ballots of many Iraqis who had cast their ballots in a proper manner." **[86a] (p4)**

The UNSC report, dated 3 March 2006, nevertheless, records that:

"In conclusion, the election was conducted transparently and credibly. It was an inclusive exercise that succeeded in incorporating all of Iraq's numerous communities and political parties. The fact that it generally met international standards is not a small achievement, given that the election took place against the backdrop of an ambitious timetable and a very challenging political and security environment." **[38e] (p3)**

GOVERNMENT OF NATIONAL UNITY

3.18 The first permanent government, since the overthrow of the Saddam regime in 2003, was sworn in on 20 May 2006. (Associated Press, 20 May 2006) **[65d]** (Associated Press, 20 May 2006) **[65c]** (Knight Ridder, 20 May 2006) **[13c]** (RFE/RL, 21 May 2006) **[22p]** (RFE/RL, 20 May 2006) **[22q]** (RFE/RL, 20 May 2006) **[22f]** The Iraqi government of national unity was formed following the general election in December 2005 and subsequent negotiations between religious and ethnic groups in Iraq. (Associated Press, 20 May 2006) **[65d]** (RFE/RL, 20 May 2006) **[22q]** The CSIS report, dated 19 June 2006, stated that:

"The period between the actual election on December 15, 2005, and the formation of an Iraqi government on May 20, 2006 left Iraq in political turmoil for nearly half a year. Even then, it was not until June 8th that the newly elected government could agree on a Minister of Defense, Minister of the Interior, and National Security Advisor. …

"Throughout this period, insurgents attacked the sectarian and ethnic fault lines in Iraqi politics and society, successfully provoking steadily rising Shi'ite and Kurdish tension, and growing violence, including disappearances, kidnappings, and action by various death squads." **[63a] (p8)**

3.19 Parliament met on 22 April 2006 to elect a president, two vice-presidents, a parliamentary speaker and two deputies. (IRIN, 23 April 2006) **[18a]** *The Duluth*

News Tribune reported, on 22 April 2006, that "The top political parties agreed that Jalal Talabani, a Kurd, should remain president. Adil Abdel Mahdi, a Shiite, was nominated to remain one of the country's two vice presidents. The other vice president chosen was Sunni leader Tariq al-Hashimi." **[60b]**

3.20 IRIN news stated, on 23 April 2006, that "Mahmoud al-Mashhadani, a Sunni leader from the Iraqi Accord Front, the mainly Sunni Arab Islamist coalition and the major Sunni bloc in parliament, was named parliamentary speaker." **[18a]** The article adds that "Shi'ite politician Adel Abdul Mehdi and Sunni politician Tariq al-Hashimi were also nominated for the posts of deputy presidents. Shi'ite religious leader Khalid al-Attiyah and Kurdish politician Aref Tayfour, meanwhile, were named deputy speakers." **[18a]**

3.21 Nouri Kamel al-Maliki (also known as Jawad al-Maliki) was named prime minister-designate by President Jalal Talabani. (IRIN, 23 April 2006) **[18a]** The Council on Foreign Relations (CFR), stated in a report, on 22 April 2006:

"The United Iraqi Alliance (UIA), a Shiite political bloc that won the most votes in December, had been divided for months over the post of prime minister. Ibrahim al-Jaafari, the embattled incumbent, originally won the nomination by a narrow vote in February, but after intense pressure from the United States, from Kurdish and Sunni Arab leaders, and from within the UIA, Jaafari decided on April 20 [2006] to abandon his bid for the premiership. **[8e]**

3.22 Al-Maliki, a Shi'a Muslim, is the deputy leader of the Islamic Daawa Party. In 1980, the Saddam regime sentenced al-Maliki to death for his activism in the Islamic Daawa party and he consequently fled the country. (*The Daily Telegraph*, 23 May 2006) **[48b]** (BBC, 22 April 2006) **[4v]** *The Daily Telegraph* reports that "Although he first went into exile in Iran, he soon moved to Syria after clashing with the regime in Teheran over his refusal to support them in the Iran-Iraq war." **[48b]** Following his return to Iraq after the overthrow of the Saddam regime in April 2003, al-Maliki served on a de-Baathification committee. (CFR, 22 April 2006) **[8e]** (BBC, 22 April 2006) **[4v]** (Aljazeera, 22 April 2006) **[84c]** The CFR report, dated 22 April 2006, adds that "He was also a hard-line negotiator during the constitution-drafting process, resisting U.S. attempts to get more Sunni Arabs involved." **[8e]** Al-Maliki was approved and inaugated Prime Minister designate on 20 May 2006. **[65c]**

3.23 Al-Maliki named, and the members of the National Assembly approved, the 37-member cabinet on 20 May 2006. (RFE/RL, 20 May 2006) **[22f]** An article in Knight Ridder, dated 20 May 2006, reports that "Al-Maliki and his cabinet will serve for four years under Iraq's current constitution." **[13c]** The new cabinet was composed of representatives from all groups in society including Shi'a, Sunnis and Kurds. (RFE/RL, 20 May 2006) **[22f]** (BBC, 22 May 2006) **[4a]** On 8 June 2006, the Iraqi parliament approved the three key security posts, nearly three weeks after the other posts in the cabinet were filled. During that time, the posts had been temporarily filled. (BBC, 8 June 2006) **[4j]** (*The Times*, 8 June 2006) **[5a]** *The Times* stated that "The three posts are critical if Iraq is to combat the daily bloodshed: the defence minister will run the army, the interior minister will lead the national police and the national security minister will advise the prime minister on security issues." **[5a]** The report continues:

"The new interior minister, Jawad al-Bolani, is also Shia but, as an independent member of the dominant Shia United Iraqi Alliance, is considered

neutral. Previously unknown in political circles, he said he had worked as an engineer in the Iraqi air force until 1999.

"The new defence minister, Iraqi Army General Abdul-Qader Mohammed Jassim al-Mifarji, is a Sunni who is not affiliated with any party. He said that he was forced out of the military and Saddam's Ba'ath party in 1991 after criticising the invasion of Kuwait and given a seven-year prison term.

"The new national security minister, Sherwan al-Waili is also a Shia, but is considered neutral." **[5a]**

3.24 The US Library of Congress (last updated in August 2006) stated that: "In June 2006, the approval of a full, permanent government under Prime Minister Nouri al Maliki followed months of harsh debate about power distribution among Iraq's major sects. The effectiveness of the new coalition government remained in doubt, however, and reconstruction of the economy and civil society remained slow." **[33a] (p4)**

3.25 The UN Assistance Mission for Iraq (UNAMI) report, dated 1 May–30 June 2006, stated that "The parliament of the Region of Kurdistan approved a new unified cabinet on 7 May." **[39a] (p20)**

BAGHDAD SECURITY PLAN & NATIONAL RECONCILIATION PLAN

3.26 The UNSC report, dated 1 September 2006, notes that:

"On 14 June 2006, the Government launched a security plan for Baghdad aimed at addressing the increased level of violence and growing criminality, which are undermining its efforts of reconciliation and dialogue. The second phase of the Baghdad security plan was initiated at the beginning of August 2006 with the redeployment of additional troops of the Multinational Force to the capital.

"On 25 June 2006, the Prime Minister, Nouri al-Maliki, unveiled the National Reconciliation Plan. The 24-point Plan called for a qualified amnesty, the release of detainees, the reform of the legal and judicial systems, the provision of assistance to areas that are prone to violence, the facilitation of dialogue on constitutional and related matters, and the resolution of the problem of militias. The Plan also acknowledged the idea of an Iraqi-led Baghdad peace initiative, emphasized the need for regional support to achieve peace and stability in Iraq, and recognized the efforts of the League of Arab States to convene a conference on Iraqi national accord. The Plan also provided for the establishment of the High Committee for National Reconciliation, which held its first session on 22 July 2006. The composition of the Committee has not yet been finalized owing to a difference in views concerning membership criteria." **[38g] (p2)**

DEATH OF ABU MUSAB AL-ZARQAWII

3.27 On 7 June 2006, Abu Musab al-Zarqawi, head of Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers), was killed during an air raid while attending a meeting. **[5b]** Two US Air Force F16 jets dropped 500lb bombs on a farmhouse near Baqubah, north of

Baghdad. **[4d] [6ac] [22e]** It was reported that six others were killed of whom three were men and three were women. (BBC, 9 June 2006) **[4d]**

3.28 *The Times* reported, on 8 June 2006, that: "The US military claimed success well beyond the death of al-Zarqawi. It said that it had mounted 17 raids on other suspected al-Qaeda hideouts in and around Baghdad, producing a 'treasure trove' of information." **[5b]** *The Independent* reported, on 8 June 2006, that "It was a major victory in the US-led war in Iraq and the broader war on terror." **[85c]** AFP also noted, on 9 June 2006, that "… he [President Bush] warned that violence that has claimed the lives of nearly 2,500 US troops and left many more wounded will 'carry on without him (Zarqawi).'" **[21a]**

3.29 On 12 June 2006, it was announced that Sheikh Abu Hamza al-Muhajir would succeed al-Zarqawi as leader of Al Qaeda in Iraq. (Reuters, 13 June 2006) **[7b]** The organisation also vowed to carry on his holy war against US-led forces. (*The Times*, 13 June 2006) **[5d]** The report stated that "President Bush said that al-Muhajir would have a bounty on his head, like his predecessor. There was a $25 million (£13.5 million) bounty on al-Zarqawi's head." **[5d]**

3.30 Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, stated that:

"Abu Musab al-Zarqawi's death did not herald a noticeable change in militant Islamist strategy and tactics in Iraq, although it provided an opportunity for Al-Qaeda in Iraq (AQI) to present itself as an increasingly indigenous force. The movement has been seeking to apply an Iraqi face to its activities for some time. The current leader of AQI is Abu Ayyub al-Masri (also known as Abu Hamza al-Muhajir, or "the immigrant"). The virtual Islamic State of Iraq (ISI) is notionally led by an unseen figure known as Abu Abdullah al-Rashid al-Baghdadi (also Abu Omar al-Baghdadi), but this figurehead is claimed by US officials to be a fictional Iraqi character developed by al-Masri to hide the foreign-led AQI's control of ISI." **[14d] (p3)**

See also Annex D – Current insurgent/militia groups.

THE EXECUTION OF SADDAM HUSSEIN

3.31 Saddam Hussein was sentenced to death by the Iraqi High Tribunal (IHT) on 15 November 2006 over the torture and executions of 148 Shias from the town of Dujail in the 1980s. The appeal court of the IHT unanimously rejected the appeals of Saddam Hussein and two co-defendants, Barzan al-Tikriti and Awad al-Bandar, on 26 November 2006 and despite requests by a number of human rights organisations, Saddam Hussein was executed on 30 December 2006. (BBC, 8 January 2007) **[4al]** (*The Times*, 30 December 2006) **[5g]** (UNAMI, 1 November-31 December 2006) **[39f] (p3and22)** (The Telegraph, 1 January 2007) **[48g]** The other two co-defendants were executed on 15 January 2007. (BBC, 9 February 2007) **[4i]**

3.32 The UNAMI report, dated 1 November-31 December 2006, stated that "A video of the execution of Saddam Hussein was released through the internet on 31 December, showing inappropriate conduct on the part of guards at the facility used for the hanging. The video sparked an outcry of criticism nationally and internationally." **[39f] (p22)** The BBC reported that Barzan Ibrahim al-Tikriti and Awad Ahmrd al-Bandar were executed on 15 January

2007, during which al-Tikriti's head was decapitated. There was outcry among the international community as Iraqi officials admitted that the decapitation had occurred because the rope was too long. **[4an] [5h]**
See also Annex A – Chronology of major events.

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RECENT DEVELOPMENTS

4.01 In January 2007 US President Bush announced a new Iraq strategy; thousands more US troops were to be dispatched to shore up security in Baghdad. Whilst the UN stated that more than 34,000 civilians were killed in violence during 2006; the figure surpassed official Iraqi estimates threefold. In February 2007, a bomb in Baghdad's Sadriya market killed more than 130 people. It was the worst single bombing since 2003. In March 2007 insurgents detonated three trucks with toxic chlorine gas in Falluja and Ramadi, injuring hundreds; former Vice-President Taha Yassin Ramadan was executed on the fourth anniversary of the US-led invasion. (BBC Timeline, 16 August 2007) **[4i] (p6)**

4.02 The United Nations Secretary-General's (UNSG) March 2007 report recorded the formal launch of the Baghdad security plan on 13 February 2007:

"[Initially] there was a decrease in civilian casualties in Baghdad, particularly in the number of unidentified bodies found in the city, and in the frequency of car bomb attacks. Car bombings resumed shortly after the implementation of the plan, apparently in an attempt to discredit the plan, cause large numbers of civilian casualties and provoke retaliatory actions. The initial reduction of violence in Baghdad has been attributed by some commentators to the decision of militias to keep a low profile during the security operations, thus prompting concern that they will quickly re-emerge once the security plan is completed." **[38i] (p3)**

4.03 Also in February 2007, "…Orders Nos. 3 and 4, which were intended to commence the process of relocating Arab families that moved to Kirkuk during the 'Arabization' campaign of Saddam Hussein" were announced:

"The Orders, which require approval by the executive branch, offer compensation to relocated families. The announcement by the Commission was followed by demonstrations in Kirkuk by opponents of the measure, who claimed it was tantamount to forced displacement. In response, Commissioners clarified that the relocation and compensation mechanisms were strictly voluntary and that 7,000 families had reportedly registered for relocation." **[38i] (p3)**

4.04 In April 2007, Shia cleric Moqtada Sadr withdrew his ministers from Iraq's cabinet. (BBC, 15 September 2007) **[4ao]** On 12 April 2007 a bomb blast rocked parliament, killing an MP; six days later bombings in Baghdad killed nearly 200 people in the worst day of violence since the US-led security drive began in the capital in February 2007. In July 2007, President Bush said there had been only limited military and political progress in Iraq following his decision to reinforce US troops levels there. In August 2007, the main Sunni Arab political bloc, the Iraqi Accordance Front, withdrew from the cabinet, plunging the government into crisis. In the same month, truck and car bombs hit two villages of Yezidi Kurds, killing at least 250 people – the deadliest attack since 2003. (BBC Timeline, 16 August 2007) **[4i] (p7)** In September 2007, the Sadr bloc – loyal to Shia cleric Moqtada Sadr – removed its members' support from the ruling Shia coalition. (BBC, 15 September 2007) **[4ao]**

4.05 On 6 October 2007 BBC News reported that two prominent Shia leaders, Moqtada Sadr, head of armed group the Mehdi Army, and Abdul Aziz al-Hakim, head of the Supreme Islamic Council of Iraq, had signed a deal to end violence between the groups. **[4bm]** Recent attacks in southern Iraq had been blamed on Shia rivalry and the leaders agreed to try to end further violence and form joint committees throughout Iraq. **[4bm]**

See also Sunni Arab insurgents; Shi'a militia; Annex D – Current insurgent/militia groups.

4.06 US forces handed over control of the predominantly Shia province of Karbala to local authorities on 29 October, making it the eighth of 18 provinces to be transferred to local control since the US invasion in 2003. (BBC News, 29 October 2007) **[4bo]**

4.07 On 24 October 2007, Turkish fighter jets bombed Kurdistan Workers Party (PKK) rebel positions on the Iraq border, following an attack the previous week where rebels killed 12 Turkish soldiers. (BBC News, 24 October 2007) **[4bs]** The US pledged to help Turkey tackle Kurdish rebels in northern Iraq, offering to share intelligence with Turkey. (BBC News, 5 November 2007) **[4bq]** It is believed up to 3,000 PKK members are based inside northern Iraq. **[4br]**

4.08 On 14 May 2008, BBC News reported that "More than a thousand people have been killed and 2,500 others injured, mainly civilians, in fighting between government forces and Shia militias in Baghdad and southern Iraq over the past seven weeks." **[4db]** The article also noted that although a truce to end fighting had been called on 11 May, this was dependent on Shia Mehdi Army militia and government forces fulfilling a number of obligations within a four-day period. **[4db]**

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CONSTITUTION

5.01 On 9 April 2003 Saddam Hussein's regime collapsed and the US established the Coalition Provisional Authority (CPA) to run the country. **[1b] (p2189) [4i] (p4)** On the 8 March 2003 the CPA signed the Transitional Administrative Law (TAL), which acted as the Supreme Law of Iraq, during the transitional period. **[1c] (The Constitution) [4m] [54a] (p1)** On 10 May 2005, a Constitutional Drafting Committee was set up by the Transitional National Assembly (TNA) to draft a constitution by 15 August 2005. **[1c] (The Constitution) [38b] (p2)** Although the deadline was repeatedly extended so the draft could be finished, the TNA did not vote on the draft constitution when it was presented to the TNA on 28 August 2005 because an agreement could not be reached on a number of important issues. (RFE/RL, 29 August 2005) **[22a] (p1)** (UNSC, 7 December 2005) **[38d] (p2)**

5.02 The UNSC report, dated 7 December 2005, noted that a further amended draft was presented to the TNA on 18 September 2005 without a vote, but there was a significant absence of Sunni Arab participation. "Following further negotiations, additional amendments were agreed upon and read out in the Assembly without a vote on 12 October [2005]." **[38d] (p3)** Nevertheless, the Constitution was eventually passed on 25 October 2005 after it was approved in a referendum held on 15 October 2005. (FCO, accessed on 21 November 2005) **[66l]**

5.03 Article 144 of the Constitution states: "This Constitution shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette and the seating of the government that is formed pursuant to this constitution." **[82a] (p42)** The Constitution was published in the Official Gazette on 28 December 2005 (UNSC, 3 March 2006) **[38e] (p3-4)** and the Government was sworn in on 20 May 2006. (Associated Press, 20 May 2006) **[65d]** (Associated Press, 20 May 2006) **[65c]** (Knight Ridder, 20 May 2006) **[13c]** (RFE/RL, 21 May 2006) **[22p]** (RFE/RL, 20 May 2006) **[22q]** (RFE/RL, 20 May 2006) **[22f]**

5.04 The FCO, in a letter dated 8 March 2006, stated that: "Although this represents agreement on the text, the constitution mandates the need for 62 laws to regulate basic constitutional principles and the establishment of 21 institutions and organisations. As a result the Council of Representatives (new parliament) will be required to draw up legislation to enact the Constitution." **[66i]** The same letter notes that "As well as the legislation required the Council of Representatives will be tasked to carry out a review of the Constitution. …" **[66i]** Article 142(1) of the Constitution stipulates that:

> "The Council of Representatives shall form at the beginning of its work a committee from its members representing the principal components of the Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution, and the committee shall be dissolved after a decision is made regarding its proposals." **[82a] (p42)**

5.05 The CSIS report, dated 30 November 2006, stated that "The creation of a new constitution has done nothing to establish consensus and much to divide the

nation. It leaves more than 50 areas to be clarified, all of which involve potentially divisive debates between sectarian and ethnic groups, and most of which could lead to added tensions over the role of religion in the state." **[63c] (piii)** The UNHCR advisory paper, dated 18 December 2006, notes that "Major political issues remain unresolved including the issue of federalism, distribution of oil and de-Ba'athification," **[40f] (p2)** Whilst the Report of the UN Secretary General of March 2007 recorded that "In December 2006, the Constitutional Review Committee began weekly plenary sessions to discuss priority issues in the constitutional text on the basis of an issues paper prepared by UNAMI." **[38i] (p6)**

5.06 The UNAMI report further noted "In February 2007, the Office of Constitutional Support took members of the Constitutional Review Committee on study tours to three federal jurisdictions, in Spain, Germany and Malaysia, to gain from the experience of those countries with federal arrangements and to interact with parliamentarians, government officials and judges." And the facilitation in Dubai of "…two inter-party dialogues relating to federalism and fiscal flows …":

"At the completion of each of the above events, the Office of Constitutional Support engaged with participants in Iraqi-only sessions to reflect on the issues presented and to discuss their application to the Iraqi Constitution. These sessions represented opportunities for the Committee members representing all of Iraq's major political blocs to hold substantive discussions on specific topics potentially warranting amendments to the Constitution." **[38i] (p7)**

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POLITICAL SYSTEM

6.01 According to Article 1 of the Constitution "The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq." **[82a] (p2)** The Constitution stipulates that "The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions." It also stated that "Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution." **[82a] (p3)** The minimum voting age is 18. **[33a] (p19)**

6.02 The Constitution stipulates that the executive branch should consist of a president; a prime minister and a governing body, namely the Council of Ministers. **[33a] (p16)** The US Library of Congress stated, in August 2006, that:

"The prime minister, who is selected by the president from the majority party of the parliament and with the parliament's approval, presides over the Council of Ministers, exercises executive responsibility for the running of the government, and acts as commander in chief of the armed forces. The Council of Ministers, whose members are nominated by the prime minister, is to plan and administer the general policies of the state, propose laws and budgets, negotiate treaties, and oversee the national security agencies." **[33a] (p16)**

6.03 The President is the Head of State. (FCO, 8 February 2007) **[66e] (p1)** However, the Economist report, dated 10 December 2004, explains that "The prime minister enjoys executive authority in the government, while the positions of president and vice-president are largely ceremonial." **[19b]**

6.04 Elections for a permanent parliament (Council of Representatives) were held on 15 December 2005. (UNSC, 3 March 2006) **[38e] (p1)** Several articles reported that the Shi'ite-led United Alliance (UIA) held 128 seats in the 275-member parliament. The Kurdistan Coalition held 53 seats and the Sunni-led Iraqi Accordance Front held 44 seats. The Iraqi National List held 25 seats, the Sunni-dominated National Iraqi Dialogue Front held 11, the Islamic Union of Kurdistan hold five seats, and the Liberation and Reconciliation Gathering hold three seats. The Progressives List hold two seats and the Al-Rafedeen List, the Iraqi Turkoman Front, the Mithal al-Aloosi List for the Iraqi Nation and Al Ezediah Movement for Progress and Reform hold one seat each. **[22k] [11h] [38e] (p3) [85a] [6g]**

See also Section 3 – Election, January 2005 and Election, December 2005

6.05 The government was sworn in on 20 May 2006. (Associated Press, 20 May 2006) **[65d]** (AP, 20 May 2006) **[65c]** (Knight Ridder, 20 May 2006) **[13c]** (RFE/RL, 21 May 2006) **[22p]** (RFE/RL, 20 May 2006) **[22q]** (RFE/RL, 20 May 2006) **[22f]** Jalal Talabani remained president, while Nouri Kamel al-Maliki was named prime minister-designate. (IRIN, 23 April 2006) **[18a]** (*Duluth News Tribune*, 22 April 2006) **[60b]** The FCO country profile (last updated on 8 February 2007) stated that:

"For the first time Iraq has a democratically elected four-year government of national unity. Prime Minister Maliki announced his cabinet on 20 May 2006 and the final three Ministerial positions of Defence, Interior and Security were

filled on 8 June 2006. Although a long time coming the result is a government that is inclusive of all the main elements of society. Many challenges lie ahead: restoring security; entrenching national unity and reconciliation; improving governance and promoting economic reform." **[66e] (p6)**

6.06 The US Library of Congress reported, in August 2006, that "Four ministers were women. In an attempt to broaden support for his government, in mid-2006 Maliki established the Supreme Committee for Reconciliation and National Dialogue, which included members from a wide cross-section of social groups." **[33a] (p17)** It added that:

"The constitution of 2005 gives legislative power to two bodies, the Council of Representatives and the Council of Union. The Council of Union, whose form and role were yet to be determined in 2006, is to act as an appointive upper house representing the 18 governorates (provinces) of Iraq. The Council of Representatives, the working legislative body, consists of 275 members elected for four-year terms. The council is to pass laws; elect the president and generally oversee the executive branch; ratify treaties; and approve nominations of the prime minister, cabinet ministers, and other officials. The presidential election requires a two-thirds vote of the Council of Representatives; approval of the heads of ministries requires a simple majority." **[33a] (p17)**

6.07 The US Library of Congress stated, in August 2006, that:

"From Iraq's independence in 1932 until approval of the 2005 constitution, provincial and local governments were completely subordinate to the central government. The constitution of 2005 allots wide powers to the federal government but explicitly stipulates shared powers in customs, health, education, and environmental and natural resource policy and relegates all nonstipulated authority to the subnational jurisdictions. …

"Governorates are subdivided into districts, which also are administered by elected councils. At the lowest level of subnational governance are municipalities and townships. In 2006 councils were in place in all 18 governorates, 90 districts, and 427 municipalities and townships. The governorate legislative councils each had 41 seats except for Baghdad's, which had 51." **[33a] (p18)**

6.08 The US Library of Congress stated, in August 2006, that "The remaining 45 seats were distributed as 'compensation' to parties whose vote totals exceeded their proportional representation among the first 230 seats." **[33a] (p19)**

6.09 The Report of the UN Secretary General of March 2007 recorded "The law on the formation of the Independent High Electoral Commission was enacted by the Council of Representatives on 23 January 2007. The law is currently pending approval by the Presidency Council. Following ratification by the Presidency Council, the law provides for a period of 60 days for the selection of members of the new Commission." **[38i] (p7)** The report further stated:

"Significant challenges remain in preparing for any future electoral events in Iraq. First and foremost, there is currently no fully empowered electoral commission. In addition, the core legal framework for electoral activities is not

yet in place; it must include enabling legislation for referendums on disputed territories, including Kirkuk; governorate elections; and a referendum on constitutional amendments. Furthermore, no progress has been made on the voters' register or boundary delimitation issues, and the electoral budget has been significantly cut, thereby requiring additional funds if electoral activities are to be held. Assuming these conditions are met, the Independent Electoral Commission of Iraq believes that at least six months will be required to prepare and conduct an election event." **[38i] (p7-8)**

6.10 The Report of the UN Secretary General of 15 October 2007 stated: "A new Board of Commission, comprised of nine commissioners, was appointed by the Council of Representatives on 8 May 2007. … the Board members continued to work closely with UNAMI on a comprehensive capacity-building programme. Work to implement 18 identified priority activities has included holding workshops for both the Board and its administration on strategic and operational planning, voter registration and other technical areas. … UNAMI was invited to observe the selection of the directors of 19 Governorate Electoral Offices. … [A]nd considers the appointment of the directors a fundamental step in moving the Electoral Commission to a state of operational readiness. Without this field structure the Electoral Commission will be unable to conduct any national election event or voter registration exercise. … UNAMI is advising the Electoral Commission on steps necessary to convert the recently acquired Public Distribution System database into an accurate voter registry." **[38k] (p6-7)**

6.11 The report concluded: "Considerable challenges remain in preparing for future electoral events in Iraq. Little movement has been observed in the Council of Representatives on the passing of key legislation needed for the implementation of voter registration or other election activities." **[38k] (p7)**

POLITICAL SYSTEM IN THE KRG AREA

6.12 Article 117(1) of the Constitution stipulates that "This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region." **[82a] (p34)** Article 141 of the Constitution stated that:

"Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution." **[82a] (p41)**

6.13 The US Library of Congress noted, in August 2006, that according to the Constitution, the Kurdish parliament "… has jurisdiction on all matters except foreign policy, diplomatic representation, security, defense, and fiscal matters including currency. Those matters are the responsibility of Iraq's national government." **[33a] (p18)** An FCO letter, dated 6 December 2006, added that:

"The seat of the KRG is in Erbil. According to the new power-sharing agreement, the KDP will head/heads the KRG Ministries of Finance, Peshmerga Affairs, Higher Education, Agriculture, Martyrs, Culture, Electricity, Natural Resources, Municipalities, Sports and Youth as well as the Ministry for Extra-Regional Affairs. The PUK oversees the Interior, Justice, Education,

Health, Social Affairs, Water Resources, Transportation, Reconstruction, Planning and Human Rights ministries. The KRG Ministries of Finance, Peshmerga Affairs, Justice and Interior should unite within one year. The KIU, the KIG as well as the Turkmen and Chaldo-Assyrian parties are heading the remaining ministries." **[66n]**

6.14 Elections were held on 30 January 2005 to elect the 111-seat Kurdistan National Assembly (KNA), at the same time as elections for the TNA. (Peyamner, 14 February 2005) **[29a]** (UNHCR COI, October 2005) **[40c] (p13)** The Kurdistan Islamic Group in Iraq came second with 4.9 per cent of the vote and 6 seats in the Kurdistan National Assembly while the Kurdistan Toilers Party gained 1.2 per cent and one seat. (HRW, 1 February 2005) **[15c]** (Psephos report, 17 February 2005) **[37c]**

See also Annex B – Political organisations

6.15 The parties agreed that Massoud Barzani (head of the KDP) should retain the position of regional President of the KRG on 21 January 2006, while Nechirvan Barzani should serve as Prime Minister. (FCO, 6 December 2006) **[66n]** (US Library of Congress, August 2006) **[33a] p18)** "Furthermore, a new post of Vice-President was established and filled by the PUK politburo executive chief Kosrat Rasul Ali. The Vice-President will also serve as the Deputy Commander-in-Chief of the Peshmerga Forces of the Kurdistan Region." (FCO, 6 December 2006) **[66n]**

6.16 An FCO letter, dated 6 December 2006, noted that "… the PUK and KDP each have 14 ministers in the unified government and their overall size and importance are generally considered to be roughly the same. KDP influence is to the centre and west of the Kurdish Region, whereas the PUK stronghold is in the south and east." **[66n]** The UNHCR Sulaymaniyah Governorate Assessment Report, August 2006: noted that:

"The Permanent Constitution, approved in a referendum in October 2005, provides for the adoption of a Regional Constitution defining the structure of the Regional Government and its areas of jurisdiction. The Regional Government can exercise its authority provided that exercise does not conflict with the Permanent Constitution (Article 119). After months of intense debate between different parliamentary blocks, a draft of the Regional Constitution was finalized at the end of August 2006. Controversial issues concerned the status of Islam in the Regional Constitution, the borders of the Kurdistan Region and its governing system. The Regional Constitution sets Islamic principles as one of the major sources of legislation despite opposition by secular groups and women's organizations. Despite initial reports that Kirkuk would be proclaimed capital of the Kurdistan Region in the constitution, Erbil has been designated regional capital. The draft states that Kirkuk and other disputed areas are part of the Kurdistan Region and that the boundaries of the Kurdistan Region shall be set in accordance with Article 140 of the Permanent Constitution. The draft also gives the Kurdish people the right of self-determination. According to Adnan Mufti, Speaker of the KNA, the draft Regional Constitution will soon be delivered to the KNA for ratification. It must also be submitted to a regional referendum in the three Northern Governorates of Erbil, Sulaymaniyah and Dohuk before it can enter into force." **[40f] (7-8)**

6.17 The CSIS report, dated 30 November 2006, stated that "The Kurds are unified but tensions exist over 'independence,' dealing with the PKK, and past tensions between the PUK and KDP." **[63c] (piii)** The UNHCR advisory paper, dated 18 December 2006, noted that "Despite the recent unification of the two KRG administrations, the exercise of joint control still needs to be demonstrated on the crucial portfolios of Justice, Peshmerga Affairs, Interior and Finance. In addition, clarification is still needed regarding which Ministry is responsible for displacement issues." **[40e] (p5)**

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Human Rights

INTRODUCTION

7.01 The FCO report for 2007 commented that "Insecurity and the weakness of the rule of law present a serious obstacle to promoting a culture based on human rights." **[66p] (p155)** Various reports noted the following areas were of concern:

- torture and ill-treatment by government agents, MNF and armed groups
- extra-judicial executions, targeted and indiscriminate killings by government agents, MNF and armed groups
- targeted attacks against alleged supporters or associates of the Iraqi Government, the MNF and foreign construction companies
- disappearance and kidnapping
- poor conditions in prisons and pre-trial detention facilities
- arbitrary arrest and unlawful detention
- denial of fair public trial
- restrictions on religious freedom (including sectarian violence)
- death penalty
- widespread corruption and lack of transparency
- organised crime
- restrictions on freedom of movement
- discrimination against women, ethnic and religious minorities
- restrictions on freedom of speech, press, assembly and association
- excessive use of force, mistreatment and theft during raids of private homes
- evictions and demolitions of houses
- Internal displacement
- Poor humanitarian situation and inadequate medical facilities. (USSD report 2007) **[2h] (p1)** (HRW World Report 2007) **[15o]** (ICG, 27 February 2006) **[25d] (p1)** (AI, 6 March 2006) **[28b] (p91)** (US Library of Congress, August 2006) **[33a] (p26)** (UNSC, 3 March 2006) **[38e] (p11)** (UNSC, 1 September 2006) **[38g] (p7)** (UNAMI, 1 September-31 October 2006) **[39e] (p1)** (UNAMI, 1 November-31 December 2006) **[39f] (p1)** (AI, March 2008) **[28o]** (UNAMI, 1 July-31 December 2007) **[39l]**

7.02 The UNSC report of 5 June 2007 noted:

"There are a number of pressing human rights concerns in Iraq. These include the increase in the number of detainees and security internees during the past two months as a result of the intensified security operations; the need to do all possible to bring to justice law enforcement personnel suspected of serious human rights violations; intercommunal tensions and violence directed at ethnic and religious minorities; and the current conditions for freedom of expression, which worsen every time journalists and media workers are attacked." **[38j] (p8)**

7.03 The UNHCR August 2007 paper stated:

"Iraq is party to some key international human rights instruments, and the Iraqi Constitution provides guarantees in respect of a number of basic human

rights. The situation, however, is such that both institutional and legislative structures in the country are not adequate to ensure or enforce implementation of human rights standards." **[40l] (p24-25)**

"As a result of these institutional weaknesses, most human rights violations are committed with impunity, with protection generally unavailable from national law enforcement or security bodies." **[40l] (p36)**

7.04 The UNHCR August 2007 report continued: "Daily life in Iraq, largely with the exception of the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk, has been ruled by an extremely precarious security and human rights situation." **[40l] (p23)**

7.05 The UNHCR August 2007 report also noted: While non-state actors were identified as the main groups violating human rights and international humanitarian law, … increasingly state actors have come to the forefront, including members of the ISF. In addition, criminal groups have also become involved in human rights violations targeting individuals of specific profile. **[40l] (p35)**

7.06 The Finnish FFM, for the period 23 October-3 November 2007, commented that: "There had been an overall decrease in human rights violations. There were still serious concerns, and a number of violations. The situation of women and minorities had basically not improved." **[131] (p9)** – for more detained information see Women and Ethnic groups.

7.07 The UNHCR's Addendum to its August 2007 Eligibility guidelines, published December 2007, stated that: "The information shows that there have indeed been some improvements in the security situation in parts of Central Iraq. The most noteworthy security development is the significant decrease in sectarian killings and overall civilian casualties. The level of human rights abuses and sectarian and intra-sectarian violence, however, remains high in Central and Southern Iraq." **[40l] (p6)**

7.08 Individuals of certain professions continued to be targeted; in the Addendum to its August 2007 paper, published December 2007, UNHCR reported on kidnappings and assassinations of Government officials and employees, politicians, members of religious minorities, journalists and media workers by armed militias, militia-infiltrated ISF and criminals. **[40l] (p31-32, p40-41)**

7.09 The AI report of March 2008, commented that:

"Despite claims that the security situation has improved in recent months, the human rights situation is disastrous. Armed groups, including those opposed to the Iraqi government and to the presence of the MNF, as well as Shi'a militia groups belonging to Shi'a political parties, continue to kidnap, torture and kill civilians. … All sides have committed gross human rights violations, including war crimes and crimes against humanity. … The Iraqi government has failed to introduce practical measures to deal with the gross and serious human rights violations perpetrated by its security forces." **[28o] (p2,3)**

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SECURITY SITUATION

8.01 According to the FCO report for 2007, "Widespread sectarian violence, lawlessness and violent insurgency are generating a complex humanitarian picture in Iraq." **[66p] (p155)** The Report of the UN Secretary General of 7 March 2007 noted: "The security situation in Iraq remains complex and unpredictable, particularly as responsibility for security is transferred from the multinational force to the Iraqi security forces. The ability of the Iraqi security forces to fulfil this requirement is yet to be fully tested." **[38i] (p11)**

8.02 The USSD Country Report on Terrorism for 2007, stated:

"The Iraqi government, with support from Coalition Forces, made significant progress in combating al-Qa'ida in Iraq (AQI) and affiliated terrorist organizations. There was a significant reduction in the number of security incidents throughout much of Iraq, including a decrease in civilian casualties, enemy attacks, and improvised explosive devices (IED) attacks in the last five months of the year. …

"Terrorist organizations and insurgent groups continued their attacks on Coalition and Iraqi security forces using IEDs, including vehicle-borne improvised explosive devices (VBIEDs), and suicide bombers. The Iraqi government continued to emphasize national reconciliation and passed key pieces of reconciliation-related legislation. However, there was greater success taking practical steps that helped to advance reconciliation at the provincial and local level. …

"Coalition and Iraqi forces made their gains against AQI and like-minded extremists with much help from the grass-root engagement of Sunni and Shia tribal leaders and Concerned Local Citizens (CLC)/Sons of Iraq (SOI) groups. **[2m] (p2)**

See also Awakening councils.

8.03 The 2007 Mid-Year Review, published by IOM on 17 July 2007, stated that:

"Instability due to sectarian violence, military operations, and targeted attacks was worst in Anbar, Diyala, Salah al-Din, Baghdad, Ninewa, Basrah, and Kirkuk. In Anbar, military coordination between MNF-I/IF and local tribes shifted displacement dynamics, stabilizing some areas and destabilizing others. Major MNF-I/IF operations in Diyala produced new displacement mid-2007. On 13 June 2007, the Samarra Al-Askari Mosque was bombed again, further escalating sectarian tension." **[111b] (p3)**

8.04 UNHCR's August 2007 paper, 'Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers' reported "The present situation in Central and Southern Iraq is characterized by pervasive extreme violence, serious violations of human rights and a general lack of law and order. There have been some positive political developments in the country, including the Iraqi Government's stated commitment to reconciliation, but these have not translated into increased physical and material security for its citizens." **[40j] (p9)** The UNHCR's Addendum to the August 2007 paper, published December 2007, stated: "The updated information does not show that in the period between February and December 2007, even the most

positive security and political improvements have yet translated into political reconciliation, the building of strong and non-sectarian state institutions, the re-establishment of law and order, reconstruction and the adequate provision of services." **[40l] (p7)**

8.05 The Centre for Strategic and International Studies (CSIS) report on 'Iraqi public opinion on Iraq, the Surge, Partition and the War', published 9 October 2007, provides a portrail of the results of a series of polls carried out in August 2007. The report stated that: "Most of the results show a deterioration in the situation since the previous poll in March 2007. Virtually all show the level of violence and civil conflict is higher than most Iraqi and US government sources like to publicly admit. They also show that most Iraqis see the US and Coalition forces as at least a partial threat, do not trust the US or Coalition, and see their aid efforts as failed or non-existent." **[63f] (p5)**

8.06 The Report of the UN Secretary General of 15 October 2007, noted that "Ongoing violence in Iraq continues to pose human rights challenges to the Government of Iraq in its efforts to bring under control acts of violence motivated by terrorism, sectarian considerations and criminal activity. Iraqi law enforcement personnel are under relentless attack by insurgent groups and both Sunni and Shiite armed groups have carried out systematic and widespread attacks against civilians through suicide bombings, abductions and extrajudicial executions, making no distinction between civilians and combatants. The violence has affected all of Iraq's ethnic groups and communities, including minority groups." **[38k] (p7)**

8.07 The Report of the UN Secretary General of 15 October 2007, noted that although daily attacks, high levels of displacement and political gridlock had continued to affect Iraq, there had been some positive signs. **[38k] (p1)** During September the number of Iraq casualties had decreased considerably, with the lowest number for the year being recorded. **[38k] (p1)** This was thought to be due to a freeze of Sunni Mahdi Army activities and the Sunni insurgent allegiance against Al-Qaeda. **[38k] (p13)**

8.08 Various news sources also reported that since October 2007 there has been a reduction in civilian and military deaths due to violence. (BBC News, 1 November 2007) **[4bk]** (BBC News, 8 November 2007) **[4bj]** (BBC News, 11 November 2007) **[4bi]** (UNSC 14 January 2008) **[38l] (p11)** On 1 November 2007, BBC News reported that the decrease was attributed to the February 2006 US and Iraq troop surge in and around Baghdad, the halt in operations by Shia cleric Moqtada Sadr and the abandonment of al-Qaeda by some western Sunni tribes. Statistics suggest that fewer than 900 people died in violent incidents, down from 2,000 in January 2007. **[4bk]** The article also stated that "AFP news agency quoted interior, defence and health ministry data as saying at least 887 Iraqis were killed. Both Iraqi and US military casualties were also lower. Thirty-eight US personnel were killed in October, compared with more than 100 in each of April, May and June." **[4bk]**

See also Civilian deaths and casualties.

8.09 The IOM report, published 1 December 2007, stated that "Many families continue to return home, both from neighbouring countries, especially Syria, and from within Iraq. Reasons for returning are part due to improved security conditions, especially in Baghdad. **[111c] (p1)** The UN however has warned

returning Iraqi refugees that it still may not be safe to return, as the situation remains too insecure. (BBC News, 8 December 2007) **[4au]** However, other reports suggested that Iraqis were being forced to return home because they were running out of money and visa restrictions. (BBC News, 20 March 2008) **[4cz]**

8.10 The IOM report also noted that: "Violence is perpetrated by both state and non-state actors. Both the MNF and the ISF have been accused of inflicting torture and inhuman and degrading treatment upon individuals whom they have arrested and detained. Shi'ite-dominated militias and parts of the ISF, particularly the Ministry of Interior, also are accused of committing serious violations of human rights, including kidnappings and unlawful arrests, torture and extra-judicial killings, against individuals perceived to be supporters of Sunni-dominated insurgency groups. The insurgency groups have also been involved in the kidnapping, torture and extra-judicial killings of civilians." **[40l] (p26)**

8.11 Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, stated that:

"Political violence in Iraq is being driven by a complex mesh of sectarian and factional drivers. Attacks on the Multi-National Force (MNF) are reducing due to conflict fatigue, local truces, Coalition engagement activities and the slow withdrawal of the MNF itself. Communal tensions at the neighbourhood level are a critical element in the continuing problem which national politics is increasingly unable to address. Violent incidents fuel further attacks as vendettas and revenge attacks are undertaken." **[14c] (p1)**

8.12 A UNSC report published 22 April 2008, commented that "Nationally, the average number of recorded incidents of violence has slowly climbed during this reporting period. From highs of over 200 per day last summer, the figure had dropped to averages below 80 during the last quarter of 2007. That figure now averages around 130, without calculating the hundreds of exchanges of fire that have occurred in the south during the last week of March. More disturbing is the renewed propensity for mass-casualty attacks using suicide vests and vehicle bombs, particularly in Baghdad. This trend is believed to be the result of re-engagement by specialized insurgent groups, such as the Islamic State of Iraq, who claim affiliation with Al-Qaida in Iraq." **[38p] (p12)**

ORDER FOR SAFEGUARDING NATIONAL SECURITY

8.13 In July 2004 the IIG passed the Order for Safeguarding National Security allowing the Prime Minister to declare a state of emergency in any part of Iraq suffering ongoing violence for up to 60 days at a time. The state of emergency is renewable with the approval of the Presidency Council. (HRW, January 2005) **[15g] (p16)** (UNHCR COI, October 2005) **[40c] (p17)** The state of emergency allows the Prime Minister to restrict freedom of movement, impose curfews, declare restrictions or bans on public gatherings and powers to search property and detain suspects. (CNN, 20 January 2005) **[17b]** (UNHCR guidance note, October 2005) **[40a] (p3)**

8.14 The Order for Safeguarding National Security was first used in early November 2004 when former Prime Minister Allawi declared a 60-day state of emergency in all areas of Iraq except those administered by the KRG (Erbil,

Dahuk and Sulaymanyah). (Europa World Online, accessed 12 August 2005) **[1c] (Recent History)** (UNSC, 8 December 2004) **[38c] (p1-2)** (UNHCR COI, October 2005) **[40c] (p17)** The UNHCR COI report, October 2005, notes that "The emergency law was extended on 6 January 2005 for 30 days to guard against attacks in the run-up to the nation's 30 January 2005 elections." **[40c] (p18)**

8.15 Since November 2004, the state of emergency has been renewed every month by the Prime Minister, but the new Constitution gives that power to the legislature. (Associated Press, 16 July 2006) **[65b]** (UNSC, 5 December 2006) **[38h] (p2)** (UNAMI, 1 November-31 December 2006) **[39f] (p21)** However, according to the UNAMI report, of 1 May–30 June 2006, "It was never officially extended." **[39a] (p17-18)** UNHCR's August 2007 paper noted "The measures, in place everywhere except in the three Northern Governorates, have been renewed by successive parliaments every month since they were first authorized in November 2004." **[40j] (p34)**

8.16 The UNHCR August 2007 report stated that:

"The Order of Safeguarding National Security of 2004 grants the Prime Minister extraordinary powers, including the authority to impose curfews, restrict movement between cities and set up around-the-clock courts where the Government can obtain arrest warrants. Measures on the basis of this Order have resulted in frequent abuse by those implementing them. The measures, in place everywhere except in the three Northern Governorates, have been renewed by successive parliaments every month since they were first authorized in November 2004. Curfews and other restrictions on freedom of movement limit the possibilities of individuals relocating from one place to another, including for purpose of safety." **[40j] (p34)**

CIVILIAN DEATHS AND CASUALTIES

8.17 The USSD report for 2007 noted that: "There was no consensus on accurate death figures due to the violence. During the year UNAMI requested casualty figures from the MOH and the Baghdad Medico-Legal Institute; however, the government declined to provide statistics. There were other estimates of violent deaths directly attributed to the conflict. The International Committee of the Red Cross (ICRC) reported in a press conference in August that 10,000 bodies brought to Baghdad's Medico-Legal Institute between August 2006 and August 2007 were never identified." **[2l] (p3)**

8.18 It is hard to gain an accurate figure of the number of civilian deaths and casualties; various sources, such as the Iraqi Minister of Health and the Iraq Body Count have indicated the figure is likely to be higher than figures from the Iraqi government. (UNAMI, 1 September-31 October 2006) **[39e] (p4)** BBC News, 8 November 2007) **[4bj]**

8.19 The Center for Strategic and International Studies (CSIS) report, published 22 June 2006, stated that, up to this date, "Almost 80% of civilian deaths occurred in 12 cities. Baghdad accounted for almost half of the civilian deaths during this period." The other cities included Fallujah, Nasiriya, Kerbala, Najaf, Mosul, Basra, Kirkuk, Hilla, Tikrit, Baquba and Samarra **[63b] (p112 and 115)**

8.20 The CSIS report, dated 22 June 2006, also noted that "No province is yet fully safe from occasional attack, and the frequency and intensity of attacks have been only part of the story." **[63b] (p74)**

8.21 The UNAMI report, dated 1 September-31 October 2006, stated that:

"Terrorist attacks and deliberate targeting of civilians continued to take place in several parts of the country. The purpose of the targeted attacks has mainly been to eliminate prominent members of a community, seek reprisal for the death of a family or sect member, often sparking sectarian violence, thus perpetuating the vicious cycle of revenge killings. Many of those attacks were random, and targeted mosques, crowded markets, restaurants, bakeries, bus stations and areas where labourers gather to search for work. Assassinations by drive-by shootings were frequently recorded as well. Some of these attacks appear to be directed towards a specific group, for instance in mixed areas where the militants use the attacks to intimidate the members of the unwanted group so as to force them to leave." **[39e] (p6)**

8.22 UNAMI's human rights report, 1 November-31 December 2006, stated:

"The situation is notably grave in Baghdad where unidentified bodies killed execution style are found in large number daily. Victims' families are all too often reluctant to claim the bodies from the six Medico-Legal Institutes (MLIs) around the country for fear of reprisals. The deceased's families are required to obtain permission from the police station which brought the body to the MLI but many are too afraid and believe that police officers could be responsible for the disappearances and killings. According to sources, most of all killings and location of unidentified bodies in Baghdad fall within the area of responsibility of six police stations, three in Sunni areas; Bilat Al Shuhada' in Dora; Al Qudis in Rashdiyah and Al Adhamiya in Al Adhamiya city, the three located in Shiite areas are; Al Tahtheb in Sadr city; Al Khansa' in Baghdad Al Jadeedah and Alshu'la in Al Shu'la city." **[39f] (p6)**

8.23 The UNAMI report, dated 1 November-31 December 2006, noted that "The civilian population remains the main victim of the prevailing security situation characterized by terrorist acts, action by armed groups, criminal gangs, religious extremists, militias, as well as operations by security and military forces." **[39f] (p2)**

8.24 The UNAMI report, dated 1 November-31 December 2006, also stated that:

"Areas of gathering such as mosques, market places, places where daily labourers search for work or police recruitment centres have become routine targets. No religious and ethnic groups, including women and children, have been spared from the widespread cycle of violence which creates panic and disrupts the daily life of many Iraqi families, prompting parents to stop sending their children to school and severely limiting normal movement around the capital and outside. The violence is equally disruptive of the political process and it prevents progress in the functioning of new Iraqi state institutions." **[39f] (p6)**

8.25 The Report of the UN Secretary General, 7 March 2007, stated that:

"Daily acts of violence feed a cycle of retaliation involving mortar attacks, kidnappings and assassinations. The relentless violence has disrupted essential services, especially access to the most vulnerable groups, and has led to further displacement of civilian populations. In the absence of concrete measures by the Iraqi Government to address the prevailing climate of impunity, the violence maintains a crippling effect on institutions that promote the rule of law, particularly the security forces and the judiciary." **[38i] (p9)**

8.26 The Report of the UN Secretary General of 15 October 2007, noted that "Scores of civilians were reportedly killed during military operations of the multinational force against insurgents or militia. On 16 September, Blackwater contractors were involved in an exchange of fire that resulted in the death of several civilians." **[38k] (p7)**

See also Private security companies.

8.27 Between October 2007-January 2008, reports that the civilian death rate had started to decline were noted by several sources. (BBC News, 8 November 2007) [4bj] (BBC News, 11 November 2007) **[4bi]** (IRIN News, 21 October 2007) **[18bp]** (UNSC 14 January 2008) **[38l] (p11)** Numbers of rocket and mortar attacks were also reported to have fallen. (BBC News, 12 November 2007) **[4bh]** Improvements in security conditions were also reported by various sources. (BBC News, 25 November 2007) **[4bd]** (BBC News, 27 November 2007) **[4bc]** (BBC News, 6 December 2007) **[4ax]** (IRIN News, 28 November 2007) **[18bm]** As a result of improvements, Gordon Brown announced that the province of Basra was ready to be handed over to Iraqi control in two weeks. (BBC News, 12 December 2007) **[4as]**

8.28 The UNHCR report of December 2007, also notes that: "In recent months, a downward trend in attacks, sectarian killings and overall civilian casualties has been observed." **[40l] (p27)** Despite this reduction in deaths, bombings and shootings still occurred in Iraq: (BBC News, 1 November 2007) **[4bk]** (BBC News, 22 November 2007) **[4bf]** (BBC News, 24 November 2007) **[4be]** (BBC News, 5 December 2007) **[4az]** (BBC News, 5 December 2007) **[4ay]** (BBC News, 12 December 2007) **[4aq]** (UNSC 14 January 2008) **[38l] (p11)**

8.29 Several sources reported that February 2008 had seen an increase in civilian deaths in Iraq. (APF, 1 March 2008) **[21h]** (IRIN News, 3 March 2008) **[18ch]** (BBC News, 1 March 2008) **[4co]** All agreed that at least 633 people had been killed in February 2008 in two major attacks; on 1 February at least 98 people died when two female suicide bombers blew themselves in a busy Baghdad market. (APF, 1 March 2008) **[21h]** (IRIN News, 3 March 2008) **[18ch]** (BBC News, 1 March 2008) **[4co]** On 24 February between 48 and 60 Shia pilgrims were killed in Iskandiriya, south of Baghdad, by a suicide bomber whilst on the way to a shrine as part of a religious festival. (APF, 1 March 2008) **[21h]** (IRIN News, 1 March 2008) **[18ch]** (BBC News, 1 March 2008) **[4co]**

8.30 On 1 May 2008, AFP reported that during April, "at least 1,073 people [were] killed across Iraq … April's toll was marginally lower than in March which saw 1,082 Iraqis killed. … The April toll maintains the trend of rising violence that in March reversed a gradually declining trend seen from June last year. It follows 721 killed in February, 541 in January, 568 in December, 606 in November, 887 in October, 917 in September and 1,856 in August." **[21i]**

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SECURITY IN CENTRAL AND WESTERN IRAQ

8.31 In December 2006, it was reported that the security situation in central and western Iraq was increasingly volatile, particularly in Baghdad, the governorates of Diyala, Al-Anbar and parts of the governorates of Salah ad Din. (UNSC, 5 December 2006) **[38h] (p11)** (UNAMI, 1 November-31 December 2006) **[39f] (p6)**

8.32 The ICG report, dated 19 December 2006, noted that: "One deeply contested area is the wide mixed-population belt stretching from the Syrian border in north western Iraq to the Iranian border east of Baghdad, where various ethnic and religious communities vie for survival, political control and access to the rich oil deposits underneath." **[25e] (p4)**

8.33 The UNHCR August 2007 report noted that the security situation in central Iraq was violent with serious human rights violations; targeted attacks and assassinations against certain professionals and women; daily suicide attacks, bombings and kidnappings by state and non-state actors taking place. **[40j] (p9,13,22,134)**

8.34 The Report of the UN Secretary General of 15 October 2007, stated that "The security situation in Iraq continues to severely limit the daily activities of the United Nations. During the reporting period [5 June 2007-15 October 2007], the multinational force and the Iraqi Security Forces mounted large-scale military operations in all areas of Baghdad, in Al Anbar Province in the western region and in Diyala, Wasit, Tamim and Salah Ad Din provinces. The cumulative effect of those operations appears to be a reduction in the level of significant acts of violence in the areas." **[38k] (p10)**

8.35 The UNHCR's December 2007 report noted that:

> "There have been improvements in the security situation in parts of Central Iraq from February to November 2007. These include, most notably, a decrease in killings and overall civilian casualties. The level of human rights violations and violence along sectarian and intra-sectarian lines, however, remains high … and the ISF continue to face serious challenges in maintaining law and order. In addition, many of the hoped-for political advances have not yet occurred. The overall situation remains volatile and unpredictable." **[40l] (p48)**

8.36 The Centre for Strategic and International Studies (CSIS) report, published 21 January 2008, noted that regarding levels of violence, "Salah ad Din, Ninewa, and Diyala remain serious problem areas." **[63g] (p7)**

Baghdad

8.37 An article by Reuters, dated 31 August 2006, stated that "The population shift [in Baghdad] is consolidating a de facto partition along ethnic and sectarian lines. In religiously mixed Baghdad, officials and residents talk gloomily of the

emergence of a Shi'ite-Sunni "Green Line", with the Tigris River as a border." **[7e]**

8.38 The UNSC report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004), 5 December 2006, stated that: "In areas near Baghdad, the insurgency remains potent, and since September [2006] there has been a marked increase in a number of significant attacks against Iraqi security forces, as well as the multinational forces. **[38h] (p11)**

8.39 The UNAMI report, for the period 1 November-31 December 2006, noted that:

"Baghdad is at the centre of the sectarian violence. Sunni and Shiite armed groups are attempting to establish territorial control of Baghdad's many predominately mixed neighbourhoods by intimidating and killing civilian populations and forcing them into displacements to parts of the city inhabited or controlled by members of their ethnic group. Reports suggest the existence of large movements of populations primarily within the city boundaries, as the neighbourhoods become increasingly divided among Sunni and Shi'a armed groups, and are consequently grouped together based on their sect and ethnicity. This forced displacement has been achieved by means of large scale attacks targeting civilians, kidnappings, extra-judicial killings, dropping of threatening leaflets, destruction of properties, and intimidation. For instance, fighting between Sunni and Shiite armed groups were primarily recorded in December in Baghdad's neighbourhoods of Dora, Hurriyah, Al Adhamiyah, Khadimiyah, Ghazaliyah, Amariya and Qadisiyah." **[39f] (p8)**

8.40 Amnesty International's Annual Report 2007 (reporting on events in 2006) noted:

"Conditions in Baghdad and other centres became increasingly desperate as bombs were detonated in markets, other gathering places and near queues of people seeking recruitment to the police or other paid work. Added to this, groups of armed men carried out mass abductions from communities they targeted apparently for sectarian reasons; sometimes their victims were released, but in many cases they were found murdered and mutilated, their bodies dumped in the streets. As the economy continued to founder and amid a proliferation of weapons, kidnapping for ransom by criminal gangs became common." **[28j] (p1)**

8.41 The 7 March 2007 Report of the UN Secretary General states that "The security situation remained serious during the reporting period, with deepening conflict between various political parties, factions, militia groups and elements of the insurgency. This situation is graphically manifested in Baghdad, where the hostilities and violence have continued despite initial successes under the Baghdad security plan." **[38i] (p11)** The report continued:

"In Baghdad, Sunni and Shiite neighbourhoods are engaged in frequent reciprocal assaults, using improvised explosive devices, mortars and rocket attacks. Typically there can be as many as 15 bombs of varying sizes delivered to targets across the city in a given day, with retaliatory mortar attacks against residential communities. In the single deadliest attack, on 4 February 2007, a suicide bomber driving a truck loaded with one ton of explosives struck a market, killing 135 people and injuring 305. This situation

is further compounded by high rates of kidnappings, drive-by shootings and the dumping of mutilated bodies." **[38i] (p12)**

8.42 The UNSC report, 5 June 2007, noted that: "Baghdad security plan operations appear to have forced some insurgent activity out of Baghdad and into Diyala, Salah al Din and Tamim provinces. Although there have been reduced incident levels in Fallujah and Ramadi, the violence in Anbar has shifted to smaller towns and villages. This is partly a reflection of the growing conflict between Al-Qaida and the tribal leaders in Anbar province." **[38j] (p12)**

8.43 The Report of the UN Secretary General of 15 October 2007, noted that:

"There has been a marked decline in civilian casualties and unclaimed bodies in Baghdad during the reporting period [5 June 2007-15 October 2007]. The multinational force and the Iraqi Security Forces operations have been instrumental in reducing the number of mass-casualty incidents by imposing increasing measures to interdict the movement of weapon systems and explosive devices. The majority of recent attacks have been carried out by smaller improvised explosive devices and small-arms fire, mainly directed against the multinational force and the Iraqi Security Forces troops or rival factional groups. Suicide and vehicle bomb attacks occur at a reduced level." **[38k] (p10-11)**

8.44 The UNHCR's Addendum to its August 2007 paper, published December 2007, stated that Baghdad remains the most violent area in Iraq, despite positive trends seen, such as more shops being open and people in the streets and markets. **[40l] (p31)** The article goes on to state that: "Though Baghdad has not seen any mass casualty incidents in recent months and the overall number of attacks has decreased, the MNF-I/ISF and the civilian population remain targets of daily roadside bombings, car bombs, suicide attacks, small arms fire and mortar attacks. … Government officials and employees, politicians, members of religious minorities, journalists and media workers and other professionals continue to be targets for kidnapping and assassination. Reports of extra-judicial killings and the use of torture by the ISF continue to emerge." **[40l] (p31-32)**

8.45 The International Organisation for Migration's (IOM) paper, published 1 December 2007, reported on the security situation in Baghdad, stating that: "over the past few months [the state of affairs] has stabilized somewhat, with fewer reported explosions, killings, and abductions." **[111c] (p5)** The IOM's March 2008 report noted that since this previous report, security had deteriorated further. **[111d] (p5)**

8.46 The Centre for Strategic and International Studies (CSIS) report, published 21 January 2008, noted that: "Baghdad Province is still the most violent area in spite of major [sic] drop in violence." **[63g] (p7)**

8.47 On 11 May 2008, IRIN News reported that the situation in Sadr city, Baghdad had deteriorated over the previous few weeks, although a truce between Shia militiamen loyal to Moqtada al-Sadr and US-backed government forces was announced on 11 May 2008. **[18ci]**

Baghdad – Green Zone (International Zone)

8.48 The CSIS report, dated 19 June 2006, stated that "Outside of the Green Zone tit-for-tat sectarian abductions and killings, suicide bombings and car bomb attacks were carried out by a combination of criminal gangs, insurgents and militia members." **[63b] (p71)**

8.49 The UNSC report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004), 5 December 2006, stated that: "… the international zone remains a target for armed groups from across the spectrum. The primary means of attack is indirect fire from the surrounding areas." **[38h] (p11)**

8.50 The March 2007 Report of the UN Secretary General informed that: "Indirect fire attacks on the international zone in Baghdad increased from an average of one or two strikes per week in 2006 to over four per week at the beginning of 2007. Apart from the increased threat from indirect fire attacks, there were also a number of shooting incidents in the vicinity of the entry checkpoints to the international zone." **[38i] (p12)**

8.51 The UNSC's report of June 2007 records "These [indirect fire] attacks have become increasingly concentrated and accurate and often consist of multiple mortars and rockets landing within minutes of each other. The International Zone experienced 17 attacks in March, 30 in April and 39 by 22 May alone. Since 19 February, indirect fire attacks have reportedly resulted in the deaths of 26 people in the International Zone." **[38j] (p11)**

8.52 The UNSC report of 15 October 2007, noted that "The level of indirect fire against the International Zone in Baghdad remained constant through June, July and August [2007] before falling to the lowest levels encountered for the calendar year in September. There were 16 attacks within the International Zone in June, 13 attacks in July and 9 attacks in August. On 3 and 4 September, there were two attacks in the space of 48 hours. "**[38k] (p10)**

8.53 The UNSC report of 14 January 2008 noted that:

> "The incidence of indirect fire aimed at the International Zone in Baghdad declined significantly during the reporting period. Since 1 October, there have been three indirect fire attacks within the Zone. Two attacks were recorded on 22 November when an estimated total of 42 projectiles impacted various locations in the Zone, killing 2 and wounding 12. The last indirect fire attack was on 9 December, when three rockets impacted the Zone. Fortunately, no United Nations personnel were injured. The intensive mortar barrage on 22 November demonstrated that despite some gradual improvements in the security situation in Baghdad, armed opposition groups retain the intent and capability to attack the Zone.
>
> "Within the International Zone, United Nations personnel are obliged to comply with curfew and movement restrictions. These security procedures and other mitigating measures exist to minimize the risk from indirect fire, abduction and the threat of attack by improvised explosive devices. All staff members now have accommodations with overhead protection to enhance security during indirect fire." **[38l] (p12)**

Al-Anbar

8.54 The UNAMI report, dated 1 November-31 December 2006, mentioned that "Military operations continued in Al Anbar Governorate, in particular Ramadi, Fallujah and Heet. Ramadi and Fallujah have seen relatively constant fighting between MNF-I and insurgents in some districts, completely disrupting the functioning of social services and resulting in a high degree of displacement and casualties." **[39f] (p27)**

8.55 Regarding the situation in the Al-Anbar Governorate, the UNHCR's December 2007 Addendum report noted the security situation had improved, with a significant reduction in violence and with many Al-Qa'eda in Iraq (AQI) fighters fleeing the region. **[40l] (p33)** Major towns Ramadi and Fallujah remained under high security measures with concrete walls separating neighbourhoods, numerous checkpoints and residents required to hold biometric identification badges. **[40l] (p33)** There were still regular clashes involving tribal and insurgent groups with Multinational Forces in Iraq and Iraq Security Forces (MNF-I/ISF), despite security improvements **[40l] (p34)** AQI continued to launch attacks against the MNF-I/ISF, tribal leaders, Government officials and citizens. **[40l] (p34)** There have been reports of persons with alleged links to AQI being subject to arbitrary arrest and torture by the ISF and tribal and insurgent groups. **[40l] (p34)**

8.56 The IOM's report of 1 December 2007, noted the security situation in the Anbar governorate had improved, although Amirya remained unstable due to attacks against tribal leaders, while Karma also experienced tribal tensions. **[111c] (p2-3)** There were security problems in Rutba, where the Anbar Rescue Council, an "Awakening Council" were pursuing insurgents. **[111c] (p3)**

8.57 The IOM report of 15 March 2008, also noted the situation in Anbar had improved, attributing this to the Anbar Rescue Council awakening movement which controlled urban areas. **[111d] (p3)**

Diyala

8.58 The March 2007 Report of the UN Secretary General recorded that:

"The multinational force continued intensive operations in the Diyala province, with extensive cordon-and-search operations in Balad Ruz and Baqubah. Numerous suspects were detained and weapons caches discovered. Despite these operations, the insurgency continues in Diyala and al-Anbar provinces. Major routes through Falluja and Ramadi are persistently ambushed by armed opposition groups employing increasingly effective explosive devices and improved tactics." **[38i] (p12)**

8.59 The Diyala governorate was noted by the UNHCR's December 2007 paper as being "the most violent area in the country outside Baghdad" and the stronghold of AQI. **[40l] (p34)** A high civilian death toll and widespread displacement resulted from frequent attacks on civilians and the MNF-I/ISF. **[40l] (p34)** Daily attacks on the MNF-I/ISF, government officials, politicians, tribal members, contractors, translators and civilians also arose. **[40l] (p35)** Sectarian killings continued in mixed areas and members of the former Ba'ath Party and security services continued to be targeted. **[40l] (p35-36)**

8.60 The IOM bi-weekly paper of 1 December 2007, reported on the security situation in the Diyala governorate, stating that: "[the] Al-Muqdadiya district

continues to be unstable and witnesses clashes between MNF-I and insurgents. Ba'quba is experiencing slow improvement in security." **[111c] (p7)**

8.61 According to RFE/RL, 7 May 2008, the growing presence of Iraqi and coalition security forces has failed to stop insurgent bomb attacks in Diyala. **[22z]** The article also reported on Al-Qaeda training camps set up in the Hamrin mountain area of Diyala, where at least 15 women were being trained for suicide operations. **[22z]**

Salah-Al-Din

8.62 Levels of violence in the Salah-Al-Din governorate were reported to have decreased to a certain extent, although AQI presence remained strong in some areas, particularly around Samarra, Tarmiyah, Dhuluiya and Baiji. (UNHCR Eligibility Guidelines Addendum, December 2007) **[40l] (p34)** Daily attacks on the MNF-I/ISF, government officials, politicians, tribal members, contractors, translators and civilians also occurred. **[40l] (p35)** Sectarian killings continued in mixed areas and members of the former Ba'ath Party and security services continued to be targeted. **[40l] (p35-36)**

See also Sectarian Violence.

8.63 The IOM's December 2007 report noted the security situation in Salah al-Din remained unstable, especially in Samara. **[111c] (p18)**

8.64 On 10 February 2008, Al Jazeera News reported that 33 people had been killed by a car bomb in a market in Balad, Salah al-Din. **[84e]**

SECURITY IN SOUTHERN IRAQ

8.65 It was reported in December 2006 that the security situation in south of Iraq was tense with incidents rising in the governorates of Qadisiyah, Maysan, Wasit, Karbala and Babil. (UNSC, 5 December 2006) **[38h] (p11)** Basra also witnessed a high number of incidents with clashes between the ISF and Shi'a militia as well as among rival militia. (UNSC, 5 December 2006) **[38h] (p11)** (UNHCR Basrah Assessment, August 2006) **[40g] (p8)**

8.66 The UNHCR August 2007 report noted that the security situation in southern Iraq was violent with serious human rights violations; targeted attacks and assassinations against certain professionals and women; daily suicide attacks, bombings and kidnappings by state and non-state actors taking place. **[40j] (p9,13,22,134)**

8.67 UNHCR's December 2007 Addendum paper reported that in the southern governorates of Diwaniyah, Missan, Wassit, Muthanna and Thi-Qar there were "several episodes of pitched battles between the Mehdi Army and the Badr/Badr-affiliated ISF, and the assassination of SIIC [Supreme Islamic Iraq Council] members." **[40l] (p43)** Multinational forces regularly clash with the Mehdi Army and a group called Kataib Al-Hussein (Hussein battalions). **[40l] (p44)** There have also been targeted assassinations of religious and tribal leaders, security officials and persons affiliated with multinational forces, journalists and members of minority groups. **[40l] (p44)** The situation of women deteriorated in all the above governorates in recent months and in Missan the militia killing of three women accused of prostitution was reported. **[40l] (p45)**

Basrah

8.68 A surge in violence among Iraq's Shi'a population followed the bombing of the Al-Askari shrine in Samarra (Salah al-Din) on 22 February 2006, in which Basra's Sunni population were targeted in reprisal attacks. (UNHCR Basrah Assessment, August 2006) **[40g] (p8)** The UNHCR Basrah Assessment stated that "Local police often do little to prevent such sectarian attacks, which include the killing of clerics, burning of mosques, attacks on Sunni political offices and threats against ordinary Sunni citizens to leave." **[40g] (p9)**

8.69 The UNHCR Advisory Paper, August 2006, stated that:

"The city of Basrah has largely come under the control of Shiite clerics and militias: shops selling liquor, DVDs or recorded music have been targeted, as have men and women who mix in public. The increasing tendency towards strict Islamic behaviour and dress codes has taken a particular toll on women in Basrah. Women of all religions risk being targeted, verbally and physically, if they do not comply with strict Islamic dress codes (e.g. not covering their hair or wearing Western-style fashions) or if they behave in a manner considered 'immoral' (e.g. working in professions such as prostitution or dancing). A physician who heads the Basrah Maternity and Paediatric Hospital reported that Mehdi Army followers came to the hospital to tell the male doctors not to treat female patients. Governor of Basrah stated that 'today, our society is changing, becoming more religious', and 'we must reflect [the fact] that Basrah is becoming a purely Islamic city.'" **[40g] (8-10)**

8.70 The UNHCR Basrah Assessment, August 2006, stated that: "A variety of reports suggest that militias have infiltrated the security forces and are more loyal to their religious leaders than the Iraqi government." **[40g] (p8)** The UNHCR's December 2007 Addendum report also noted that: "Militias have infiltrated the local security forces and control hospitals, the university, ports, oil facilities and power supply. **[40l] (p39-40)**These militias provide social services and impose law through extra-judicial courts. Basrah's Deputy Governor, Loai Al-Batat, said in late October 2007 that the local security forces were unable to fully control the city." **[40l] (p40)**

See also Security forces, Infiltration

8.71 The UNHCR Basrah Assessment, August 2006, stated that: "In addition, criminal gangs are part of the security problem in Basrah. Kidnappings for ransom or political reasons remain common and assassinations have been carried out on varying targets, including politicians, religious figures, tribal leaders, journalists, government officials, university professors and the staff of contracting organizations working with foreign organizations. Militias are also accused of carrying out hundreds of executions of former Ba'athists." **[40g] (p8-9)** The UNHCR's December 2007 Addendum to its August 2007 paper reported criminality was still a problem in Basrah. **[40l] (p42)**

8.72 The Report of the UN Secretary General of March 2007 recorded:

"The lower south region experienced a number of violent incidents. They involved the harassment, ambush and assassination of pilgrims returning from the hajj, particularly near Iskandariyaa. On 16 December 2006, a number of

tribal leaders and provincial officials were killed on their return from the national reconciliation conference in Baghdad and, on 1 February 2007, 60 persons were killed by a car bomb in Hilla. In Basra and the surrounding areas, militias have continued to harass and attack the multinational force on a daily basis. Rocket and mortar attacks, particularly against the Basra Palace and the Old State Building, have increased in frequency and accuracy, with up to 10 rocket launchings against Basra Palace in a single day." **[38i] (p13)**

8.73 A June 2007 paper published by International Crisis Group (ICG), 'Where is Iraq Heading? Lessons from Basra' – which discussed the similarities between Operation Sinbad in Basra and the strategy of a military surge in Baghdad – reported:

"Basra is a case study of Iraq's multiple and multiplying forms of violence. These often have little to do with sectarianism or anti-occupation resistance. Instead, they involve the systematic misuse of official institutions, political assassinations, tribal vendettas, neighbourhood vigilantism and enforcement of social mores, together with the rise of criminal mafias that increasingly intermingle with political actors. Should other causes of strife – sectarian violence and the fight against coalition forces – recede, the concern must still be that Basra's fate will be replicated throughout the country on a larger, more chaotic and more dangerous scale. The lessons are clear. Iraq's violence is multifaceted, and sectarianism is only one of its sources." **[25g] (pi-ii)**

8.74 UNHCR's December 2007 Addendum paper noted Basrah was "at the centre of factional fighting." **[40l] (p39)** Most of its minorities have been displaced by ongoing violence, the Sunni presence has decreased from 40% in 2003 to 14%. **[40l] (p39)** Several hundred Sunnis have reportedly been murdered, hundreds of families evicted from their homes and Sunni mosques have been attacked. **[40l] (p39)** Many Christians and Sabaean-Mandaeans have also been forced to flee Basrah. **[40l] (p39)** The Mehdi Army and Supreme Islamic Iraq Council/Badr Organization, the Islamic Fadhila Party and Thar Allah were also major actors in Basrah. **[40l] (p39)**

8.75 UNHCR's December 2007 Addendum paper reported that: "Despite some initial success gained during security operation 'Sinbad' between September 2006 and March 2007, intra-Shi'ite fighting has again escalated with daily street battles, kidnappings and assassinations. According to a Basrah-based newspaper editor, at least 300 members of Badr and SIIC have been assassinated in Basrah alone since the start of the year. International Crisis Group (ICG) considers the port city of Basrah to be an example of Iraq's 'multiple and multiplying forms of violence', plagued by: 'the systematic misuse of official institutions, political assassinations, tribal vendettas, neighborhood vigilantism and enforcement of social mores, together with the rise of criminal mafias that increasingly intermingle with political actors.'" **[40l] (p40-41)**

8.76 The UNHCR's December 2007 Addendum paper, noted on Basrah:

"In addition to intra-Shi'ite fighting, the Governorate suffers from frequent kidnappings and assassinations by armed militias, militia-infiltrated ISF and criminals, of security officials, government officials, political, tribal and religious figures, persons affiliated with the MNF-I, former Ba'athists, members of religious minorities, journalists, human rights activists and humanitarian workers, and other professionals. According to Basrah's police chief, Major-

General Abdul-Jalil Khalaf, women in Basrah are threatened, beaten and sometimes shot, if they are believed not to adhere to strictly-interpreted Islamic rules. The same applies to men whose clothes or even haircuts are deemed too 'Western'." **[40l] (p40-41)**

8.77 The IOM report, published 1 December 2007, stated that: "Security fluctuates in Basrah, with periods of stability followed by attacks, especially due to continuing tribal conflict, which forces schools, shops, and public offices to close. An increase in the kidnapping of women has been reported, as well as secondary displacement as IDPs flee from insecure to stable areas within the governorate." **[111c] (p6)**

See also Internally displaced people.

8.78 On 26 March 2008, BBC News reported that there had been clashes in Basrah between Shia militias, in which at least 30 people had been killed. **[4cw]** – See also Sectarian Violence.

Babil

8.79 The UNHCR's Addendum to its August 2007 paper, published December 2007, reported on the situation in Babil, stating that Al-Qa'eda and other Sunni insurgent groups had established bases of operations in the area to launch attacks on Baghdad and Shi'ite areas in the south. **[40l] (p45)** The governorate of Babil was reported to be relatively secure in parts, although was plagued by daily security incidents, such as suicide attacks, attacks on multinational and Iraqi forces, tribal and militia violence, sectarian violence, and abductions and assassinations of local officials and civilians. **[40l] (p46)**

8.80 The IOM's December 2007 report stated that security in Babylon (Babel/Babil) was "relatively stable except in Al-Musayeb and Al-Mahaweel districts." **[111c] (p4)** The IOM's report of 15 March 2008, reported these two districts remained unstable, with clashes and curfews still occurring. **[111d] (p4)**

Wasit

8.81 The Report of the UN Secretary General of 15 October 2007, noted that Wasit was one of the provinces that UN multinational forces and Iraq Security Forces had mounted large-scale military operations, which had seen a cumulative reduction in the level of significant acts of violence in the areas. **[37k](p10)** The report also noted that: "In the south, the multinational force moved out of its headquarters at Basra Palace, handing the facility over to the Iraqi Security Forces in August. There are now no multinational forces based within the city limits. All multinational force personnel have been relocated to Basra Air Station. This significantly reduced reporting on security issues from Basra is affecting the United Nations operational capability in that area for the time being." **[37k] (p10)**

8.82 UNHCR's December 2007 Addendum paper stated that in Wassit sectarian killings were reported. **[40l] (p44)**

See also Sectarian violence.

Qadissiya

8.83 UNHCR's December 2007 Addendum paper reported that in Diwaniya, Qadissiya, "Allegations have been made that AQI and other Sunni groups are taking advantage of the unstable situation in Southern Iraq and instigating further violence. Diwaniyah's security chief, Sheikh Hussein Hadi Al-Buderi, alleged that 'there is a presence of al-Qaeda now in Diwaniyah,' which he blames for the recent escalation in violence in the Governorate. Basrah's police chief blamed AQI for a suicide bombing which killed three policemen and injured 20 people in Basrah City on 25 September 2007, saying '(i)t seems that al-Qaida wants to make use of the fragile situation in the city caused by the tension among the parties and the city's officials'." **[40l] (p27)**

8.84 IOM's December 2007 report noted the security situation in Qadissiya was unstable, with frequent curfews, bombings and fighting between Iraq forces and militants. **[111c] (p17)**

Kerbala and Najaf

8.85 Although the IOM's December 2007 report on displaced persons in Iraq noted that security in Kerbala and Najaf remained stable, **[111c] (p10, p15)** the UNHCR's December 2007 Addendum paper reported targeted assassinations of religious and political figures, Government officials and former Ba'athists. **[40l] (p45)** There were also armed clashes among rival Shi'ite militias and security forces. **[40l] (p45)**

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SECURITY IN KIRKUK AND MOSUL

8.86 It was reported in 2006 that ethnic tensions had increased in the traditionally mixed areas of Kirkuk and Mosul. (UNAMI, 1 November-31 December 2006) **[39f] (p13)** (UNHCR, 18 December 2006 **[40e] (p1)** (CSIS, 22 June 2006) **[63b] (p279)**

8.87 The June 2007 report of the UN Secretary General stated:

> "In Mosul and Kirkuk insurgents maintain a capability to use a wide range of methods to carry out attacks against security forces and civilians. In these two cities the use of car bombs against facilities of the two Kurdish parties is a frequent occurrence. In Tal Afar the frequent use of suicide bombs against civilians has led to increased tensions between the communities in the area. The recent use of high explosive truck bombs in Erbil and Makhmour, some 70 km south-west of Erbil, resulting in hundreds of casualties, may indicate deterioration of the security situation in previously stable areas." **[38j] (p12)**

8.88 The Report of the UN Secretary General of 15 October 2007, noted that: "Outside Baghdad, the violence is focused in the Mosul and Kirkuk areas. Kirkuk is experiencing intra-factional violence as the deadline for a referendum on the status of Kirkuk approaches. Mosul is now second only to Baghdad in the number of violent attacks and, on several recent occasions, has recorded more daily attacks than Baghdad. On 14 August, in a devastating attack on the Yazidi community in Sinjar, in the far north-west of the country, three vehicle-borne bombs caused hundreds of casualties in what was the worst recorded mass-casualty incident in Iraq since the invasion of 2003." **[38k] (p11)**

Kirkuk

8.89 Since the fall of the Saddam regime, various ethnic and religious groups and political parties have been in a dispute over control of oil-rich Kirkuk. (IWPR, 1 February 2006) **[11k]** In response to the fall of the Saddam regime the Kurdish peshmerga forces and Kurdish security forces in effect seized control over Kirkuk. (ICG, 19 December 2006) **[25e] (p18)** (UNAMI, 1 November-31 December 2006) **[39f] (p24)** (CSIS, 19 June 2006) **[63a] (p8)** The UNAMI report added that "… most senior official positions are occupied by Kurds or their allies from other ethnicities." **[39f] (p24)**

8.90 The CSIS report noted that "In April 2006, Shi'ite militias began to deploy to Kirkuk in substantial numbers. According to US embassy officials in the region, the Mahdi Army had sent two companies with 120 men each. The Badr Organization extended its reach into the city as well and opened several offices across the Kurdish region." **[63a] (p60)** The report adds that "The Kurdish Peshmerga responded by moving nearly 100 additional troops to the area. Moreover, a Sadr associate in the region, Abdul Karim Khalifa, told US officials that more men were on the way and that as many as 7,000 to 10,000 local residents loyal to the Mahdi Army would join in a fight if one were to break out." **[63a] (p60)**

8.91 The CSIS report, dated 22 June 2006, stated "There are reports that the KDP and PUK systematically kidnapped hundreds of Arabs and Turcomans from the city [Kirkuk] and transported them to prisons in established Kurdish territory in an apparent bid to create an overwhelming Kurdish majority. This activity allegedly spread to Mosul as well." **[63b] (p279)** The report adds that:

"According to a leaked State Department cable in mid-June 2005, the abducted were taken to KDP and PUK intelligence-run prisons in Irbil and Sulaymaniyah without the knowledge of the Iraqi Ministry of Defense or the Ministry of the Interior, but sometimes with US knowledge. In fact, the Emergency Services Unit, a special Kirkuk force within the police, was both closely tied to the US military and implicated in many of the abductions, along with the Asayesh Kurdish intelligence service. It should be noted that the head of the Emergency Services Unit is a former PUK fighter." **[63b] (p280)**

8.92 In 2006, it was reputed that nearly 100,000 Kurds had returned to Kirkuk in an attempt to reverse the Arabisation policy. (IRIN, 16 November 2006) **[18bc]** (RFLRE, 2 November 2006) **[22u]**

8.93 The UNAMI report, dated 1 November-31 December 2006, stated that:

"HRO [Human Rights Office] has received several consistent reports from various NGOs and other sources on the deteriorating human rights situation in Kirkuk and is particularly concerned by such developments. Key concerns include the rights of minorities living in Kirkuk and their ability to effectively participate in its political, economic and social development. Additional concerns relate to the use of security forces and the power of detention, including in KRG facilities by the authorities so as to intimidate and prevent minority groups from playing a significant role in the city's affairs. Such violations may well be the prelude of a looming crisis in Kirkuk in the coming months." **[39f] (p23)**

8.94 An April 2007 paper by International Crisis Group (ICG), 'Iraq and the Kurds: Resolving the Kirkuk Crisis' reported:

"Security in Kirkuk is deteriorating sharply. Two main factors are to blame. First, following the death of al-Qaeda in Iraq leader Abu Mus'ab al-Zarqawi on 7 June 2006, jihadi fighters partly moved operations there, finding in the multi-ethnic region fertile ground for chaos by exacerbating communal tensions. Today Kirkuk resembles Baghdad in miniature, with shops shuttered in the normally teeming downtown market area, and Arabs, Kurds, Turkomans and Chaldo-Assyrians hunkered down in neighbourhoods which, while not entirely segregated, are distinctly hostile to members of whatever community happens to be the minority. Violence at first predominated downtown, where communities commingled, as well as in areas inhabited by the Wafidin (Arab 'newcomers' settled in Kirkuk as part of previous regimes' Arabisation campaigns). But in February 2007 it moved into the heart of Kurdish neighbourhoods as if to show that the Kurdish parties' control over Kirkuk's security apparatus did not guarantee safety for the Kurdish civilian population.

"The second contributing factor to growing tensions, expertly exploited by the jihadis, is the Kurds' insistence on proceeding with plans to stage a referendum on the region's status before year's end. This is bitterly opposed by Arabs and Turkomans, thus giving jihadis a permissive environment." **[25f] (p1)**

8.95 The UNHCR's December 2007 report stated that: "Various groups are vying for control over the disputed territory, in particular oil-rich Kirkuk. Extremists continue to stir sectarian violence among Arabs, Kurds and, in areas such as Kirkuk and Tal Afar, Turkmen. Under pressure from the MNF-I/ISF and tribal alliances in Baghdad, Al-Anbar, and parts of Babel, Diyala and Salah Al-Din Governorates, AQI has regrouped in areas of Kirkuk and Ninewa Governorates. Violence in these areas has been increasing. On 5 November 2007, the MNF-I/ISF launched a major security operation ('Operation Iron Hammer') in the Governorates of Ninewa, Kirkuk, Salah Al-Din and Diyala to counter Al-Qa'eda there." **[40l] (p36)** Car bombings, suicide attacks, shootings, targeted kidnappings and assassinations of government officials, politicians, religious and tribal figures, members of minority groups, journalists, persons affiliated with the MNF-I/ISF, humanitarian workers, and members of the former regime all occur at a regular frequency in Kirkuk. **[40l] (p37)** Civilian deaths as a result of MNF-I/ISF military offences and raid and search operations have also been reported in Kirkurk. **[40l] (p38)**The IOM's December 2007 report on displaced persons in Iraq noted that security in Kirkurk continued to be unstable. **[111c] (p11)**

8.96 On the contrary, the Finnish FFM report, for the period 23 October-3 November 2007, commented that "In general, according to UNHCR, the situation of Kirkuk had improved in the past few months." The FFM report also noted that "The security situation of Kirkuk was bad during the fact-finding mission, and daily news was heard of violent incidents in the city." **[131] (p6)** The FFM report further commented that the upcoming referendum on Kirkuk was partly responsible for tensions in the area. **[131] (p6)**

8.97 The Finnish FFM report also commented that in Kirkurk, "Ownership issues remain a large problem, as lost property such as houses have been sold

several times over, and may have many claims of ownership by different people. The future referendum also creates tensions." **[131] (p6)**

Mosul

8.98 "Mosul descended into chaos in late 2004 when the police force temporarily collapsed in a coup for al-Qaeda and other Islamist groups." (*The Times*, 7 March 2008) **[5k]**

8.99 The UNAMI report, dated 1 November-31 December 2006, recorded that:

"Violence in Mosul, although less frequent than that engulfing south and central Iraq, has intensified. Mosul officials state that terror attacks by armed groups are significantly contained. Recently, however local authorities reported that 40 civilians and police officers have been killed on average each week in violent incidents. According to information and reports received by HRO, arbitrary arrest and detention of predominantly 'terror suspects' form an inescapable feature of civilian life in Mosul. MNF-I and ISF house raids have allegedly resulted in damaged or stolen property and contributed to an atmosphere of fear and mistrust. Government officials have acknowledged the problem in recent meetings with HRO and have attempted to resolve some of these cases. For instance, the Head of Human Rights Committee of the Governing Council attended to 360 detention cases since 2005 and secured the release of 341 detainees as only 19 were eventually charged and convicted in Court. The Governor's Office has also processed claims for compensation from the central Government for affected inhabitants but it is usually inadequate to cover property loss." **[39f] (p24)**

8.100 The UNAMI report, for the period 1 November-31 December 2006, stated that:

"While professionals, politicians and religious figures fall victim to the violence, attacks are largely oriented against security forces. According to the Mosul Governor, no ethnic group has been spared but despite that, the community and religious leaders of all faiths have refused to be divided and have remained united in advocating peace.

"However, Talafar district, a mixed Turkoman, Kurdish and Sunni Arab area, remains an exception with a higher degree of sectarian violence and socio-economic disruption. Terror attacks targeting security forces have often also killed civilians. Mosul has also seen an exodus of inhabitants of all ethnicities to the safer northern region. According to a Governorate source, 50,000 residents would have left since 2004 and there would be approximately 6000-8000 Kurds living in temporary shelters between Mosul and Erbil. Most Christian IDPs have fled to Dohuk and to villages in the outskirts of Mosul. In both Mosul city and in the Talafar district, medical facilities and health care have badly deteriorated because of lack of medicine, medical equipment and lack of security for medical professionals." **[39f] (p25)**

8.101 The UNHCR's Addendum to its August 2007 paper, published December 2007 stated that the governorate of Ninewa saw increasing levels of violence in 2007, mostly between Sunni insurgents and local ISF or Shi'ite members. **[40l] (p37)** Insurgents also targeted Kurds and other minorities, such as Yazidis and Christians. **[40l] (p37)** Car bombings, suicide attacks, shootings, targeted kidnappings and assassinations of government officials, politicians, religious

and tribal figures, members of minority groups, journalists, persons affiliated with the MNF-I/ISF, humanitarian workers, and members of the former regime were regularly reported in Ninewa. **[40l] (p37)** Civilian deaths as a result of MNF-I/ISF military offences and raid and search operations have also been reported in Ninewa. **[40l] (p38)**

8.102 The Finnish FFM report, for the period 23 October-3 November 2007, commented "The security situation in Mosul seemed quite bad during the fact-finding mission. News of violence and killings in the city were heard in news on a daily basis. … informants told of killings in Mosul in the recent past of people they had known." **[131] (p6)**

8.103 The IOM's December 2007 report on displaced persons in Iraq noted that security in Ninewa "continues to be unstable throughout the governorate, although the military opened some main roads in Mosul city, allowing for increased freedom of movement." **[111c] (p16)**

8.104 On 25 January 2008, the Guardian reported that: "A suicide bomber wearing a police uniform assassinated a top police officer in the northern city of Mosul yesterday." **[6ah]** The source also reported that Mosul remained one of the final strongholds of al-Qaeda in Iraq. **[6ah]**

8.105 On 7 February 2008, BBC News reported that al-Qaeda militants had allegedly regrouped in Mosul, after being displaced from Baghdad and other parts of the country. **[4cm]** According to a local journalist, Mosul was "the worse place in the whole of Iraq." **[4cm]**

8.106 On 7 March 2008, the *Times* reported that "American forces have yet to bring security to Mosul, which is now in the front line of the fight against al-Qaeda." **[5k]**

See also Sunni Arab insurgents;

SECURITY IN THE KRG AREA

8.107 A report by AI, published March 2008, noted that "The largely autonomous Kurdistan region in the north, which is under the control of the KRG, has been more stable than the rest of Iraq and there have been fewer acts of violence. The region is the most prosperous in Iraq and the KRG has signed a number of investment contracts with foreign companies, including for oil exploration. Despite the relative stability and prosperity, the Kurdistan region remains vulnerable to pressure and even military intervention from neighbouring countries." **[28o] (p20)** Throughout December 2007 there were numerous BBC reports of Turkish military activity, both air and ground, against PKK fighter positions along the mountainous area bordering Turkey and Iraq. **[4cq] [4cr] [4cs] [4ct] [4cu] [4cv]** On 16 December 2007 BBC News reported that a woman had been killed during air strikes in Iraq. **[4cq]** The strikes were intended to flush out PKK rebels using bases inside Iraq to launch attacks against Turkey. (BBC News, 18 December 2007) **[4cr]**

8.108 The UNSC report of 14 January 2008 also stated that: "[there was a] more stable security situation prevailing in Arbil, … However, the areas bordering Turkey have been subject to increased political and military tensions since Turkey launched air strikes on Iraqi territory in December in retaliation for PKK

cross-border attacks. In addition, the areas bordering the Islamic Republic of Iran have continued to be subjected to artillery shelling from the Iranian side." **[38l] (p13)**

8.109 The UNAMI report, dated 1 May–30 June 2006, stated that:

"UNAMI finds encouragement that while current challenges remain significant, in particular with regards to alleged abuses in the area of law enforcement and freedom of expression, progress is also manifested in the advancement of legislation in favour of women's rights, in the protection and promotion of children's rights and in some areas of economic, social and cultural rights. Reports of discrimination against non-Kurds have continued to emerge as well as allegations that security elements associated to the Ministry of Interior and Peshmerga militias have been involved in illegal policing outside of the KRG, notably in Kirkuk and in Ninewa Governorates." **[39a] (p20)**

8.110 In spite of this, thousands of Iraqi Arabs fled to the KRG area, where Shi'a and Sunni's live in harmony. Many were from the professional class such as doctors, professors and engineers, others were poor labours. (Reuters, 31 August 2006) **[7c]** (IRIN, 29 August 2006) **[28aj]** (*The New York Times*, 2 September 2006) **[24b]** Nevertheless, the Reuters article stated that "… some Arabs complain of feeling unwelcome in the far north and Arab-Kurd struggles for control of the northern oil city of Kirkuk remain a potential flashpoint for conflict." **[7c]**

8.111 *The New York Times* article of 2 September 2006, noted that "The influx of Arabs has made many Kurds nervous, and regional leaders are debating whether to corral the Arabs into separate housing estates or camps." **[24b]** The Brookings Institution, October 2006, stated that "Recent press reports describe how the Kurdish provinces have become a destination of choice for Christians, Shi'a and Sunnis fleeing the violence in other parts of the country, including, paradoxically, former regime officials fleeing anti-Ba'th sentiment elsewhere." **[88b] (p19)**

8.112 The report also mentioned that "There have, however, also been reports of large numbers of Arabs fleeing the Kurdish North where they had been settled as part of the Ba'th's anti-Kurdish campaigns, as well as reports on the abuse of Christians and other minorities by Kurdish authorities and police." **[88b] (p19)** The ICG report, dated 19 December 2006, noted that "Even the line that has effectively divided the Kurdish region from 'Arab Iraq' since late 1991 is heavily contested, as the Kurds push south into the mixed-population belt and the other communities living there resist them, increasingly by force." **[25e] (p4)**

8.113 The March 2007 Report of the UN Secretary General recorded that:

"While the Kurdish region remains relatively calm, a series of incidents have caused concern. Following the raid on the Iranian office in Erbil by the multinational force, there was a period of tension and friction between the multinational force and the local security forces." **[38i] (p12)**

8.114 UNHCR's August 2007 paper reported "The overall security situation in the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk, while less precarious than the situation in Central and Southern Iraq, remains tense and unpredictable. Disputes over the status of 'arabized' areas, possible spill-over

of violence from other parts of the country and the presence of militant groups in the area all threaten to destabilize the region." **[40j] (p9)**

8.115 The Report of the UN Secretary General of 15 October 2007, noted that "The security situation within the Kurdistan region remains relatively stable. As a result, United Nations staff members are able to deploy in order to meet and interact with their Iraqi counterparts on a regular basis. The Inter-Agency Assessment Mission carried out a security assessment from 13 to 20 July and made a number of recommendations, many of which are already in place. **[38k] (p11)**

8.116 The Finnish Fact-Finding Mission (FFM) to Iraq's three northern governorates between 23 October and 3 November 2007, noted "The mission found the security situation to be quite stable in the main cities and roads of the three northern governorates. Members of various armed forces such as the border guards, police, Asayish, gendarmerie, army etc. were seen guarding all government institutions, important streets, public monuments, events etc. … The local population was said to provide information for authorities concerning security issues." **[131] (p4)** The FFM report also commented that street crime was apparently low in the three northern governorates. **[131] (p5)** On the other hand, the FFM report also stated: "During the fact-finding mission the PKK conflict deteriorated to a degree, … flights between Turkey and Erbil were cancelled." **[131] (p8)**

8.117 The USSD report for 2007 noted that good security was reported at the four universities in the KRG area. **[2l] (p11)** The Finnish FFM report went on to comment that:

"According to staff at the University of Dohuk, the Dohuk governorate has become a safe haven for people in the rest of Iraq. The directors of AGEF [a German NGO, Association Of Experts In The Fields Of Migration And Development Cooperation] assessed the security situation in the three northern governorates to be good. The representative of UNHCR in Sulaymaniyah assessed the situation of Erbil, Sulaymaniyah and Dohuk to be calm." **[131] (p5)**

8.118 On 7 February 2008, BBC News reported that: "Security at the checkpoint to the Kurdish territory is strict. Soldiers from the Peshmerga, the Kurdish fighting force, stop cars and people who try to enter from the neighbouring districts. Few are allowed in." **[4cm]**

PERCEIVED COLLABORATORS AND 'SOFT TARGETS'

8.119 Several reports noted that numerous Iraqis had been attacked and killed by armed groups because they were perceived as 'collaborators' or 'traitors'. (UNHCR Eligibility Guidelines, August 2007) **[40j] (p101-107)** (Addendum to UNHCR Eligibility Guidelines, December 2007) **[40l] (p41)**

8.120 The CSIS reported, on 22 June 2006, noted that: "Men who do support the government are vulnerable to threats against the families kidnappings and actual murders of friends and relatives." **[63b] (p214)**

8.121 Those targeted also included so-called 'soft targets', such as civil servants and government officials, politicians, tribal and religious leaders, Kurds and Shi'as,

members of ethnic or religious minorities, journalists and media workers, doctors, judges and lawyers, professors, teachers and students, police officers, artists, gold/silversmiths, jewellers, shi'a bakers, liquor sellers, music shop owners, ex-military officers, translators, contractors, drivers, cleaners and barbers as well as those suspected of giving information to foreign governments. (BBC, 16 November 2006) **[4ak] [16j]** (IRIN, 15 January 2006) **[18ac]** (AI, 15 July 2005) **[28c] (p7-8)** (AI Annual Report 2007) **[28j] (p3)** (UNAMI, 1 November-31 December 2006) **[39f] (p13,15and19)** (Associated Press, 21 May 2006) **[65g]** (UNHCR Eligibility Guidelines, August 2007) **[40j] (p109-120)** (Addendum to UNHCR Eligibility Guidelines, December 2007) **[40l] (p44-86)**

See also Journalists and other media workers.

8.122 The UNAMI report, dated 1 November-31 December 2006, states that "These attacks are typically perpetrated by extremists practising conformist ideology and by militant/terror groups intent on spreading fear and intimidation." **[39f] (p13)**

8.123 Many Iraqis have been compelled to leave their posts and often the country because of threats from insurgency groups regarding their perceived or suspected co-operation with the Iraqi government, the MNF, international organisations or other 'enemies' of Iraq. (AI Annual Report 2007) **[28j] (p3)** (UNAMI, 1 May–30 June 2006) **[39a] (p5)** (UNHCR guidance note, October 2005) **[40a] (p19)**

8.124 UNHCR's August 2007 paper recorded the risk faced by current and former employees – or perceived supporters – of the MNF, embassies, foreign companies and of the UN, ICRC or other humanitarian organisations "Acts committed [against such persons] may vary from verbal harassment and threats to individuals and their families, to kidnapping, physical attacks and murder." **[40j] (p103, 105)** With regard to the former the paper adds that "Neither the Iraqi authorities nor the MNF or foreign states are capable of granting proper security to their respective local nationals and employees, in particular not once the working relationship has ended." **[40j] (p103)** UNHCR makes similar remarks about the lack of protection the UN and humanitarian organisations can offer their employees and volunteers. **[40j] (105)**

8.125 UNHCR's August 2007 paper also reported that:

"A range of persons involved in the political process or (perceived as) supporting the democratization of the country have been targeted in an effort to disrupt both. This includes politicians, members/employees of the Iraqi Government at both the central and the local level and of state-owned companies, and known members of political parties. Many factions deem Iraqi officials 'traitors' and 'collaborators' who serve a Government formed by an occupying power. Others have been targeted on the basis of their sectarian identity. Insurgent groups have repeatedly threatened Sunnis who take part in the political process. In September 2006, the outlawed Ba'ath Party distributed a 'hit list' of prominent Iraqi political, military and judicial leaders, which it intended to target for assassination. The list included mainly prominent Shi'ite politicians such as SCIRI leader Abdul Aziz Al-Hakim and Muqtada Al-Sadr, but also former Prime Minister Iyad Allawi, Kurdish President Jalal Talabani, and Sunni Vice-President and Secretary General of the IIP, Tariq Al-Hashimi.

The order also called for the assassination of the listed individuals' '*first, second and third degree relatives.*'

"While high-ranking politicians are generally well-guarded, their families are more vulnerable. For example, three siblings of Tariq Al-Hashimi were killed in separate incidents in April and October 2006." **[40j] (p107)**

8.126 The UNHCR's December 2007 paper provided details of incidents targeting specific groups in all governorates of Iraq. **[40l] (p50, 56, 60, 62, 68, 77, 80, 82, 84)**

8.127 There were reports that interpreters working for the British Army had been threatened or killed by militias. (*Times*, 14 September 2007) **[5l]** (BBC News, 17 December 2007) On 14 September 2007, the *Times* reported that "Iraqi interpreters working for the British Army have been advised to leave Basra or be killed. The warning was issued by a leading member of the city's security forces after militiamen attacked and destroyed the home of one interpreter and narrowly failed to kidnap another. There were unconfirmed reports yesterday that a third had been killed. … the militiamen – almost certainly members of the Shia al-Mahdi Army – had stepped up their pursuit of so-called collaborators since the British withdrew from Basra city 11 days ago. The latest attacks are further evidence of the extreme danger that the 91 interpreters for the British military face now …" **[5l]**

8.128 On 17 December 2007, BBC News reported that, according to Iraqi authorities, "At least 40 Iraqi interpreters working for the British have been targeted and murdered by militias … Shia militias, especially the all-powerful Madhi Army, have targeted the thousands of interpreters who have worked for the British government in southern Iraq over the past four years and nine months as 'collaborators'. Many have become victims of torture and death squads." **[4cl]**

8.129 The UNSC report of 14 January 2008 reported that:

"Professionals, including journalists, lawyers, medical and education staff and public administrators, as well as members of minority groups and women, continued to be targeted by various criminal groups." **[38l] (p11)**

"National staff members continue to encounter serious security-related problems, and many have been forced to relocate their families out of Baghdad to safer areas in Iraq as well as safer neighbouring countries to escape sectarian and insurgent violence. National staff members continue to receive violent and intimidating threats via the local mobile phone network, mostly by text message." **[38l] (p12)**

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CRIME

9.01 The UNAMI report, dated 1 November-31 December 2006, stated that "According to various reports, Iraqi insurgency groups today are largely selfsustaining, raising tens of millions of dollars from oil smuggling, kidnapping, counterfeiting, corrupt charities and other crimes. Most of these crimes are inadequately investigated, if at all, leaving many perpetrators at large." **[39f] (p9)** According to the ACCORD/UNHCR COI report, published November 2007, "many Iraqis regard their biggest problem to be the overwhelming crime and criminal violence." **[40m] (p70)**

CRIMINAL GANGS

9.02 Organised crime and criminal gangs play a significant role in the dire security situation. The lawlessness led to criminal gangs being involved in road ambushes, smuggling, drug trafficking, stealing, extortion, counterfeiting of goods and currency, kidnapping for ransom money and even killings. Baghdad particularly suffered a high rate of criminality. (*The Washington Post*, 15 May 2006) **[16b]** (UNAMI, 1 May–30 June 2006) **[39a] (p1)** (UNAMI, 1 November-31 December 2006) **[39f] (p6)** (CSIS, 22 June 2006) **[63b] (p182)** (CSIS, 19 June 2006) **[63a] (p71)** The UNAMI report, dated 1 November-31 December 2006, stated that

"This law and order vacuum has an encouraging effect on criminal groups of various affiliations, many of whom use the internet, mobile phone messaging system, videos and pamphlets to promote their criminal activities or further intimidate targeted groups. Their websites and videos frequently show the faces of perpetrators and their assumed names. These insurgency and terrorist groups are often known to the residents of the areas where they operate. To compensate for the absence of government led authority and control, both the Shiite and Sunni populations have increasingly turned to militias or other armed groups for protection." **[39f] (p6)**

9.03 The CSIS report, dated 22 June 2006, stated that "Far more Iraqis face day-to-day threats from criminals than from terrorists and insurgents, although there is no area totally free from the risk of attack." **[63b] (p182)** An article in *The Washington Post*, dated 15 May 2006, notes "Iraq is awash in foreign and domestic security companies; insurgent movements; religious militias of tens of thousands of men representing themselves as 'people's armies' or as bodyguard details; armed wings of political parties; army, police and paramilitary groups; and criminal gangs posing as all of them." **[16b]**

9.04 The CSIS report mentioned that "The vast majority of Iraqi criminals probably have limited or no ties to the insurgents, although some are clearly 'for hire' in terms of what they target or in being willing to take pay for sabotage or acts of violence that help create a climate of violence in given areas." **[63b] (p182)** The CSIS report added that:

"At least some elements in the Sunni insurgency do, however, work with criminal elements looting and sabotage campaigns. These clearly involve some native and foreign Sunni Islamist extremists – particularly in areas like kidnappings – but the alliances 'Ba'athists' and 'Sunni nationalists' have with

criminal groups seem to be much stronger. They also seem to dominate the cases where tribal groups mix insurgents and criminals.

"Many US and Iraqi intelligence officers believe that some criminal networks are heavily under the influence of various former regime elements or are dominated by them, and that some elements of organized crime do help the insurgency. … Furthermore, at least some Shi'ite criminal groups and vendettas use the insurgency or Sunnis as a cover for their activities." **[63b] (p182)**

9.05 UNHCR's Eligibility Guidelines paper of August 2007 remarked:

"It is increasingly difficult to distinguish common criminals from insurgents and militias, as all engage in kidnappings and extra-judicial killings and illegal activities such as trafficking in weapons, drugs and oil to fund their activities. According to the Iraq Study Group, '*some criminal gangs cooperate with, finance, or purport to be part of the Sunni insurgency or a Shi'ite militia in order to gain legitimacy.'*

"Criminal activities often reveal a sectarian dimension. At times, criminal gangs abduct victims in order to sell them to sectarian groups. Accordingly, criminal groups are fuelling sectarian violence and causing displacement. Increasingly, criminal gangs are working in collusion with or have infiltrated the ISF, leaving victims without access to protection." **[40j] (p44-45)**

9.06 The ACCORD/UNHCR COI report, published November 2007, commented that "The overlapping motives of violence - sectarian motives mixed with crime - are a very important point to consider. Every criminal gang is more or less forced by 'political correctness' to give itself an Islamic name. It seems that criminal groups sometimes even fall to their own lies and think they are Islamic. On the other hand, money generated by criminal activities is used for financing political violence. It is therefore not possible to separate these motives." **[40m] (p76)**

9.07 The December 2007 Addendum to the UNHCR's August 2007 report stated that increasing criminality has been seen in Iraq's central Government. **[40l] (p22)** Criminal gangs were also reported to be in operation particularly in Basrah, where they were reported to be a "major concern" and partly responsible for kidnappings and assassinations in the governorate. **[40l] (p41-42)**

See also Security in southern Iraq.

KIDNAPPING/HOSTAGE TAKING

9.08 Kidnappings continued to be a serious problem in Iraq. (USSD 2007) **[2l] (p3)** (UNAMI, 1 May–30 June 2006) **[39a] (p7)** (UNAMI, 1 July–31 August 2006) **[39c] (p9)** (UNHCR August 2007) **[40j] (p23)** (UNHCR December 2007) **[40l] (p6)**

9.09 The UNAMI report covering 1 May–30 June 2006, noted that: "Foreigners also continued to be affected. On 25 June, 4 Russian Embassy workers, kidnapped since 3 June, were reported to have been executed by their kidnappers. … Increasingly, there are reports of group kidnapping, presenting mixed connotations of organized crime with a sectarian element." **[39a] (p8)**

9.10 Reports suggest that there were a number of cases of child kidnapping, most of whom seem to be released after a ransom is paid. (UNAMI, 1 May–30 June 2006) **[39a] (p8)** (*The Independent*, 20 July 2006) **[85b]**

9.11 The UNAMI report, dated 1 July–31 August 2006, noted "Many kidnappings continue to be carried out by criminal gangs sometimes wearing police or Special Forces' uniforms. The victims are either released or they disappear based on their sect affiliation. In some cases, there are reports that hostages are sold to other gangs. … Many individuals kidnapped for ransom have not been released even if victims' families expressed their willingness to pay a ransom. " **[39c] (p9)**

9.12 The UNAMI report, dated 1 September-31 October 2006, also noted "Many witnesses reported that perpetrators wore militia attire and even police or army uniforms. The perpetrators were reported to operate in groups, arrive in what appeared as police vehicles and were not deterred by the presence of police forces in the vicinity. Such killings have sectarian connotations and have affected all communities in the country, albeit to various degrees." **[39e] (p5)**

9.13 The UNAMI report, dated 1 September-31 October 2006, reported that bodies of kidnap victims were often found "handcuffed, blindfolded and bearing signs of torture and execution-style killing." **[39e] (p5)**

9.14 The UNAMI report, dated 1 November-31 December 2006, which lists numerous examples of kidnapping in Iraq, **[39f] (p9-10)** stated that:

"Abductions have increased dramatically in the past months and have become a tool for armed groups to finance their activities, to intimidate and eliminate opponents, and to instil fear by targeting prominent personalities. Abductions have been used by both Sunni insurgents as well as by Shiite militias. Many victims were tortured and killed and some remained unidentified. The Baghdad Medico-Legal Institute is reported transporting some 200 unidentified bodies every week to cemeteries in Najaf and Karbala which relatives do not claim out of fear of reprisals. In addition, there are reports of bodies that end up buried in mass graves and are not recorded at the morgues." **[39f] (p9)**

9.15 The USSD report 2006 recorded "During the year [2006] there was a marked increase in large-scale kidnappings. For example, on June 5, up to 50 persons were taken from the Salhiya neighborhood in Baghdad. The MoI publicly denied involvement, although residents reported that the assailants wore police uniforms. Several of those taken were later released after having been severely beaten. The whereabouts of the others was unknown at year's end." **[2h] (p3)**

9.16 The UNHCR's Addendum to its August 2007 paper, published December 2007, noted kidnappings to be "a regular occurrence in many parts of Central and Southern Iraq." **[40l] (p6)** Kidnappings were reported to occur particularly in Baghdad, Kirkurk, Ninewa and Basrah governorates. **[40l] (p33, p37, p40)**

See also Security on central and western Iraq, southern Iraq, Kirkurk and Mosul

9.17 The USSD report for 2007 stated that: "During the year [2007] kidnappings and disappearances remained a severe problem; many individuals disappeared, with frequent accusations directed at rogue police. The majority of the reported cases appeared to be sectarian-related. Police believed that the great majority of cases were unreported. Many Baghdad residents complained that rogue neighborhood police officers often arrested family members without an arrest warrant and then would later call for a ransom. Numerous reports indicated that rogue police were involved in sectarian-motivated, as well as criminal, kidnappings." **[2l] (p3)** The report went on to say that large-scale kidnappings also continued; 19 men were kidnapped from a Shi'a village in April 2007 and their bodies found the following day near Baquba, north of Baghdad. **[2l] (p3)**

9.18 The USSD report for 2007 also noted that: "Incidents of political kidnappings occurred during the year [2007], with frequent accusations directed at the police." **[2l] (p3)**

9.19 The ACCORD/UNHCR COI report, published November 2007, stated that "Once you have been a target of a kidnapping and paid a ransom, another criminal group may be very interested in you. They think that if you paid once you might be able to pay twice." **[40l] (p76)**

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SECURITY FORCES

10.01 The UNAMI report, dated 1 July–31 August 2006, observed that:

"As the type and scale of human rights violations have continued to vary since 2003, the new Iraqi Government established in May 2006, although strongly committed to the promotion and protection of human rights, is currently facing a generalized breakdown of law and order which presents a serious challenge to the institutions of Iraq." **[39a] (p1)**

10.02 The UNAMI report, dated 1 November-31 December 2006, stated that "Law enforcement agencies do not provide effective protection to the population of Iraq and increasingly militias and criminal gangs act in collusion with, or have infiltrated the security forces." **[39f] (p2)** The UNAMI report notes "Violence has also been perpetuated by ineffectual state law enforcement agencies. Iraqi law enforcement institutions are marred by corruption and increasing internal and sectarian divisions. Iraqi police are seen as having being infiltrated by or colluding with militias, insurgency and political parties, depending on the area where they operate." **[39f] (p8)**

10.03 The USSD report for 2007 noted that the Ministry of Interior (MoI) was responsible for "providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies." **[2l] (p6)** These responsibilities were exercised throughout Iraq, except for the KRG area. **[2l] (p6)** The USSD report for 2007 continued:

"It [the MOI] also had responsibility for emergency response, border enforcement, dignitary protection, firefighting, and internal monitoring of the conduct of MOI personnel." **[2l] (p6)**

10.04 The USSD report for 2007 also stated "Authorities frequently did not maintain effective control over security forces and did not have effective mechanisms to investigate and punish abuse and corruption." **[2l] (p6)** The report continued to note that:

"By year's end the MOI had reportedly opened 6,000 internal affairs investigations, of which 1,200 resulted in firings and about 500 in other disciplinary actions. Of about 500 cases opened by the MOI inspector general, 61 were referred to the court system, resulting in 31 convictions. Over the past several years, assassination attempts killed 14 members of the MOI Internal Affairs staff and wounded 14. During the year the personal aide of the interior minister was also killed." **[2l] (p6)**

10.05 In March 2008, Global Security reported that "Since late 2003, Coalition forces and the Iraqis have trained over 425,000 Iraqi Ministry of Defense (MoD) military, Ministry of Interior (MoI) police and Counter Terrorism Bureau (CTB) special operations personnel. As of January 1, 2008, Iraqi MoD, MoI and CTB forces numbered approximately 531,616 personnel—an increase of approximately 40,000 personnel since the December 2007 report. This increase includes nearly equal numbers of MoI and MoD forces. MoI increases are attributable to continued police hiring to meet new GoI goals,

and MoD increases are attributable to the ongoing generation of new Iraqi Army units." **[83c]**

IRAQI SECURITY FORCES (ISF)

10.06 The ISF include both the Iraqi Army and the Iraqi police. (Center for Naval Analysis, 2 June 2006) **[64a] (p23)** The armed forces and security organisations that operated under the Saddam regime were dissolved on 23 May 2003. (Europa World Online, 9 August 2005) **[1c] (Defence)** The Ministry of Interior and the Ministry of Defence now share responsibility for domestic security. (UNHCR COI, October 2005) **[40c] (p46)**

10.07 The UNAMI report, dated 1 September-31 October 2006, noted that "Some measures were also reportedly taken to increase the ethnic and sectarian diversity of the Public Order Division (e.g. the recruitment of Christians and Turkomans in the Ninawa Province, resulting in 8,000 potential new recruits)." **[39e] (p20-21)**

10.08 The USSD report for 2007 noted that "The army, under direction of the MOD, also played a part in providing domestic security. During the year the ISF operated with the support of MNF-I to provide internal security against insurgent, terrorist attacks, and extralegal militia crimes. During the year the ISF often did not prevent or respond effectively to societal violence." **[2l] (p6)**

10.09 The USSD report for 2007 also stated that "The inability of the overwhelmingly Shi'a ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement were problems, although the recruitment into 'Concerned Local Citizen' paramilitaries of approximately 70,000 largely Sunni tribesmen and former insurgents in Anbar improved anti-extremist capabilities." **[2l] (p6)**

See also Awakening Councils.

Infiltration

10.10 The ISF were widely believed to be infiltrated by the Shi'a parties' militia. (Brookings Institution, October 2006) **[88b] (p14)** (CSIS, 19 June 2006) **[63a] (p64)**

10.11 *The Washington Post* stated, on 15 May 2006, that "To the Sunni Arab minority, units with such names as the Wolf Brigade have become synonymous with roundups, detention, torture and killing." **[16b]** The UNHCR advisory paper, dated 18 December 2006, noted "Ministry of Interior have been repeatedly accused of employing militia members who commit gross human rights violations against those suspected of belonging to the insurgency." **[40e] (p2)** Iraq's interior minister confirmed that death squads and other unauthorised armed groups have been carrying out sectarian killings in the country. (BBC, 12 April 2006) **[4w]** (*The Washington Post*, 15 May 2006) **[16b]** (AFP, 12 April 2006) **[21d]**

10.12 Although *The Washington Post* reported that Jabr said that there were a few death squads operating within the Interior Ministry police forces, the AFP article reported that death squads were not linked to the government but to

private security forces. **[16b] [21d]** Whilst the Brookings Institution report, October 2006, states that "Iraqi security forces are heavily implicated in the violence against Sunnis. …Even if they are not directly involved in the violence, the police are often powerless." **[88b] (p14)**

"The end result was that Sunni neighborhoods in western Baghdad formed citizen groups to keep the paramilitary forces out of their areas entirely. Young men took turns standing in the streets after the 11 pm curfew and sent signals by flashlights and cell phones if strangers approached. In some cases, citizens set up barricades and took up arms against Shi'ite-led commando raids into their neighborhoods. In other cases, residents tipped off Sunni insurgents. Sunni residents attributed the recent drop in paramilitary raids to neighborhood patrols obstructing them. Sunnis cited the fact that killers now struck targets at their workplaces, in hospitals, and while they commuted." (CSIS report, 19 June 2006) **[63a] (p69)**

10.13 On 9 October 2006, BBC News recorded reports that sectarian attacks were carried out by impostors in police uniform, although others alleged that this was actually the work of Shia police collaborating with Shia militiamen. **[4cx]**

10.14 The UNAMI report, dated 1 September-31 October 2006, notes that "Faced with a credibility issue, the Ministry of Interior (MoI) has recently announced that it has taken action against individuals suspected of collusion with militias and has instituted reforms to discourage corruption." **[39e] (p20-21)** Nevertheless, UNHCR's Eligibility Guidelines of August 2007 continued to report on the infiltration of the ISF:

"Shi'ite-dominated ISF and militias, often wearing police or Special Forces uniforms, regularly target members of the Sunni population. Those targeted include also Sunni Arab refugees such as Palestinians and those from Syria and Iran, as well as former members of the Ba'ath Party and security services, who are considered supporters of the former regime and the ongoing insurgency. The fact that Shi'ite militias have infiltrated or collaborate with the ISF blurs the line between state and non-state actors." **[40j] (p40)**

10.15 The same report also notes "There are reports that insurgents have infiltrated parts of the ISF. For example, several brigades of the Ministry of Defence in charge of protecting oil pipelines have been accused of running death squads killing (Shi'ite) Government officials and appear to have links to insurgency groups." **[40j] (p40)** The UNHCR's December 2007 paper reported that infiltration of the ISF by militia still occurred in Iraq, particularly in Basrah. **[40l] (p39, p41, p43)**

10.16 The ACCORD/UNHCR COI paper, published November 2008, stated that "The Iraqi Security Forces (ISF) and Shi'ite militias are other actors responsible for violence in Iraq. It is almost impossible to distinguish between them, in their case the lines between state and non-state actors are blurred." **[40m] (p75)**

10.17 Jane's Sentinel, last updated 18 February 2008, reported that:

"Strong recruitment of a continually enlarged Iraqi Army is sucking many militia elements – Shia and Sunni – into government jobs, with the prospect that over time these forces will become enmeshed in the system. … Iraqis highly value

the steady wage of government employment and are slowly becoming accustomed to certain features of Iraqi Army roles (such as deployment outside their home area). The process is being unevenly applied, however, with certain Shia 'death squads' being singled out as 'accelerants' of sectarian conflict while US forces have been authorised to arrange local ceasefires with other militias, notably Sunni and Shia nationalists." **[14d] (p5)**

Iraqi police

10.18 The Iraqi police force falls under the control of the Ministry of Interior. It consists of the Iraqi Police Service (IPS), the National Police (NP), and supporting/specialised forces, including Border enforcement. (CNA, 2 June 2006) **[64a] (p23)**

10.19 The CSIS report, dated 19 June 2006, stated that "The primary organization for local civilian policing in the MOI was the Iraqi Police Service (IPS)." **[63a] (p113)**

10.20 The US Library of Congress stated, in August 2006, that "In 2006 Iraq had no conscription system, although a draft system could be established by the permanent government. Recruitment centers were located in Arbil, Baghdad, Basra, and Mosul." **[33a] (p24)** The CSIS report, dated 19 June 2006, stated that "In many cases, equipment and facilities remained a problem, desertions and inaction were common, and corruption was the rule rather than the exception." **[63a] (p10)** The same report mentioned:

"Iraqi force development was further complicated by the fact that the facilities protection forces, the various militias, and local self-protection forces came to play a steadily more negative role as the scale of sectarian and ethnic violence increased. The police became more divided, and such divisions were reinforced by the fact that many police were not part of the trained and equipped forces developed by the MNF-I." **[63a] (p10)**

10.21 The CSIS report also noted that:

"By early 2006, Ministry of Interior forces earned a black reputation among many in Iraq, particularly among Iraq's Sunni population. So poor was the force's reputation that after the bombing of the Askariya shrine in Samarra on February 22, many Sunnis claimed that the perpetrators of the act were MOI forces seeking a pretext for civil war. Among the forces that had gained the mixed reputation as among the most effective, but also the most feared, were the MOI's special security forces and police commandos." **[63a] (p112)**

10.22 The US Library of Congress report, August 2006, records that "The police have been accused of politically motivated attacks on non-Shia Iraqis. Two Shia militia groups, the Badr Organization (the armed wing of the Supreme Council for the Islamic Revolution (SCIRI) party) and the Army of the Mahdi, have substantially infiltrated police forces in some regions." **[33a] (p25)** Whilst the UNAMI report of 1 May–30 June 2006, noted:

"The functioning of these state institutions is negatively affected by the violence, corruption, inadequate resources and infrastructure and internal control systems which are weak or non-existent. Often, the response of law enforcement agencies and military operations has contributed to the violence

and has also brought significant distress to civilians in many parts of the country. … Disturbingly, security incidents are said to occur also within view of the police, who are reportedly unable or unwilling to intervene and restore order." **[39a] (p1)**

10.23 The UNAMI report, dated 1 September-31 October 2006, noted that "Facing criticism about action by the police, the Government has reportedly started a vetting process which has led to the removal of at least 3,000 members of the Ministry of Interior on allegations of human rights abuses and corruption." **[39e] (p2)** The report also mentioned that a Centre for Human Rights and Ethics, attached to the Ministry of Interior, has been established. **[39e] (p2)** The same report recorded:

"There are increasing reports of militias and death squads operating from within the police ranks or in collusion with them. There are also numerous credible reports of police officials requiring payment from would-be recruits to join the police, with the intention of payroll fraud. Consequently, absenteeism is widespread and there are reports that in Kirkuk alone, half of the 5,000 police force and 13,000 Army soldiers, are not reporting to duty at any given time, and many fail to return to duty." **[39e] (p20)**

10.24 According to the CSIS report, dated 30 November 2006, "Widespread militia infiltration continues, especially of the police force. Militias also intimidate individual members of the security forces to secure their cooperation or at least forestall action against them. Mixed loyalties not only existed at the level of individual policemen or officers, but also inside the relevant ministries." **[63c] (piv)**

10.24 The US Library of Congress report, August 2006, mentioned that "From the beginning of the occupation in 2003, the new Iraqi police force has been the target of attacks, kidnappings, and murders. The government estimated that 280 police were killed between 2003 and January 2006." **[33a] (p25)**

10.25 A report by AI, published March 2008, stated "In July 2006, a report published in a US newspaper stated that the Iraqi Ministry of the Interior had carried out investigations which had revealed more than 400 incidents of police misconduct. These included 'the rape of female prisoners, the release of terrorism suspects in exchange for bribes, assassinations of police officers and participation in insurgents' bombings'. According to the report, most of those involved in the incidents were not punished." **[28o] (p18)**

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Iraqi Police Service (IPS)

10.26 The Iraqi Police Service (IPS) is tasked with basic police services and law enforcement duties. (UNHCR COI, October 2005) **[40c] (p50)** The CNA report, of 2 June 2006, states "The Iraqi Police Service (IPS) is responsible for daily patrolling of cities and towns in Iraq. Although some units are proficient, the IPS as a whole has a reputation of being untrained and police station-bound." **[64a] (p23)** The UNHCR COI report, October 2005, however, mentions that "… they were also being used to fight the insurgency from the early beginning, a task the police were not often adequately trained and equipped for." **[40c] (p50)**

10.27 The CSIS report, dated 19 June 2006, adds "The IPS consisted of patrol, traffic, station, and highway police assigned throughout Iraq's 18 provinces." **[63a] (p113)** Approximately 101,200 IPS personnel had been trained and equipped as of May 2006. (CSIS, 19 June 2006) **[63a] (p113)**

10.28 The USSD report for 2007 reported that the 142,000-member Iraqi Police Service were deployed in police stations in Iraq. **[2l] (p6)**

10.29 The FCO report for 2007, commented "there are now 135,000 Iraqi Police Service officers nationwide, with 31,000 in the southern provinces and 15,000 in Basra. The Iraqi Police Service has come some way in its capability to maintain public order, investigate crimes and arrest suspects, but the culture of abuse and repression within the Iraqi security forces remains." **[66p] (p155)**

10.30 Jane's Sentinel, last updated 18 February 2008, stated that:

> "Development of the IPS has been slow, though not for lack of recruits. Despite the deaths of over 2.000 policemen and police recruits and ongoing concerns about payment, the IPS is not short of volunteers. In fact, tribal sheikhs and community leaders place a high premium on getting their tribal members into the IPS, thereby inserting them into prized long-term government jobs and positions of influence in the community. The critical problem remains ensuring adequate training for the force, which is currently around 212,630 strong." **[14d] (p15)**

Iraqi Highway Patrol

10.31 The CSIS reported, on 19 June 2006, that "As of March 2006, the MOI had integrated the former Iraqi Highway Patrol into the respective provincial police departments." **[63a] (p113)**

National Police (NP)

10.32 The National Police is a paramilitary organisation, which is made up of "commandos" and "special forces". (*The Washington Post*, 15 May 2006) **[16b]** (CSIS, 19 June 2006) **[63a] (p110 and 112)** (CNA report, 2 June 2006) **[64a] (p23)** The CSIS report of 19 June 2006, noted that "National Police were formally known as 'Special Forces' and 'Commandos'." **[63a] (p110)**

10.33 The UNHCR COI report, October 2005, stated "The Special Police Commando Battalions were set-up by the Ministry of Interior in August 2004 and consist of highly-vetted officers and rank-and-file servicemen that can be quickly deployed in counter operations." **[40c] (p52)** The UNHCR COI report, October 2005, recorded that "The Special Police Commando Battalions are made up mainly of members of the former regime's Special Forces, the Security Directorate and the Republican Guards. **[40c] (p52)**

10.34 The UNHCR COI report, October 2005, mentions that "While the commandos have gained 'high praise for their aggressiveness, effectiveness, and discipline' for their operations in hotspots such as Mosul, Ramadi, Baghdad and Samarra, the force remains controversial after the emergence of allegations of excessive use of force, torture and summary executions have emerged." **[40c] (p52)**

10.35 The Freedom Brigade (formerly the Wolf Brigade) was possibly the most dreaded and effective commando unit. (CFR, 9 June 2005) **[8a] (p2)** (CSIS, 19 June 2006) **[63a] (p112)** Composed of about 2,000 fighters, members "… reportedly earn as much as 700,000 Iraqi dinars, or $400, per month, a large sum in Iraqi terms. They dress in garb-olive uniform and red beret-redolent of Saddam Hussein's elite guard; their logo is a menacing-looking wolf." **[8a] (p2)**

10.36 The CNA report, June 2006, stated that: "Under former Minister of Interior Bayan Jabr, these Shia-dominated commandos conducted 'death squad' raids against Sunni targets. An attempt is now being made to reform and upgrade the National Police." **[64a] (p23)**

10.37 The USSD report for 2007, stated that the 33,000-member National Police were overwhelmingly Shi'a and organized into commandos, public order, and mechanized police. **[2l] (p6)** The report went on to note that: "MOI security force effectiveness, particularly the National Police, was seriously compromised by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity." **[2l] (p6)**

10.38 The USSD report for 2007, commented that: "Reform efforts to increase the capacity and effectiveness of the police continued. During the year [2007] the MOI National Police relieved both of its division commanders, 10 brigade commanders that had led its nine brigades, and 18 of 28 battalion commanders in the process of vetting for criminal and sectarian associations with militias. However, … sectarian politics between the Badr Organization and the JAM [Jaish al-Mahdi army] appeared to play a strong role in MOI disciplinary actions, as well as in general MOI internal actions. Reform efforts also included human rights training and other forms of assistance. Basic recruits received approximately 32 hours of human rights training in their eight to 10 week course." **[2l] (p7)**

10.39 There were reports that guards at the National Police facility of Baghdad took bribes of around $15,000-$20,000 from families to secure the release of their relatives. (USSD 2007) **[2l] (p7)**

Border Enforcement

10.40 The UNHCR COI report, October 2005, stated:

> "The Department for Border Enforcement was established by CPA Order No. 26 and is tasked to 'monitor and control the movement of persons and goods to, from, and across the borders from Iraq'. It is authorized to assume the following functions: border police, customs police, customs inspections, immigration inspections, border port of entry facilities protection, detention and deportation, coastal patrol, airport immigrations and customs processing, passport issuance and inspections and other nationality and civil affairs functions." **[40c] (p51)**

10.41 The CSIS report, dated 19 June 2006, recorded that "By May 2006, the Department of Border Enforcement (DBE) numbered approximately 21,000 trained and equipped personnel, an increase of 2,300 since February 2006.

These forces were organized into five regions, 12 brigades, and 38 battalions." **[63a] (p117)**

10.42 According to the USSD report for 2007, the Border Enforcement Police had 31,000 members. **[2l] (p7)**

10.43 Jane's Sentinel, last updated 18 February 2008, reported that the "[Iraq Border Police] suffers from the same flaws of corruption and overstretch as the police service. IBP personnel have been drawn away from points of entry and denial points along Iraq's land border to assist with the counter-insurgency …" **[14d] (p15)**

Facilities Protection Service

10.44 The Facilities Protection Service was set up in 2003 to guard official buildings. (AFP, 12 April 2006) **[21d]** The US Library of Congress reported, in August 2006, that "The Facilities Protection Service (FPS), staffed mainly by former military and security personnel, was nominally under the Ministry of Interior but by 2005 had become an independent for-hire force, paid by private security companies to protect oil industry and government installations. In response to reports linking the FPS with death squad activities, the Ministry of Interior attempted in 2006 to limit the operations of the FPS…." **[33a] (p24)**

10.45 The CSIS report, dated 19 June 2006, adds that: "There was little effort to deal with the nearly 150,000 men in the various facilities protection forces, which were far more ineffective, corrupt, and divided than the police." **[63a] (p10)** An AFP article reported, on 12 April 2006, that unofficial death squads operated within the security forces, namely the FPS. **[21d]** Whilst an article in *The Washington Post*, dated 14 May 2006, adds:

> "… Interior Minister Bayan Jabr accused the Facilities Protection Service, known as the FPS, of carrying out some of the killings widely attributed to death squads operating inside his ministry's police forces. A senior U.S. military official … said he believed that members of the FPS, along with private militias, were the chief culprits behind Iraq's death squads." **[16h]**

10.46 According to the USSD report for 2007, the Facilities Protection Service consisted of 140,000 to 150,000 members. **[2l] (p7)**

Iraqi armed forces

10.47 The Iraqi Armed Forces falls under the control of the Ministry of Defence. **[63a] (p81)** (CNA, 2 June 2006) **[64a] (p23)** The Iraqi Armed Forces consist of the Iraqi Army (including the Iraqi Special Operations Forces, the Iraqi Intervention Forces and the former National Guard), the Iraqi Navy (former Iraqi Coastal Defence Force), Iraqi Air Force (former Iraqi Army Air Corps). (UNHCR COI, October 2005) **[40c] (p56)** (CIA world factbook, 24 January 2007) **[78a] (p10)**

10.48 The UNHCR COI report, October 2005, stated "No person that was a member of the Ba'ath Party's upper ranks was allowed to join the New Iraqi Army, except with permission of the CPA." **[40c] (p55)**

10.49 The CSIS reported, on 19 June 2006, that "By May 2006, the Iraqi Army included approximately 116,500 trained and equipped combat soldiers,

including Strategic Infrastructure Battalion personnel and approximately 9,600 support forces. … The number of Iraqi Army units that rated as having 'assumed the lead' had doubled to two Iraqi Army divisions, 14 Iraqi brigades, and 57 Iraqi battalions." **[63a] (p100)** The CNA report adds that the Iraqi Army had 10 divisions. **[64a] (p23)**

10.50 The US Library of Congress stated, in August 2006, that "The ground forces will account for the majority of the personnel envisioned in the Iraqi Armed Forces. The New Iraqi Army… including National Guard forces, will be purely defensive and represent all the major factions in Iraq's population. The initial organizational structure includes light infantry brigades (possibly one division), rapid intervention forces, and special forces." **[33a] (p23)** The CSIS report mentions that "As of May 2006, the Iraqi Navy had 800 trained and equipped sailors and Marines organized into an Operational Headquarters, two afloat squadrons, and six Marine platoons." **[63a] (p103)** "As of May 2006, the Air Force had approximately 600 trained and equipped personnel." **[63a] (p105)**

10.51 The CSIS report, dated 19 June 2006, states "The regular armed forces, and most of the security forces under the Ministry of Interior, largely continued to serve the nation and the central government, not sectarian or ethnic factions — although some elements committed prison and other human rights abuses and were found to have participated in attacks on Sunnis." **[63a] (p9)** Although Sunni Muslims were joining the army in large numbers, efforts to increase the Sunni percentage slowed. (CSIS, 19 June 2006) **[63a] (p9)** (*The Washington Times*, 3 May 2006) **[96a]** The UNHCR COI report stated that Sunni desertion rates are particularly high. **[40c] (p49)**

10.52 Iraqi forces were increasingly confronted with the fact they no longer could concentrate on attacking insurgents, but often had to try to create local security in the face of sectarian and ethnic divisions where there was no clear enemy and any action tended to make the armed forces seem the enemy to some local factions as well as put a strain on the regular military to avoid taking sides. (CSIS report, 19 June 2006) **[63a] (p9)** The report also noted that "The Iraqi army does not require its soldiers to sign contracts, so soldiers treat enlistments as temporary jobs." **[63a] (p107)**

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Iraqi National Guard

10.53 The US Library of Congress stated, in August 2006, that "The Iraqi National Guard, formerly called the Iraqi Civil Defense Corps, had about 40,000 active personnel in 2005, when it was absorbed nominally into the regular ground forces. Nevertheless, in 2006 National Guard units still reportedly were conducting independent missions and were linked with antigovernment militia activity." **[33a] (p24)**

Iraqi Special Operations Forces (ISOF)

10.54 The CSIS report, dated 19 June 2006, notes that "As of May 2006, the Iraqi Special Operations Forces (ISOF) were composed of approximately 1,600 trained and equipped personnel organized into the Iraqi Counter-Terrorism

Task Force (ICTF), the Iraqi Commandos, a support battalion, and a special reconnaissance unit." **[63a] (p102)**

Awakening Councils

10.55 On 29 December 2007, Asharq Alawsat News reported that the predominantly Sunni Awakening councils, or Al-Sahwa forces, were members of Sunni clans trained by US-forces as part of the US strategy to achieve stability in Iraq. **[127]** The movement, now comprising of over 80,000 elements, began in the Anbar province in December 2006. **[127]**

10.56 The forces increasingly became a target for attacks launched by insurgent forces (Asharq Alawsat News, 29 December 2007) **[127]** (BBC News, 20 December 2007) **[4cg]** (Guardian, 20 November 2007) **[6ag]**; on 20 December 2007, BBC News reported that 13 Iraqis were killed in an suicide attack on a centre recruiting 'awakening' members in Diyala, north of Baghdad. **[4cg]** On 31 December 2007, BBC News reported that at least 11 members of an Awakening council had been killed by a suicide truck bomber. **[4ce]** On 11 February 2008, the *New York Times* reported that at least 23 people thought to be Awakening council members had been killed by a car bomb at a checkpoint north of Baghdad. **[24k]** It was also reported that at least 100 Awakening members had been killed in the previous few weeks. **[24k]**

10.57 On 20 December 2007 the *Guardian* reported that the Awakening councils, or neighbourhood security groups, had "mushroomed over the last year and are a crucial factor in the dramatic decline in civilian deaths. US soldiers call them 'concerned local citizens' …There are now an estimated 72,000 members in some 300 groups set up in 12 of Iraq's 18 provinces, and the numbers are growing. They are funded, but supposedly not armed, by the US military. … they are still dominated by Sunnis, the patrols' make-up increasingly reflects the ethnic and sectarian community they are guarding. An increasing number of Shia are now joining their ranks, some in a bid to counter the influence of Moqtada al-Sadr's Mahdi army in their area." **[6ag]**

10.58 On 7 January 2008, BBC News reported on "US-backed 'awakening councils', made up of insurgent fighters who turned against al-Qaeda extremists, have been credited with helping reduce violence across Iraq's Sunni Arab areas. But correspondents say their offices and checkpoints are themselves becoming targets of pro-al-Qaeda bombers." **[4cd]** On 4 February 2008, BBC News also reported that "government intelligence reports showed al-Qaeda was trying to infiltrate the neighbourhood groups." **[4ck]**

10.59 Jane's Sentinel, last updated on 18 February 2008, noted that "Multi-National Forces have established a Diyala Salvation Front to mirror the Anbar Awakening Council of anti-AQI tribes in Anbar." **[14d] (p3)**

See also Sunni Arab insurgents.

Security agencies

10.60 The UNHCR COI report, October 2005, mentioned that a number of state security and intelligence agencies also operated in Iraq, such as the Iraqi National Intelligence Service (INIS); the General Security Directorate; the Major Crimes Directorate and Criminal Intelligence Directorate; and the

Directorate of Ministry Security and Welfare and the Internal Affairs Directorate. **[40c] (p57-58)**

10.61 On 7 March 2007, CNN News reported that "The Iraqi National Intelligence Service, or INIS, is funded completely by the U.S. Central Intelligence Agency, according to military and intelligence sources. Since the fall of Saddam Hussein's regime, the CIA has placed more than 500 officers in Iraq, according to U.S. intelligence sources, making the station the CIA's largest in the world … The INIS head, the secretive Mohammed Abdullah Shahwani, was appointed three years ago by the United States." **[17h]**

ISF as targets for insurgents

10.62 Attacks by armed insurgents on the ISF were common. (*The Times*, 4 January 2005) **[5c]** (HRW, 3 October 2005) **[15j] (p102)** (HRW, January 2005) **[15g] (p3)** (UNSC, 7 June 2005) **[38b] (p3)** (UNAMI, 1 September-31 October 2006) **[39e] (p6)** (UNHCR COI, October 2005) **[40c] (p56)** (CSIS, 19 June 2006) **[63a] (p21)** The frequent attacks largely targeted checkpoints, police stations and recruitment centres. (HRW, January 2005) **[15g] (p3)** (UNAMI, 1 September-31 October 2006) **[39e] (p6)** (UNHCR COI, October 2005) **[40c] (p2, 16 and 56)** (CSIS, 19 June 2006) **[63a] (p21-22)**

10.63 The HRW report, dated 3 October 2005, states that:

"Some insurgent groups have summarily executed, often by beheading, captured Iraqi police and army personnel, as well as soldiers from the Multi-National Force. The number of security force members murdered in the custody of insurgent groups is not known, but groups like Ansar al-Sunna and al-Tawhid wal-Jihad have repeatedly claimed responsibility for executing soldiers and police." **[15j] (p104)**

10.64 The UNHCR COI report, October 2005, records "Furthermore, senior ISF officials have become the target of deliberate assassinations. … Senior members of the ISF have reportedly relocated their families outside Iraq (mainly to neighbouring countries) as insurgents also target their houses and family members." **[40c] (p56)** Whilst a report by The Brookings Institution, dated 30 October 2006, notes "1,300 Iraqi military and police were killed between June 2003 and January 4, 2005 according to Iraqi Minister of Interior Falah Hasan Al-Naqib." **[88a] (p8)**

10.65 The UNHCR Basrah advisory paper, August 2006, stated that "Militias and insurgent groups continue to execute attacks on Multinational Forces (MNF) and the Iraqi Security Forces (ISF), foreign contractors, private security firms and oil facilities." **[40g] (p8-10)** "Armed groups also target those involved in reconstruction efforts, Iraqis working with MNF/ISF and Iraqis working with the Iraqi Government." **[40g] (p8-10)**

See also Perceived collaborators and 'soft targets'.

Torture by the security forces

10.66 The 2005 Constitution stipulates that "All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the

right to seek compensation for material and moral damages incurred in accordance with the law." **[82a] (p12)** However, according to a report by AI, published March 2008, "In the past five years Iraqi security forces have committed gross human rights violations, including killings of civilians and torture and other ill-treatment." **[28o] (p18)**

10.67 It was widely reported that on 13 November 2005, al-Jadiriyah, a secret detention facility controlled by the MOI was raided by US forces. The troops allegedly found over 170 detainees being held in horrendous conditions and bearing signs of torture, ill-treatment and malnutrition. (BBC, 15 November 2005) **[4z]** (Times Online, 16 November 2005) **[5e]** (*The Guardian*, 16 November 2005 **[6b]** (IRIN, 20 February 2006) **[18ag]** (AI, 22 February 2006) **[28h]** (AI, 6 March 2006) **[28b] (p2)** The UNSC report, 3 March 2006, notes "The Prime Minister's decision to establish an investigative committee to examine Al-Jadiryia abuses was welcomed by all communities." **[38e] (p11)** However, the AI report, published March 2008, stated "the Iraqi government said that it would mount an investigation, but if it did, the findings have yet to be published." **[28o] (p18)** The FCO report for 2007, in response to such allegations of abuse, commented "we have pressed the Iraqi authorities to investigate fully and we have made it clear that if there is evidence of abuse we expect those implicated to be brought to justice. As a result, two Iraqi police units in the south have been disbanded and an inspection programme established. We have developed a human rights training curriculum for the police, which we are working to implement throughout Iraq." **[66p] (p156)**

10.68 AI reported, on 6 March 2006, that "…several detainees are reported to have died in 2005 while being held in the custody of the Iraqi authorities; in several cases, the bodies of the victims reportedly bore injuries consistent with their having been tortured." **[28b] (p2)**

10.69 The UNAMI noted in its 1 September-31 October 2006 report, that:

"At a press conference on 17 October, MoI Spokesperson stated that 3,000 police members were laid off since last May for human rights violation and corruption charges. Of these, 1,228 were dismissed for 'breaking the law', while nearly 2,000 more were dismissed for 'dereliction of duty'. There is no indication whether these former officers will be further prosecuted for their alleged misconducts." **[39e] (p20-21)**

10.70 An article by IRIN news, dated 20 February 2006, reported that "An NGO [Prisoners' Association for Justice (PAJ)] established this year [2006] to assist former prison detainees who have suffered abuses in prison has received an overwhelming initial response." **[18ag]**

See also Prison conditions

10.71 In Amnesty International's annual report for 2007, covering events of 2006, it was reported that: "Iraqi security forces committed widespread human rights violations, including killings of civilians and torture and other ill-treatment of detainees, and were suspected of involvement in sectarian killings." **[28j] (p1)**

10.72 The USSD report for 2007, noted that:

"Numerous and serious reports of torture, abuses, and killings were leveled at MOI's regional intelligence office in Basrah and the Khadimiyah National Police detention facility in Baghdad. Former detainees in both facilities reported that they suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and, in some cases, gunshot wounds. Reports of abuse at the point of arrest, particularly by MOI's National Police forces and MOD's battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. During 2006 there were also similar accusations against MOI and MOD facilities, particularly against the Fifth Division, Second Brigade's detention facility in Baqubah.

"On March 4, joint British and Iraqi Special Forces raided the MOI National Iraqi Intelligence Agency headquarters building in the southern city of Basrah and arrested an alleged death squad leader. The special forces found 30 detainees with signs of torture. According to press reports, the prime minister's office stressed the need to punish the special forces that carried out the raid. There were no known disciplinary actions against those involved in the alleged torture." **[2l] (p4)**

10.73 The USSD report for 2007, also stated that:

"Allegations of MOD abuses continued during the year [2007], but there were no arrests in connection with any of these allegations. There were continuing reports of torture and abuse and an alleged extrajudicial killing on May 30 [2007] of a detainee in MOD custody in Baghdad. In 2006 there were allegations against MOD battalion-level units that carried out arrests in Baghdad, as well as against the Fifth Division, Second Brigade operating in Diyala Province. There were no arrests in connection with these allegations and no information on any investigations. … Employees accused of serious human rights abuses were generally transferred rather than fired or arrested. During the year no members of the security forces were tried or convicted in court in connection with alleged violations of human rights." **[2l] (p6-7)**

10.74 UNHCR's August 2007 paper notes that: "There have been consistent reports about the systematic use of torture, and its prevalence has been "widely acknowledged as a major problem by Iraqi officials". In fact, the situation is worse for detainees held by the Iraqi authorities, in unofficial detention centres of the Ministry of Interior. The vast majority of these are Sunni Arabs, mostly accused of 'terrorism'." **[40j] (p96)**

"Serious reports of torture and killings were leveled at MoI's Serious Crime Unit detention facility in Basrah and the Khadamiya National Police detention facility in Baghdad. Former detainees in both facilities reported that they suffered severe beatings, electrocution, sexual assault, and, in some cases, gunshot wounds. There were also similar accusations against MoD facilities, particularly against the 5th Division, 2nd Brigade's detention facility in Baqubah." (USSD 2006) **[2h] (p3)**

10.75 The HRW World Report 2008, covering events of 2007, stated that:

"The US and Iraqi security offensive in Baghdad led to a sharp increase in the numbers of detainees. Iraqi detention facilities strained to accommodate them, and the justice system often foundered in reviewing their cases, leading to a

backlog in Iraqi detention centers where reports of physical abuse and torture were common." **[15v] (p1)**

10.76 The HRW World Report 2008 continued:

"Reports of widespread torture and other abuse of detainees in detention facilities run by Iraq's defense and interior ministries and police continue to emerge. In October 2007, officials from the United Nations Assistance Mission for Iraq (UNAMI) reported that detainees had been hung by their limbs, subjected to electric shocks, forced to sit on sharp objects, and burned by their jailers. Officials in Iraq's Interior Ministry, which had previously vowed to investigate instances of detainee abuse, disputed the charges.

"Kurdish officials, responding to Human Rights Watch research documenting torture and denial of due-process rights to detainees in northern Iraq, released some detainees in 2007 and began reviewing cases of others. Conditions for remaining detainees were unchanged at this writing." **[15v] (p2)**

See also Prisons and detention facilities in the KRG area.

Extra-judicial killings by the security forces

10.77 A report by Amnesty International, published March 2008, reported that "Iraqi security forces, in particular special forces under the control of the Ministry of the Interior, are reported to have extrajudicially executed dozens of people. Some members of these forces have reportedly continued to maintain close links with Shi'a militia groups, in particular the Badr Organization. In fact, many members of these special forces were recruited from the militia. Allegations of Iraqi security forces' involvement in sectarian killings continue." **[28o] (p8)**

10.78 Many of the extra-judicial killings appeared to have a sectarian background and sectarian hatred between Sunnis and Shi'as was consequently intensified by such incidents. (USSD report 2005) **[2b] (p2)** (USSD 2006) **[2h] (p2)** (UNHCR COI, October 2005) **[40c] (p143)** The UNHCR COI report, October 2005, noted:

"…Since the Shiite parties gained power in the 30 January [2005] elections, accusations are being raised by Sunnis against Shiite militias and the Shiite-dominated ISF, in particular the Interior Ministry police commandos, stating that they are summarily executing Sunni Muslims. … The Ministry of Interior denies allegations that the Sunnis were executed by police forces …" **[40c] (p144)**

10.79 The report also mentioned that "It remains unclear whether such cases of torture and executions are being done at the hands of Iraqi Special Police Commandos or insurgents posing as police." **[40c] (p144)** This was also mentioned in the ACCORD/UNHCR COI report, November 2007. **[40m] (p75)**

See also Infiltration.

10.80 "The vast majority of human rights abuses reportedly carried out by government agents were attributed to the police." (USSD 2005) **[2b] (p3)** "Unauthorized government agent involvement in extrajudicial killings throughout the country was widely reported. Shi'a sectarian militias such as

the oppositionist Jaysh al-Mahdi (Mahdi's Army) and the Badr Corps continued to be prevalent in the ISF, particularly in the center and south of the country. For example, killings and kidnappings in Basrah were carried out by militia members wearing police uniforms and driving police cars." (USSD 2006) **[2h] (p2)**

Avenues of complaint

10.81 The CSIS report, dated 19 June 2006, stated:

"While the US government helped the Iraqi government establish an abuse complaint process system that involved the Inspector General, Internal Affairs, and the Public Affairs Office, the MOI still did not have the ability to police itself and eradicate human rights abuses. Human rights violations were particularly egregious at detention centers where there are no places to shower, pray, or prepare food and where plumbing and electrical systems are substandard." **[63a] (p108)**

10.82 The UNSC stated, on 5 December 2006, that there were reports of police and militias colluding to abduct people to extract bribes from their families. **[38h] (p9)** UNHCR's August 2007 paper also reports on both the infiltration of the police by Shi'ite militias and criminal elements, plus the collusion of the some members of the security forces with criminal gangs. **[40j] (p10)** UNSC added that the Ministry of Interior was intensifying the screening of police officers and vetting measures, including the suspension of police officers involved in abductions, the mistreatment of detainees and assassinations. **[38h] (p9)**

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SECURITY FORCES IN THE KRG AREA

10.83 The UNHCR COI report, October 2005, noted:

"In the three Northern Governorates of Sulaymaniyah, Erbil and Dohuk, the provision of security – including law enforcement and basic police functions – is the responsibility of the local police and the Peshmerga (the militia of the Kurdish parties)…. The Kurdish leaders have repeatedly excluded the possibility of deployment of Iraqi police or army in the Kurdish region." **[40c] (p49)**

10.84 The US Library of Congress report, August 2006, mentioned that "Police operations in the Kurdish Autonomous Region, where the Ministry of Interior officially lacks jurisdiction, are controlled by Kurdish militias.." **[33a] (p25)** It is thought that the Peshmerga consists of around 100,000 men and the police 60,000. (FCO, 6 December 2006) **[66n] (p1)** The same FCO letter states:

"The Peshmerga is generally considered to be more effective than other parts of the Iraqi armed forces. Their allegiance is to the Kurdish leadership although they are currently in a process of integration into the Iraqi Army. The Peshmerga are disciplined and have an organised structure. They provide security principally for the Kurdish Region, which has been subjected to a relatively very low level of terrorist attacks in comparison to the rest of Iraq.

"The police corps in the Kurdish Region is not driven by the same ethnic tensions as in other parts of Iraq and are generally considered to do a

reasonable job in providing security and public order. The public is generally not afraid of them although there may be cases where individuals designated as either 'troublemakers' of in opposition to the local political/economic power are treated less than appropriately or violently." **[66n] (p1)**

10.85 The UNHCR COI report noted:

"In the KDP-administered areas (Governorates of Erbil and Dohuk) the Asayish deals with domestic political and security-related matters. The head of the Asayish is Ismat Argushee and its headquarters is in Erbil. The Parastin is the KDP's intelligence-gathering arm and concerned with both internal and external threats to Kurdish security. The Parastin is lead by Masrour Barzani, son of the KRG President and KDP-leader Massoud Barzani, and is located in Salaheddin. The Asayish is under the supervision of the Parastin while the latter and (sic) is said to stand outside governmental control." **[40c] (p59)**

10.86 The report added:

"In the Governorate of Sulaymaniyah, the Asayish is [in] charge of domestic security and the Dazgay Zaniary is the PUK's intelligence agency.

"The Kurdish intelligence apparatus played a significant role in arresting wanted persons from the former regime. All of these agencies deal with political or security-related cases and maintain their own detention centres. There are reports of the use of torture and the violation of rights of due process by the security and intelligence agencies in all areas of Northern Iraq." **[40c] (p59)**

10.87 The FCO letter of 6 December 2006 noted that "As in much of the Middle East corruption is a feature of life in the Kurdish Region. Tribal and family dynasties underpin much of this, as well as the problem caused by poor access to a range of services. The Kurdish Regional Government (KRG) has declared its determination to address this and is engaged in anti-corruption work in cooperation with the UK Defence Academy." **[66n]**

10.88 It added that "The Human Rights minister has established a number of HR [human rights] claim drop boxes in public places in the Kurdish Region. However it would be fair to say that those in power can, and do sometimes, act with impunity. … There is no specific organization which investigates complaints against the police. The Ministry of Human Rights will monitor police activities but has limited influence." **[66n]**

10.89 The USSD report for 2007 noted that:

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

"The KRG functioned with two party-based Ministries of Interior. The PUK Party controlled the ministry with oversight of the province of Sulaymaniyah, and the KDP controlled the ministry with oversight of the provinces of Erbil and Dohuk. KRG officials stated that unification of the party-based Ministries of Interior was their goal but missed two self-announced deadlines for doing so during the year." **[2l] (p6)**

Torture by security forces in the KRG area

10.90 The USSD report 2005 states: "Kurdish security forces committed abuses against non-Kurdish minorities in the North, including Christians, Shabak, Turcomen, and Arabs. Abuse ranged from threats and intimidation to detention in undisclosed locations without due process. (Verification or assessment of credibility of claimed torture and abuses by KRG officials was extremely difficult." **[2b] (p5)** "Abusive interrogation practices reportedly occurred in some detention facilities run by the two KRG internal security forces and the two KRG intelligence forces. The Parastin/Zanyari forces reportedly operated separate detention facilities and prohibited human rights organizations as well as the human rights ministry from visiting their facilities and inspecting the treatment of detainees." (USSD 2006) **[2h] (p4)**

10.91 The UNHCR COI report, October 2005, notes: "In the Asayish and Parastin/Dazgay Zaniary detention facilities where detainees are held incommunicado and without judicial review of their detention for prolonged periods of time, the use of torture and ill-treatment cannot be excluded." **[40c] (p149)** UNHCR's August 2007 paper states that "The Kurdish parties and their armed forces (Peshmerga) have been blamed for acts of violence committed in areas under their control against (perceived) political opponents, (perceived) Islamists, and members of ethnic/religious minorities." **[40j] (p10)**

10.92 The USSD report for 2007 noted:

"Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. UNAMI reported finding evidence that investigators disregarded instructions not to employ coercive methods with Asayish detainees in Erbil. Between April and June, 48 out of 66 detainees and prisoners UNAMI interviewed reported being tortured by officials. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police threatened and sexually abused detainees, including juveniles." **[2l] (p5)**

See also Prison and detention facilities in the KRG area

MULTI-NATIONAL FORCES (MNF)

10.93 Jane's Sentinel, last updated 18 February 2008, reported that the MNFs were comprised of troops from the UK, US, Albania, Azerbaijan, Bulgaria, Estonia, Georgia, NATO, South Korea, Denmark, Romania, Czech Republic, Poland, and Australia. "A considerable number of countries that contributed troops to the multinational forces in Iraq have either withdrawn their contingents, signalled their intention to do so, or have cut back on numbers. By early 2007, nations which had withdrawn their troops from the Multi-National Force included Japan, Spain, Nicaragua, Honduras, Norway, … Dominican

Republic, Philippines, Thailand, Netherlands, Portugal, Hungary, New Zealand, Singapore (withdrew troops but later deployed landing ship, tank and crew), Bulgaria (withdrew troops but guard company deployed), Ukraine (withdrew troops but indicated it would deploy 50 military instructors to train Iraqi forces), Italy (withdrew troops in late 2006), Slovakia (withdrew in January 2007), Lithuania (withdrew troops in August 2007)." **[4cf]** On 17 December 2007, BBC News reported that British troops handed over control of Basra to Iraq. **[4cf]** The remaining 4,500 UK troops in Iraq would now be responsible for training Iraqi forces. **[4cf]**

10.94 The HRW World Report 2006 remarked that:

"The mandate of the MNF-I, under Security Council resolution 1546, adopted in June 2004, was scheduled for review in December 2005. The United Kingdom remains the key military and political partner to the United States in the MNF-I, retaining approximately 8,300 troops in Iraq, deployed primarily in the south-eastern governorates." **[15i] (p3)**

10.95 An article in *The Washington Post*, dated 28 May 2006, reported that "U.S.-led military commanders have main security responsibility for each of Iraq's 18 provinces, in consultation with the Iraqi Defense and Interior ministries and Iraqi leaders." **[16i]** Whilst the UNAMI report, dated 1 September-31 October 2006, states that "Military operations by MNF-I, particularly in Al-Anbar, continued to cause severe suffering to the local population who also find themselves in the midst of cross-fire among rival insurgent and criminal groups and the security forces." **[39e] (p3)**

10.96 The UN Security Council Resolution 1546 permits the MNF-I to "have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq. … the mandate for the multinational force shall be reviewed at the request of the Government of Iraq or twelve months from the date of this resolution." **[38n] (p3)**

10.97 UNHCR's August 2007 paper stated that: "The armed conflict between the Multi-National Forces (MNF)/ISF and the Sunni-led insurgency has resulted in civilian deaths, destruction of property and displacement." **[40j] (p9)** The UNHCR December 2007 report noted: "MNF-I military offensives and raid and search operations continue to result in civilian casualties …" **[40l] (p31)**

10.98 The HRW World Report 2008 reported that: "Stepped-up military operations by the US-led Multinational Forces (MNF) during the security offensive led to an increase in civilian casualties. UN officials reported that MNF airstrikes between March and May killed 88 civilians and called for investigations into the deaths." **[15v] (p2)**

Torture by the MNF

10.99 It was widely reported that the MNF were responsible for the torture and ill-treatment of Iraqis. (HRW World Report 2007) **[15o] (p1)** (IRIN, 20 February 2006) **[18ag]** (AI annual report 2007) **[28j] (p3)** (AI, 22 February 2006) **[28h]** (AI, 6 March 2006) **[28b] (p4)** (UNHCR COI, October 2005) **[40c] (p49, 145)** (AI March 2008) **[28o] (p2)** The UNHCR COI report notes that "Questions about detainees' treatment and interrogation techniques have been sparked by revelations of serious abuse by US soldiers at Abu Ghraib and other places."

[40c] (p54-55) The AI report, dated 25 July 2005, continues "The torture and ill-treatment of detainees by US forces were highlighted in April 2004 when photographs of Iraqi prisoners being abused were published around the world." **[28c] (p4)**

10.100 It was widely reported that some Iraqi detainees in US custody were routinely and severely beaten, held for prolonged periods in forced stress positions, subjected to sleep deprivation, denied food and water, exposed to extremes of hot and cold, held in solitary confinement, forced to listen to loud music, made to stand for prolonged periods, hooded or blindfolded for several days, subjected to humiliating treatment, handcuffed that caused skin lesions and nerve damage and subjected to chemicals in the skin and eyes. (HRW World Report 2007) **[15o] (p1)** (AI, 25 July 2005) **[28c] (p4)** (AI annual report 2005) **[28f] (p3)** (AI, 6 March 2006) **[28b] (p5)**

10.101 There were also reports that women were beaten, sexually abused and threatened with rape in addition to other ill-treatment. (AI, 6 March 2006) **[28b] (p5)** (UNHCR COI, October 2005) **[40c] (p35-36)** (*The Guardian*, 19 December 2007) **[6af] (p3)**

10.102 The AI report, dated 6 March 2006, noted that: "Although the US authorities introduced various measures to safeguard prisoners after the Abu Ghraib prison scandal, there continue to be reports of torture or ill-treatment of detainees by US troops." **[28b] (p10)** The same report states that "While dozens of US soldiers have been court-martialed in connection with the abuse of detainees, senior US administration officials have remained free from independent scrutiny. According to the US government, as of 1 October 2005 there had been 65 courts-martial in connection with the abuse of detainees in Iraq." **[28b] (p5)**

10.103 UNAMI reported on the investigations of US forces following the alleged deliberate killing of 24 civilians in Haditha, on 19 November 2005. It also reports that on "… 25 June the US military charged a soldier with voluntary manslaughter for shooting an unarmed Iraqi man on 15 February near Ramadi. On 21 June, the US military charged seven Marines and a Navy medic with premeditated murder and other crimes in the killing of a disabled man in a Hamdaniya, on 26 April. Three UK soldiers were cleared, on 6 June, of killing a 15-year-old Iraqi boy who drowned after allegedly being forced into a canal." (UNAMI, 1 May–30 June 2006) **[39a] (p17)**

10.104 On 19 December 2007, the *Guardian* reported that: "Since 2003 US forces have denied numerous allegations that soldiers have raped and abused female detainees or held them as bargaining chips in the hunt for family members wanted as insurgents. But the Pentagon's Taguba report into abuse at Abu Ghraib prison confirmed that US military police had photographed and videotaped naked women prisoners and refered to a guard 'having sex with a female detainee'. Earlier this year [2007], four US soldiers were found guilty of the rape and murder of 14-year-old Abeer Qasim Hamza and three members of her family in Mahmoudiya, south of Baghdad, in an attack the US military had at first blamed on Sunni insurgents." **[6af] (p3)**

10.105 A report by AI, published March 2008, stated that "Former detainees held in Camp Bucca, where conditions are extremely harsh, have said that they were tortured and otherwise illtreated by US guards. US guards apparently used

stun guns, among other things, and detainees were exposed to long periods of extreme heat and cold. An eye witness told Amnesty International that in November 2005 a US guard at Camp Bucca used a stun gun against two detainees while they were being transferred in a vehicle to a medical appointment within the detention facility, shocking one on the arm and the other on his abdomen." **[28o] (p14)** The report also listed reported incidents of torture by MNF-forces, for instance, "In October 2007, an Iraqi human rights group, the Prisoners' Association for Justice, stated that they had interviewed five children aged between 13 and 17 who said they had been tortured while held on suspicion of aiding insurgents and militia. The children 'showed signs of torture all over the bodies. Three had marks of cigarettes burns over their legs and one couldn't speak as the shock sessions affected his conversation [speech].'" **[28o] (p14-15)**

Extra-judicial killings by the MNF

10.106 The MNF were responsible for numerous civilian deaths and casualties in Iraq since the fall of the former regime. (BBC, 27 July 2005) **[4ah]** (HRW, 3 March 2006) **[15j] (p116)** (AI, 25 July 2005) **[28c] (p3)** (UNHCR COI, October 2005) **[40c] (p143)** (The Observer, 3 July 2005) **[87a]** The UNSC report, dated 7 June 2005, noted "The Multinational Force and Iraqi security forces have significantly stepped up their anti-insurgent campaigns in and around Baghdad as well as in Western Iraq. There have been reports of high casualty rates and alleged violations of civil liberties and human rights by all sides." **[38b] (p3)**

10.107 The AI report 2005 recorded that "There was intense fighting between the US-led forces and Iraqi armed groups opposed to their presence. Attacks by Iraqi insurgents on Iraqi police stations, US and UK troops and other targets, including civilian targets, steadily mounted. Thousands of Iraqis as well as US soldiers and other nationals died as a result." **[28f] (p1-2)**

10.108 The UNAMI human rights report for 1 July-31 December 2007, noted that 123 civilians were reportedly killed during MNF air strikes, including several children. **[39l] (p12)** Thirty-seven civilian deaths during MNF ground operations were also recorded, including two children. **[39l] (p13)**

10.109 A report by Amnesty International, published March 2008, commented that "US military officials often blame armed groups, in particular al-Qa'ida, for causing civilian killings by US forces. They accuse the groups of deliberately launching attacks against Iraqi and MNF forces from inhabited civilian areas, so that civilians are likely to be killed or injured when the MNF returns fire." **[28o] (p7)** The report lists examples of civilian killings by MNF forces. **[28o] (p7-8)**

PRIVATE SECURITY COMPANIES

10.110 A report by Amnesty International, published March 2008, commented that: "Foreign armed guards employed by private military and security firms have killed dozens of civilians. Such firms have been immune from prosecution thanks to Order 17 issued in 2004 by Paul Bremer, former head of the CPA." **[28o] (p9)** The UNHCR December 2007 report noted that: "… private security companies have been accused of using excessive force, and of wounding or killing civilians" **[49l] (p31)**

10.111 The UNHCR COI report, October 2005, noted: "In short, private security contractors have little or no legal accountability, making them especially feared and unpopular with the Iraqi population. Private security contractors were allegedly involved in the Abu Ghraib prison scandal, where they were involved in interrogating prisoners, although to date no criminal charges have been brought against the contractors." **[40c] (p45)**

10.112 The report also mentioned that: "Given their vague status, private security contractors are often found on the front lines. A considerable number of private security contractors have been kidnapped and killed by insurgents, who consider them on par with foreign troops. There have also been reports of private security contractors being killed, arrested and tortured by the MNF." **[40c] (p46)**

10.113 The UNAMI human rights report for 1 April-30 June 2007 stated that:

"During the reporting period, several reports emerged of killings carried out by privately hired contractors with security-related functions in support of US government authorities. According to the Washington Post, for example, employees of Blackwater, a private security firm operating in Iraq under contract to the US State Department, shot an Iraqi whose vehicle had allegedly moved too close to their convoy in the vicinity of the Ministry of Interior in Baghdad on 24 May [2007]." **[38h] (p10)**

"In another incident, The *Independent* newspaper reported on 10 June that 19-year-old Yas Ali Mohammed Yassiri was shot dead in a taxi in the al-Masbah neighborhood in Baghdad's al-Karrada district by bodyguards of the US embassy spokesperson. The legal status of thousands of private contractors working in Iraq remains unclear. While not officially considered employees of the US government, Coalition Provisional Authority Order Number 17 of 2004 nevertheless grants them immunity from prosecution within the Iraqi judicial system 'with respect to acts performed by them pursuant to the terms and conditions of a Contract or any sub-contract thereto'." **[38h] (p10)**

10.114 On 16 September 2007, CNN News reported on an incident where members of the Blackwater USA, a private security firm, fired on Iraqi civilians in Baghdad. The Iraqi Interior Minister claimed at least 10 Iraqis were killed and 10 wounded, although another government source claimed at least 20 died. **[17f]** Other sources suggested the figure stood at seventeen deaths. (The Guardian, 31 October 2007) **[6ae]** (BBC News, 20 November 2007) **[4bu]** (HRW, 14 December 2007) **[15t]** The *Guardian* reported on 31 October 2007, that the US government had offered immunity to the Blackwater security guards involved in the Baghdad shootings. **[6ae]** Human Rights Watch reported, on 4 December 2007, that leaked FBI findings concluded that at least 14 of the 17 deaths were unjustifiable and the US government's own investigation found no evidence the Blackwater guards had been provoked or attacked. **[15t]**

10.115 On 11 November 2007, the *New York Times* reported that a DynCorp International security guard shot dead an Iraqi taxi driver in an unprovoked attack when a DynCorp convoy passed through traffic in Baghdad. **[24j]**

10.116 On 20 November 2007, BBC News reported on the detention of over 32 foreigners, including private security guards, in Baghdad, following the

shooting of an Iraqi women. **[4bu]** The incident occurred when private security guards tried to make way for the convoy in a traffic jam. **[4bu]**

10.117 On 6 December 2007, BBC News reported that new rules for Iraq security force had been agreed by the US Pentagon and state department to improve the control of private security contractors in Iraq, in response to the incident of 16th September 2007, when 17 Iraqis were killed. **[4bx]** The article stated: "…foreign security firms have a reputation among the population of indiscriminately using lethal force." **[4bx]**

10.118 The UNSC report of 14 January 2008, noted that:

"There are continued reports implicating private security companies in the killing of civilians or bystanders, allegedly in self-defence. In recent months, a number of such incidents have attracted wide media attention and official complaints by Iraqi authorities. The result has been a tightening of control over those companies by the United States Departments of State and Defense and the extension of court-martial proceedings to some contractors for serious offences." **[38l] (p11)**

10.119 Jane's Sentinel, last updated 18 February 2008, noted:

"Private Security Contractors (PSCs) play a major role in providing a wide range of security services in the hostile environment of Iraq. Services are provided for the US Government and other governments, and entities such as international organisations and non-government organisations. …"

"According to one report in 2007, more than 182,000 civilians -- including Americans, foreigners and Iraqis -- were providing security services in Iraq under US contracts or sub-contracts. It was estimated that about two thirds - some 118,000 - were Iraqis and some 43,000 third-country nationals, while some 21,000 were believed to be from the US. There has been considerable controversy about PSC activities in Iraq, with the US firm Blackwater Worldwide coming under particular focus. In September 2007 the Iraqi interior minister moved to ban Blackwater from operating in Iraq, following the deaths of a number of civilians in Baghdad." **[14d] (p6)**

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MILITARY SERVICE

11.01 Prior to the ousting of the Saddam regime in March 2003, military service was compulsory for all men at the age of 18 years. (Europa regional survey 2005) **[1a] (p537)** However, the Coalition Provisional Authority (CPA) specified that the minimum age of recruitment was 18 and that recruitment was voluntary. (Coalition to Stop the Use of Child Soldiers, 2004) **[42a]**

11.02 The US Library of Congress added, in August 2006, that "In 2006 Iraq had no conscription system, although a draft system could be established by the permanent government. Recruitment centers were located in Arbil, Baghdad, Basra, and Mosul." **[33a] (p24)**

11.03 There were reports of desertion and absentees from the ISF following an increase in insurgent attacks targeting the ISF. (UNHCR COI report October 2005) **[40c] (p48)** (*The Daily Telegraph*, 25 April 2005) **[48a]** The CSIS report, dated 30 November 2006, added "While over 300,000 men have been trained and equipped, a large percentage has since left and deserted, substantial numbers have been killed and wounded, and some 10-20% of those who remain are absent at any given time because they leave to take care of their families and transfer their pay in a country where there is no meaningful banking system." **[63c] (p43)**

11.04 Citing the US Department of Defense, the CSIS report stated that:

> "It says the forces reached 115,000 men at end July: 84% of planned end strength. Generation of Army battalions is said to be 97% complete, and the support forces are only 65% complete. However, other parts of the report note that absenteeism is an average rate of 15%. It notes that, 'there is currently no judicial punishment system with the Iraqi Army, Therefore, Iraqi Army Commanders have little legal leverage to compel their soldiers to combat, and soldiers and police can quit with impunity.'" **[63c] (p77)**

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ABUSES BY NON-GOVERNMENT ARMED FORCES

12.01 Following the fall of the Saddam regime in 2003, a number of armed groups opposed to the continued presence of the MNF in Iraq and the Iraqi government emerged in the country. (AI, 25 July 2005) **[28c] (p4)** (AI, 6 March 2006) **[28b] (p1)** Armed groups were responsible for abuses against Iraqi civilians and foreign nationals, as well as attacks against the MNF and Iraqi troops. (IRIN, 24 January 2006) **[18ae]** (AI, 25 July 2005) **[28c] (p1)** (AI, 6 March 2006) **[28b] (p1)** (AI Annual Report 2007) **[28j] (p2)** (UNHCR, August 2007) **[40j] (p38)** (AI, March 2008) **[28o] (p2)** Abuses included abductions and hostage taking, torture and ill-treatment, suicide bombings and killings. (AI annual report 2007) **[28f] (p4)** (UNHCR, August 2007) **[40j] (p38)**

12.02 The US Department of Defense report, dated 30 November 2006, stated that:

> "Death squads are armed groups that conduct extra-judicial killings; they are formed from terrorists, militias, illegal armed groups, and—in some cases—elements of the ISF. Both Shi'a and Sunni death squads are active in Iraq and are responsible for the significant increase in sectarian violence. Death squads predominantly target civilians, and the increase in civilian casualties is directly correlated to an increase in death squad activities." **[103a] (p18)**

12.03 The ICG report, dated 19 December 2006, recorded:

> "Since early 2006 in particular, the armed opposition has focused its propaganda on crimes committed against Sunni Arabs, thereby encouraging a siege mentality and promoting its own role as protector of the oppressed population. Shiite militias similarly legitimate their actions by highlighting both the state's deficiency and their resulting responsibility to protect civilians. In short, violence spawns the symbolic resources that its perpetrators need." **[25e] (p6)**

12.04 Amnesty International's Annual Report 2007 remarked: "Sectarian and political violence escalated throughout the year [2006]. Members of different armed groups, including Ba'athists, Sunni and Shi'a extremists and others, targeted civilians for deliberate killings, abductions and other abuses. Iraqi security forces linked to some of the armed groups were accused of involvement in sectarian killings. Many bodies of the victims bore marks of torture and were dumped on streets." **[28j] (p2)**

12.05 UNHCR's Eligibility Guidelines paper of August 2007 noted: "While these [armed] groups do not necessarily share a common ideology, they are unified by a common desire to expel the MNF from Iraq and undermine the new political order in the country." **[40l] (p38)**

12.06 On 3 February 2008, IRIN news reported that militant groups were increasingly resorting to using women as suicide bombers. "The pressure on these militant groups forces them to come up with other methods to penetrate stiffened security measures, such as involving women in fighting, which is a religious taboo." **[18cg]**

12.07 Jane's Sentinel, last updated 18 February 2008, reported that:

"The Iraqi government and MNF operate a tiered approach to armed groups within Iraq. Formalised militias associated with large sectarian factions (SCIRI, KDP and PUK) are not subject to any form of government control and, indeed, represent the most reliable paramilitary forces available to the central government. A second tier of threat actors, such as local Sunni Arab militias and the Jaish al-Mahdi militia, are subject to paramilitary treatment when they undertake anti-coalition and anti-government activities and are subject to close observation at all times. … The third class of threat actors includes Iranian-backed Shia 'special groups', the hard core of Sunni Baathist insurgent factions and all militant Islamist terrorists. The Iraqi government and MNF believe that these types of adversary can only be dealt with using paramilitary tools." **[14d] (p6)**

12.08 A report by Amnesty International, published March 2008, stated that armed groups in Iraq included Sunni Islamists, Shi'a militia groups such as the Mahdi Army and Badr Organisation (linked to the Islamic Supreme Council of Iraq (ISCI)) and Al-Qa'ida in Iraq. **[28o] (p5)** The report also lists examples of attacks of civilians in recent months prior to the release of the report. **[28o] (p6-7)**

SUNNI ARAB INSURGENTS

12.09 Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, reported that:

"Sunni insurgents represent a grave threat to Iraq. They have proved themselves capable of slowing reconstruction, deterring foreigners from working in Iraq and hampering efforts to re-establish the security forces."

"All the Sunni insurgent groups share the common goal of forcing US-led forces to withdraw from Iraq. While the 'infidel occupation' may be the primary driving force behind the insurgency, there is also widespread Sunni opposition to a 'regime change' programme that will install a more representative government dominated by Shia and Kurdish parties. While the insurgents can be broadly divided into nationalists, Islamists and foreign Jihadists, these ideological shades blur into one another." **[14c] (p1-2)**

12.10 Jane's Sentinel continued to note that: "Abu Musab al-Zarqawi (real name: Ahmad Fadil Nazzal al-Kalaylah) was by far the most prominent Jihadist leader in Iraq until his death on 7 June 2006." **[14c] (p2)** Al-Zarqawi was killed in June 2006 in a US air strike on a safe house near Baquba. (BBC News, 8 June 2006) **[4cj]** The late Abu Musab al-Zarqawi, the founder of Al-Qaeda in Iraq (AQI), rose to prominence after the US-led invasion of Iraq in 2003. (CFR, December 2007) **[8g] (p1)**

See also Death of Abu Musab al-Zarqawi.

12.11 BBC News reported on foreign insurgents Al-Qaeda (in Iraq) on 15 August 2006, stating that: "Al-Qaeda of Jihad Organisation in the Land of the Two Rivers is the country's most prominent insurgent group, blamed for many of the bloodiest bombings and beheadings. It was led by the Jordanian militant, Abu Musab al-Zarqawi, until he was killed by a US air strike in June 2006." **[4bv] (p1)**

12.12 The article continued: "In early 2006, al-Qaeda in Iraq posted an internet statement saying it had joined five other insurgent groups in Iraq to form a new umbrella organisation, the Mujahideen Shura Council. Two of these groups were known - the Victorious Sect Army and the Islamic Jihad Brigade, while three were apparently new groups. The Mujahideen Shura Council issues statements and posts videos on a website - including a video showing the executions of two Russian hostages in June 2006." **[4bv] (p2)**

12.13 The Council on Foreign Relations reports on Al-Qaeda in Iraq (AQI) in an article published 14 December 2007, stating: "Since Zarqawi's death the organization has become splintered and decentralized. Additional AQI offshoots include the Islamic Army of Iraq, a Sunni-led group that numbers around fifteen thousand members, and the 1920 Revolution Brigades, a Sunni extremist group named for the post-World War I uprising against Britain's colonial occupation." **[8g] (p2)**

12.14 The report stated that as of July 2007, 80-90% of Iraq's suicide bombings were thought to have been carried out by AQI. **[8g] (p3)** Up to 60% of AQI were suspected to be from Saudi Arabia. **[8g] (p3)** However some people disagreed with this assessment and maintain most AQI members are disenfranchised Iraqis, including Sunnis excluded from the Shi'ite-lead government. **[8g] (p3)**

12.15 Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, reported further on Sunni insurgent groups, stating that:

"[A] multitude of insurgent groups have claimed attacks in Iraq since the US-led invasion in March 2003. It is extremely hard to verify the existence of many of these groups, since some groups probably use a variety of names to give an inflated impression of the strength of the insurgency or to distance themselves from activities that might cost them popular support. Identifiable groups include Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia), Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), Jaish Ansar al-Sunna (Army of the Traditions' Supporters), Ansar al-Islam, Islamic Army of Iraq, Mujahideen Army, Jaish Muhammad, National Front for the Liberation of Iraq, Mukawama al-Iraqiyya al-Islamiyya (Iraqi Islamic Resistance - 1920 Revolution Brigades), Al-Awdah (The Return), 11 September Revolutionary Group, and the Serpent's Head Movement New Baath Party." **[14c] (p1)**

12.16 On 15 August 2006, BBC News reported that the Sunni Nationalists were "A section of the insurgency comprising former elements of Saddam Hussein's regime, Baath party supporters, former Iraqi soldiers and secular Sunnis." **[4bv] (p2)** Jane's Sentinel, last updated 18 February 2008, reported the Sunni Nationalists to include the 1920 Brigades, the Anuman Brigades and the Islamic Mujaheddin Army. **[14d] (p3)**

See also Annex D – Current insurgent/militia groups.

12.17 UNHCR's Eligibility Guidelines paper of August 2007 noted:

"Several groups, including the *Mujahedeen Shura Council*, the *Jaish Al-Fatiheen* (a breakaway from the Islamic Army in Iraq), *Jund Al-Sahaba*, *Kataeb Ansar Al-Tawheed Wal-Sunna* and several tribal chiefs, announced the establishment of the *Islamic State of Iraq* on 15 October 2006. According

to these groups, the Islamic State of Iraq consists of Sunni areas of Baghdad and the Governorates of Al-Anbar, Diyala, Kirkuk, Salah Al-Din, Ninewa and parts of Babil and Wassit. Abu Omar Al-Hussaini Al-Qurahsi Al-Baghdadi has been declared the state's *Emir*." **[40j] (p38)**

12.18 The UNHCR's August 2007 report also stated that:

"The Islamic State of Iraq in an internet statement in December 2006, called for a war on Iraq's Shi'ites … They and others also aim for the establishment of an Islamic State based on Shari'a law. However, there are major divisions among some of the groups, in particular among foreign and indigenous groups, for example over the legitimacy of targeting civilians, the goal of establishing an Islamic state and their willingness to consider an amnesty and join the political process under certain conditions."

"The insurgency against the MNF and the present Government is mainly active in the 'Sunni triangle', in which Arab Sunnis make up the majority as well as in mixed areas in the Governorates of Diyala, Babel and Kirkuk." (UNHCR, August 2007) **[40j] (p39)**

12.19 A report by ICG, published 30 April 2008, commented on a rift between AQI and the bulk of the Sunni insurgency, due to the excessive brutality of AQI's methods **[25j] (p16)** – see also Annex D – Current insurgent/militia groups.

12.20 The ICG report also commented on the Islamic Army, describing it as "one of the largest and most effective insurgent groups." The report continued to note that "many [members] have opted for cooperation with the U.S., while its more militant elements have splintered and taken on new names in different locations (such al-Furqan in Mada'in and Fatah al-Mubin in Mosul). Smaller groups adopted various paths; the 1920 Revolution Brigades and Jami' struck deals with the U.S., whereas Asa'ib al-'Iraq al-Jihadiya and Jaysh al-Fatihin reportedly have not, denouncing all forms of collaboration." **[25j] (p18)**

Torture by Sunni Arab insurgents

12.21 Insurgents were largely inspired by tribal and local loyalties, as well as nationalism and religious duty. (ICG, 1 March 2006) **[25c] (p25)** (CSIS, 22 June 2006) **[63b] (p25, 186)** They were also opposed to the continued presence of the MNF in Iraq and believe military action against them is a legitimate response. (HRW World Report 2007) **[15o] (p2)** (HRW, 3 October 2005) **[15j] (p32)** (AI, 25 July 2005) **[28c] (p5)** (UNHCR COI, October 2005) **[40c] (p2)** (CSIS, 22 June 2006) **[63b] (p186)** According to the HRW report, dated 3 October 2005, the majority of Sunni institutions and religious bodies support this view. **[15j] (p32)** The AI report, dated 25 July 2005, states "Some of them also consider targeting 'collaborators', Iraqis and non-Iraqis, as legitimate." **[28c] (p5)**

12.22 The UNAMI report, dated 1 July–31 August 2006, records that "Armed groups use terrorist methods in order to foment insecurity and sectarian strife which in turn have continued to trigger a vicious cycle of violence and revenge killings, resulting in overall instability in the country." **[39c] (p1)**

12.23 Reports indicate that insurgent groups were responsible for copious attacks and killings against Iraqi civilians and foreign nationals, in addition to the MNF and ISF. (*The Guardian*, 24 February 2005) **[6l]** (HRW World Report 2007)

[15o] (p2) (AI, 25 July 2005) **[28c] (p4)** (UNHCR COI, October 2005) **[40c] (p65)** (CSIS, 22 June 2006) **[63b] (p48)** The use of car bombs and suicide bombs outside government facilities, mosques and churches, in markets, bus stations and other public gathering spots, police stations and businesses resulting in substantial civilian casualties and deaths were not uncommon. (USSD report 2005) **[2b] (p3)** (BBC, 1 August 2005) **[4aa]** (HRW World Report 2007) **[15o] (p2)** (AI, 25 July 2005) **[28c] (p4)** (UNHCR COI, October 2005) **[40c] (p65)** (CSIS, 22 June 2006) **[63b] (p48)** Following the December 2005 elections there were also reported cases of "body dumps". (CSIS, 19 June 2006) **[63a] (p65)** (CSIS, 22 June 2006) **[63b] (p48)**

12.24 The CSIS report, dated 19 June 2006, states: "During the winter of 2005 and 2006, body dumps became a favored tactic for both insurgents and militias." **[63a] (p65)** Insurgents also carried out targeted attacks, kidnappings and assassinations against civilian groups or 'soft targets' and their families such as those working in public administration, government officials and politicians, foreign diplomats, police, and security forces, judges, journalists, doctors, professors, humanitarian aid workers, women and homosexuals, as well as those seen to be collaborating with the MNF-I such as translators, cleaners and other civilians working for the MNF-I. (USSD report 2005) **[2b] (p3)** (HRW World Report 2007) **[15o] (p2)** (UNSC, 7 June 2005) **[38b] (p13)** (UNAMI, 1 May–30 June 2006) **[39a] (p8)** (UNHCR COI, October 2005) **[40c] (p65)** (CSIS, 22 June 2006) **[63b] (p17)** In addition to this there was a constant campaign of intimidation, disappearances, and "mystery killings" by insurgents. (CSIS, 22 June 2006) **[63b] (p73)**

12.25 The HRW report, dated 3 October 2005, records that: "Some [religious bodies] have condemned attacks on civilians, particularly the large-scale attacks on Shi`a shrines and Christian churches, but their condemnations are sometimes limited and suggest that attacks on civilians are warranted in certain circumstances." **[15j] (p32)**

The same report noted:

"The tactics employed by insurgents against the MNF/ISF include Improvised Explosive Devices (IEDs), ambushes of convoys and patrols using AK-47 assault rifles and RPGs, mortar and rocket strikes on military bases and buildings associated with the Iraqi Government, attacks on helicopters, sabotage acts against civilian infrastructure such as oil pipelines and (suicide) car bombs. Assaults combining various weapons and tactics – such as the use of IEDs, RPGs, mortars and car bombs all at once – have increasingly appeared. The most visible attacks are those of suicide bombers; most of this group is believed to come from outside Iraq, although they operate with local support. An Al-Qaeda announcement posted on the Internet says that it has formed a unit of potential suicide attackers who are of exclusively Iraqi origin." **[40c] (p65)**

12.26 The USSD report 2006 also notes that "Insurgents, terrorists, and some militia members regularly beat, dismembered, beheaded, and electrically drilled and shocked their victims." **[2h] (p4)**

12.27 The USSD report for 2007 stated:

"In March [2007] a facility was discovered in the village of Karmah west of Baghdad that was used by Sunni insurgents for serious abuses and summary executions. On June 28, police found 20 beheaded men, all with their hands and legs bound, dumped on the banks of the Tigris in the town of Salman Pak, just south of Baghdad. On May 6, a so-called torture chamber and a massive amount of artillery shells were discovered in pursuit of a suspected terrorist in a building in Baghdad's Sadr City. On May 23, similar rooms operated by Sunnis against Sunnis were discovered in Anbar Province holding 17 persons in two hideouts, including a 13-year-old boy who was shocked with electrical current and beaten. The freed individuals stated that one or two others had died in torture sessions." **[2l] (p4)**

12.28 On 20 December 2007, BBC News reported on the discovery of a 'torture complex' in an al-Qaeda safe haven in Diyala. **[4da]** The article commented that "Three buildings containing chains on the walls and ceilings, and a metal bed connected to a power supply were found during an operation on 9 December. Mass graves containing 26 bodies were uncovered nearby, the military said. … Graffiti on the site also mentioned the Islamic State of Iraq, an umbrella group that includes al-Qaeda in Iraq and other Sunni Arab insurgents." **[4da]**

12.29 The ICG report, published 30 April 2008, commented that "al-Qaeda in Iraq's crude and vicious tactics, … had long alienated many more seasoned insurgents, were seen as ever more unnecessary and even counterproductive." **[25j] (p5)**

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SHI'A MILITIA

12.30 Jane's Sentinel, last updated on 18 February 2008, noted "In the Shia community, the key armed bodies include the militant wing of the Supreme Iraqi Islamic Council or SIIC (formerly the Supreme Council for Islamic Resistance in Iraq or SCIRI), the Badr Organisation and Moqtada al-Sadr's Jaish al-Mahdi. It is increasingly difficult to characterise Shia militias as unitary blocs, particularly in the case of the loose confederation of militias that owe their spiritual allegiance to the martyred Mohammed Sadiq al-Sadr, the father of Moqtada al-Sadr." **[14d] (p4)**

12.31 According to the CSIS report, 19 June 2006, "There were numerous incidents of the Mahdi Army installing its own members to head hospitals, dental offices, schools, trucking companies, and other private businesses. Rank employees are often fired for no reason. As a Baghdad University professor said, 'We are all victims of this new thought police. No longer content to intimidate us with violence, these militias want to control our every move, so they appoint the administrators and managers while dissenters lose their jobs.'" **[63a] (p69)**

12.32 While there were reports of factional fighting between Mahdi Army and the Badr Organisation, most of the rivalry unfolded on the political stage. (*The Washington Post*, 21 December 2006) **[16k]** (*The New York Times*, 20 October 2006) **[24e]** (UNHCR, 18 December 2006) **[40f] (p2)** According to an article in *The Washington Post*, on 21 December 2006, "Both wear the black turban signifying their descent from the prophet Muhammad. They have fought each

other since the days their fathers vied to lead Iraq's majority Shiites. They hold no official positions, but their parties each control 30 seats in the parliament. And they both lead militias that are widely alleged to run death squads." **[16k]**

12.33 The CSIS report, dated 19 June 2006, notes: "The relatively well-organized Shi'ite militias created during the time Saddam was in power, and trained and armed by Iran, were now splintered. Many were involved in Iraqi politics or already in the Iraqi security forces. The remainder were often the 'losers' in their own organizational politics, Shi'ite Islamist hardliners, and new local recruits." **[63a] (p10)** Further, "Both factions had leaders that called for early US withdrawal, but SCIRI was far more practical about the need for continuing US and outside aid in force development. Sadr continually called for the US to leave Iraq. The divisions between Shi'ite factions thus not only led to internal clashes, but affected support for any meaningful effort at Iraqi force development." **[63a] (p60)**

12.34 It was also widely reported that members of Shi'a militias infiltrated the Iraqi security forces. (US Library of Congress, August 2006) **[33a] (p25)** (CSIS, 19 June 2006) **[63a] (p69)** The ICG report, dated 19 December 2006, states "Shiite militias and death squads maintain they only go after *Takfiriyin* (i.e. jihadis who consider certain Muslim sub-sects as unbelievers and wish to excommunicate them) or *Saddamiyin* (i.e. followers of the fallen dictator)." **[25e] (p7)**

12.34 UNHCR's paper of August 2007 recorded:

"Despite repeated announcements by the current Government of Prime Minister Nouri Al-Maliki to purge the ISF and crack down on militias, the government has shown little will and ability to confront these powerful groups. On 18 January 2007, Iraqi officials announced that, for the first time, they had taken significant action against the Mehdi Army by arresting dozens of its senior leaders. Four days later, the US military announced it had arrested more than 600 Mehdi Army fighters. On 8 February 2007, the MNF/ISF arrested Deputy Health Minister Al-Zamili, accusing him of diverting millions of dollars to the Mehdi Army and allowing death squads to use ambulances and government hospitals to carry out kidnappings and killings. On 14 February 2007, the Iraqi Government declared a new security crackdown, dubbed '*Operation Imposing Law*' (or the Baghdad Security Plan), in conjunction with US forces in Iraq in an aim to put an end to sectarian violence. Al-Maliki vowed to go against all armed groups, irrespective of their religious affiliation. Significant improvements of the security situation in Baghdad and Al-Anbar Governorate are not expected until the summer and fall 2007 and there is wide consensus that security measures must be accompanied by political steps towards reconciliation." **[40j] (p43)**

12.36 The UNHCR December 2007 paper stated that: "The Mehdi Army, which kept a rather low profile in recent months in Baghdad and officially froze its activities as of late August 2007, is said to have partially relocated to the Southern Governorates, where it is now involved in ongoing battles with other Shi'ite groups. Muqtada Al-Sadr, the radical cleric who formed the Mehdi Army in 2003, is said to be reasserting control over it, including by allowing the US military to pursue disloyal elements." **[40l] (p11)**

12.37 On 5 September 2007, Radio Free Europe/Radio Liberty (RFE/RL) reported on "violent clashes in the holy city of Karbala on August 28 [2007] between

radical Shi'ite cleric Muqtada al-Sadr's Imam Al-Mahdi Army and Iraqi security forces -- many of whom were members of the Badr Organization, the military wing of the rival Supreme Islamic Iraqi Council (SIIC)." **[22x]** The clashes took place during a religious festival, leaving 52 people dead. **[22x]**

12.38 The UNHCR December 2007 report also stated: "Local Shi'ite tribal movements hostile to the Mehdi Army and its perceived links with Iran, and frustrated with fighting among rival militias, have been emerging in the Babel, Wassit, Diwaniyah and Kerbala Governorates. It was reported in October 2007 that 'relations ha[d] soured' between the Mehdi Army and Shi'ites in several Shi'ite neighbourhoods in Baghdad. Reportedly, residents accuse the Mehdi Army of criminal acts, including the killing of Shi'ite civilians." **[40l] (p14)**

12.39 The UNHCR December 2007 report noted that: "Clashes have erupted in several cities between the Mehdi Army and Badr militia and police affiliated to the Badr Organization. The relocation of Mehdi Army fighters from Baghdad to Southern Iraq, for example to Diwaniyah, has resulted in several fierce clashes between militias and the MNF-I/ISF. There have also been allegations that Iran has intensified its training, arming and funding of Shi'ite militias." **[40l] (p26)**

See also Annex D – Current insurgent/militia groups

Torture by Shi'a militia

12.40 The CSIS report, dated 22 June 2006, states: "Revelations and accusations of 'revenge killings' perpetrated by the Shi'ite dominated Interior Ministry forces against the Sunni population exacerbated sectarian and ethnic tensions throughout talks to form a new government." **[63b] (p48)**

The US Department of Defense stated, in a report dated 30 November 2006, that:

"The group that is currently having the greatest negative affect on the security situation in Iraq is Jaysh al-Mahdi (JAM), which has replaced al-Qaeda in Iraq as the most dangerous accelerant of potentially self-sustaining sectarian violence in Iraq. JAM exerts significant influence in Baghdad and the southern provinces of Iraq and on the Government of Iraq. JAM receives logistical support from abroad, and most, but not all, elements of the organization take direction from Muqtada al-Sadr. JAM and Badr Organization (see below) members periodically attack one another and are political rivals." **[103a] (p19)**

12.41 The CSIS report, dated 22 June 2006, notes that: "Shi'ite militias and death squads reply to the insurgency in kind, often killing, wounding, or kidnapping innocent Sunnis. Neighborhoods forces both protect and threaten. Ethnic cleansing is forcing many Iraqis to relocate into areas where they are in the sectarian or ethnic majority or flee the country." **[63b] (p1)**

A CSIS report of 19 June 2006 states:

"The most serious problems occurred in areas where Shi'ite militias came into contact with Sunnis, which threatened to push the country towards civil war in precisely the way that Sunni Islamist extremists sought in attacking Shi'ites and Kurds in the first place. At the same time, Shi'ite factions contended for power with the central government and each other. The most overt examples

were Sadr City in Baghdad, and Basra – Iraq's second largest city. In these cases, Iraqi forces at best had formal authority while de facto power was in the hands of the militias – many of which committed crimes and violent acts against members of their own sect." **[63a] (p58)**

12.42 The report mentions that "Much of the killings were being carried out through rival factions within the local police force." **[63a] (p59)**

It also notes that:

"By the summer of 2006, Shi'ite militias operating in the southern province of Basra had become enough of a problem to prompt a visit from Prime Minister Nuri Kamal al-Maliki. During his visit to the city of Basra on May 31, 2006, Maliki berated local leaders regarding the breakdown of the security situation. Rival Shi'ite parties and their associated militias became embroiled in a power grab struggle as Coalition and Iraqi officials largely focused on battling the insurgency in other parts of the country. The result was a sharp increase in killings – 174 in the two months leading up to Maliki's visit – as the factions fought for control of the provincial government and the region's oil wealth." **[63a] (p59)**

12.43 The CSIS report of 22 June 2006 records that:

"… Sunnis accuse the militias – particularly the Badr Organization, the Mahdi Army, and police and elements of the special security forces dominated by these militias – of killings, intimidation and a host of other crimes. In contrast, this has led to steadily rising tension, and divisions between Sunni and Shi'ite, over the roles the Shi'ite militias and government forces with large numbers of former militia are playing in any revenge killings." **[63b] (p256)**

12.44 The CSIS report, dated 19 June 2006, records that:

"The Badr Organization, formerly the Badr Brigade, similarly denied charges that it was using the Ministry of the Interior, controlled by SCIRI member Bayan Jabr, to carry out attacks against Sunnis. Hadi al-Amery, the leader of the Badr Organization, claimed that the abductions and executions were the work of insurgents who had either infiltrated the ISF or were using the uniforms to mask their true identity and generate sectarian tensions. He claimed that 5% of his 20,000 Badr Brigade members had been incorporated into the security forces and that the rest were involved in politics." **[63a] (p58)**

12.45 The report also mentioned that:

"There were common characteristics to many 'mystery killings.' The victims increasingly were relatively ordinary Shi'ites or Sunnis and were not directly working for the government of Coalition forces. Often times victims were taken from their homes or businesses in daylight by masked gunmen or men wearing police or security force uniforms and driving standard issue trucks. These attributes, and the fact that the bodies were almost always found in the same condition – blindfolded, handcuffed, and shot in the head showing signs of torture – lent credibility to the claim that many of the killings were perpetrated by Shi'ite militias themselves, or elements of security forces dominated by these militias." **[63a] (p65)**

12.46 The CSIS report, dated 19 June 2006, notes "The Moqtada al-Sadr's Mahdi Militia was poorly organized and disciplined, and often operated at the local level as religious 'enforcers.'" **[63a] (p10)** The report continues "This Mahdi Army and its affiliates were more 'grass roots based' than other Shi'ite militia, and did more to reach out to poor and displaced Shi'ites by providing security and basic services." **[63a] (p60)** *The New York Times* noted, on 28 September 2006 and on 13 November 2006, that there a number of reports that suggested Muqtada al-Sadr lost control of part of the Mahdi Army which according to reports has splintered off into freelance death squads. **[24c] [24d]**

"Consistent reports have indicated the involvement of the ISF in kidnappings, torture and summary executions of Sunnis. In November 2005, a joint MNF/ISF raid on the Ministry of Interior's *Al-Jadiriyya Facility* in Baghdad discovered some 170 weakened and malnourished detainees, mostly Sunni Arabs, many bearing injuries consistent with torture. At least 18 others allegedly had died in custody and the fate of others remained unknown. The Government of Iraq initiated an investigation into the incident, but to date has failed to publish its findings or to initiate criminal proceedings against those involved in the abuse. Between December 2005 and May 2006, joint MNF/ISF teams inspected at least eight facilities run by the Ministry of Interior and the Ministry of Defence in and around Baghdad. The inspectors found consistent evidence of detainee abuse at most locations, including the Ministry of Interior's *Site 4 Facility*." (UNHCR, August 2007) **[40j] (p42)**

12.47 The IGC report, published 7 February 2008, noted that the Mahdi Army carried out assassinations of Sunnis, seizing the personal belongings of its victims; it was reported this was a highly lucrative business for many Mahdi members. **[25i] (p6)** Following the killing, detention or absconding of many veteran Mahdi Army leaders, younger less experienced militants were drafted in to fill their places. **[25i] (p6)** These new recruits were hungry for power and money and more willing to shed blood for their cause. **[25i] (p6)** Other Shiites complained they indiscriminately targeted civilians; several missiles intended for Sunni districts hit schools instead. **[25i] (p6)**

KURDISH MILITIA

12.48 The Kurdish Peshmerga, described by UNHCR as the strongest militia, were the militia of the Kurdish Democratic Party (KDP) headed by Masoud Barzani and the Patriotic Union of Kurdistan, headed by Jalal Talibani. (UNHCR COI, October 2005) **[40c] (p60)** (CSIS report, dated 22 June 2006) **[63b] (p278)**

See also Annex D – Current insurgent/militia groups

12.49 The CSIS report, dated 22 June 2006, notes that: "Their current strength is difficult to estimate, and some elements are either operating in Iraqi forces or have been trained by US advisors." **[63b] (p278)** It adds "The PUK and KDP claim that there are 100,000 Peshmerga troops, and they have insisted on keeping the Peshmerga intact as guarantors of Kurdish security and political self-determination." **[63b] (p278)** The Christian Science Monitor mentioned, on 2 March 2005, that "The two parties have agreed to unify the Kurdish region under a single government, but each maintains its own band of armed pesh merga with separate command structures." **[34b] (p1)**

See also Section 6 – Political system in the KRG area

12.50 The Peshmerga were the principal security forces for the Kurdish Regional Government (KRG). (CSIS report, dated 22 June 2006) **[63b] (p278)** An article in *The New York Times*, dated 23 February 2005, notes: "A source of ethnic pride, they fought tenaciously against Saddam Hussein and are now relied upon by American commanders to battle the Arab-led insurgency in the north. Perhaps most important in the current power vacuum, they provide Kurdish leaders with armed backing in their demands for broad autonomy." **[24a]**

12.51 *The New York Times* article also states: "The pesh merga are everywhere in Iraqi Kurdistan – along the highways, atop government buildings, riding in convoys. They wear a hodgepodge of uniforms, from traditional baggy outfits to desert camouflage hand-me-downs from the United States Army. There is one thing that appears to be consistent, though: they think of themselves as Kurds first and Iraqis second." **[24a]** The EUI report 2005 states "The larger Kurdish forces, the peshmerga, have occasionally been deployed out of their locality, but are generally confined to the Kurdish self-rule government area." **[58b] (p20)**

12.52 The CSIS report, dated 19 June 2006, records:

> "The Kurdish militias did not present as many problems for Iraqi security and Iraqi force development as the Shi'ite militias, but the deployment of Shi'ite militias into the Kirkuk area made it clear that this was no guarantee for the future. Kurdish separatism and claims to areas like Kirkuk and Iraq's northern oil fields remained potentially explosive issues. Thousands of Kurdish Peshmerga soldiers were incorporated into the Iraqi army during the formation of Iraqi forces. The Kurdish adage, 'the Kurds have no friends,' seemed to hold true here as well. While Kurdish army units could operate effectively in their relatively ethnically homogenous north, they were often perceived as outsiders in Arab areas." **[63a] (p60)**

Torture by Kurdish militia

12.53 The CSIS report, dated 19 June 2006, states that: "The problems with the militias were least damaging inside the areas controlled by the Kurdish government, which had long been under Kurdish control, but the Peshmerga remained a threat to both Iraqi force development and the Iraqi government in areas like Kirkuk and wherever there was tension between Kurd, Arab, Turcoman, and other minorities." **[63a] (p58)**

12.54 The CSIS report, dated 22 June 2006, adds: "The Kurds are exploiting their control of the three provinces that made up the Kurdish enclave under Saddam Hussein in ways that give them advantages over other ethnic groups in the region, and present the threat of soft ethnic cleansing in the area of Kirkuk." **[63b] (pxiv)** UNHCR's August 2007 paper states "The Kurdish parties and their armed forces are considered responsible for arbitrary arrests, incommunicado detention and torture of political opponents (e.g. (perceived) Islamists and members of ethnic/religious minorities) in their areas of jurisdiction in the three Northern Governorates and in areas under their *de facto* control further south, in particular the Governorates of Kirkuk and Ninewa. There are also concerns over the treatment of journalists perceived as critical of the authorities." **[40j] (p45)**

See also Prisons and detentions facilities in the KRG area

FOREIGN INSURGENTS

12.55 It was widely reported that there were a number of foreign fighters in Iraq fighting against the MNF and Iraqi forces. (AI, 25 July 2005) **[28c] (p4)** (US Library of Congress, August 2006) **[33a] (p23)** According to the CSIS report, dated 22 June 2006:

"It is unlikely, however, that foreign volunteers make up even 10% of the insurgent force, and may make up less than 5%. While the number of foreign volunteers has increased through the spring of 2005, US experts feel they have since declined, largely as a result of US and Iraqi government military operations in Western Iraq and improvements in security in the Syrian-Iraqi border area. While some estimates of the total number of such volunteers have gone as high as 3,000, others go from the high hundreds to over 1,000." **[63b] (p243)**

12.56 The report also mentions that: "Foreign Sunni Islamist extremist volunteers do seem to have carried out most of the suicide car and pedestrian bombings since 2003. These are among some of the bloodiest and most-publicized insurgent attacks." **[63b] (p244)**

OTHER INSURGENT/MILITIA GROUPS

12.57 The AI report, June 2004, documented that a number of political and religious opposition groups with armed wings have moved back to Iraq. Amnesty stated that in different parts of Iraq, they have put pressure on women and girls to wear the hijab or the strict Islamic dress, and that other people have been targeted by these groups, including members of religious minorities such as Christians and Sabean/Mandeans, alcohol sellers, well-known secularists, Ba'athists, former civil servants and former members of the old security services. **[28a] (p8)**

"Basra, for example, has seen the emergence of numerous armed groups, some related to Shi'a Islamist political groups such as the Badr Organization, but many are new such as Tha'r Allah (God's Revenge), Harakat 15 Sha'ban, al-Talee'a (The Vanguard) and Jama'at al-Fudhala (Group of Virtue). These groups have occupied former government buildings which had been looted during the war and use them now as their headquarters. They are feared by many people in Basra because they have been responsible for gross human rights abuses, including killing a large number of former Ba'ath party members or supporters, former security men and alcohol sellers." (AI, June 2004) **[28a] (p8)**

12.58 The AI report adds that:

"The occupation of Iraq also led to the emergence of armed groups who vowed to end the occupation using all available violent means including suicide attacks. These groups, said to be a mixture of former Ba'ath supporters, former members of the various security services, Sunni radical Islamist groups and foreign fighters, have targeted Coalition Forces, members of the IGC, Iraqis cooperating with or working for the CPA and Coalition Forces, as well as international aid workers and journalists." **[28a] (p18)**

12.59 The report further states "These groups have also resorted to hostage-taking and killing of hostages to put pressure on countries that have troops in Iraq to withdraw them." **[28a] (p9)**

See also Annex D – Current insurgent/militia groups

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JUDICIARY

13.01 Article 19 (1) of the Constitution stipulates that "The judiciary is independent and no power is above the judiciary except the law." **[82a] (p7)** The USSD report for 2007 continued:

"Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements impaired judicial independence. The law also restricted the free investigation of wrong-doing. Ministers were afforded the opportunity to review and prevent the execution of arrest warrants against ministry employees lawfully issued by sitting judges presiding over criminal investigations. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch." **[2l] (p8)**

13.02 Several sources, nevertheless, reported that the judiciary and judges were subject to political influence and pressure. (USSD, 2005) **[2b] (p7)** (USSD 2006) **[2h] (p6)** (Freedom House, 2006) **[70b] (p5)** (Freedom House, 2007) **[70d] (p6)** The FCO report for 2007 stated that "The justice system in Iraq suffers both from weak capacity, including a shortage of trained judges, and vulnerability to pressure from political or sectarian groups." **[66p] (p155)**

13.03 The Report of the UN Secretary General recorded that:

"From 21 to 23 January a multi-party dialogue sponsored by the Office of Constitutional Support was held in Cairo on Iraqi judicial architecture under the theme 'Mapping a new federal judicial system for Iraq'. It was attended by representatives of the Constitutional Review Committee, the Council of Representatives, the Higher Judicial Council, the Prime Minister's Office, international experts, Iraqi academics, judges, and members of Iraqi civil society." **[38i] (p6)**

13.04 The UNAMI report, dated 1 July–31 August 2006, notes:

"The current absence of law and order combined with a range of exceptional measures from the 'state of emergency,' extended by the Council of Representatives for an additional 30 days on 25 July, as well as continuous security sweeps, continue to swell the number of detainees and overwhelm the judicial system." **[39c] (p15)**

13.05 Moreover, the UNSC report, dated 5 December 2006, states that "Perpetrators of criminal activities remain unpunished due to the shortage and intimidation of judges, prosecutors and court officials." **[38h] (p9)** The UNAMI report, dated 1 November-31 December 2006, added "The work of the judiciary is further hampered by the repeated disregard of judicial orders by the police and by the constant threats and the actual killings of judges which calls into question the independence of the judiciary and the genuine commitment by the authorities to develop a State based on the rule of law." **[39f] (p18)**

"The absence of timely processing of detainees' cases through the judicial system remained a serious concern. The overwhelming majority of detainees

interviewed by UNAMI at the various facilities raised the issue of non-resolution of their cases as the key problem. Prolonged delays in initial referral to a judicial official – up to two months in many cases – and lack of information about what would happen next, where and when they would be transferred and how long they would be held, constituted the most common complaints." (UNAMI, April to June 2007) **[39h] (p21)**

13.06 The UNAMI report for 1 July-31 December 2008, noted that "One area in which significant changes were achieved by the judicial authorities was in increasing the capacity of judicial personnel to process the cases of several thousand pre-trial detainees. The number of investigative committees was increased from 8 to 27 by the beginning of August, resulting in the review and release of some 1,500 detainees by 24 August." **[39l] (p23)**

ORGANISATION

13.07 A new judicial system was formed during the interim period (Europa Regional Survey) **[1a] (p532)** The USSD report 2005, noted "The courts are geographically organized into 17 appellate districts." **[2b] (p7)**

13.08 The USSD report for 2007 reported:

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

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

"In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the federal government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government throughout the country. The Presidency Council appointed the nine members of the Federal Supreme Court." **[2l] (p8)**

13.09 The Iraqi court system is divided into Criminal Courts (made up of Investigative Courts, the Misdemeanour Court, the Felony Court and the Juvenile Court), Civil Courts (made up of the Magistrate's Courts, Courts of First Instance, Personal Status Courts and the Personal Matters Court), Courts of Appeal and the Central Criminal Court of Iraq (CCCI). (UNHCR COI, October 2005) **[40c] (p122)**

13.10 The US Library of Congress reported, in August 2006, that "The hierarchy begins with courts of first instance, then district appeals courts (existing in 17

districts), courts of cassation, and the Federal Court of Cassation, which normally is the final appeal stage. Extraordinary cases go to the highest level, the Supreme Federal Court." **[33a] (p19)**

"The judiciary at all levels--investigative, trial, appellate, and supreme--is managed and supervised by the Higher Juridical Council, an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation, and the appeals courts. Representatives of the Office of the Public Defender, of a judicial oversight board (that hears charges of misconduct by judges), and of regional judicial councils also sit on the Higher Juridical Council (HJC)." (USSD 2006) **[2h] (p6)**

13.11 The UNHCR COI report, October 2005, noted: "In addition, there exist separate Labour Courts (both in the KRG-administered areas and in the rest of Iraq). Soldiers are tried by Military Courts unless the Ministry of Defence permits that a case be adjudicated by the regular courts." **[40c] (p123)** In military cases, civilian judges are hear the case. (US Library of Congress, August 2006) **[33a] (p18)**

"In criminal cases, Iraq employs the 'inquisitorial system' in which a judicial investigator (in cooperation with the police) questions witnesses, gathers evidence and surveys the crime scene. Based on the judicial investigator's report, an investigative judge decides whether to open a formal investigation, issues arrest warrants and orders the continued custody of suspects. The judge must refer the case to the competent court if sufficient evidence has been gathered. The judge tries the case on behalf of the government; there is no jury." (UNHCR COI Report, October 2005) **[40c] (p123)**

Judiciary in the KRG area

13.12 The Iraqi Kurdistan National Assembly (IKNA) website explained that: "Judicial authority in the region is organized according to a special law of judicial authority and according to that law, it is independent and is subjected to no other authority except that of law. No one has the power to interfere with the judiciary sovereignty and the decision of the courts can be applied to all natural or juristic personalities related to the government." **[32a]**

13.13 The UNHCR COI, dated October 2005, stated:

"In Northern Iraq, the judicial system underwent a number of changes after the area obtained a status of de facto autonomy in 1991. Given the split of the three Northern Governorates into two separate administrations in the mid 1990s (Erbil and Dohuk on one hand and Sulaymaniyah on the other hand), two distinct judicial systems with different laws have emerged. Separate Cassation Courts have been established in both the PUK-controlled area (located in Sulaymaniyah) as well as in the KDP-controlled area (located in Erbil). Although before 1991 there was one Court of Appeal for the Northern areas located in Erbil, the division of the two administrations made it necessary to establish a separate Court of Appeal in Sulaymaniyah." **[40c] (p123)**

13.14 The report also mentioned:

"In the Governorates of Erbil and Dohuk, civil matters such as marriage and divorce, heritage, alimony and child custody are dealt with by the Civil Courts. These courts usually apply the Personal Status Law (Law No. 188 of 1959, as amended in the area), though they may refer to Sharia law (Shafiite School of jurisprudence), if a legal question is not addressed by the law. For other religious groups, their own laws will be applied, if available. In the Governorate of Sulaymaniyah, the Civil Courts apply the Sharia law (Shafiite or Hanafi School) in personal status matters, while the Personal Status Law is applied only to non-Muslims (in addition to their own laws)." **[40c] (p123)**

13.15 As stated in a letter from the FCO, dated 6 December 2006, there were 27 courts and 92 judges in the provinces of Erbil and Dohuk. Figures for Sulaymaniyah were unavailable. **[66n]**

13.16 The USSD report for 2007 stated that: "Although the constitution provides for an independent judiciary in all regions, the KRG judiciary remained part of the KRG executive branch's MOJ (Ministry of Justice)." **[2h] (p8)**

13.17 The Finnish FFM report, for the period 23 October-3 November 2007, commented that: "There is a unified justice ministry in the KRG region. The staff of the justice ministry, however, is loyal to the main political parties, and there is a power struggle going on within the ministry. Because of this many trials are politicised. There is an amount of pressure towards lawyers, according to NPA [Norwegian People's Aid]." **[131] (p)**

RELIGIOUS AND TRIBAL LAW

13.18 The new Constitution made Shari'a the primary source of national law. (IRIN, 13 April 2006) **[18al]** Article 2 of the Constitution stipulates that Islam "… is a foundation source of legislation." and that "No law may be enacted that contradicts the established provisions of Islam." **[82a]**

13.19 Europa World Online (accessed on 9 August 2005) stated: "A Shari`a Court is established wherever there is a First Instance Court; the Muslim judge of the First Instance Court may be a Qadhi to the Shari'a Court if a special Qadhi has not been appointed thereto. The Shari'a Court considers matters of personal status and religious matters in accordance with the provisions of the law supplement to the Civil and Commercial Proceedings Law." **[1c] (Judicial System)** Tribal leaders in Iraq most commonly use Shari'a law to settle disputes. (USSD report 2005) **[2b] (p7)** (IRIN, 22 October 2004) **[18m]**

"Since the adoption of the Personal Status Law (Law No. 188 of 1959), it, and subsequent amendments, govern the manner in which courts settle disputes in marriage, divorce, child custody, inheritance, endowments and other similar matters. It applies to both Sunnis and Shi'ites and is considered one of the most progressive personal status laws in the Middle East in terms of women's rights. Where, however, the Personal Status Law does not make explicit provision for a situation, Shari'a law is applicable. It may then be applied differently to members of the two communities as they follow different schools of jurisprudence. [Non-Muslims were allowed to keep their separate systems. Their family matters are adjudicated by the Personal Matters Court, which seeks advice from the relevant religious authorities.] …

"The role of Islam and Shari'a law vis-à-vis the more secular 1959 Personal Status Law was a major issue in the drafting of the Constitution and continues to be highly contentious because enabling legislation is required for Article 41 of the Constitution (requiring that Iraqis be free in matters of personal status according to their religions, sects, beliefs or choices). It remains unclear whether the Personal Status Law will be modified or cancelled altogether, leaving different sects to apply their own sets of laws and interpretation as was done before 1959. Certainly, any such decision will strongly affect the lives of Iraqis as it regulates relationships within families. Particular concerns are thereby expressed with regard to women, LGBT and minority rights." (UNHCR, August 2007) **[40j] (p31-32)**

13.20 An IWPR article reported, on 20 October 2006, that there are a number of extra-judicial Shari's courts (or religious courts) in many predominantly Shi'a towns such as Ammara, Basra, Ramadi and several Shi'a neighbourhoods in Baghdad. **[11w]**

"Such courts were first established by Mohammed Sadiq al-Sadr, father of Muqtada al-Sadr, in 1999 in secret to adjudicate on Islamic issues.

"Due to the absence of the state in large areas of the country, these illegitimate courts have gained more and more popular support.

"The trials, presided over by young inexperienced clerics, are held in Husseiniyas (Shia mosques), offices of the Sadr movement or, particularly in Shu'la and Sadr City, in ordinary halls." **[11w]**

13.21 The UNHCR background paper, dated 1 October 2005, notes that: "Increasingly, Iraqis are resorting to extra-judicial conflict resolution and protection mechanisms such as tribal law. Members of religious minorities often do not have access to such traditional mechanisms, as they do not necessarily belong to a tribal grouping." **[40d] (p2)** The UNHCR COI report, October 2005, states "Because Iraq is a largely tribal society with at least three-quarters of the Iraqi people belonging to one of the country's 150 tribes, people often rely on community leaders to resolve disputes instead of going to court." **[40c] (p123)**

13.22 The Law on Criminal Proceedings allows for the use of tribal justice or other forms of extrajudicial procedures (for example, religious courts) in the areas of "Offences giving rise exclusively to a private right of action"; "Conciliation prior to verdict leading to the suspension of legal action"; and "Subsequent pardon on request of the victim." (UNHCR COI, October 2005) **[40c] (p123)**The same report notes that "These provisions also continue to be applicable in the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah. In addition, cases where conciliation or pardon is not permitted (e.g. murder) are at times referred to tribal justice in breach of the Law on Criminal Proceedings." **[40c] (p123-124)**

13.23 The report further states that "With the new Iraqi authorities failing to establish the rule of law, the tribes have gained increased power and relevance in the daily lives of ordinary Iraqis. Many people prefer to rely on tribal leaders to resolve disputes rather than going to court. In Northern Iraq, the ruling parties actively support the tribes in return for political loyalty." **[40c] (p124)**

"Issues usually dealt with by tribal courts are marriage/divorce cases, property, pasture or water disputes and so-called blood disputes that involve the killing of a tribal member by another tribe. Though tribal court decisions are not legally binding, most involved adhere to them since exclusion from the tribe could be the consequence of not obeying such a decision."

"The tribal justice system is based on values such as honour and shame, forgiveness and compensation. In many instances, tribes may not accept the decision of a regular court and instead seek the decision of a tribal court. In the case of blood disputes, the punishment of the perpetrator by a court may actually not solve the case as, according to tribal rules, only the payment of compensation or revenge killing can restore justice. Another reason why people may prefer to resort to tribal justice is the failure of regular courts to resolve disputes in a timely and effective manner."

"Whereas tribal justice is a system commonly-used in dealing with inter-tribal feuds, it has also provided justification for killings of US soldiers and suspected collaborators. … Tribal justice is also seen as sanctioning 'honour killings', forced marriages and other forms of tribal customs, seriously violating the rights of women and girls. While most cases are resolved through the payment of money, other forms of compensation such as arranged marriages are used, although to a lesser extent. This practice is known as 'exchange-for-blood marriage', in which one or two women of a tribe are given to the male relatives of another tribe as compensation for the killing of one of that tribe's members." (UNHCR COI Report, October 2005) **[40c] (p124)**

13.24 However, UNHCR's paper of August 2007 notes that: "Traditional mechanisms of conflict resolution, e.g. by tribal or religious leaders, may not always be available or be ineffective in providing protection to the individual concerned. In some cases, reliance on these mechanisms may result in further harm, for example, for women who fear 'honour killings' or individuals who fear becoming victims of a blood feud." **[40j] (p37)**

13.25 UNHCR also considers that: "Overall, in certain communities where some protection by tribal leaders against persecutory acts of family members has been available to individuals, particularly for women who face honour killings, such protection is no longer readily available. In many situations, pursuing traditional systems of justice leads to further violations of rights by the communities themselves rather than ensuring justice and respect for human rights." **[40j] (p135)**

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JUDGES AND LAWYERS

13.26 Article 88 of the 2005 Constitution states "Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice." **[82a] (p26)** Further, as noted in the Europa Regional Survey 2005, "Following the ousting of the Baaath regime, the judicial system was subject to a process of review and De-Baathification." **[1a] (p532)**

13.27 A Judicial Review Committee (which had equal numbers of Iraqi and CPA members) has carried out the vetting of judges and prosecutors for past corruption, links to the Ba'ath party or Saddam regime and involvement in atrocities. (UNHCR guidance note, October 2005) **[40a] (p6)** (FCO, accessed on 8 August 2005) **[66k]** The FCO states that "Approximately 180 judges were removed and replaced with new appointments or re-appointments of persons improperly removed by the former regime. Judicial salaries have also been increased to reduce the temptation to accept bribes." **[66k]**

13.28 The Council of Judges was also reintroduced to "… investigate allegations of professional misconduct and incompetence" of members of the judiciary and public prosecutors. (UNHCR COI, October 2005) **[40c] (p125)** (UNHCR guidance note, October 2005) **[40a] (p6)** "It further appoints, promotes and transfers judges and prosecutors." (UNHCR COI, October 2005) **[40c] (p125)**

13.29 The UNAMI report, dated 1 July–31 August 2006, records that: "UNAMI welcomes the announcement that 200 judges will be appointed shortly. They have been selected among 500 reputable lawyers who have practiced law in Iraq for over ten years. Furthermore, 379 judges will graduate from the Judicial Institute next July 2007." **[39c] (p15)**

The previous UNAMI report, dated 1 May–30 June 2006, states:

"The current difficulties faced by the judiciary, particularly in cases involving organized crime, corruption, terrorism and militia-sponsored armed activities are due to the high level of intimidation and threats, limited protection mechanisms for both witnesses and judiciary, as well as [the] limited number of investigative judges. Bar Associations in several part[s] of the country held strikes to protest against the attacks on lawyers and to call for increased protection measures." **[39a] (p5)**

13.30 The UNAMI report, dated 1 September-31 October 2006, noted that Judges and lawyers as well as their families and relatives were seen as targets by insurgents. **[39e] (p9)** Furthermore, the UNAMI report, dated 1 July–31 August 2006, noted that court houses were also targeted. A bomb exploded outside Kirkuk Appeals Court on 23 July 2006 and another bomb exploded outside Mosul House of Justice on 23 August 2006. **[39c] (p7)** In addition, the report noted that:

"Lawyers are reportedly reluctant to carry on their work freely or to be involved in cases which may affect their safety. Lawyers appear reluctant to work on cases involving family matters ('honour crimes;' inheritance; children's custody cases following divorce) for fear of being targeted by intolerant and extremist elements in society. As a result, women are reported to be particularly affected." **[39c] (p7)**

13.31 On the subject of threats, attacks and intimidation, UNHCR's Eligibility Paper of August 2007 reported on the targeting of judges and lawyers, including attacks on courthouses. **[40j] (p118-119)** The paper noted that those "… engaged in the *Dujail* and *Anfal* trials against senior officials of the former regime have been repeatedly targeted. … Legal personnel working on '*cases involving organized crime, corruption, terrorism and militia–sponsored armed activities*' are particularly at risk. … Other legal personnel have been persecuted for their (perceived) support of the Iraqi Government and its

institutions. … [and] Out of fear of being targeted by religious extremists, lawyers reportedly do not want to get engaged in cases involving sensitive family matters such as 'honour killings', inheritance issues or child custody." **[40j] (p118-119)**

13.32 The paper concludes that: "Currently, sufficient protection mechanisms for legal personnel are nonexistent and a high number of judges, lawyers and other legal professionals have been threatened, kidnapped and killed." **[40j] (p119)**

13.33 The UNAMI report, for the period 1 July-31 December 2007, commented that during this reporting period the number of trial judges had increased. **[39l] (p23)**

IRAQI HIGH TRIBUNAL (IHT)

13.34 The HRW World Report 2006 states: "The Statute of the Iraqi Special Tribunal, established in December 2003 to try members of the former Iraqi government for genocide, crimes against humanity and war crimes, was amended and adopted by Iraq's Transitional National Assembly in October 2005, one week before the first trial was scheduled to begin on October 19." **[15i] (p2)**

13.35 Saddam Hussein and seven other former Iraqi officials were on trial for the mass killings of Kurds in the so-called 'Anfal Campaign' of 1987-88 and mass killings of Shi'a in the town of al-Dujail in 1982. (BBC, 8 January 2007) **[4al]** (HRW, 10 February 2006) **[15h] (p1)** Saddam Hussein was sentenced to death in November 2006 and following a subsequent appeal, he was executed on 30 December 2006. Two of his co-defendants, Barzan al-Tikriti and Awad al-Bandar, were executed on 15 January 2007. (BBC, 9 February 2007) **[4i]** (BBC, 8 January 2007) **[4al]** (*The Times*, 30 December 2006) **[5g]** (UNAMI, 1 November-31 December 2006) **[39f] (p3and22)** (The Telegraph, 1 January 2007) **[48g]**

13.36 The HRW report, dated 30 December 2006, notes: "The Iraqi High Tribunal sentenced Saddam Hussein and two others to death in November for the killing of 148 men and boys from the town of Dujail in 1982. The tribunal's statute prohibits, contrary to international law, the possibility of commuting a death sentence. It also requires that the execution take place within 30 days of the final appeal." **[15l]** The BBC timeline adds that "Barzan Ibrahim - Saddam Hussein's half-brother - and Awad Hamed al-Bandar, former head of the Revolutionary Court, are executed by hanging." **[4i]** UNAMI's April to June 2007 report recorded:

"The trial of six defendants before the Iraqi High Tribunal (IHT) in connection with the 1988 Anfal campaign against the Kurdish population in northern Iraq was concluded on 10 June, lasting some ten months. The verdicts and sentencing were delivered on 24 June. …

13.37 UNAMI's report for the period 1 July-31 December 2007 commented that "International observers and monitors of the trial noted a number of serious concerns regarding the fairness of the proceedings followed by the IHT. These included poorly constructed charging instruments prejudicial to the defendants' basic right to defend themselves, the introduction in court of

previously undisclosed evidence by the prosecution, and curtailment of defense counsel capacity to cross-examine complainants and defendants." **[39l] (p32)**

13.38 Although the Tribunal declared that it would respect the International law on human rights, several human rights groups, as well as Saddam Hussein's legal team, have questioned whether it fully complies with a number of the standards, including the right to a fair trial and the right to sufficient access to legal counsel. (Council on Foreign Relations (CFR), 30 August 2005) **[8d] (p2)** (HRW World Report 2006) **[15i] (p3)** (UNHCR COI, October 2005) **[40c] (p127)**

13.39 The Tribunal has also been accused of being subject to political influence and therefore lacking independence and impartiality. (HRW World Report 2006) **[15i] (p3)** The Chief Judge Rizgar Mohammed Amin resigned from the position in January 2006 citing political pressure as the reason. (RFE/RL, 24 January 2006) **[22o]** (*The Daily Telegraph*, 16 January 2006) **[48d]** (Al-Jazeera, 18 January 2006) **[84b]** His successor, Judge Abdullah al-Amiri, was removed from his position by the Prime Minister and Council of Ministers because he had 'lost his neutrality' after he stated in court that Saddam Hussein was 'not a dictator'. (BBC, 19 September 2006) **[4am]** (HRW, 19 September 2006) **[15m]** In response, Saddam Hussein's defence lawyers questioned the impartiality of the trial and boycotted several hearings in protest. (Associated Press, 12 October 2006) **[65h]** Judge Abdullah al-Amiri was replace by Chief Judge Muhammad al-Khalifa, a Shi'a Arab, on 20 September 2006. (BBC, 19 September 2006) **[4am]**

13.40 On the risk faced by those associated with the Iraqi High Tribunal, UNHCR reported, in August 2007 that "Judges and lawyers engaged in the *Dujail* and *Anfal* trials against senior officials of the former regime have been repeatedly targeted. To date, four lawyers involved in the defence of former regime officials have been killed. Most are working from outside Iraq. Most judges and other legal staff working at the Iraqi High Tribunal have not been identified in public because of concerns for their safety." **[40j] (p118)**

CENTRAL CRIMINAL COURT OF IRAQ (CCCI)

13.41 The US Library of Congress stated, in August 2006, that: "In 2006 the two-chamber Central Criminal Court of Iraq, established in 2003 by the Coalition Provisional Authority, retained authority to investigate and try crimes of national significance such as smuggling and insurgency." **[33a] (p18)**

13.42 The UNHCR COI report, October 2005, states:

"The CCCI is meant to help crack down on criminals undermining Iraq's security and stability. CPA Administrator Bremer told a news conference that 'one of the main reasons for my establishing this court is so that we can try people, in particular senior Ba'athists ... who may have committed crimes against the Coalition, who are trying to destabilize the situation here, and so we can do it rather quickly'. The CCCI's jurisdiction involves nationwide investigative and trial jurisdiction over felonies such as terrorism, organized crime, governmental corruption, acts intended to destabilize democratic institutions or processes and violence based on race, nationality, ethnicity or religion. The CCCI also hears cases where a determination is made that a

criminal defendant may not be able to obtain a fair trial in a local court." **[40c] (p126)**

13.43 The same report records that: "The CCCI comprises an Investigative Court and a Felony Court. Appeals are made to the Court of Cassation. Any criminal court in Iraq may refer a case to the CCCI. Alternatively, the CCCI can also decide at its own discretion to take jurisdiction of a case." **[40c] (p126)**

13.44 According to Jurist (a University of Pittsburgh School of Law legal news and research service), on 17 December 2006, "The CCCI has held 1,767 trials of insurgents since being re-organizing in 2004, leading to the conviction of 1,521 individuals with sentences ranging up to death." **[104a]** The *New York Times* reported, in an article dated 16 December 2006, that although the CCCI has acquitted nearly half of the defendants they have little or no ability to present evidence and witnesses. The high volume of cases and ongoing dangers to its personnel also impact on the functioning of the court. **[24f]**

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ARREST AND DETENTION – LEGAL RIGHTS

14.01 The Iraqi Constitution stipulates that all Iraqis are equal before the law. Every person has the right to life, security and liberty except in accordance with law. **[82a] (p5)** The AI report, published March 2008, stated that "Under Iraqi legislation, a detainee must be brought before an investigating judge within 24 hours of arrest. In reality, however, some detainees are held for many months before they are brought before an investigating judge." **[28o] (p12)** The USSD report for 2007 commented that "Lengthy detention periods without any judicial action were a systemic problem." **[2l] (p7)**

14.02 The AI report continued to note that "[CPA Memorandum No.3] provides that anyone who is interned for more than 72 hours is entitled to have the decision to intern them reviewed within seven days and thereafter at intervals of no more than six months. These procedures deprive detainees of human rights guaranteed in international human rights norms. There is no time limit for the detention of security detainees, who also have no right to challenge the lawfulness of their detention before a court." **[28o] (p12)**

14.03 The USSD report for 2006 stated that:

"Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous people were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention. The army performed these law enforcement functions at the direction of the prime minister relying on authorization in the declared state of emergency." **[2h] (p5)**

14.04 Despite having no authority to arrest, it has been reported that the Iraqi National Intelligence Service (INIS) arrested and detained persons within Major Crimes Directorate's detention facility in Al-Amiriyah, Baghdad." (UNHCR COI, October 2005) **[40c] (p152)** The HRW report, January 2005, mentioned:

"Following the transfer of sovereignty on June 28, 2004 under Security Council resolution no. 1546, the so-called Multinational Force-Iraq (essentially U.S. forces and its allies) have maintained responsibility for the apprehension and detention of captured insurgents and other security detainees, including 'high value detainees' such as Saddam Hussein and former government officials and foreign terror suspects. The Iraqi Interim Government has assumed responsibility for the detention and prosecution of common criminal suspects and insurgents apprehended by Iraqi security forces." **[15g] (p1)**

14.05 The vast majority of people arrested and detained in Iraq were those with suspected involvement with insurgents, those suspected of 'anti-coalition activities' and common criminals arrested during mass arrests. Most of the detainees were arrested during public demonstrations, armed clashes, security sweeps and house raids. (USSD 2006) **[2h] (p5)** (USSD 2007) **[2l] (p7)** (HRW, January 2005) **[15g] (p26-27)** (AI Annual Report 2006) **[28f] (p2)** (UNAMI, 1 September-31 October 2006) **[39e] (p18)** (UNHCR COI, October 2005) **[40c] (p152)**

14.06 On 20 February 2006, IRIN News reported that a newly established Prisoners' Association for Justice (PAJ) provided legal assistance to detainees and help to families to relocate relatives who have been arrested. **[18ag]**

14.07 The USSD report for 2007 noted that:

"The constitution prohibits 'unlawful detention' and mandates that preliminary investigative documents be submitted to a judge within 24 hours from time of arrest, a period which can be extended by one day. Under a state of emergency, the prime minister has the authority under "extreme exigent circumstances" to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April, although there were no reliable statistics available on such incidents." **[2l] (p7)**

14.08 UNAMI's report for the period 1 July-31 December 2007, remarked that "At the end of December, according to data provided to UNAMI by the Government of Iraq and the KRG authorities, the total number of detainees, security internees and sentenced prisoners across Iraq stood at 51,133." **[39l] (p21)**

14.09 The USSD report for 2007 noted that: "In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention." **[2l] (p7)**

14.10 The USSD report for 2007 also commented that "In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place." **[2l] (p7)**

14.11 The UNHCR/ACCORD COI report, published November 2007, noted that "Emergency regulations authorize arrests without warrants and detention without time limits for pre-trial interrogation. According to the Human Rights Report of UNAMI from March 2007, there are verbal commitments by officials that human rights standards will be respected during the implementation of the new security plan." **[40m] (p73)**

14.12 The UNAMI report for 1 July-31 December 2007, commented that "One positive development welcomed by UNAMI was the issuance on 20 September of Executive Order 207 by the Prime Minister's Office, containing directives for the handling of detainees from arrest through to investigation, trial and conviction or release, as well as treatment and conditions of detention. Based on recommendations made by the Higher Judicial Council, the key provisions include ensuring that both arrests and releases are effected on the basis of judicial orders; ensuring that suspects are represented by defense counsel when their statements are recorded and without the presence of investigating officers; increasing the numbers of police investigators and investigative judges; and activating the role of public prosecutors, both in providing oversight over legal proceedings followed in detainees' cases and

monitoring conditions of detention, through regular visits to the courts and prisons." **[39l] (p23)**

ARREST AND DETENTION IN THE KRG AREA

14.13 The UNAMI report, dated 1 July-31 December 2007, stated that at the end of December 2007, data provided to UNAMI by the KRG authorities put the number of detainees, security internees and sentenced prisoners in the region at 2,707. **[39l] (p22)**

14.14 UNHCR's Eligibility Guidelines of August 2007 recorded:

"The Kurdish parties and their armed forces are considered responsible for arbitrary arrests, incommunicado detention and torture of political opponents (e.g. (perceived) Islamists and members of ethnic/religious minorities) in their areas of jurisdiction in the three Northern Governorates and in areas under their de facto control further south, in particular the Governorates of Kirkuk and Ninewa. There are also concerns over the treatment of journalists perceived as critical of the authorities." **[40j] (p45)**

14.15 The UNAMI report, April-June 2007, commented that:

"UNAMI remained concerned about the practice of administrative detention of persons held in the custody of the *Asayish* (security) forces in the Kurdistan region, the majority having been arrested on suspicion of involvement in acts of terrorism and other serious crimes. Many are said by officials to be members or supporters of proscribed Islamist groups. Hundreds of detainees have been held for prolonged periods, some for several years, without referral to an investigative judge or charges brought against them. In some cases, detainees were arrested without judicial warrant and all are routinely denied the opportunity to challenge the lawfulness of their detention." (UNAMI, April to June 2007) **[39g] (p24)**

14.16 The USSD report for 2007 noted that:

"There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees' family members were not allowed to know their location or visit them. In July HRW reported that scores of detainees interviewed in Asayish detention facilities in 2006 stated that detention facility officials had deprived them of contact with their families since their arrest, a period lasting up to two years. Reportedly, police across the country continued to use coerced confessions and abuse as methods of investigation." **[2l] (p7)**

14.17 The USSD report for 2007 commented that "on January 28 [2007] and again on February 27 [2007], families of detainees arrested by Asayish forces demonstrated before the Kurdistan National Assembly in Erbil, demanding information on the whereabouts of detained relatives and the reasons for their arrest and urging that human rights abuses and the ill-treatment of detainees in these facilities be addressed." **[2l] (p7)**

14.18 The Finnish FFM report, for the period 23 October-3 November 2007, noted that:

"According to UNAMI, there are many pretrial detainees in the three northern governorates. The Asayish, that traditionally has dealt with economic crime currently has a wide mandate to keeping detainees. The laws in themselves do not encourage or discourage detention. However, the judiciary is usually for the detention of suspects.

"There are several categories of detainees. For instance people who have been able to migrate to the KRG region without a sponsor have been detained. Pretrial detaining periods are long. There are some detainees who are from Mosul or Kirkuk. KRG courts claim that they have no jurisdiction to try them. These people are therefore in a legal limbo. They have been detained, but have not been charged of any crime, and there is no apparent solution to their cases. Some long-time detainees have been taken in custody before the passing of current antiterror laws. According to UNAMI, there are people who have been detained for up to seven years. The majority of pretrial detainees have spent 2-4 years in detention. According to the Kurdish government, there are about 700 detainees awaiting trial. The numbers, according to UNAMI, however, might be much higher.

"… Most of the detainees are not satisfied with the trial process, often they have no information on the appeals' process, and many have had no access to a lawyer. Although lawyers generally promote human rights, there is a PUK/ KDP split in the local bar association complicating matters. UNAMI works with lawyers to improve the trial process." **[131] (p9)**

ARREST AND DETENTION BY THE MNF

14.19 The CPA Memorandum Number three provides for criminal detainees to be handed over to the Iraqi authorities as soon as "reasonably practicable". Nevertheless, the MNF can hold criminal detainees for security or capacity reasons at the request of the Iraqi authorities. (UNHCR COI, October 2005) **[40c] (p151)** The memorandum states that criminal suspects held by the MNF have the right to remain silent, to consult a lawyer, to be "promptly informed" of the charges being brought against them and to be brought before a judicial authority no later than 90 days after first being detained. (AI annual report 2005) **[28f] (p2)** (UNHCR COI, October 2005) **[40c] (p151)**

14.20 The memorandum also stipulates that for "Security internees", held in accordance with UNSC Resolution 1546, "… internment will be reviewed no later than seven days after induction into the MNF internment facility after which the detention is to be periodically reviewed no later than six months from the date of induction into the internment facility." (UNHCR COI, October 2005) **[40c] (p151)** "Security internees" can be held for up to 18 months, (12 months for juveniles), which can be extended further in special cases. (AI annual report 2005) **[28f]** (AI, 6 March 2006) (p2) **[28b] (p9)** (UNHCR COI, October 2005) **[40c] (p151)**

14.21 The AI report, dated 6 March 2006, adds that the Memorandum:

"… provides that anyone who is interned for more than 72 hours is entitled to have the decision to intern them reviewed within seven days and thereafter at

intervals of no more than six months. The Memorandum also states that the 'operation, condition and standards of any internment facility established by the MNF shall be in accordance with Section IV of the Fourth Geneva Convention'." **[28b] (p7)**

14.22 The UNAMI report for the reporting period 1 July-31 December 2007, noted that "During the reporting period, the number of detainees held in MNF custody continued to increase from July through October, reaching a peak in November with a total of 25,525 detainees … administrative review procedures … do not fulfill the requirement to grant detainees due process in accordance with internationally recognized norms. **[39l] (p25)**

See also Juvenile prisons for number of juvenile detainees held in MNF custody.

14.23 The AI report, dated 6 March 2006, states "Since the invasion of Iraq in March 2003 tens of thousands of people have been detained by foreign forces, mainly the US forces, without being charged or tried and without the right to challenge their detention before a judicial body." **[28b] (p6)** The report also mentions that "… among the nearly 13,900 detainees held by the MNF there were some 3,800 who had by then been held for more than one year and more than 200 who had been held for more than two years." **[28b] (p10)** A number of "high value" internees were released without charge or trial in December 2005. (AI, 6 March 2006) **[28b] (p14)**

14.24 According to the Detainee visitation rules and guidelines issued by the US military in July 2005, security internees are not entitled to receive visits during the first 60 days of internment, including visits from legal counsel or family members. After the first 60 days of internment, internees are entitled to four visits per month by close family members or legal counsel. (AI, 6 March 2006) **[28b] (p11-12)** (UNHCR COI, October 2005) **[40c] (p151)** This information was challenged by the US Embassy in Iraq in a response to its inclusion in UNAMI's report of January to March 2007 **[39g] (p21-23) [39h] (p24-28)**; however, the UNAMI report of April to June 2007 remarked that:

"In UNAMI's view, the administrative review process followed by the MNF through the Combined Review and Release Board (CRRB) requires improvement to meet basic due process requirements. Over time, the procedures in force have resulted in prolonged detention without trial, with many security internees held for several years with minimal access to the evidence against them and without their defense counsel having access to such evidence." **[39h] (p25)**

14.25 The AI report, dated 6 March 2006, states "… relatives have frequently reported that they were not able to conduct visits, because the detention facility was located far away and travelling long distances in Iraq is unsafe." **[28b] (p12)** The report adds "It appears that visits of security detainees by legal counsel are extremely rare. The main reason for this seems to be the belief that it is futile to seek legal counsel when the detainee will not be brought before a court of law. Former internees and lawyers alike have told Amnesty International they did not believe that a lawyer could have significantly furthered the case of a security internee." **[28b] (p12)** "According to a former detainee at Camp Cropper, visits by relatives are generally only allowed once every three months." (AI, 6 March 2006) **[28b] (p14)**

14.26 Amnesty International's Annual Report 2007 noted:

"Thousands of people were held by the MNF without charge or trial and without the right to challenge the lawfulness of their detention. Many were released without explanation after months or years in detention, and thousands continued to be held without any effective remedy. Detainees in US custody had their detention initially reviewed by a magistrate and thereafter every six months by a non-judicial body. MNF forces also detained people standing trial before Iraqi courts.

"In December [2006], more than 14,500 detainees were being held by US forces, mainly in Camp Cropper, near Baghdad, and Camp Bucca, near Basra. Increased capacity at Camp Cropper enabled the US authorities to transfer detainees out of Camp Fort Suse and Abu Ghraib prison and hand both facilities to the Iraqi authorities in September. At the end of the year UK forces were holding approximately 100 detainees in Iraq." **[28j] (p3)**

14.27 The UNAMI report, 1 July-31 December 2007, commented on the creating of the Multinational Force Review Committee (MNFRC), which worked with the CRRB review process to review case files and apprise detainees of upcoming reviews and their right to appeal before the panel. **[39l] (p26)**

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PRISON CONDITIONS

15.01 According to an IRIN news article, dated 20 February 2006, "Beside common allegations of mistreatment and abuse, conditions inside many Iraqi prisons are reportedly sub-standard." **[18ag]**

15.02 The AI report, dated 6 March 2006, notes that "… CPA Memorandum No 3 in principle grants the ICRC access to MNF-held detainees at locations throughout the country. In practice, however, the ICRC has been able to visit only a limited number of larger detention facilities, mostly due to security considerations." **[28b] (p12)** It adds "… in many locations of detention under MNF control, no independent body is currently able to monitor the treatment of detainees held by the MNF." **[28b] (p12)**

"The International Committee of the Red Cross (ICRC) announced, on 30 November 2006, that it was close to an agreement with the Iraqi authorities which would allow its delegates to visit Iraqi run detention centres, including those where allegations of torture and mistreatment have been systematically reported. ICRC already regularly visits 14,000 prisoners including 12,000 held by US and UK troops and 2,000 by Kurdish authorities in the North of the country." (UNAMI, 1 November-31 December 2006) **[39f] (p19)**

15.03 It was widely reported that those Iraqis in detention, especially those suspected of involvement with armed opposition groups and in "terrorist activities", have been subjected to torture and inhuman treatment by both the Iraqi Security Forces (ISF) and the Multi-National Forces (MNF), particularly the US forces. Reported abuses have included severe routine beatings to various parts of the body with cables; cigarette burns; electric shocks to the genitals; electric drills on the arms and legs; sleep deprivation; prolonged suspension from the wrists with the hands tied behind the back; deprivation of food and water for prolonged periods; severely overcrowded cells; weights attached to their testicles; string tied tightly round their penis and then being forced to drink large amounts of water; electric drill holes in their heads; strangulation; breaking of limbs; prolonged periods in forced stress positions; exposed to extremes of hot and cold; solitary confinement; forced to listen to loud music; made to stand for prolonged periods; hooded or blindfolded for several days; subjected to humiliating treatment; skin lesions and nerve damage caused by handcuffing; acid-induced injuries and burns caused by chemical substances; and unsafe and unhealthy conditions. (HRW 2005) **[15g] (p7)** (HRW, July 2006) **[15f]** (AI, 6 March 2006) **[28b]** (UNAMI, 1 May–30 June 2006) **[39a] (p15)** (UNAMI, 1 July–31 August 2006) **[39c] (p15-16)** (UNHCR COI, October 2005) **[40c]**

15.04 The UNAMI report, dated 1 July–31 August 2006, stated that "Individuals who escaped death in such incidents reported that [they] saw others being tortured to get information about their sect." **[39c] (p15-16)** The UNAMI report, dated 1 November-31 December 2006, added "Many detainees, especially in the south, are kept in facilities that are reportedly not fit for human use." **[39f] (p18)**

15.05 The UNSC report, dated 5 December 2006, stated that "… living conditions in prisons do not meet minimum international standards, and, although there have been some reports of improvement regarding the treatment of prisoners, the UNAMI Human Rights Office continues to receive reports of torture and

other inhuman and degrading treatment of detainees, especially among juveniles." **[38h] (p9)**

15.06 The USSD report 2007 stated:

"Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate ministries: Justice, Interior, Defense, and the Ministry of Labor and Social Affairs (MOLSA) for juvenile detention. …"

"At year's end [2007] there were nine MOJ prisons and seven pretrial detention facilities. However, the total number of MOI detention facilities was unknown. Including police holding stations, there were estimated to be more than 1,000 official MOI detention locations. The MOD operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during military raids and operations." **[2l] (p5)**

15.07 The law also required that detention facilities held women and juveniles be held separately from men; this was generally upheld, although there were some reported cases where women or juveniles were held with men. (USSD 2007) **[2l] (p5)**

15.08 The UNSC report of 14 January 2007, noted that, on visiting detention facilities and prisons, "The [UNAMI] Human Rights Office raised specific observations and concerns with relevant authorities, notably, prolonged detention without judicial oversight and limited or no access to legal counsel. The Office also interviewed a number of detainees and identified serious violations in the treatment of detainees and juveniles during the investigation period." **[38l] (p11)**

15.09 The UNAMI human rights report, 1 April-30 June 2007, stated:

"The increase in available space to accommodate the surge in the number of suspects arrested [due to the implementation of the Baghdad Security Plan] did not materialize as planned, resulting in severely overcrowded conditions at Ministry of Defense locations designated as initial holding facilities. Overcrowding was further compounded by a very high retention rate upon initial referral to investigative judges - on average over 90% of suspects having their detention period renewed on first review, according to both Iraqi officials and US advisers. This in turn exacerbated already dire sanitation and hygiene conditions, with some facilities ill-equipped to cope with the medical needs of their inmates. By late June, temporary accommodation was in the process of construction at the Ministry of Justice Complex in al-Rusafa to compensate for the shortfall in refurbished facilities at other locations in Baghdad and elsewhere." **[39h] (p21)**

15.10 The subsequent UNAMI report, 1 July-31 December 2007, commented that measures had been taken to address the problem of overcrowding in some jails in Baghdad; "At the al-Rusafa Complex, the temporary tented accommodation being erected with MNF assistance to house detainees arrested under the Baghdad Security Plan was completed …" **[39l] (p24)** "On a visit in November to the Ministry of Defense's 6th Division/3rd Brigade facility in Abu Ghraib, UNAMI found 18 detainees held there, as compared with 265 in

July. Sanitation and hygiene conditions had vastly improved as a result. Other facilities remain acutely overcrowded, however." **[39l] (p24)**

IRAQI-RUN PRISONS AND DETENTION FACILITIES

15.11 There have been a number of reports of inhumane treatment and torture in Iraqi-run detention facilities, particularly those administered by the Ministry of Interior (MOI) or security forces. (AI, 6 March 2006) **[28b] (p2)** (UNAMI, 1 May-30 June 2006) **[39a] (p6 and 15-16)** (UNAMI, 1 November-31 December 2006) **[39f] (p19)** (UNHCR, October 2005) **[40c] (p53)** The HRW report, January 2005, adds that "Detainees reported receiving little or no food or water for several days at a stretch, and being held in severely overcrowded cells with no room for lying down to sleep, without air conditioning, and in unhygienic conditions." **[15g] (p4)** (UNHCR, August 2007) **[40j] (p10, 12, 24, 42 , 52, 96)**

"During the last months, new evidence has continued to emerge pointing to torture and other cruel, inhumane or degrading treatment in detention centres administered by the Ministry of Interior (MOI) or affiliated forces throughout Iraq. It should be noted that senior members of the new Iraqi Government have publicly indicated their determination to mark a difference with the previous Government and thus take action on human rights violations. Under the National Reconciliation plan, the Government is promising to allow national and international organizations to visit prisons and inspect the conditions of the prisoners." (UNAMI, 1 May–30 June 2006) **[39a] (p15)**

15.12 The UNAMI report notes that "On 1 June [2006], the Joint Detention Centres' Inspection Committee, led by Deputy Prime Minister Dr. Salam Al-Zuba'i, carried out an inspection in a place identified as 'Site 4,' holding detainees previously held by the Public Order and Wolf Brigades." **[39a] (p15-16)** The committee found that detainees were being held in "overcrowded, unsafe and unhealthy conditions". The committee also found that the "detainees suffered systematic physical and psychological abuse by MOI officials". **[39a] (p15-16)**

15.13 The report also states:

"Photographic evidence collected and in possession of UNAMI HRO documented lesions resulting from torture as well as equipment used for this purpose. What appeared to be forged official letters for the illegal transfer of detainees between different sites were also produced. Following the inspection, 41 of the injured detainees were taken to another detention centre run by the National Police ('Site 3') where they were questioned and filmed. More seriously injured detainees were admitted to hospital to receive adequate medical treatment. Thirty seven (37) juveniles were also transferred from 'Site 4' to 'Site 3'. The Joint Detention Centres' Inspection Committee has recommended the detention of the officers directly involved in committing violations. On 17 June, MOI reported that 10 investigators of various ranks would be charged for abuse/torture of prisoners and were dismissed." **[39a] (p15-16)**

15.14 The report continues "According to reports received by UNAMI HRO, grievous conditions of detention, allegations of torture and mistreatment were also revealed in Diyala Police Directory where 1,480 individuals are allegedly detained without judicial order. Women and juveniles were also said to be held in the same detention facility." **[39a] (p16)**

15.15 The Americans formally handed over control of Abu Ghraib prison to the Iraqi authorities on 1 September 2006. Since then, there have been new claims of torture by the Iraqi guards. (*The Sunday Telegraph*, 10 September 2006) **[48f]** The article states "Conditions in the rest of the jail were grim, with an overwhelming stench of excrement, prisoners crammed into cells for all but 20 minutes a day, food rations cut to just rice and water and no air conditioning." **[48f]**

15.16 The USSD report 2005 mentioned that "Throughout the year ICS officials implemented procedures for the screening of all persons taken into ICS custody from the police, courts, or any other entity as soon as reasonably possible for injuries or signs of abuse. Medical staff examined and documented the results in the person's medical record." **[2b] (p5)**

See also Juvenile prisoners

15.17 The 2006 Annual Report of the International Committee of the Red Cross (ICRC) informs "The lack of an agreement regulating procedures for ICRC detention visits and security related travel restrictions prevented ICRC delegates from visiting people deprived of their freedom held by the Iraqi authorities in most parts of the country." **[43c] (p324)**

15.18 The USSD report for 2007 noted that:

"Treatment of detainees under government authority was poor in many cases, although MOJ prison and detention facilities and personnel (otherwise known as the Iraqi Correctional Services or ICS) generally attempted to meet internationally accepted standards for basic prisoner needs.

"The ICS internal affairs department monitored abuse or violations of international standards for human rights in prisons. However, increased JAM (Jaish al-Mahdi army) influence and activities within ICS facilities in some regions led to increased allegations of harassment and abuse. These allegations have resulted in the discipline of ICS officers in some cases, while in others the internal affairs investigations were inconclusive. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard.

"However, most detention facilities under MOI and MOD control did not meet international standards. There was continued overcrowding. Many lacked adequate food, exercise facilities, medical care, and family visitation. Detainee populations under government control, estimated to number at least 23,000, were high due to mass arrests carried out in security and military operations. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not consistently provided, and rape, torture, and abuse, sometimes leading to death, reportedly occurred in some facilities." **[2l] (p5)**

15.19 The USSD report for 2007, stated the Khadimiyah National Police detention facility in northern Baghdad, which had been built to hold around 350 persons, was overcrowded, holding approximately 450 persons by the end of 2007, including juveniles. **[2l] (p5)** Unsanitary conditions were common and many

inmates had partially treated wounds and skin diseases. **[2l] (p5)** Extortion by prison guards was prevalent, with former detainees alleging that they were tortured. **[2l] (p5)**

15.20 The March 2007 Report of the UN Secretary General stated that:

"According to the Iraq Ministry of Human Rights, there were 30,622 detainees in Iraq at the end of January 2007, including 13,989 detainees held by the multinational force. Following investigations into reported abuses at Ministry of Interior facilities, the Iraqi Government issued arrest warrants for 52 personnel from the Site 4 facility. Until now, those arrest warrants have not been enforced. In January 2007, joint prison inspections by the multinational force and Iraqi authorities resumed after a break of seven months." **[38i] (p9)**

15.21 The HRW World Report 2008 noted that:

"The number of detainees in Iraqi government custody grew by nearly 4,000 from April through June [2007], according to UNAMI officials. Detainees often had limited access to counsel and faced lengthy delays in review of their cases." **[15v] (p2)**

15.22 The UNAMI human rights report for the reporting period 1 July-31 December 2007 reported that: "The number of detainees in Iraqi Government custody rose during the reporting period, peaking in November at 25,007 as compared with 21,112 by the end of June. The increase of 3,895 was in large part attributable on ongoing arrests in the context of the Baghdad Security Plan. In December, however, the numbers fell marginally, mirroring a similar development with regard to the number of detainees held in MNF custody." **[39l] (p22)**

See also MNF-run prisons and detention facilities.

15.23 The UNAMI report for 1 April-31 June 2007 stated that:

"…several women and young girls, one of them a juvenile, interviewed by UNAMI during a visit to the Women's Prison in al-Kadhimiyya. They had alleged being beaten, raped or otherwise sexually abused while held at police stations prior to being transferred to the prison. For the Ministry of Interior, UNAMI was told by the Office of the Inspector General that investigations into several cases of abuse of detainees by police officers had led to prosecutions and convictions. UNAMI requested details of these cases but had not received them by the end of June." **[39h] (p24)**

15.24 The UNAMI report for 1 April-31 June 2007 noted that:

"During its visit to al-Kadhimiyya Women's Prison on 24 May, UNAMI interviewed several of the women on death row on the legal proceedings followed in their cases. Their statements in this regard were consistent with UNAMI's findings with regard to the poor quality of pre-trial and trial proceedings before Iraq's criminal courts." **[39h] (p33)**

15.25 On 11 December 2007, IRIN News reported "there are 199 female detainees in the Iraqi-run al-Adela prison in Baghdad's northern Kadhimiyah area." **[18bw]** The article states that UNAMI regularly reported alleged beatings, rape or

sexual abuse against female prisoners in al-Adela prison. **[18bw]** There were no reports of how many female prisoners were detained in US-run prisons, as forces refused parliamentary requests to visit them, although lawyers estimated they held no more than 50 female detainees. **[18bw]**

See also Women.

Prisons and detention facilities in the KRG area

15.26 The USSD report for 2007 noted that: "During the year local and international human rights organizations continued to report torture and abuse … in KRG security forces detention facilities." **[2l] (p4)** References to arbitrary detention and abuse in KRG prisons and detention facilities are made throughout UNHCR's August 2007 Eligibility Guidelines paper. **[40j] (p13, 24, 45, 87, 89-90, 106, 107, 108, 135)**

15.27 The UNHCR COI report, October 2005, stated that:

"In Northern Iraq with its two distinct judicial systems, there are separate prison and detention facilities in the KDP-administered area and the PUK-administered area.

"The regular prisons in the Governorates of Erbil and Dohuk are under the oversight of the Ministry of Justice and administered by the Ministry of Interior. The main regular prison is called Mohata, located in Erbil, and has separate sections for men and women. In the Governorate of Sulaymaniyah, the prison and detention centres are under the authority of the Ministry of Interior and are run by the police forces. The major prison complex is called Ma'askar Salam and is located west of Sulaymaniyah. In both areas, there are distinct institutions for juvenile offenders." **[40c] (p53-54)**

15.28 It continued:

"In addition, the Kurdish security (Asayish) and intelligence (KDP: Parastin, PUK: Dazgay Zaniary) agencies run special detention facilities which are not under the control of the authorities but rather of political parties (the KDP and PUK respectively). These detention facilities (mainly known are the Akre Prison, run by the Asayish and the Salaheddin Prison run by the Parastin in the Governorate of Erbil as well as the Dazgay Zaniary Prison in Qalachwalan, with others in secret locations) hold political and security cases (e.g. suspected members of Islamic groups, PKK members and critics of the ruling parties). It is reported that the rules of due process are systematically violated in these unofficial detention facilities. Human rights organizations and the ICRC have access to the Akre, the Mohata and the Ma'askar Salam prisons, while detention facilities run by the Parastin and the Dazgay Zaniary are apparently off limits to international observers." **[40c] (p53-54)**

15.29 Kurdish forces, in the knowledge of the US military, reportedly illegally transferred Arab and Turkmen detainees to prisons in the KRG area. (The Washington Post, 15 June 2005) **[16g] (p1)** The USSD report 2005 also noted that the prisoners were allegedly moved because of a lack of jail space in the Kirkuk Province. **[2b] (p3)** The UNAMI report, dated 1 November-31 December 2006, stated:

"Despite concrete acknowledgement by the KRG of the arrest of individuals by PUK or KDP intelligence and security forces and their detention at unofficial detention facilities, there appears to be little impetus by the authorities to effectively address this pervasive and serious human rights concern. There has been little official denial of the existence and sometimes locations of secret and illegal detention cells in Suleimaniya and Erbil which are often no more than rooms in private houses and government buildings." **[39f] (p19)**

15.30 The UNAMI report for the period 1 April-30 June 2007, commented that:

"UNAMI continued to monitor the cases of other suspects arrested in, or transferred from, other governorates. Most of the detainees in this category were Iraqi Arabs arrested in Mosul or Kirkuk and then transferred to KRG custody. The criminal courts in the Kurdistan region do not have jurisdiction over cases involving transfers from other governorates in Iraq where the alleged crimes were committed. However, judicial officials in Duhok and Sulaimaniya told UNAMI that the reason for their transfer to the KRG region in the first instance was due to the 'ineffective' judicial system in the rest of the country. Further, that the KRG authorities were 'entitled' to arrest those who had committed acts of violence against Kurdish elements in Mosul and Kirkuk. Others in this category, according to Asayish officials, included some 60-70 suspects arrested by Iraqi security personnel and MNF forces following the 2003 conflict and transferred to the Kurdistan region for preliminary investigation." **[39h] (p29)**

15.31 The HRW world report 2007 noted: "Kurdish officials, responding to Human Rights Watch research documenting torture and denial of due-process rights to detainees in northern Iraq, released some detainees in 2007 and began reviewing cases of others. Conditions for remaining detainees were unchanged at this writing." **[15v] (p2)**

15.32 The USSD report for 2007 noted that: "On April 10 [2007], the Kurdistan National Assembly passed the General Amnesty Law No. 4 for the Kurdistan region and on July 1 published it in the official *Kurdistan Gazette*. Pursuant to this law, the KRG formed committees in each governorate (Erbil, Dohuk, and Sulaymaniyah) that were headed by judges to review detainee cases and recommend releases. The law provided a one-time amnesty applicable to cases predating the passage of the law and was not applicable to detainees accused of terror-related offences. Although the law was implemented, statistics on the number of individuals released were unavailable as of year's end." **[2l] (p8)**

15.33 The USSD report for 2007 stated that "the KRG Ministry of Labor and Social Affairs (MOLSA) operated its own detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities outside the control of the KRG MOI, according to a July report by the NGO Human Rights Watch (HRW). … Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight Asayish pretrial detention facilities." **[2l] (p5)**

15.34 The Finnish FFM report, for the period 23 October-3 November 2007, noted that: "

"According to UNAMI, prison conditions do not meet international standards, but a lot of work has been done to improve the conditions. ICRC carries out prison visits in the three northern governorates and has good contact with the Asayish. ICRC's reports from the prison visits are not public. According to some informants, also secret prisons exist in the three northern governorates. These prisons are maintained by Asayish and the intelligence agencies of the KDP and PUK parties, the Parastin and Dazgay Zaniary. According to Human Rights Watch reporting, there may be some 2000 people in such prisons. Torture exists in the KRG region, according to UNAMI, UNHCR and NPA. Torture was widespread in 2003-2006, as shown for instance by Human Rights Watch in its reporting, and occurs for instance in secret prisons. UNAMI has visited the notorious Akre prison and mentioned that there are plans to close the prison. The prison should have been closed already a year ago." **[131] (p9)**

See also Torture by security forces in the KRG.

15.35 The UNAMI human rights report, 1 July-31 December 2007, stated that "According to a confidential report prepared by a ministerial committee in June 2007, there were 3,781 persons deprived of their liberty in prisons and detention centers in the Kurdistan Region. The data indicated that some 2,410 were pre-trial detainees, including over 700 who were held by the *Asayish* without judicial order." **[39l] (p30)**

In August [2007], *Asayish* officials in Erbil told UNAMI they were aiming to complete a review of 680 cases within two months, and to release those held illegally. By September, they reportedly released 100 detainees, 63 of them Arabs from Mosul and 37 Kurds from 'Aqra, and that a further 43 Iraqi Arabs were transferred to the authorities in Mosul for trial. In Sulaimaniya, *Asayish* officials said they released 86 pre-trial detainees in August and September as they were no longer considered a security threat. Data received from the *Asayish* indicates that the conditional release of 484 detainees was authorized between January and mid-December 2007. In March 2008, *Asayish* officials in Sulaimaniya stated that 200 of the 484 detainees have since been released due to insufficient evidence, or pursuant to a court order, or after benefiting under the General Amnesty Law." **[39l] (p30)**

15.36 UNAMI also reported that visits to detention facilities in the KRG area conducted during this period revealed that in one particular prison in Aqra, "Detainees were typically detained illegally without judicial order, ostensibly on the basis of classified intelligence. UNAMI found three detainees held without charge for over seven years, while others for periods between two and four years.

"A document released by *Asayish* officials to UNAMI in December 2007 states that persons suspected of affiliation with Islamist groups may be detained for between one and seven years without charge." **[39l] (p29)**

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MNF-RUN PRISONS AND DETENTION FACILITIES

15.37 The UNHCR COI report, October 2005, states "On the basis of UN Security Council Resolution 1546, the MNF are authorized to intern persons on compelling security grounds." **[40c] (p54)** The MNF were holding more than 14,000 security detainees distributed over the four main US controlled prisons. (RFE/RL, 16 February 2006) **[22l]** (AI, 6 March 2006) **[28b] (p6-7)** "The ICRC continued to visit thousands of people held in various places of internment controlled by the multinational forces in Iraq in order to monitor their treatment and internment conditions and to make recommendations to the detaining authorities for corrective action where necessary." (ICRC, 2006) **[43c] (p324)**

15.38 The UNHCR COI report, October 2005, reported that many of the detainees held by the US military were held for "… prolonged periods of time and without judicial review of their detention …." **[40c] (p54)** The report added that most of the 'security detainees' held by the US military were Sunnis. **[40c] (p54-55)** The AI report, dated 6 March 2006, states "Most 'security internees' are held at four detention facilities under US control… ." **[28b] (p6)** UNHCR's August 2007 paper reports that the MNF has been "…accused of inflicting torture and inhuman and degrading treatment upon individuals whom they have arrested and detained." **[40j] (p26)**

15.39 The AI report, dated 6 March 2006, states:

"In February 2004, the International Committee of the Red Cross (ICRC) submitted a report to the Coalition Forces which described serious violations of international humanitarian law committed by these forces in Iraq. These included brutality against protected persons during their arrest and initial detention, sometimes causing death or serious injury, as well as various methods of torture and ill-treatment inflicted on detainees. The public release of images in April 2004 showing detainees being tortured and ill-treated by US soldiers at Abu Ghraib prison, caused worldwide shock, horror and outrage. The subsequent US military investigation in Iraq headed by Major General Antonio Taguba found that Coalition Forces were responsible for 'systemic' and 'illegal abuse of detainees' held at Abu Ghraib prison between August 2003 and February 2004, and concluded that soldiers had 'committed egregious acts and grave breaches of international law at Abu Ghraib…'." **[28b] (p4)**

15.40 The HRW report of July 2006 states:

"At Camp Nama, for instance, detainees were regularly stripped naked, subjected to sleep deprivation and extreme cold, placed in painful stress positions, and beaten. At FOB Tiger, they were held without food or water for over 24 hours at a time, in temperatures sometimes exceeding 135 degrees Fahrenheit, and then taken into interrogations where they were beaten and subjected to threats. At Mosul, detainees were regularly subject to extreme sleep deprivation, exposure to extreme cold, forced exercises, and were threatened with military guard dogs." **[15f] (p2)**

15.41 The report adds "In all three locations, the abuses appear to have been part of a regularized process of detainee abuse — 'standard operating procedure,' in the words of some of the soldiers." **[15f] (p2)** The report also mentions:

"The accounts in this report provide compelling new evidence that detainee abuse was an established and apparently authorized part of the detention and interrogation processes in Iraq for much of 2003-2005. The accounts also suggest that U.S. military personnel who felt the practices were wrong and illegal have faced significant obstacles at every turn when they attempted to report or expose the abuses." **[15f] (p2)**

15.42 The HRW report continues "U.S. military personnel have faced systemic obstacles to reporting or exposing abuses, that the U.S. military in numerous cases has not taken adequate measures to stop reported abuses. The report also shows that the U.S. military has often failed to properly investigate and prosecute perpetrators, including officers who allowed abuses to occur on their watch." **[15f] (p52)** HRW also stated in a press release, dated 23 July 2006, that "Torture and other abuses against detainees in U.S. custody in Iraq were authorized and routine, even after the 2004 Abu Ghraib scandal…." **[15e]**

15.43 The HRW report of July 2006 states "…soldiers describe how detainees were routinely subjected to severe beatings, painful stress positions, severe sleep deprivation, and exposure to extreme cold and hot temperatures." **[15f]** It also reports that:

"Some of the most serious allegations of detainee abuse in Iraq since 2003 have concerned a special military and CIA task force – known at various times as Task Force 20, Task Force 121, Task Force 6-26, and Task Force 145 – charged with capturing or killing high-level combatants. Its targets have included Saddam Hussein and Abu Musab Al-Zarqawi, but also hundreds of anonymous, and often innocent, detainees. Through most of 2003 and 2004, the task force maintained a detention and interrogation facility within Camp Nama, at the Baghdad International Airport (often called 'BIAP'). The camp was off-limits to the International Committee of the Red Cross, as well as ordinary military personnel. The task force moved to another location near Balad in the summer of 2004, and also reportedly maintains outposts in or near Fallujah, Ramadi and Kirkuk." **[15f] (p6)**

15.44 The US detentions centres are 'Camp Bucca' in the southern city of Umm Qasr (7,365 detainees), 'Camp Redemption' at Abu Ghraib Prison (4,710 detainees) and 'Camp Cropper' near Baghdad's International Airport, (138 'high-value' detainees) and Fort Suse (1,176 detainees). (AI, 6 March 2006) **[28b] (p6-7)** (UNHCR COI, October 2005) **[40c] (p54-55)**

15.45 The AI report, dated 6 March 2006, states "In addition, US forces hold detainees temporarily in various brigade and division internment facilities throughout the country. A small number of 'security internees' are held in the custody of UK forces at the detention facility of Shu'aiba Camp, near Basra. According to the UK's Foreign and Commonwealth Office, at the end of October 2005, the UK forces held 33 security internees, none of whom were women or children, in their detention facility at al-Shu'aiba." **[28b] (p6)**

15.46 The UNHCR COI report mentions that "…the high number of detainees has overcrowded facilities and delayed the reviewing process, seriously undermining detainees' rights of due process. … Crowded conditions and more difficult inmates also increase the risk of prison violence. Camp Bucca and Abu Ghraib have experienced several prison riots." **[40c] (p54-55)**

15.47 *The Washington Post* stated, on 21 January 2005, that:

> "Soldiers who guard detainees now work under strict guidelines. … The military has also overhauled all of its detention facilities since the scandal, which highlighted the poor living conditions of both the detainees and the soldiers. Prisoners at Abu Ghraib now live in heated tents with electricity and have access to showers and to cold water in the summer. They also have extensive medical and dental care." **[16e]**

15.48 The AI report, dated 6 March 2006, states that "At the end of September 2005 there were about 200 juveniles held by the MNF who were scheduled to be transferred shortly to the jurisdiction of the Iraqi Ministry of Labour and Social Affairs. The newspaper al-Sharq al-Awsat reported in December 2005 that the Iraqi Judicial Council had appointed a judge to deal specifically with cases of detained juveniles held by the MNF." **[28b] (p14)**

15.49 The same report notes "The US has held an unknown number of persons detained in Iraq without any contact with the outside world in violation of international standards. These so called 'ghost detainees' were largely hidden to prevent the ICRC from visiting them." **[28b] (p13)** The UNHCR COI report, October 2005, records that "US Defense Secretary Donald Rumsfeld admitted in 2004 that he had ordered the secret detention of a senior Ansar Al-Islam member without listing him in the database." **[40c] (p155)**

> "The practice of holding detainees in secret, with no contact with the outside world, places the person outside the protection of the law, denying them important safeguards and leaving them vulnerable to torture and ill-treatment. They have no access to lawyers, families or doctors. They are often kept in prolonged arbitrary detention without charge or trial. They are unable to challenge their arrest or detention, whose lawfulness is not assessed by any judge or similar authority. Their treatment and conditions are not monitored by any independent body, national or international. The secrecy of their detention allows the concealment of any further human rights violations they suffer, including torture or ill-treatment, and allows governments to evade accountability." (AI, 6 March 2006) **[28b] (p13)**

15.50 The same report notes "There are indications that persons detained in Iraq have secretly been transferred outside Iraq for interrogation by the CIA." **[28b] (p13)** "… as part of their cooperation with Iraqi government forces, the MNF continued to hand over some of those whom its forces detained into the custody of Iraqi forces, despite the obvious risks to which this must expose such prisoners." **[28b] (p3)**

15.51 The UNAMI report for the reporting period 1 July-31 December 2007, stated that: "Upon arrest, detainees undergo an initial threat screening at Brigade level to determine whether they should be held or released. Those deemed to be a security threat are transferred to a Division Holding Area within 72 hours of arrest, where they undergo a further threat assessment and legal review by Staff Judge Advocate personnel. They are then transferred to a Theater Internment Facility – Camp Bucca or Camp Cropper – within 14 days of arrest." **[39l] (p26)** UNAMI does not give any information on conditions in these prisons. **[39l]**

15.52 A report by AI, published March 2008, commented that: "In February 2008, the US military stated that the MNF was holding 23,900 people – 3,500 in Camp Cropper near Baghdad Airport and 20,400 in Camp Bucca near Basra in the south. This number includes 300 foreign nationals, mostly from Arab countries, and 620 children. The oldest detainee is said to be 80 and the youngest 10. In January 2007, the UK military were holding 117 people in the south, but by December 2007 they had released the vast majority and were holding only five security internees." **[28o] (p12)**

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DEATH PENALTY

16.01 UNHCR's Eligibility Guidelines paper of August 2007 recorded:

"By Order No. 7, the CPA amended the Iraqi Penal Code, repealing a number of provisions introduced by the Ba'athist regime that listed acts detrimental to the political goals of the state as crimes, and suspended the death penalty. However, Order No. 3 of 2004 of the Interim Iraqi Government (IIG), passed on 8 August 2004, reintroduced the death penalty and provides for capital punishment for certain crimes affecting internal state security, public safety, attacks on means of transportation, premeditated murder, drug trafficking, and abduction." **[40j] (p33)**

16.02 Government officials stated that implementation would be "very limited and only in exceptional cases." (HRW, January 2005) **[15g] (p17)** In October 2005, the Iraqi TNA approved a new law which extended the use of the death penalty to include "those who commit... terror acts" and for "those who provoke, plan, finance and all those who enable terrorists to commit these crimes". (AP, 4 October 2005) **[65e]** (Hands off Cain, 2006) **[97a] (p1)**

16.03 The Hands off Cain report 2006 states that "According to Iraqi law a death sentence must be approved by the government, the President and the two Vice-Presidents." **[97a] (p1)** However, the UNHCR COI report, October 2005, stated that President Talabani was opposed to the death penalty and allegedly did not authorise any death sentences. **[40c] (p142)**

16.04 Three members of Ansar Al-Sunna were hanged on 1 September 2005, after being sentenced to death on 22 May [2005] by a criminal court in Al-Kut for kidnapping, rape and murdering policemen, the first death sentences since the reintroduction of the death penalty. (AI, 1 January 2006) **[28g]** (AI, 6 March 2006) **[28b]** (UNHCR COI, October 2005) **[40c] (p142)** (Hands off Cain, 2006) **[97a] (p1)** "Since then, the death penalty has been pronounced on a regular basis by Iraqi Courts, in particular the Central Criminal Court of Iraq (CCCI). Concerns have been raised by the UN and human rights organizations about the high number of death sentences and actual executions." (UNHCR, August 2007) **[40j] (p33)** The Iraqi authorities sentenced 13 people to death for taking part in the insurgency. The 13, who were hanged on 9 March 2006, were the first to be executed for terrorist activities. (BBC, 9 March 2006) **[4x]**

16.05 According to the UNSC report, dated 5 December 2006, more than 150 people have been sentenced to death, 51 of whom have already been executed. **[38h] (p9)**The executed include women. (AI, 25 September 2006) **[28i]** (UNSC, 5 December 2006) **[38h] (p9)** (*The Telegraph*, 8 September 2006) **[48e]** Amnesty International's Annual Report 2007 records "Scores of people were sentenced to death and at least 65 men and women were executed. The authorities reported three execution sessions in Baghdad, each involving the hanging of more than a dozen people. At the end of the year, about 170 men and women reportedly remained on death row." **[28j] (p4)**

16.06 In April 2007, Amnesty International released the extensive report 'Unjust and unfair: The death penalty in Iraq', which detailed the suspension and return of the death penalty; Iraqi legislatory anomalies; procedures and safeguards regarding the implementation of the death penalty in Iraq, and the use of the

death sentence in the Central Criminal Court and Supreme Iraqi Criminal Tribunal. **[28k]**

16.07 The UNAMI report for 1 July-31 December 2007, stated:

> "Iraq's criminal courts passed 378 death sentences in 2007, ten of them involving women.133 During the year [2007], 41 death sentences were carried out. While the vast majority of defendants sentenced to death are referred to the criminal courts by the Iraqi authorities, a growing number of defendants referred to the CCCI by the MNF are also receiving capital punishment. Since the re-introduction of the death penalty in August 2004 and up to the end of December 2007, 122 such defendants have been sentenced to death. Of these, 33 have been transferred by the MNF to Iraqi Government custody for implementation of sentence. Three of the death sentences were carried out, the last one being in early August 2007." (UNAMI, July to December 2007) **[39h] (p32)**

16.08 A report by AI, published March 2008, commented "The vast majority of death sentences so far have been passed by the Central Criminal Court of Iraq (CCCI) in Baghdad and in the governorates. Trials before the CCCI consistently fall short of international standards for fair trial. Defendants commonly complain that their 'confessions' were extracted by torture and that they could not choose their own legal defence counsel. Trials before the Supreme Iraqi Criminal Tribunal (SICT), which was set up to try officials from the former Ba'ath regime, also fell short of international standards for fair trial." **[28o] (p16)**

DEATH PENALTY IN THE KRG AREA

16.09 On 11 September 2006 the Kurdistan parliament in Iraq unanimously voted for the resumption of the death penalty in the KRG area. The parliament abolished article 11 in law 22 of 2003 that put an end to the use of the death penalty. The KRG ministry of human rights issued a statement expressing opposition and dismay at resuming the application of capital sentences in the Kurdistan Region. (Hands off Cain, 2006) **[97a] (p1)**

16.10 The KRG announced on 21 September 2006 that 11 members of the armed group Ansar al-Islam had been executed by hanging in Erbil after being convicted of killings and kidnappings in the Kurdish region during 2003 and 2004. (AI, 25 September 2006) **[28i]** (UNHCR, August 2007) **[40j] (p33)** "To Amnesty International's knowledge these were the first executions to be carried out in the Kurdish region since 1992." (AI, 25 September 2006) **[28i]**

16.11 Amnesty International's Annual Report 2007 recorded that "The first executions in the Kurdish-controlled region of Northern Iraq since 1992 took place on 21 September, when 11 people were executed after being convicted of killings and kidnappings." **[28j] (p4)** UNAMI's April to June 2007 report remarks that "In the Kurdistan region, UNAMI remained concerned that convicted persons, particularly those facing the death penalty, are not accorded due process and fair trial rights." **[39h] (p33)**

16.12 The Finnish FFM report, for the period 23 October-3 November, noted that "The KRG government removed the moratorium for death sentence in 2006.

UNAMI was not aware of the amount of people that have been executed, but maintained that there were many people in the death row." **[131] (p12)**

16.13 According to its report for the period 1 July-31 December 2007, UNAMI stated that "In the KRG region, 16 death sentences were passed by the criminal courts in 2007, but information on how many were implemented was not available at this writing." **[39l] (p33)**

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

17.01 The HRW report, dated 3 October 2005, stated:

> "Since mid-2003, insurgent groups have repeatedly attacked Iraqi government officials and politicians. Various armed groups have killed dozens, if not hundreds, of local and national government officials and political party officials, as well as judges, by means of assassination squads, roadside bombs and suicide attacks. A total figure is not known due to the magnitude of the attacks and the absence of a comprehensive reporting scheme. Political figures have also been the target of criminally motivated attacks.
>
> "Insurgent groups like the Islamic Army in Iraq, Ansar al-Sunna and al-Tawhid wal-Jihad have repeatedly claimed responsibility for attacks on government officials." **[15j] (p62)**

17.02 The UNHCR Eligibility Guidelines of August 2007 noted "Many factions deem Iraqi officials 'traitors' and 'collaborators' who serve a Government formed by an occupying power. Others have been targeted on the basis of their sectarian identity." **[40j] (p106)** Also:

> "Many Iraqis who previously worked or presently work for, or have any type of association with the MNF, foreign (mainly Western) embassies or foreign companies are generally perceived by the insurgency as condoning and supporting the "occupation" of Iraq and have been targeted since the fall of the former regime. Other factors such as an individual's religion, ethnicity or gender may constitute additional criteria for targeting specific persons." **[40j] (p101)**

17.03 The paper further highlights the heightened danger associated with working for the UN and international organisations such as the International Committee of the Red Cross, **[40j] (p102-103)** and the difficulties faced by Kurds and "Other groups in Iraq [who] are widely considered to have supported the US-led invasion and international military presence in Iraq. Among them, in particular … are the Shi'ites, Yazidis, Christians, Roma and Jews." **[40j] (p105)**

17.04 UNHCR's December 2007 paper also reported that government officials and employees and politicians continued to be targets for kidnapping and assassination. **[40l] (p31-32)**

Freedom of political expression in the KRG area

17.05 The USSD report 2006 stated that "Membership in the some political parties conferred special privileges and advantages in employment. There were some reports that the KDP and PUK prevented the employment of nonparty citizens and that KRG courts favored party members" **[2h] (p13)**

17.06 A report by AI, published March 2008, noted that "Political opponents of the Kurdish authorities are subject to arrest, and sometimes torture, by the Asayish, the KRG security forces." **[28o] (p20)**

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.07 The Constitution provides for "Freedom of assembly and peaceful demonstration, and this shall be regulated by law." **[82a] (p12)** It also stipulates that "The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law." It adds that "It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it." **[82a] (p12)**

17.08 The UNHCR COI report, October 2005, stated:

> "Although the Ba'ath Party was banned by CPA Order No. 1, political organizations representing a wide range of viewpoints can be formed without interference by the authorities and candidates were able to freely present themselves or be nominated by their political parties for the 30 January 2005 elections. The Iraqi Government did not restrict political opponents nor did it interfere with their right to organize, seek votes or publicize their views." **[40c] (p157)**

17.09 The same report recorded that "Under the Order of Safeguarding National Security, the Prime Minister has the power to restrict the freedom of assembly, a power which is subject to judicial review." **[40c] (p157)**

17.10 Demonstrations and public protests took place on a regular basis on issues such as political, economic and social problems. Police generally did not intervene or restrict such demonstrations except when a curfew was violated. However, there were reports that police used force on occasions. (USSD 2005) **[2b] (p11)** (USSD 2006) **[2h] (p10)** (UNHCR COI, October 2005) **[40c] (p157)** "… for example when police opened fire on a crowd of demonstrators in the Southern city of Samawa on 27 June 2005, killing one protester and wounding six more. This incident began with some 2,000 unemployed Iraqis demonstrating to demand jobs who then began throwing stones at the police." (UNHCR COI, October 2005) **[40c] (p157)**

17.11 The Freedom House report 2007 noted that:

> "Domestic and international nongovernmental organizations were able to operate without legal restrictions, though security constraints limited their activities in many regions. Peaceful demonstrations occurred frequently during the year [2006] without interference from coalition forces or the Iraqi government, except when they were in violation of curfews. Gatherings or rallies that violated anti-Baath strictures were considered illegal." **[70d] (p6)**

17.12 The USSD report for 2007 stated that:

> "The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice … Until April the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency in April, the

government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.

"The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party." **[2l] (p12)**

17.13 The USSD report for 2007 continued to note that: "On September 30 [2007], Karbala Governor Aqil al-Khazali announced new instructions banning demonstrations in Karbala without the prior approval of local authorities and specifying jail sentences for those in violation to clamp down on violence and restore order." **[2l] (p12)**

Freedom of association and assembly in the KRG area

17.14 The UNAMI report, dated 1 September-31 October 2006, notes "The draft law on Demonstrations and General Meetings is currently before the Kurdistan National Assembly which essentially requires political parties and other organizations to obtain a written approval from the Minister of Interior before proceeding to hold a rally or demonstration." **[39e] (p11)**

17.15 The UNHCR assessment, dated August 2006, states "Growing dissatisfaction over alleged corruption, restrictions on freedom of press and the lack of public services lead to regular demonstrations and public unrest across the KRG-administered area. … Many demonstrations have turned violent and scores of protestors were arrested." **[40f] (p10-11)**

17.16 The UNAMI report, dated 1 July–31 August 2006, notes:

"Demonstrations took place across towns in the Governorate of Sulaymaniya to protest against corruption of local officials and to call for an improvement in the provision of basic services. Most of the protests were peaceful, although some turned violent when groups of demonstrators attacked public buildings with stones. Some individuals had been apparently detained by the authorities before the demonstrations started in an effort to prevent them; approximately 200 persons were briefly detained following the demonstrations." **[39c] (p19-20)**

17.17 The USSD report 2006 recorded "In the KRG area, particularly in the province of Sulaymaniyah, demonstrations took place to protest government corruption as well as poor services." **[2h] (p10)**

"Residents alleged that the KRG intimidated and imprisoned numerous participants of protests in Sulaymaniyah. In multiple demonstrations against poor services in the town of Chamchamal, participants reported that the PUK internal security forces as well as armed forces security carefully monitored protests, and in some cases overtly videotaped the proceedings. When authorities considered that the protests had become unruly, participants were detained, in some cases allegedly at undisclosed locations." (USSD 2006) **[2h] (p10)**

7.18 The USSD report for 2007 noted that "there were reports of abusive KRG practices against protesters. … Unlike in 2006, there were no reports that

KRG security forces killed or detained protesters when multiple demonstrations protested government corruption and poor services." **[2l] (p12)**

7.19 The USSD report for 2007 also stated that "Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk." **[2l] (p12)**

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

17.20 The UNHCR guidance note stated "A range of politicians, members of the Iraqi government or administration (extending down to the local level, such as members of Governorate Councils), known members of political parties involved in the political process and/or members of their families (e.g. Sunnis who are no longer boycotting the process), as well as civilians supporting the democratic process have been targeted by non-state agents in an aim to undermine the ongoing political process and democratization of the country." **[40a] (p14)** Whilst a HRW report, dated 3 October 2005, records that "Insurgent groups also have targeted individuals active in Shi'a parties and organizations." **[15j] (p39)**

17.21 HRW's report also detailed 17 cases of attacks against leading Iraqi political figures between March 2003 and July 2005. **[15j] (p65-66)** In addition, the report mentioned that "Insurgent groups have also targeted the family members of politicians." **[15j] (p69)** In its January 2005 report, the organisation states that "Human Rights Watch is also aware of other … ill-treatment of members of several political parties in Baghdad." **[15g] (p35)**

FORMER MEMBERS AND ASSOCIATES OF THE BA'ATH PARTY/FORMER REGIME

17.22 Article 135 (5) of the Constitution stipulates that "Mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it." **[82a] (p39)** The UNHCR guidance note, October 2005, stated that:

"Under the former government's rule, the state, the armed forces and the security apparatus were dominated by the Ba'ath party, which as the President's party enjoyed special status within the regime. No special qualifications were required in order to become a member of the Ba'ath Party, and the regime consistently and systematically expanded the membership of the Ba'ath Party as a means to widen its control of the population. Members who were perceived by the government as having been particularly loyal received preferential treatment in all aspects of life." **[40a] (p14)**

17.23 The UNHCR guidance note, October 2005, recorded that:

"Many senior ranking cadres within the Ba'ath Party built a career through dual membership in the Ba'ath Party and the Special Republican Guards, as chiefs of loyal tribes, as members of the intelligence and security forces, and so forth. These individuals were generally assigned various tasks as senior officials of the Ba'ath Party at the levels of governorates, districts, sub-districts, cities and communes. Many were also implicated in policing activities

with the army and security forces, the search for army deserters, and recruitment for paramilitary armed groups such as Jaish Al-Quds (The Jerusalem Army), the Fedayeen Saddam (Saddam's 'Men of Sacrifice') and the Ashbal Saddam (Saddam's Lion Cubs). Middle and senior level officers in these services were appointed only after a thorough screening by the senior leadership. Saddam Hussein's son Qusay was directly responsible for these services. Many senior officials of the above-mentioned entities were in the armed forces during the period when campaigns against segments of the Iraqi population were planned and executed. These include the 'Anfal' campaign which took place in Northern Iraq during the 1980s, the suppression of the 1991 and 1999 uprisings in Southern Iraq and the persecution of political opponents. While many may describe themselves as having simply worked in logistics or communications, association with groups such as the Fedayeen Saddam, the People's Army (Al-Jaish al Sh'abi), the Ba'ath militia or the Jaish Al-Quds clearly implies knowing of and condoning their activities." **[40a] (p14-15)**

17.24 The AI report, dated 25 July 2005, noted that "In early April 2003, the US-led military intervention in Iraq, which had started just days earlier on 18 March, ended the 25-year rule of Saddam Hussain and the even longer rule of the Ba'ath party." **[28c] (p2)** The CFR report, dated 7 April 2005, adds "In the early months of the U.S.-led occupation, authorities banned the Baath Party and removed all senior Baathists from the government and security forces. But U.S. officials began to shift their strategy in April 2004 and, in a bid to strengthen the officer corps, allowed some senior ex-Baathists to return to the security forces." **[8b] (p1)**

"Members and associates of the Ba'ath party and former regime have been the subject of attacks since the early days of the change of power in Iraq. … Low-ranking officials of the Ba'ath party have also been killed or otherwise attacked because of the activities they were involved in – for example a low-ranking member of a security organization who was known to have been a brutal torturer." (UNHCR COI Report, October 2005) **[40a] (p15)**

17.25 Jane's Sentinel Country Risk Assessment of Security in Iraq, updated 18 February 2008, stated that:

"… it is clear that irreconcilable Baathist former regime elements (FRE) have played a key role in fomenting and facilitating anti-Coalition and anti-government activities in Sunni areas of Iraq. … The objectives of [the FRE] are increasingly mercenary, though FRE elements are clearly committed to the expulsion of foreign and also Shia and Kurdish security forces from core Sunni triangle areas.

"FRE make two key inputs to the insurgency. The first is money … , which is used to pay the incidental costs of the insurgency, to commission 'paid-for' attacks and to maintain loyalty relationships. The second is facilitation through a network of mid-level organisers and cash couriers drawn from the ranks of the various intelligence and regime security organisations …

"Since mid-2007, former Baathists have been re-integrated into national structures, particularly the Iraqi Army, the National Police and the Emergency Reaction Units at provincial levels. This is gradually splintering the moderate former Baathists from the irreconcilables. The passage of the Accountability and Justice Law in Iraq's parliament on 11 January 2008 … may allow some

more junior insurgents to be reintegrated, although this process informally began well before the law's passage and might even be upset by stirring up the issue of de-Baathification once again.

"In addition to logistical support, FRE provide specialist technical skills such as bomb-making. These services were initially provided by junior elements of the Mukhabarat, the M-14 office (responsible during the Baathist years for assassinations) and the M-21 office (responsible for bombings). Such cells distributed large numbers of suicide vests at caches throughout Iraq from the beginning of Operation 'Iraqi Freedom', operating in 15-20 person 'Tiger Groups'. Acting as trainers, such specialists have created a broad base of bomb-making knowledge in the country." **[14d] (p2)**

See also Sunni Arab insurgents.

De-Ba'athification

17.26 The UNHCR guidance note, October 2005, stated:

"CPA Order No. 1, De-Ba'athification of Iraqi Society, was signed and went into effect on 5 May 2003. Under this Order, the Ba'ath Party was dissolved and senior party members (those in the upper tier, including members of the Regional Command, Branches, Sections and Groups) were officially removed from their positions and banned from any future employment in the public sector. In addition, they were evaluated for criminal conduct or threat to the security of the Coalition. Furthermore, all individuals in the top three layers of management in every government Ministry, related corporations, and other government institutions including universities and hospitals, were subject to interviews in order to assess their affiliation with the Ba'ath Party. Those determined to have been Ba'ath members were subject to investigation for criminal conduct and were removed from employment if found to be full party members. The Supreme National DeBa'athification Commission was tasked to hear appeals from Ba'athists who were in the lowest ranks of the party's senior leadership." **[40a] (p15-16)**

17.27 On 3 February 2008, BBC News reported that "A measure allowing former members of Saddam Hussein's Baath party to return to public life in Iraq has become law … the law would result in people being forced out of their jobs to make way for returning former Baathists." **[4cc]**

Reprisals against Ba'ath party members

17.28 According to an article by Iraq Updates, dated 9 November 2006, "Assassinating former members of Saddam Hussein's Baath Party is going on unabated particularly in southern Iraq…. The number of Baathists killed since the start of 2006 has reached 1,556 people and none of the cases has been investigated…." **[105a]**

17.29 *The Duluth News Tribune* article, dated 26 February 2005, also noted:

"Especially besieged are Shiite Baathists who live in predominantly Shiite or mixed Sunni-Shiite neighborhoods, where targets are more accessible than in homogenous Sunni strongholds. Militiamen have demanded that former Baathists fly white flags to atone for their party membership and let their

neighbors know they have renounced their pasts. Those who refuse often end up dead." **[60a]**

17.30 A Knight Ridder article, dated 25 February 2005, reported "The U.S. military is preoccupied with hunting down suicide bombers and foreign terrorists, and Iraq's new Shiite leaders have little interest in prosecuting those who kill their former oppressors or their enemies in the insurgency." **[13a]** The report also notes "While Shiite politicians turn a blind eye, assassins are working their way through a hit list of Saddam's former security and intelligence personnel, according to Iraqi authorities, Sunni politicians and interviews with the families of those who've been targeted." **[13a]**

17.31 The UNHCR August 2007 paper noted that:

"Thousands of former Ba'ath Party members in governmental establishments, universities and schools (including the RCC, National Assembly, members of the former judicial and prosecutorial system organs, the military, paramilitary, and security and intelligence services) lost their jobs as a result of the *de-Ba'athification* process. This happened, even though many of those who joined the Party had done so out of necessity and not ideological conviction. Thousands of Iraqis, however, were deeply involved in the Ba'ath Party's crimes as they rose to positions of authority. While any Iraqi could join the Ba'ath Party, it was largely dominated by Arab Sunnis, in particular its higher ranks. Although the total number is unknown, it is estimated that between one and 2.5 million Iraqis were members of the Ba'ath Party." **[40j] (p97)**

17.32 The UNHCR August 2007 and December 2007 papers both commented that former Ba'ath Party members continued to be targeted. **[40j] (p97)** **[40l] (p35-6)** "Reportedly, 'hit-lists' have been established by Shi'ite militias from Ba'ath Party membership lists and documents looted from buildings of the former security and intelligence agencies after the fall of the former regime." (UNHCR, August 2007) **[40j] (p97)**

Threats to families of Ba'ath party members

17.33 The UNHCR COI report, October 2005, recorded that "US-led forces have confirmed that they illegally detained Iraqi women in order to obtain information about male relatives who are senior Ba'ath Party officials or suspected insurgents. In addition, they are accused of holding women as 'bargaining chips' in the attempt to convince male relatives to surrender or admit involvement in armed activities." **[40c] (p35)** Whilst an Iraq Updates article also reported that "…Baathists? in many places in Iraq were attacked. Baathists and their families were evicted from their homes and many were kidnapped or killed." **[105a]**

OPPOSITION IN THE KRG

17.34 Under the heading 'Actual or Perceived Opponents of the Ruling Parties in the Region of Kurdistan as well as in Areas Under the de facto Control of the KRG' UNHCR's August 2007 paper noted:

"Arabs in the areas of Mosul and Kirkuk under de facto control of the KRG and the Region of Kurdistan have become victims of threats, harassment and

arbitrary detention, often in facilities of the Kurdish security and intelligence services in the region, because of their perceived association with the insurgency and/or the former regime. Arab IDPs in the three Northern Governorates reportedly suffer discrimination and are given little assistance by the Kurdish authorities due to security fears. **[40j] (p106-107)**

17.35 The Finnish FFM report for the period 23 October-3 November 2007, commented that: "Some members of an Islamist group called *Ashaq al-Firdaus* ("Paradise Lovers", separated from the *Mujahedin Army*) had been detained in Sulaymaniyah in October [2007]. The detainees were said to be Mosul-based Arabs, who had reportedly bombed MNF troops in Mosul." **[131] (p5)**

17.36 The FFM report also noted that "According to UNAMI, opposition parties are not acknowledged, and underground political movements exist in the three northern governorates. Arrests of members of the opposition have been continuing in the KRG region. According to NPA, main political parties dominate the political scene, and more actors are needed to actually make the views of the opposition heard." **[131] (p13)**

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FREEDOM OF SPEECH AND MEDIA

18.01 Article 38 (a) of the Constitution provides for the "Freedom of expression using all means." Article 38 (b) provides for the "Freedom of press, printing, advertisement, media and publication." **[82a] (p12)** However, according to a report by the Committee to Protect Journalists (CPJ), published 30 April 2008, "Iraq became the world's most dangerous country for the press after the 2003 U.S. invasion led to armed conflict and sectarian strife." **[26j] (p2)**

18.02 The Freedom House 2005 report on Freedom of the Press noted "In late March [2004], the CPA established the Iraq Communications and Media Commission (later called the National Communications and Media Commission, or NCMC), an independent nonprofit administrative institution with authority to license and regulate media, broadcasting, and telecommunications services." **[70a] (p106)** "In August [2004], interim prime minister Iyad Allawi announced the creation of a new Higher Media Commission (HMC) with responsibility for regulating print and broadcast media and imposing sanctions against violators. **[70a] (p106)**

18.03 CPA Order 14 prohibits media organisations from publishing or broadcasting material that incites violence and civil disorder, expressing support for the banned Ba'ath Party and support for alterations to Iraq's borders by violent means. It allows for the closure of media organisations that violate these regulations. For example, Al-Jazeera news channel was banned from working in Iraq after being accused of inciting violence and hatred. (USSD 2005) **[2b] (p10)** (UNHCR COI, October 2005) **[40c] (p158)**

18.04 The USSD report 2005 noted that "Licensing procedures are transparent and an independent entity was established to license broadcast media, although the process has lapsed in the face of other priorities. The press does not require a license to operate." **[2b] (p10)**

18.05 The USSD report for 2007 stated that:

> "The constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years for any person who publicly insults the national assembly, the government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.
>
> "The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of persecution. There was widespread self-censorship.
>
> "The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party or for 'alterations to Iraq's borders by violent means.'" **[2l] (p10)**

18.06 The Freedom House report for 2007 on Freedom of the Press noted:

"In 2005, it was revealed that the U.S. Department of Defense (DOD) had hired a public relations firm to place stories with media outlets in Iraq that were written by U.S. military officers and depicted conditions in the country in a favorable light. In December 2006, during an internal investigation, the DOD concluded that the program had been legal under the rules of psychological warfare. However, the United States faced criticism from international watchdog groups for trying to manipulate press coverage and spread propaganda in the Iraqi media.

"Ongoing instability and violence remain the biggest threats to press freedom, with Iraqi insurgent groups conducting targeted kidnappings and attacks on the media." **[70f] (p1)**

NEWSPAPERS, RADIO AND TELEVISION

18.07 There were over a hundred daily and weekly publications in Iraq and dozens of radio and television stations. (USSD, 2007) **[2l] (p10)** (Freedom House, 2007) **[70f] (p2)** National, regional and local stations broadcasting in Arabic, Kurdish (two dialects), Turkmen and Syriac were nearly all privately owned, but were strongly influenced by ethnic or political groups. (USSD, 2007) **[2l] (p10)** (Freedom House, 2007) **[70f] (p2)** "Access to foreign satellite television, previously banned in all of Iraq under Saddam Hussein (except in the northern Kurdish regions since 1991), grew in 2006. Satellite stations are watched by around 70 percent of Iraqi viewers; the Pan-Arab news stations Al-Arabiya and Al-Jazeera are especially popular. Iran's Alalam TV, which broadcasts in Arabic, can be received in Baghdad without a satellite dish. Internet usage also increased during the year to 36,000 users (less than 1 percent of the population), with many internet cafés opening up in Iraqi cities and no direct government restriction on access to, or operation of, the internet." (Freedom House, 2007) **[70f] (p2)**

18.08 The newspapers with the largest circulation were *Al-Sabah* (which has a circulation of more than 50,000 and was founded after the invasion with US funding. It often reflects the position of the government), *Az-Zaman* (owned by leading Iraqi businessman Saad Al-Bazzaz and also published in London), *Al-Mutamar* (the official organ of the Iraqi National Congress), *Al-Mada* (a well respected independent daily) and Hawlati, a Kurdish weekly. (US Library of Congress, August 2006) **[33a] (p21)** (UNHCR COI, October 2005) **[40c] (p158)** (Freedom House, Freedom of the Press, 2006) **[70c] (p83)** Most of the major international newspapers are also available in Iraq. (US Library of Congress, August 2006) **[33a] (p21)**

18.09 The RSF annual report, dated 3 May 2005, states that "Defence minister Hazem Shaalan called Al-Jazeera 'clearly a terrorist TV station' in an article the same month in the daily Asharq al-Awsat, accusing its Baghdad office of operating illegally since it was closed three months earlier." **[20c] (p3)** The RSF annual report 2007 confirmed that Al-Jazeera's Baghdad office remained closed. **[20g] (p140)**

18.10 In addition, the government shut down Al-Arabiya satellite TV station for one month, at the beginning of September 2006, following claims that they were "inciting sectarian violence" and reporting "false news". **[20g] (p140) [39e] (p10)**

18.11 The UNAMI report, dated 1 November-31 December 2006, states:

"Several media outlets have used derogatory or hate language in broadcast and in some cases, incited violence. The Prime Minister has threatened to use the 2004 'anti-terrorism' law to close down stations that incite hate and violence such as Al Zawra station. Based on anti terrorism law, the Minister of Interior recently issued an order to close Al Zawra TV satellite channel in Baghdad and Salahaddin TV satellite channel in Salahaddin Governorate on the grounds of the use of hate speech." **[39f] (p11)**

18.12 Whilst the USSD report 2005 noted:

"The media represented a very wide range of viewpoints. Columnists openly criticized the government in print media, and government officials responded to viewer call-ins on television programs. Election programs featured live debates among candidates. Public media (one each for TV, radio, and newspaper) launched by the CPA were incorporated into a new publicly funded broadcaster, the Iraqi Media Network. Much of the media was owned by political party groups or coalitions of political, ethnic and religious groups. Despite the enabling legal framework, the lack of independent commercial financing resulted in many media outlets being the voices of and financially dependent upon political parties and other groups. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem. " **[2b] (p10)**

8.13 The Freedom House 2007 report, covering events of 2006, noted that:

"According to the International Press Institute, 46 journalists and media workers were confirmed killed in 2006; 44 of them were Iraqi nationals, and many were killed in deliberate attacks. Reporters Sans Frontieres reported that armed groups kidnapped 20 media workers and executed 7. Gunmen in the Adil neighborhood of Baghdad kidnapped U.S. journalist Jill Carroll on January 7 and released her three months later. The fate of two Iraqi reporters, Reem Zaid and her colleague Marwan Khazal of Al-Somariyah TV, was still unknown at the end of 2006. Armed groups have targeted local journalists who work with foreign media and have accused them of being spies. Self-censorship increased as a result of intimidation from violent groups, including sectarian militias. Much of the violence against journalists in 2006 occurred during the last months of the year, as hostilities among insurgent groups increased significantly. In the deadliest incident of 2006, gunmen raided the offices of the radio station Al-Shaabiya in October, killing six journalists and four guards. The station, owned by the National and Justice Party, was created in July but had yet to broadcast." **[70f] (p2)**

8.14 The Freedom House 2007 report also noted that "In November, the government shut down two television stations, Al-Zawra and Salah al-Din, for showing footage of Iraqis protesting Saddam Hussein's death sentence. Neither had been allowed back on the air at year's end [2006]." **[70f] (p2)** The USSD report for 2007 stated that: "The government continued the November 2006 closure of the office of Al-Zawraa satellite television station based on the airing of training videos on how to build explosive devices, promoting calls to join terrorists and insurgent groups, and promoting killings and genocide against a large segment of the populace. However, Al-Zawraa continued to broadcast as a satellite channel over the Egyptian-controlled Nilesat." **[2l] (p10)**

8.15 The USSD report for 2007 further reported that that on 2 January 2007, the Iraqi government closed the independent Al-Sharkiya satellite television channel for reporting false news and inciting sectarianism in connection to its coverage of Saddam Hussein's execution. **[2l] (p10)** "On February 25, interior ministry forces arrested 11 media workers at the Baghdad offices of Wasan Media and charged them with inciting terror. They had supplied video footage of a controversial interview with Sabrine al-Janabi, a citizen allegedly raped by police officers in February, to the Al-Jazeera satellite news television channel which continued to be banned from operating in the country. Wasan Media officials denied the accusations. On August 7, a judge dismissed the charges, and nine of the 11 media workers were released. Two remained imprisoned on charges of possessing unlicensed weapons at year's end." (USSD, 2007) **[2l] (p10)**

OTHER FORMS OF MEDIA

18.16 The 2007 Freedom House report noted that: "Internet usage also increased during the year [2006] to 36,000 users (less than 1 percent of the population), with many internet cafés opening up in Iraqi cities and no direct government restriction on access to, or operation of, the internet." **[70f] (p1)**

18.17 The USSD report for 2007 stated that: "There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail." **[2l] (p11)**

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JOURNALISTS AND OTHER MEDIA WORKERS

18.18 Several reports noted that Iraq was the most dangerous place in the world to work as a journalist. (RSF 2006) **[20d] (p140)** (RSF, 20 March 2006) **[20e]** (RSF, March 2006) **[20f]** (CPJ, 3 January 2006) **[26d] (p1)** (CPJ 2006) **[26f] (p4)** (CPJ 2007) **[26k] (p1)** (CPJ 2008) **[26j] (p2)** (UNHCR, August 2007) **[40j] (p111)** The Iraq conflict was also the deadliest conflict for the press since the CPJ was established over 20 years ago. (CPJ, 3 January 2006) **[26d] (p1)** (CPJ 2006) **[26f] (p4)** (UNHCR August 2007) **[40j] (p112)** Because of this, the number of foreign journalists in Iraq has declined considerably since 2003. (RSF, 19 March 2008) **[20l] (p2)** Many have gone into exile, or sought refuge in the Kurdish north or Jordan or Syria. (RSF, 19 March 2008) **[20l] (p2-3)**

18.19 There were also various reports stating that throughout 2007, journalists and media continued to be targeted because of their work. (RSF, 2007) **[20i]** (CPJ, 2007) **[26g]** (USSD, 2007) **[2l] (p10-11)** (UNHCR, Aug 2007) **[40j] (p112)** (UNHCR, Dec 2007) **[40l] (p32-33)** (UNAMI, Jul-Dec 2007) **[39l] (p18)** (RSF, 19 March 2008) **[20l] (p2)** An RSF report, published 19 March 2008, commented that "Journalists have been targeted by Sunni and Shiite militias, by Al-Qaeda, by the authorities, including the police, and by he US-led coalition forces." **[20l] (p2)** CPJ kept a tally of the numbers of journalists killed in Iraq, their nationalities, and the location and circumstances in which they died. **[26h]** The USSD report for 2007, UNHCR August 2007, December 2007 and UNAMI July-December 2007 papers all provided examples of such incidents. **[2l] (p11) [40j] (p113-115) [40l] (p57-58) [39l] (p18)**

18.20 IWPR added, on 2 March 2006, that: "Iraq journalists often carry guns when they report and hide their faces from cameras in press conferences so they cannot be publicly identified. Some Iraqi journalists say the deteriorating security situation is making even street reporting difficult, a practice most foreign counterparts in Iraq gave up on due to security concerns. Because of the worsening security situation in Baghdad and many other provinces, the number of foreign correspondents has decreased. The abduction and murder of several reporters has forced foreign agencies to depend on local reporters with less experience. Many cases of abuse against journalists by Iraqi forces have been reported." **[11f]** A report by RSF, published 19 March 2008, commented that "At the end of February [2008], the interior ministry proposed giving journalists permission to carry firearms." **[20l] (p2)**

18.21 The US army were also responsible for arbitrarily and illegally arresting journalists. **[20d] (p140)** The CPJ report noted that "Working around U.S. and Iraqi troops carried other risks. Troops routinely detained Iraqi journalists who operated near U.S. and Iraqi forces." **[26b] (p3)** The Iraqi Association of Journalists (IAJ) recorded eight instances where journalists had been detained by US forces on suspicion of posing a 'security threat' since March 2005. (UNHCR COI, October 2005) **[40c] (p159)** Media workers were reportedly detained by US forces for prolonged periods, without charge. (CPJ, 4 October 2005) **[26a] (p1-2)** (CPJ 2005) **[26b] (p3)** (CPJ 2006) **[26f] (p2-3)** (UNHCR, August 2007) **[40j] (p115)** A number of journalists and media workers reported that they were tortured and their equipment destroyed on arrest. (UNHCR COI, October 2005) **[40c] (p159)** In addition, a number of journalists and media workers, were reportedly killed by US forces. (UNHCR COI, October 2005) **[40c] (p159)** (CPJ, 5 January 2006) **[26d] (p2)** (CPJ 2006) **[26f] (p2)**

18.22 IRIN news stated, on 25 January 2006, that many journalists complained that they are unable to "write freely" about political issues due to threats from insurgents and unknown sources. "Iraqi Prime Minister Ibrahim al-Jafari, in an interview with the local press last week, encouraged journalists to write freely in order to convey Iraqi suffering to the world and make politicians aware of the country's problems." **[18af]**

18.23 However, the UNAMI report, dated 1 July–31 August 2006, recorded that:

> "Journalists and publications have also faced legal prosecution by the authorities for carrying out their work. In August, prosecution started against three other journalists at Karrada Felony Court for charges based on article 226 of the Iraqi Penal Code, including slandering the police forces and judicial figures in three articles published in 2004 in Sada Wasit Newspaper, where the three worked." **[39c] (p8)**

18.24 The UNAMI report, dated 1 September-31 October 2006, noted "… many journalists are being criminally prosecuted for alleged defamation of state officials. Local legislation, in effect since 1969, treats defamation as a criminal offence punishable, *inter alia*, by time in prison for up to ten years." **[39e] (p10)** The UNAMI report, dated 1 November-31 December 2006 adds that "In other parts of Iraq, journalists and other media professionals faced restrictions including a ban on attending parliament sessions, physical threats and threats of legal action." **[39f] (p10)**

18.25 The USSD report for 2007 also recorded that:

"Media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was actively used against media workers. In December [2007] cameraman Adnan Haseeb alleged he had been arrested on March 8 [2007] while on assignment with Al-Hurriya television in the International Zone, briefly detained at the prime minister's office, accused of working with insurgents and being involved in a bombing, beaten during interrogations, and then released without explanation in November. Before his detention, Haseeb was the cameraman for Al-Makshouf (Exposed), a weekly television talk show which covers citizen grievances against the government.

"Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. For example, in Diyala, an armed group posted wanted notices on the walls of mosques and other buildings with a photo of Al-Iraqiya correspondent Mohammed Ali, describing him as an 'infidel' and 'criminal' and offering $10,000 (125 million dinars) to anyone who eliminated him or helped locate him. Ali reportedly angered the group by criticizing its activities in his reports." **[2l] (p11)**

18.26 UNHCR's August 2007 paper further noted that: "Fear of attacks undermines freedom of speech in Iraq as journalists carefully weigh what they write and often apply self-censorship. In addition, journalists and publications also face legal prosecution by the authorities for "defaming" government officials. According to information from the New York Times, around a dozen Iraqi journalists have been charged with offending government officials." (UNHCR, August 2007) **[40j] (p114)**

18.27 Reporters san Frontières (RSF) and the Committee to Protect Journalists (CPJ) continued to report the risks and abuses faced by international and Iraqi media workers throughout 2007. These included targeted attacks; death and injury due to the actions of the MNF, Iraqi forces, insurgents and militias; abduction; murder; prolonged detention by the MNF and Iraqi forces; and harassment and prosecution by the government. **[20i] [26g]**

18.28 The UNAMI report of April to June 2007 recorded that "While most deaths of journalists and media workers were recorded in Baghdad, journalists in other towns and cities were also affected by lack of security, sectarian violence and suppression of freedom of expression." **[39g] (p11)** The CPJ's report on the following year notes that "Highly visible foreign journalists were obvious targets and increasingly unable to report on the street." **[26f] (p1)**

18.29 UNHCR's August 2007 Eligibility Guidelines paper stated:

"While Reporters Sans Frontiers (RSF), the Committee to Protect Journalists (CPJ) and the International Federation of Journalists (IFJ) have different statistics on the numbers of journalists and media support staff killed in Iraq since 2003, the most conservative figure puts the number at 93 as of mid-February 2007. In addition, CPJ reported that 37 media support workers such as drivers, interpreters, fixers and guards were killed. Thus far, 2006 has been the most lethal year. The majority of the victims were Iraqis. While some have been killed in crossfire or other acts of war, the majority lost their lives in deliberate attacks. According to Aidan White, General Secretary of IFJ,

'(m)ore than ten per cent of Iraq's active journalists' community has been killed.'" **[40j] (p111)**

18.30 The USSD report for 2007 noted that: "During the year [2007], there were at least 32 journalists killed, eight journalists abducted, and 12 media workers killed." **[2l] (p11)** The Reporters san Frontières (RSF) Freedom of the Press Worldwide in 2008 report, published February 2008, noted that at least 56 media workers (including journalists) were killed in Iraq in 2007. **[20j] (p147)** Of these, at least 47 were journalists and nine were media assistants, with over half of the recorded attacks occurring in Baghdad. **[20j] (p155)** The chaotic security situation in Iraq prevented foreign journalists from reporting from the country, mostly due to the risks entailed but also because of high insurance costs. **[20j] (p155)** The report also stated that 25 journalists were kidnapped in 2007, with most being freed unharmed. **[20j] (p156)** Reports by RSF, published on 28 February and 19 March 2008, stated that 210 journalists and media workers had been killed in Iraq since the US-led invasion in 2003. **[20k] [20l] (p2)**

18.31 These figures differ slightly from ones published by the Committee to Protect Journalists, who reported that, as of 7 May 2008, 127 journalists had been killed in the line of duty in Iraq since March 2003. **[26h]** In 2007, 32 journalists were killed and in 2008, two journalist had been killed at the time of publishing. **[26h]** On 12 February 2008, the body of an Iraqi reporter abducted previously that week was found, showing signs of torture. **[26i]** BBC News reported on the same date that two journalists working for CBS news had been kidnapped from their hotel in Basra, southern Iraq. **[4cb]**

The media and journalists in the KRG area

18.32 The FCO stated in a letter, dated 6 December 2006, that "In general the media is heavily influenced by the political parties. However there are independent journalists and newspapers and the Institute for War and Peace Reporting has an office in Sulimaniyah from where they run a journalism skills programme. There have been instances when journalists have been arrested for 'saying the wrong thing' but recent demonstrations and a more constructive approach by the KRG has led to improved relations and a draft bill." **[66n]**

18.33 The UNHCR Assessment report, dated August 2006, stated:

"While large numbers of media and civil society organizations have been established since the area's *de facto* autonomy in 1991, they continue to be widely controlled by the PUK and their independence and neutrality need to be further developed. Journalists and media organizations have repeatedly claimed that press freedom is restricted and criticism of the ruling party can lead to physical harassment, arrest and imprisonment on the basis of unspecified defamation charges. Officially, there is no censorship in the Governorate, but the authorities seem to be broadening their definition of libel and slander to deter probing reporting. Most media outlets in the Governorate are controlled by the PUK. There are concerns that a new censorship law will further restrict press freedom. The draft legislation, put forward by the Kurdistan Journalists Syndicate and published in July 2006, prohibits the publication of confidential military information and writings, cartoons, advertisements and news deemed to offend religious groups and local customs." **[40f] (p22)**

18.34 The UMANI report, dated 1 November-31 December 2006, recorded "Freedom of the press remains a widely debated issue particularly in the North with independent media attempting to extend the limits of journalistic license to engender support for the right of expression." **[39f] (p10)** The same report noted that:

"Independently owned media such as Hawlati daily and weekly Awene in Kurdistan have recently highlighted government corruption and questioned the conduct of officials. Their criticism included a recent Patriotic Union of Kurdistan (PUK) reform plans, recent elections, human rights, demonstrations, migration, and shortcomings in the education system. Hawlati has questioned the freedom of the media in Kurdistan and reiterated that journalists should be able to question officials because they 'were elected for a limited period of time in order to serve the people.'" **[39f] (p10)**

18.34 "UNAMI HRO is also concerned about freedom of expression in the Region of Kurdistan following the detention of at least seven journalists by police forces when covering demonstrations against the KRG in Sulaymaniya Governorate on 13 August. The journalists were later released on bail." (UNAMI, 1 July-31 August 2006) **[39c] (p8)**

18.36 The CPJ report for 2006 stated that "A surge in criminal prosecutions and draconian penalties against journalists working in Kurdistan signalled an alarming deterioration in press freedom in that region." **[26f] (p4)** A report by AI, published March 2008, also commented that "Journalists are muzzled and often risk arrest and torture in their daily work." **[28o] (p20)**

18.37 UNAMI's reports covering January to June 2007 reported on the harassment of individual journalists and the closure of one radio station. **[39g] (p11-13) [39h] (p12)** The KRG authorities responded to the details contained in the January to March 2007 report "… noting, among other things, that a total of 646 licenses for newspapers and other outlets had been issued by the Minister of Culture, including those operated by minority groups." **[39g] (p11-13)** However, the report points to how "KRG officials did not respond to the cases raised by UNAMI involving the arrest and detention of journalists, nor referred to its decision to close down a radio station." **[39h] (p12)**

18.38 The UNHCR August 2007 paper noted that:

"In the Region of Kurdistan, journalists and media organizations have repeatedly claimed that press freedom is restricted and that criticism of the ruling parties can lead to physical harassment, seizure of cameras and notebooks, arrest and legal prosecution on charges of defamation. In late December 2006, journalist Luqman Ghafur was arrested in Sulaymaniyah after police officers filed a complaint against him for calling them 'gangs' in an article. In Erbil, police arrested journalists Shaho Khalid and Dilaman Salah for reporting a strike at a students' house in Setaqan Quarter. They reported that the police had assaulted them." **[40j] (p115)**

18.39 The USSD report for 2007 stated that:

"… almost all media outlets were controlled or funded by the major political parties and followed party lines in their publications and broadcasts.

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

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

"There was also a marked increase in intimidation of independent journalists by extrajudicial means. Local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the KRG or Kurdish party officials, especially for alleged corruption." **[2l] (p10)**

18.40 The Finnish FFM report, for the period 23 October-3 November 2007, noted that: "There are some 600 licensed media outlets in the KRG region, according to UNAMI. The media is thus quite large, although part of the media is party controlled, for instance through *PUKmedia*. … According to UNHCR, some degree of freedom of expression exists in the three northern governorates. The journals *Awene* and *Hawlati* have been able to criticise the administration. … all TV channels and newspapers belong to a political party." **[131] (p12-13)**

18.41 The RSF 2008 report noted that: "Physical attacks on journalists increased even in Kurdistan, which is fairly safe for the media. … Iraqi journalists face new restrictions imposed by the authorities, including a ban in May 2007 on filming the sites of bomb attacks and another in November on going to the Kandil mountains, near the Iraqi-Turkish border, to talk to Kurdish PKK rebels." **[20j] (p155)**

18.42 The UNAMI report for 1 July-31 December 2007 commented that: "On 11 Dec [2007], the Kurdistan National Assembly approved the Journalism Law amid protests and demonstrations by journalists and media workers in Erbil and Sulaimaniya. According to some parliamentarians, the law aims to organize journalism and defines the limits to the right to free expression. … The draft law also empowers the authorities to suspend media outlets and imposes on journalists mandatory membership of the Kurdistan Journalists Syndicate, which many view as a non-independent association. On 17 December, the head of the Syndicate announced that President Masoud Barzani had given a commitment not to ratify the law and to refer it back to the Kurdistan National Assembly for further consideration." **[39l] (p19)**

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

19.01 On 24 November 2007, the *Daily Telegraph* reported that "International aid workers were pulled out of Iraq virtually en masse in 2003 and 2004 as insurgents targeted any foreigners dedicated to the country's reconstruction." **[48h]** International aid workers were forced to relocate to neighbouring countries, such as Jordan. **[48h]**

19.02 The AI report, dated 25 July 2005, mentions that "The attacks have been aimed at the headquarters of these organizations, mostly in Baghdad, but there have been similar attacks in other cities and towns. International and national aid workers have also been victims of kidnapping and fatal attacks, particularly when travelling in vehicles that carry the organization's logo." **[28c] (p10)** The HRW report gave examples of numerous attacks on humanitarian agencies. **[15j] (p73-83)**The UNHCR guidelines, dated October 2005, states that "Neither the local authorities nor the MNF are capable of granting proper security to their respective local nationals and employees." **[40a] (p16)**

"Local aid groups, which at times are the sole source of assistance for the growing number of displaced persons, have reported receiving threats for helping displaced families of different religious affiliation. Violence hampers the delivery of aid in places such as Al-Anbar and Baghdad. In Kirkuk, at the end of August [2006], a printed threat circulated among aid agencies accusing seven foreign-based aid organizations of working for the benefit of a foreign country and against the interests of Iraq." (UNAMI, 1 July–31 August 2006) **[39c] (p10)**

19.03 The USSD report for 2007 noted that:

"The government restricted the activities of local and international human rights groups, generally citing security considerations. …

"The former regime did not permit independent human rights organizations, and, accordingly, the NGO community in the country was still relatively new. During the year [2007] NGO activity and advocacy remained weak overall. Six thousand NGOs (of which 148 were international) were registered, although the number of individual members of NGOs in the country was small. There were 225 human rights NGOs and 112 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern. …

"The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. A number of local NGOs reported having their assets frozen arbitrarily despite compliance with burdensome reporting requirements. …

"Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs." **[2l] (p16-17)**

19.04 The UNHCR report of August 2007 noted:

"While Iraqi aid workers are at risk of the same generalized violence as other Iraqi civilians, their work exposes them to greater risks, for example, when they work in 'hot-spot' areas or move around the country. In addition, Iraqis who previously or presently work for (or have any type of association with) the UN, ICRC or humanitarian organizations, are perceived by the insurgency as condoning and supporting the 'occupation' of Iraq or furthering 'Western' ideas such as democracy or human rights." (UNHCR, August 2007) **[40j] (p102)**

19.05 UNHCR's August 2007 Eligibility Guidelines paper pointed to the prevailing perception of humanitarian workers as "foreign spies", due to their portrayal as such by Saddam Hussein's regime. "In addition, the UN is often seen negatively, mainly for its role in imposing sanctions on the country since 1990 and for its close relationship with MNF forces." **[40j] (p103)**

19.06 UNHCR's August 2007 paper stressed that other factors may also come into play when Iraqi humanitarian workers and human rights defenders were targeted:

"… an individual's religion, ethnicity or gender may, in the eyes of perpetrators, constitute additional criteria for targeting specific persons. The ongoing sectarianism makes it almost impossible for aid workers to convey their neutrality and impartiality and may put them at risk of being targeted for providing aid to the 'wrong' sect or ethnic group.

"In addition, Iraqis working for international organizations may be perceived as receiving a high salary and are therefore at particular risk for kidnapping for ransom." **[40j] (p103)**

19.07 The UNHCR December 2007 report also noted that there had been targeted kidnappings and assassinations of humanitarians in parts of Iraq. **[40l] (p37)**

19.08 On 24 September 2007, IRIN News reported that "At least five local non-governmental organisations (NGOs) have recently closed their offices in Mosul, 390km north of Baghdad, as a result of increased violence against aid workers and volunteers, according to sources within the NGO community. … According to a local association responsible for registering local NGOs in Mosul, Tal Afar and nearby towns, humanitarian assistance in the region has been decreasing as aid workers are unwilling to offer their services under such threatening conditions." **[18cj]**

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS IN THE KRG AREA

19.09 The FCO stated in a letter, dated 6 December 2006, that "There are a large number of CSO/NGOs in the region. Traditionally these have been closely linked to the main political parties but increasingly they are looking to western donors for their funding and survival. The new government has, by the admission of some NGOs, taken a more positive approach to inclusive politics and has included a number of NGOs in committee discussions on issues such as Human Rights." **[66n]**

19.10 The USSD report for 2007 commented that that "The Kurdish areas, which have largely been autonomous since 1991, were able to develop a stronger NGO community, although many Kurdish NGOs were closely linked to the

PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs." **[2l] (p17)**

19.11 On 24 November 2007, the *Daily Telegraph* stated that "In recent weeks several organisations have announced plans to increase activities in Iraq, though most remain headquatered in the comparatively secure Kurdish north…" **[48h]**

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CORRUPTION

20.01 Corruption was a major problem in Iraq. (USSD 2005) **[2b] (p6, 16)** (USSD 2007) **[2h] (p5, 6, 9, 13-14)** (USSD 2007) **[2l] (p1, 4, 6)** (UNHCR COI, October 2005) **[40c] (p20)** (Freedom House, 2006) **[70b] (p4)** (Freedom House, 2007) **[70d] (p4-5)** There were reports of corruption within the government, security services, and courts. (USSD 2005) **[2b] (p6, 16)** (USSD 2006) **[2h] (p5, 6, 9, 13-14)** (USSD 2007) **[2l] (p1, 4, 6)** (IRIN, 18 September 2006) **[18ba]** (UNHCR COI, October 2005) **[40c] (p20-21)** (CSIS, 19 June 2006) **[63a]** The CSIS report, dated 19 June 2006, stated:

"Corruption added a 'fourth threat' to the insurgency, militias, and internal problems in Iraqi forces. It is impossible to determine whether corruption in the Iraqi government was more serious in mid-2006 than it had been in the past, but senior Iraqi officials made it clear that both the MOI and MOD presented major problems because of corruption at virtually every level. This was not simply a matter of money. Its impact included phantom hires and absentees, weapons and equipment sales to outside parties, penetration by insurgent and factional elements seeking intelligence, and a host of other problems in functioning at an honest and effective level. The same problems were common in all ministries, and wasted billions of dollars in scarce Iraqi funds, but had a major impact on Iraqi force development." **[63a]**

20.02 In January 2004 the Commission on Public Integrity (CPI) was set up to tackle corruption in the country. (USSD 2006) **[2h] (p13)** (IRIN, 6 September 2006) **[18ba]** IRIN news reported, on 6 September 2006, that "So far, some 3,500 corruption cases have been investigated by the CPI, of which 780 cases have been lodged in court but fewer than 50 have been tried…." **[18ba]** The USSD report of 2007 recorded a number of impediments to the CPI:

"There was widespread intimidation, as well as killings and attempted attacks against CPI employees, inspection personnel, and witnesses and family members involved with CPI cases. CPI employees reported that 33 employees, along with 12 of their family members, were killed since 2004.

"CPI received a number of high-level attempts to influence prosecutions of members of the ruling party. Members of the legislature also reportedly attempted to pressure the court on numerous occasions. In 2006 the former deputy commissioner of CPI was dismissed for allegedly engaging in prosecutions along sectarian lines. As of year's end Acting CPI Commissioner Moussa Faraj was facing trial for corruption at the Central Criminal Court, but was released on bond.

"There were allegations that in at least seven instances during the year, government authorities avoided pursuing prosecutions of document fraud and misrepresentation of credentials along party lines." **[2l] (p16)**

20.03 An IRIN news article reported, on 6 September 2006, that every government department was implicated in some form of corruption. **[18ba]** A news report by *The New York Times*, on 9 February 2007, stated that five Iraqi deputy or cabinet level officials have been arrested and charged with corruption since 2003. **[24i]** The CSIS report, dated 19 June 2006, records that:

"The Ministry of Defense had suffered badly under the previous interim government from corruption at the ministerial level, and the loss of hundreds of millions of dollars through the purchase of worthless equipment. These problems had presumably been greatly reduced under the Jafari government, but neither Iraqi nor US officials claimed they were eliminated.

"In the case of the MOI, corruption inevitably affected virtually every aspect of the police, from the appointment process to the sale of justice and services in the field, at almost every level. This corruption in the MOI interacted with corruption in the Ministry of Justice, and affected the courts in the areas where they actually operated.

"The result was often a mix of pressures from insurgents, militias, and criminals that made effective policing and the administration of justice almost impossible. Where the law was not for sale, it was paralyzed by threats and intimidation — as well as sectarian, ethnic, and tribal ties." **[63a] (p76)**

20.04 As a result of widespread corruption, some countries were unwilling to send financial aid to Iraq. (UNHCR COI, October 2005) **[40c] (p21)** Whilst the Transparency International report, dated 16 March 2005, warned that, with regard to the UN sponsored oil-for-food programme in Iraq, there was a likelihood that Iraq would become "the biggest scandal in history" if urgent steps were not taken. **[51a] (p1)**

20.05 The UNHCR COI report, October 2005, added "An audit found that the CPA was unable to properly account for US $8.8 billion of revenues from the Oil for Food Programme, oil sales and seized assets which it had transferred to the IIG." **[40c] (p20)** "The International Advisory and Monitoring Board which monitors Iraq's oil revenues said that Iraqi leaders mishandled about US $100 million in oil money meant for development in the six months after the transfer of sovereignty. By CPA Order No. 55, authority was given to the IGC to establish the Commission on Public Integrity which was tasked with rooting out corruption in the country." **[40c] (p21)**

20.06 UNHCR's August 2007 Eligibility Guidelines paper reports "The dismantling of the former Iraqi army and security forces, the slow training of Iraq's new security forces and the high level of corruption and lack of equipment, resulted in a security "gap" that the current authorities have been unable to fill." **[40j] (p25)** The UNHCR December 2007 report also noted that the Iraq central government suffered from a rising tide of corruption. **[40l] (p22)**

CORRUPTION IN THE KRG AREA

20.07 The UNHCR COI report, October 2005, states "Accusations of corruption and mismanagement have also been raised against the Kurdish authorities, which are dominated by the KDP and PUK." **[40c] (p21-22)** This was reiterated in the organisation's August 2007 paper; "The KDP and PUK have repeatedly been accused of nepotism, corruption and lack of internal democracy." **[40j] (p108)** It was reported in 2006 that street demonstrations have taken place in protest of alleged corruption by Kurdish parties. (USSD 2006) **[2h] (p10)** (RFE/RL, 9 August 2006) **[22v]**

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FREEDOM OF RELIGION

21.01 Article 2 of the Constitution stipulates that Islam is the official state religion and the that no law maybe enacted contradict Islam. **[82a] (p2)** Article 2(2) states that the Constitution "… guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandean Sabeans." **[82a] (p2)**

21.02 Approximately 97 per cent of the population was Muslim, of which about 60 to 65 per cent are Shi'a Muslims, while about 32 to 37 per cent are Sunni Muslims. The other three per cent of the population consisted of Christians and other religions. (CIA world factbook, 24 January 2008) **[78a] (p4)**

21.03 "Passports do not indicate an individual's religion; however, the national identity card explicitly notes the holder's religion." (USSD International Religious Freedom 2007) **[2i] (p2)** UNHCR's August 2007 Eligibility Guidelines paper noted "Kidnappings and extra-judicial killings reportedly often take place on the basis of the victim's name. As a result, Iraqis are resorting to changing their names, holding forged ID cards and learning religious history and customs in order to avoid being identified as belonging to either community." **[40j] (p51)**

21.04 Article 41 of the Constitution stipulates that "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law." Article 42 states "Each individual shall have the freedom of thought, conscience, and belief." **[82a] (p12)**

21.05 The USSD International Religious Freedom report 2007 recorded that "Since 2003, the Government has generally not engaged in the persecution of any religious group, calling instead for tolerance and acceptance of all religious minorities. However, some government institutions continued their long-standing discriminatory practices against the Baha'i and Wahhabi Sunni Muslims." **[2i] (p1)** Although the government generally respected these rights in practice, insurgents and militias often did not. (USSD International Religious Freedom report 2007) **[2i]** (AI, 25 July 2005) **[28c] (p8)** (UNHCR COI, October 2005) **[40c] (p160)** "Deficiencies in security force capabilities and in the rule of law made it difficult for the justice system to investigate or address violations of these rights [freedom of thought, conscience, religious belief and practice]." (USSD 2005) **[2b] (p11)**

21.06 UNAMI's January to March 2007 report noted that "Attacks against religious and ethnic minorities continued unabated in most areas of Iraq, prompting sections of these communities to seek ways to leave the country. The continuing inability of the Iraqi government to restore law and order, together with the prevailing climate of impunity, has rendered religious minorities extremely vulnerable to acts of violence by armed militia." **[39g] (p13)** Insurgents and criminal gangs were reported to have harassed, intimidated, kidnapped and at times killed members of specific religious groups, particularly Shi'as, Kurds and Christians. Insurgents and criminal gangs also targeted the places of worship of religious groups. (USSD International Religious Freedom report 2007) **[2i] (p3-7)** (ICG, 27 February 2006) **[25d] (p1)** (AI, 25 July 2005) **[28c] (p8)** (UNSC, 5 December 2006) **[38h] (p7)** (UNHCR COI, October 2005) **[40c] (p15)**

"Threat letters targeting residents based on their religious affiliation were fairly common for almost all religious denominations. Numerous reports indicated that Sunni Arabs, Shi'a Arabs, and Christians received death letters identifying them by sect and urging them to leave their homes or face death. These threats fueled large-scale internal displacement based on religious or ethnic affiliation." (USSD 2007) **[2l] (p13)**

21.07 UNHCR's August 2007 paper noted "The Sunni-driven insurgency initially targeted US troops. Soon, with the involvement of Al-Qa'eda in Iraq, parts of the insurgency deliberately attacked Shi'a targets. Igniting sectarian violence is central to Al-Qa'eda's strategy in Iraq." **[40j] (p48)** UNAMI's April to June 2007 report recorded that "The situation of minority communities in Iraq deteriorated significantly since mid-April in many parts of the country." **[39h] (p12)**

21.08 The USSD International Religious Freedom report 2007 stated "Religious leaders of all religious groups condemned the terrorist acts committed by the insurgency and urged the country's religious communities to refrain from retaliation and join together to end the violence." (USSD International Religious Freedom report 2006) **[2i] (p8)** The report of the previous year [2006] recorded that "Religious leaders reported that they generally had good relations and worked together to promote interfaith understanding. The Sabeans sought the assistance of the Grand Ayatollah Sistani, SCIRI's Hakim, Prime Minister Jafari, and Muqtada al-Sadr in supporting minority rights." **[2f] (p7)**

21.09 The USSD International Religious Freedom report 2007 noted that "Despite the tenuous security environment and the Government's preoccupation with fighting the insurgency and rebuilding the country's infrastructure, the Government took positive steps with respect to religious freedom during the reporting period." **[2i] (p8)**

21.10 The CSIS report, dated 19 June 2006, mentioned that: "Although accurate numbers are impossible to obtain, the increasing scale of targeted sectarian killings and similar violence reached the point by 2006 where it changed the nature of the Iraq war and threatened to plunge Iraq into deeper civil conflict." **[63a] (p69)**

21.11 The 2007 Annual Report of the United States Commission on International Religious Freedom – Iraq stated:

"Sharply deteriorating conditions for freedom of religion or belief and other human rights in Iraq during the past year are evident in the growing scope and intensity of sectarian violence, a burgeoning refugee crisis and the possible imminent demise of religious communities that have lived in what is now Iraq for millennia. Many of these developments stem from the Sunni insurgency and the Sunni-Shi'a sectarian conflict, as well as from Iraqi government action or inaction. Although pervasive conditions of armed conflict provide a context for these violations and abuses, they do not absolve Iraqi government from the responsibility to take immediate, remedial action with respect to its own conduct and that of its constituent factions." **[120a] (p48)**

21.12 The USSD report for 2007 noted that: "There were also allegations of religiously based employment discrimination during the year. Several

ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister." **[2l] (p12)**

21.13 The USSD report for 2007 also stated that: "Religious leaders were in several instances targeted for killings." **[2l] (p12)** The report goes on to mention the shooting of a Chaldean priest and a Sunni imam, both in June 2007. **[2l] (p12)** The report also noted there were kidnappings of religious figures with ransoms paid, including that of a Chaldean priest and five other Christians in Baghdad. **[2l] (p12)**

See also Christians.

21.14 The Finnish FFM report recorded that:

"According to Qandil [Swedish NGO], KRG upholds religious freedom. According to UNHCR, it is generally free to exercise religion in the three northern governorates. According to UNAMI and UNHCR, religious conversion is not a crime in the constitution or the civil law. UNHCR mentioned that conversions are not welcome by local people, but was not aware of court cases in Sulaymaniyah. Isolation by the family and community are possible, as well as individual propagation." **[131] (p13)**

MIXED MARRIAGES

21.15 An IRIN news article stated, on 6 April 2006, that "…according to estimates, two million out of Iraq's 6.5 million marriages are unions between Arab Sunnis and Shi'ites." **[18av]** The article added "Mixed marriages between Arab Sunnis and Shi'ites – and also between the predominantly Sunni Kurds and Arabs of both sects – have been common, even in the days of former president Saddam Hussein, when Shi'ites were heavily discriminated against." **[18av]** It also noted that "According to sociologists, one of the major problems facing mixed families is displacement." **[18av]**

21.16 IRIN news reported, on 8 November 2006, that Peace for Iraqis Association (PIA) had stated "Hundreds of such mixed couples have been forced to divorce due to pressure from insurgents, militias or families who fear that they could be singled out…." **[18bd]** The article adds "The Iraqi court responsible for carrying out divorces said that over the past four months there had been a significant increase in the number of divorces occurring. Most of them were between mixed couples but the court could not confirm whether they were forced or not." **[18bd]**

21.17 UNHCR's August 2007 Eligibility Guidelines paper recorded:

"The ongoing sectarian violence has also affected mixed Shi'ite-Sunni couples and their children, resulting in discrimination, pressure to divorce and, in individual cases, even killings at the hands of insurgents, militias or their own families. Before the fall of the former regime and escalating violence among the various communities in Iraq, mixed marriages between Sunnis and Shi'ites and also between Sunni Kurds and Arabs of both sects were common. According to Government estimates, two million of Iraq's 6.5 million marriages are between Arab Sunnis and Arab Shi'ites. An Iraqi organization called *Union for Peace in Iraq* (UPI) that aimed to protect mixed marriages from sectarian violence was forced to stop its activities after three mixed couples, including

founding members of UPI, were killed. With many areas, in particular in Baghdad, being 'cleansed' along sectarian lines and becoming virtual 'no-go' zones for members of the other sect, mixed couples and their children are in a particular difficult situation with no majority area to seek refuge." **[40j] (p55)**

21.18 A report by AI, published March 2008, stated "The sectarian violence has forced some women to marry within their own sect. In some cases women have been forced by their relatives to divorce because their husband is from a different sect." **[28o] (p17)**

SECTARIAN VIOLENCE

21.19 The USSD report for 2007 stated that "Religious-based violence between Shi'a and Sunni Arabs, largely sparked after the February 2006 bombing of the Al-Askariya Shrine in Samarra, declined in the latter half of the year [2007]." **[2l] (p12)** The CSIS report, published 21 January 2008, also noted that "Ethno-Sectarian incidents – including Shi'te on Shi'te and Sunni on Sunni – [were] down from a peak of nearly 1,100 in December 2006 to a little over 100 in November 2007. Ethno-Sectarian deaths [were] down from [a] peak of nearly 2,200 in December 2006 to around 200 in November 2007." **[63g] (p23)** Moreover, the IGC report, published 7 February 2008, stated that in Baghdad, sectarian fighting gradually came to an end by mid-2007. **[25i] (p8)** However, sources suggested that this decrease in fighting actually reflected completion of sectarian cleansing in different areas. (IGC, 7 February 2008) **[25i] (p8)** (Jane's, 18 February 2008) **[14c] (p1)** (UNHCR, 18 December 2006) **[40e] (p1)** (CSIS, 19 June 2006) **[63a] (p23)**

21.20 Insurgents reportedly attacked mosques and Sunni and Shi'a towns and neighbourhoods. They were also responsible for killing Sunni and Shi'a clerics, religious leaders and civilians of both sects. (USSD International Religious Freedom report 2006) **[2f] (p4 and 6)** (USSD International Religious Freedom report 2007) **[2i] (p4-7)** (USSD 2006) **[2h] (p10-11)** (ICG, 27 February 2006) **[25d] (p1)** (UNAMI, 1 September-31 October 2006) **[39e] (p7)**

21.21 The CSIS report, 19 October 2007, reported on the five major patterns of sectarian violence in Iraq, stating:

- "Sunni Islamist extremist insurgents, where Al Qa'ida plays a major role along with at least two other movements. These are the primary source of suicide attacks, car bombings, and attacks on Iraqi and Coalition forces.
- Iraqi Arab Sunni versus Arab Shi'ite conflicts, where Shi'ite militias and death squads play a major role, and where sectarian violence, threats, and pressures are forcing the segregation of many areas, leading to displacements, and creating ethnic "cleansing."
- Iraqi Arab versus Iraqi Kurdish ethnic conflicts center around the 'ethnic fault' line, where control of Kirkuk and the oil fields around it have become a major source of tension and potential conflict that extends to the West to the area around Mosul. The future of the Turcomans and other minorities is directly affected by the outcome, as is national unity. …
- Arab Shi'ite on Arab Shi'ite struggles for political control and power, particularly in Southeastern Iraq. Each of the three major Shi'ite parties

is a rival for power along with smaller parties that play a major role in key cities like Basra. Clashes between Shi'ite factions and militias have so far been limited, but the struggle for control of the Shi'ite shrine cites and the oil-rich provinces in the Southeast may have only begun.

- Arab Sunni on Arab Sunni violence now concentrated largely in Al Anbar but spreading eastwards into Diyala. This is partly a struggle for tribal control of given areas, but also a struggle between Sunni Islamist extremist elements like Al Qa'ida in Iraq. These struggles ease the pressure on the ISF and Coalition to some degree, but the enemy of an enemy is not necessarily a lasting 'friend'." **[63f] (p4)**

21.22 The UNHCR August 2007 report stated: "Iraq's ethnic and religious mosaic is threatened by sectarian violence, in particular the escalation of violence between its Shi'ite and Sunni populations." **[40j] (p23)** "Sunni armed groups are held responsible for (suicide) attacks targeting Shi'ite-dominated ISF bases and recruitment centres, Shi'ite religious sites and gatherings (e.g. during the festivities of *Ashura*), as well as religious leaders and Shi'ite civilians at large." **[40j] (p50)** "Shi'ite militias on the other hand are mainly operating in the form of death squads, but have also launched a series of mortar attacks on (homogenous) Sunni neighbourhoods." **[40j] (p51)**

"Both Sunni and Shi'ite armed groups are held responsible for running death squads that conduct kidnappings and execution-style killings in Baghdad and other parts of the country. Bodies are routinely found dumped in the streets, rivers and mass graves. Most bear signs of torture, including bound hands and feet and beheadings. It has also been reported that armed groups and militias try individuals in extra-judicial courts before executing them. The Observer reported that rape is being used to exact revenge and humiliate the other community." (UNHCR, August 2007) **[40j] (p51)**

21.23 UNHCR's August 2007 paper also stated that:

"Particularly affected by the ongoing violence and sectarian cleansing are areas with (formerly) mixed populations such as the cities of Baghdad, Mosul and Basrah, the Governorates of Salah Al-Din and Diyala (in particular Samarra, Tikrit, Balad, Dujail and Baqouba and Miqdadiyah) as well as Yusufiyah, Latifiyah and Mahmoudiyah in the so called 'Triangle of Death' south of Baghdad in the Governorate of Babel. Sectarian violence has also engulfed Kirkuk. …

"Baghdad, which features all ethnic and religious groups in Iraq and is home to one quarter of the Iraqi population, is particularly affected. Sunni and Shi'ite armed groups aim to take control of religiously mixed neighbourhoods such as Al-Doura, Hurriyah, Adhamiya, Khadimiyah, Ghazaliyah, Amiriyah and Qadissiyah, and drive out civilians belonging to the 'other' group. This violence is splitting Baghdad into sectarian enclaves as civilians move to their majority-areas, which become virtual no-go areas for outsiders." **[40j] (p53-54)**

21.24 The December 2007 Addendum to the UNHCR's August 2007 paper stated that: "one of the reasons for the drop in violence in Central Iraq is the scale of sectarian 'cleansing' that has occurred in formerly mixed Sunni and Shi'ite areas." **[40l] (p19)**

21.25 The report also noted that: "[Sectarian segregation] is most evident in Baghdad. A US official reported that whereas Baghdad had a 65% Sunni-majority population in 2003, it has now become a 75-80% Shi'a-majority city. The neighbourhood of Hurriyah, formerly Sunni-Shi'ite mixed, has become only Shi'ite. The District of Rashid, once an area with a majority Sunni population, has now a population of about 70% Shi'ite. In Baghdad, Shi'ites now constitute a clear majority in more than half of all neighborhoods and Sunni areas have become surrounded by predominately Shi'ite districts. Reportedly, Baghdad has become more segregated with the Sunnis living in "ghettos encircled by concrete blast walls to stop militia attacks and car bombs." In the remaining mixed neighbourhoods, mainly in the southwest of the city, sectarian violence continues to occur and unidentified bodies continue to appear daily, though in lower numbers than before." **[40l] (p19)** The report attributed the reduction of sectarian killings in Baghdad and other areas of Central Iraq to an increased US military presence. **[40l] (p10)** Their increased efforts in combating moderate Mehdi Army elements in Baghdad to stabilise neighbourhoods has reportedly lead to a reduction in sectarian killings in Baghdad. **[40l] (p18)**

21.26 The report continued: "While sectarian segregation may have resulted in a decrease in sectarian violence in some areas of Baghdad, sectarian violence remains high in other areas of the capital and elsewhere in the country. Actors of sectarian violence, i.e. AQI, Shi'ite militias and the Shi'ite-dominated ISF, are still operational." **[40l] (p19-20)**

21.27 The IGC Report, published 7 February 2008, also noted that Iraq's security forces did little to prevent the sectarian cleansing occurring in Baghdad; the report stated that: "Units were often deployed in areas where they enjoyed good relations with the dominant militia – the very militia they were supposed to rein in and dismantle." **[25i] (p6)**

21.28 Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, stated that:

"Multi-ethnic communities are, in many places, homogenising through the migratory effects of sustained sectarian killings, exacerbating the potential for Balkanisation in Iraq. A more enduring driver for the high level of violence is growing factional infighting by political groups of the same religion and ethnicity, particularly in the Shia south. The greatest threat remains in the multi-ethnic areas (for example, Baghdad, its surrounding provinces and the Sunni-Kurdish area bordering the Kurdistan Regional Government zone)." **[14c] (p1)**

21.29 On 26 March 2008, BBC News reported that intra-Shite fighting between rival armed groups, including the Mehdi Army, had broken out in Basra, with at least 30 people being killed in the violence. **[4cw]** The fighting was also reported to have spread to Baghdad's Sadr City, where Mehdi Army fighters ordered Iraqi police and soldiers to leave the district. **[4cw]** The article also reported that the Mehdi Army ceasefire had come under strain during previous weeks as the US and Iraqi army detained members of the militia. **[4cw]** Reuters News listed the main forces responsible for the violence as the Mehdi Army (Sadr Movement); the Supreme Islamic Iraqi Council (SIIC); the Fadhila Party, a small Shi'ite Islamist party believed to have influence in the region and in the Southern Oil Company, responsible for supplying funds to the government; the Iraqi security forces and British forces. (Reuters, 25 March 2008) **[7e]**

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Shi'a Muslims

21.30 A BBC report, dated 17 February 2005, observed that "The Shia heartland is in the south-east of the country. It includes Basra and the sacred cities of Najaf and Karbala – home to shrines revered by millions of Shia across the East. The Shia also make up a sizeable minority of the population in the capital Baghdad, where most live in poverty in sprawling slum areas on the outskirts." **[4s]**

21.31 The USSD country reports on terrorism, dated 27 April 2005, recorded that "In February [2004], Zarqawi [former AQI leader] called for a 'sectarian war' in Iraq. He and his organization [AQI] sought to create a rift between Shi'a and Sunnis through several large terror attacks against Iraqi Shi'a." **[2d] (p1-2)**

21.32 The HRW report, dated 3 October 2005, noted:

> "… the attacks are primarily motivated by a belief that Shi'a political and religious groups welcomed and cooperated with the U.S. invasion to overthrow the Iraqi government, long dominated by Sunni Arabs. In addition, the Shi'a are dominating the current Iraqi government and security forces, provoking concerns that Sunnis will be marginalized in the new Iraq. To the extreme Islamist groups like al-Qaeda in Iraq, which has claimed responsibility for some of the most deadly attacks, Shi'a Muslims are apostates and heretics who have betrayed Islam." **[15j] (p36)**

21.33 The UNHCR COI report, October 2005, stated that "It is reported that sectarian violence is causing the displacement of hundreds of Shiite Muslims from the 'Triangle of Death' south of Baghdad which includes Sunni-Shiite mixed towns such as Latifiyah, Mahmoudiyah and Yusufiyah and other traditionally mixed areas such as the Dora neighbourhood in Baghdad Governorate, Salman Pak and Al-Madaen in the Governorate of Babil." **[40c] (p16)**

21.34 The UNHCR's December 2007 paper stated that since the withdrawal of UK troops from Southern Iraq on 3 September 2007 there has been "a marked increase in sectarian and intra-sectarian violence in the region, especially with the relocation of the Mehdi Army to Southern Iraq due to the US troop surge in Central Iraq. Increasingly, the Southern Governorates have become the battlefield of rival Shi'ite militias over political power and religious legitimacy, oil resources, smuggling routes and territory. The two major actors are the Mehdi Army, loyal to radical Shi'ite cleric Muqtada Al-Sadr, and the Badr Organization, which is linked to the Supreme Islamic Iraqi Council (SIIC), the dominant party in the ruling coalition (UIA) of Prime Minister Al-Maliki. The latter is largely in control of the security forces in several Southern Governorates. According to USDoD [United States Department of Defence], the local security forces are more interested in containing the influence of the Mehdi Army than in law enforcement." **[40l] (p25-26)**

21.35 The report continued: "The relocation of Mehdi Army fighters from Baghdad to Southern Iraq, for example to Diwaniyah, has resulted in several fierce

clashes between militias and the MNF-I/ISF. There have also been allegations that Iran has intensified its training, arming and funding of Shi'ite militias." **[40l] (p26)**

21.36 On 25 February 2008, the *Independent* reported that at least 40 Shia pilgrims had been killed on a pilgrimage to a holy shrine in Karbala. **[85d]** The attack was thought to be the work of Al-Qaeda (AQI), who restarted its bombings of Shia Muslims in Iraq. **[85d]** Despite this, the USSD country report on terrorism for 2007, commented that "AQI has shifted its tactics from primarily Shia targets to focusing its attacks against Iraqi security forces, CLC [concerned local citizen] groups, and tribal awakening movement members." **[2m] (p1)**

Sunni Muslims

21.37 The BBC report, dated 17 February 2005, stated "Sunni Arabs have dominated the politics of Iraq since 1921." **[4s]** The same report noted that "More recently Saddam Hussein's Baath Party was dominated by Sunni Muslims and he centralised power in his Sunni clan." **[4s]**

21.38 Reports stated that a number of Sunni clerics were the target of assassinations. (USSD International Religious Freedom report 2006) **[2f] (p4)** (USSD International Religious Freedom report 2007) **[2i] (p5-6)** (RFE/RL, 24 May 2005) **[22g]** Sunni leaders accused the deaths of several Sunni clerics on the Badr Organisation. (USSD International Religious Freedom report 2006) **[2f] (p5)** (RFE/RL, 24 May 2005) **[22g]** However, the RFE/RL article stated that there is no evidence that the Badr Brigades were involved. **[22g]**

21.39 The BBC added, in an article dated 24 February 2006, that following the bombing of the al-Askariya shrine in Samarra on 22 February 2006 "Dozens of Sunni mosques have been targeted and several burnt …." **[4ax]** The USSD International Religious Freedom report 2006, stated that more than sixty mosques across the country were damaged. **[2f] (p4)**

21.40 The USSD International Religious Freedom report 2007 stated "The Sunni Arab community often cited police raids of its mosques and religious sites as examples of targeting by the Shi'a-dominated government." **[2i] (p3)**

21.41 The USSD International Religious Freedom report 2007, recorded:

"Sunni Muslims claimed general discrimination, alleging revenge by the Shi'a majority for the Sunnis' presumed favored status and abuses of Shi'as under the former regime, but also because of the public's perception that the insurgency was composed primarily of Sunni extremists and former regime elements with whom the majority of the Sunni population supposedly sympathized. While some within the Sunni community supported and even assisted the insurgency, many denounced the terrorism as vocally as their non-Sunni counterparts." **[2i] (p8)**

21.42 The USSD report of the following year, published in September 2007, noted that "In the aftermath of the Samarra bombing [22 February 2006], it became increasingly difficult to determine how much of the violence was based on religious affiliations rather than criminal elements." **[2i] (p3)**

Wahhabi branch of the Islam

21.43 The USSD International Religious Freedom report 2007 noted "Revolutionary Command Council (RCC) Resolution 201 of 2001 prohibits the Wahhabi branch of Islam and mandates the death penalty for adherents if the charge is proved. … While provisions on freedom of religion in the new Constitution may supercede RRC Resolution 201 of 2001], by the end of the reporting period, no court challenges had been brought to have [it] invalidated and no legislation had been proposed to repeal [it]." **[2i] (p2)**

Baha'i faith

21.44 The USSD International Religious Freedom report 2007 recorded "Law No. 105 of 1970 prohibits the Baha'i faith." **[2i] (p2)** The UNAMI report, dated 1 July–31 August 2006, noted that "Members of the Baha'i faith continue to be subject to discrimination in the issuance of identity and travel documentation." **[39c] (p13)** "While provisions on freedom of religion in the new Constitution may supercede [Law No. 105 of 1970], by the end of the reporting period, no court challenges had been brought to have [it] invalidated and no legislation had been proposed to repeal [it]." (USSD International Religious Freedom report 2007) **[2i] (p2)**

"Law No. 105 of 1970 prohibits the Baha'i faith in Iraq, although this runs counter to constitutional guarantees relating to the freedom of religion. Based on this law and other regulations, the Government of Iraq continues with discriminatory practices against the Baha'i. In 1975, the Directorate of Civil Affairs issued Decision No. 358 providing that civil status records, which contain all information relevant to the civil status of Iraqi persons such as birth, marriage, divorce, etc, can no longer indicate 'Baha'i' as religion. Instead, one of the three Abrahamic religions, i.e. Islam, Christianity or Judaism, had to be indicated." (UNHCR, August 2007) **[40j] (p82)**

21.45 An extensive Minority Rights Group International (MRG) report of 2007 stated that "In 1975, Rule 358 was passed, freezing Bahá'í civil liberty and prohibiting Bahá'ís from being issued with national identity cards. Without an ID card, Bahá'ís cannot travel, buy or sell property or enrol in school. Regulations 105 and 358 are still in force and continue to be enforced by the current Iraqi administration." **[121a] (p25)** It further recorded:

"Bahá'ís are considered 'apostates' or heretics under *Shariah* law due to their belief in a post-Islamic religion. … Their situation in Iraqi society has therefore always been difficult and the ramifications of this, such as the fact that Bahá'ís born in the last 30 years have no citizenship documents including passports, and therefore cannot leave the country, are still being felt today. Given the rise of religious fervour among radical factions in Iraq, Bahá'ís are just as much, if not more, at risk of suffering violent human rights violations than others in the post-Saddam state. The difficulties they have faced over such a protracted time make it almost impossible to estimate how many still live in Iraq." **[121] (p14)**

See also Citizenship and nationality

21.46 The USSD report for 2007 noted that "After the MOI cancelled in April [2007] its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, four Baha'is were issued identity cards in May. Without this

official citizenship card, the approximately 1,000 Baha'is experienced difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship. Despite the cancellation, Baha'is whose identity records were changed to 'Muslim' after Regulation 358 was instituted in 1975 still could not change their identity cards to indicate their faith." **[2l] (p12)**

NON-MUSLIM RELIGIOUS GROUPS

21.47 Many reports suggested that Iraqi's were often targeted by militia or insurgents because of their religious identity or secular leanings. (USSD International Religious Freedom 2006) **[2f] (p5)** (USSD International Religious Freedom report 2007) **[2i]** The UNHCR guidelines highlight the precarious situation facing Iraq's religious minorities, who have become "…regular victims of discrimination, harassment, and at times persecution, with incidents ranging from intimidation and threats to the destruction of property, kidnapping and murder." **[40a] (p9)** UNHCR's August 2007 Eligibility Guidelines paper noted "Generally, the Government of Iraq undertakes to protect the right of all religious groups to believe, assemble and worship freely within the applicable legal framework. However, such protection is strictly limited by ongoing violence and the limited capacity of the ISF." **[40j] (p57)**

21.48 In response to the bombing of the Al Askari Shrine in February 2006, members of all religious communities were negatively affected by the unleashed violence and tit-for-tat attacks. (UNAMI, 1 January–28 February 2006) **[39b] (p2)**

21.49 Members of non-Muslim religious groups were targeted for not adhering to strict Islamic law. (USSD International Religious Freedom 2006) **[2f] (p7)** (USSD International Religious Freedom report 2007) **[2i] (p4)** (UNHCR COI, October 2005) **[40c] (p160)** For instance, there were reports of stores that provided unIslamic goods, such as alcohol, were bombed, looted and defaced. Women and girls were threatened, attacked and sometimes killed for not wearing the hijab or for dressing in 'western-style' clothing. (USSD 2007) **[2h] (p11)** (USSD International Religious Freedom report 2007) **[2i] (p4)** According to the UNHCR December 2007 report, "women in Basrah are threatened, beaten and sometimes shot, if they are believed not to adhere to strictly-interpreted Islamic rules. The same applies to men whose clothes or even haircuts are deemed too 'Western'." **[40l] (p41-42)**

21.50 The USSD International Religious Freedom report 2007 noted "Non-Muslims, particularly Christians, complained of being isolated by the Muslim majority because of their religious differences. Despite their statistically proportional representation in the National Assembly, many non-Muslims stated they were disenfranchised and their interests not adequately represented." **[2i] (p8)**

21.51 Further "The combination of discriminatory hiring practices by members of the majority Muslim population, attacks against non-Muslim businesses, and the overall lack of rule of law, have also had a detrimental economic impact on the non-Muslim community and contributed to the departure of significant numbers of non-Muslims from the country." (USSD International Religious Freedom report 2007) **[2i] (p8)**

21.52 UNHCR's August 2007 paper stated "The overall climate results in non-Muslim minority groups fearing to publicly practice their religion." And that "Members of non-Muslim minority groups also reported employment discrimination in the public sector due to their religious identity." **[40j] (p58-59)**

21.53 The USSD report for 2007 noted that: "Religious groups are required to register with the government. The requirements include having at least 500 followers. Non-Muslims complained that although the government recognized their religious holidays by law, in practice they were generally disregarded." **[2l] (p12)**

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Non-Muslims in the KRG area

21.54 The FCO stated in a letter, dated 6 December 2006, that Iraqis in the KRG predominantly adhered to Islam, mostly Sunni but some Shi'a. **[66n]** The USSD International Religious Freedom report 2007 noted that:

"There were allegations that the Kurdistan Regional Government (KRG) engaged in discriminatory behavior against religious minorities. Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. During the reporting period, Assyrian Christians alleged that the Kurdistan Democratic Party (KDP)-dominated judiciary continued to discriminate routinely against non-Muslims and failed to enforce judgments in their favor. Despite such allegations, many non-Muslims fled to Northern Iraq from the more volatile areas in the middle and southern parts of the country, where pressures to conform publicly to narrow interpretations of Islamic teaching were greater." **[2i] (p5)**

21.55 The USSD report of 2007 recorded that:

"Despite credible reports of KRG discrimination against religious minorities, many members of Christian, Muslim, Yazidi, and other religious denominations fled to the region to escape violence and religious discrimination in other parts of the country.

"During the year there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land." **[2l] (p12)**

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Christians

21.56 Iraq's Christian population includes, among others, members of the Assyrian, Chaldean, Armenian and Catholic sects. (UNHCR, October 2005) **[40a] (p9)** The majority of Christians were Catholics (Chaldeans). (USSD International Religious Freedom 2007) **[2i] (p1)** The previous year's USSD report stated that:

"The Chaldean and Assyrian Christians are descendants of the earliest Christian communities, and they share a similar cultural and linguistic background. Both communities speak the same ancient language (Syriac); however, they are considered by many to be distinct ethnic groups. Chaldeans recognize the primacy of the Roman Catholic Pope, while the Assyrians, who are not Catholic, do not. While some Chaldeans and Assyrians considered themselves Arab, the majority, as well as the Government, considered both groups as ethnically distinct from Arabs and Kurds." **[2f] (p2)**

21.57 Since the fall of the Saddam regime in 2003, there has been a "steady stream" of church bombings, assassinations, beheadings, kidnappings and threatening letters. (RFE/RL, 19 October 2006) **[22t]** (*The New York Times*, 17 October 2006) **[24g]** The HRW report, dated 3 October 2005, gave examples of attacks against Christians and churches. **[15j] (p46-52)**

21.58 Insurgent propaganda often described the MNF as "Christian Crusaders". Consequently, many Iraqi's, including insurgents, viewed Christians as "collaborators" of the MNF and "infidels", and therefore "traitors" to Iraq. (HRW, 3 October 2005) **[15j] (p46)** (RFE/RL, 3 July 2005) **[22h]** (UNHCR background paper, 1 October 2005) **[40d] (p3-4)** (UNHCR COI, October 2005) **[40c] (p160-161)** (FCO, 20 January 2005) **[66g]** (Brookings Institution) **[88b] (p24)**

21.59 The violence and intimidation against the Christian population and institutions increased in 2006 following protest campaigns against the cartoons of the Prophet Mohammed initially published in a Danish newspaper and subsequently printed in a number of other European newspapers. (Christian Today, 9 February 2006) **[109a]** Following a controversial speech by Pope Benedict XVI, which included what were perceived as offensive remarks about Islam. "Following the Pope's speech, 13 extremists groups issued threats to kill all Christians unless the Pope apologized." (IRIN, 19 October 2006) **[18bb]** (UNAMI, 1 September-31 October 2006) **[39e] (p12-13)** These Islamic groups included Muhamad's Army, Mujahideen Shura Council, jaish al-Mujahedeen, Asaeb al-Iraq and Ansar al-Sunna. (*The Times*, 18 September 2006) **[5f] [18bb]**

21.60 Christian women also faced increasing pressure to adhere to strict Islamic dress codes and to cover their hair with a veil. (IRIN, 19 October 2006) **[18bb]** (RFE/RL, 22 July 2005) **[22h]** (UNHCR background paper, 1 October 2005) **[40d] (p3)** (Brooking Institution) **[88b] (p24)** The UNAMI report, dated 1 September -31 October 2006, stated "In Mosul, female Christian and Muslim students alike have received leaflets warning them to wear 'proper Muslim attire' at the local universities. Shops selling inappropriate clothing reported receiving threats." **[39e] (p12)**

21.61 It became evident that clerics of all levels are at risk of kidnapping, killing and assaults. (UNAMI, 1 July–31 August 2006) **[39c] (p2and8)** (Associated Press, 12 October 2006) **[65i]** (Al-Jazeera, 13 October 2006) **[84d]** (Asia News, 6 December 2006) **[107a]** (Asia News, 5 December 2006) **[107b]** (Asia News, 29 November 2006) **[107c]** An article in the Lebanese based newspaper, *The Daily Star*, dated 10 July 2006, stated that high ranking Christian clergy claim that "… priests in Iraq can no longer wear their clerical robes in public for fear of being attacked by Islamists." **[108a]**

21.62 Reports noted that tens of thousands of Christians left their homes and fled to other countries, mainly Jordan and Syria. (USSD International Religious

Freedom report 2006) **[2f] (p5)** (USSD International Religious Freedom report 2007) **[2i] (p7)** (HRW, 3 October 2005) **[15j] (p46)** (UNAMI report, dated 1 July–31 August 2006) **[39c] (p13)** (UNAMI, 1 September-31 October 2006) **[39e] (p13)** (UNHCR COI, October 2005) **[40c] (p161)** (FCO, 25 January 2005) **[66f]** The UNAMI report, dated 1 September-31 October 2006, notes: "The United Nations High Commissioner for Refugees (UNHCR) estimates that 44% of Iraqis seeking asylum in Syria are Christians. According to UNHCR estimates, in the first four months of 2006, Christians were the largest group of new asylum seekers in Jordan." **[39e] (p13)**

21.63 Others fled to the relative safety of the Kurdish-controlled north to the Christian villages of Al-Kush, Taluskuf, Bighdida, Birtilla and Ain Kawa. (USSD International Religious Freedom report 2006) **[2f] (p5)** (HRW, 3 October 2005) **[15j] (p46)** (*The New York Times*, 17 October 2006,) **[24g]** (UNAMI report, dated 1 July–31 August 2006) **[39c] (p13)** (UNAMI, 1 September-31 October 2006) **[39e] (p13)** (UNHCR COI, October 2005) **[40c] (p161)** (FCO, 25 January 2005) **[66f]** (Brookings Institution, October 2006) **[88b] (p24)**

21.64 The USSD report on International Religious Freedom 2007, recorded that:

"Current estimates place the number of Christians at fewer than 1 million, with Chaldeans comprising the majority. In August 2006, Chaldean Auxiliary Bishop Andreos Abouna of Baghdad stated that of the estimated 1.2 million Christians living in the country before the 2003 invasion, only 600,000 remained. According to church leaders, an estimated 30 percent of the country's Christian population lives in the north, with the largest Christian communities located in Mosul, Erbil, Dohuk, and Kirkuk. … 19,000 Armenian Christians remained in the country, primarily in the cities of Baghdad, Basrah, Kirkuk, and Mosul. The population of Armenian Christians reportedly declined from 22,000 in the previous reporting period." **[2i] (p1)**

21.65 The MRG report of 2007 noted "People have been abducted or killed in attacks simply because they are in targeted Christian areas, work for foreign companies, or hold official or professional positions. These include civil servants, medical personnel and civic and religious leaders. Such attacks strike directly at the social infrastructure of communities, leaving a void of fear and disabling those who are left from carrying on their everyday lives." **[121a] (p10)** In addition to suffering hate speech, violent attacks against their businesses and the targeting of their places of worship, "Christians have also reported receiving threats of violence at the neighbourhood level through leafleting, text messages to mobile phones and one-on-one intimidation." **[121a] (p9-11)**

21.66 UNAMI's report of April to June 2007 recorded that "Representatives of several Christian churches reported a rise of sectarian attacks on Christian families in Baghdad's al-Dora district. By the end of June, the number of displaced Christian families from the Baghdad area reached 1,200, according to church sources." **[39h] (p12)**

21.67 In the so-called 'disputed areas', Christians were increasingly under threat as UNAMI reported in its April to June 2007 report; "In Mosul, attacks on churches and religious minorities also continued with the killing of Father Ragheed Aziz al-Kinani and three deacons from the Assyrian Church by four

gunmen. The gunmen intercepted their car as they were leaving the Holy Ghost Church after completing evening prayers on 7 June." **[39h] (p13)**

21.68 UNHCR's August 2007 paper recorded the current situation for Christians in central and southern Iraq in some detail, referring to "…*fatwas* and militia statements calling on Iraqis to expel Christians and atheists from schools, institutions and the streets of Iraq because they offended the Prophet." **[40j] (p62)** UNHCR also reiterated that rising extremist attitudes concerning dress and unIslamic practices (such as the sale of alcohol and music, public entertainment and hairstyling that does not conform to strict Islamic principles) have fuelled the violence against Christians, as has the enduring perception that "…Christians assisted and supported the US invasion of Iraq and continue to support the presence of the MNF, as the MNF is composed of mainly Western Christian 'infidel' nations." **[40j] (p64, 65)**

"A significant number of Christians live in areas currently classified as 'disputed areas', including in the Ninewa Plain and Kirkuk. These areas have come under de facto control of Kurdish parties and militias since the fall of the former regime and Christians have resisted attempts by Kurds to assimilate them into Kurdish culture, language and political parties. They have further complained of the use of force, discrimination and electoral fraud by the Kurdish parties and militias." (UNHCR, August 2007) **[40j] (p65)**

21.69 The UNAMI report for 1 July-31 December 2007, stated that: "According to information received from representatives of Iraq's Christian community, ongoing targeted attacks against their members in both Baghdad and Mosul resulted in 44 people killed during the last six months of 2007." **[39l] (p17)**

21.70 There were several incidences involving the kidnapping of Christian priests; in September 2007, two Syriac Orthodox priests were kidnapped in Mosul and later released. (USSD, 2007) **[2l] (p13)** On 7 March 2008, the *Times* reported on the kidnapping of Mosul's Chaldean Catholic Archbishop, Paulos Faraj Rahho; his driver and two guards were killed in the attack. **[5k]** BBC News reported, on 13 March 2008, that the archbishop's body had been found buried near Mosul. **[4c]** The article noted that "The Chaldeans are the largest sect within Iraq's Christian community, which was estimated at 800,000 before the overthrow of Saddam Hussein. Many have left their homes after attacks linked to the continuing insurgency." **[4c]**

21.71 According to the ACCORD/UNHCR COI report, November 2007, "Christians are usually considered to be better educated and therefore might have a better income than others. This might also put them at a higher risk or add to other factors for which they are targeted." **[40m] (p24)**

21.72 RFE/RL reported, on 17 April 2008, that:

"Iraq's Christian community says it is being targeted at an unprecedented level by insurgents, in what some claim amounts to a campaign of genocide carried out under the noses of Iraq and U.S. forces.

"At least 10 churches have been bombed this year, two leading clergymen have been killed, and scores of worshippers targeted for practicing their religion. Though they make up only 3 percent of the population, Christians comprise nearly half the refugees fleeing Iraq, according to the UN High

Commissioner for Refugees.

"Figures on the prewar size of the Christian community vary, with estimates ranging between 800,000 and 1.2 million. Today, estimates on the remaining number of Christians in Iraq put the community at between 500,000 and 700,000." **[22y]**

21.73 RFE/RL also commented that the al-Sadr's militia, the Mahdi Army had been one of the main perpetrator of violence against Christians in Iraq. **[22y]**

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Christians in the KRG area

21.74 An IWPR article noted that:

"Kurdish Christians – still a tiny minority – say they find it difficult to practice their religion because of public intolerance. Muslims in the region counter that it is wrong for Christians to proselytise among other faith groups.

"The converts are joining new, western-style Christian groups which started growing after the fall of Saddam Hussein, rather than the long-established Christian communities such as the Assyrians and Chaldeans, who do not seek new members from Muslim backgrounds." **[11c] (p1)**

21.75 The UNHCR background paper, dated 1 October 2005, reports:

"Political motives also come into play in the numerous assaults against Christian individuals and facilities committed by members or supporters of the KDP and the PUK in Northern Iraq, in particular in the areas south of the former green line (as the Kurdish parties aim to expand their influence into parts of Nineveh Governorate). In this regard, the Iraqi Ministry of Displacement and Migration reported on the serious difficulties Christians displaced by the former regime face in reclaiming their properties in Northern Iraq." **[40d] (p3)**

21.76 The UNHCR COI report, October 2005, adds "Some Chaldo-Assyrians claim that they are being discriminated against by the Kurdish authorities which do not share reconstruction funds and oil revenues with predominantly Chaldo-Assyrian areas and have confiscated farms and villages." **[40c] (p161)**

21.77 The USSD International Religious Freedom Report 2007, noted that:

"There were allegations that the Kurdistan Regional Government (KRG) engaged in discriminatory behavior against religious minorities. Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. During the reporting period, Assyrian Christians alleged that the Kurdistan Democratic Party (KDP)-dominated judiciary continued to discriminate routinely against non-Muslims and failed to enforce judgments in their favor. Despite such allegations, many non-Muslims fled to Northern Iraq from the more volatile areas in the middle and southern parts of the country, where pressures to conform publicly to narrow interpretations of Islamic teaching were greater.

However, migration statistics were not available." (USSD International Religious Freedom report 2007) **[2i] (p3-8)**

21.78 UNHCR's August 2007 paper stated that:

"In the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk, the rights of Christians are generally respected and a significant number of them have sought refuge in the region, in particular in the Governorate of Dahuk (from where many originate) and the Christian town of Ainkawa, near the city of Erbil. Some reports suggest that Christian villages are being discriminated against by the Kurdish authorities, which do not share reconstruction funds and oil revenues and have confiscated farms and villages." **[40j] (p65)**

21.79 UNHCR's August 2007 paper also noted that Christian converts in the KRG would be afforded protection by the authorities as "…the general population does not tolerate a Muslim's conversion to Christianity and, accordingly, law enforcement organs are unwilling to interfere and provide protection to a convert at risk." **[40j] (p66)**

21.80 The Finnish FFM report, for the period 23 October-3 November, noted that:

"Due to the stable situation the three northern governorates have become a safe haven for internally displaced persons, for instance Christians, who told the factfinding mission that the situation of Christians resembles something like a normal life in the KRG region. Christians have been welcomed by the local population in the three northern governorates. They have had a good relationship and are respected by their moderate Muslim neighbours, but consider radical Islamists a threat.

"Many Christians have returned to their original villages in the Kurdish areas in the Nineveh governorate. However, many Christians have also fled from the Nineveh governorate due to the bad security situation. The returnees to the Nineveh governorate have found that their former houses still exist, but services are lacking." **[131] (p7)**

21.81 The FFM report also commented that "The Christians were worried about the PKK conflict, which also touches areas near the border where Christian people are settled, and where shelling has occurred." **[131] (p8)**

21.82 The ACCORD/UNHCR COI report, published November 2007, stated that "Christians in the three Northern Governorates live in a relatively secure situation. They may face some discrimination, but we would not say that the Kurdish authorities are persecuting Christians in the three Northern Governorates as such." **[40m] (p25)**

Sabean Mandaeans

21.83 The UNHCR background paper, dated 1 October 2005, noted that "The Mandaeans (also Nazareans or Sabeans) do not constitute a Christian denomination, but another independent monotheistic religious community." **[40d] (p4)** According to the German NGO Society for Threatened People, Mandaeans, a small religious group who follow John the Baptist, were persecuted and suppressed in the past, particularly by Islamic and Christian communities. (UNHCR background paper, 1 October 2005) **[40d] (p5)**

21.84 Since the fall of the Saddam regime, the situation of Mandaeans has deteriorated with many targeted for religious reasons. (UNAMI, 1 September-31 October 2006) **[39] (p14)** (UNHCR, 1 October 2005) **[40d] (p11)** (Society for Threatened People (STP), March 2006) **[110a] (p2)** Mandaeans complained about discrimination and intimidation by the public and religious officials, which is not as a result of official government policy. (UNAMI, 1 September-31 October 2006) **[39] (p14)** (UNAMI, 1 November-31 December 2006) **[39f] (p13)** The Brookings Institution, nevertheless, stated that the problem was an organised effort by insurgents to target "all other" communities. **[88b] (p24)**

21.85 Mandaeans were targets for discrimination, public humiliation, physical attacks, kidnappings, rape and killings. (UNHCR, October 2005) **[40a] (p11)** (STP, March 2006) **[110a] (p2)** It was widely reported that several fatwas were issued, the majority by Sunni teacher Al-Saied Al-Tabtabee Al-Hakeem, giving insurgents religious justification for acts carried out against Mandaeans. (UNAMI, 1 November-31 December 2006) **[39f] (p13)** (UNHCR, October 2005) **[40a] (p11)** (UNHCR, 1 October 2005) **[40d] (p11)**

21.86 Mandaeans, who are traditionally goldsmiths, are often perceived to be wealthy and therefore were highly susceptible to kidnapping, particularly women and children. Kidnappers tended to demand very high ransoms and if they were not paid quickly often resulted in the kidnap victim being killed. (UNHCR, October 2005) **[40a] (p11)** A report by The Mandaean Society of America, dated March 2005, noted that "Most of the cases of kidnapping and rape go undocumented because of the distrust in the ability of the local police for protection, the fear of revenge, and the social stigma involved." **[36a] (p11)**

21.87 A number of organisations reported that Mandaeans were increasingly forced to convert to Islam or they would be killed. (USSD International Religious Freedom 2007) **[2i] (p4)** (UNAMI, 1 September-31 October 2006) **[39e] (p13)** (STP, March 2006) **[110a] (p2)** Mandaeans also assumed Islamic names out of fear of persecution. (STP, March 2006) **[110a] (p2)**

21.88 The UNHCR guidance note, October 2005, noted "Unlike most Iraqis, the Mandaeans do not belong to tribal groupings. In the past, Mandaeans were able to negotiate protection agreements with tribes by paying considerable sums of money. However, due to the present situation of general insecurity in Iraq, Mandaeans can no longer count on this type of arrangement and are therefore extremely vulnerable." **[40a] (p11)**

21.89 The UNHCR August 2007 report recorded that:

> "The traditional centres of the Sabaean-Mandaeans are in Southern Iraq, in the marsh districts and on the lower reaches of the Euphrates and Tigris rivers, including the towns of Amarah, Nassriyah and Basrah and at the junction of the two rivers at Qurnah, Qal'at Saleh, Halfayah and Suq Ash-Shuyukh. Communities of varying size are found in the centre and north of Iraq, including in Baghdad, Al-Kut, Diwaniyah, Fallujah, Kirkuk and Mosul. According to Sabaean-Mandaean sources, the largest communities are located in Baghdad and Basrah." (UNHCR, August 2007) **[40j] (p68)**

21.90 The MRG report of 2007 noted that "The situation for Mandaeans in Iraq has 'deteriorated remarkably' since the invasion by the US and coalition forces and

the collapse of the regime." The report cited religious persecution, attacks on Mandaean businesses and threats and intimidation that amounted to the ultimatum "convert, leave or die". **[121a] (p11-13)** "This is made more brutal by the fact that the religion forbids the use of violence or the carrying of weapons, and therefore its adherents are effectively prevented from defending themselves. This, together with the violence being inflicted on the community and one of the tenets of the faith that says marrying out is akin to religious conversion, makes the likelihood of Mandaean eradication from Iraq very real." **[121a] (p11)**

21.91 The UNHCR August 2007 report stated:

"While many Iraqis have fled to the Region of Kurdistan to seek safety, UNHCR is not aware of Sabaean-Mandaeans having relocated to this region. The Region of Kurdistan has not traditionally been inhabited by Sabaean-Mandaeans, and hence members of this community seeking to relocate to the region may not have a sponsor needed to legally enter and reside there and lack community links in order to gain access to employment, housing and other services." (UNHCR, August 2007) **[40j] (p71)**

21.92 The USSD International Religious Freedom report 2007 recorded:

"During the reporting period, Sabean-Mandaean leaders reported that their community was increasingly targeted. In addition to forced conversions and hijab wearing by Sabean-Mandaean women, they reported the kidnapping of 23 Sabean-Mandaeans, with at least 9 held for ransom. In all nine cases, ransom was paid in amounts that were not recorded; however, only seven out of nine abductees were released, while there was no further information on the status of the other two individuals. They also reported that Islamic extremists threatened many Sabean-Mandaeans and killed at least five for refusing to convert to Islam." **[2i] (p6)**

21.93 The USSD report for 2007 also reported on the incident in March 2007, where 23 Sabean-Mandaeans were kidnapped. The report also noted that Sabean-Mandaean leaders had complained their communities were increasingly targeted, with forced conversions and forced wearing of head covering (hijab) by women. **[2l] (p13)**

21.94 Many Mandaeans have fled to Jordan or Syria or otherwise confined themselves to their homes; UNAMI stated, in the 1 September-31 October 2006 report, that "The Sabean-Mandean community decreased from 13,500 persons in 2001 to roughly 4,000 persons in 2006 in Iraq." **[39e] (p13)** The USSD International Religious Freedom report stated "The Sabean-Mandaean community continued to decline; according to Sabean-Mandaean leaders, 5,000 to 7,000 remained in the country, down from 10,000 in the previous reporting period." **[2i] (p1)**

Yazidis

21.95 The USSD International Religious Freedom report 2006 stated "The Yazidi are a religious group with ancient origins that encompass several different religious traditions comprising elements of Zoroastrianism, Manicheism, Islam, Christianity, Judaism, and Gnostic beliefs and traditions. Yazidi do not intermarry with outsiders or accept converts." **[2f] (p2)** The report of the

following year records that "Yezidi leaders reported that most of the country's 600,000 Yezidi resided in the north, near Dohuk and Mosul. Shabak leaders stated that the country's estimated 200,000 Shabaks resided mainly in the north, near Mosul." **[2i] (p1)**

21.96 Yazidi were defined by the former regime as Arabs, however, some Yazidi considered themselves to be Kurds, while others considered themselves to be religiously and ethnically distinct from Muslim Kurds. (USSD International Religious Freedom 2006) **[2f] (p2)** (UNHCR, 1 October 2005) **[40d] (p6)** However, only about 10 percent live in the KRG administered areas in the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah. (AFP, 23 May 2006) **[21e]** (UNHCR, 1 October 2005) **[40d] (p6)** Most Yazidis speak Kurmanji, the most widely spoken dialect of Kurdish. (AFP, 23 May 2006) **[21e]** UNHCR's August 2007 Eligibility Guidelines paper concurred:

"It is disputed, even among the community itself as well as among Kurds, whether they are ethnically Kurds or form a distinct ethnic group. Most Yazidis speak *Kurmanji*, a Kurdish dialect. …

"Only about ten percent of the Yazidis live in the Kurdish-administered areas, mainly in the Governorate of Dahuk, whereas the majority lives in so-called 'disputed areas' in the Governorate of Ninewa, in particular in the areas of *Jebel Sinjar* and Shekhan, which have been subjected to the former regimes' *Arabization* campaigns." **[40j] (p76)**

21.97 Sunni insurgents have attempted to forcibly removed Yazidis from towns such as Sinjar, Mosul, and Tal-Afar. (AFP, 13 October 2006) **[21f]** Yazidis were also affected by campaigns requesting the compliance with Islamic dress codes and values (UNHCR, October 2005) **[40d] (p7)** Many Sunni Kurds, that were interviewed by AFP, said they would not share a meal with a Yazidi because they considered the community 'unclean'." (AFP, 13 October 2006) **[21e]** The 2007 MRG report recorded "Since 2003, Islamist groups have declared Yazidis 'impure' and leaflets have been distributed in Mosul by Islamic extremists calling for the death of all members of the Yazidi community." **[121a] (p13)**

21.98 The UNHCR August 2007 report stated:

"The Yazidi religion is closed to outsiders as Yazidis do not intermarry, not even Kurds, nor do they accept converts. Accordingly, important parts of the Yazidi religious rituals have never been seen by outsiders and are, therefore, unknown. The Yazidis have never been regarded as 'People of the Book', also because most Yazidi religious texts have been passed on exclusively by oral tradition. Rather there are sources that consider them a break-away from Islam, which would then render them 'apostates', punishable by death according to Islamic jurisprudence." **[40j] (p76-77)**

21.99 UNHCR's background paper also reported that:

"So far, the situation of the Yazidis has not improved substantially…. After the dissolution of the previous Ministry for Religious Affairs and the creation of three separate departments for the affairs of the Shiite, Sunni and Christian communities, the Yazidis are no longer represented. As illustrated earlier, the embracing of stricter Islamic values, the generally dire security situation, the

presence of radical Islamic groups and militias as well as the ongoing political power-wrangling of the various sectarian groups about Iraq's future, leaves Yazidis exposed to violent assaults and threats and curtails their traditional ways of living as observed for Christians, Jewish and Mandaean minorities. **[40d] (p7)**

21.100 AFP stated in an article, dated 13 October 2006, that "The half-million-strong community is caught between the intolerance of Sunni extremists, who want to drive them out of their lands, and the ambition of the Kurdish regional government, which wants to co-opt their votes." **[21e]** The UNAMI report of January to March 2007 recorded attacks on Yazidis, **39g] (p13-14)** as did the USSD International Religious Freedom report 2007,which noted:

"There were reports that on April 22, 2007, gunmen dragged more than 20 members of the Yezidi community off a bus in Mosul and shot them in retaliation for the stoning of a Yezidi woman, slain by fellow Yezidis for having a relationship with a Muslim Kurdish man. These deaths were in addition to the 11 Yezidis killed in the last reporting period, including Ninewa Provincial Council member Hasan Nermo, who was assassinated on April 20, 2006. …

"On February 15, 2007, allegedly in revenge against 2 Yezidi men found in a car in the company of a married Kurdish woman, dozens of Kurds reportedly attacked the Yezidi district of Shaikhan in Nineveh Governorate, damaging private property and Yezidi cultural buildings." **[2i] (p5)**

21.101 The USSD report for 2007 also noted the incident in April 2007, where gunmen killed 23 Yazidis in Mosel, believed to be in revenge for the stoning of the Yazidi girl. **[2l] (p13)**

21.102 The UNHCR December 2007 paper also listed attacks on Yazidis. **[40l] (p73, 74)**

21.103 The UNHCR August 2007 report stated:

"Additionally, Yazidi traditions such as forced marriage, 'honour killings' or the prohibition to marry outside one's caste and religion may result in serious human rights violations at the hands of the family or community. According to the German organization *Yezidisches Forum*, Yazidi women who have been kidnapped or sexually assaulted by Muslims may face severe sanctions by the Yazidi community, including exclusion from the Yazidi religion and community and possibly violence. At times, rumours can be sufficient Basis for such sanctions." **[40j] (p80)**

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Kaka'i

21.104 The USSD International Religious Freedom report 2007 noted "The Kaka'i, sometimes referred to as Ahl-e Haqq, resided primarily in Kirkuk, Mosul, and Kankeen in the Diyala Province. Most are ethnic Kurds." **[2i] (p1)** UNHCR's August 2007 paper expands upon this, stating:

"The Kaka'i are a distinct religious group that mainly reside in the areas of Kirkuk (mainly Tareeq Baghdad, Garranata, Wahid Athar, Hay Al-Wasitty,

Eskan and Shorja as well as in the District of Daqooq), Mosul (Kalaki Yasin Agha area) and Khanaqin (mainly Mirkhas and Kandizard areas) in the Governorate of Diyala, but also in villages in the Kurdistan Region close to the Iranian border. Kaka'i can also be found in major cities such as Baghdad, Sulaymaniyah and Erbil." **[40j] (p82)**

21.105 It also recorded that "Most are ethnic Kurds, but speak their own language called *Macho* (alternate names are Hawramani, Old Gurani)."

"Since the fall of the former regime, the Kaka'i living in the areas under central government administration have come under pressure by religious extremists who consider them 'infidels'. UNHCR has received information of threats, kidnappings and assassinations of Kaka'i, mainly in Kirkuk. UNHCR was informed that Muslim religious leaders in Kirkuk asked people not to purchase anything from 'infidel' Kaka'i shop owners. In addition, Kaka'i might be targeted on the basis of their Kurdish ethnicity. UNHCR received information that in Mosul, the Kaka'i no longer dare to reveal their identity as Kaka'i.

"It is believed that most Kaka'i have been displaced since the fall of the former regime. For example, in the end of November 2006, Hewler Post, a bi-weekly paper issued in Erbil, reported that 100 Kaka'i Kurds fled from the Urouba quarter in downtown Kirkuk after having received threats from 'terrorists'.419 UNHCR has received information that some 250-300 Kaka'i families from Baghdad were displaced to Khanaqin." (UNHCR, August 2007) **[40j] (p84)**

Jews

21.106 The USSD report 2005 explained that "… the TNA passed a citizenship law on November 15 [2005] that, among other things, precludes Iraqi Jews from regaining citizenship. The Presidency Council (the president and the two deputy presidents) sent a notice to the TNA that it was vetoing this legislation, but the TNA challenged the legal effectiveness of the notice. As a result of this dispute, the law was not in effect at year's end." **[2b] (p13)** However, the USSD's report of the following year stated " The law became effective when it was published in the *Official Gazette* in March [2006]." **[2h] (p11)** The USSD International Religious Freedom report 2007 added "[The] law specifically precludes local Jews from regaining citizenship in the event it is ever withdrawn." **[2i] (p3)**

21.108 The UNHCR background note, dated 1 October 2005 stated:

"Today, there is practically no Jewish life in Iraq. According to recent estimates, only some 20 Jews still live in Baghdad while no Jews can be found outside the capital. The remaining Jews are all above the age of 70 with the exception of two families. Apart from the risk of persecution by Islamist groups and supporters of the former regime, there is no Rabbi present in Iraq, thereby further impeding their freedom to practice their religion." **[40d] (p5-6)**

21.108 The USSD report for 2007 stated: "The country's Jewish population is now virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. For example, a March 2006 citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship." **[2l] (p13)** According to the USSD International Religious Freedom report 2007, this citizenship law specifically prevented

local Jews from regaining citizenship in the event it is ever withdrawn. **[2i] (p4)** The report also noted that: "Anti-Semitic feeling remained a strong undercurrent during the reporting period. For example, in July 2006, the Speaker of Parliament, Mahmoud al-Mashhadani, accused Jews of financing violent activity in the country to promote a Zionist sectarian agenda. No government official condemned his statement. Moreover, once a significant presence in Baghdad, the country's 2,700-year-old Jewish community is now virtually nonexistent." **[2i] (p4)**

21.109 UNHCR's August 2007 paper recorded:

"With the fall of the former regime, the living conditions of the few Jews left in Iraq worsened drastically and most have left the country, leaving but a few members. Even more than other religious minorities, they are suspected of cooperating or at least sympathizing with the MNF and fear deliberate assaults by both Islamic extremists and supporters of the former regime. Furthermore, Jews might be suspected of links to Israel, with which Iraq continues to be in a state of war." **[40j] (p85)**

21.110 On 27 July 2007, *Time Magazine* reported that, according to a Christian priest in Baghdad, there were only eight Jews remaining in the city. **[124b]** Jews were also reported not to be eligible for any material aid from the Iraqi government and were advised to say they were Christians or even convert to Christianity, for fear of reprisal by Muslim groups. **[124b]**

Jehovah's Witnesses

21.111 The UNHCR background noted, dated 1 October 2005, reported:

"Regarding the specific situation of Jehovah's Witnesses, UNHCR currently has no findings of its own. It is assumed, however, that Jehovah's Witnesses face similar restrictions as Christians or Jews due to the deteriorated security situation, the embracing of stricter Islamic values and customs particularly in Southern and Central Iraq and the grave deficiencies in the judicial and legal system. In addition, Islam considers missionary activities, which is an inherent part of the Jehovah's Witnesses' activities, as a punishable offence." **[40d] (p6)**

Shabaks

21.112 The UNAMI report, dated 1 May–30 June 2006, noted that:

"Representatives of the Shabaks have submitted to UNAMI HRO a list of 41 members of this community who have been killed during June 2006 in Mosul. In areas where they constitute a minority, Sunni and Shi'a continued to be intimidated by armed and extremist groups into leaving mixed areas and continue to move to areas where they constitute a majority. Following recent threats against Shia's in general and Shabaks in particular to leave Mosul or be killed, of which UNAMI HRO has a received a copy, Shabaks are considering relocation." **[39a] (p12)**

21.113 The UNAMI report, dated 1 July–31 August 2006, added that:

"The Shabak community in Mosul and Ninewa plain continue to report being subject to violence and intimidation. Over one hundred of them have been

reportedly killed since the beginning of June 2006, and over a thousand families have moved to villages outside Mosul. Members of the Shabak community living in villages of the Ninewa plain reported harassment by Kurdish militias who would be asking residents questions regarding their affiliation and ethnicity." **[39c] (p13)**

21.114 Shabaks have also been pressured into converting to Islam. (UNAMI, 1 November-31 December 2006) **[39f] (p13)**

21.115 UNHCR's August 2007 paper recorded:

"According to the Encyclopaedia of the Orient, the Shabak are both

"*'a people and a religion. The Shabaks live in the region of Mosul, Iraq, and are united in culture and language, but they cover more than one ethnic group and among them there is more than one religion.'*
"The Encyclopaedia further explains that a large part of the Shabak is ethnically related to the Kurds and the Turkmen and subgroups of the Shabak include the Gergari, Bajalan, Hariri and Mosul. Though some identify the Shabak as Kurds, they have their own values, traditions and dresses and consider themselves as a distinct ethnic group." **[40j] (p56)**

21.116 The USSD International Religious Freedom report 2007 noted "Shabak leaders stated that the country's estimated 200,000 Shabaks resided mainly in the north, near Mosul." **[2i] (p1)**

21.117 UNHCR's August 2007 paper reported: "Like other religious minorities, the Shabak have come under increasing pressure from Islamic extremists. The fact that the Shabak primarily adhere to the Shi'ite branch of Islam makes them a target for Sunni Islamists. Others may look at them as 'infidels' altogether given that they adhere to a distinct form of Islam. Possibly, they may also be targetted *[sic]* based on their (perceived) Kurdish ethnicity." (UNHCR, August 2007) **[40j] (p56)**

21.118 The MRG report of 2007 recorded that the Shabak were suspicious of the Kurds, noting that:

"According to Dr Hunain al-Qaddo [general secretary of the Democratic Shabak Assembly, chairman of the Iraqi Minorities Council and a member of the Council of Representatives], since 2003, Shabaks 'feel we are aliens in our own country. People look at us as if we do not deserve to live. Shabaks are being killed on a daily basis … and the media does not cover the grave and major violations in this region. There is ethnic cleansing against Shabaks in Nineveh province.' …

"'Since the liberation of Iraq [in 2003], Kurdish militias have assumed control of the Shabak areas and are attempting to Kurdify the people by calling them "Kurd Shabaks", in order to annex the eastern side of Mosul into the Kurdish territory. Kurds have detained Shabaks and Assyrians and their armed militia roams the towns and villages terrorizing the people and raising the Kurdish flag over schools in Fadilia, Bashiqa, Khorsibad, Daraweesh and other towns. The Kurds, particularly the Kurdistan Democratic Party, have opened party offices even in the smallest villages.'" **[121a] (p18)**

21.119 UNAMI's report for 1 July-31 December 2007, stated that:

> "During the reporting period (1 July-31 December 2007), UNAMI received further information of the situation of the Shabak community in Iraq, involving forced displacements of hundreds of families and the targeting of their members by insurgent groups linked to al-Qaeda. Representatives of the Shabak community reported that 771 families were displaced during 2007, principally from the city of Mosul to villages in Nineveh governorate, and 186 cases involving killings up to mid-October. They also reported attempts at forced assimilation by Kurdish officials in Nineveh governorate." **[39l] (p17)**

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ETHNIC GROUPS

22.01 The UNAMI report, dated 1 May–30 June 2006, stated that "Minorities in Iraq constitute not less than 10 percent of the Iraqi population and continue to express concerns regarding their official recognition, threats to their identity and their desire for increased political rights and participation in the life of Iraq." **[39a] (p12)** "Ethnic tensions and violence are prevalent in traditionally mixed areas in the Governorates of Kirkuk, Ninewa, Salah Al-Din and Diyala, which have been subjected to the previous Governments' Arabization policies." (UNHCR Eligibility Guidelines, August 2007) **[40j] (p86)** UNHCR's December 2007 paper further reported that "Some observers note that tensions among ethnic groups over the unresolved status of Kirkuk could turn into another civil war, possibly spreading into the Kurdistan Region." **[40l] (p37)**

22.02 Sectarian and ethnic violence increased in Iraq with the targeting of religious and ethnic communities, particularly between Shi'a and Sunni communities. Tensions between Arab and Kurd also rose predominantly in Kirkuk and other mixed areas such as Mosul and Diyala. (UNHCR COI, October 2005) **[40c] (p15)** (UNHCR, 18 December 2006) **[40e] (p1)** (CSIS, 19 June 2006) **[63a] (p23)** UNAMI's April to June 2007 report noted "The situation of minority communities in Iraq deteriorated significantly since mid-April in many parts of the country." **[39h] (p12)**

22.03 A Minority Rights Group International (MRG) report of February 2007 recorded the tensions between the Kurds and minority groups in the north, concluding that:

> "Like all Iraqi citizens, minorities in northern Iraq are caught up in sectarian violence between majority groups. But if the prospect of a political settlement over Kirkuk continues to recede, the threat of renewed inter-ethnic violence and forced displacements perpetrated by different factions or militias will increase. Minority communities will be among the most vulnerable should this occur." **[121a] (p18)**

22.04 UNHCR's Eligibility Guidelines paper of August 2007 notes that "Inter-ethnic violence is reportedly on the rise in view of the referendum on the status of these disputed areas scheduled for the end of 2007." **[40j] (p11)** Whilst the ICG, in December 2006, stated that "Despite significant population displacement, much of Iraq's population still lives in areas that at least until recently were profoundly inter-mixed, due to labour migration, forced resettlement under past regimes and widespread inter-marriage across ethnic, confessional and tribal lines. These remain contact zones between various ethnic and confessional groups." **[25e] (p4)**

22.05 The USSD report 2007 recorded:

> "During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Christians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Kirkuk frequently charged that Kurdish security forces targeted Arabs and Turkmen." **[2l] (p20)**

ARABS

22.06 According to the CIA world factbook (last updated on 24 January 2008) Arabs made up 75 to 80 per cent of the population of Iraq and were situated across most of the country. **[78a] (p4)** However, due the Arab sectarian conflict, many Arabs fled to the KRG administered area. (*The New York Times*, 2 September 2006) **[24b]** The FCO reported in a letter, dated 6 December 2006, that:

"Despite the fact that many Arabs have sought respite from the violence further south by moving to the Kurdish Region (creating some problems in so doing) and have been generally welcomed by the Kurds, Kurdish security forces take a harder line approach to the Arab community because they fear the spread of extremism and terrorism to their region. Entry to main Kurdish cities is controlled by means of checkpoints/berms, and closer scrutiny is paid to Arabs, especially single Arab men." **[66n]**

22.07 An article in *The New York Times*, dated 2 September 2006, stated:

"Arabs moving to Kurdistan are required to register with security agencies, which track how many arrive and where they live. The chief security officer for Sulaimaniya, the largest city in eastern Kurdistan, said about 1,000 Arab families had moved into this area, and that thousands more families had settled in other parts of the Kurdish north. Most are Sunni Arabs…." **[24b]**

22.08 The CSIS report, dated 22 June 2006, added "Reports in August 2005 indicated that government police and military forces in the Kurdish north were using their power to intimidate Arabs through abductions and assassinations." **[63b] (p279)** In spite of this, a BBC article, dated 12 August 2005, and an IWPR report, dated 24 February 2005, both noted that there was an increasing number of Iraqi Arabs joining the workforce in Iraqi Kurdistan. **[4k] [11g]**

22.09 The UNHCR guidance note, October 2005, reported:

"Arabs in the Governorates of Kirkuk and Mosul have reportedly been under serious restrictions and been pressured to leave the region, as the Kurdish administration's ideals for a 'Kurdistan for Kurds' does not include the Arabs. Some Arabs who were relocated to Kirkuk and Mosul from other parts of Iraq by the former regime have now been forcefully displaced within the area; some have returned to their previous places of origin due to communal pressure. This is especially true in the region of Kirkuk where the return of formerly displaced Kurds is encouraged and even supported by the Kurdish officials. Following a number of security incidents in the three Northern Governorates, the Kurdistan Regional Government closely watches the Arabs living in the areas under its control. Arabs are viewed as possible agents of Iraqi insurgency groups or as former Ba'athists." **[40a] (p17-18)**

22.10 The CSIS report, dated 22 June 2006, stated:

"Arab Shi'ites … have been increasingly polarized by the Sunni suicide attacks on Shi'ite targets, kidnappings, over killings and disappearances … and which have intensified since the January 2005 elections. "**[63b] (p254)**

22.11 The AI report, dated 25 July 2005, records that "Members of armed groups opposed to the presence of the MNF in Iraq and the Iraqi government appear to be predominantly from the Sunni Muslim Arab community." **[28c] (p2)** "However, by contrast, many among the Iraqi Sunni Arab community have spoken against violence and abuses by armed groups and have themselves been targeted for killing or kidnapping." **[28c] (p2)**

22.12 On 16 September 2007, IRIN news reported that ethnic violence in Kirkuk had caused scores of Arab families to flee the city; since June 2007 over 2,000 Arab families had fled Kirkuk, forced out by Kurdish militia. **[18ck]**

Marsh Arabs

22.13 The majority of Marsh Arabs were situated in southern Iraq. Marsh Arabs were regarded as a very distinct groups and often as second class citizens. They were discriminated against as regards access to education and other basic services. Marsh Arabs were subjected to forced migration as a result of the organised Marsh Drainage campaign undertaken by the former regime. (UNHCR, August 2004) **[40b] (p7and17)**

22.14 International aid organisations estimated that more than 130,000 Marsh Arabs were displaced inside the country and another 75,000 entered neighbouring Iran as refugees. (IRIN, 22 August 2005) **[18b] (p1)** According to a BBC report, on 27 June 2006, a number of Marsh Arabs have returned. However, basic services were lacking in what was one of the poorest areas of the country. **[4aj]**

22.15 The UNHCR assessment on Basrah, September 2006, stated that "In December 2005, IOM IDP Monitoring accounted for 16,869 IDP and IDP returnee families in Basrah Governorate (some 101,200 persons). The majority of the IDP families (mostly Marsh Arabs) were displaced pre-2003, either as result of the Iran-Iraq conflict or the drainage of the Marshes. …Al-Qurnah and Al-Medaina hold the Marsh Arab concentrations." **[40g] (p50)**

KURDS

22.16 The BBC stated, on 12 August 2005, that "The Kurds have ruled themselves in northern Iraq since the aftermath of the Gulf war of 1991, when a 'safe haven' was created to protect them from Saddam Hussein. Rival Kurdish groups fought one another in 1996, but the current stability in Kurdistan now stands in stark contrast to other parts of the country." **[4k]**

22.17 The US Library of Congress, in August 2006, notes "The Kurds are predominantly Sunni but ethnically different from the Arab Sunnis and of a less militant religious orientation." **[33a] (p7)** An FCO letter, dated 6 December 2006, notes "All ethnic groups present in the Kurdish Region consider themselves Kurds, except for the Arabs. However within the overarching Kurdish identity there are ethnic 'nationalities', which have specific cultural and religious identities. The full set of ethnic groups, therefore, is as follows: Kurds; Assyrians/Chaldo-Assyrians (Christians); Turkomen; Yezidis (close to Zoroastrians); Arabs and Armenians." **[66n]**

22.18 Kurds were often regarded by insurgents as collaborators to the MNF and supporters of the invasion of Iraq. (HRW, October 2005) **[15j] (p41)** (UNHCR, October 2005) **[40a] (p12and14)** The HRW report detailed several examples of

attacks against Kurds in Iraq. **[15j] (p41-46)** The HRW report, dated 3 October 2005, notes that "Various armed groups make no secret of their desire to attack Kurds, whom they consider collaborators with the United States and the 'allies of Jews and Christians.'… Most attacks on Kurds in the past two years have been attributed to Ansar al-Sunna rather than Ansar al-Islam." **[15j] (p41)**

22.19 The HRW report, dated 3 October 2005, records that "Since April 2003, various insurgent groups have attacked Kurdish civilians and civilian sites in the north, and sometimes in Baghdad. Some insurgent groups have used improvised explosive devices (roadside bombs), car bombs and gunmen to kill Kurdish politicians and journalists." **[15j] (p40)** It should be noted that there are also home-grown indigenous Kurdish Islamist movements in the Kurdish-ruled areas. (UNHCR paper, 18 December 2006) **[40e] (p6)**

22.20 The CSIS report, dated 22 June 2006, stated "There are serious tensions between the Kurds, the Turcomans, and Assyrian Christians, as well as between Kurds and Arabs. At a local level, there are many small tribal elements as well as numerous 'bodyguards,' and long histories of tensions and feuds." **[63b] (p278)** The report adds that:

"Despite past, and potential future tensions and divisions between the PUK and KDP, leaders from both parties signed an agreement in January 2006, which allotted eleven ministerial posts to each group. Minority parties were skeptical of KDP-PUK promises to give remaining posts to political factions who did not win a majority and worried that this further isolated them from any future role in the political process." **[63b] (p281-282)**

22.21 The Brookings Institution report, October 2006, noted:

"*Baghdad and Basra Kurds*, who have lived in that city for generations, have been targeted by both groups for being either Sunni or Shi'a (the majority of Kurds are Sunni, but there are also sizeable Kurdish Shi'a communities, such as the Fa'ili Kurds). Numerous Kurds have also been forced to flee Mosul, though here the focus seems to be on their Kurdish identity, as Mosul Kurds are for the most part Sunni and they are being driven out by Sunni extremist groups." **[88b] (p25)**

22.22 The UNAMI report, dated 1 May–30 June 2006, records that "Faeeli Kurds have also been displaced from Diyala and eastern areas of Baghdad." **[39a] (p12)**

Faili Kurds

22.23 The MRG report of 2007 recorded:

"The Faili Kurds are Shia Muslims by religion (Kurds are predominately Sunni) and have lived in Iraq since the days of the Ottoman Empire. They inhabit the land along the Iran/Iraq border in the Zagroa Mountains, as well as parts of Baghdad. …

"Under the Ba'ath regime, they were specifically targeted, stripped of their Iraqi citizenship and a huge number of them expelled to Iran on the charge that their Shia faith made them 'Iranian'. According to the UNHCR, at the beginning of 2003, there were more than 200 000 Iraqi refugees in Iran, 1,300

living in Azna, of whom 65 per cent are Faili Kurds. Many of them are under 20 years of age, were born in the camp and have known no other home." **[121a] (p15)**

See also Citizenship and nationality

TURKMENS

22.24 The UNHCR guidance note, October 2005, stated that:

"The problems faced by Turkmen are mainly linked to the political situation in Kirkuk and the three Northern Governorates. Many Turkmen complain of being subjected to investigation and/or arrest by the Kurdish authorities in the three Northern Governorates for reasons related to the establishment of the organization known as 'The Turkmen community', which has sought to ensure the basic rights of this group." **[40a] (p12)**

22.25 The UNHCR guidance note, October 2005, further mentioned that "Turkmen also report being threatened by Peshmerga fighters from the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and claim that there is currently an attempt to implement policies that will systematically alter the demographic composition of areas where Turkmen have traditionally lived." **[40a] (p12)**

22.26 The CSIS report, dated 22 June 2006, stated "There are reports that the KDP and PUK systematically kidnapped hundreds of Arabs and Turcomans from the city and transported them to prisons in established Kurdish territory in an apparent bid to create an overwhelming Kurdish majority. This activity allegedly spread to Mosul as well." **[63b] (p279)** A 2007 Minority Rights Group International (MRG) report, citing the words of a Turkman member of the Iraqi Minorities Council from Kirkuk and a *Washington Post* article of June 2005, concurred:

"The [*Washington Post*] article goes on to describe how hundreds of minority Arabs and Turkomans in Kirkuk have been abducted, and that Iraqi government documents, testimony of victims and their families and US and Iraqi officials have confirmed they are sent to prisons in Erbil and Suleymaniyah, Kurdish-controlled areas of northern Iraq. They are also subjected to torture." **[121a] (p18)**

22.27 A number of sources reported on the Turkmen's opposition to the implementation of Article 140 of the Constitution, which outlines the removal and reversal of the "Arabization" policy. Turkmen, stating that it would be "detrimental to Turkmens". (*The Guardian*, 27 October 2006) **[6ad]** (IRIN, 16 November 2006) **[18bc]** (RFE/RL, 2 November 2006) **[22u]**

22.28 In the December 2005 elections, the Iraqi Turkmen Front (ITF) gained 87,993 votes, winning it one seat in the Council of Ministers, which was taken by its leader Sadettin Ergec. (IECI, 10 February 2006) **[112a]** The majority of those votes were cast in Kirkuk, where ITF won more than 10 percent of the votes. Most of the other votes were cast in the Salah al-Din Governorate. Number of Turkmen running on the UIA list of Kurdistan Alliance won seats.(Zaman, 22 January 2006) **[113a]** In the aftermath of the elections, Turkmen and Arab parties in Kirkuk accused majority Kurds of fixing the result of the elections by

allegedly flooding Kirkuk on election day with Kurds from other parts of the country. (AFP, 6 February 2006) **[21g]**

22.29 UNAMI's April to June 2007 report stated that "During the reporting period, UNAMI continued to receive renewed claims of persecution and discrimination of Assyrians and Turkoman in Kirkuk and Mosul by armed groups. In response to these claims, the KRG Minister of Culture re-established the General Directorate for Assyrian and Turkoman Affairs, encompassing members of these two communities residing outside the KRG region." **[39h] (p13)**

ASSYRIANS AND CHALDEANS

22.30 Chaldeans, Assyrians and Armenians considered themselves as both religious and ethnic minorities. The UNHCR guidance note, October 2005, stated that "Given the fact that they are Christians, Assyrians and Chaldeans are largely considered to be supporters of the US due to their religion and their general political tendency to ally themselves with the West." **[40a] (p12)**

22.31 Assyrians in the Nenevah Plains were pressured into converting to Islam. (UNAMI, 1 November-31 December 2006) **[39f] (p13)** "Of the 1.5 million Assyrians living in Iraq before 2003, half have left the country and the remaining 750,000 are said to be moving into "safe areas" in Zakho and North Ninevah." (UNAMI, 1 November-31 December 2006) **[39f] (p13)**

See also Christians

ROMA

22.32 The Brookings Institution, October 2006, stated:

> "The *Roma* are another group targeted in the sectarian violence. They came under attack soon after the fall of the regime in both Sunni and Shi'a areas – in fact, violence against Roma settlements were among the first recorded post-invasion sectarian incidents, but only few Coalition officials paid attention because they are such a small community in Iraq. Many Iraqis consider that the Ba'thi regime favored the Roma, but people interviewed then said that plain prejudice is in fact a driving factor in the violence against them, notably the belief that the Roma community lives off prostitution and alcohol trading. Many Roma currently live in the former military camps of al-Rasheed in eastern Baghdad and Abu Ghraib, on the western outskirts of the town." **[88b] (p25)**

22.33 IOM reported in their January-February 2006 newsletter that "A small minority of post-2003 IDPs in Baghdad are Roma…The Roma have their own language and Islam as their religion (some being Sunni and others Shia). … Following the fall of the former regime, the local communities forced the Roma to move from their locations in Baghdad for differing social norms… Reports of Roma displaced in the outskirts of Najaf, Diwaniyah and Wassit have also been circulated." **[111a]** UNHCR's Eligibility Guidelines paper of August 2007 recorded that, "After the fall of the former regime, the Kawliyah lost the protection once afforded to them. Conservative local communities as well as members of the Mehdi Army, who had long resented their differing social norms, violently forced the Kawliyah from their settlements." **[40j] (p93)**

TRIBES/CLANS

22.34 An article in Azzaman, dated 26 October 2006, stated that "Mixed tribes are present in several areas in Iraq, particularly in the small towns between Baghdad and Tikrit in the north." **[114a]** According to news reports, Iraqi tribes were increasingly involved in the sectarian violence that was present throughout Iraq. (*The New York Times*, 18 September 2006) **[24h]** (Azzaman, 26 October 2006) **[114a]** An Azzaman article, dated 26 October 2006, noted that Kurdish and Arab tribes in the northern city of Mosul and restive oil-rich city of Kirkuk fight each other and Sunni and Shiite tribes across the country are also involved in the fight. **[114a]**

22.35 The New York Times reported, on 18 September 2006, that nearly all of the tribes from the Anbar province had joined together to fight against Al-Qaeda and other foreign insurgent groups. **[24h]**

22.36 *The Guardian* reported, on 26 January 2005, that "Having a tribal name that associated you with a Sunni-dominated area or tribe was for centuries a guarantee of access to the government and a good job, but these same names now land you in American custody if you happen to be in the wrong place at the wrong time." **[6a]**

22.37 The ICG report of 30 April 2008, stated that

"The insurgency – whether nationalist or Islamist – undoubtedly has been severely weakened by the tribes' return to prominence [since ousting of Saddam in 2003]. Thanks to the tribes' extensive knowledge of the local population and environment, they can exercise far more control than could the U.S. military on its own; in turn, their alliance with the U.S. makes it difficult for them to countenance any form of resistance.

"For tribal leaders who had been forced into exile due to confrontation with al-Qaeda in Iraq or the insurgency, this presented a unique chance for a comeback. It also offered them the opportunity to reap substantial financial rewards, whether by diverting funds the U.S. channelled through them (principally salaries for their armed volunteers) or by ensuring they benefited from reconstruction projects." **[25j] (p12)**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

23.01 UNHCR's August 2007 Eligibility Guidelines paper stated:

> "Iraq's lesbian, gay, bi-sexual and transgender (LGBT) community has historically been subject to attacks in Iraq. Since the fall of the previous regime, however, with the rise of strict Islamic values that are often enforced through extra-legal means, violence against the LGBT community has increased. Killings are often conducted in especially brutal manners, with burnings and mutilations reported. 'Honour killings' of gay family members have also been reported. Those who commit acts of violence against homosexuals and others often do so with impunity, with the police reportedly themselves blackmailing, torturing or sexually abusing homosexuals in their custody." **[40j] (p14)**

23.02 A country report published by the ACCORD and UNHCR COI Network in November 2007 stated that: "Persons who hold a different sexual orientation have been at an increasing risk of abuse and harassment. They have certainly already faced problems under the former regime, as the traditional society does not condone homosexual acts. Since the fall of the Ba'ath regime, persons of different sexual orientation have been directly targeted particularly by Shi'ite militia. The latter are even said to hold extra-judicial courts to try homosexuals or persons accused of being homosexuals. Cases of kidnappings and extra-judicial killings, including 'honour killings' by the own family, have been reported. The weak status of homosexual persons may actually make them vulnerable to forced prostitution. … There is a witch hunt against homosexuals of both sexes, who are threatened and murdered. Particularly tragic are the cases of male minors who are forced into prostitution by the economic needs of their families and then assassinated. Sometimes families are forced to kill a homosexual family member." **[40m] (p92)**

LEGAL RIGHTS

23.03 Prior to the US-led invasion of Iraq, homosexual behaviour between consenting adults was a crime following a 2001 amendment to the 1990 Penal Code. In 2001, the Revolutionary Command Council also issued a decree making homosexuality an offence. (IRIN, 5 February 2006) **[18ah]** Anecdotally, "…the Saddam era seems like a 'golden' time because homosexuality was discreetly tolerated." (IWPR, 20 October 2006) **[11w]**

23.04 An October 2006 article published by IWPR notes "The legal situation for gays in Iraq today remains vague. According to research by Södertörn University in Stockholm, it is unclear to date whether a new law on the family, approved by the Interim Governing Council in December 2003, prohibits homosexual activities." **[11w]**

23.05 Other sources provided contradictory statements on the legal status of homosexuality in Iraq; an FCO letter of December 2006 states that homosexuality is illegal under Iraqi law, including in the Kurdistan Region, **[66n]** whilst a UNAMI report of 1 November-31 December 2006, stated that "Even though homosexuality is not condoned in Iraqi society, homosexuals are protected under Iraqi law. Attacks on homosexuals and intolerance of

homosexual practices have long existed yet they have escalated in the past year." **[39f] (p26)**

23.06 IRIN news reported, on 5 February 2006, that "The new Iraqi constitution provides protection against discrimination on a variety of grounds, including sex, religion, belief, opinion and social and economic status, but fails to explicitly mention homosexuality. However, Article 17 of the new Iraqi constitution states that 'each person has the right to personal privacy as long as it does not violate the rights of others or general morality'." **[18ah]**

23.07 The IWPR report of October 2006 also recorded that "Under Islamic law, homosexual practise is a crime that carries the death sentence. Article two of the Iraqi constitution approved by referendum in December 2005 refers to Islam as being 'the official religion of the state and a basic source of legislation'. But the extent to which state laws upholds Sharia is still under dispute." **[11w]** UNHCR's August 2007 paper reported "While Iraqi law does not institutionally discriminate against LGBT citizens, homosexuality and alternate gender identity remain strictly taboo and subject to intense individual, familial and social sanctions." **[40j] (p125)**

GOVERNMENT ATTITUDE

23.08 In a December 2006 letter, FCO stated that they were not aware of cases of mistreatment by state authorities or violence against homosexuals in the KRG. **[66n]** IWPR, reported in October 2006 that "In Iraq, where religious radicals consider homosexuality a sin punishable by death…" homosexuals are "… wary of the extremist Islamic groups that prowl the streets of the capital …" but they do not "… trust the police who are supposedly there to protect…" them. **[11w]** Whilst acknowledging that "…the Shia-controlled interior ministry has been infiltrated by Shia militias…" the report records that "… gay men complain about frequent mistreatment by police, accusing them of blackmail, torture, sexual abuse and theft." **[11w]**

"Targeted violence against Iraq's LGBT community goes largely unpunished, along with status-based and honour killing, kidnapping and forcible coercion into prostitution. Police are unlikely to provide protection and gay Iraqis report frequent abuse, harassment and misconduct by police, including '*blackmail, torture, sexual abuse and theft*.' Torture and mistreatment of civilians and detainees by Iraqi police is common, including sodomy and sexual brutality as a means of torture. (UNHCR, August 2007) **[40j] (p127)**

See also Iraqi police

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

23.09 It was widely reported in March 2006 that Shi'ite Muslim leader, Grand Ayatollah Ali al-Sistani, issued a fatwa against gay and lesbian people on his website which provoked the increase of targeted attacks against homosexuals in Iraq. (365Gay.com, 15 March 2006) **[72b]** (Advcoate.com, 25 March 2006) **[75a]** (Pinknews.co.uk, 22 March 2006) **[76a]** Armed groups in Iraq increasingly threatened, kidnapped, assaulted and killed homosexuals. (*The Observer*, 6 August 2006) **[87b]** (365Gay.com, 11 April 2006) **[72a]** (365Gay.com, 15 March 2006) **[72b]** (PlanetOut, 27 March 2006) **[74a]** (Advcoate.com, 25 March 2006) **[75a]** (Pinknews.co.uk, 22 March 2006) **[76a]**

23.10 Advocate.com's March 2006 article reported that "The Badr Corps is committed to the 'sexual cleansing' of Iraq…" and notes "The Badr Corps was killing gay people even before the Ayatollah's fatwa, but Sistani's murderous homophobic incitement has given a green light to all Shia Muslims to hunt and kill lesbians and gay men." **[75a]**

23.11 Between October 2005 and 30 June 2006 at least 12 homosexuals were reportedly killed in targeted attacks. (UNAMI, 1 May–30 June 2006) **[39a] (p4-5)** (365Gay.com, 11 April 2006) **[72a]** At least another 70 have been threatened with kidnapping. (365Gay.com, 11 April 2006) **[72a]** An article by Pinknews.co.uk, dated 22 March 2006, stated that transsexuals were being burned and beaten to death in Iraq. **[76a]** Several sources reported that militia also threatened the families of men believed to be homosexual stating they will begin killing family members unless men are handed over or killed by the family. (UNAMI, 1 May–30 June 2006) **[39a] (p4-5)** (*The Independent*, 20 July 2006) **[85b]**

"Inhabitants of the Baghdadi neighbourhoods of Al-Amiriya and Al-Jamia'a speak of how extremist groups have killed gays in the street and also targeted their relatives. Outrage! reports of cases where members of a family have been killed for refusing to hand over a gay male relative to the militia. From his house in the western neighbourhood of Al-Jamia'a, Mukhtar Salah, 40, a former member of Saddam's security forces, said he witnessed gunmen kill a young man, who he later heard is alleged to have had an affair with an American soldier." (IWPR, October 2006) **[11w]**

23.12 IWPR's October 2006 report recorded that "In so-called religious courts [Shari'a courts], supervised by clerics, with no official authority, gays are tried, sentenced to death and then executed by militiamen. "Gays and rapists face anything from 40 lashes to the death penalty." **[11w]** UNAMI "HRO was also alerted to the existence of religious courts, supervised by clerics, where homosexuals allegedly would be 'tried,' 'sentenced' to death and then executed." **[39f] (p26)** "Paradoxically, those who kill gays believe they are acting within the law as the Sharia, which they adhere to, deems homosexuality a crime punishable by death." (IWPR, 20 October 2006) **[11w]**

See also Religious and tribal law

23.13 The UNAMI report of 1 November-31 December 2006, stated that:

"The current environment of impunity and lawlessness invites a heightened level of insecurity for homosexuals in Iraq. Armed Islamic groups and militias have been known to be particularly hostile towards homosexuals, frequently and openly engaging in violent campaigns against them. There have been a number of assassinations of homosexuals in Iraq. At least five homosexual males were reported to have been kidnapped from Shaab area in the first week of December by one of the main militias. Their personal documents and information contained in computers were also confiscated. The mutilated body of Amjad, one of the kidnapped, appeared in the same area after a few days." **[39f] (p26)**

23.14 UNHCR's August 2007 paper remarked that "Iraqi gays speaking to UNHCR in host countries indicated that anti-gay incidents are drastically underreported

since families may be implicated in anti-gay violence or are unwilling to admit that slain members were homosexual." **[40j] (p126)**

23.15 The UNHCR August 2007 report further noted that "Targeted violence against Iraq's LGBT community goes largely unpunished, along with status-based and honour killing, kidnapping and forcible coercion into prostitution. Police are unlikely to provide protection and gay Iraqis report frequent abuse, harassment and misconduct by police, including 'blackmail, torture, sexual abuse and theft'." **[40j] (p128)**

23.16 The Finnish FFM to the KRG area of Iraq, for the period 23 October-3 November 2007, stated that: "According to UNHCR, gays and lesbians are rejected by the community in the three northern governorates. People may be charged for homosexuality and some are detained for some period of time. UNAMI referred to its human rights report in the end of 2006, having a passage on the situation of gays and lesbians." **[131] (p12)**

'Honour' killings

23.17 *The Observer* reported, on 6 August 2006, that children as young as 11 who had been sold to criminal gangs and forced into same-sex prostitution have been targeted by militia. **[87b]** The UNHCR guidance note of October 2005 reports that "… many young men, especially homosexual men, have been roped into the sex trade as a means of earning a living, often against their will. … Thus, a family who discovers their son is homosexual (especially if he is working in the sex trade, whether by choice or because he was forced into it) will often prefer to kill him in order to preserve the family's honour." **[40a] (p21)**

23.18 Homosexuality is also considered culturally unacceptable within Kurdish society and therefore goes on behind closed doors. (FCO letter, 6 December 2006) **[66n]**

"The Ministry of Human Rights reports that 'honour killings' are common when family members are believed to be gay, and a Baghdad-based lawyers' association reported fifteen cases of 'honour killings' of homosexuals in Baghdad over the previous two years alone. Ibrahim Daud, a family lawyer in Baghdad who has been involved in nearly 65 cases of honour killings involving gay men, said, '*killing for honour has been a common practice for years, and a short prison sentence for the killer is common*.'" (UNHCR, August 2007) **[40j] (p126)**

23.19 *The Observer's* August 2006 article concurred. **[87b]** "Homosexuality is seen as so immoral that it qualifies as an 'honour killing' to murder someone who is gay – and the perpetrator can escape punishment. Section 111 of Iraq's penal code lays out protections for murder when people are acting against Islam." **[87b]** Nevertheless, "Isolated and secret groups have, however, formed locally to provide support to homosexual men, despite popular discrimination." (IRIN, 5 February 2006) **[18ah]**

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DISABILITY

24.01 Article 32 of the Constitution stipulates that "The State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law." **[82a] (p10-11)**

24.02 The UNHCR COI report, October 2005, notes that:

"In addition to the general dire state of the health system, rehabilitation and reintegration of persons with disabilities, including mine victims, is hampered by the following factors: shortage of raw materials for prosthetic and orthotic manufacturing workshops, a lack of rehabilitation equipment and aids such as wheelchairs and crutches, a lack of transport to existing facilities, a lack of psychosocial support programmes, insufficient knowledge, training and skill among rehabilitation specialists and a lack of vocational training programmes and income generation opportunities." **[40c] (p74)**

24.03 The 2006 Landmine Monitor report stated that:

"Iraq's national mine action strategy to 2009 is said to include survivor assistance. … However, various actors repeat that Iraq does not have survivor assistance activities in its national mine action program due to the political and security context, even though the assistance program in the Kurdish part of Iraq is functioning well 'considering the circumstances.' … There are national victim assistance officers in Erbil (IKMAC), Sulaymaniyah (GDMA) and Basra (RMAC), and one at the central level at the NMAA; however, only in the north were assistance activities actually being implemented." **[98a] (p25)**

24.04 The 2006 Annual Report of the International Committee of the Red Cross (ICRC) recorded the assistance provided by the organisation to disabled Iraqis during 2006, which included the provision of ICRC material and financial support to eight centres caring for the physically disabled, which were located in Arbil, three in Baghdad, Basra, Hilla, Mosul and Najaf. Additionally "The ICRC retained sole management of the Arbil physical rehabilitation centre." **[43c] (p324)**

24.05 The USSD report 2007 stated:

"The law prohibits discrimination against persons with physical disabilities. The government enforced the law in the government but not in the private sector.

"MOLSA [Ministry of Labor and Social Affairs] operated several institutions for the education of children and young adults with disabilities. These institutions offered basic educational services; however, they did not have access to appropriate educational technology due to the lack of training and funding.

"According to 2005 information, 17 institutes operated in Baghdad and the provinces for persons with mental and psychological disabilities and housed approximately 1,000 persons. Additionally, there were 33 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The government provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment." **[2l] (p20)**

24.06 A report by Medact, published in 2008, noted that: "People with learing disabilities receive little specialist help." **[10b] (p10)**

See also Children.

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WOMEN

25.01 A report by AI, published March 2008, stated that "Iraq is a state party to the UN Convention on the Elimination of All Forms of Discrimination against Women. Under the Convention, the Iraqi government has a duty to protect women from violations by agents of the state as well as by private actors such as armed groups." **[28o] (p18)** In spite of this, the UNAMI report of 1 September-31 October 2006 recorded:

"The situation of women has continued to deteriorate. Increasing numbers of women were recorded to be either victims of religious extremists or 'honour killings.' Some non-Muslim women are forced to wear a headscarf and to be accompanied by spouses or male relatives. … **[39e] (p3)**

"Violence, poverty, unemployment, growing tensions and displacement are reported to continue to aggravate the situation of women in the country. There are increasing numbers of widows without a reliable source of income and few work opportunities." **[39e] (p11)**

25.02 The UNAMI report, dated 1 May 2006–30 June 2006 records that "Women's groups continue to be mobilized against further curtailment of their rights and have denounced the increasing restriction in their freedoms and safety. … Displacement is increasing women['s] vulnerability by augmenting health risks while diminishing access to health care and to other services." **[39a] (p10)**

25.03 The report further mentions that "The situation of women is significantly different in the Region of Kurdistan. The Women Affairs Committee in the Kurdistan Regional Assembly has worked significantly to ensure that women enjoy their rights in the Region." **[39a] (p10)** However, later reports by the same organisation note that "Incidents of honour killings, kidnappings associated with rape and sex slavery, and killing of women and children for sectarian reasons were reported in Kurdistan, Kirkuk and Mosul." (UNAMI, 1 September-31 October 2006) **[39e] (p11)** and "The plight of women in the northern governorates continues to be widely covered by the media and is a matter of great concern to human rights NGOs." (UNAMI, 1 November-31 December 2006) **[39f] (p11)**

25.04 A report by Minority Rights Group, February 2007, stated:

"The situation is even more problematic for women of minority communities. Increasingly, minority women are suffering violence, including sexual violence, threats and intimidation linked to both their minority status and gender, as well as being forced to deny their religious and ethnic identity and self-expression through the way they dress." **[121a] (p22)**

25.05 The UNHCR August 2007 report stated:

"Since the fall of the previous regime, the security, human rights and economic situation of women has dramatically declined and continues to deteriorate. Widespread fear of abduction for sectarian or criminal reasons, rape, forced prostitution, (sex) trafficking and murder limit their freedom of movement, their access to education, employment and health, and their ability to participate in

public life more generally. Observers say that the kidnapping and killing of women is on the rise." **[40j] (p120-121)**

25.06 The USSD report 2007 stated that "The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. During the year women's rights activists were reportedly increasingly targeted by militant groups. For example, in December Haifaa Nour, president of the Women's Freedom Organisation (WFO) in Baghdad reported receiving threatening letters. WFO's previous president, Senar Muhammad, was killed by religious zealots on May 17." **[2l] (p17)**

LEGAL RIGHTS

25.07 Following the overthrow of Saddam Hussein in March 2003, conservative Shi'ite leaders on the US-appointed Iraq Governing Council (IGC) voted to cancel the Personal Status Law, placing such issues under the rules of sharia. (Council on Foreign Relations, January 2006) **[8h] (p3)** This was particularly significant, as it had afforded rights to women under secular, albeit brutal, Baathist rule. It had set the marriage age at 18, prohibited arbitrary divorce, restricted polygamy and it required that men and women be treated equally for purposes of inheritance. **[8h] (p3)**

25.08 Shi'ite leaders voted on Resolution 137 following the annulment of the Personal Status Law, which was "worryingly vague" about what form of Islamic legislation would replace the old laws, worrying women's groups among others that an Islamic free for all would aggravate sectarian tensions. **[8h] (p3)**

25.09 On 13 December 2007, the *Guardian* reported on the new Iraqi Constitution, under which "a quarter of the 275 seats are reserved for women, making the level of female representation among the highest in the world." **[6af] (p2)** Despite this, one MP noted the hazards for of getting to work; in 2005 one female MP was shot dead on her door step. **[6af] (p2)** A committee of 27 members, two of which were women, reviewed the constitution at the end of 2007, with a draft due at the end of the year. **[6af] (p2)** "… An alliance of women's organisations has been lobbying for the removal of article 41, under which the old statutory family law will be replaced with a new system where marriage, divorce, custody and inheritance will be determined according to the different religions and sects in Iraq. Campaigners argue that this would strengthen the control of religious institutions and give 'constitutional legitimacy to sectarianism'. Most of all they fear an explosion in violence against women as traditional tribal codes take hold." **[6af] (p2)**

25.10 The *Guardian* also reported that "The Iraq penal code prescribes leniency for those who commit such crimes for 'honourable motives', enabling some of the men involved to get off with no more than a fine." **[6af] (p2)** According to the UNAMI report, covering the period 1 July-31 December 2008, stated that "…both women's rights activists and victims expressed little faith in the ability of the judicial system to protect the lives and rights of abused women. **[39l] (p15)**

25.11 The Women for Women Institute Iraq report for 2008, noted that:

"Another complicating factor directly tied to women's legal rights and status is that when a husband is kidnapped or a woman is divorced, she does not have

the right to register her children, which means they cannot attend school. By some estimates, there are currently 2 million widows in Iraq and 6 million orphans, which in a country of 27 million people is nearly a third of the population. Unless this situation is remedied, the country will be faced with a generation of uneducated children." **[130] (p25)**

See also Education; Children.

25.12 The Women for Women Institute Iraq report for 2008, also stated that:

"When women were asked where they would go to get information about their [legal] rights, their responses again differed by region. Women in Fallujah, Rawa and Samarra said they would most often go to religious leaders. Women in Baghdad, Kurdistan, Hilla and Karbala would go to schoolteachers or other sources such as television and radio. Women in Basrah and Nasiriyah would go to government and local officials. Women in Kirkuk would go to the Internet, and women in Kut would go to the police." **[130] (p27)**

POLITICAL RIGHTS

25.13 As stated in a DFID report, dated July 2005, "Historically Iraq has had one of the best gender equality records in the Middle East, with women playing an active and visible role in political and economic life. … Yet years of conflict, isolation from the international community, economic mismanagement and brutal government have had a very negative impact on Iraqi women. Women now suffer multiple forms of deprivation – social, economic and political." **[59a] (p1)**

25.14 The AI report, February 2005, noted "The widespread fear of violence affecting all Iraqis has restricted the participation of women in civil society since the 2003 war, particularly in education, employment and political decision-making." **[28e] (p5)** Whilst the UNAMI report, dated 1 May–30 June 2006, stated:

"Women['s] organizations have complained that the number of female Ministers in the Federal Government has dropped from six to four, that the number of female legislators is 16 less in the Council of Representatives compared to the Transitional National Assembly and that there are no women in the Presidency Council or the Prime Minister's office. Some groups are asking for a quota of female members in the Government and decry the lack of sufficient female representatives in the negotiations for national reconciliation." **[39a] (p10)**

25.15 The FCO human rights report 2005 recorded that "Newly-formed Iraqi women's groups continue to take an active role in advocating fair representation in government bodies and calling attention to the rights of women in all spheres of Iraq 's democratic development." **[66j] (p65)**

"Over the last year Iraqi women have organised conferences in Baghdad and in the regions to discuss women's political participation and human rights issues. … Numerous women's centres have been established throughout the country. These centres offer opportunities for women to acquire skills that will open up employment or other economic opportunities and take part in programmes that will give them a better understanding of their rights and how

to participate in the decisions that affect their lives." (FCO, HR report 2005) **[66j] (p65)**

25.16 The June 2007 Forced Migration Review Special Issue on Iraq noted that "A quarter of parliamentary places are reserved for women but most of those in parliament are not the least interested in women's rights. They are the sisters, daughters and wives of conservative male political leaders. There are only five or six female parliamentarians who are seriously interested in politics and gender equality issues." **[49b] (p40)**

SOCIAL AND ECONOMIC RIGHTS

25.17 The UNHCR guidance note, October 2005, noted "Since the fall of the previous regime, the security situation of women has declined." **[40a] (p20)** The June 2007 Forced Migration Review Special on Iraq concurred, stating:

"The threat of Islamist militias now goes beyond dress codes and calls for gender segregation at university. Despite, indeed partly because of, the US and British rhetoric about liberation and rights, women have been pushed into the background and into their homes. Women with a public profile (doctors, academics, lawyers, NGO activists, politicians) are threatened and targeted for assassination. There are also criminal gangs who worsen the climate of fear by kidnapping women for ransom, sexual abuse or sale into prostitution outside Iraq." **[49b] (p42)**

25.18 Sources reported that due to the ongoing insecurity, many women were unable to leave their homes with a male escort. (UNHCR, August 2007) **[40j] (p121)** (*The Guardian,* 13 December 2007) **[6af]** UNHCR's August 2007 Eligibility Guidelines paper further reported that "Women have reportedly also been targeted as a means to punish or pressure other members of the family, both by armed groups/militias as well as the ISF." **[40j] (p121)** In addition to not being able to leave the house without a male relative, the USSD report for 2007 recorded that "The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport." **[2l] (p18)**

25.19 The UNAMI reports of 1 May–30 June 2006 and 1 November-31 December 2006 also reported on the situation of women, the former recording that "Many women have complained to the Human Rights Office that their freedoms are being restricted due to extremist Sunni and Shi'a elements operating at neighbourhood level, who proffered threats and intimidations both verbally and through flyers." **[39a] (p9)** Whilst the latter report stated:

"In the central and southern regions, women remain particularly vulnerable and their enjoyment of basic rights is being rapidly eroded. As previously reported, the security situation and the militancy of intolerant groups are increasingly limiting women's ability to move freely outside their homes while progressively restricting their access to health services and education as well as their ability to participate in public life." **[39f] (p12)**

25.20 On the subject of Islamic dress, particularly the wearing of headscarves, a number of organisations recorded that women – including non-Muslims – were increasingly pressured to wear a headscarf. (USSD International Religious Freedom report 2006) **[2f] (p18)** (USSD International Religious Freedom report

2007) **[2i] (p4)** (USSD 2006) **[2h] (p15)** (USSD 2007) **[2l] (p18)** (IWPR, 5 July 2005) **[11m]** (AI, February 2005) **[28e] (p5)** (UNAMI, 1 May-30 June 2006) **[39a] (p9)** (UNHCR, August 2007) **[40j] (p122)** (MRG, February 2007) **[121a] (p23)**

25.21 The USSD International Religious Freedom report of 2007 also noted: "Women and girls were often threatened for refusing to wear the hijab, for dressing in Western-style clothing, or for failing to adhere sufficiently to strict interpretations of conservative Islamic norms governing public behavior. During the reporting period, numerous women, including Christians, reported opting to wear the hijab for security purposes after being harassed for not doing so. One Sabean-Mandaean woman reported that she was burned in the face with acid for not wearing the hijab." **[2i] (p4)** The USSD for 2007 also recorded that: "During the year there were a number of reports indicating that employees and managers within ministries expressly or indirectly pressured women to wear veils as a requirement for work, regardless of the individual's religious affiliation." **[2l] (p12)**

25.22 Female university students are reported to have been targeted; school girls faced similar pressure **[2b] (p18) [28e] (p5) [39a] (p9)** and "… in some public offices, including Ministries, women have been warned that they must wear the headscarf at all times." **[39a] (p10)** The USSD report of 2007 stated that:

"Also in December the international press reported warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. One female student stated that she withdrew from Basrah University after two fellow students ordered her to cover her hair and stop wearing makeup. During the year extremists called for a separation of male and female students in some universities." **[2l] (p18)**

25.23 The USSD International Religious Freedom report of 2007 also noted:

"Students generally were not prohibited from practicing elements of their faith in school; however, during the reporting period, non-Muslim minorities and secular Arabs in some schools were increasingly forced to adhere to conservative Islamic practices. Basrah's education director required all females in the schools to cover their heads, and all female university students in Mosul, even non-Muslims, were required to wear the hijab, or headscarf.

"The Women's Affairs Ministry reported that some male government officials, police officers, and Muslim clergymen often insist women cover before these men will speak with them." **[2i] (p3)**

25.24 The Minority Rights Group report, February 2007, stated that "Women from religious minorities have also reported that they have been denied employment and educational opportunities because they are not Muslims." **[121a] (p23)**

25.25 The UNHCR December 2007 report noted that:

"Reportedly, measures of social control have grown more intense since the withdrawal of UK forces from Basrah City. Women … said that 'they no longer dared venture on to Basra's streets without strict Islamic attire.' … '[A]t least 10 women [are] killed monthly, some of them are later found in garbage dumps with bullet holes while others are found decapitated or mutilated'.

Police were often afraid to conduct proper investigations into the killings." **[40l] (p40-41)**

25.26 The Organisation of Women's Freedom in Iraq (OWFI), 5 January 2008, stated that: "The southern cities of Iraq which are totally under the grip of Islamist parties have turned into no-woman zones. Female physical appearance is not acceptable in the streets, educational institutions, or at work places. Although veiled and passive, death awaits women around street corners, in the market, and visits them inside their homes daily in the city of Basra." **[123a]** Corresponding with this, the Women for Women International Iraq report for 2008, noted that of the 1,513 Iraqi women surveyed, 86.0% of respondents felt they were unable to walk down the street as they pleased and 48.6% were not able to work outside their homes. **[130] (p17)**

See also Security situation in central and western Iraq; Violence against women.

25.27 The Iraq Family Health Survey (IFHS), published 9 January 2007, stated "17.3% of Iraqi women aged 15 to 49 have had no education. The remainder of the women attended at least primary school, with 42.5% attending at least intermediate school, 22.5% attending at least secondary education and 11.7% attending higher education. Overall, 65.7% of women aged between 15 and 49 in the survey are literate. 12.0% are partially literate, while 22.0% cannot read at all. The percentage of illiterate women is higher than the percentage of women who do not attend school. This may reflect the poor quality of education at the primary level." **[23d] (p17)**

25.28 The IFHS also noted that "a very high percentage (86.7%) of interviewed women is not currently working. … The highest proportion (4.8%) work in agriculture, handicrafts or street sales, while 4.4% work in professional, technical or managerial positions. **[23d] (p17)**

25.29 The Women for Women International Iraq report for 2008, also stated that: "When asked about the availability of jobs in Iraq, 68.3% of respondents described the availability of jobs as bad; and 70.5% of respondents indicated that their families were unable to earn an income that pays for the necessities of daily life." **[130] (p22)**

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VIOLENCE AGAINST WOMEN

25.30 The Constitution states that "All forms of violence and abuse in the family, school, and society shall be prohibited." **[82a] (p10)** However, according to an AI report of March 2008, "Violence against women and girls has increased dramatically in the past five years." **[28o] (p17)** According to a report by Women for Women International, published 3 March 2008, poor security throughout Iraq, chaos and a lack of law has left the majority of women of the opinion that their lives were better under Saddam Hussein. **[130] (p19)**

25.31 The UNHCR COI report, October 2005, states "There have been reports of abuse, including sexual abuse, of Iraqi women detained by the MNF in Abu Ghraib and other detention facilities. … With rumours of (sexual) abuse

running high, female detainees may be subject to violence at the hands of their families or even 'honour killings' after their release, as they are considered to have brought shame on the family." **[40c] (p35)** This was also noted in the AI report, February 2005. **[28e] (p5)**

25.32 The UNAMI report, dated 1 May–30 June 2006, also noted "Violence against women, including sexual violence, and trafficking are identified as growing problems by women's groups." **[39a] (p10)** UNAMI's report for 1 November-31 December 2006, also noted that the situation for women remained fraught at the end of 2006, stating that "Women are reportedly living with heightened levels of threats to their lives and physical integrity, and forced to conform to strict, arbitrarily imposed morality codes. HRO has received cases of young women abducted by armed militia and found days later sexually abused, tortured and murdered. HRO has also charted an increase in kidnapping and killing of women." **[39f] (p12)**

25.33 An IRIN news article, dated 8 February 2006, reported that the Women's Rights Association (WRA) of Iraq has registered 240 cases where women were humiliated by the army or police during raids on their homes since July 2005. **[18r]** The report adds that "Women whose male family members are wanted for involvement in insurgency are often reportedly arrested in their place." **[18r]**

25.34 The 2008 HRW report, covering events of 2007, stated that "Violence against women and girls in Iraq continues to be a serious problem, with members of insurgent groups and militias, soldiers, and police among the perpetrators. Even in high-profile cases involving police or security forces, prosecutions are rare." **[15j] (p3)**

25.35 A report by AI, published March 2008, commented that "Many have been forced to leave their jobs or schools for fear of being killed; others have fled the country. In most governorates, women are being threatened by armed groups that they will be targeted if they do not observe strict Islamic dress. Women and girls are also at risk of rape by armed groups and members of the Iraqi security forces. Domestic violence and 'honour killings' are on the rise too." **[28o] (p17)** According to MRG, February 2007, "Minority women are particularly at risk of rape with no recourse to justice as fundamentalists cite a belief that rape of an 'unbeliever' constitutes an act of purification and is not unlawful." **[121a] (p22)**

25.36 In November 2007 there were reports of attacks specifically targeting women in Basra, where organised extremist gangs reportedly murdered at least ten women a month. (IRIN News, 20 November 2007) **[18bn]** A lack of women's shelters in Basra and other southern cities means women are forced to leave the city or stay locked in their own homes. (IRIN News, 20 November 2007) **[18bn]** Vigilantes patrol the streets, accosting women not wearing the traditional dress and headscarf, a hijab. (IRIN News, 20 November 2007) **[18bn]** Reports note that women dare not venture on to Basra's streets without strict Islamic attire in what has been described by the Basra's chief of police as "a campaign of violence against women carried out by religious extremists." (BBC News, 11 November 2007) **[4bg]**

25.37 On 13 December 2007, the Guardian reported that: "The coordinator of a women's organisation in Baghdad … said some groups target women –

through kidnapping or sexual assault – 'to make a family weak'. **[6af] (p3)** "… the abuse of women has become both the vehicle and the justification for sectarian hatred in Iraq [which] was demonstrated … in the April [2007] killing of Du'a Khalil Aswad. A 17-year-old from Nineveh, Du'a was stoned to death in front of hundreds of men, some of whom videoed what happened on their mobile phones." **[6af] (p3)** Some reports claimed the Du'a, a Yezidi, had been killed because she converted to Islam, others stated it was because she had run away with a Muslim boy. **[6af] (p3)** The incident was also reported in the AI report of March 2008. **[28o] (p17)** – See Honour killings/crime.

See also Yazidis.

25.38 The 2008 Women for Women International Iraq report, noted that of the 1,513 Iraqi women surveyed, 63.9% thought that violence against women in Iraq was generally increasing. **[130] (p20)** The report also stated that 74.5% of women surveyed avoided going out of their homes, 64.5% avoided markets and other crowded areas and 57% avoided travel. **[130] (p18)**

Domestic violence

25.39 The UNHCR COI report, October 2005, noted "Domestic violence (including 'honour killings') continues to take place in Iraq, and some observers believe it has increased since the fall of the former regime, given the corresponding rise in conservative attitudes." **[40c] (p36)**

25.40 As documented in the AI report, February 2005, "For decades, violence in the family in Iraq has been under-reported. Most acts of violence in the home are carried out on women and girls by husbands, brothers, fathers or sons. The men are sometimes acting on the orders of family councils, gatherings of family or clan elders who decide the punishment for women deemed to have infringed traditional codes of honour. Tradition all too often serves as a pretext for acts of brutality against women for daring to choose how to lead their lives. An underlying cause of the violence, and closely bound up with it, is the discrimination that denies women equality with men in every area of life, including within the family." **[28e] (p8)**The AI report, March 2008, further noted that domestic violence was still on the rise in Iraq. **[28o] (p8)**

25.41 The AI report, February 2005, stated that "This high level of acceptance of violence within marriage is supported by Iraqi legislation. According to the Penal Code of 1969, which is still in force, a husband who 'disciplines' his wife is exempt from criminal liability for doing so (Article 41(1))." **[28e] (p11-12)** UNHCR's COI report of October 2005 concurred "… a husband who beats his wife can, under certain conditions, be exempted from criminal liability for doing so. This provision was reportedly annulled in areas controlled by the KDP in 2001." **[40c] (p33)** However, "UNAMI continued to receive reports of domestic and communal violence that appeared to have received little regulatory attention by the KRG authorities, while the local media continued to report such incidents on a regular basis." (UNAMI, January to March 2007) **[39g] (p17)**

25.42 The AI report of February 2005 also noted that:

"In recent years, organizations in Iraq have started working to provide support to women who have experienced violence in the home. Women's rights activists have helped women to escape violent men and to hold their attackers

to account. They confront the prejudices that hold women's protests and complaints about ill-treatment to be shameful to the family. They are often themselves faced with threats and assaults from the families of the women they support." **[28e] (p8)**

25.43 An October 2004 report of the Joint British/Danish fact-finding mission to Baghdad and Amman on Conditions in Iraq states that "As well as 2 refuges in Baghdad and Arbil, there are also two in Hilla and Kirkuk." **[30c] (p24)** The UNHCR COI report, October 2005, recorded that:

"A safe house for victims of domestic abuse was established within Baghdad's International Zone, but was reportedly closed down in early 2005 on the order of former Interim President Ghazi Al-Yawer for 'security reasons'. UNHCR has been informed that the shelter will be re-opened late in 2005 and will be operated by the Department of Social Welfare (Ministry of Labour and Social Affairs, MoLSA). Iraqi law provides that NGOs need to obtain MoLSA's authorization to open a social institution such as a women's shelter or an orphanage.

"During the summer of 2004, the Iraqi NGO 'Organization of Women's Freedom in Iraq' (OWFI) opened two shelters – one in Baghdad and one in Kirkuk – both of which are in secret locations and have the capacity to host up to 20 women at a time. The Chairwomen of OWFI reported that they face 'extreme difficulties' of reaching out to women, who are often unable to even leave their homes. While the organization was able to find solutions for a number of women to return to their families, other women are at such serious risk of being killed by their families that they cannot leave the shelter.

"Despite these efforts by Iraqi authorities and NGOs, many women do not have access to shelters or legal, social and psychological counselling." **[40c] (p38-39)**

25.44 The UNHCR COI report, October 2005, noted that:

"Women's shelters were established in Sulaymaniyah in January 1999 (Nawa Centre) and Erbil in April 2002 (Khanzad Centre). A third centre, opened by the German NGO Wadi in Mosul at the end of January 2004, was forced to stop working due to the continuous violence and threats by Islamists. The centres provide food and accommodation, psychological treatment, social assistance, legal aid as well as a mediation programme. Asuda, the first protection centre for women endangered by 'honour killings', was opened in a hidden place in Sulaymaniyah in 2000. Since women seeking protection often have to stay for long periods of time, Asuda offers a 'home' which includes education, leisure and daily activities. Mediation between the women and their families aims at enabling the women's return, but this may not always be possible and there have been cases of fathers assuring their daughters that they have forgiven them, only to murder them once they are back in the family home. Sometimes, Asuda sends women to far away villages and places in other regions of Northern Iraq, where they are not known and can find protection. However, in some cases there are no alternatives other than remaining in the protection centre or finding solutions outside Iraq." **[40c] (p38-39)**

25.45 The USSD report for 2007 also recorded that "Private shelters for women existed; however, space was limited and information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the government." (USSD 2007) **[2l] (p18)**

25.46 The USSD report for 2007 stated that "During the year NGOs reported that domestic violence against women increased, although no reliable statistics existed. … Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice." **[2l] (p18)** (See ISIF statistics below)

25.47 The IFHS, published 9 January 2008, reported it was the first national survey in Iraq to investigate domestic violence, and stated that "Collection of data on domestic violence is challenging due to a culture of silence that surrounds the topic. … Overall, 21.2% of women experience physical violence. There are few differences in the percentage by age, education or residence, although there are marked differences between Kurdistan and the South/Centre. 22.7% of women report at least one form of physical abuse in the South/Centre in contrast with less than half of this percentage, 10.9%, in Kurdistan." **[23d] (p24,25)**

… It [the survey] shows that 83.1% of women report at least one form of marital control. Highly prevalent controlling behaviours are a husband being jealous or angry (51.0%), a husband insisting on knowing where the woman is at all times (63.3%) and insisting on the woman asking his permission to seek health care (66.9%). … Marital control over knowing the whereabouts of the woman, allowance to seek health care and levels of jealousy are much lower in Kurdistan (36.0%, 39.9% and 20.4% respectively) than in the South/Centre (67.2%, 70.8% and 55.3% respectively). " **[23d] (p24)**

25.48 The IFHS also looked at acts of emotional violence, and found that "In total 33.4% of women report at least one form of emotional violence. … Much lower levels of emotional violence are found in Kurdistan than in South/Centre. … Women with a higher educational level are least likely to experience an emotionally violent act, although differences among the educational levels are small." **[23d] (p25)**

Sexual violence and abuse

25.49 IRIN reported, on 14 June 2006, that there has been a massive increase in reported cases of sexual abuse. **[18ak]** The UNHCR August 2007 report noted that:

"Not only is there a threat of being sexually assaulted, women also fear the aftermath of such assaults. In fact, women who survive sexual assaults are likely to be subjected to additional acts of violence from their own family members, particularly from their male relatives who perceive them as having brought shame on the family. Accordingly, women who are victims of sexual violence are reluctant to contact the police because they fear being killed by

relatives who may act to restore the 'family honour.' At times, the mere possibility that a woman has been sexually assaulted after she was abducted or detained may be sufficient to bring shame to the family. With rumours of the (sexual) abuse of abducted women running high, female detainees may be subject to violence at the hands of their families after their release." **[40j] (p121-122)**

25.50 The UNHCR COI report, October 2005, mentions that: "A survey undertaken by the 'Organisation of Women's Freedom in Iraq' recorded that 400 women that were raped in Baghdad between April and August 2003. Human Rights Watch has documented reports from Iraqi police officers that 'the number of (rape) cases reported [now is] substantially higher than before the war'." **[40c] (p35)** The IWPR reported, on 3 August 2005, that "Although there are no accurate statistics available, women's groups say rape is increasing in Iraq – because of the lawlessness that is plaguing the country and the male-dominated nature of society." **[11t]** The USSD report for 2007 also noted that "It was difficult to estimate the incidence of rape; however, there were many allegations of rape at MOI police stations during the initial detention of prisoners." UNAMI's January to March 2007 report documented the alleged rape of a women by members of the Iraqi security forces. **[39g] (p17-18)** See also Iraqi police.

25.51 The HRW report, January 2004, stated that "Iraqi police give a low priority to allegations of sexual violence and abduction. The victims of sexual violence confront indifference and sexism from Iraqi law enforcement personnel, and the U.S. military police are not filling the gap." **[15d] (p4)** The Dutch country report, December 2004, noted that "The maximum prison sentence for rape and/or sexual violence is life. The maximum sentence for indecent assault is fifteen years' imprisonment." **[71c] (p59)**

25.52 The UNAMI Human Rights Report of 1 January-31 March 2007, also stated that: "Article 398 of the Iraqi Penal Code … provides for the resolution of sexual offences through a marriage contract between the alleged offender and the victim." **[39g] (p17** However, the USSD report for 2007 noted that "The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators." **[2l] (p18)**

26.53 UNAMI's April to June 2007 report noted:

"UNAMI remains concerned about victims of sexual violence. In the last human rights report, UNAMI concluded that reported rape cases have increased since 2003. According to a senior official at the KRG Ministry of Health, there are no facilities established by the Ministry to provide counselling or post-traumatic care, as rape victims are considered of 'little value' and are likely to be killed by their families or 'reconciled' with their rapists." **[39h] (p16)**

26.54 Forced Migration Review's June 2007 Special Issue on Iraq stated "Armed groups are systematically using gender-based violence to assert dominance over one another and over the population at large." **[49b] (p39)** On 13 December 2007, the *Guardian* reported that "Rape is committed habitually by all the main armed groups, including those linked to the government. … Claims of rape being used as a weapon of war to humiliate and terrify communities are now frequently made against all the main parties in the

conflict, and not just Iraqi forces." **[6af] (p1)** The article also reports on the rape and murder of a 14-year-old girl by US soldiers – see Torture by the MNF.

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'Honour' killings/crime

25.55 The UNHCR COI report, October 2005, noted:

> "'Honour killing' is a term used to describe a murder committed by a family member to protect the family's honour. Many women and girls are at risk of death if they are accused of behaviour believed to have brought shame on the family, such as a loss of 'virginity' (even by rape), infidelity, a demand for divorce or a refusal of marriage. Many women are killed based on suspicions of a family member and are not given the chance to defend themselves." **[40c] (p36)**

25.56 The UNHCR August 2007 report noted that: "The Iraqi Penal Code, as applicable in Central and Southern Iraq, provides for lenient punishments if the killing was provoked or done with 'honourable motives.' Women who fear 'honour killings' will not be protected within their communities by their tribes in view of the increasing weakness of tribal structures and mediation systems as a result of the overall situation of violence in Central and Southern Iraq." **[40j] (p13)** On 13 December 2007, the Guardian also reported that "The Iraqi penal code prescribes leniency for those who commit such crimes for 'honourable motives', enabling some of the men involved to get off with no more than a fine. The Kurdish authorities … have removed these provisions for leniency from the code - but the killings continue to mount." **[6af] (p1)**

25.57 Although 'honour' is now considered an 'aggravating' rather than 'extenuating' circumstance, following work to change the law by the Women Affairs Committee, such crimes are still infrequently reported (UNAMI, 1 May 2006-30 June 2006) **[39a] (p10)** (UNAMI, 1 July-31 August 2006) **[39c] (p11)** and "… much work remains to be done to ensure that the police force consider 'honour crimes' as serious crimes and investigate them accordingly." (UNAMI, 1 May-30 June 2006) **[39a] (p10)** The FCO stated in a letter, dated 6 December 2006, that "… in some areas, where for example honour Killings/FGM take place, the police may turn a blind eye to what are considered locally acceptable cultural practices, espoused by traditional community leaders." **[66n]**

25.58 The UNAMI report, dated 1 July–31 August 2006, recorded that:

> "The Kurdistan Regional Government has been a leading voice in denouncing Iraq 'honour killings' and its amendment of the penal code to consider such killings as ordinary crime is commendable. Furthermore, the Kurdish Regional Government has made significant progress in acknowledging the occurrence of 'honour killings' and in raising public awareness regarding this matter. However, it has come to the attention of the UNAMI HRO that over the last six months there has been a significant increase in the rate of female mortality due to accidents or crimes in the Region of Kurdistan." **[39c] (p11)**

25.59 The UNAMI report for 1 July-31 August 2006 stated that:

"UNAMI has learned with concern that figures for the period 1 January to 1 July 2006 from the Medico-Legal Institute in the Governorates of Erbil and Sulaymaniya indicate that the number of females killed is 112 and 163 respectively. 'Burning' was given as the cause of death in over half of the cases in Erbil and approximately two thirds in Sulaymaniya. Press reports in the Region of Kurdistan have indicated that similar episodes are also found in the Governorate of Dahuk. Many women's rights activists, civil society organizations and members of the Kurdish National Assembly have reported to UNAMI that on many occasions such type of 'fire accidents' conceal, in reality, an 'honour crime' committed within the family." **[39c] (p11)**

25.60 The UNAMI reports of 1 September-31 October 2006 and 1 November-31 December 2006 both note that cases of 'honour' crime are usually investigated as 'accidents or suicide attempts, **[39e] (p12)** **[39f] (p11)** with the former stating that "A worrying trend of female 'suicides' and 'attempted suicides' as a result of family conflicts were reported in the Kurdistan Region. These incidents are often in reality crimes committed or incited by the women's own family members on the grounds of 'honour'." **[39e] (p12)**

25.61 The UNHCR COI report, October 2005, stated that:

"Asuda, the first protection centre for women endangered by 'honour killings', was opened in a hidden place in Sulaymaniyah in 2000. Since women seeking protection often have to stay for long periods of time, Asuda offers a 'home' which includes education, leisure and daily activities. Mediation between the women and their families aims at enabling the women's return, but this may not always be possible and there have been cases of fathers assuring their daughters that they have forgiven them, only to murder them once they are back in the family home. Sometimes, Asuda sends women to far away villages and places in other regions of Northern Iraq, where they are not known and can find protection. However, in some cases there are no alternatives other than remaining in the protection centre or finding solutions outside Iraq." **[40c] (p38-39)**

25.62 The UNAMI human rights report of 1 January-31 March 2007, noted the high incidence of 'honour killings' in the governorates of Erbil, Dahok and Sulaimainiya. **[39g] (p16)** In 2006, 366 burns cases resulting in 66 deaths were recorded. **[39g] (p16)** Between January and March 2007, around 40 cases of alleged honour crimes in these three governorates and Salahuddin were reported. **[39g] (p16)** Victims are often murdered by their families, who when reporting these deaths will claim the cause of the death was suicide or cite infidelity on the part of the victim to justify the crime. **[39g] (p16)**

25.63 UNAMI's human rights report of 1 July-31 December 2007, further commented on the situation in three northern governorates of Erbil, Dahok and Sulaimainiya, stating that information on seven honour-related crimes between July and September had been received by UNAMI and a further 29 cases of suspicious deaths involving women were reported between October and December 2007. **[39l] (p15)** However, the report goes on to note that gender-based violence was grossly under-reported or remained without investigation: "Data on honor crimes provided by the KRG Minister of State for the Interior in September indicated that only 42 incidents involving 32 female victims were recorded in Erbil over a 15-year period between 1992 and 2007." **[39l] (p15)**

Whereas "data from the Emergency Hospital in Erbil showing that between January and August 2007, 249 burns cases involving women were admitted to this hospital alone. … Problems of under-reporting are also exacerbated by the fact that the majority of violent crimes against women are committed in rural areas, where police presence and authority are weaker and tribal rules and traditional social mores prevail." **[39l] (p15)**

25.64 A country report published by the ACCORD and UNHCR COI Network in November 2007 stated that: "'Honour killings' have generally been on the rise, including in the three Northern Governorates. In Central and Southern Iraq, a murder related to an honour issue may be treated and punished leniently by law. In the three Northern Governorates, the penal code considers an 'honour killing' as a common murder without foreseeing any lenient punishment for it. Nevertheless, 'honour killings' in Northern Iraq continue to occur and seem to occur at an increasing rate. Local authorities may not be able to protect women from their families. According to the Kurdistan Regional Government's Ministry of Human Rights, hundreds of women burn themselves, which is an indication that many 'honour killings' are actually concealed as either accidents or suicides." **[40m] (p91-92)** The report also acknowledged that lawyers working on sensitive family matters, such as 'honour killings', may be the target of attacks. **[40m] (p90)**

25.65 The Finnish FFM report, for the period 23 October-3 November 2007, noted that "The situation of women in many rural areas in the KRG region is bad, according to UNAMI. The situation of honour related violence is very alarming. … The majority of the victims are between 14-55 years of age. … According to UNAMI and NPA, an important factor in the increase of honour related violence is the increasing use of mobile phones, as SMS-messages and the saved phone numbers of men reveal 'illicit relationships'. … The main problem behind honour related violence, according to studies made by the government, is the traditional mindset of ordinary men and male law enforcement authorities. Thus many perpetrators of honour related violence escape without punishment, and the few convictions are usually mild, amounting to a few months of prison time." **[131] (p10)**

25.66 At the same time, the Finnish FFM report noted that "awareness of the situation has increased. According to NPA, women today seek help against domestic violence more readily than before. However, available shelters are full, and women cannot often return from the shelters to their families. Some women have been killed after they have returned to their families." **[131] (p11)**

25.67 Sources from December 2007 reported figures for honour killings in the Kurdish north of Iraq; on 6 December 2007 at least 27 Iraqi Kurdish women had been murdered in the previous four months; ten from Arbil, 11 from Dahouk and six from Sulaimaniyah. (IRIN News, 6 December 2007) **[18bl]** Ninety-seven other women – 60 in Arbil, 21 in Dahouk and 16 in Sulaimaniyah – tried to commit suicide by self-immolation during this period. (IRIN News, 6 December 2007) **[18bl]** On 9 February 2008, BBC News reported on this trend of self-immolation; "since the fall of Saddam Hussein there has been an alarming trend - hundreds of women have died after setting themselves on fire. Anecdotal evidence from medical sources and women's activists indicate that on average a woman a day tries to kill herself in the Kurdistan region. Most of them do so because of family problems." **[4ca]**

25.68 On 13 February 2008, IRIN News reported that: "One hundred and thirty-three women were killed last year in Basra, either by religious vigilantes or as a result of so-called 'honour' killings. … In some areas, graffiti messages threaten any woman who wears makeup and appears in public with her hair uncovered. **[18cf]** Sectarian groups trying to force a strict interpretation of Islam were reportedly responsible for the attacks. **[18cf]**

25.69 A report by AI, published March 2008, stated that "Women are apparently being killed in 'honour crimes' in increasing numbers." **[28o] (p3)** AI reported on the case of a 17-year-old Yezidi girl, Du'a Khalil Aswad, who was stoned to death in front of a large crowd for an 'honour' crime near Mosul by a group of Yezidi men, including relatives. **[28o] (p18)**

See also Yazidis.

25.70 The *Independent* reported on 28 April 2008, that "Despite the outrage, recent calls by the Kurdish MP Narmin Osman to outlaw honour killings have been blocked by fundamentalists." **[85e]** The article also detailed incidents of 'honour killings', including the murder of a 19-year-old girl by her own in-laws, for having an unknown number on her mobile phone; and the stabbing to death of a 17-year old girl by her father, for becoming infatuated with a British soldier serving in Southern Iraq. **[85e]**

Female Genital Mutilation (FGM)

25.71 The AI report, February 2005, noted that:

"There are indications that the practice has been decreasing. A Norwegian journalist and a Kurdish writer from northern Iraq interviewed numerous people about FGM – including, doctors, women's rights activists and Muslim clerics – in the course of research in late 2003. Two chief physicians at the Sulaimaniya University Hospital and at the Soresh Maternity Hospital reported that in recent years the number of girls brought into hospital with haemorrhages caused by FGM has decreased. The doctors saw this development as an indication that the practice of FGM had declined. Although FGM is usually carried out on girls, the doctor at the Soresh Maternity Hospital reported that, in the course of her 25-year career as a gynaecologist, she recalled about 10 cases in which she or a colleague had carried out FGM on a married adult woman at the request of the husband." **[28e] (p11)**

25.72 As noted in the RFE/RL report, dated 21 January 2005, some local women's organisations, as well as NGOs such as Wadi, have campaigned against the practice of FGM in northern Iraq for more than a decade. **[18h] [22c]** Whilst an article by Women's News, dated 1 August 2004, reports that "There are now some penalties for practicing FGM in Iraqi Kurdistan. Certified midwives caught operating on girls lose their certification. But activists admit threats of legal action rarely have any effect on traditional practitioners in the villages, who work in the secrecy of their homes." **[69a] (p2)**

25.73 The UNHCR August 2007 report stated that:

"As part of its campaign against FGM, WADI organized a conference in Erbil on 26 September 2006 that was supported by local authorities, who had previously denied that FGM was practiced in the region. A first step in

prosecuting the practice is that midwives found to engage in FGM lose their licence. However, midwives are not the only ones involved in FGM. WADI reports that FGM is practiced by Muslims, Christians and Kaka'i. According to Amnesty International (AI), there are indications that the practice is decreasing." (UNHCR, August 2007) **[40j] (p123)**

25.74 On 4 January 2008, an article by *Time* reported that legislation criminalising FGM received its first reading on 3 December 2007 and had been signed by 68 out of 120 deputies in the Iraqi Kurdish parliament. **[124a]** The article reported that "[a] breakthrough came in 2005 when WADI, a German non-governmental organization, published the results of a survey of 39 villages in the German region, east of Kirkuk." **[124a]** The survey showed that the practice was widespread, with over 60% of women interviewed had undergone the surgery, and revealed the practice was being performed in secrecy. **[124a]**

Forced marriage and mut'a (temporary marriage)

25.75 The AI report, February 2005, stated that "Under Iraq's Personal Status Law, forced marriage is prohibited and punishable by up to three years' imprisonment (Article 9). The legal age for marriage is 18 (Article 7)." **[28e] (p13)** The UNHCR COI report, October 2005, added that "… however a 1979-amendment to the Personal Status Law lowered the minimum age for marriage to 15 years with the consent of the parents, an adult brother or an adult married sister." **[40c] (p162)**

25.76 The UNHCR August 2007 report stated "The right of men and women to enter into marriage only if they freely and fully consent is not enshrined in the Constitution." The AI report, February 2005, nevertheless states "… in practice forced marriages, including of underage girls, continue to take place. Girls under the age of 15 are particularly vulnerable to forced marriage, which are arranged by the family in the vast majority of cases." **[28e] (p13)**

25.77 The UNHCR COI report, October 2005, recorded that "Marriages of girls below the age of 15 are done according to religious customs and are not legally recognized." **[40c] (p162)** The AI report, February 2005, noted "Many women and young girls in Iraq are denied the right to choose their marriage partner freely, and those who oppose forced marriage are at risk of violence or even of being killed." **[28e] (p12)** "Early pregnancy, frequently a result of child marriage, is associated with adverse health effects for both mother and child." **[28e] (p13)** The report also mentioned that:

"In northern Iraq, the practice of 'Jin be Jin' [meaning a woman for a woman] contributes to the high incidence of forced marriage. It involves the exchange of girls – the girl from one family marrying the son of another (or from the same extended) family, while his sister is given in marriage in return – to avoid having to pay 'bride prices' for the daughters. Similar marriage arrangements take place in other regions of Iraq." **[28e] (p12)**

See also Children.

25.78 The UNHCR COI report, October 2005, recorded that "Religious minorities such as Christians and Mandaeans have reported forced marriage of their women with Muslim men." **[40c] (p162)** The report added:

"Another custom is giving a girl in marriage to another family as a compensation for a killing. According to the ILCS, 15 percent of the surveyed women aged 15-19 have been married, and the Youth Survey undertaken by the Ministry of Planning with the support of UNICEF between February and August 2004 revealed that 60 percent of surveyed married women were married before the age of 18. Furthermore, nearly 19 percent were married at ages below 15, mainly in rural areas." **[40c] (p162)**

25.79 On Muta'a or 'enjoyment marriage', the UNAMI report of 1 September-31 October 2006 report, and UNHCR's October 2005 report that, whilst considered adultery during Sadaam Hussein's rule, this was on the rise amongst the Shiite community. **[39e] (p12) [40c] (p34)** "The manner in which muta'a is practised in Iraq, which is meant to provide an income and protection for widowed or divorced women, strongly favours men as only they can decide to end a muta'a marriage (unless it was agreed at the outset that the women (sic) can end it as well). Furthermore, women cannot inherit from their muta'a husbands." (UNHCR, October 2005) **[40c] (p34)**

25.80 The UNAMI report, dated 1 September-31 October 2006, stated:

"It is basically a marriage with time limitation that can range from a few hours to a year. The woman can claim no rights after the marriage is dissolved even if she has children. Largely driven by the economic situation, this marriage has become very familiar among university female students. In Missan, two females were reportedly killed in September after their families discovered their engagement in Muta'a marriage." **[39e] (p12)**

25.81 On 27 March 2007, Radio Free Europe/Radio Liberty reported that: "The muta'a marriages are mainly practiced by Shi-ite Muslims. Muta'a marriage is a marriage for a fixed period of time. It is also something that is called a temper marriage. And what we are seeing is that muta'a marriages on the increase, especially for young girls. This could be, again, a livelihood strategy for poor families who give permission for their daughters to conduct a muta'a marriage, say, for a period of a month or two week [sic], or even an your, if fact. So, it's kind of a pretext for prostitution." **[22w]**

See also Prostitution.

25.82 According to the Finnish FFM report, covering the KRG area of Iraq for the period 23 October-3 November, forced marriage was still common in the three northern governorates of Iraq. **[131] (p11)**

PROSTITUTION

25.83 The British/Danish fact-finding mission report, October 2004, stated that trafficking, drugs and prostitution was common in Iraq and was more noticeable in Baghdad. **[30c] (p23)** The report explained that "Girls between the ages of 8 – 15 years old are prostituting themselves, women with babies and children are observed begging in Baghdad. The system is very well organised by Mafia groups; prostitutes live in hotels, and minibuses take them to the streets. They give money to their organisers in exchange for food and shelter." **[30c] (p23)**

25.84 IWPR noted, on 27 July 2005, that "The easing of travel restrictions that allows Arabs to travel more freely to Kurdish areas – which are considered to be safer than other parts of the country – has brought more prostitutes and customers to the north." **[11o]**

25.85 The UNHCR report of January 2007, recorded that "There are reports of women and young girls forced to resort to prostitution/survival sex and children forced into labor or other forms of exploitation in order to survive." **[40h] (p4)**

25.86 A report by Forced Migration Review (FMR), published June 2007, stated that: "There are reports that young girls are increasingly obliged to contribute to family incomes, and some are resorting to prostitution as a means of survival. Consequently, the incidence of sexual and gender-based violence (SGBV) is on the rise, as is vulnerability of refugees to trafficking and exposure to HIV." **[49b] (p10)**

25.87 The June 2007 FMR report also noted: "Another lesser-known aspect of mounting violence against Iraqi women involves encouraging or forcing young girls into what is euphemistically called a 'marriage of pleasure', a form of temporary marriage (muta'ah) traditionally practiced by Shi'ites. In effect, it involves providing a form of cover for prostitution. Women are offered in short-term marriage contracts, often during a trip to another city or pilgrimage to the holy cities of Najaf or Kerbala. It is not officially binding and can be terminated at any time. There are no consequences for the male partner but girls are often left more vulnerable and emotionally traumatised. Some find themselves pregnant or succumb to a sexually transmitted infection, while their families have made only a modest financial gain." **[49b] (p40)**

See also Forced marriage and mut'a (temporary marriage)

25.88 UNHCR's August 2007 paper notes that forcible coercion into prostitution goes largely unpunished by the ISF **[40j] (p127)** whilst:

> "Baghdad's red-light districts, including Kamalia, an area inhabited by Kawliyah, have been 'cleaned up' by religious militias aiming at eliminating 'prostitution, Gypsy dancers and video parlors, as well as the selling of alcohol'. The Kawliyah residents, some 200 families, were expelled and the name of the district, Kamalia, which was known for its brothels since the 1970s, has been changed to Hay Al-Zahra, after the Prophet Mohammed's daughter." **[40j] (p94)**

25.89 On 23 October 2007, War Child reported on the stories of three Iraqi children involved in prostitution. **[115b]** One girl, 16, became a prostitute after her family abandoned her when she was convicted on an 'honour crime'. **[115b]** Another was forced into the business by her mother, who ran a brothel, and the third, a 14-year-old boy who guided clients into his house, where his mother and sister worked as prostitutes. **[115b]**

25.90 The Finnish FFM to the KRG area of Iraq, covering the period 23 October-3 November 2007, noted that: "According to NPA, there is a large increase in prostitution in the three northern governorates due to internal displacement from outside the governorates. The KRG apparently has no statistics on prostitution." **[131] (p11)**

SINGLE WOMEN

25.91 As mentioned in the British/Danish fact-finding mission report, October 2004, "Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that single women returning to Iraq from abroad were in a less favourable position compared with women travelling with their family." **[30c] (p27)**

25.92 The British/Danish fact-finding mission report, October 2004, records that:

"A humanitarian organisation working in the region advised the delegation that there are plenty of women's associations that can provide basic needs for those women who are the single head of household. The source advised that it is difficult for women to live alone and that the government are currently working to improve that. The source stated that women who had married non-Iraqis would be unlikely to stay within Iraq.

"An UN development agency in Amman stated that in the rural areas it is not possible for women to be single, and they would be supported by families or in the case of their husband's death, they would marry the husband's brother. Women can refuse to marry the brother, however this makes the situation much harder for the woman." **[30c] (p27)**

25.93 The UNAMI report, dated 1 November-31 December 2006, notes:

"In a country marred by violence, Iraqi widows struggle to fend for themselves and their families. Projects created to provide jobs for women were abandoned after the exodus of international NGOs from October 2005. Some support has been provided by the United Nations, the Iraqi Red Crescent, the Islamic Party, the Muslim Scholars Association and nongovernmental organisations. The Ministry of Labour and Social Affairs has started paying the equivalent of about 100 dollars per month to widows but this payment cannot support whole families. There is an urgent need for the international community to ensure projects aimed at job creation, especially for women, who now face a long struggle surviving and bringing up families on their own. The general breakdown in law and order and Islamic extremism have further entrenched the culture of violence within Iraqi society. It is inevitable that vulnerable groups such as women and children are bearing the devastating consequences of the prevailing situation in the country." **[39f] (p13)**

25.94 The 2007 Mid-Year Review by the International Organisation for Migration reported "Since sectarian violence often targets males, many families are displaced due to the murder of their husband and/or sons. These female-headed households have difficulty protecting and supporting their families." **[111b] (p3)**

25.95 UNHCR's August 2007 paper noted:

"[Single women and female heads of household] are typically targets of kidnapping, rape or other forms of sexual harassment and abuse, including forced prostitution and human trafficking. Women who do not benefit from any type of family network or tribal links to protect them are even more at risk and are likely to be prime targets for traffickers. Those who have no means of

livelihood are further likely to fall prey to trafficking and prostitution in order to survive." **[40j] (p124)**

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CHILDREN

BASIC INFORMATION

26.01 According to the UN Secretary General report, 21 December 2007 "Iraqi children suffer most in the ongoing violence. Statistics from United Nations partners and Iraqi authorities suggest that approximately half of all Iraqi refugees are children, as are as many as 38 to 40 per cent of internally displaced persons." **[38o] (p13)**

See also Internally Displaced People (IDPs).

26.02 The UNHCR COI report, October 2005, noted that "Almost half of the Iraqi population is under the age of 18. Children are particularly affected by the dire security situation and lack of basic services and infrastructure. Years of war and economic sanctions have led to deterioration of the education and health systems and have left them vulnerable to disease and malnutrition." **[40b] (p40)** IRIN news noted, on 11 December 2006, that "Children in Iraq are some of the most deprived in the Middle East, according to a report released by the United Nations children's agency (Unicef) on Monday. Using under-five mortality rates as a critical indicator of the wellbeing of children, the report ranked the country 33rd worst in a global survey of 190 countries." **[18be]**

26.03 On the subject of exposure to violence, the UNAMI report of 1 May–30 June 2006 stated:

"Children remained victims in Iraq in many ways. Although not necessarily targeted, they are killed or maimed in sectarian-motivated attacks and in terrorist and insurgency acts. They are civilian casualties in MNF-I and Iraqi security forces-led raids against insurgents or militias, and suffer the most from other political, social and economic consequences of Iraqi's violent daily reality. The extent of violence in areas other than the Region of Kurdistan is such that likely every child, to some degree, has been exposed to it." **[39a] (p10)**

26.04 The UNAMI report also mentioned that "Violence, corruption, inefficiency of state organs to exert control over security, establish the rule of law and protect individual and collective rights all lead to inability of both the state and the family to meet the needs of children." **[39a] (p11)** And that "Minors are often witnesses of extreme violence, killings and scene of carnage and dead and mutilated bodies." **[39a] (p11))**

26.05 The June 2007 Forced Migration Review Special Issue on Iraq stated:

"One in eight Iraqi children dies before their fifth birthday. Nine per cent are acutely malnourished – double the number prior to 2003. Hundreds of schools have been attacked and teachers killed. Unexploded ordinance and mines litter the country. Children are injured on dumps looking for metal to sell to help support their families. Thousands of homeless children survive by begging, stealing or scavenging in garbage for food. There has been a marked increase in rates of childhood leukaemia as a result of exposure to radiation from cluster bombs, the high use of chemicals in agriculture and water contamination." **[49b] (p42)**

26.06 The FMR Special Issue on Iraq of June 2007 also reported that: "Children are surrounded by violence and insecurity on a daily basis which has an adverse effect on their behaviour and psychological development. It is quite common for Iraqi kids to be playing with guns and to demonstrate the violent behaviour they see about them on a daily basis. Quite a few of the children that we spoke to, particularly the boys forced to engage in sex work, carry knives to protect themselves." **[49b] (p43)**

26.07 The International Organisation for Migration's (IOM) 2007 Mid-Year Review reported "Displacement is also disrupting education and often requires children to work to support the family. Beyond this is the massive psychological trauma that violence and displacement inflicts on all IDPs, but especially on young children. Many children have seen family members brutally murdered." **[111b] (p4**

26.08 UNICEF reported on 21 December 2007, that: "An estimated 2 million children in Iraq continue to face threats including poor nutrition, disease and interrupted education." **[27d]** The report stated that:

- "Only 28 per cent of Iraq's 17 year olds sat their final exams in summer, and only 40 per cent of those sitting exams achieved a passing grade (in south and central Iraq);
- "Many of 220,000 displaced children of primary school age had their education interrupted, adding to the estimated 760,000 children (17 per cent) already out of primary school in 2006;
- "Children in remote and hard-to-reach areas were frequently cut off from health outreach services;
- "Only 20 per cent outside Baghdad had working sewerage in their community, and access to safe water remains a serious issue;
- "An average 25,000 children per month were displaced by violence or intimidation, their families seeking shelter in other parts of Iraq;
- "By the end of the year, approximately 75,000 children had resorted to living in camps or temporary shelters (25 per cent of those newly-displaced since the Samarra shrine bombing in February 2006);
- "Hundreds of children lost their lives or were injured by violence and many more had their main family wage-earner kidnapped or killed;
- "Approximately 1,350 children were detained by military and police authorities, many for alleged security violations." **[27d]**

26.09 The report continued:

"And yet 2007 also saw positive progress for Iraqi children, against the odds. Thanks to donor assistance and internal resources, UNICEF invested over $40 million dollars during the year to deliver critical health care, safe water and sanitation, education and other essential services to millions of children and their families." **[27d]**

26.10 There were reports that children were being recruited by insurgents into the ranks of militias, such as Al-Qaida. (IRIN News, 10 April 2007) **[18bu]** (UNSC,

21 December 2007) **[39bo] (p13)** Children were used as decoys in suicide car bombings (UNSC, 21 December 2007) **[39bo] (p13)** and there were reports of mentally handicapped children being sold by their parents to al-Qaeda to fight US and Iraqi forces. (IRIN News, 10 April 2007) **[18bu]** Officials at local NGOs said there had been many reports that mentally handicapped children were being in insurgent attacks, especially in cities such as Diyala, Ramadi and Fallujah. (IRIN News, 10 April 2007) **[18bu]**

26.11 On 7 February 2008, the *Times* reported that children were being taught to kidnap and kill at an al-Qaeda training camp in the Iraq countryside. **[5i]** The footage was seized during a raid on a suspected al-Qaeda base in Khan Bani Saad, north of Baghdad and showed boys who looked as young as 11 or 12 holding AK47 assault riffles, rocket-propelled grenade launchers and in one case a suicide belt. **[5i]** An army spokesman stated the footage had been released to highlight al-Qaeda's increasing use of women and children and although no figures for child suicide bombers were available, at least three 15-year old boys blew themselves up in January 2008. **[5i]**

See also Abuses by non-governmental armed forces.

EDUCATION

26.12 Article 34 of the Constitution provides for the right to free education to all Iraqis. In order to prevent illiteracy the Constitution states that primary education is mandatory. **[82a] (p10-11)** The US Library of Congress reported, in August 2006, that:

"Education is mandatory only through the sixth grade, after which a national examination determines the possibility of continuing into the upper grades. Although a vocational track is available to those who do not pass the exam, few students elect that option because of its poor quality. Boys and girls generally attend separate schools beginning with seventh grade. In 2006 obstacles to further reform were poor security conditions in many areas, a centralized system that lacked accountability for teachers and administrators, and the isolation in which the system had functioned for the previous 30 years. No private schools exist." **[33a] (p8)**

26.13 The UNAMI report, dated 1 May–30 June 2006, recorded "The [joint UN and Iraqi government food security and vulnerability] survey also records the growing drop-out rate among pupils less than 15 years of age – 25 percent of students under the age of 15 lived mostly in rural areas and were identified as extremely poor. The main reason given for the dropout rate is the inability of the families to afford to pay for the schooling and schools being located too far away from home." **[39a] (p11)**

26.14 The UNAMI report, dated 1 May–30 June 2006, also noted that "Children suffering disabilities have also been unable to access adequate care and education." **[39a] (p10)**

See also Disability.

26.15 IRIN stated in an article, dated 13 December 2006, that "The United Nations Educational, Scientific and Cultural Organisation (UNESCO) estimates literacy rates to be less than 60 percent, or 6 million illiterate Iraqi adults. People in

rural areas and women are worst off. Only 37 percent of rural women can read, and only 30 percent of Iraqi girls of high school age are enrolled in school, compared with 42 percent of boys." **[18aw]** The USSD report for 2007 noted that "According to a 2005 Ministry of Development and Cooperation survey, youth literacy (15 to 24 years-old) was 74 percent and adult literacy 65 percent. Only 56 percent of women were literate, compared to 74 percent of men. Both the level of education and literacy rates for women and girls dropped significantly in the last 15 years, particularly in rural areas." **[2l] (p19)**

26.16 The US Library of Congress reported, in August 2006, that:

"Following the regime change of 2003, the Coalition Provisional Authority, with substantial international assistance, undertook a complete reform of Iraq's education system. Among immediate goals were the removal of previously pervasive Ba'athist ideology from curricula and substantial increases in teacher salaries and training programs, which had been neglected in the 1990s. The new Ministry of Education appointed a national curriculum commission to revise curricula in all subject areas. Because of underfunding by the regime of Saddam Hussein, in 2003 an estimated 80 percent of Iraq's 15,000 school buildings needed rehabilitation and lacked basic sanitary facilities, and most schools lacked libraries and laboratories." **[33a] (p7)**

26.17 An IRIN news article, dated 15 February 2005, reports "As well as security, education in Iraq is one of the sectors most Iraqis want to see more improvements in." **[18n]** The same article notes that "Children's education in the country has been heavily dependant on support from the United Nations Children's Fund (UNICEF), among other aid organisations, since the last war. Last year UNICEF managed to deliver US $80 million of aid to children in Iraq – often in extremely dangerous and difficult circumstances." **[18n]]**

26.18 The USSD report 2005 stated that "There was substantial progress in rebuilding the country's education system. The Ministry of Education produced a strategy to reorganize and restaff the ministry, rehabilitate school infrastructure, retrain teachers, and institute a national dialogue and framework for curriculum reform." **[2b] (p19)** However, the UNHCR COI report, October 2005, records:

"… one-third of all primary schools in Iraq lack a water supply, almost one-fourth have no electricity and almost half are without sanitation facilities. It further reveals that out of 11,368 school buildings, only 1,271 sustained no damage, whereas 529 were completely destroyed and more than 9,500 need minor or major rehabilitation. In the Northern Governorates of Dohuk, Erbil and Sulaymaniyah, there are no schools that do not need rehabilitation and Sulaymaniyah has the highest rate of completely destroyed school buildings (171 out of 1,381 school buildings)." **[40c] (p106)**

26.19 The same report added "Iraq has 2,753 secondary schools, of which 36 are completely destroyed and 2,408 need minor or major rehabilitation. Again, the three Northern Governorates as well as the Governorate of Najaf do not have one school building that does not require rehabilitation. Half of the school buildings have no functioning latrines, one fifth has no electricity and sufficient water is available in only half of them." **[40c] (p106)** The UNSC report, 21 December 2007, also noted that "Schools have also become 'collateral damage' during fighting between insurgents and MNF-I forces." **[38o] (p14)**

26.20 The UNHCR COI report, October 2005, remarked that:

> "Iraq has 20 universities, 47 technical colleges and 10 private institutes offering courses in information technology, administration and economy, and used to enjoy a high reputation in the Arab world. However, after years of wars and economic sanctions, Iraq's universities and institutes are suffering from neglected infrastructure and a lack of experienced professionals, equipment and laboratories." **[40c] (p107)**

26.21 The UNSC report, 21 December 2007, noted that "The education system in Iraq has been adversely affected since the sectarian violence began following the attack on the al-Askari shrine in Samarra on 22 February 2006. Since that attack last year, more frequent attacks on schools, children and teachers have been recorded." **[38o] (p14)** The two UNAMI reports covering the final months of 2006 agreed, reporting on the rise in attacks and threats on schools during 2006, which caused a number to close. (UNAMI, 1 September-31 October 2006) **[39e] (p16, 17)** (UNAMI, 1 November-31 December 2006) **[39f] (p16)** In Diyala, for example, over 90 percent of schools remained closed as of 31 October 2006 **[39e] (p16-17)** and "Many schools in Baghdad continue to be closed [as of 31 December 2006], in particular in Doura, Adhamia, Altalbia, Al-Binuk and Al-Shaab. Universities in Baghdad, Dyala and Al-Anbar are also often closed." **[39f] (p16)**

26.22 The UNAMI report covering 1 September-31 October 2006 concurred, reporting that "…over 300 teachers and employees in the Ministry of Education (MoE) were killed and additional 1,158 wounded in 2006 alone, …" **[39e] (p16)** and "…The Ministry of Higher Education (MoHE) has registered 154 assassinated professors from 2003 to August 2006. In the last 3 months, 15 more academics and university staff were assassinated." **[39e] (p17)**

26.23 The UNHCR COI report, October 2005, notes "In an effort to improve the education system and encourage academics to return to Iraq, the Ministry of Higher Education has announced that salaries of university lecturers will be increased by July 2005." **[40c] (p107-108)** And, in order "To circumvent some of the obstacles faced by professors and students [in Iraq], MoHE introduced more flexible measures for the attendance at the examinations held in September this year [2006], allowing both academics and students to meet at convenient hours and in convenient locations." (UNAMI, 1 September-31 October 2006) **[39e] (p17)**

See also Perceived collaborators and 'soft targets'; Internally displaced people (IDPs)

26.24 The Report of the UN Secretary General of March 2007 stated "According to the Iraqi Ministry of Education, school attendance has drastically fallen to approximately 50 per cent in 2006." **[38i] (p1)** According to the UNSC report of 21 December 2007, "UNICEF estimates that at least 30 per cent of Iraqi children are not currently attending school." **[38o] (p14)** The USSD report for 2007 concurred: "During the 2006-2007 school year, the enrollment of primary school-aged children was 83 percent for boys and 74 percent for girls. The percentage of children enrolled in primary schools was much lower in rural areas, particularly for girls, whose enrollment was approximately 60 percent. Overall enrollment in school of those ages six to 24 was 55 percent." **[2l] (p19)** The USSD report for 2007 also noted that "Free primary education is

compulsory for six years, and 89 percent of students reached the fifth grade." **[2l] (p19)**

26.25 On 4 October 2007, IRIN News reported that the number of girls attending school in the southern Iraqi provinces had dropped from a ratio of two girls to three boys to one girl to four boys. **[18bz]** The risk of violence meant families that had lost fathers or mothers were forced to keep girls at home to help with household chores, with rural areas being the worst affected. **[18bz]**

26.26 According to a survey on 1,513 Iraqi women, reported by Women for Women Institute on 3 March 2008:

"76.2% of respondents said that girls in their families are not allowed to attend school, and 56.7% of respondents said that girls' ability to attend school has gotten worse over the last four years. According to Women for Women International-Iraq staff, the primary reasons for this are poverty and insecurity." **[130] (p**

26.27 FMR's June 2007 Special Issue on Iraq remarked that:

"Save the Children's recent survey of barriers to attendance and enrolment in primary schools – Out of School in Iraq – observes that while findings cannot be generalised for the whole country, it is clear that the appalling security situation in Iraq is not yet the main factor excluding children from basic education. Reporting from settled communities, the survey notes that the high cost of schooling in terms of uniform and transportation keeps children away. Demand for children to contribute to the household economy is identified as the major factor causing drop-out and non-enrollment." **[49b] (p45)**

26.28 There were reports that students and teachers were the target of militia or insurgents groups, who threatened to close down or face violence. (UNAMI, January-March 2007) **[39g] (p8)** (UNAMI, July-December 2007) **[39l] (p9)** (USSD 2007) **[2l] (p11)** (UNSC, 21 December 2007) **[38o] (p3)** There were also reports that insurgents and militias targetted academics. (USSD 2007) **[2l] (p11)** (UNSC, 21 December 2007) **[38o] (p3)** The UNHCR August 2007 and December 2007 papers list incidents of killings of teachers and academics. **[40j] [40l]** The USSD report for 2007 stated that that:

"According to the Ministry of Higher Education, at least 280 academics have been killed since 2003 by insurgents and militias. During the year the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003. …

"During the year a series of killings targeted professors, particularly in Baghdad and Basrah. Professors at Basrah University who were considered secular received written threats and demands that they leave Basrah. During the year threats against female students were openly posted on billboards and spray-painted on the walls of Basrah University." **[2l] (p11)**

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CHILD CARE: ORPHANS AND STREET CHILDREN

26.29 An RFE/RL article, dated 21 June 2004, observed that many children lost their parents during the war and the frequent violence that continued. "Thousands of homeless children are living on the streets of the Iraqi capital Baghdad." Many others were thrown out of the state-run orphanages that ceased to function after the collapse of the Saddam regime and have turned to crime, begging and drugs. **[22d]** IRIN news articles of 8 August 2005 and 18 April 2006 add that the adolescents were also often under threat from street gangs, **[18k] (p1)** IRIN stated, on 18 April 2006, that "Some are believed to have been used by terrorists to carry out attacks; others have reportedly been forced by criminal gangs to work as thieves, according to ministry officials." **[18bf]** IRIN continues:

"'Orphaned children have become a very serious issue,' said [the Ministry of Labour and Social Affairs Orphans Houses] department director Abeer Mahdi al-Chalabi. 'We have 23 orphanages with limited capacity, capable of housing only about 1,600 orphans.' …

"She went on to point out that the increase in the number of orphans countrywide was an inevitable result of the bombings, assassinations and sectarian violence currently plaguing the country." **[18bf]**

26.30 On the situation in the KRG area, the FCO stated in a letter, dated 6 December 2006, that "The KRG has the Social Care Directorate which is overseen by the Ministry of Labour and Social Affairs. The Social Care Directorate is responsible for the protection of children, orphans and the homeless. The Directorate is reasonably effective and staffed by professionally trained social workers." **[66n]** The letter also remarks that "Children's NGO operate in the Kurdish Region. Kurdistan Save the Children works to protect the rights of children. It offers health, education and sponsorship services. Orphanages are provided by the Social Care Directorate." **[66n]**

26.31 The War Child report, dated 13 October 2006, states that "Many children have been forced to live on the streets and so have turned to working in demeaning, exploitative and illegal jobs including working as labourers, collecting rubbish, working for criminals, or selling alcohol, drugs or pornography." **[115a]**

26.32 An IRIN news article, dated 8 August 2005, also reported on "… an increase in the number of commercial sex workers (CSWs) …" in Iraq since the end of the 2003 conflict, particularly teenagers. **[18k] (p1)** "This increase is attributed to economic pressure faced by families countrywide and the presence of new prostitution rings that have sprung up since the invasion. With society in turmoil and a raft of other serious issues to address, child protection has not been uppermost in the priorities of the transitional government." **[18k] (p1)**

26.33 The article also mentioned that "Based on information supplied by the Ministry of Labour, two small local NGOs are trying to help the child sex workers. On[e] of them, Iraqi Peace and Better Future (IPBF), has collected the names of more than 50 teenage boys who say they cannot leave the trade because of threats. Few cases have been resolved, however." **[18k] (p3)**

26.34 IRIN news also explained, in December 2005, that sexual abuse was common towards street children, with girls suffering 70 per cent of the abuses. **[18v]** "Women for Peace, a local NGO devoted to women's issues, believes that the

incidence of sexual abuse has increased in the last year, due mainly to the overall lack of security. … Beatings are also frequent." **[18v]** Further, "Few programmes are currently available to help [street] children. …" **[18v]**

26.35 The USSD report for 2007 stated: "The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans … MOLSA operated 18 orphanages for older children in Baghdad and the provinces, housing a total of approximately 420 children, and 40 orphanages for young children, housing approximately 1,500 children." **[2l] (p18,19)**

26.36 The USSD report for 2007 went on to note that:

"In August UNICEF Iraq noted there were increasing numbers of street children in cities; many of whom were not orphans, but whose families could not afford to keep them. UNICEF noted that some street children worked to assist their families by begging. Others were reportedly drawn into drugs, prostitution, and violence.

"On June 10, an orphanage in Baghdad was discovered to house 24 severely malnourished boys from three to 15 years-old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment and moved to another orphanage. The minister of labor and social affairs drew criticism for stating that the children were healthy. In November two orphans at this facility died after contracting cholera. At year's end four additional children had been diagnosed with the disease. Arrest warrants were issued for three employees of the orphanage, all of whom remained at large." **[2l] (p19)**

26.37 On 19 November 2007, IRIN news also reported on this cholera outbreak in which had infected four Iraqi orphans and killed two. **[18cb]**

See also Medical issues; Health Issues.

26.38 The Finnish FFM report, for the period 23 October-3 November 2007, stated that:

"According to academics at the University of Dohuk, some street children exist in Kurdistan. According to Qandil, street children working for instance as vendors exist particularly in Sulaymaniyah. Qandil had witnessed some secondary malnourishment of children … According to NPA, child labour exists, and many children work in the streets as smugglers and beggars for instance in Sulaymaniyah. The beggar problem has surfaced in 2007, due to the arrival of internally displaced persons to the three northern governorates." **[131] (p19)**

26.39 On 21 November 2007, IRIN News reported on children with serious illnesses were often abandoned on the streets of Baghdad. **[18cc]** "Over 1.6 million children under the age of 12 have become homeless in Iraq, … [which is] almost 70 percent of the estimated 2.5 million Iraqis who are homeless inside the country." **[18cc]** The number of orphans and abandoned children was estimated to be over 8,000 and was thought to be a result of sectarian violence and socio-economic problems. **[18cc]**

HEALTH ISSUES

26.40 The UNICEF report, At a glance: Iraq, observes that "Even before the most recent conflict began, many children were highly vulnerable to disease and malnutrition. One in four children under five years of age is chronically malnourished. One in eight children die before their fifth birthday." **[27c]** Whilst the UNHCR COI report 2005 notes that "Children are particularly affected by the dire security situation and lack of basic services and infrastructure. Years of war and economic sanctions have led to deterioration of the education and health systems and have left them vulnerable to disease and malnutrition." **[40c] (p40)**

26.41 The UNAMI report, dated 1 May–30 June 2006, states that "According to the joint UN and Iraqi government food security and vulnerability analysis, children are the primary victims of food insecurity, with every one in ten child suffering from malnutrition." **[39a] (p11)**

26.42 The UNHCR COI report, October 2005, noted that "There are efforts by the Ministry of Health to expand such services, e.g. by training school teachers to identify children that show psycho-social disturbances. In Dohuk, a psychosocial centre for traumatized children is run by an NGO. In addition, there are private psychiatric services for both physical and psychological therapies." **[40c] (p104-105)**

See also Mental Health.

26.43 UNICEF reported on 21 December 2007, that:

"An estimated 2 million children The funds enabled Iraqi health workers conduct house-to-house immunization campaigns protecting over 4 million children against polio and more than three million against measles, mumps and rubella. … As a result of these campaigns, Iraq remains polio-free and measles cases are dramatically down -- from 9,181 in 2004 to just 156 up to November in 2007." **[27d]**

26.44 In November 2007 a cholera outbreak infected four and killed two children in a Baghdad orphanage – see Child care: orphans and street children.

26.45 On 11 February 2008, IRIN News reported on an outbreak of leishmaniasis in Qadissiya, south of Baghdad. **[18bv]** Over 180 children had been affected by the disease, which is transmitted by sandflies and results in boils; if left untreated it can skin deformities or even death. **[18bv]**

26.46 Jane's Sentinel, last updated 18 February 2008, reported that around 95% of Iraqi children had received key immunisations under the Ministry of Health's national disease surveillance and response system. **[14d] (p9)**

JUVENILE PRISONERS

26.47 The UNHCR COI report, October 2005, states that "Children are frequently arrested and detained by the MNF." **[40c] (p41)** Whilst UNAMI's report dated 1 September-31 October 2006, stresses "The situation of juveniles in detention is particularly worrisome. According to Iraqi law, juveniles should have come under the jurisdiction of the Ministry of Labour and Social Affairs (MoLSA)

since March 2005. However, due to a lack of facilities at MOLSA, juveniles held outside Baghdad still remain in the custody of the Ministry of Justice." **[39e] (p18)**

26.48 A HRW report of January 2005 recorded that, under the Convention on the Rights of the Child (CRC), Article 52(2) of Iraq's Juveniles Welfare Law and orders promulgated by the CPA on the management of detention facilities, children should be detained separately from adults. **[15g] (p63)** Nevertheless, there were a number of reports that children were held in the same cells as adult detainees. (HRW, January 2005) **[15g] (p62)** (IRIN, 30 July 2006) **[18am]** (UNHCR COI, October 2005) **[40c] (p41-42)**

"Human Rights Watch found that such cases sometimes arose when police apprehended children as part of a large sweep in a given area, where they arrested scores and sometimes several hundred people as part of the government's efforts to crack down on violent crime. Police invariably conduct such sweeps without warrants, and children are sometimes caught up." (HRW, January 2005) **[15g] (p63)**

26.49 The HRW report, January 2005, also explained that the law provides for the right of child detainees to be held separately from adults and that "… in areas where separate detention facilities are not available, measures must be taken to prevent children from mixing with adult detainees." **[15g] (p62)** However, "Human Rights Watch continues to receive reports of children being held together with adults in detention facilities under the jurisdiction of the Ministry of Interior. The children include both criminal suspects and others suspected of having taken part in clashes against government forces …." **[15g] (p62)**

26.50 The UNAMI report of 1 May–30 June 2006 states:

"UNICEF has held a number of trainings for staff of the Ministry of Labor and Social Affairs on the need to improve the situation of the juveniles in prison. Juveniles are however often subjugated to the same lack of proper conduct by Iraqi police as are the adults. They are often held in police detention for a prolonged period of time without access to a social worker, lawyer, and sometimes even the family. Over 20 students, all age of 18, have been held in a police detention for eight months in Basra. Thanks to the Iraqi Ministries of Justice and Labor and Social Affairs, as well as the Coalition prison advisers, the practice to separate the adults from youth in prisons has made progress, although many facilities where minors are detained are still overcrowded and require further adaptations." **[39a] (p11)**

26.51 The UNHCR COI report, October 2005 mentioned that:

"Human rights groups have repeatedly expressed concern about the welfare of juvenile detainees, particularly following the release of photos in late April 2004 showing US military personnel abusing prisoners in Abu Ghraib. UNICEF and Amnesty International have been repeatedly denied full access to children in detention. UNICEF raised concern about this, stating that 'UNICEF is profoundly disturbed by news reports alleging that children may have been among those abused in detention centres and prisons in Iraq. Although the news reports have not been independently substantiated, they are alarming nonetheless'. According to Brig. Gen. Janis Karpinski, who was formerly in charge of Abu Ghraib Prison, children as young as 11 years old

were being held. The Pentagon admitted that some juveniles were among the detainees, but claimed that no child was subject to abuse. However, substantive evidence has been collected indicating that children have been subjected to abuse, including releasing an un-muzzled dog into their cells and allowing it to 'go nuts on the kids, barking and scaring them'." **[40c] (p41)**

26.52 The HRW report continues "The [detained] children include both criminal suspects and others suspected of having taken part in clashes against government forces, including those suspected of links with the Mahdi Army. **[15g] (p62)** The UNHCR report of October 2005 remarks that "Furthermore, juveniles held with adults are subjected to the same treatments the adults are, including torture. Human Rights Watch recorded a case of a juvenile who was beaten with cables and underwent falaqa (beating on the sole of the foot) while being held in the custody of the Criminal Intelligence." **[40c] (p41-42)**

26.53 The Prisoners' Association for Justice (PAJ) reported that children were being abused and tortured during interrogation in Iraqi prisons. **[18by]** According to PAJ, child prisoners aged between 13 and 17 accused of supporting insurgents and militias were detained during military raids of Baghdad neighbourhoods. **[18by]** Although officials at the Ministry of Interior denied they were holding children, another senior representative confirmed in anonymity that every Iraqi prison was holding at least 20 children, all of which had suffered abuse. **[18by]** "The five children showed signs of torture all over their bodies. Three had marks of cigarette burns over their legs and one couldn't speak as the shock sessions affected his conversation. … At least 220 children are believed to be held in Iraqi prisons" (IRIN News, 25 October 2007) **[18by]**

See also Prison conditions

14.54 The UNAMI report for 1 July-31 December 2007, stated that:

"The number of juveniles held in MNF custody also continued to rise: on 8 December, the total number held was 874 as compared with some 250 in early 2007. The total fell to 685 by the end of December: some were transferred to Camp Bucca after reaching the age of 18, while the remainder were either released or transferred to Iraqi government custody. According to the MNF, the high number is evidence of the increased recruitment of children by insurgent groups, as reflected in the religious affiliation of the juvenile detainee population which by mid-December was 87.6% Sunni. Procedures for processing these cases are similar to those followed for adult detainees as regards internment and referral to court. Those referred to trial are transferred to Iraqi custody to await trial. Of the total number of juveniles referred over time to the CCCI's Juveniles Court, 89 had been convicted by the end of December." **[39l] (p28**

CHILD LABOUR

26.55 Article 29 (3) of the Constitution stipulates that "Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection." **[82a] (p10)** In spite of this, IRIN news reported, on 15 June 2006, that "Child labour remains an overriding concern in Iraq … In April 2005, a survey conducted by the Ministry of Labour and Social Affairs found that children between the ages of two and five years (some 7

percent of the total) were engaged in child labour, usually in the form of street-begging." **[18f]** The UNHCR COI report, October 2005, recorded that:

"…17.1 percent of the 15-18 age group are working and that even 5.9 percent of children aged 10-14 years are working. 23.1 percent of surveyed children started to work at an age below 11, and 40.5 percent engaged in labour when they were 11-15 years. Most indicated that poor economic conditions were the main reason behind going to work. Almost nine percent of the surveyed child workers sustained injuries during 2003 and indicated that they work in a hazardous environment. While child labour is not a new phenomenon in Iraq, UNICEF says that child labour seems to have increased since the last war." **[40c] (p110)**

26.56 The USSD report 2005 stated the following regarding child labour:

"The law prohibits the worst forms of child labor. CPA Order 89 limits working hours for workers under 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years. Due to the effects of the ongoing insurgency, the Child Labor Unit of MOLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law, maintain programs to prevent child labor, or remove children from such labor. Despite the various laws and regulations, children were routinely used as an additional source of labor or income among the 1 million families subsisting on a per capita daily income of less than $1 (1,500 dinars). This work often took the form of seasonal manual labor in rural areas. In cities it often meant begging or peddling a variety of products, as well as working in sometimes hazardous automobile shops or on construction sites." **[2b] (p21)**

26.57 The IRIN news article of 15 June 2006, further states:

"The ministry is currently working with UNICEF to ensure that children living and working on the streets are eventually re-united and reintegrated with their families and communities. 'UNICEF is engaged in a project for out-of-school children, so they're in school acquiring knowledge and skills rather than working' … further support was being provided to street and working children via a number of children-friendly drop-in-centres, supported by UNICEF, designed to help children in need of special protection." **[18f]**

26.58 However, the USSD report 2005 recorded that "… news reports indicated that families also used minors in insurgent activities. For example, the UN Global Policy Forum on March 15 [2005] in its report indicated that more than 20 Baghdad children received daily lessons to become insurgents and participated in diversion tactics to distract troops." **[2b] (p21)**

"Projects to combat child labor were few, and those that existed affected few children. The government took action only as funded by the UN Children's Fund (UNICEF) or NGOs. For example, the Italian branch of the international NGO Terre des Hommes and UNICEF operated a rehabilitation and counselling center for a small number of working street children in Baghdad. Kurdish authorities supported several small-scale projects to eliminate child labor in the KRG area. UNICEF established centers for working children in Irbil." (USSD 2005) **[2b] (p21)**

26.59 FMR's Special Issue on Iraq, June 2007, reported:

"Children are being forced to assume income-generating roles because their families are suffering from acute poverty. That means children leaving school, going out on to the streets in search of work and becoming exposed to illegal livelihood activities. Boys and girls are engaging in sex work, selling weapons, alcohol, drugs and pornography. Out of economic necessity children as young as eight are becoming involved in such enterprises. Branded as 'bad children' they are stigmatised and subject to social exclusion. Many are dependent on marihuana or inhale solvents." **[49b] (p43)**

26.60 The USSD report of 2006 noted that "Despite efforts and laws against child labor, children often worked as laborers on rural farms or in street commerce. Press reports indicated that insurgents used children in diversionary tactics to distract security forces, as well as informers and messengers. Children sometimes participated directly in attacks as well, reportedly under the direction of Jaysh al-Mahdi militia, throwing rocks or other objects at security convoys." **[2h] (p16)**

CHILD SOLDIERS

26.61 The UNHCR COI report, October 2005, noted:

"There are reports of forced recruitment of children by insurgent groups or militias. Though there are no estimates as to the size of the problem of child recruitment in Iraq, there is evidence that orphans and children of insurgents may be involved in the fight against the MNF/ISF. The roles they play include acting as informers or messengers, distracting soldiers before an attack is launched against them or carrying weapons and being involved in active combat/attacks." **[40c] (p40)**

26.62 An IRIN article of 2 November 2006, reported that "Some children have been recruited by insurgents to fight in Iraq … At least three insurgent groups [which declined to be named] have admitted to using children as helpers - two groups in Baghdad and one in Anbar." **[18ax]** The War Child report, dated 13 October 2006, notes that "Not only are children turning to criminal gangs and militias in order to make a living, this also enables them to protect themselves and express their frustrations against the American led occupation. Much of the drive towards militancy comes from a lack of direction and boundaries, wanting to achieve some form of voice or agency for themselves, and as a result of their feelings of disaffection as a result of neglect and exploitation." **[115a]**

26.63 An IRIN news article, dated 15 March 2005, states that "US Coalition force officials told IRIN that they have been informed of these kinds of operations [as described above] and that some children have been captured for interrogation. However, being under age the children are released fairly quickly, often due to pressure from NGOs concerned about the rights of children." **[18l]**

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TRAFFICKING

27.01 The USSD Trafficking in Persons report of June 2006 stated that:

"Iraq may be a source country for women and girls trafficked to Syria, Yemen, United Arab Emirates, Jordan, Turkey and Iran for the purposes of sexual exploitation. Some Iraqi girls are also believed to be trafficked internally from rural areas to cities such as Kirkuk, Erbil and Mosul for sexual exploitation. Iraq may also be a destination country for men trafficked from South and Southeast Asia for involuntary servitude." **[2a] (p269)**

27.02 IRIN news recorded, on 29 June 2006, that reports suggest many Iraqi children were being sold to countries in Europe, particularly the UK and the Netherlands. However, there was no information about who was buying them or for what purpose. **[18an]** The article adds that "Officials confirm that there are organised international gangs carrying out the trafficking in collaboration with Iraqis who are arranging the abductions from their own country." **[18an]** The article also remarks that "In some instances, families voluntarily sell their children because they need the money." **[18an]** UNHCR's August 2007 Eligibility Guidelines paper noted that single women and female heads of household were at particular risk of abuses such as trafficking. **[40j] (p124)** The UNAMI report of 1 November-31 December 2006, stated:

"HRO has received information of children abducted and sold to armed militias and forced to become supporters. Children are also trafficked outside Iraq to work as sex slaves, labourers, or unlawfully adopted by families abroad. Dozens of children are currently seeking shelter and protection in safe houses managed by the Ministry of Social Affairs and civil society organizations across the country." **[39f] (p13)**

27.03 A June 2007 Forced Migration Review (FMR) Special Issue on Iraq records "Accurate statistics are hard to come by but there are estimates that nearly 3,500 Iraqi women have gone missing since 2003 and that there is a high chance that many have been traded for sex work. Thousands of Iraqi women are being taken advantage of by unscrupulous sex worker traffickers. Iraqi women are being sold as sex workers abroad, mainly to the illicit markets of Yemen, Syria, Jordan and the Gulf States. Victims usually discover their fate only after they have been lured outside the country by false promises." **[49b] (p39)**

27.04 Traffickers seemingly took advantage of Iraq's poor border controls and as a consequence the trafficking of women and workers increased in 2006. (US Library of Congress) **[33a] (p25)** The USSD report June 2006 adds:

"The ongoing insurgency and terrorism severely handicapped the government's abilities to combat trafficking. The Iraqi Interim and Transitional Governments did not take action to prosecute or prevent trafficking or to protect victims. Anti-trafficking training originally comprised a section of the Basic Police Course, but it was later replaced with antiinsurgency instruction and has not yet been restored or otherwise incorporated into the training curriculum for new security officers. Iraqi police officers, however, received training in basic investigation skills and took some measures to investigate crimes against women." **[2a] (p270)**

27.05 The same report notes that "Iraq was neither able to report any prosecutions or convictions of trafficking offences, nor provide evidence of investigations into this crime." **[2a] (p270)**

27.06 Jane's Sentinel, last updated 18 February 2008, stated "it is widely recognised that Iraq is a country of origin for women and girls trafficked to Yemen, Syria, Jordan and Gulf states for the purpose of sexual and labour exploitation. Some Iraqi women and underage girls are reportedly trafficked from rural areas to cities within Iraq itself." **[14d] (p15)**

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MEDICAL ISSUES

28.01 Article 31(1) of the Constitution stipulates that "Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions." Article 31(2) states that "Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law." **[82a] (p10)**

28.02 A report by Medact, covering health care in Iraq between 2003-2007, stated that: "Collection of accurate health information is extremely difficult in a country described as currently the most violent place on our planet, but reputable sources suggest:

- High conflict-related mortality and morbidity;
- Death rates of children under five sliding towards those of sub-Saharan Africa;
- Eight million Iraqis in need of emergency aid." **[10b] (p2)**

28.03 The US Library of Congress reported in August 2006 that an estimated 12 percent of hospitals were destroyed during the conflict, **[33a] (p8)** whilst UNHCR stated, in October 2005, that all hospitals and about 90 percent of health centres required repair or total reconstruction. **[40c] (p102)** Some 240 hospitals and 1,200 primary health centres were functioning under substantial international funds. (US Library of Congress, August 2006) **[33a] (p8)** (FCO, 10 October 2005) **[66m] (p2)** In spite of this, it was widely reported that the hospitals were unsanitary and unhygienic and lacked an infection control programme. (US Library of Congress, August 2006) **[33a] (p8)** (MFP, 7 February 2005) **[45a] (p13)** (*The Lancet*, 9 September 2006) **[102a]**

28.04 Nevertheless, there was a constant shortage of medical supplies including sterile needles, iv tubing, cannulas, sterile gloves, masks, antiseptics and soap as well as drugs ranging from pain killers and antibiotics to specialist treatment. (Dahr Jamail, June 2005) **[12a] (p3)** (IRIN, 15 February 2005) **[18n] (p2)** (US Library of Congress, August 2006) **[33a] (p8)** (MFP, 7 February 2005) **[45a] (p4, 10, 13)** (UNAMI, 1 May-30 June 2006) **[39a] (p7)** (UNHCR COI, October 2005) **[40c] (p100-101, 104)** (News24, 20 February 2005) **[52a]** (*The Lancet*, 9 September 2006) **[102a]**

28.05 IRIN News reported, on 4 October 2007, that a shortage of cancer treatments in public hospitals and high prices being charged by private pharmacies meant poor families were unable to obtain the medication they required. **[18bx]** Radiotherapy machines were reported to be broken and drugs used to treat breast, bone and lung cancer, leukaemia and lymphomas were all in dangerously short supply. **[18bx]** While wealthier patients could afford to travel abroad for treatment, poorer Iraqis could not and it was reported that at least sixty people had died from cancer in Iraq due to the lack of medicines since August 2007. **[18bx]** There was also reported to be a black market supply of certain cancer treatments. **[18bx]** At Basra's Maternity and Child Hospital, 20 new cancer and leukaemia cases were reported among children each month, however the lack of drugs meant most would die. **[18bx]**

See also Children.

28.06 Health care providers also had to deal with limited water and electricity supplies in Iraqi hospitals making it difficult to carry out their work. (Dahr Jamail, June 2005) **[12a] (p3)** (UNAMI, 1 May-30 June 2006) **[39a] (p7)**

28.07 Furthermore, the Iraqi medical services had to deal with a shortage of staff. (Dahr Jamail, June 2005) **[12a] (p3)** (IRIN, 15 February 2005) **[18n] (p2)** (US Library of Congress, August 2006) **[33a] (p8)** (MFP, 7 February 2005) **[45a] (p4, 10and13)** (UNAMI, 1 May-30 June 2006) **[39a] (p7)** (UNHCR COI, October 2005) **[40c] (p100-101and104)** News24, 20 February 2005) **[52a]** (*The Lancet*, 9 September 2006) **[102a]** (Medact, 2003-2007) **[10b] (p2)**

28.08 Doctors in Iraq have faced targeted harassment, violent attacks, abductions, pressure to emigrate and even assignations. (IWPR, 12 July 2005) **[11n]** (HRW World Report 2006) **[15i] (p2)** (HRW, 3 October 2005) **[15j] (p91)** (AI, 25 July 2005) **[28c] (p12)** (UNAMI, 1 May–30 June 2006) **[39a] (p7)** (UNHCR COI, October 2005) **[40c] (p15)** (UNHCR, August 2007) **[40j] (p13, 75, 117-118)** Approximately, 120 doctors, 164 nurses and 80 pharmacists have been killed since the fall of the Saddam regime in 2003. (RFE/RL, 16 November 2006) **[18bg]** The UNAMI report, dated 1 May–30 June 2006, remarks that "According to some estimates, approximately 250 Iraqi doctors have been kidnapped in the past two years." **[39a] (p6)**

28.09 UNHCR's August 2007 Eligibility Guidelines paper listed various estimates of the number of medical personnel who have been killed, kidnapped or left Iraq since the fall of Saddam Hussein, which ranged from approximately 250-2000 killed and "roughly half" to "… more than half of Iraq's 34,000 physicians, who had been registered prior to 2003", had reportedly left the country. **[40j] (p117)** The paper noted the various reasons why medical professionals are thought to be targeted, including their religious sect / ethnic background, "…engaging in 'un-Islamic' activities, e.g. a male doctor treating female patients …", and criminal activities. **[40j] (p117-118)** "In addition, they might be identified as representing Iraq's intelligentsia, which is needed to establish a democratic and functioning state. Targeting Iraq's health system also serves the purpose of terrorizing the population at large so that it would lose confidence in the abilities of the current Iraqi Government, especially to protect its citizens." **[40j] (p118)**

28.10 IRIN News reported, on 13 November 2007, that male gynaecologists were being targeted by religious extremist groups accusing them of invading the privacy of women. **[18bo]** Two male doctors were murdered in early November 2007 and notes left on their bodies stating "the end for any doctor who insists in invading the privacy of Muslim women." **[18bo]** At least 22 other male gynaecologists received threatening letters and in the northern Kurdish governorates four doctors were killed for refusing to circumcise young girls. **[18bo]** In one Baghdad hospital, the only two female gynaecologists were left to deal with on average 170 patients per day. **[18bo]**

See also Perceived collaborators and 'soft targets'.

28.11 The UNAMI report, dated 1 May–30 June 2006, states that "According to the Ministry of Health in the Kurdish Regional Government, from January 2006 at least 53 Arab medical doctors from other parts of Iraq have been employed in the Region of Kurdistan." **[39a] (p7)** The Medact report, covering 2003-2007, also noted "Doctors and nurses have emigrated en masse, exacerbating

existing staff shortages. The health system is in disarray owing to the lack of an institutional framework, intermittent electricity, unsafe water supply, and frequent violations of medical neutrality." **[10b] (p2)**

28.12 On 18 November 2007, IRIN News reported Diyala was experiencing a shortage of doctors. The province, known to be particularly volatile, had seen an exodus of at least 80 percent of its doctors because of the violence. **[18ca]** Diyala also saw an increase in the number of insurgent attacks on doctors from August to November 2007. **[18ca]** The UNHCR December 2007 report also stated that doctors in the Diyala and Salah al-Din governorates continued to be targeted by insurgent groups. **[40l]** The report lists incidents where doctors were kidnapped or murdered by militant groups. **[40l]**

28.13 Medical professionals faced insecurity inside the hospitals with armed groups pressuring staff into prioritising treatment, for example. (UNAMI, 1 May-30 June 2006) **[39a] (p7)** *The Independent* stated in a report, dated 20 July 2006, that "Doctors in Baghdad hospitals complain that even the operating theatres are not safe because soldiers or militiamen will order them to stop an operation half way through." **[85b]**

28.14 *The Lancet* stated, on 9 September 2006, that "As of June 28, 2006, more than 88% of the US$750 million appropriated for health activities by the USA has been obligated, and 65% has been spent, according to the Special Inspector General for Iraq Reconstruction (SIGIR). Of the original 150 clinics planned by the USA, only two are fully operational. The estimated completion date for the remaining projects is now June, 2007." **[102a]** The article continued:

"Better success has come from public-health projects including vaccination campaigns, provision of vitamin A and iron folate to 2 million mothers and young children, and training of 2000 community child-care units. SIGIR says almost all Iraqi children have been inoculated against measles, mumps, polio, and rubella. Between 2004 and 2005, laboratory-confirmed cases of measles in Iraq dropped by 90%. There have been no recorded cases of polio since 2003. USAID is also devoting $10 million to primary-care provider capacity development and $4·5 million for training of ministry of health staff in primary-care management." **[102a]**

28.15 The general security situation and road closures made it difficult for people to travel to use the medical services. (*The Lancet*, 9 September 2006) **[102a]** The UNSC report of 7 March 2007 stated that: "…as a result of curfews and general insecurity, access to health services continues to be very difficult, and treatment is not always guaranteed, owing to the severe shortage of medical equipment and drugs." **[38i] (p1)** The UNAMI report, dated 1 May-30 June 2006, added that "Corruption in hospitals has also been noted as one of the obstacles for access to health by the population." **[39a] (p7)**

28.16 During 2006, the International Committee of the Red Cross (ICRC) worked to "… repair or upgrade health facilities that had or were on the point of breaking down …" and "Despite security constraints limiting access to many conflict areas in Iraq, the ICRC was able to deliver emergency medical supplies to many hospitals and other health facilities directly or through the Iraqi health authorities." **[43c] (p323, 324)**

28.17 In its 2007 Mid-Year Review, the International Organisation for Migration (IOM) reported on the access to health care situation of IDPs, stating that:

"The situation is worst in Kirkuk (44% without access), followed by Muthanna (26%), and Diyala (25%). Absence of facilities, insecurity, distance, and financial constraints were the most cited reasons for lack of access. Specialized health care (e.g. surgery or gynecology) is increasingly scarce, as many specialist physicians have fled the country. IDPs consistently reported shortages of medication, qualified staff, and equipment. One-third (34%) reported that they cannot access medications they need, compared with 37% in 2006." **[111b] (p5)**

28.18 On 23 October 2007, IRIN News reported on a cholera outbreak in Iraq, stating that "since August there have been about 4,200 laboratory confirmed cases and 21 deaths from the disease. … more than 70 percent of reported cases are being treated with success." **[18cd]** Areas with poor sanitation and a deficit of portable water were the most vulnerable, with the provinces of Kirkuk, Suleimaniyah, Erbil, Dohuk, Tikrit, Mosul, Diyala, Basra, Wasit, Baghdad and Anbar all affected. **[18cd]** On 19 November 2007, the same source reported on a cholera outbreak in an orphanage in Baghdad that killed two children. **[18cb]**

See Child care: orphans and street children.

28.19 The Iraq Family Health Survey (IFHS), released 9 January 2008, stated the overall prevalence of diabetes was 21.8 per 1000 persons, with the rate being slightly higher in urban than rural areas. **[23d] (p15)** Regarding asthma, the prevalence was 8.3 per 1000 persons. **[23d] (p15)**

28.20 The Women for Women International Iraq report for 2008, which surveyed 1,513 Iraqi women, noted that 57.1% had said their families lacked adequate medical care. **[130] (p24)** The report also stated that:

"Rising prices have negatively impacted health and medical care as well. According to anecdotal reports, a doctor's visit used to cost approximately $1 a few years ago. Now it costs about $10. Giving birth in the hospital used to be free, now it costs about $800, leaving many women to seek assistance from traditional midwives. A bag of blood used in an intensive care unit used to be free. Now it costs about $22. Medicines such as antibiotics used to be free, subsidized by the government. Now antibiotics cost as much as $200." **[130] (p24)**

28.21 A report by The International Committee for the Red Cross (ICRC), published 15 March 2008, noted that:

"There is a lack of qualified staff and many hospitals and health-care facilities have not been properly maintained.

"… In some areas, it has become extremely difficult to provide emergency medical services, supplies or equipment because of numerous checkpoints on the roads and curfews restricting movement.

"… Hospitals and health-care centres often lack drugs and other essential items. There are not enough functioning emergency rooms and operating theatres to cope with mass casualties. There are currently 172 public hospitals with 30,000 beds – well short of the 80,000 beds needed – plus 65 private hospitals. … Medical facilities and equipment everywhere except in the northern part of the country are regularly in need of repair and upgrading." **[43d] (p8)**

28.22 On the contrary, the IOM report of 1 April 2008, commented that in the Anbar province: "Hospitals are functioning normally … and a number of health centres are being rehabilitated or constructed. Seven health centres have been constructed in Fallujah and construction of the Fallujah General Hospital is ongoing. Hospitals are generally able to cover normally required medicines and treatments, but there is a shortage of medicines for chronic disease. **[111e] (p3)**

MEDICAL ISSUES IN THE KRG AREA

28.23 The FCO stated in a letter, dated 6 December 2006, that:

"Healthcare [in the KRG] is poor by Western standards. The healthcare infrastructure (hospitals, equipment, drug supply) is woefully inadequate, only limited selections of (often out of date) medicine are available in chemists, and those who can afford it go overseas for treatment. Most doctors moonlight heavily to boost their meagre salaries and many ordinary Kurds cannot afford consultation fees. The Korean military operate a very successful clinic in Erbil, which treats some 40,000 patients a year." **[66n]**

28.24 The letter adds that "There are 3 major hospitals in Erbil, 4 in Sulimaniyah and 3 in Dohuk Province. There are numerous health care centres and privately run clinics across the Kurdish Region." **[66n]**

28.25 A report by Medact, covering health care in Iraq between 2003-2007, stated that although some improvements were made to the health services in the Kurdish area of Iraq, the population still had no access to "free, safe, high quality health services." **[10b] (p1)**

28.26 The Finnish FFM report, for the period 23 October-3 November 2007, noted that:

"According to Qandil [Swedish NGO], there is a huge gap in health care practices in Iraq compared to modern health care in the West, and many outdated practices are used. The situation in the three northern governorates has been better than elsewhere in Iraq. … Hospitals are overcrowded, and there is no working referral system from a local practitioner to a specialist. Some recent technology has been acquired, but a maintenance system is lacking. Qandil mentioned a case where the tomography scan was not working, because only the foreign company that had provided the scan was allowed to perform repairs on the equipment. Some hospitals have been renovated, some have not, and there is no policy for health care development. Health care facilities also suffer from electricity shortages.

"… there is a need for an upgrade in all levels of medical systems, … The ongoing cholera epidemic is a landmark of the underdevelopment of health care in Iraq/ the three northern governorates. …

"… vaccinations have fairly good coverage in the three northern governorates, covering about 70 % of the population. There are no proper statistics available on health care in the three northern governorates. There are for instance no statistics on infant mortality rates, and births are often not registered." **[131] (p14)**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

28.27 Reports suggest that Iraq has 72 people registered as living with HIV/AIDS. (IRIN, 20 July 2005) **[18aa] (p1)** (UNHCR COI, October 2005) **[40c] (p103)** Though further reports indicate that there has been an increase in the number of registered cases over the last few months. (IRIN, 19 January 2006) **[18ad]** The US Library of Congress stated, in August 2006, that "Between October 2005 and January 2006, some 26 new cases were identified, bringing the official total to 261 since 1986." **[33a] (p8)** IRIN news stated, on 19 January 2005, that "… the real figure could be higher as many people may not come forward to seek help due to their fear of discrimination. The disease remains a taboo subject in Iraq." **[18aa] (p1)**

28.28 The US Library of Congress stated, in August 2006, that "In 2006 some 73 percent of cases of human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS) in Iraq originated with blood transfusions and 16 percent from sexual transmission." **[33a] (p8)** IRIN reported, on 12 December 2006, that "… sources in the Central Health Ministry believe that an influx of foreign troops and foreign fighters since the US-led occupation of Iraq began in 2003 might have increased figures." **[18az]**

28.29 HIV/AIDS patients received free medication at the AIDS Research Centre in Baghdad, where most cases have been diagnosed, yet officials from the centre have reported a shortage of treatment because the Ministry of Health has failed to replenish their stocks for months. (IRIN, 7 April 2005) **[18y] (p1)** (IRIN, 19 January 2006) **[18ad]** (US Library of Congress, August 2006) **[33a] (p8)** (UNHCR COI, October 2005) **[40c] (p103)**

28.30 Patients under treatment also receive anti-retroviral treatment, supplied by the Ministry of Health through support from the WHO, as well as information and US $50 monthly for extra expenses. (IRIN, 20 July 2005) **[18aa] (p1)** (IRIN, 19 January 2006) **[18ad]** In spite of this medical staff claim that this is not enough to cover the cost of the medicines. (IRIN, 7 April 2005) **[18y] (p1)** (UNHCR COI, October 2005) **[40c] (p103)** The IRIN news article, dated 20 July 2005, mentions that "The MoH also gives an extra $200 per person for general expenses approximately three times a year." (IRIN, 7 April 2005) **[18y] (p1)** (UNHCR COI, October 2005) **[40c] (p103)**

28.31 The 2004 update of the joint report by UNAIDS, UNICEF and WHO noted:

"The system of reporting and screening of HIV was tightly monitored by the health authorities. HIV screening was performed at border checkpoints for both Iraqis and non-Iraqis entering the country. Gypsies, who are involved in [the] entertainment business, are also considered to be at potential risk and were tested. Other groups who were tested included STD patients, prostitutes (arrested by the authorities), night club workers, blood recipients, prisoners, patients with TB, patients with hepatitis B or C, sex contacts of AIDS patients, blood donors, pregnant women, health workers and couples before marriage." **[27b] (p2)**

28.32 By law, every person entering Iraq must be tested for HIV. (IRIN, 19 January 2006) **[18ad]** (US Library of Congress, August 2006) **[33a] (p8)** The IRIN news article stated "If this is not possible, entrants have a week to receive free testing at any of the ARC's 17 laboratories located throughout the country. Anyone who does not comply can be subject to deportation. … more than 15 foreigners who tested positive for the HIV virus have been deported so far." **[18ad]**

28.33 The same article noted "The Iraqi Organisation for Sexual Health and Sexually Transmitted Diseases (IOSH & STD), local NGO, has already launched programmes aimed at educating young people through the media. The organisation has also presented lectures explaining the importance of prevention from an Islamic perspective." **[18ad]** It also stated that "The government is taking the trend seriously. This is reflected by the fact that many Iraqi Sharia courts require medical reports proving that both parties are HIV negative before marriage certificates can be presented." **[18ad]**

28.34 Despite these steps, the Iraqi Aid Association for Chronic Patients (IAACP), a local NGO, said that they had seen an increase in discrimination toward people who are HIV-positive. At least four people have been killed in Iraq during 2006 because they were HIV-positive. (IRIN, 9 August 2006) **[18as]** The IRIN article also mentioned that "In the conservative, religious environment of Iraq, the human immunodeficiency virus (HIV) and the disease it causes, AIDS, are associated with homosexuality, sex outside of marriage, and drug use – all considered religious offences. … There is little awareness of the fact that the virus can be contracted via contaminated blood transfusions." **[18as]**

28.35 The FCO stated in a letter, dated 6 December 2006, that HIV/AIDS treatment is not available in the KRG. There are few recorded cases of HIV/AIDS within the Kurdish Region. **[66n]** IRIN reported, on 12 December 2006, that "Health officials in Iraq's northern Kurdistan region … have been instructed by health authorities in Baghdad to deport foreigners who have been found HIV-positive." **[18az]**

28.36 The IRIN article added that "… there were nine known cases of people living with HIV/AIDS in the northern cities of Dohuk and Arbil. All tested positive between 2005 and 2006 and were now aware of their condition…." **[18az]** It also states that "… the problems of identifying and treating HIV/AIDS in the Kurdish region were compounded by the lack of coordination between health authorities in that region and Baghdad clinics dealing with people living with HIV/AIDS. As a result, he said, the number of infected people has increased and this, together with low public awareness of the need for HIV testing, has increased the risk of an epidemic in the coming years." **[18az]**

28.37 The UNHCR August 2007 report noted that "Persons known to have HIV/AIDS, who have already suffered from severe discrimination and, under the former regime, spent many years virtually imprisoned in sanatoria, continue to be discriminated against. Some have been killed as they are perceived to have engaged in 'indecent methods against Islamic beliefs' such as homosexuality, sex outside of marriage and drug use." **[40l] (p130)**

28.38 UNAMI Focus, February 2008, reported on the Iraqi Family Health Survey (IFHS), which found that only 57% of women surveyed had heard of HIV-AIDS, although the prevalence of HIV/AIDS in Iraq is very low. **[39j]**

MENTAL HEALTH

28.39 As stated by an Iraqi medical student in a report by Medact dated 26 July 2005 "The mental health service is the worst service in the healthcare system in Iraq." **[10a] (p5)** A report by Medact, published January 2008, noted that 2003 war and insecurity had a major impact on mental health and resulted in significant and well documented mental health problems. **[10b] (p10)** An article in *The Daily Telegraph*, on 24 January 2006, mentioned that "There are no official figures for the total number being treated for mental health problems in Iraq today but a study by one expert concluded that as many as 90 per cent of Iraqis were suffering from a mental health condition." **[48c]**

28.40 The MFP report, dated 7 February 2005, records that "The absence of acute psychiatric services, and consulting services in all hospitals surveyed, and the general lack of knowledge of psychiatric aspects of medical illness is a serious problem in a society that has endured years of political oppression, and suffers from high levels of poverty and violence." **[45a] (p4)**

28.41 There is a lack of qualified professionals within the mental health care system. (UNHCR COI, October 2005) **[40c] (p104)** A report by the Substance Abuse and Mental Health Services Administration (SAMHSA), dated January/February 2005, stated that "An initial tally of mental health staff in Iraq – a country with a population of roughly 25 million – produced just 154 psychiatrists, 20 clinical psychologists (of whom only 3 had appropriate training), 25 social workers (none of whom were trained in mental health), and 45 nurses (also not properly trained in mental health)." **[9a] (p2)**

28.42 The UNHCR COI report, October 2005, states "The Ministry of Health reported that there are about nine psychiatric clinics (both specialized psychiatric hospitals as well as psychiatric units in general hospitals) and two psychiatric units in the two Teaching Hospitals in Baghdad." **[40c] (p104-105)** The MFP report, dated 7 February 2005, mentions that "Clinical psychiatry is centered at two institutions: the old city asylum, Al Rashad, and a small hospital for acute patients, Ibn Rushd. Both buildings are old, worn structures that were extensively looted in April 2003. Ibn Rushd underwent considerable reconstruction." **[45a] (p11)** Psychiatric services can also be found in other governorates of Iraq. (UNHCR COI, October 2005) **[40c] (p104-105)**

28.43 There is a lack of drugs to treat the most severe cases of mental health illnesses, therefore services in the psychiatric clinics are often "…basic and involve only physical treatment (pharmacotherapy and ECT)." (UNHCR COI, October 2005) **[40c] (p104-105)** (The Daily Telegraph, 24 January 2006) **[48c]** There were reports that no food or medicine was given to patients at

Baghdad's only remaining psychiatric hospital, Ibn al-Rushud. (BBC, 12 August 2005) **[4e]**

28.44 A BBC article, dated 12 August 2005, adds that "A national commission for mental health services has been appointed, and is working with Britain's Royal College of Psychiatrists. Training programmes are being organised, and small numbers of future mental health practitioners are being trained in Jordan and the UK." **[4e]**

28.45 The UNHCR COI report, October 2005, noted that "For women suffering from domestic violence, women's shelters in Erbil, Sulaymaniyah, Kirkuk and Baghdad offer psychological counselling, however, their capacities are limited and access to these centres may in practice be restricted for a number of social and familiar reasons." **[40c] (p104-105)** However, Dr Majid al-Yassiri, chairman of the London-based Centre for Psychosocial Services in Iraq, stated that female patients were subjected to rape. (BBC, 12 August 2005) **[4e]**

28.46 A report by Medact, published January 2008, noted there were 23 hospital-based mental health facilities based in Baghdad and three other cities, although there were no children's or community based services. **[10b] (p10)** A multidisciplinary national mental health council was set up and conferences held in 2005 and 2006. **[10b] (p10)**

"The stigma associated with severe mental disorders means that families may keep their ill or disabled relatives hidden, sometimes neglected or abused, and seek treatment only from traditional sources.

"Mental health was identified as a priority by the CPA, but only $2.5 million was initially earmarked, around 1% of the health budget - although mental illness usually accounts for 11% of the total disease burden." **[10b] (p10)**

28.47 The IFHS, published January 2008, reported on the mental health status of those surveyed; according to this 3.5% of respondents stated they had felt suicidal in the past. **[23d] (p26)** The report also noted that "35.5% of the respondents had a mental health score of 7 or more. This population can be considered as having significant psychological distress and 'potential psychiatric cases [sic]." **[23d] (p26)**

28.48 On 14 August 2007, IRIN News reported that "mentally handicapped children are being used by insurgents to fight US and Iraqi forces. **[18bu]** On 21 March, two children were used by al-Qaeda militants in a suicide attack on a market in Baghdad's Adhamiyah neighbourhood. … [the] children were later identified to have mental problems and for sure they didn't know what they were doing there." **[18bu]** There were also reports of mentally handicapped children being used in insurgent attacks in Diyala, Ramadi and Fallujah. **[18bu]**

28.49 On 13 February 2008, Voice of America News reported that an official from the al-Rasheed psychiatric hospital in Baghdad had been arrested on suspicion of supplying information about mentally ill patients to al-Qaeda in Iraq. **[128a]** This was following reports that two mentally impaired women had been used in suicide bomb attacks in a Baghdad market on 1 February 2008, where around 100 people were killed. **[128a]**

28.50 It was reported that the two women used in these attacks did not consent and were suffering from schizophrenia and depression. **[17g]** The Iraqi government claimed the women were mentally challenged and had Down's Syndrome. (CNN News, 14 February 2008) **[17g]**

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HUMANITARIAN ISSUES

29.01 Iraq was facing a humanitarian crisis. (UNAMI, 1 November-31 December 2006) **[39f] (p18)** The IMF report, dated August 2005, states "There has been a marked deterioration in Iraq's human development indicators over the last twenty years." **[80a] (p5)** An IRIN news article, dated 11 April 2006, recorded that Baghdad was ranked worst city in the world in terms of quality of life in a survey conducted by London-based Mercer Human Resource Consulting. **[18ao]** UNAMI listed its concerns in its report of the first three months of 2007, **[39g] (p19-21)** which were similar in tone to UNHCR's August 2007 Eligibility Guidelines paper; this recounted the dire humanitarian situation of Iraqis – particularly those who have been internally displaced – in terms of access to food, housing and basic services. **[40j] (p157-159)**

29.02 An IRIN news article reported, on 17 October 2006, that "Nearly 5.6 millions Iraqis are living below the poverty line… . At least 40 percent of this number is living in absolute and desperate deteriorated conditions…." **[18bh]**

29.03 The IRIN Country Profile, last updated in February 2007, states that "Surveys of Iraqi households by UN Development Programme (UNDP) [2005] suggest the Iraqi population at large experiences dismal living conditions because of decades of wars and sanctions and the current conflict. Nearly four years after the fall of the Baathist regime, most Iraqis have limited access to food, health services, education and employment. Many also lack water and electricity." **[18bi]**

29.04 The profile adds "Nearly half the Iraqi population is dependent on food rations, according to World Food Programme (WFP). Food shortages have been particularly acute where military operations are under way." **[18bi]** An IRIN news article, dated 15 October 2006, notes that "… 30 percent inflation over the past year makes it increasingly difficult for families to afford food. At least 70 percent of the population depends on food rations - nearly double the percentage of dependency during former president Saddam Hussein's time, according to government officials and NGOs." **[18ay]**

29.05 Electricity was not available to the whole population. In the north it was reasonably constant but in central Iraq it was unpredictable whereas in the south it was very inadequate. Water and sanitation facilities were also unreliable. (IRIN, 15 October 2006) **[18ay]** (UNHCR COI, August 2004) **[40b] (p10-12)** (UNHCR COI, October 2005) *The Lancet* stated in an article, on 9 September 2006, that "Although several projects are ongoing, recent figures issued by the US Inspector General show that only 32% of Iraqis have access to clean water and 19% to sewer services. Before the US invasion, in 2003, 50% of Iraqis had access to clean water and 24% to sewer services." **[102a]**

29.06 The UN-Iraq Humanitarian Update, April 2006, nevertheless, states that:

> "UNICEF maintained the daily trucking of water to certain residential areas and hospitals in Baghdad using private contractors, permitting approximately 180,000 residents and 4,000 hospital patients and staff to have continued access to potable water. In addition essential chemicals were delivered to warehouses of the Ministry of Municipalities and Public Works (MoMPW) in Baghdad and Basrah to assist the authorities with water purification." **[39d] (p2)**

29.07 Although reconstruction, development and humanitarian assistance had been given to the Iraqi government, hundreds of projects were delayed because of corruption. Hundreds of health, education and infrastructure projects have been delayed because of the insecurity and corruption and the smuggling of oil, according to officials in the Ministry of Reconstruction. (IRIN, 15 October 2006) **[18ay]** (IRIN, 25 December 2006) **[18bj]** (UNSC, 3 March 2006) **[38e] (p8)**

29.08 An IRIN news article, dated 15 October 2006, reports that "The lack of essential needs has provoked revolt from the population, and without controls it generates more violence and lack of support to the parliament which is running the country…." **[18ay]**

29.09 According to the Report of the UN Secretary General, 7 March 2007:

"The standard of living of all Iraqis has fallen, despite ongoing initiatives to reconstruct infrastructure and capacities to deliver basic services such as electricity, health, drinking water and sanitation. Food security is tenuous, with more than a third of the population dependent on a rapidly deteriorating food ration distribution system (public distribution system). The impact of this situation on children in particular is leading to increased chronic and acute malnutrition rates, school dropout rates and truancy rates. Access to health services is weakening, as insecurity jeopardizes efforts to maintain even the most basic services." **[38i] (p8)**

29.10 UNHCR's August 2007 paper reported:

"The majority of families in Iraq are dependent on the Public Distribution System (PDS) to meet their basic food needs. A lack of documentation is a key obstacle to obtaining the food ration. In principle, IDPs can transfer their food ration cards to their place of relocation. However, in practice this has not taken place in many areas for security reasons or political/demographic concerns. Persons not able to register with the authorities in their place of displacement (see above restrictions on entry) are not able to transfer their ration cards, and accordingly do not have access to the commodities under this programme.

"In addition, security and sectarianism regularly hinder access, transportation and distribution of the PDS, resulting in delays in delivery and distribution and shortfalls in both the quality and quantity of items in the basket. Many food items do not reach either the main or local warehouses. Food agents and drivers can fail to gain access to warehouses and/or the recipient communities, and discrimination in the service delivery of the PDS is also an issue in mixed areas." **[40j] (p157)**

29.11 An article in a Forced Migration Review (FMR) special issue on Iraq, published in June 2007, stated that: "In some cases, IDPs are told to return to their home communities to register for rations. Even when they are able to register, there may be delays of several months before their rations are distributed." **[49b] (p14)**

29.12 The UNHCR's Addendum to its August 2007 paper, published December 2007, noted that: "Iraqis are suffering from a growing lack of food, shelter, water and sanitation, health care, education, and employment. Fifteen percent of Iraqis are food-insecure and in dire need of humanitarian assistance; 70%

are without adequate water supplies (compared to 50% in 2003); 80% lack effective sanitation; 28% of children are malnourished (compared to 19% before the 2003 invasion); and 92% of Iraqi children suffer learning problems, mostly due to the climate of fear." **[40l] (p23)**

29.13 The Women for Women Institute's report for 2008, recorded the results of a survey of 1,513 Iraqi women and noted that:

"According to respondents, one of the biggest problems in Iraq is the availability of affordable housing, especially in central Iraq, Basrah and the south more generally. … 65.3% of respondents described their freedom to live where they wished without fear of persecution as quite bad or very bad, and 58.4% thought it would be worse in a year.

"Beyond actual housing, many of the necessities of daily life are simply not available or priced out of reach. Food is one example: the price of tomatoes has quadrupled and the price of bread has quintupled. Everything is being imported. Most farmers in Iraq have been forced to abandon their farms because water, electricity, gasoline and basic agricultural inputs like seeds and fertilizer are either too expensive or altogether unavailable." **[130] (p25)**

29.14 A report by the ICRC, published 15 March 2008, noted that:

"Many Iraqis are forced to rely on unsafe water sources. The impact of population growth, rising prices and poor security conditions is exacerbated by the lack of qualified staff needed to maintain and repair water and sanitation facilities. … Even areas where security has improved have not been spared, as an influx of displaced people has put additional strain on the limited services available. Except in some areas in the south and north of the country where the production of drinking water has increased, the situation has steadily worsened over the past year.

"As a result, many Iraqis can no longer rely on public services for clean water. … The estimated average monthly salary in Iraq is now around 150 US dollars. As the cost of drinking water is roughly one dollar for 10 litres, each family has to spend at least US$ 50 per month on water alone.

"… The poor quality of much of the water is due to … illegal connections to the water supply, outdated networks of pipes that do not fully protect the water against contamination, and frequent interruptions of the supply of the chemicals needed to treat and disinfect the water. Moreover, water-treatment plants often cannot function properly because of equipment breakdowns and the unreliable electricity supply.

"Chlorine is essential for the sterilization of drinking water; however, because it could be used in bombs or other weapons, its distribution is restricted. Many people, particularly in parts of Baghdad, Salaheddine, Diyala and Ninewa, have no alternative but to pump untreated water directly from rivers or wells.

"… Sewage systems have often deteriorated to the point that there is a real danger of drinking water being contaminated by untreated sewage – obviously a serious health risk. The cholera outbreak in 2007 is but one indication of the imminent danger facing Iraqis today." **[43d] (p10)**

29.15 The ICRC also reported that power shortages continued to affect many Iraqis. **[43d] (p11)**

29.16 The IOM report of 1 April 2008 stated there was a lack of drinking water in the provinces of Babylon, Diyala, Kerbala, Missan, Muthannan, Ninewa and Salah al-Din. **[111e] (p5,10,12,15,16,18,21)** The report also noted that skin and gastrointestinal diseases due to stagnant water were prevalent in IDP residences in Baghdad, Basrah, Kirkuk, Qadissiya and Thi Qair. **[111e] (p6,7,14,20,23)**

See also Internally Displaced Persons.

LANDMINES, UNEXPLODED ORDNANCE (UXO AND DEPLETED URANIUM (DU))

29.17 An IRIN article, dated 6 June 2005, noted that "Decades of war and internal conflicts have left Iraq with large quantities of UXO and mines, and in some parts of the country, depleted uranium (DU) contamination." **[18c] (p1)** The most affected areas were Iraqi borders, in particular the Iran-Iraq border, the three northern governorates and the four southern governorates. (UNHCR COI, October 2005) **[40c] (p73)** The UNHCR COI report, October 2005, noted that "Approximately one out of every five Iraqis lives within one kilometre of areas highly contaminated by the explosive remnants of war." **[40c] (p73)**

29.18 Landmines and UXO's posed a particular risk to children and IDPs and hampered reconstruction and development in some areas. (IRIN, 6 June 2005) **[18c] (p1)** (UNSC, 7 June 2005) **[38b] (p11)** (UNHCR COI, October 2005) **[40c] (p73)**

29.19 The UNHCR COI report, October 2005, noted that "Mine clearance and explosive ordnance disposal is carried out by numerous actors, including local authorities, MNF, commercial companies and several NGOs." **[40c] (p73)** However, ongoing insecurity in Iraq has seriously hindered the clearance of landmines and UXO. (IRIN, 6 June 2005) **[18c] (p1)** (UNHCR COI, October 2005) **[40c] (p73)**

29.20 The International Campaign to Ban Landmines (ICBL) report, dated 13 September 2006, recorded that "In early 2006, the Office of the Prime Minister provided the Iraq Campaign to Ban Landmines with an unofficial draft law regarding accession to the treaty. In a 1 March 2006 meeting, senior Ministry of Foreign Affairs officials assured Iraqi campaigners that Iraq would join the treaty and that preparations were underway." **[98a]**

29.21 The Finnish FFM report, for the period 23 October-3 November 2007, noted that "there are no proper maps of the minefields, and the mines move due to floods etc. Some of the mines have been planted in order to prevent cross-border movement of smugglers." **[131] (p14)**

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FREEDOM OF MOVEMENT

30.01 Article 44 (1) of the Constitution stipulates that "Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq." **[82a] (p13)**

30.02 Although most of the legal restrictions on freedom of movement disappeared after the fall of the Saddam regime, the poor security situation severely limited the freedom of movement. Fighting, friendly fire, ambushes, highway robbery, roadside bombs, mines/UXO, as well as road closures were common on many routes in Iraq. (UNHCR COI, October 2005) **[40c] (p139)**

30.03 UNHCR's August 2007 Eligibility Guidelines paper noted that "Bus stations and buses, both considered 'soft targets' where large crowds gather, are frequently targeted. Such attacks usually appear motivated by sectarian differences. Furthermore, the general shortage of car fuel poses another obstacle to the mobility of people." **[40j] (p154)** Moreover:

"Road travel in Iraq, particularly in Central Iraq, remains highly dangerous. There has been an increase in roadside bombings in and around Baghdad, Basrah, Mosul, Kirkuk and on all main routes, including fatal attacks on both military and civilian vehicles. Attacks occur throughout the day, but travel after sunset is particularly dangerous. There are daily attacks against the MNF/ISF throughout Central and Southern Iraq. There has also been a rise in violent attacks at false checkpoints set up by insurgents and militias. Travelling is often delayed by MNF/ISF checkpoints and convoys, which also increases the risk of being targeted by insurgents or criminals or being caught in armed clashes." **[40j] (p152)**

30.04 In July 2004 the IIG passed the Order for Safeguarding National Security allowing the Prime Minister to declare a state of emergency in any part of Iraq suffering ongoing violence for up to 60 days at a time. (UNHCR COI, October 2005) **[40c] (p17)** Under the emergency laws and subject to judicial review, the Prime Minister has the power to restrict freedom of movement by imposing curfews or cordoning off certain areas. In several cities and towns curfews were place, restricting people's freedom of movement, mainly during the night. (UNHCR COI, October 2005) **[40c] (p139)** In its paper of August 2007, UNHCR reports that "Curfews exist in all areas of Central and Southern Iraq (23:00 to 06:00), and may be lengthened at short notice. In Baghdad the current curfew is from 22:00 to 05:00." **[40j] (p154)**

30.05 The Order for Safeguarding National Security was first used in early November 2004 in all areas of Iraq except those administered by the KRG (Erbil, Dahuk and Sulaymanyah) and has been renewed every month since. (Europa World Online, accessed 12 August 2005) **[1c] (Recent History)** (UNSC, 8 December 2004) **[38c] (p1-2)** (UNHCR COI, October 2005) **[40c] (p17)**

30.06 An "extraordinary" curfew was imposed on 23 February 2006 for 20 hours a day in the governorates of Diyala, Salaheddin, Babil and Baghdad following an attack on a Shi'ite mosque in Samara. (BBC, 24 February 2006) **[4ad]** (IRIN, 27 February 2006) **[18t]** (RFE/RL, 24 February 2006) **[22n]** The IRIN report continues, "… cars cannot move freely on the streets without special approval from the Ministry of Interior. Exceptions have been made for ambulances,

police, government cars and journalists who have special identity cards issued by the ministry." **[18t]**

30.07 The airport road, leading out of Baghdad was highly insecure and travel on the road was extremely dangerous, with numerous attacks on civilians. The UNHCR COI report states that "The airport road is known as the most dangerous of all, and car bombs and small arms attacks are common." **[40c] (p82)**

30.08 UNHCR's August 2007 paper provided an overview of Iraq's main roads and possible security issues, detailing the towns on major routes out of Baghdad and associated risks of travelling on those roads. **[40j] (p153-154)**

30.09 An article by UNHCR, published in the Forced Migration Review special issue on Iraq of June 2007 reports on the impact the rise in sectarian conflict has had on travel "Neighbourhoods that were once hard to tell apart are now separated by a no man's land of deserted streets and shuttered buildings. Transporters must change lorries and drivers to ferry goods from territory to territory. Roads are closed to one group or another." **[49b] (p9)** UNHCR's August 2007 paper also stresses that "The fact that Iraqis continue to travel should not be taken as an indicator that traveling is safe. Rather, Iraqis travel out of necessity and avoid traveling as much as possible." **[40j] (p153)**

30.10 The roads leading west out of Baghdad to Jordan and Syria (which pass through Ramadi and Fallujah) were extremely dangerous. (UNHCR COI, October 2005) **[40c] (p139)** The ongoing armed conflict between MNF/ISF and insurgents, mainly near Fallujah and Ramadi and near the Syrian border, meant it was very risky for Iraqis to travel along these routes. (UNHCR COI, October 2005) **[40c] (p90-91)** Highway 10, the route between Amman in Jordan and Baghdad, was regularly attacked by criminal gangs, insurgents and possible mistaken identity by the MNF. (UNSC, 7 June 2005) **[38b] (p15-16)** (FCO, 25 May 2005) **[66d]** Highway robbery/car-jacking by armed thieves were also very common, particularly on Highway 10. (UNHCR COI, October 2005) **[40c] (p90-91)**

"As formerly mixed areas become increasingly dominated by one sect and their armed groups, travel in such areas has become highly dangerous for members of the opposite sect. There has been a rise in violent attacks at false checkpoints set up by insurgents and militias who specifically target members of the opposite sect. For example, on the road between Baghdad and Balad, Sunnis face increased risks as these areas are under the control of Shi'ite militias. Shi'ites in turn face added risks between Balad and Mosul." (UNHCR, August 2007) **[40j] (p152)**

30.11 Regarding the safety of road travel in Iraq, the UNHCR report of August 2007 noted that:

"Road travel in Iraq, particularly in Central Iraq, remains highly dangerous. There has been an increase in roadside bombings in and around Baghdad, Basrah, Mosul, Kirkuk and on all main routes, including fatal attacks on both military and civilian vehicles. Attacks occur throughout the day, but travel after sunset is particularly dangerous. There are daily attacks against the MNF/ISF throughout Central and Southern Iraq. There has also been a rise in violent attacks at false checkpoints set up by insurgents and militias. Travelling is

often delayed by MNF/ISF checkpoints and convoys, which also increases the risk of being targeted by insurgents or criminals or being caught in armed clashes." **[40j] (p153)**

30.12 Travellers were often questioned about their religious affiliations on the highways to the western borders. (UNAMI, 1 July-31 August 2006) **[39c] (p9)** The Brookings Institution stated in a report, dated October 2006, that "Shi'a cannot travel to Anbar, nor can they travel through Anbar – which means that the land routes to Jordan and Syria are totally forbidden to them. Many have been killed. The killings started with taxi and lorry-drivers, then Shi'a officials and personalities, and now all Shi'a are targeted." **[88b] (p20)** The report adds that "Today, there are reported to be informal transfer points in the western sections of Baghdad where people can change vehicles, and merchandise are exchanged, or loaded from one lorry to another – so that persons and goods traveling west can do so with a Sunni vehicle and driver, and those traveling out of Anbar can proceed in a Shi'a vehicle." **[88b] (p20)**

30.13 The roads to Samarra, Tikrit and Mosul as well as roads heading south to Kuwait were also severely affected by the ongoing insecurity. (UNHCR COI, October 2005) **[40c] (p90-91)** The UNHCR COI report, October 2005, adds that "… no major route into Iraq is to be considered safe." **[40c] (p90)**

30.14 A number of Iraqis were killed by MNF suspecting them to be car bombers. There were a number of incidents whereby civilians that got too close or over-take a military convoy or approached a military checkpoint too fast were killed. (CPJ, 2005) **[26b] (p3)** (UNHCR COI, October 2005) **[40c] (p82, 90-91)** Numerous military checkpoints on the roads further restricted freedom of movement in Iraq, especially around Baghdad and the border between the KRG administered area and the government controlled area. (UNHCR COI, October 2005) **[40c] (p139)**

30.15 The same report of the following year records "There were some reports that the KRG employed checkpoints to prevent Arabs from moving into that area. For example, Arab travelers with a large number of suitcases were reportedly turned away. Despite these reports, thousands of Arab displaced persons were allowed entry into the region." **[2h] (p11)** In addition, there were a number of illegal checkpoints set up by armed groups. (UNHCR COI, October 2005) **[40c] (p90-91)**

30.16 Travel by air was also highly insecure. Insurgents have targeted civil aviation with small arms and missiles on a number of occasions. (UNHCR COI, October 2005) **[40c] (p82)** The UNSC report, dated 7 March 2005, adds "Aircraft, together with their cargo and passengers, continue to be exposed to a high level of threat both on the ground and when in Iraqi airspace." **[38a] (p15)** On 21 December 2007, the Ministry of Defence reported that following the handover of Basra by UK troops to the Iraqis, over 250 civilian flights were set to leave Basra every month by commercial airlines. The article stated that "the recent handover of Basra airport signalled a new era for the people of southern Iraq. For the first time since 2003 the airport is being run by Iraqis having taken four years of training and cooperation to get to this point." **[133]**

30.17 Women's freedom of movement was limited due to the specific harassment and threats against them, increasing the pressure on women to have a male family member to accompany them. (UNHCR CO, October 2005) **[40c]**

30.18 The UNHCR COI report, October 2005, remarks that:

"Even though there are no legal restrictions as regards choosing one's place of residence in the country, there are a number of practical restrictions mostly based on political and security considerations.

"As many refugees experienced harassment, physical attacks, arbitrary detention and increasing difficulties resulting from their uncertain legal status in Iraq, their freedom of movement is limited and has forced them to stay at home in order to avoid risks." **[40c] (p139)**

30.19 UNHCR's August 2007 highlights other factors effecting Iraqis ability to relocate:

"Furthermore, some neighbourhoods in Baghdad and the local authorities in several Governorates have imposed restrictions on the entry and residence of IDPs and/or their locations of settlement. Measures or restrictions designed to halt new entries into some Governorates/areas/cities are motivated by security, economic (limited municipal resources) saturation-related and political considerations. It is important to note that regulations regarding entry and residency are subject to change without prior notice, such that the information provided below may no longer be current by the time of publication of these Guidelines." **[40j] (p155-156)**

30.20 Syria closed its borders to Iraqi refugees on 1 October 2007, with new regulations specifying that Iraqis would only be granted visas for education, business or scientific purposes. (IRIN News, BBC News; 2 October 2007) **[18bq] [4bl]** The new restrictions were in response to over 1.5 million Iraqis fleeing to Syria since the 2003 US invasion. (IRIN News, 2 October 2007) **[18bq]** According to the UNHCR, around 60,000 refugees leave their homes every month, with around half of these remaining with Iraq. (BBC News, 2 October 2007) **[4bl]**

Freedom of movement within the KRG

30.21 The Finnish Fact-Finding Mission (FFM) report, for the period 23 October to 3 November 2007, commented on road travel within the KRG region, noting that "Some 6-7 checkpoints were passed on the roads between Erbil and Sulaymaniyah as well the road between Erbil and Dohuk/ Zakho. The checkpoints were manned normally by local gendarmerie forces, also Asayish and other forces. Joint forces make spot checks on checkpoints in order to further enhance security. Guard stations were seen on many hilltops around the cities and along the main roads." **[131] (p4)**

30.22 The Finnish FFM report also stated that:

"Following advice from international organisations and local people such as taxi drivers, the [Fact-Finding] mission avoided the main road from Erbil to Dohuk (passing near Mosul in the Nineveh governorate), and the main road from Erbil to Sulaymaniyah (passing through the suburbs of Kirkuk), and

travelled instead through more secure, slower roads farther north. The main roads were in fairly good condition in general, and several long stretches of the roads had only recently been newly asphalted. Quite a few road projects, for instance the building of new traffic lanes was witnessed by the fact-finding team. The roads were mostly not lit during night time, making driving hazardous." **[131] (p5)**

DOCUMENTATION FOR TRAVEL WITHIN IRAQ

30.23 The main identification documents needed for any kind of interaction with the authorities to access entitlements were the Iraqi Nationality Certificate and the Iraqi Civil Status ID. Both were issued by the Directorate of Travel and Nationality/Ministry of Interior and were widely common. In the KRG area, these documents are issued by Directorate of Nationality and Civil Status/Ministry of Interior (Governorate of Sulaymaniyah) and the Directorate of Nationality and Civil Identification (Governorates of Erbil and Dohuk). (UNHCR COI, October 2005) **[40c] (p132)** These documents are obtained by visiting the offices as there is no reliable postal service. (FCO, 6 November 2006) **[66o]**

30.24 Other documents available to Iraqis included the Residence Address Card, which certifies the holder's address. Iraqis could also obtain a one-time document certifying a person's residence from the local mayor (mukhtar) instead of the Residence Address Card. In the KRG area, only one-time documents certifying a person's residence are available. (UNHCR COI, October 2005) **[40c] (p132)**

30.25 The food ration card, which allows its holder to obtain the monthly food ration, is issued by the Ministry of Trade and is also widely accepted as an identification document. In the KRG area, the food ration card is issued by the Directorate of Food/Ministry of Trade (Governorate of Sulaymaniyah) and the General Company for the Trade of Food Items/Ministry of Finance and Economy (Governorates of Erbil and Dohuk). (UNHCR COI, October 2005) **[40c] (p132)** UNHCR's August 2007 paper notes that

"In principle, IDPs can transfer their food ration cards to their place of relocation. However, in practice this has not taken place in many areas for security reasons or political/demographic concerns. Persons not able to register with the authorities in their place of displacement (see above restrictions on entry [in source document]) are not able to transfer their ration cards, and accordingly do not have access to the commodities under this programme." **[40j] (p157)**

"IDPs are supposed to return to their place of origin in order to file a request to transfer the food ration cards. This also involves a financial burden. Given that the food ration cards serve as the basis for voter registration for Iraqi elections and referenda, they have acquired political significance. As a consequence, IDPs cannot transfer their food ration cards to the Governorate of Kirkuk, whose demographics are highly disputed. On the other hand, some towns are reportedly reluctant to allow families to take their ration cards when they move, as they do not wish to decrease their political weight;" (UNHCR, August 2007) **[40j] (p157; footnote 807)**

30.26 The UNHCR COI report, October 2005, records:

"Birth certificates are usually obtained in public hospitals or health centres. A Death certificates are issued by public hospitals indicating the time, date and reasons of the death. Deaths occurring outside a hospital need to be approved by the Civil Status Court. Birth or death certificates were required to add or remove a person from the food ration card In the KRG area, birth/death certificates need to be sent to the Directorate of Food (Governorate of Sulaymaniyah) and the General Company for the Trade of Food (Governorates of Erbil and Dohuk) for (de)registration of a person." **[40c] (p132)**

30.27 The FCO stated in a letter, dated 6 November 2006, that in order to relocate, an individual must have been be in possession of a personal identification number which is issued by the General Directorate of Citizenship in accordance with Iraqi civil law number 65 (1972); the Iraqi Nationality Certificate; a letter of confirmation from the place of work in the intended relocation town and/or the approval of the Mukhtar of the intended relocation town; a declaration from the security services that the person is not involved in criminal activities. Relocation applications could be made from all areas of Iraq. **[66o]**

30.28 The UNHCR assessment, August 2006, states:

"The nationality certificate and civil ID card are the most urgently needed forms of documentation for returning refugees as they restore the right to access all entitlements of Iraqi citizenship. Returnees still carrying old Iraqi documentation are able to renew documents easily. For those without these documents, further investigation into records must be carried out to prove entitlement. A non-Iraqi (e.g. Iranian) spouse of a returnee can apply for all the documents listed below except the civil ID card and the nationality certificate, which he/she may qualify for after legally remaining in Iraq for five years according to current Iraqi Nationality Law." **[40e] (p20)**

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INTERNALLY DISPLACED PEOPLE (IDPS)

31.01 The numbers of displaced Iraqis continued to grow primarily as a result of continued violence but also because of direct intimidation, rumour mongering, indirect threats received by individuals, or following attacks on family members or the community in the neighbourhood of origin as well as a general breakdown in law and order. (UNSC, 5 December 2006) **[38h] (p7)** (UNAMI, 1 May-30 June 2006) **[39a] (p13)** (UNAMI, 1 September-31 October 2006) **[39e] (p3-4and15)** (UNAMI, 1 November-31 December 2006) **[39f] (p17)** UNHCR, 8 January 2007) **[40i]** (Brookings Institution, October 2006) **[88b] (p5and27-28)** (IOM, 2007 Mid-Year Review) **[111b]**

31.02 Reports suggested that families were enticed from their homes by criminals and militia, which were then allocated for a fee to newly displaced persons. (UNAMI, dated 1 May–30 June 2006) **[39a] (p13)** Iraqi IDPs also reported that they received threatening letters, notes, flyers or pamphlets. Iraqi's would also occasionally find their names and associated threats on banknotes that were circulating in the local market. Threats were also made by phone calls and text messages on mobile phones. (The Brookings Institution, October 2006) **[88b] (p28)**

31.03 The attack on the Al-Askari Shrine in Samarra in February 2006 unleashed a wave of sectarian violence which significantly contributed to the increase in IDPs. (UNAMI, 1 July–31 August 2006) **[39c] (p2and13)** (UNAMI, 1 September-31 October 2006) **[39e] (3-4)** Up to 2 million other Iraqis have fled to nearby countries. UNHCR estimated that 40,000 to 50,000 fled their homes every month. (UNSC, 5 December 2006) **[38h] (p7)** (UNHCR, 18 December 2006) **[40e] (p1-2)** (UNHCR, 8 January 2007) **[40i]**

31.04 Although all governorates have been affected, the highest number of newly displaced were situated in Baghdad, Anbar, Karbala, Salah Al-Din, Diyala, Najaf, Dhi Qar, Muthanna, Maysan, Wassit and Basra. (UNAMI, 1 May-30 June 2006) **[39a] (p13)** (UNAMI, 1 July-31 August 2006) **[39c] (p13)** (UNAMI, 1 September-31 October 2006) **[39e] (p16) [39f] (p17)** (CSIS, 19 June 2006) **[63a] (p23)** The UNAMI report, dated 1 November-31 December 2006, adds that "Baghdad in particular seems to be particularly burdened by internal city displacement, i.e., displacement of people from one neighbourhood to another within the city limits, and IDPs from outside the city, i.e., from Diyala, Anbar, Salahaddin, Wassit, Babel, Kirkuk and Ninevah Governorates." **[39f] (p17)**

31.05 The increase in the number of IDPs in Iraq continued to strain resources. (UNAMI, 1 July–31 August 2006) **[39c] (p2)** The UNAMI report, dated 1 May–30 June 2006 notes that "Displaced persons find themselves in a condition of vulnerability, lacking many basic rights and competing for limited services, which increase inter-communal animosity in their points of arrival. In turn, this can generate further displacement." **[39a] (p13)**

31.06 Sunnis from Shi'a areas were possibly affected the most since the Samarra bombing. They frequently faced harassment and violence to leave Shi'a areas such as Shu'ala, Sha'b, Sadr City and other areas with Shi'a majorities (primarily in Eastern Baghdad). (Brookings Institution, October 2006) **[88b] (p2and18)** However, Shi'a from majority Sunni areas were also under pressure to leave predominantly Sunni areas, such as Ghazaliya, Khan Dhari, Abu Ghraib, Taji, Madaen (Salman Pak), Dura and other Sunni majority areas

(western and southern Baghdad in general). Minority groups from both Sunni and Shi'a areas, including Kurds, Christians, Turkmen, Sabean-Mandeans, Roma and third-country nationals, in particular Palestinians, were also under pressure to leave. **[88b] (p2)**

31.07 The Brookings Institution report, October 2006, added that generally the more mixed an area, the more sectarian violence and consequently the more displacement there was. Baghdad, Mosul, the towns of Salah ad-Din province (Balad, Dujeil, Samarra), some towns of Diyala province (Baquba, Muqdadiya), the towns of northern Babil (Latifiya, Yusifiya, Mahmudiya) and Basra were cities where there was both high violence and high levels of sectarian-induced displacement. **[88b] (p17)**

31.08 The extensive Internal Displacement Monitoring Centre (IDMC) report, dated 30 March 2007, stated "Displacement in and around Kirkuk has had particular political sensitivity as the area contains some of Iraq's biggest oilfields and which ethnic group is in the majority there is a key factor in the political bargaining over the relationship between the primarily Kurdish north and the Arab majority of the rest of Iraq." **[50a] (p11)**

31.09 A UNHCR article published in the June 2007 Forced Migration Review special issue on Iraq noted "… the lack of basic services, delays in the resolution of property disputes, and the fighting between insurgents and multi-national military operations that periodically displace thousands of civilians" as factors that caused internal displacement. **[49b] (p8)**

31.10 The International Organisation for Migration's 2007 Mid-Year Review reported:

"Displacement due to sectarian violence generally saw Internally Displaced Persons (IDPs) moving from religious and ethnically mixed communities to homogenous ones. Shias tended to move from the center to the south, while Sunnis tended to move from the south to the uppercenter, especially to Anbar. In large cities like Baghdad and Baquba, both Sunnis and Shias were displaced within the city to homogenous neighborhoods. Christians primarily fled to Ninewa and the northern three governorates, and Kurds were usually displaced within Diyala and Kirkuk and to the northern three governorates." (IOM, 2007 Mid-Year Review) **[111b] (p1)**

31.11 The International Organisation for Migration's 2007 Mid-Year Review reported "Iraq is experiencing the worst human displacement of its history, with almost 2.2 million persons displaced within its borders and an additional two million who have fled the country to the surrounding region. This mass displacement is fast becoming a regional and ultimately international crisis." **[111b] (p1)** UNAMI's April to June 2007 report concurs, stating that "Large-scale displacement of Iraqi civilians continued due to the ongoing violence, including direct death threats, abductions or killings, in many parts of Iraq." **[39h] (p17)** The report went on to detail UNAMI's main concerns regarding Iraqi IDPs, and Iraqis who had fled to neighbouring Jordan and Syria. **[39h] (p17-19)**

31.12 UNHCR's August 2007 Eligibility Guidelines paper reported the obstacles faced by IDPs attempting to access food and shelter, education and employment. **[40j] (p157-159)** Additionally:

"Poor diet, overcrowded living conditions and limited access to potable water and sanitation facilities exacerbate the spread of communicable diseases and increase health risks. IDPs face limited access to health care, either because existing services are overstretched by large concentrations of IDPs or because of settlement away from urban areas where facilities either do not exist or are too far to access. Severe shortages in medical equipment, supplies and manpower, and inadequate infrastructure as a result of sustained conflict have weakened Iraq's public health care system, disproportionately affecting IDP families, who can hardly afford alternative private treatment or the escalating cost of medicines." **[40j] (p158)**

31.13 The International Organisation for Migration's (IOM) 2007 Mid-Year Review remarked:

"Increased displacement has strained local capacities, particularly in the saturated southern governorates which in 2006 welcomed IDPs fleeing sectarian violence. In 2007, governorates began to restrict IDP entry due to economic and security reasons. Often IDPs from unstable regions are suspected of cooperating with insurgents. Some governorates will only grant residence to IDPs who can prove that they originate from the governorate. In addition, local authorities have ordered that the Ministry of Migration and Development (MoDM) cease registration in some governorates, so IDPs are therefore ineligible for assistance. IDPs entering the three northern governorates must be sponsored by someone who lives there, preventing many IDPs from entering. Increased restrictions on entry will force more and more Iraqis to seek refuge outside of the country." **[111b] (p4)**

31.14 Amnesty International's September 2007 report 'Millions in flight: the Iraqi refugee crisis', detailed the difficulties faced by Iraqis who have fled – or were attempting to flee – to neighbouring Jordan and Syria. These included entry and legal restrictions, deteriorating living conditions with regard to access to food, housing and employment, as well as the refugees' struggle to access education and health care. **[28m] (p7-23)**

31.15 The Report of the UN Secretary General of 15 October 2007 noted: "The humanitarian situation in Iraq has worsened during the reporting period. The estimated number of Iraqi refugees and internally displaced persons rose to 4.2 million, with monthly displacement rates climbing to over 60,000 persons (compared with 50,000 persons six months earlier). While most security incidents occurred in the centre and south of the country, displaced persons are not confined to those regions. There are currently more than 780,000 displaced Iraqis in the north, over 650,000 in the centre of the country and 790,000 in the south. Many are in makeshift camps inaccessible to aid workers due to security concerns." **[38k] (p8)**

31.16 The UNHCR's December 2007 report noted that Governorates were closing their borders to IDPs, citing security fears and lack of absorption capacity. **[40l] (p29)** UNHCR reported that up to 11 governors were limiting access and three provinces were refusing access altogether because of a lack of resources to look after the internally displaced people. (BBC News, 10 October 2007) **[4bn]**

31.17 The IOM's report on displacement in Iraq, published 1 April 2008, reported country-wide statistics of the places of origin, religion, ethnicity living

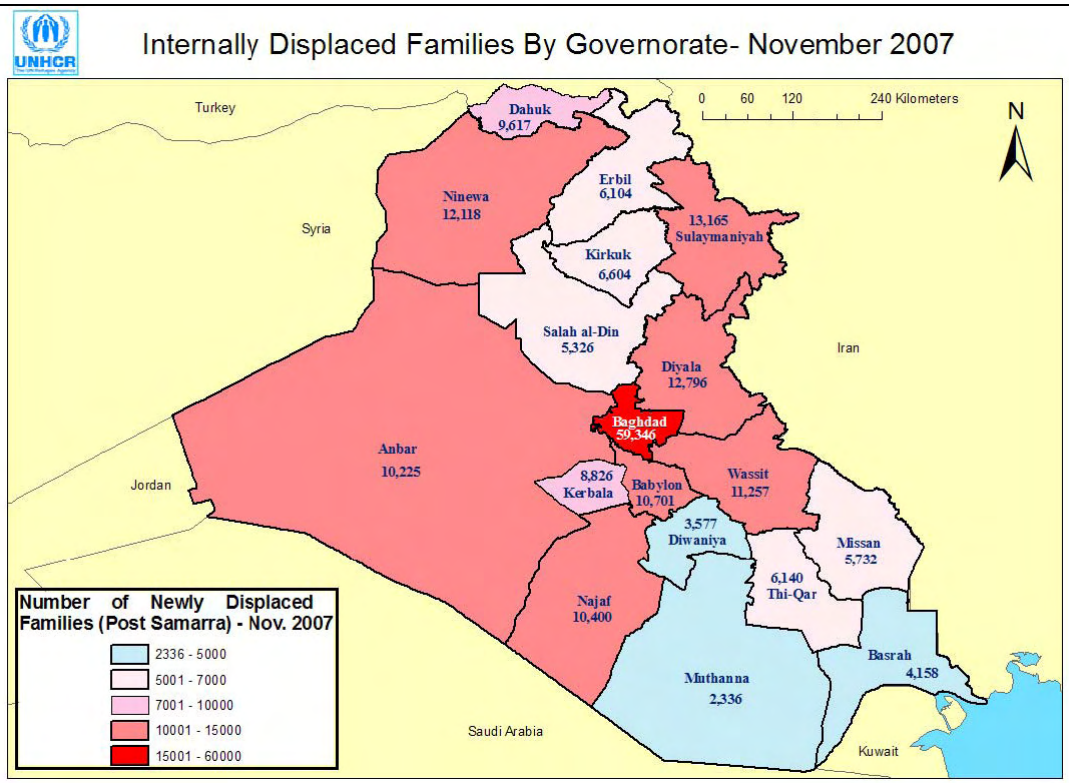
arrangements, intentions and top priority needs of IDPs from each governorate. **[111e] (p2)** The IOM report from 1 December 2007, stated that, at the time of going press, "around 3,500 IDP returnee families have completed registration for the one million Iraqi dinar returnee stipend, and another 6,000 families are undergoing the registration process. Many more returned last week from Damascus in bus transportation provided by the Government of Iraq. … displacement still continues, although much reduced, and many Iraqis do not feel that their safely is guaranteed to the poing [sic] that they feel comfortable to return." **[111c] (p1)**

31.18 A report by AI, published March 2008, noted that: "The displacement has also exacerbated sectarian divisions. Shi'as fleeing violence in central Iraq have tended to move to the predominantly Shi'a south, whereas Sunnis have generally tended to move from the south and Baghdad to the west, in particular al-Anbar, and to the north-west around Mosul. Many Christians from the south and central Iraq have moved to the north, including Mosul and Kurdistan region." **[28o] (p11-12)**

See also Sectarian violence.

Map

31.19 Map of Iraq - Internally Displaced Families by Governorate, November 2007. **[40n]**



IDPS IN THE KRG

31.20 A number of 2006 sources described the KRG administered area of Iraq as a 'safe haven' for Iraqis of various ethnic and religious backgrounds. (IWPR, 13

October 2006) **[11x]** (The Economist, 19 August 2006) **[19d]** Although resources, such as housing, were scarce a large number of Iraqis fled to the KRG area from central and southern Iraq. (The Economist, 19 August 2006) **[19d]** (UNAMI, 1 November-31 December 2006) **[39f] (p17-18)**

31.21 The UNAMI report, dated 1 November-31 December 2006, stated:

"Although the KRG authorities have received IDPs of all ethnicities in all three Governorates, recent entry regulations have restricted the movement of IDPs to reside and seek employment in the region. The lack of a unified approach in all three Governorates has led to inconsistent policies and practices regarding IDPs. The assistance provided by KRG authorities favours Kurdish IDPs, while Arab IDPs have been given the least support because of security fears."

"HRO has offered its support to the authorities in KRG in the formulation of regulations regarding IDPs consistent with human rights standards. However, government officials in Erbil have recently provided conflicting statements to the media and to HRO on the conditions for entry by IDPs, particularly in regard to the issuance of residence permits. There are approximately 119,270 IDP families in the Kurdistan Region, from before 2003 and as a result of the most recent violence in the south and centre of the country. A small number of these some 1,963 families, are of Arab background, and, according to information received by HRO, are liable to receive discriminatory and unfair treatment." **[39f] (p17-18)**

31.22 UNHCR's August 2007 paper remarked:

"On the one hand, the KRG authorities have admitted a considerable number of IDPs, provided limited financial/material assistance to some groups of new IDPs, assisted in securing new jobs and housing for some and established schools teaching in Arabic, though hardly sufficient to absorb increasing numbers of IDPs. Also, Kurdish officials seized the chance to strengthen their workforce, be it labourers in the booming construction sector, much needed doctors and dentists in the health sector, academics in Kurdish universities or civil servants in the KRG ministries. On the other hand, however, a significant number of IDPs face difficulties or may be prevented from finding protection in the three Northern Governorates, be it that they would not be admitted, may not be able to legalize their stay, fear continued persecution or face undue hardship to make their living, as unemployment is high and assistance is provided to few. Furthermore, the influx has squeezed already strained public services … ." **[40j] (p162)**

31.23 UNHCR's August 2007 paper reported: "The three Northern Governorates of Sulaymaniyah, Erbil and Dahuk are not easily accessible, as travel by road in Iraq is highly dangerous." **[40j] (p163)**

The UNHCR's paper further reported that:

"In order to access the three Northern Governorates from other parts of Iraq, all Iraqis, including Kurds, must go through checkpoints at the unofficial borders (the so-called 'green line') between Central Iraq and the KRG-administered area. Other areas along the unofficial border have been heavily mined in the past decade and are regularly patrolled by Kurdish *Peshmerga*. Such conditions make it nearly impossible for persons to cross into the three

Northern Governorates through the countryside without endangering themselves. Therefore, entry through the few major roads and their checkpoints is, practically, the only option available."

"There are regular flights by Iraqi Airways between Baghdad and Sulaymaniyah and Baghdad and Erbil. A one-way ticket costs US $95 (to Erbil) and US $60 (to Sulaymaniyah), an amount that cannot be borne by many for economic reasons. In addition, the Baghdad airport road is not considered safe." **[40j] (p164)**

31.24 UNHCR notes: "The Kurdish parties have introduced strict security measures at their checkpoints and persons not originating from the Region of Kurdistan, depending on their profile, may be denied entry into the Region of Kurdistan. Despite the unification of the administrations in the Region of Kurdistan, the three Governorates of Sulaymaniyah, Erbil and Dahuk continue to apply their independent entry and residency measures." **[40j] (p164)** The paper went on to annotate the various entry and residency measures of each of the three Governorates, plus general rules that apply across the whole of the KRG. **[40j] (p164-167)**

ARABISATION AND DE-ARABISATION

31.25 The Brookings Institution report, October 2006, stated:

"In the 1990s, the regime of Saddam Hussein initiated an aggressive anti-Kurdish Arabization campaign that relocated, often forcibly, tens of thousands of Arabs, both Sunni and Shi'a, to Kurdish areas in northern and northeastern Iraq (the figures remain unclear and could be far higher). After the fall of the regime, many of these settlers were reported to have fled back to the Center and South, or were forced out by Kurdish authorities or the Peshmerga. While Kurdish groups exerted pressure and intimidation, and there were some acts of violence, there was nothing like the current Sunni-Shi'a violence." **[88b] (p23)**

31.26 The report added that: "Many of the Arab displaced returned back to their original towns and tribes, but some still occupy deserted governmental buildings or military compounds. Many have built houses on land that is not theirs – the government seems powerless to remove them." **[88b] (p24)** A UNAMI report of January to March 2007 recorded that "In Kirkuk, socio-political rights of minorities remained under discussion. On 4 February, the High Committee for Implementing Article 140 of the Constitution issued two proposals for the KRG Prime Minister's approval, outlining procedures for the return of the Arabs and others to their places of origin with a compensation package. The proposal received mixed reactions among the various communities." **[39g] (p14)**

Land and property rights

31.27 UNHCR, in a document dated August 2004, observed that "The Iraq Property Claims Commission (IPCC) is the organization set up to reinstate peoples' property rights that were taken away by widespread property confiscations by the former Iraqi Government…." **[40b] (p13)** The UNHCR COI report, October 2005 added:

"The IPCC process is open to all persons or their heirs who have been wrongfully deprived of real property (e.g. house, apartment or land) or an interest in real property (e.g. right to use land) because of actions taken by or attributed to former Iraqi Governments between 17 July 1968 and 9 April 2003. Claims can also be made by people who lost real property or an interest in real property between 18 March 2003 and 30 June 2005 as a result of their ethnicity, religion or sect, or for purposes of ethnic cleansing, or by individuals who had been previously dispossessed of their property as a result of the former regime's policy of property confiscation. The deadline to file claims was initially 30 June 2005, but it was subsequently extended to 30 June 2007." **[40c] (p128)**

31.28 The Commission for Resolution of Real Property Disputes (CRRPD), however, replaced the IPCC in March 2006. (IDMC, 23 May 2006) **[50a] (p281)** By April 2006, 132,607 claims had been received by the CRRPD. Adjudication of claims started in October 2004 and by April 2006 21,730 claims had been decided. (CRRPD, April 2006) **[79a]**

IDP CAMPS

31.29 Although the majority of IDPs sought shelter with their relatives, extended family, friends or host families, a large number moved into abandoned buildings and camps. (UNAMI, 1 September-31 October 2006) **[39e] (p16)** (UNAMI, 1 November-31 December 2006) **[39f] (p17)**

31.30 Approximately three percent of recently displaced IDPs moved into displacement camps run by the Ministry of Displacement and Migration (MoDM) and the Iraqi Red Crescent Society (IRCS). (UNAMI, 1 September-31 October 2006) **[39e] (p16)** While some camps were transitory, inhabited by IDPs intending to move to other locations, other camps acquired a more permanent character. (UNAMI, 1 September-31 October 2006) **[39e] (p16)** (UNAMI, 1 November-31 December 2006) **[39f] (p17)** The Iraq chapter of the 2006 Annual Report of the International Committee of the Red Cross (ICRC) reported the organisation's efforts to assist internally displaced Iraqis. **[43c] (p325)**

31.31 According to the Brookings Institution, October 2006, "There are very few IDPs who [elect] to stay in camps due to lack of infrastructure (no electricity, water), increased insecurity, and because it is contradictory to Iraqi culture (which focuses on family and its support for family members, and [where] living in such close quarters with strangers is not accepted).'" **[88b] (p30)** The report added:

In Kut, displaced people occupy the deserted military camps and some parks. The same situation prevails in east Baghdad. In Diwaniya, displaced families have settled in an abandoned amusement park eight kilometers from the city. In Kerbala, displaced people from Tal Afar live in a former hotel, the Kerbala Tourism Hotel, that was used and abandoned by Polish Coalition troops, as well as in a school in Ain al-Tamur, some 80 kilometers from Kerbala city. In Najaf, numerous displaced live in the old cemeteries that ring the town; some also occupy governmental buildings. In Falluja, displaced people live in a number of schools and also in a soccer field. In most of the provinces, the government and the Red Crescent are building camps for the displaced." **[88b] (p31)**

31.32 The IDMC stated, on 30 March 2007, that:

> "The UN has been extremely slow to recognise the humanitarian crisis inside Iraq, whose population has inadequate access to shelter, food, clean water and employment opportunities. The UN Secretary General officially recognised the humanitarian suffering of Iraqis only in March 2007. The complex and large-scale nature of Iraq's internal displacement situation has also drawn only belated international attention. Limited by a number of factors including insecurity, international efforts to assist the internally displaced have been negligible. Local NGOs, and increasingly political parties and militia, are providing protection and assistance to internally displaced people (IDPs)." **[50a] (p10)**

31.33 UNHCR's August 2007 paper stated:

> "Housing is an urgent priority for the majority of IDPs in all governorates. Although many are living with host families (relatives or friends), inadequate infrastructure-related services, including access to sanitation, potable water and electricity, pose additional health risks to many IDPs, who are also faced with the additional crisis of overcrowding. This is particularly true in Central and Southern Iraq. The inability of many IDPs to contribute to household expenses increases this problem. A significant number of IDP families are also living in public buildings in unsanitary, overcrowded conditions with limited access to electricity. A smaller number are living in collective towns and several hundreds in tented camps." **[40j(p157)**

31.34 According to the IOM's bi-weekly report, published 1 December 2007, a new IDP camp, Al Salem camp, was opened in Diyala in October 2007 by the Iraq Red Crescent. The camp has 100 tents and has services like water and electricity. **[111c] (p8)**

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FOREIGN REFUGEES AND OTHER NATIONALS

32.01 Article 21 (2) of the Constitution stipulated that: "A law shall regulate the right of political asylum in Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled." Article 21 (3) states that "Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq." **[82a] (p8)**

"The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not yet established an effective system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government recognized as refugees more than 23,000 Palestinian and some 2,500 Syrians in the country. The government has also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees." (USSD 2006) **[2h] (p12)**

32.02 The USSD report 2006 also stated that: "The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR provided protection and assistance to both Syrian and Palestinian refugees through rental subsidies, other forms of material assistance, and legal representation."

"The government re-established an interministerial committee charged with making group and individual refugee determinations. The committee did not review any cases during the year." **[2h] (p12)**

32.03 The USCRI report 2006 covered the issues of residency, freedom of movement, employment and access to services for refugees in Iraq, stating that "Refugees in al-Tash camp received refugee cards from the al-Anbar Provincial Government, and refugees in Kurdish regions received residency permits from the KRG. UNHCR issued all refugees refugee/asylum seeker certificates, which authorities honored. Other refugee groups still held documents from the Hussein regime, many of which had expired, and there was no way to renew them." **[44b] (p2)**

32.04 Further, the USCRI reported stated that: "Syrian, Palestinian, and Iranian Arab refugees reportedly had to renew residency permits every three to six months but authorities required proof of employment. Many refugees, however, had no employment due to discrimination and insecurity." **[44b] (p2)** The report also stated that "Refugees were able to work legally under permission from the President's office, but continuing insecurity made this difficult." **[44b] (p2)** Also "In general, refugees did not have access to international travel documents…" (USCRI 2006) **[44b] (p2)**

"For refugees who had trouble obtaining residence permits, it was difficult to gain access to education and medical services on par with nationals. UNHCR assisted refugees with medical services, education, water and sanitation services, and income-generating projects. Refugees in Kurdish regions had full access to primary and secondary education, and some enrolled in

universities there. UNHCR also subsidized the rent of Syrian and Palestinian refugees." (USCRI 2006) **[44b] (p2-3)**

32.05 The USCRI report 2007 noted that: "There were no legal restrictions on refugees' freedom of movement or choice of residence. The general insecurity, as well as harassment, physical attacks, and arbitrary detention, however, restricted the ability of refugees to move freely." **[44c] (p74)** "During the year [2006], refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. Protection for Palestinian refugees remained poor. There were credible reports that more than a dozen Palestinian refugees were murdered, and that police targeted Palestinians for arbitrary arrest, detention, and house raids." (USSD 2006) **[2h] (p12)**

32.06 There were also reports that groups not affiliated with the government threatened Palestinians, Syrian Baathists, and Ahwazi Iranians whom they felt the previous regime had favoured. (USSD 2005) **[2b] (p14)** (USSD 2006) **[2h] (p12)** (USCRI 2006) **[44b] (p1)** The USCRI report 2006 noted:

"U.S.-led coalition forces or Iraqi security forces detained at least 85 refugees during the year. According to UNHCR, police, security forces, Iraqi security forces, coalition forces, and members of the public repeatedly threatened, detained, and abused refugees, particularly Syrians and Palestinians they suspected of terrorism. … The KRG detained three asylum seekers for illegal entry, but UNHCR had access to the detention facilities and intervened to win their release." **[44b] (p2)**

32.07 The USCIR World Refugee Survey 2007 reported that: "There were no reports of refoulement in 2006. The Government offered refugees protection under the Law of Administration for the State of Iraq for the Transitional Period (TAL), but had no mechanism for determining refugee status. Refugees typically registered with the local government in their area. The Office of the UN High Commissioner for Refugees (UNHCR) only had local staff in Iraq, with its international staff operating out of Jordan." **[44c] (p72)**

PALESTINIANS

32.08 It is widely reported that Palestinians were subjected to various human rights violations, including arbitrary arrest, detention, harassment and house raids, because they were perceived as supporters of the previous regime or the insurgency. (USSD 2006) **[2h] (p12)** (USSD 2007) **[2l] (p12)** (UNAMI, 1 May–30 June 2006) **[39a] (p14)** (HRW, September 2006) **[15k] (p1 and 12-32)** The USCIR World Refugee Survey 2007 reported that "Insurgent groups, mostly Shi'a, killed about 170 Palestinian refugees because the Shi'a associated the Palestinians with the larger Sunni insurgency and believed that Palestinians enjoyed privileges under Saddam Hussein." **[44c] (p72)** The USCRI report for the previous year stated; "Employers dismissed many Palestinian refugees following the end of the Hussein regime and many were reluctant to hire refugees, especially Palestinians, as they resented the favor the former regime had shown them." **[44b] (p2)**

32.09 Following a bombing incident in Baghdad in May 2005 – for which blame was attributed to Palestinian refugees by the media – there was an increase in hostility toward Palestinian refugees. (USSD 2005) **[2b] (p14)** (USCRI 2006) **[44b] (p1)** Whilst the USCRI report 2006 stated that "After the February 2006

bombing of a Shi'a shrine in Samarra, unidentified assailants killed 12 Palestinian refugees in Baghdad and kidnapped several others. More than 100 families received death threats." **[44b] (p1)**

31.10 Amnesty International (AI) reported on 1 October 2007, that "A joint Palestinian-International Middle East Media Centre statement put the number of those killed in Iraq at more than 320 by early 2007." **[28n] (p3)** The article stated that the fatwa (edict) issued by Shiite grand cleric Ayatollah Sistani in April 2006, calling for an end to all attacks on Palestinians, appeared to have had little impact. **[28n] (p3)** Palestinians abducted, taken hostage, tortured and killed by Iraqi armed groups and Iraqi Security Forces are also listed in the report. **[28n] (p3-6)**

32.11 The HRW report, September 2006, noted that: "The post-Saddam Iraqi governments have done little to protect the Iraqi Palestinians – a community whose members were given the same rights as citizens, minus the actual citizenship and the right to own property – and some elements within government have actively contributed to this community's insecurity." **[15k] (p2)** The USCRI report of 2006 stated "The Minister of Displacement and Migration reportedly said that Palestinians were not welcome in Iraq and should leave." **[44b]**

32.12 The USSD report for 2007 stated that over 23,000 Palestinians were recognised as refugees by the Iraqi government in 2007. **[2l] (p12)** "Protection for Palestinian refugees remained poor. There were credible reports that more than a dozen Palestinian refugees were murdered, and that police targeted Palestinians for arbitrary arrest, detention, and house raids. There was a wave of increased abuse of Palestinian refugees by the security forces and the general public following the February 22 bombing. Several hundred Palestinian refugees left Baghdad to seek refuge at the Jordanian and Syrian borders, and many more allegedly fled Iraq with false Iraqi passports." **[2l] (p12)**

32.13 The USCRI report for 2007 noted: "In January 2007, Iraqi police raided a building rented by the UN for 26 Palestinian families. They detained 17 men as terrorists and Hussein followers, but released them after nine hours. Authorities arrested and released another 13 Palestinians near the Baladiyat area the same day. The security forces had also detained dozens more in previous weeks." **[44c] (p73)**

32.14 The UNAMI report for 1 July-31 December 2007 reported the Palestinian refugee community in Baghdad was estimated at 11,000 individuals in late 2007. **[39l] (p17)** "Many fled towards the Jordanian or Syrian borders to escape ongoing violence and attacks against their community. By December, the number of those at al-Tanf Camp in the no-man's-land between Iraq and Syria had risen to 437, with over 1,600 others in al-Walid Camp, located in the desert on the border with Syria. Conditions in both camps are harsh, particularly during the winter months." **[39l] (p17)**

32.15 UNHCR's August 2007 Eligibility Guidelines paper briefly summarised the situation of Palestinians in Iraq but directed readers to its 2006 aide-mémoire (source **[40k]** of this report) for more detailed information. **[40j] (p174)**

32.16 The USCRI 2006 report added that some Palestinians still held Iraqi or Palestine travel documents. **[44b] (p2)** The UNCRI 2007 report of the following

year notes that: "The Government issued Palestinians blue travel documents that distinguished them from Iraqis who received green passports. insurgents reportedly used the distinction to identify and kill many Palestinian." **[44c] (p74)**

"Where previously Palestinian refugees in Iraq had little trouble obtaining and maintaining their residency status, the Ministry of Interior ordered Palestinian refugees to obtain short-term residency permits, treating them as non-resident foreigners instead of as recognized refugees. The residency requirements are onerous, requiring Palestinian refugees to bring all members of their families to Ministry of Interior offices to renew the permits, which can take days or even weeks, and the new permits are only valid for one to two months." (HRW, September 2006) **[15k] (p3)**

32.17 USCRI's 2007 World Refugee Survey concurred: "New rules required Palestinian families to appear before the Department of Residency every one to three months for registration renewal, where the staff occasionally verbally abused them or confiscated their documents." **[44c] (p73)**

32.18 IRIN news reported, on 5 June 2006, "Along with physical intimidation, leaflets have been scattered in Palestinian neighbourhoods of Baghdad, warning Palestinians to leave the country in ten days or face death. **[18au]** "Many residents have reported receiving threatening letters demanding they evacuate their houses and many of the abandoned houses were later occupied allegedly by members of militias or their affiliates." (UNAMI, 1 November-31 December 2006) **[39f] (p25)**

32.19 In spite of this treatment, "For many Palestinians, leaving Iraq is not an option, as the only documents they have are either Iraqi Travel Documents or Palestinian passports. Neither document is accepted by neighbouring countries." (UNAMI, 1 September-31 October 2006) **[39e] (p14)** The UNAMI reports of April-June 2006 highlighted the almost complete refusal of neighbouring countries Jordan and Syria to accept Palestinian refugees from Iraq. **[39a] (p14) [39d] (p3)**

"Despite the challenges in coordinating the logistics and timing of the delivery of food and relief items, UNHCR continued to deliver assistance to Palestinian refugees located at the Iraqi-Jordanian border. An additional 146 refugees arrived bringing the total at the end of April to 237 persons. On 28th April, the Syrian authorities officially confirmed that Syria is prepared to receive this group." (UNAMI, April 2006) **[39d] (p3)**

32.20 The HRW report of September 2006, also states that: "Following a request from the Palestinian Authority's foreign minister, Syria allowed these Palestinians into Syria, but again closed its borders to Palestinian refugees immediately afterwards." **[15k] (p3)** "The approximately 175 Palestinian refugees who are stranded in no-man's land, on the border to Syria, recently reported that, on 18 June, Iraqi Security Forces arrived in several vehicles in front of the camp and told a man standing there that the Palestinians were terrorists and threatened to take him back to Iraq with them." **[39a] (p14)**

32.21 UNHCR's December 2006 Aide-Mémoire on the situation of Palestinians in Iraq noted:

"Palestinians inside Iraq as well as those who have fled into the neighboring states are facing a dire protection situation, lacking basic protection as refugees. The situation of Palestinian refugees inside Iraq has become untenable while those who have fled into Jordan and Syria as described above, are living in conditions which are degrading and precarious. .Inside Iraq, Palestinians suffer the same insecurity affecting the entire Iraqi population, and are also specifically targeted for serious discriminatory treatment and acts of violence. Being a large foreign minority and a high profile group, and having benefited from a large number of privileges under the former regime, Palestinian refugees are particularly vulnerable to human rights violations, which could well reach the threshold of persecution. There is no adequate protection from tribal or other social affiliations, nor from the state authorities." **[40k] (p6-7)**

32.22 The UNAMI reports covering the last months of 2006, and the first six months of 2007 reported on the perilous security situation of Palestinians in Iraq, including the continuing plight of those waiting on the borders of Iraq, Jordan and Syria. **[39f] (p25-26) [39g] (p15-16) [39h] (p13-14)**

"Between April and June, the number of displaced Palestinians seeking protection at makeshift camps close to the border with Syria and in the no-man's-land between Iraq and Syria rose in response to ongoing violence and attacks against their community in Baghdad. At the end of June, those at the al-Tanf Camp reached 389, while in al-Walid camp their numbers rose from 656 at the end of March to 1,097 by the end of June. UNHCR provided food and medicines while continuing to face difficulties in securing third country approval for their resettlement." (UNAMI, April to June 2007) **[39h] (p13)**

31.23 AI reported, on 1 October 2007, on the three UNHCR-administered camps housing Palestinian refugees on the Iraq-Syria border; al-Hol camp in north East Syria, al-Tanf camp in no-man's land on the border between Syria and Iraq and al-Waleed camp in Iraq, which houses 1,550 refugees. **[28n] (p6-7)** Al-Waleed was reported to be overcrowded with many people suffering from various illnesses and lacking in basic medical facilities, the nearest hospital being four-hours drive. **[28n] (p7)** Medical drugs, food and water were in short supply and there were reports of outsiders visiting the camp and sexually harassing women. **[28n] (p7)**

31.24 The UN Iraq Humanitarian Update of December 2007, stated: "The situation in the camps on the Iraq-Syria border remains very precarious for over 2,300 Palestinian refugees trapped there. Al Waleed camp, inside Iraq, hosts over 1,600 Palestinian refugees and the number is increasing as new families continue to arrive, particularly from Baghdad. UNHCR estimates that some 11,000 Palestinians who still live Baghdad face ongoing threats. The conditions in the camp, located in the desert near the border with Syria, are harsh, especially during winter." **[38m] (p3)** On 19 February 2008, Reuters News also reported on the Al-Walid camp, stating it lacked the infrastructure to cope with additional Palestinan refugees. **[7d]**

IRANIANS

32.25 The USSD report of 2006 stated that the Iraqi government recognised 5,500 Iranians as refugees. **[2h] (p12)** "The central government and the KRG agreed

to integrate approximately 3,000 Iranian Kurd refugees in northern Iraq." **[2h] (p12)**

32.26 Reports stated that there were originally 12,000 Iranian Kurds in Al-Tash Camp, located near Ramadi in the Governorate of Al-Anbar, having mostly fled Iran during the Iran-Iraq war of the 1980s. But clashes between multi-national forces and insurgents in the area following the US-led invasion in 2003 caused most to leave. The Iranian Kurds in Al-Tash, and Turkish Kurds in Makhmour Camp in Ninewah, also became increasingly vulnerable, and were subjected to harassment, threats and abuse by groups not affiliated with the government. (USSD 2006) **[2h] (p12)** (IRIN, 11 April 2006) **[18ap]** IRIN reported that, "According to the UNHCR, only 267 refugees currently remain in al-Tash." **[18ap]**

32.27 The USCRI report 2006 noted:

"In November [2005], UNHCR signed an agreement with the Kurdistan Regional Government (KRG) in Iraq to allow the construction of semi-permanent housing in Kawa, south of the Kurdish city of Erbil, for 2,000 Iranian Kurdish refugees from the al-Tash camp. In March 2006, UNHCR urged the Iranian Kurdish refugees on the Iraqi side of the Iraq-Jordan border to join the others in Kawa." **[44b] (p1)**

32.28 IRIN news article reported, on 11 April 2006, that "Hundreds of Kurdish refugees, who lived in the al-Tash camp in central Iraq for more than 20 years, were transferred to Kawa, near the northern city of Arbil, in November 2005. They are currently receiving assistance from the UNHCR and the Kurdish regional government (KRG)." **[18ap]** The UNHCR COI report of October 2005 noted that there were some 878 Iranian Kurdish asylum seekers registered with UNHCR in Erbil, at that time. **[40c] (p27)**

32.29 On the subject of the Iranian Ahwazis, mainly located in southern Iraq, UNHCR recorded:

"Prior to the 2003 conflict, the former Iraqi regime provided them with assistance such as land, houses and farms because of their political opposition to Iran. However, this preferential treatment led to local Iraqis perceiving Ahwazis as collaborators with the former regime and now has resulted in much harassment. Because of this treatment some 80 Ahwazi families relocated to a UNHCR transit centre in the outskirts of Basrah. They were later evacuated by the Iraqi authorities and ever since have been scattered throughout the Southern Governorates." **[40c] (p26)**

"Many attempted to return to Iran, but came back to Iraq due to alleged harassment by the Iranian authorities and difficulties reintegrating following years in exile. UNHCR is aware that the Ahwazis now face problems obtaining new residency permits, which has been an obstacle to obtaining public services such as education. UNHCR is in the process of conducting an in-depth survey to register them and acquire necessary data. Many Ahwazi refugees face severe problems as regards adequate housing and access to public services such as education and health. The 104 Ahwazi refugees in the Baghdad area face similar problems to those faced by Syrian and Palestinian refugees." (UNHCR, October 2005) **[40c] (p26)**

32.30 The UNAMI reports of April–June 2006, note that the Iranian Ahwazi refugee community were concerned at their vulnerability in the face of serious verbal and physical attacks, **[39a] (p12) [39d] (p3)** reporting to UNAMI HRO that "Five members of the Ahwazi community were reportedly assassinated since the fall of the past regime allegedly because they support separation of the Ahwazi from Iran." **[39a] (p12) [39d] (p3)** "In an effort to enhance their protection, the 143 refugee families previously registered in 2005 will be issued with official UNHCR Refugee ID Cards in June." **[39d] (p3)**

32.31 The UNAMI report, dated April 2006, stated that "UNHCR delivered 12 tents to a group of Iranian Kurdish refugees at the Iraqi-Jordanian border to replace tents damaged in violent sand storms. The refugees recently sent a fax to UNHCR outlining their concerns and demanding that UNHCR facilitate a solution for them; primarily a resettlement to a third country." **[39d] (p3)** USCRI's 2006 report notes that "Many other Iranian Kurdish refugees left Iraq for Europe, traveling irregularly through Turkey." **[44b] (p1)**

"Those refugees who have remained in the Al-Tash Camp have become increasingly vulnerable to deteriorating living conditions and are faced with a chronic lack of electricity, water supplies, medical care and educational activities. In addition, the local population is increasingly growing hostile towards the refugees and insurgent groups may be seeking to recruit dissatisfied and desperate camp inhabitants. UNHCR is aware of the arrest of 18 Iranian Kurds from Al-Tash by the MNF since November 2004. The chronic insecurity in this part of Iraq has also meant that UNHCR, its partners and the government authorities have been limited in their ability to respond to the refugees' needs." (UNHCR, October 2005) **[40c] (p25-26)**

32.32 The USCIR World Refugee Survey 2007, reported there were around 12,800 Iranian refugees in Iraq, and stated that:

"In March [2007], UNHCR urged a group of about 200 Iranian-Kurdish refugees in the no-man's land to move to a camp in Erbil, northern Iraq. They remained, however, in hopes of resettlement to a third country. In 2005, the refugees had fled the al-Tash camp outside of Baghdad and arrived at the Iraq-Jordan border. After Jordan denied their entry for more than a year, UNHCR said the refugees were outside its mandate, and it could not resettle them. UNHCR had moved about 1,300 Iranian-Kurdish refugees from al-Tash camp to northern Iraq since September 2005. The Government agreed to integrate about 3,000 Iranian Kurd refugees in northern Iraq, as well as Iraqi Shi'a Kurds returning from Iran."

"A refugee camp 40 miles north of Baghdad held about 3,500 Iranian refugees, most of whom belonged to the People's Mujahedin Organization of Iran, which the European Union and the United States considered a terrorist organization." **[44c] (p73)**

32.33 In 10 February 2008, the *International Herald Tribune* reported the International Red Cross had called for a safe haven to be found 200 Iranian-Kurdish refugees who remained stranded in no-man's land between Jordan and Iraq. **[126]**

AFGHANS

32.34 The USCRI report 2005 states that "In October [2004], the Iraqi National Guard arrested 73 Afghans, many of whom were women and children, for illegal entry." **[44a] (p1)**

SYRIANS

32.35 The UNHCR COI report, October 2005, noted:

> "… after the fall of the former regime, Syrian refugees faced repercussions at the hands of segments of the Iraqi population that perceived them as having received special privileges from the former regime. Similar to the Palestinian refugees, they suffer from frequent harassment and arbitrary arrests by the MNF/ISF as they are suspected of being involved in terrorist activities. They are also facing problems obtaining new residency permits. Currently, 489 Syrian refugees are registered with UNHCR." **[40c] (p25)**

32.36 USCRI's World Refugee Survey reports that "In January 2007, insurgents killed at least eight Syrian refugees and others went missing." **[44c] (p73)**

32.37 On 14 January 2007, IRIN News reported there were 686 registered Syrian refugees in Iraq at the beginning of January 2007, mostly Syrian Arabs living in Baghdad and Ninewa and some Syrian Kurds living in Ninewa, Dahuk and Arbil. **[18ce]** At least 150 Syrians were reported to have been killed in Iraq since the 2003 US-led invasion, many targeted by militias, who deemed them to be Saddam Hussein's followers, even after his death. **[18ce]**

TURKS

32.38 The UNHCR COI report, October 2005, noted that the majority of Turkish refugees were supporters or sympathisers of the Kurdistan Workers' Party (PKK). **[40c] (p26)** The same report recorded:

> "More than 9,600 are hosted in the Makhmour Camp; another 4,500 live in rural or semi-urban settlements in the Governorates of Dohuk and Erbil. While the refugees' basic needs are being met in the Makhmour camp, there are some concerns about the maintenance of the civilian character of asylum of the camp. Targeted assistance programmes aim at addressing poor family planning (which is responsible for high birth rates), child labour, illiteracy (mainly among women) and poor community participation. In addition, reports have been received by UNHCR about the poor health status of the 4,000 refugees in Dohuk Governorate. An agreement between UNHCR, the Government of Turkey and the Iraqi authorities that would allow for the voluntary return of these refugees to Turkey has not yet been finalized." **[40c] (p26-27)**

32.39 UNHCR also mentioned that there were 218 Turkish asylum seekers registered with UNHCR in Dohuk. **[40c] (p27)**

SUDANESE

32.40 The Brookings Institution report, October 2006, highlighted Sudanese nationals as another group of foreign nationals becoming increasingly at risk in Iraq:

"There were large numbers of Sudanese in Iraq, guest-workers, but also students and petty traders who ended up stranded by the war. Many have no way of getting home, and some come from areas that are hard to return to, such as the Nuba Mountains, Southern Blue Nile and especially Darfur. Traditionally, Sudanese have been welcome in Iraq and well-liked, and previous research indicated that they did not seem to be targeted. But reports of alleged attacks against Sudanese raise concerns that the violence may be catching up with them, especially in the Mahdi Army-dominated areas of Baghdad (Sudanese Muslims are Sunni). For instance, one international aid agency reported in early 2006 that 28 Sudanese families 'displaced due to religious and ethnic tension' were living in 'a temporary camp in Anbar.'"
[88b] (p26)

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CITIZENSHIP AND NATIONALITY

33.01 Article 18 (2) of the constitution stipulates that "Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi." Article 18 (3) states that "A: An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the right to demand its reinstatement. This shall be regulated by a law." And "B: Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law." The Constitution also provides for the right to multiple citizenship. **[82a] (p6)**

33.02 There were an estimated 350,000 stateless persons in Iraq. (UNHCR COI, October 2005) **[40c] (p24)** The report added "In Iraq, there are three groups of stateless or de facto stateless persons whose status and specific needs require attention: the Faili Kurds, the Bidouns and children of mixed marriages." **[40c] (p30)** UNHCR's August 2007 Eligibility Guidelines paper also briefly pointed to the difficulties faced by persons of the Baha'i faith who, unable to declare their faith in their civil status records (only Christianity, Judaism or Islam can be recorded in this way) are left "… in the untenable position of either having to make a false statement about their religious beliefs or to be left without documentation necessary to access most rights of citizenship, …". **[40j] (p18)**

33.03 UNHCR's October 2005 COI report also stated that "… they are facing multiple problems linked to their status as previously stateless persons (e.g. proof of documentation of being an Iraqi national, access to PDS, right to vote). For those who were deprived of Iraqi nationality for other reasons and for whom the TAL stipulates the possibility of reacquiring Iraqi nationality, no reacquisition procedures have yet been put in place." **[40c] (p30)** The report further noted:

"Stateless persons originating from the three Northern Governorates have to provide documents showing their first degree relatives' Iraqi nationality in order to recover their nationality. As it is well known that Faili Kurds have often been stripped of all documentation and may therefore not be able to present the requested documents, local authorities have established mechanisms to review such cases. In the PUK-area, a committee comprised of representatives of the Governor's Office, the Ministry of Interior and prominent Faili Kurds has been established, while in the KDP-administered areas an interview at the Ministry of Interior will be conducted. Based on these interviews, a stateless person will be reinstated with his/her nationality if Iraqi origin can be confirmed." **[40c] (p138)**

33.04 An article by IRIN news, dated 12 December 2005, reported "Ever since the enactment of new regulations after the fall of Saddam Hussein, the children of Iraqi women married to foreign nationals are no longer entitled to the same rights and services offered by the government to those of full Iraqi parentage." **[18w]** The UNHCR COI report, October 2005, mentioned that:

"Persons that would de jure recover their nationality because of the retroactive cancelling of Decision No. 666 have, at this stage only received Interim Civil Status Identity Cards from the Civil Status Offices after having provided proof of their former Iraqi nationality (e.g. through the presentation of old Iraqi IDs, birth registration certificates or after the authorities' checking of the nationality

registries in coordination with the Nationality Directorate within the Ministry of Interior). Furthermore, because the central authorities have not been providing sufficient blank certificates to the different governorates, the issuance of these documents is delayed. Iraqis whose Iraqi nationality was withdrawn for political, religious, racial or sectarian reasons and who have, according to Article 11(d) TAL the right to reclaim their nationality, are currently not able to do so due to the lack of any procedures in this regard." **[40c] (p138)**

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ENTRY/EXIT PROCEDURES

34.01 The USSD report 2007 stated: "The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport. … There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced." **[2l] (p13)**

34.02 An IRIN article, dated 1 March 2007, reported that: "Jordan and Syria have been the only of Iraq's neighbours to open their doors to the hundreds of thousands of Iraqis on the move. … Other countries which share borders with Iraq - such as Saudi Arabia, Kuwait, Turkey and Iran – have allowed very few Iraqis in." **[18bk]** In order for an Iraqi to enter Jordan, they must hold a new 'G' generation passport and prove that they have sufficient funds to support themselves. (IRIN, 1 March 2007) **[18bk]**

34.03 Although the border between Iraq and Syria is open to Iraqis, (Refugee International, 5 December 2006) **[119a]** several sources mentioned that Jordan has closed its border to Iraqi men between a certain age. While some sources say that the age is between 17 to 35 (Inter Press Service, 29 January 2007) **[118a]** (HRW, 16 January 2007) **[15n]** others says 20 to 40. (IRIN, 1 March 2007) **[18bk]**

34.04 The IRIN article mentions: "There are no official figures on the number of Iraqis who have been denied entry to Jordan, but a Jordanian interior ministry official who spoke on condition of anonymity said more than half of those who attempted to enter had been denied." **[18bk]**

34.05 An Amnesty International report of September 2007 recorded the efforts of the Saudi Arabian authorities to prevent the entry of Iraqi refugees into its territory, including the construction of a wall along its border, and patrols by Saudi security forces until the wall is complete. **[28m] (p5)**The report also noted the implementation of new measures by the Syrian and Jordanian authorities, as follows:

"On 10 September 2007 Syria introduced visa restrictions for Iraqis wishing to enter Syria. While a limited exception exists for certain professional categories, the overall effect of this unwelcome measure will be a closed border for those needing to flee and obtain protection. Similarly, Amnesty International delegates were informed on their recent visit to the Jordanian capital Amman that the imposition of visa restrictions for Iraqis wishing to enter Jordan is imminent. If so, these new restrictions will further cut off Jordan as a safe haven. Earlier this year the Jordanian authorities introduced a severely restrictive border entry procedure whereby only those with residency permits or invitations for medical or educational purposes have been permitted to pass through the border." **[28m] (p5-6)**

34.06 A report by Amnesty International, published March 2008, stated that "the authorities in both Syria and Jordan introduced strict visa requirements on Iraqi nationals. A decree in Syria that took effect on 10 September 2007 barred Iraqi passport holders from entering the country except for business people and academics. The same month the Jordanian government said it would impose visa requirements on Iraqis entering the country, but did not say when. In reality, however, the Jordanian authorities had already introduced

strict requirements for Iraqis wishing to enter the country after Iraqi suicide bombers attacked hotels in Amman at the end of 2005. For example, Iraqi men aged between 18 and 45 are frequently barred from entering the country. These new restrictions have all but cut off the last escape routes for Iraqis needing refuge from the violence in their country." **[28o] (p10)**

34.07 The same report also noted that: "On 6 February 2008, UNHCR warned that Iraqis were once again leaving Iraq for Syria in greater numbers than they were returning. According to UNHCR, in late January 2008 an average of 1,200 Iraqis fled to Syria every day compared to around 700 who returned." **[28o] (p10)**

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EMPLOYMENT RIGHTS

35.01 The Iraqi constitution provides for the right to form and join unions freely. **[82a]** However, the International Confederation of Free Trade Unions (ICFTU) stated, on 24 February 2005 that Iraq is an increasingly dangerous place for trade unionists. **[47a]** The report added that "... the torture and murder of labour leaders in Iraq has become a troubling trend …. " **[47a]**

35.02 The Brookings Institution report, October 2006, noted that "Estimates of Iraq's unemployment rate varies, but we estimate it to be between 25-40%. The CPA has referred to a 25% unemployment rate, the Iraqi Ministry of Planning mentioned a 30% unemployment rate, whereas the Iraqi Ministry of Social Affairs claims it to be 48%." **[88a] (p32)** Whilst the UNHCR COI report, October 2005, stated:

"Unemployment varies by region. It is highest in the Baghdad region and lower in the Northern and Central regions, while the South is close to the national average. The Governorate of Muthanna has the highest unemployment rate and the Governorate of Erbil has the lowest. … Other sources, including the Iraqi authorities, put the actual unemployment rate higher. There are concerns that unemployed young men in particular are being recruited by insurgents who are known to pay for attacks against the MNF/ISF and kidnappings." **[40c] (p109)**

35.03 UNHCR added that:

"The lagging economy, the dismissal of the former Iraqi security forces and the removal of senior members of the former Ba'ath Party from all branches of government are all major factors contributing to Iraq's high unemployment rate. Today, only 11 percent of those who were in the army under the previous regime are employed. The prevailing insecurity is hampering women's access to employment as their freedom of movement is severely restricted." **[40c] (p109)**

35.04 UNHCR's August 2007 Eligibility Guidelines paper recorded, in relation to the situation of internally displaced people (IDPs), that:

"Income sources in Iraq are almost exclusively linked to wages or self-employment revenues. The employment situation in the country is extremely precarious. After leaving their homes, most IDPs are not able to secure work in their area of displacement. Many are unable to bring their possessions with them at the time of displacement and their savings are rapidly depleted. While during the first few months after the Samarra bombings, some IDPs were able to transfer their government positions or their retirement benefits to their governorate of displacement, they now face increasing difficulties and delays in doing so." **[40j] (p158)**

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Annex A: Chronology of major events

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

1963 **February**: Qassem is ousted in a coup organised by nationalist and Ba'athist officers, who then seizes power under Abd Al-Salam Aref.

1968 **17 July**: A group of Ba'athist officers led by Ahmad Hasan Al-Bakr organise another coup.
30 July: Ahmad Hasan Al-Bakr made President, and Saddam Hussein is appointed Deputy President.

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

1980 **September**: Saddam Hussein orders Iraqi forces into western Iran, which starts the Iran/Iraq war (also at the time, called the 'Gulf War'). Around this time, Saddam also expels many Iraqis of possible Iranian extraction, mainly Shi'a, from Iraq. They are taken to the Iranian border and left. Many remain there, although some travel to other countries and claim asylum.

1987 **June**: The UN pass Resolution 598, which calls for a cease-fire of the Iran/Iraq war.

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

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

1990 **2 August:** Iraq invades Kuwait and is condemned by UN Security Council (UNSC) Resolution 660 which calls for full withdrawal. **[4i]**
6 August: UNSC Resolution 661 imposes economic sanctions on Iraq. **[4i]**

29 November: UNSC Resolution 678 authorises the states co-operating with Kuwait to use 'all necessary means' to uphold UNSC Resolution 660. **[4i]**

3 March: Iraq accepts the terms of a cease-fire. **[4a] [4i]**

October: The Iraqi Government withdraws its armed forces from the north, together with police units and pro-Ba'ath employees from the governorates of Erbil, Sulyamaniya and the Dahuk areas which it had occupied.

1994 **29 May:** Saddam Hussein becomes Prime Minister. **[4i]**

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

1995 **15 October:** Saddam Hussein wins a referendum allowing him to remain President for another seven years. **[4i]**

1996 **23 October:** A cease-fire between the KDP and PUK ends the fighting for the rest of 1996.

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

16-20 December: 'Operation Desert Fox' - The US and UK launch air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes. **[1a] (p488 - 489) [1b] (p2185)**

1999 **January and February:** Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft causes the latter to respond in self-defence. **[1a] (p489)**

December: The UNSC adopts Resolution 1284 (1999) which creates a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body is established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. **[1a] (p490)** Iraq rejects the resolution. **[4i]**

2001 **February:** Britain and US carry out bombing raids in an attempt to disable Iraq's air defence network. **[4i]**

May: Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party. **[4i]**

2002 **October:** The British government publishes its dossier on Iraq's weapons of mass destruction.

16 October: Saddam Hussein wins 100 per cent vote in a referendum ensuring him another seven years as President.

27 November: UN weapons inspectors resume inspections within Iraq after a four-year absence. They are backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms. **[4i] [1b] (p2188)**

2003 **March:** Chief weapons inspector Hans Blix reports that Iraq has accelerated its co-operation with the UN but says inspectors need more time to verify Iraq's compliance. **[4i]**
20 March: American missiles hit targets in Baghdad, marking the start of a US-led campaign to topple Saddam Hussein. In the following days US and British ground troops enter Iraq from the south. **[4i]**

9 April: US forces advance into central Baghdad. Saddam Hussein's grip on the city is broken. In the following days Kurdish fighters and US forces take control of the northern cities of Kirkuk and Mosul. There is widespread looting in the capital and other cities. **[4i] [1b] (p2189)**
April: US lists 55 most-wanted members of former regime in the form of a

deck of cards. Former deputy prime minister Tariq Aziz is taken into custody. **[4i]**

1 May: President Bush officially declares an end to 'major combat operations'. **[1b] (p2189)**
May: UNSC approves resolution backing US-led administration in Iraq and lifting of economic sanctions. US administrator abolishes Ba'ath Party and institutions of former regime. **[4i]**

July: Interim Governing Council (IGC) meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay are killed in gun battle in Mosul. **[4i]**

October: UNSC approves amended US resolution on Iraq giving new legitimacy to US-led administration but stressing early transfer of power to Iraqis. **[4i]**

15 November: IGC unveils accelerated timetable for transferring country to Iraqi control. **[1b] (p2189)**

13 December: Saddam Hussein is captured. **[1b] (p2190)**

2004 **1 February:** More than 100 people are killed in Erbil in a double suicide attack on the offices of PUK and KDP. **[21c] [4i] [6s] (p14)**

March: IGC agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands. **[1b] (p2190)**

April: US forces surround and blockade Fallujah. 100 Iraqis are reportedly killed in five days of fighting. Two members of the interim cabinet resign in protest. **[1b] (p2190)**
29 April: Photos, many of which were taken in Autumn 2003, released of US human rights abuses in Abu Ghraib. **[18m] (p1) [6s] (p7)**

28 May: The 25 members of Iraq's IGC choose Ayad Allawi, a former Ba'athist turned CIA supporter, to serve as the country's interim prime minister after the June 30 handover. **[6s] (p5)**

28 June: Iraq's US-led administration transfers sovereignty to the IGC in a surprise move two days ahead of the scheduled handover. Paul Bremmer, the US governor, signs over control of the country and responsibility for dealing with its escalating security troubles to the interim Prime Minister, Ayad Allawi, in Baghdad. **[6s] (p3)**

1 August: A series of co-ordinated explosions on churches across Baghdad and Mosul. Twelve people are killed and 40 others wounded. **[3a] (p46177)**
August: Ferocious fighting erupts in Najaf breaking a cease-fire agreement. **[6s] (p1)** Clashes also break out in Baghdad's Sadr City slum, and in the southern towns of Kut and Amara, while demonstrators in Nassiriya torch prime minister Ayad Allawi's political party office. **[67a] (p1)**
27 August: The 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shi'a leader. Iraqi Shi'a militants are

instructed to lay down their arms and leave the Imam Ali shrine – Shi'a Islam's holiest. **[4c]**

8 November: The US and Iraqi forces began their offensive against the Sunni rebel city of Fallujah. **[20a]**

2005 **30 January:** The multi-party national elections are held in Iraq. **[6v]** The Shi'a United Iraqi Alliance (UIA) wins with 48 per cent of the votes cast and 140 seats in the 275-seat National Assembly. **[4n] [17c]** The Kurdistan Alliance List, led by Jalal Talabani, obtains 26 per cent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the interim Prime Minister Ayad Allawi, gains third place with 14 per cent and 40 seats. **[4r] [6t]**

April: Parliament selects Kurdish leader Jalal Talabani as president; Ibrahim Jaafari, a Shi'a, is named as prime minister. The formation of a new government comes amid escalating violence. **[4i]** A new Council of Ministers is approved by the TNA on 28 April 2005. **[1c] (The Government) [6j] (p6) [38b] (p2)**

May: The Iraqi government announces a huge counter-insurgency operation in Baghdad, with 40,000 troops being deployed on the streets over the next week to stop the attacks that have killed more than 650 people in the past month. **[6j] (p3)**

June: Massoud Barzani is sworn in as regional president of Iraqi Kurdistan. **[4i]**

August: Draft constitution is endorsed by Shi'a and Kurdish negotiators, but not by Sunni representatives. **[4i]**

14 September: Al-Zarqawi, leader of Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers), declares all-out war on the majority Shi'ite community. **[18i] (p3)**

15 October: Voters approve a new constitution in a national referendum. **[4i] [18i] (p4)**
19 October: Saddam Hussein goes on trial on charges of crimes against humanity; his supporters in the Sunni community demonstrate in the streets, demanding that US-led forces be put in the dock instead. **[4i] [18i] (p4)**

15 December: Iraqis vote for the first, full-term government and parliament since the US-led invasion; they had a choice of 228 registered coalitions and political entities, including the full participation of the Sunni parties. **[4i] [18i] (p4)** The Independent Electoral Commission of Iraq (IECI) announces a 70 percent turnout for the elections, but says 200 reported cases of fraud could delay final results. Violations in 18 polling stations countrywide are reported by IECI officials who launch an investigation. **[18i] (p5)**
20 December: Sunni Arab parties claim the results of the parliamentary contests are inaccurate after initial results show nearly 59 per cent of the vote going to the Shi'ite United Iraqi Alliance. Sunnis represent about 20 per cent of the Iraqi population, while Shi'ites are generally recognised as comprising about 60 per cent. **[18i] (p5)**

2006 **20 January:** Preliminary results show that the Shia-led United Iraqi Alliance emerge as the winner of December's parliamentary elections, but fail to gain an absolute majority. **[4i]**

22 February: A bomb attack on the al-Askari holy Shia shrine in Samarra, unleashes a wave of sectarian violence. **[4i]**

22 April: Nouri Kamel al-Maliki (also known as Jawad al-Maliki) is approved as prime minister ending four months of political deadlock. **[18a]**

8 June: Parliament elects the final three key security posts to complete the government of national unity. **[38g] (p2)**
14 June: Government launches a security plan for Baghdad. **[38g] (p2)**
25 June: Al-Maliki unveils the National Reconciliation Plan. **[38g] (p2)**

7 September: The US military formally transfer command of the Iraqi armed forces to the Iraqi government. **[22s]**

November: Saddam Hussein is found guilty of crimes against humanity and sentenced to death. **[4i]** Iraq and Syria restore diplomatic relations after nearly a quarter century. **[4i]**

30 December: Saddam Hussein is executed by hanging. **[4i]**

2007 **January:** Barzan Ibrahim - Saddam Hussein's half-brother - and Awad Hamed al-Bandar, former head of the Revolutionary Court, are executed by hanging. **[4i]**

February: A bomb in Baghdad's Sadriya market kills more than 130 people. It is the worst single bombing since 2003. **[4i]**

March: Insurgents detonate three trucks with toxic chlorine gas in Falluja and Ramadi, injuring hundreds. Former Vice-President Taha Yassin Ramadan is executed on the fourth anniversary of the US-led invasion. **[4i]**

12 April: A bomb blast rocks parliament, killing an MP. **[4i]**

18 April: Bombings in Baghdad kill nearly 200 people in the worst day of violence since a US-led security drive began in the capital in February. **[4i]**

May: The leader of al-Qaeda in Iraq, Abu Ayyub al-Masri, is reported killed. **[4i]**

August: The main Sunni Arab political bloc in Iraq, the Iraqi Accordance Front, withdraws from the cabinet, plunging the government into crisis. Truck and car bombs hit two villages of Yazidi Kurds, killing at least 250 people - the deadliest attack since 2003. Kurdish and Shia leaders form an alliance to support Prime Minister Maliki's government but fail to bring in Sunni leaders. **[4i]**

October - Turkish parliament gives go-ahead for military operations in Iraq in pursuit of Kurdish rebels. Turkey comes under international pressure to avoid an invasion. The number of violent civilian and military deaths continues to drop, as does the frequency of rocket attacks. Karbala, the mainly Shia province, becomes the 18th province to be transferred to local control. **[4i]**

December - Turkey launches an aerial raid on fighters from the Kurdish PKK movement inside Iraq. Britain hands over security of Basra province to Iraqi forces, effectively marking the end of nearly five years of British control of southern Iraq. **[4i]**

2008 **January** - Parliament passes legislation allowing former officials from Saddam Hussein's Baath party to return to public life. **[4i]**

February - Suicide bombings at pet markets in Baghdad kill more than 50 people in the deadliest attacks in the capital in months. Turkish forces mount a ground offensive against Kurdish rebels in northern Iraq. **[4i]**

March - Unprecedented two-day visit by Iranian president, Mahmoud Ahmadinejad, to Iraq. Prime Maliki orders crackdown on militia in Basra, sparking pitched battles with Moqtada Sadr's Mehdi Army. Hundreds are killed. **[4i]**

April - Sadr threatens to scrap Mehdi Army truce which he declared in August 2007. US military commander in Iraq, General David Petraeus, tells Congress he plans to halt US troop withdrawals because of fragile security gains. **[4i]**

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Annex B: Political organisations

Assyrian Socialist Party
Refounded 2002. The Assyrian Socialist Party calls for the establishment of an Assyrian nation. **[1c] (Political Organisations)**

Bet-Nahrain Democratic Party (BNDP) www.bndp.net
Founded 1976 **[1c] (Political Organisations)** The BNDP sought the establishment of an autonomous state for Assyrians in Bet-Nahrain (Iraq). Its Secretary-General was Youash Jon Youash. **[1c] (Political Organisations)**

Constitutional Monarchy Movement (CMM)/Royal Constitutionality of al-Sharif Ali bin al-Hussain www.iraqcmm.org
Founded 1993. **[1c] (Political Organisations)** The CMM supported the claim to the Iraqi throne of Sharif Ali bin al-Hussain, cousin to the late King Faisal II, as constitutional monarch with an elected government. **[1c] (Political Organisations)**

Democratic Assyrian Movement (Zowaa) www.zowaa.org
Founded 1979. **[1c] (Political Organisations)** The Democratic Assyrian Movement recognised the Assyrian rights within framework of democratic national government. Its Secretary-General was Younadam Yousuf Kana. **[1c] (Political Organisations)**

Free Officers and Civilians Movement
Formed 1996. **[1c] (Political Organisations)** It was formerly known as the Free Officers' Movement. Its founder and Leader was Brigadier-General Nagib as-Salihi. **[1c] (Political Organisations)**

Hizb ad-Da'wa al-Islamiya (Voice of Islam Party) www.daawaparty.com
Founded 1958; banned 1980; re-established in Baghdad 2003. **[1c] (Political Organisations)** It was based in Iran and London during Saddam Hussein's regime. **[1c] (Political Organisations) [4q] (p3-4) [11p]** One of its leaders, Dr Ibrahim al-Ja'fari, was appointed as Iraq's interim Prime Minister on 7 April 2005. **[1c] (Political Organisations) [6o]** Other leaders included, 'Abd al-Karim al-'Anzi, Muhammad Bakr an-Nasri, Dr Haydar Abbas (London), Abu Bilal al-Adib (Tehran). **[1c] (Political Organisations)**

Independent Democratic Movement (IDM) (Democratic Centrist Tendency)
Founded 2003. **[1c] (Political Organisations)** It sought a secular and democratic government of Iraq. Its founder Adnan Pachachi returned from exile in the United Arab Emirates in 2003. **[1c] (Political Organisations)**

Independent National Elites and Cadres
The Independent National Elites and Cadres were apparently linked to Shi'ite cleric Muqtada as-Sadr. Its leader was Fatah esh-Sheik. **[1c] (Political Organisations)**

Iraqi Communist Party www.iraqcp.org
Founded 1934. **[1c] (Political Organisations)** It became legally recognised in July 1973 on formation of National Progressive Front. It left National Progressive Front in March 1979 and contested elections of January 2005 on People's Union list. Its first Secretary was Hamid Majid Moussa. **[1c] (Political Organisations)**

Iraqi Islamic Party (IIP) (al-Hizb al-Islami al-'Iraqi)
Founded 1960. **[1c] (Political Organisations)** The Sunni party, had affiliations with the wider Muslim Brotherhood in the Middle East. **[4q] (p6-7)** The IIP boycotted elections of

January 2005. **[1c] (Political Organisations)** Although the Iraqi Islamic Party branded the elections illegitimate and refused to participate in the transitional administration, the party had been in negotiations with the veteran Sunni politician Adnan Pachachi, who wanted Sunni groups to take part in shaping the new constitution. **[4q] (p6-7)** Its Secretary-General was Tareq al-Hashimi. **[1c] (Political Organisations)**

Iraqi List (Al-Qaimah al-Iraqiyah)
Formed prior to the January 2005 elections. **[1c] (Political Organisations)** The IWPR report (accessed on 27 January 2005) observed that "The Iraqi List, or Al-Qaimah al-Iraqiyah, is a bloc led by [former] Prime Minister Ayad Allawi, and put together by his National Accord Party." **[11p]** The Iraqi List consists of a number of political organisations, including the INA. **[1c] (Political Organisations)** The Iraqi List included a mixture of Sunnis and Shi'as, although most of its leading figures were Shi'as. **[6p]**

Iraqi National Accord (INA) www.wifaq.com
Founded 1990. **[1c] (Political Organisations)** The former interim Prime Minister, General Dr Ayad Allawi, was the founder and Secretary-General. **[1c] (Political Organisations)** Most of the members of the INA are Sunni Muslims. **[33b] (p11-12)**

Iraqi National Alliance (INA) (at-Tahaluf al-Watani al-Iraqi)
Founded 1992. **[1c] (Political Organisations)** The Iraqi National Alliance was formerly based in Syria. **[1c] (Political Organisations)** It was opposed to sanctions and US-led invasion of Iraq and supported a constitutional multi-party government. Its leader was Abd al-Jabbar al-Qubaysi. **[1c] (Political Organisations)**

Iraqi National Congress (INC) www.inc.org.uk
Founded 1992 in London. **[1c] (Political Organisations)** The INC was a multi-party coalition. In November 1999 some 300 delegates elected a 65-member central council and a new, seven-member collegiate leadership. Its leaders included, the former interim Prime Minister, Dr Ayad Allawi (INA), Riyad al-Yawar (Ind.), Sharif Ali bin al-Hussain (Constitutional Monarchy Movement), Ahmad Chalabi (Ind.), Sheikh Muhammad Ali (Ind.), Dr Latif Rashid (PUK), Hoshyar az-Zibari (KDP). **[1c] (Political Organisations)**

Iraqis (Al-Iraqiyun)
The IWPR report observed that "Al-Iraqiyun (The Iraqis) is a bloc formed by [former] President [Sheikh] Ghazi al-Yawar and drawing support from tribes and some of the smaller political parties. Like many other blocs, Al-Iraqiyun has made a conscious attempt to draw support from across ethnic and religious divides." **[11p]** It was a moderate bloc that included both Sunnis and Shi'ites. **[1c] (Political Organisations)**

Iraqi Turkmen Front http://www.turkmenfront.org/
Founded 1995. **[1c] (Political Organisations)** The Iraqi Turkmen Front is a coalition of 26 coalition of Turkmen groups. It seeks autonomy for Turkmen areas in Iraq and recognition of Turkmen as one of main ethnic groups in Iraq, and supports establishment of multi-party democratic system in Iraq; contests status of Kirkuk with Kurds. Its leader was Sadettin Ergeç and the Secretary-General was Yunus Bayraktar. **[1c] (Political Organisations)**

Islamic Action Organization (Munazzamat al-Amal al-Islami)
Founded 1961. **[1c] (Political Organisations)** The Islamic Action Organisation was a member of SCIRI and aligned with Hizb ad-Da'wa al-Islamiya. Its leaders were Sheikh Muhammad Taqi al-Mudarrisi, Hassan Shirazi, Muhammad Hussain Shirazi. **[1c] (Political Organisations)**

Islamic Group of Kurdistan (Komaleh Islami)
Founded in 2001 as splinter group of the Islamic Movement of Iraqi Kurdistan (IMIK), described by Europa as moderate Islamist aligned with the PUK. **[1a] (p531)** Its founder and leader was Mullah Ali Bapir. **[1c] (Political Organisations)**

Islamic Movement in Iraq
The Islamic Movement in Iraq was a Shi'ite party and also a member of SCIRI. Its leader was Sheikh Muhammad Mahdi al-Kalisi. **[1c] (Political Organisations)**

Islamic Movement of Iraqi Kurdistan (IMIK)
Founded 1987. **[1c] (Political Organisations)** Its founder and leader was Sheikh Uthman Abd al-Aziz. **[1c] (Political Organisations)**

Jamaat as-Sadr ath-Thani (Sadr II Movement)
Founded 2003. **[1c] (Political Organisations)** It was a Shi'ite group that opposed the presence of US-led coalition in Iraq. Its leader was Hojatoleslam Muqtada as-Sadr. **[1c] (Political Organisations)** Muqtada al-Sadr's had an armed group called the Mahdi Army (Jaysh al-Mahdi). **[15g] (p11)**

Jund al-Imam (Soldiers of the [Twelfth] Imam)
Founded 1969. **[1c] (Political Organisations)** Jund al-Imam was a Shi'ite group and a member of SCIRI. Its leader was Sa'd Jawad Qandil. **[1c] (Political Organisations)**

Kurdistan Alliance List
Founded 2004. **[1c] (Political Organisations)** The Kurdistan Alliance List was a coalition of 11 parties, including the PUK, the KDP, the Kurdistan Communist Party, Kurdistan Islamic Union and Kurdistan Toilers Party. **[1c] (Political Organisations)**

Kurdistan Communist Party www.kurdistancp.org
Founded 1993. **[1c] (Political Organisations)** The Kurdish Communist Party was a branch of the Iraqi Communist Party. Its leader was Kamal Shakir. **[1c] (Political Organisations)**

Kurdistan Democratic List
The Kurdistan Democratic List was a coalition list of seven parties formed to contest the elections to the Iraqi Kurdistan National Assembly in January 2005. It included the KDP, the BNDP and the Assyrian Patriotic Party. **[1c] (Political Organisations)**

Kurdistan Democratic Party (KDP) www.kdp.pp.se
Founded 1946. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the KDP "seeks to protect Kurdish rights and promote Kurdish culture and interests through regional political and legislative autonomy, as part of a federative republic." **[1c] (Political Organisations)** Ali Abdullah was the vice President of the KDP. **[1c] (Political Organisations)**

Kurdistan Islamic Union www.kurdiu.org
Founded 1991. **[1c] (Political Organisations)** The Kurdistan Islamic Union seeks establishment of an Islamic state in Iraq which recognises the rights of Kurds. It was also a branch of the Muslim Brotherhood. Its Secretary-General was Salaheddin Bahaeddin. **[1c] (Political Organisations)**

Kurdistan Socialist Democratic Party (KSDP)

Founded 1994. The KSDP was a splinter group of the KDP, aligned with the PU. It joined Kurdistan Alliance List for December 2005 legislative elections. Its leader was Muhammad Haji Mahmud. **[1c] (Political Organisations)**

Kurdistan Toilers Party (Hizbi Zahmatkeshani Kurdistan) www.ktp.nu
Founded 1985 **[1c] (Political Organisations)** The Kurdistan Toilers Party advocated a federal Iraq and was closely associated with the Kurdistan Socialist Democratic Party (KSDP). **[1c] (Political Organisations)** Its leader was Qadir Aziz. **[1c] (Political Organisations)**

National Democratic Party (al-Hizb al-Watani ad-Dimuqrati)
Founded 1946. **[1c] (Political Organisations)** Its leaders were Nasir Kamal al-Chaderchi, Hudayb al-Hajj Mahmoud. **[1c] (Political Organisations)**

National Foundation Congress
Founded 2004. **[1c] (Political Organisations)** The National Foundation Congress was a multi-party coalition that included Nasserites, pre-Saddam Hussein era Ba'athists, Kurds, Christians, Sunnis and Shi'ites. It sought secular government of national unity and peacefully opposed the presence of the US-led coalition in Iraq. It is led by 25-member secretariat. **[1c] (Political Organisations)**

National Rafidain List (Al-Rafidayn)
Founded 2004. **[1c] (Political Organisations)** The National Rafidain List was an Assyrian-Christian list headed by the Assyrian Democratic Movement. Its leader was Younadam Kana. **[1c] (Political Organisations)**

Patriotic Union of Kurdistan (PUK) www.puk.org
Founded 1975. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) explained that the PUK "seeks to protect and promote Kurdish rights and interests through self-determination." **[1c] (Political Organisations)** The BBC also noted, on 6 April 2005 that:

> "The party has traditionally drawn its support from among the urban population and radical elements in Kurdish society. The PUK stronghold is Sulaymaniya and the south-eastern part of Iraqi Kurdistan – with the rival Kurdistan Democratic Party, KDP, to the north and west. It commanded a militia force of more than 20,000 peshmerga fighters – making it a key military asset for its US allies."

Socialist Nasserite Party
Founded 2003. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) mentioned that it was a merger of Iraqi Socialist Party, Vanguard Socialist Nasserite Party, Unity Socialist Party and one other party. Its leader was Mubdir al-Wayyis. **[1c] (Political Organisations)**

Supreme Council for the Islamic Revolution in Iraq (SCIRI) www.sciri.org
Founded 1982. **[1c] (Political Organisations)** SCIRI is a party that largely believes in clerical rule and seeks government based on the principle of wilayat-e-faqih (guardianship of the jurisprudent). It was based in Iran for much of the Saddam Hussein era. Its leader, Abdul Aziz al-Hakim, heads the United Iraqi Alliance. **[1c] (political Organisations) [4q] (p3)** The military arm of SCIRI, the Badr Organisation, formerly known as the Badr Brigade, is mainly active in Shi'a-dominated southern Iraq. **[11d]**

Turkmen People's Party (Turkmen Halk Partisi)

Its leader was Irfan Kirkukli. **[1c] (Political Organisations)**

United Iraqi Alliance (UIA)
The UIA was a list of 22 mainly Shi`ite parties, that included Hizb ad-Da`wa al-Islamiya, SCIRI, the Islamic Action Organization and the INC. **[1c] (Political Organisations)** The UIA was apparently backed by Iraq's most senior Shi`ite cleric, Ayatollah Ali as-Sistani. Abd al-Aziz Hakim was the leader of the UIA. **[1c] (Political Organisations)** The BBC report, dated 31 January 2005, observed that "The list is dominated by Shia Muslims, but also includes Christians, Turkomans, Sunnis and Kurds." **[4q] (p3)**

United Iraqi Scholars' Group
Founded 2004. **[1c] (Political Organisations)** It was a pan-Iraqi coalition of 35 parties who were opposed to the presence of US-led coalition in Iraq. Its leader was Sheikh Jawad al-Khalisi. **[1c] (Political Organisations)**

Worker Communist Party of Iraq (WCPI)
Founded in 1993 by Mansoor Hekmat and held its first congress in July 2004.) **[56a] (p316) [77a]** Political Parties of the World 2005 noted that "The WCPI is based in Kurdistan, and although the party considers Kurdish autonomy as regression into non-progressive nationalism it demands a referendum on the issue of Kurdish autonomy so that 'the people of Kurdistan control their own destiny'. … In 2003 it launched ferocious verbal assaults on and arranged large demonstrations against the US 'annihilation war' against Iraq." **[56a] (p316)**

The WCPI was an illegal communist party in both the PUK and KDP controlled areas. It was opposed the Saddam regime as well as the PUK and KDP administrations. **[77a]**

Dr Rebwar Fatah Associates claim in a report, dated 28 November 2005, that members of the WCPI were at risk from persecution in the PUK and KDP controlled areas and as most member of the WCPI were Kurds there was a strong possibility that they were not generally safe in the rest of Iraq. **[77a]**

The WCPI were very critical of 'honour killings' as well as the Quran. They also publicly condemned Islamic beliefs replacing them with autistic and western ideas, including freedom of gender equality. This angered many Islamists. **[77a]**

The WCPI publish a news letter called Iraq Weekly. **[77a]** Its leader was Rebwar Ahmad. **[56a] (p316) [77a]**

ILLEGAL POLITICAL ORGANISATIONS

Ba'ath Arab Socialist Party (Hizb a-Baath al-Arabi al-Ishtiraki)
The UNHCR guidance note, October 2005, stated that "The Iraqi Ba'ath Party was founded in 1951 and had 500 members three years later. The party came to power on 8 February 1963 in a coup backed by the Army, overthrowing Brigadier Abdel Karim Qasim – who himself had overthrown the British-installed Iraqi monarchy in 1958." **[40a] (p38)** The party was banned in 2003 following the US invasion of Iraq. **[56a] (p312)** Political Parties of the World 2005 stated that "Thereafter Ba'ath party members were excluded from participation in political life and national administration by the occupying powers, a position that proved increasingly untenable in the face of the rise of Islamist and other groups previously kept under control by the Ba'ath regime." **[56a] (p312)**

The UNHCR guidance note, October 2005, noted that:

"At the lowest level, (Ba'ath Party) study circles (halaqa) and cells (kheliya) held weekly meetings with a dozen or so activists from the same neighbourhood or sector. They talked about current events, or the party version of them, in line with the inclinations of the regime. Basic instructions were issued; any irregularities observed during the week were discussed with the cell leaders and written up in obligatory reports. The party's divisions (firqa), which included all the cells within a district office or factory, occupied the next highest level, and then the sections (shu'ba) and branches (fara') which made up urban areas or Governorates (Iraq has 18 Governorates, three of which have Kurdish majorities and are currently autonomous).

"Unlike the cells, the sections and branches enjoyed considerable privileges. They were legally authorized to incarcerate suspects using extra-judicial procedures; they took over many of the traditional functions of police, especially outside Baghdad; and they ran specialized bureaus for cultural, agricultural and other matters. In each Governorate, the organizational command (qiyadat al tanzim) was the supreme authority, alongside the traditional civil service. The Ba'ath Party duplicated, infiltrated, subverted and competed with the state apparatus.

"On top of this structure sat the regional command (quiyadat al qutr) which in theory was made up of directors democratically elected at party conventions; in reality such voting only served to confirm Saddam's nominees. The regional command's bureaus served as quasi-ministries responsible for military and cultural affairs. They also oversaw a parallel diplomatic corps, together with vast social groups, including farmers, workers and young people. Party membership was a prerequisite for military personnel, and the army was divided into cells that reported to the Ba'ath Party military bureau and monitored any dissent within the ranks. The Party's security services guaranteed loyalty and orthodoxy within the party." **[40a]**

The FCO on 20 September 2004 categorised the ranks of the Ba'ath party as below, from junior to senior:

"Sadiq (friend)
Mu'ayyid (supporter)
Nasir (partisan)
Nasir Mutaqaddam (Senior Partisan)
Rafiq (Comrade)
Udw Firqa (Division Leader)
Udw Shu'ba (Section Leader)
Udw Fara' (Branch Leader)" **[66b]**

The UNHCR guidance note, October 2005, stated that:

"The basic organizational unit of the Ba'ath was the party cell or circle (halaqah). Composed of between three and seven members, cells functioned at the neighbourhood or village level, where members met to discuss and to carry out party directives. A minimum of two and a maximum of seven cells formed a party division (firqah). Divisions operated in urban quarters, larger villages, offices, factories, schools and other organizations. Division units were spread throughout the bureaucracy and the military, where they functioned as the eyes and ears of the party. Two to five divisions formed a section (shabah), which operated at the level of a large city quarter, a town or a rural

district. Above the section was the branch (fira), which was composed of at least two sections and which operated at the provincial level. There were twenty-one Ba'ath Party branches in Iraq, one in each of the 18 Governorates and three in Baghdad. The union of all the branches formed the party's congress, which elected the Regional Command.

"The Regional Command was both the core of the party leadership and the top decision-making body. It had nine members who were elected for five-year terms at regional congresses of the party. Its Secretary General (also called the regional secretary) was the party's leader, and its Deputy Secretary General was second in rank and power within the party hierarchy. The members of the command were theoretically responsible to the Regional Congress that, as a rule, was to convene annually to debate and approve the party's policies and programmes. In actuality, the members to be 'elected' by the Regional Congress were chosen by Saddam Hussein and the other senior party leaders, a formality seen as essential to the legitimation of party leadership.

"Above the Regional Command was the National Command of the Ba'ath Party, the highest policy-making and coordinating council for the Ba'ath movement throughout the Arab world. The National Command consisted of representatives from all regional commands and was responsible to the National Congress, which convened periodically. It was vested with broad powers to guide, coordinate, and supervise the general direction of the movement, especially with respect to relationships between the regional Ba'ath parties and the outside world. These powers were to be exercised through a National Secretariat that would direct policy-formulating bureaus.

"The Ba'ath Party retained much of the secret compartmentalized structure and the clandestine methods by which it, like many revolutionary parties, ensured its survival. Direction of the Party came from the Regional Command, which represented sixteen provincial units. The members of the Regional command were elected from a network of sections and cells not unlike the local communist party committees in many countries. They functioned everywhere – in the workplace, in neighbourhoods, and in all ranks of the military forces – to reinforce the party's doctrines of traditional Arab unity, nationalism, socialism and spiritual revival. Membership in the party, which numbered approximately half a million in 2002, was required of all regular officers and diplomats.

"Since its emergence from the underground and following a decade of experience in power, the Ba'ath leadership had been able to train a second elite group to operate at all levels of the bureaucracy and the military forces. These were the commissars, and they were often from peasant or lower-class village backgrounds; few of them had been abroad for university degrees and much of their training had been from the military academy." **[40a] (p38-40)**

The party remained banned. **[56a] (p312)**

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Annex C: Prominent people

MEMBERS OF IRAQ'S GOVERNMENT

Jalal Talabani (Kurd) – Kurdistan Alliance/KDP President **[4a] [66a]**
The BBC stated, on 6 April 2005, that "Jalal Talabani, widely referred to by Kurds as Mam (uncle) Jalal, is one of the longest-serving figures in contemporary Iraqi Kurdish politics." **[4r]** The CSIS report, dated 19 June 2006, stated that "Talabani had started as a lawyer, but founded the PUK after breaking with Barzani's KDP. He had created his own guerrilla force to resist Saddam, and his forces clashed with Barzani in 1990, but Talabani had played a nationalist and unifying role after becoming President in the earlier election, and the PUK and KDP agreed on an integrated government in the Kurdish zone in May 2006." **[63a] (p14)**

The Guardian report (accessed on 31 August 2005) stated that "A leader of Iraq's minority Kurds, he was elected Iraq's new president on April 6 2005. He is the first Kurd to be Iraq's president. Mr Talabani had opposed governments in Baghdad for much of the last 40 years. He leads the Patriotic Union of Kurdistan (PUK), which controls the eastern part of the Kurds' self-rule area. The PUK controls around 25,000 fighters. Mr Talabani wants a federal Iraq with Kurds running their own region." **[6x]** The BBC article, dated 6 April 2005, added that "A Baghdad University law graduate, he is considered to be a shrewd politician with an ability to switch alliances and influence friends and foes alike." **[4r]**

Dr Adel Abdul Mahdi (Shi'a) – UIA/SCIRI Vice-President **[4a] [6i] [66a]**
The BBC noted, on 6 April 2005, that "Adel Abdul Mahdi is a francophone Islamist and free-marketeer who belongs to the Shia-led list that won a majority of seats in the Iraqi parliament. … He fled Iraq in the 1960s after being condemned to death for his political activities, and has spent time in France, Lebanon and Iran." **[4u]** The CSIS report, dated 19 June 2006, stated that "Mahdi was senior leader in SCIRI and would have become prime minister if Sadr had not opposed him. He was widely seen as a competent leader and had been effective as the former finance minister. Mahdi was a French-trained economist who had originally been a Marxist before becoming active in SCIRI and a economic pragmatist." **[63a] (p14)**

Dr Tariq al-Hashemi (Sunni) – Tawafuq/IIP Vice-President **[63a] (p15) [66a]**
The CSIS report, dated 19 June 2006, stated that "Hashemi was new to government, but had been a successful businessman. He was the head of Iraqi Islamist Party, which had emerged as the largest Sunni Arab party in the December 15, 2005 election. He was seen as a Sunni leader who could help bring former supporters of Saddam Hussein back into the political process and split the Sunni insurgency." **[63a] (p15)**

Nouri Kamel al-Maliki (aka Jawad al-Maliki) (Shi'a) – UIA/Da'awa Prime Minister **[63a] (p16) [66a]**
The CSIS report, dated 19 June 2006, stated that "A graduate in Arabic letters and leading figure in Al Dawa. Maliki was a Shi'ite Islamist, and had been an exile for many years and had been sentenced to death by Saddam's courts. He had been a strong advocate of hardline 'debaathification,' but had been a key negotiator in dealing with the Kurds, where he had shown flexibility over issues like Kirkuk, and in offering compromises to the Sunnis and promises to abolish the militias and negotiate with the less extreme Sunni insurgents. He was not an experienced leader or administrator, but had acquired a reputation for frankness, honesty, and a willingness to carry out meaningful negotiations." **[63a] (p16)**

Dr Baarham Salih (Kurd) – PUK Deputy Prime Minister **[4a] [63a] (p16) [66a]**
The CSIS report, dated 19 June 2006, stated that "A former prime minister of the autonomous Kurdish area, closely tied to President Jalal Talabani and the PUK, Salih was given special responsibility for the economy and its reconstruction." **[63a] (p16)**

Dr Salaam al Zawba'i (Sunni) – Tawafuq/GCIP Deputy Prime Minister **[4a] [63a] (p16) [66a]** The CSIS report, dated 19 June 2006, stated that "A new figure from the main Sunni party, the Accordance Front, the main Sunni Arab grouping. His background was more tribal than religious. He was given special responsibility for oversight of the security forces." **[63a] (p16)** Europa World, when accessed on 28 May 2007, listed Dr Barham Salih as Deputy Prime Minister. **[1c]** The ACCORD/UNHCR COI report, published November 2007, listed both Barham Salih and Salam al-Zubai as Deputy Prime Ministers. **[40m] (p59)**

Bayan Jabr (aka Baqir Jabr al-Zubaydi) (Shi'a) – UIA/SCIRI Finance Minister **[63a] (p16) [66a]**
The CSIS report, dated 19 June 2006, stated that "Jabr was a senior leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the strongest component of the Shi'ite alliance. He had previously been Minister of the Interior, but had come to be seen as tolerating police death squads and giving men from the Badr Organization, SCIRI's armed wing, positions in the police. As Minister of the Interior, he had overspent his budget." **[63a] (p16-17)**

Dr Hussain al Shahristani (Shi'a) – UIA Oil Minister **[63a] (p17) [66a]**
The CSIS report, dated 19 June 2006, stated that "Shahristani had a technical background, as a physicist he had been jailed and tortured when he would not work on Saddam Hussein's nuclear weapons program. He had no petroleum background, and no practical background in managing large-scale industrial systems. His political experience was as ex-deputy parliamentary speaker." **[63a] (p17)**

Lt General Abdul Qadir Obeidi (Sunni) – Technocrat Defence Minister **[4a] [66a]**
The BBC noted, on 22 May 2006, that "Lt Gen Obeidi served in the Iraqi army under Saddam Hussein, but was demoted for opposing the 1990 invasion of Kuwait. He says that he was forced to retire in 1992 and detained two years later. He faced a military court which ordered the confiscation of his house and other assets. He insists that he has no links to any Iraqi political faction." **[4a]**

Dr Hoshyar Zebari (Kurd) – KDP Foreign Affairs Minister **[4a] [66a]**
The BBC noted, on 22 May 2006, that "Mr Zebari was the foreign spokesman for the Kurdistan Democratic Party for more than 10 years. He frequently represented the KDP in meetings with US State Department officials throughout the 1990s. He was born in 1953 in the Kurdish town of Aqrah, but grew up in the mainly Arab city of Mosul. He is a graduate of the University of Essex in the UK. **[4a]**

Hashim al-Shibli (Sunni) – Iraqiya Justice Minister **[4a] [66a]**
Previously appointed human rights minister, he rejected the post after being approved by parliament on 8 May, saying he had not been consulted. **[4a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Mrs Fatin Abd al-Rahman Mahmoud (Sunni) – Tawafuq Minister of State for Women's Affairs **[4a] [66a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Sherwan al-Wa'ali (Shi'a) – UIA/Da'awa Tanzim Minister of State for National Security Affairs **[4a] [66a]**

Dr Sa'd Tahir Abd Khalaf al-Hashimi (Sunni) – UIA Minister of State for Governorate Affairs **[4a] [66a]** This post was not listed on Europa World online when last accessed on 28 May 2008. **[1c]**

Dr Rafi'a al-Essawi (Sunni) – Tawafuq/IIP Minister of State for Foreign Affairs **[4a] [66a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Dr Liwa Sumaysim (Shi'a) – UIA/Sadrist Minister of State for Tourism and Archaeology Affairs **[4a] [66a** As of 28 May 2008, Europa World online listed the Acting Minister of State for Tourism and Archaeology Affairs as Muhammad Abbas al-Oreibi. **[1c]**

Adil al-Asadi (Shi'a) – UIA Minister of State for Civil Society Affairs **[4a] [66a** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Dr Safa al-Safi (Shi'a) – UIA/Sadrist Minister of State for Council of Representatives Affairs **[4a] [66a]**

Hassan Radi Kazim al-Sari (Shi'a) – UIA/Iraqi Hizbollah Minister of State without Portfolio **[4a]** This post was not listed on Europa World online when last accessed on 28 May 2008. **[1c]**

Dr Akram al-Hakim (Shi'a) – UIA/SCIRI National Dialogue Minister **[4a] [66a]** This post was listed as Minister of National Dialogue and Reconciliation" when last accessed on 28 May 2008. **[1c]**

Jawad Bulani (Shi'a) – UIA nominee Minister of Interior **[4a] [66a]**

Mrs Wijdan Mikha'il (Kurd/Christian) – Iraqiya Human Rights Minister **[4a] [66a]**

Karim Wahid (Shi'a) – Independent Electricity Minister **[4a] [66a]**

Fawzi al-Hariri (Kurd/Christian) – KDP Industry Minister **[4a] [66a]**

Mohammed Tawif Allawi (Shi'a) – Iraqiya Communications Minister **[4a] [66a]**

Latif Rashid (Kurd) – KA/PUK Water Resources Minister **[4a] [66a]**

Mrs Narmin Othman (Kurd) – KA/PUK Environment Minister **[4a] [66a]**

Mrs Bayan Diza'i (Kurd) – KA/PUK Construction and Housing Minister **[4a] [66a]**

Dr Khudair al-Khuza'i (Shi'a) – Da'awa Tanthim Education Minister **[4a] [66a]**

Dr Ali al-Shammari (Shi'a) – UIA/Sadrist Health Minister **[4a] [66a]**
When Europa World online when last accessed on 28 May 2008, Dr Salih al-Hasnawi was listed as the Health Minister. **[1c]**

Dr Abd al-Falah al-Sudani (Shi'a) – Da'awa Tanthim Trade Minister **[4a] [66a]**

Dr Yua'arab Nathim al-Ubaidi (Shi'a) – UIA/Sadrist Agriculture Minister **[4a] [66a]** When Europa World online when last accessed on 28 May 2008, Dr Ali al-Bahadili was listed as the Health Minister. **[1c]**

Mahmud Muhammad Jawad al Radi (Shi'a) – UIA/Badr Labour and Social Affairs Minister **[4a] [66a]**

Dr Karim Mahdi Salih (Shi'a) – UIA/Sadrists Transport Minister **[4a] [66a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

As'ad Kamal Muhammad Abdallah al-Hashimi (Kurd) – Tawafuq/GCIP Culture Minister **[4a] [66a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Dr Rahid Fahmi (Sunni) – Iraqiya/Com Party Science and Technology Minister **[4a] [66a]**

Dr Abd al-Samad Rahman Sultan (Fayli Kurd/Shi'a) – UIA Displacement of Migration Minister **[4a] [66a]**

Jaim Muhammad Ja'far (Shi'a) – UIA/ITF Youths and Sports Minister **[4a] [66a]**

Dr Abd Dhiyab al-Ajili (Sunni) – Tawafuq Higher Education and Scientific Research Minister **[4a] [66a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Riyad Ghurayyib (Shi'a) – UIA/Badr Municipalities Minister **[4a] [66a]**

Ali Baban (Sunni) – Tawafuq Planning and Development Minister **[4a] [66a]** This post was listed as vacant by Europa World online when last accessed on 28 May 2008. **[1c]**

Mahmound al-Mashhadni (Sunni) – Tawafuq Speaker **[63a] (p15) [66a]**
The CSIS report, dated 19 June 2006, stated that "A Sunni Islamic that Saddam's regime had sentenced to death for secretly joining illegal Sunni Islamist groups, and who was seen as a Sunni sectarian. Selected in part to broaden the inclusion of Sunnis and lay the ground work for compromise with moderate insurgents." **[63a] (p15)**

Khalid Attiya (Shi'a) – UIA Deputy Speaker **[66a]** This post was not listed on Europa World online when last accessed on 28 May 2008. **[1c]**

Aref Taifour (Kurd) – KDP Deputy Speaker **[66a]** This post was not listed on Europa World online when last accessed on 28 May 2008. **[1c]**

OTHER PROMINENT PEOPLE

Abdul Aziz al-Hakim
The Guardian report (accessed on 31 August 2005) stated that "Had been considered by some as a contender for prime minister, Mr Hakim leads the powerful Shia party the Supreme Council for Islamic Revolution in Iraq (Sciri). Mr Hakim spent 20 years as an exile in Iran and has support from Ayatollah Sistani. Mr Hakim's brother, the revered Ayatollah Muhammad Baqr al-Hakim, was killed in a car bombing in August 2003 outside the shrine of Imam Ali in Najaf." **[6aa]** The CSIS report, dated 19 June 2006, noted that "The leader of SCIRI and a key leader in the Shi'ite Alliance. Hakim had replaced his brother, the Ayatollah Mohammed Baqer al-Hakim, as leader when the

latter was killed in a bombing in August 2003. Hakim had been a spokesman for national unity and negotiations with the Shi'ites, but was also closely associated with the Badr Organization. Some felt he had ties to Iran and militia attacks on Sunnis." **[63a] (p17)**

Abdul Majid al-Khoei

The BBC noted, on 27 August 2004, that al-Khoei was a moderate Shia leader who was killed two days after the fall of Baghdad. An arrest warrant has been issued for Moqtada Sadr for the alleged involvement in the murder. **[4f] (p1-2)**

Abu Musab Al-Zarqawi

The FCO on 22 October 2004, stated that, "Abu Musab Al-Zarqawi, a Jordanian-born terrorist with links to Al-Qua'eda, claims to have been behind several of the most devastating suicide bomb attacks as well as the beheading of Western hostages." **[66c] (p4)** Al-Zarqawi was head of Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers), was killed during a US-led air raid while attending a meeting on 7 June 2006. **[5b]**

Ahmed Chalabi

The Guardian report (accessed on 31 August 2005) stated that "The former banker once touted in the US as a successor to Saddam Hussein and founded the Iraqi National Congress (INC) opposition party while in exile for 30 years. The INC is now part of the United Iraqi Alliance. The British educated 57-year-old was convicted of fraud in absentia in Jordan in 1992 and sentenced to 22 years in jail. He denied the charges." **[6w]**

Dr Ayad Allawi

The Guardian report (accessed on 31 August 2005) mentioned that "A former member of Saddam's ruling Ba'ath party, he became Iraq's interim prime minister in June 2004. Mr Allawi leads the Iraqi List alliance, a secular party which won 40 seats in the January 2005 poll. He failed to keep the prime minister's job and his party is not in Mr Jaafari's cabinet but it has said it will work with the government. In 1976 Mr Allawi formed the opposition Iraq National Accord (INA), which had US backing." **[6ab]** The BBC stated, on 28 May 2004, that "Religious leaders think he is too secular, the US-led coalition now sees him as a critic, for the anti-Saddam opposition he is an ex-Baathist, while ordinary Iraqis say he is a CIA man." **[4ai]**

Grand Ayatollah Ali Sistani

The Guardian report (accessed on 31 August 2005) noted that "Arguably the most powerful man in Iraq. The 73-year-old is the most powerful religious leader in the country as the most senior cleric of Iraq's Shia majority. Since the fall of Saddam he has played a low-profile role, but pressed for the January 2005 elections and had backed Ibrahim al-Jaafari to become prime minister. He is one of only five grand ayatollahs in the world." **[6z]** The BBC stated, on 27 August 2004, that Sistani is a moderate cleric **[4h] (p1-2)** The Financial Times stated, on 13 August 2004, that "He has imposed prior truces in Najaf and Kerbala, scuppered US plans for regional caucuses in the constitutional process, forced the June 30 [2004] date for the handover of sovereignty and dictated the abandonment of federalism in the latest United Nations resolution." **[67b] (p1-2)** The CSIS report, dated 19 June 2006, noted that "Sistani remained the most senior and revered Shi'ite cleric. He retained vast political influence, and had played a major role in making the Shi'ite alliance compromise to choose Maliki, resist pressures for sectarian conflict, and seek compromises to keep Iraq unified, although he sometimes seemed to support federation." **[63a] (p17)**

Dr. Ibrahim Jaafari
The Guardian article (accessed on 31 August 2005) mentioned that the former London GP was Iraq's first democratic prime minister since before the Saddam era. "He is a conservative Shia with strong religious beliefs and leads the Islamic Dawa party, which is a major player in the dominant United Iraqi Alliance. …Some analysts see him as a conciliatory figure." **[6y]** The BBC article stated, on 7 April 2005 that the former Vice-President went into exile in Iran first and then the UK. **[4ac]**

Masoud Barzani
The Guardian report (accessed on 31 August 2005) stated that "Leader of the Kurdistan Democratic party (KDP), which rules the western part of the Kurdish self-rule area from the regional capital, Irbil. Represents the more traditional, tribal elements in Kurdish society, and controls a fighting force of up to 35,000." **[6h]**

Moqtada Al-Sadr
The BBC report, dated 27 August 2004, noted that "Radical Shia cleric Moqtada Sadr has been a turbulent presence in Iraq since the fall of Saddam Hussein. At times he has called for a national rebellion against foreign troops and sent out his militiamen to confront the 'invaders' and Iraqi police." **[4f] (p1-2)** *The Guardian* report (accessed on 31 August 2005) mentioned that "A Shia cleric from Najaf whose militia army twice revolted against the US-led coalition. He took a deliberately ambiguous line before the January 2005 elections saying he would not vote but gave his blessing to supporters who joined various electoral lists so he would have a voice in the political bargaining." **[6m]** The BBC report, dated 27 August 2004, added that "Moqtada Sadr mixes Iraqi nationalism and Shia radicalism, making him a figurehead for many of Iraq's poor Shia Muslims. His detractors see him as an inexperienced and impatient radical who aims to dominate Iraq's most revered Shia institutions by force." **[4f] (p1-2)**

The CSIS report, dated 19 June 2006, stated that "Sadr remained the most activist Shi'ite religious leader, although he was still a relatively low ranking cleric. A charismatic preacher, he continued to call for Coalition withdrawal, and advocate a strongly religious Iraqi state. His 'Mahdi Army' had made a major recovery from its defeat in two failed revolts in 2004, and his supporter had been given some 30 votes in the new assembly to keep him in the Shi'ite alliance. Several Sadr supporters had been made ministers." **[63a] (p17)**

The ICG reported, on 11 July 2006, that:

> "In the immediate aftermath of Saddam Hussein's ouster, Muqtada al-Sadr was known chiefly for his disruptive behaviour. He stirred up his mob-like following against the traditional Shiite leadership, former regime elements, politicians returning from exile, and occupation forces, leading to the deadly 2004 showdown with U.S. troops. Two years later, the young imam has grown into a radically different role. He enjoys quasi-veto power over key political appointments, and his movement won 32 of 275 parliamentary seats in the December 2005 elections. In a political environment largely shaped by communal loyalties and clientelist relationships, the Sadrist phenomenon stands out. Reflecting an authentic social movement, it expresses in political terms the frustrations, aspirations and demands of a sizeable portion of the population that has no other genuine representative." **[25b] (p1)**

On 7 March 2008, BBC News reported that "Moqtada Sadr had not been seen in public since 25 May [2007] because he [had] resumed his religious studies in a Shia seminary in Najaf. … He has reportedly resumed his religious studies to gain the title of

ayatollah. The statement comes two weeks after the cleric renewed a unilateral ceasefire his powerful Mehdi Army militia has been observing for the past six months." **[4cn]**

Saddam Hussein

Former President of Iraq and commander-in-chief of military. Captured by coalition forces 13 December 2003. War crimes claims against the Iraqi leader include genocide of the Kurds, 'ethnic cleansing' in which tens of thousands of Kurds, Turkmen, Assyrians around the oil-rich city of Kirkuk were expelled as part of an 'Arabisation' programme, mass civilian executions after the Kurdish and Shi'a uprisings in 1991, and religious persecution. **[4l]** Saddam Hussein was sentenced to death by the Iraqi High Tribunal (IHT) on 15 November 2006 over the torture and executions of 148 Shias from the town of Dujail in the 1980s. He was subsequently executed on 30 December 2006. **[5g] [39f] (p3and22) [48g]**

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Annex D: Current insurgent/militia groups/non-state armed groups.

Al-Awda (Return Party, Al-Awdah)

European Defence (last revised December 2007) stated Al-Awda were "Believed to be composed of former members of the security apparatus and is based in central Iraq. It claimed responsibility for the August 2003 truck bombing of the UN headquarters in Baghdad, which killed 23 people, including the UN's special envoy, Sergio Vieira de Mello. Strength unknown." **[132 (p2)**

Jane's Sentinel, last updated 18 February 2008, reported this group was one that had claimed responsibility for attacks in Iraq since the US-led invasion in March 2003. **[14c] (p1)**

Ahel Al-Sunnah Al-Munasera (Supporters of the Sunni People in Iraq)

The UNHCR COI report, October 2005, mentioned that:

> "This group only recently announced its establishment, stating that it is fighting 'to defend our people in middle and south Iraq' against what it calls Shiite aggression and 'systematic genocide' of the Sunnis in Iraq. It has claimed responsibility for the abduction and killing of Ali Shakir Eidan, the President of the Iraqi Karate Union, an attack on members of the Badr Brigade on the Baghdad-Basrah highway and a suicide operation targeting a Shiite shrine in southern Baghdad." **[40c] (p73)**

According to Al-Jazeera News, this group claimed responsibility for a car bombing in a Baghdad market in July 2006, in which at least 62 people were killed. The Supporters of the Sunni People claimed the attack was to avenge Sunnis killed by Shia Muslims. (Al-Jazeera, 4 July 2006)

No more up to date reports could be found about this group.

Ansar al-Islam (Protectors of Islam) See also Ansar al-Sunna

The AI report, dated 25 July 2005, noted that Ansar al-Islam is an Islamist group reportedly linked to al-Qa'ida. **[28c] (p5)** An article by RFE/RL, dated 2 April 2005, stated that:

> "Ansar Al-Islam is a relatively new organization in Iraq, but has roots in the Islamist movement in Kurdistan. It is an outgrowth of a group called Jund Al-Islam (Soldiers of Islam) that was formed in 2001 by splintered factions from the Islamic Movement of Kurdistan. Jund Al-Islam, later renamed Ansar Al-Islam (Supporters of Islam) initially based its activities in the villages of Biyara and Tawela, along the Iranian border northeast of Halabjah." **[22i] (p1)**

The UNHCR COI report, October 2005, noted that "…at present is held responsible for continuing (suicide) attacks in Northern Iraq, mainly directed against senior PUK/KDP political and military officials." **[40c] (p66)**

The RFE/RL article noted that Ansar fighters subsequently gave "credible" details about Al-Qaeda training camps in Afghanistan. "Documents obtained by 'The New York Times' in Al-Qaeda guesthouse in Afghanistan also pointed to an Al-Qaeda link.

> "The PUK claims that dozens of Al-Qaeda fighters joined Ansar Al-Islam in Iraq after the 11 September 2001 terrorist attacks, with as many as 57 'Arab Afghan' fighters entering Kurdistan via Iran that month. Dozens of other Al-Qaeda fighters came later. The PUK has dozens of Ansar fighters in custody in Al-Sulaymaniyah, many of whom admitted the group's link to Al-Qaeda. Reports indicate, however, that the confessions may have been extracted through the PUK's torture of detainees." **[22i] (p1)**

The UNHCR COI report, October 2005, noted that "In addition, Ansar Al-Islam seems to have affiliated itself with other extremist groups and expanded its field of operation. It claims to have been involved in major attacks in other parts of Iraq, however it is not clear how large a role they play and even whether Ansar Al-Islam still exists as an organization." **[40c] (p67)**

Ansar al-Sunna (Ansar al-Islam, Partisans of Islam, Protectors of Islam, Supporters of Islam, Devotees of Islam, Jaish Ansar al-Sunna, Ansar al-Sunna Army, Army of Ansar al-Sunna, Jund al-Islam, Soldiers of Islam, Protectors of the Sunna Faith, Jaish Ansar al-Sunna (Army of the Traditions' Supporters))

The Parliament of Australia Joint Committee report of June 2007, stated that:

> "Ansar al-Sunna was initially formed as Ansar al-Islam, a merger of several smaller Kurdish-based Sunni extremist groups within the Kurdish Autonomous Zone (KAZ) of northern Iraq in late 2001. At this stage, Ansar al-Islam focused on the defeat of the secular Kurdish leadership to establish an independent Islamic state in the KAZ." **[129] (p33)**

> "Ansar al-Islam evolved into Ansar al-Sunna with the formation of the group announced in an internet statement on 20 September 2003 … Ansar al-Sunna has strong links with al-Qa'ida and historical links to Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR), a proscribed terrorist organisation also known as al-Qa'ida in Iraq. Former TQJBR leader Abu Musab al-Zarqawi operated one of the Ansar al-Islam training camps prior to the operations against the group in 2003." **[129] (p34)**

> "Ansar al-Sunna is organised into small, highly mobile cells. The reported leader of Ansar al-Sunna is Abu Abdullah al Hasan bin Mahmud. Members are recruited from Sunni based foreign and local sources. Ansar al-Sunna is believed to be divided into six divisions including a military and information division. The precise size of the group is unknown but estimates indicate numbers to be between 500-1000 members." **[129] (p34)**

> "Ansar al-Sunna's operational focus includes targeting Coalition Forces; Western interests; Iraqi security forces; Iraqi government structures; Iraqis seen as cooperating with Coalition forces; secular Kurdish officials; and increasingly sectarian Shia targets." **[129] (p34)**

> "Ansar al-Sunna's terrorist activities include suicide attacks, car bombs, emplaced improvised explosive devices (IEDs), kidnappings, executions, assassinations and conventional military attacks. It has also been involved in

> plans to conduct assassinations in Germany against Iraqi government interests." **[129] (p34-35)**

European Defence, last updated December 2007, stated that Ansar Al-Islam were "Originally based in north-eastern Iraq and cited by the Bush administration as an example of Iraq's connections with Al-Qaeda in the lead-up to the 2003 invasion, Ansar Al-Islam (Supporters of Islam) could still be involved, although some of its 500 members may have since joined another Jihadist group, the Ansar Al-Sunnah (Followers of the Tradition)." **[132] (p2)**

Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, stated that:

> "… the Army of the Protectors of the Sunni Traditions (Ansar Al-Sunna). Like other Sunni nationalist-religious groups, this faction is known for its principally Iraqi membership, its strong focus on the sectarian concerns of the Sunni Arabs and its blend of nationalist and radical Islamic themes and objectives. The group has demonstrated advanced terrorist capabilities, both in day-to-day insurgent attacks and devastating suicide bombings." **[14d] (p3)**

'Asa'ib Ahl al-'Iraq (the Clans of the People of Iraq) **[25c] (p3)**

Badr Organisation

The UNHCR COI report, October 2005, mentioned that "The Badr Organization (previously Badr Brigades or Badr Corps) was set up by former SCIRI leader Mohammed Bakr Al-Hakim during his exile in Iran and is made up of mainly Shiite militiamen." **[40c] (p60)**

The Christian Science Monitor report, dated 18 July 2005, noted that "SCIRI controls the roughly 7,000-strong Badr militia force, which frequently has been accused by Sunni leaders of torturing and killing innocent Sunni civilians, including clerics." **[34a]**

The UNHCR COI report, October 2005, noted that:

> "Sunni politicians have raised accusations against the Badr Organization – which has restructured itself as a political organization and is represented in the TNA and ITG – of being responsible for the killing of Sunni clerics and the raiding of Sunni mosques. SCIRI and the Badr Organization refute these accusations and US officials say that there is little evidence to indicate that members of the Badr Organization have been implicated in such crimes." **[40c] (p60)**

The same report noted that:

> "Since the fall of the former regime, the Badr Brigade has been accused of killing numbers of former Ba'ath party officials and members of the former security and intelligence services, making use of hit lists and benefiting from impunity. It has been reported that since the Shiites won the 30 January 2005 elections, increased attacks against former Ba'athists have taken place. At particular risk seem to be Shiites that live in predominantly Shiite or mixed Sunni-Shiite neighbourhoods. According to Misha'an Al-Jibouri, a Sunni member of the TNA, many former Shiite Ba'ath Party members were forced to seek refuge in Sunni-dominated areas in Central Iraq. Hadi Al-Amri, the leader

> of the Badr Brigade, denied allegations that his organization was behind attacks against former Ba'athists." **[40c] (p61)**

The report also noted that "…the Badr Organization's new political presence has not stopped Badr militiamen from operating openly and playing a role in providing security to Sadr City and Southern cities with provincial councils dominated by SCIRI representatives." **[40c] (p61)**

The UNHCR report continued:

> "After a number of sectarian killings, tensions between Sunni leaders and the Badr Organization ran high, blaming each other for sponsoring terrorism. After the killing of Sunni Sheikh Hassan Al-Nuaimi, a prominent member of the AMS, in May 2005, AMS leader Harith Al-Dhari publicly stated that 'the parties that are behind the campaign of killings of preachers and worshippers are ... the Badr Brigade'. The leader of the Badr Brigade, Hadi Al-Amri, denied the charges and blamed Harith Al-Dhari for supporting Abu Musab Al-Zarqawi, whose main victims are Iraq's Shiites." **[40c] (p62)**

The CSIS report, dated 19 June 2006, stated that "A Shi'ite militia formed in Iran in the early 1980s with the aim of toppling Saddam Hussein from exile. Thought to number up to 20,000 trained individuals, it fought on the side of Iran during the Iran-Iraq war. It was once led by Abdul Aziz al-Hakim, who came to head the Supreme Council for the Islamic Revolution in Iraq (SCIR), one of the main parties in Iraq's ruling Shi'ite coalition. Badr changed its name to the Badr Organization after Saddam's overthrow to shift its image away from its military roots." **[63a] (p58)**

According to the CSIS report, dated 22 June 2006, "… Sunnis feel particularly threatened by the Badr Organization many of whom have been incorporated into the special security forces." **[63b] (p254)**

Recent reports on the Badr Organisation suggest it is still operational. (ICG, 15 November 2007) **[25h]**

Defenders of Khadamiya

The CFR report, dated 9 June 2005, noted that "This group is comprised of roughly 120 loyalists to Hussein al-Sadr, a distant relative of Muqtada al-Sadr and a Shiite cleric who ran on former Prime Minister Ayad Allawi's ticket in the January 30 elections. The brigade was formed to guard a shrine in northern Baghdad popular among Shiites, and is one of a number of similar local forces that have emerged." **[8a] (p2)**

No more up to date reports could be found about this group.

Faylaq 'Umar

The ICG report, dated 19 December 2006 noted that "… a group that was established in late 2005 or early 2006 to retaliate against attacks on Sunnis, professes to focus its operations exclusively on SCIRI's militia, the Badr corps, and on the Sadrist Mahdi army (*Jaysh al-Mahdi*)." **[25e] (p7)**

No more up to date reports could be found about this group.

Fidayeen

European Defence, last updated December 2007, reported that "About 30,000 members of the Fidayeen, Saddam Hussein's former personal militia, are believed to be trying to resist the occupation to reinstall a Ba'athist-type government." **[132] (p2)**

See also Former members and associates of the Ba'ath party/former regime.

Iman Al-Hassan Al-Basri Brigades

The UNHCR COI report, October 2005, noted that:

> "This group has claimed responsibility for several attacks in Basrah in recent months, targeting mainly Iraqi police patrols and British intelligence. It has also claimed responsibility for the killing of Abdul Hussein Khazal, a journalist from the US-funded Al-Hurrah TV channel in Basrah. In a message posted on an Islamist website, the group said it had 'liquidated the apostate agent Abdul Hussein Khazal' and accused him 'of being a member of the Badr Brigade' and an 'Iranian agent'." **[40c] (p71)**

No more up to date reports could be found about this group.

Harakat al Muqawama al-Islamiya fil-'Iraq (the Islamic Resistance's Movement in Iraq)

The ICG reported, on 15 February 2006, that "…at some stage has been joined by Kata'ib Thawrat 'Ashrin (the 1920 Revolution Brigades), now its military wing." **[25c] (p3)**

No more up to date reports could be found about this group.

Al-Jabha al-Islamiya al-'Iraqiya al-Muqawima (the Islamic Front of the Iraqi Resistance)

The ICG report, dated 15 February 2006, stated that it was "… known by its initials as Jami' (mosque or gathering)." **[25c] (p2)** The same report noted that "According to a credible source, it could be more akin to a 'public relations organ' shared between different armed groups, rather than an armed group in itself. It issues weekly updates of claimed attacks, has a comprehensive website and publishes a lengthy, monthly magazine, Jami'. Deeply nationalistic, but with a salafi taint, its discourse counts among the more sophisticated of the groups." **[25c] (p2-3)**

No more up to date reports could be found about this group.

Jama'at Jund Al-Sahaba (Army Squad of the Companions of the Prophet Muhammad)

The UNHCR COI report, October 2005, noted that "Jama'at Jund Al-Sahaba has only recently emerged as insurgency group. In its first communiqué issued on 14 March 2005, it explained that its mission is 'to defend and protect our religion [Sunni] and stop the rising storm coming from the Shiites and invading the land of the Muslims'. The group's leader is Sheikh Abu Abbas Al-Omari, and it has claimed responsibility for a number of attacks against Iraq's Shiite Muslims …." **[40c] (p70)**

No more up to date reports could be found about this group.

Al-Jaysh al-Islami fi al-'Iraq (the Islamic Army in Iraq)

The UNHCR COI report, October 2005, noted that:

> "This group has been actively organizing and carrying out attacks on foreign military and civilian targets. It has initiated a brutally violent campaign against foreigners in Iraq, specifically anyone believed to be cooperating with the US-led Coalition. It was responsible for the killing of a number of foreign hostages … The Islamic Army in Iraq does not limit its attacks to non-Iraqis however; the group has frequently targeted Iraqis who join Iraq's police and military services or who are involved in the political process. Ahead of the elections of 30 January 2005, this group, Ansar Al-Sunna and the Army of the Mujahedeen, threatened to strike at anyone taking part in the elections which they consider 'un-Islamic'." **[40c] (p70)**

The ICG report, dated 15 February 2006, stated that "Thirteen brigades have claimed allegiance to this group, which also issues daily statements, runs a website (shut down in November 2005 and subsequently reactivated), and publishes al-Fursan, a monthly magazine of up to 50 pages. Again, a highly salafi discourse blends with a vigorously patriotic tone. It is widely seen in both Iraq and the West as one of the more nationalistic of the armed groups" **[25c] (p2)**

The UNHCR COI report 2005 stated that "After reports of possible negotiations between Iraqi/US officials and several insurgent groups including the Islamic Army, the group issued a joint statement with the Army of the Mujahedeen denying their participation in any such talks." **[40c] (p70)**

According to the European Defence, the Al-Jaish Al-Islami fi Al-Iraq is an "Islamic group that has attacked foreigners, Iraqi nationals working for the coalition and has carried out brutal murders. Strength may number several thousand." **[132] (p2)**

Jaysh al-Mahdi (Imam Mahdi Army, Mahdi Army, Mehdi Army, Army of the Messiah, Al-Mahdi Army, Al-Sadr's Groups)

The UNHCR COI report, October 2005, noted that:

> "The Imam Mehdi Army is the armed wing of the movement of radical Shiite cleric Muqtada Al-Sadr. … His supporters are largely young, unemployed and often impoverished men from the Shiite urban areas and slums in Baghdad and the southern Shiite cities. The Imam Mehdi Army operates mainly in an area stretching from Basrah to Sadr City in Baghdad. Some activity has also been noted in Baqouba and Kirkuk, where Shia minorities exist among the Turkmen and the Arab populations." **[40c] (p62)**

The CFR report, dated 9 June 2005, noted that:

> "Loyal to the young, anti-U.S. cleric, Muqtada al-Sadr, this group of thousands of armed loyalists fought U.S. forces for much of last year before agreeing to an October 2004 ceasefire. Recent news reports suggest the militia, which controls much of Sadr City, a Baghdad slum of some 2.5 million Shiites, may be regrouping and rearming itself. Muqtada al-Sadr has refused to participate directly in the Iraqi government, though some of his followers were elected to seats on the Iraqi National Assembly." **[8a] (p2)**

The UNHCR COI report, October 2005, mentioned that "It is believed that the Imam Mehdi Army consists of several thousands combatants, but exact figures are presently unavailable." **[40c] (p62)**

It also mentioned that "Supporters of Muqtada Al-Sadr are driven mostly by nationalist and ultra-conservative religious tendencies and demand the withdrawal of all foreign forces from Iraq. Their stated goal is to establish an Islamic state in Iraq under Islamic law." **[40c] (p62)**

The same UNHCR report stated that:

> "In March 2004, the CPA closed down Al-Sadr's daily newspaper Al-Hawza on the grounds that it was inciting anti-American violence, arrested his senior aide Mustafa Al-Yacoubi and issued an arrest warrant against Al-Sadr in connection with Al-Khoei's assassination in April 2004. These acts resulted in thousands turning out to protest and riot and soon escalated into organized armed attacks by the Imam Mehdi Army against the MNF in Najaf, Kufa, Al-Kut, Sadr City, Kerbala, Al-Amarah and Basrah. A fragile truce was agreed to after mediation by Grand Ayatollah Ali Al-Sistani in early June 2004. Fresh clashes again erupted in Najaf in early August 2004, this time focussed on control of the holy Imam Ali shrine. These incidents left hundreds dead, thousands displaced and parts of Najaf's old city destroyed. Three weeks of fighting finally ended in a truce brokered by Grand Ayatollah Ali Al-Sistani, who returned to Iraq from the UK where he had been receiving medical treatment. The Mehdi Army was obliged to disarm and leave Najaf. In turn, US troops had to withdraw from the city, leaving the ISF to take control. The IIG ensured that Al-Sadr's supporters could join the political process and that Al-Sadr himself would not be arrested. The agreement to end the Najaf crisis did not cover other areas in which Sadr militants were holding control and fighting continued in Baghdad's Sadr city suburb. In October 2004, the Mehdi Army agreed to take part in a cash-for-weapons scheme sponsored by the Iraqi Government. Under this programme, they received cash payments for handing in their heavy and medium-sized weaponry, but were allowed to keep their Kalashnikov rifles and small arms. In addition, the Iraqi Government promised to rebuild Sadr city, pledging more than US $500 million to the task." **[40c] (p63)**

The ICG report, dated 11 July 2006, stated that "His newspaper regularly published lists of so-called collaborators, tacitly enjoining its readers to kill them." **[25b] (p10)**

The CSIS report, dated 19 June 2006, stated that "Formed after Saddam's overthrow in April 2003, it is loyal to Moqtada al-Sadr, who led two rebellions against US and British forces in 2004, and in 2006 threw its political weight in to al-Dawa party behind Shi'ite Prime Minister al-Jafari. The Mahdi Army is estimated to number around 10,000 core fighters, but has thousands more supporters that could be called on to fight." **[63a] (p58)**

The ICG report, dated 11 July 2006, noted that "…the Sadrist movement remained a paramilitary organisation, holding military parades and hinting it could resume fighting. Unlike other militias, *Jaysh al-Mahdi* was highly visible, erecting checkpoints in Baghdad, enforcing social mores, patrolling neighbourhoods and engaging in social work. Armed attacks continued to be sure: the Sadrist militia killed alleged Baathists and Wahhabis, while conducting raids against coalition forces, albeit without claiming responsibility." **[25b] (p13)**

The report added that "An in-house police ensures that militants adhere to a stricter code of conduct; for example, those guilty of corruption have had their heads shaved or been assigned to street cleaning." **[25b] (p13-14)**

The report also noted that "… Muqtada engaged in the political process, participating in the 2005 elections, and, in that context, allying with some Shiite rivals. … in January 2005, Sadrists won 23 out of 275 parliamentary seats and performed well in local elections in Baghdad, Maysan and Basra. In December, they increased their representation to 32 seats, giving them quasi veto power within the dominant Shiite bloc over designation of the next government." **[25b] (p14)**

It stated that "Thus, although he has significantly moderated his rhetoric, he has held to his core principles, namely rejection of the occupation, foreign meddling, and Iraq's partition." **[25b] (p14)**

The report mentioned that "Shiites intent on undermining Muqtada's credibility refer to Muqtada-ists (*Muqtada'iyin)*, not Sadrists. More broadly, they describe his power base as a mob-like gang of extremists, dubbing *Jaysh al-Mahdi* either *Jaysh al-wardi* (in reference to the cheap drug popular among poor Iraqis) or *Jaysh Umm Raydi* (in reference to a Sadr City market that is known as the 'thieves' souk')." **[25b] (p17)**

European Defence, last updated December 2007, commented that "this Iranian-backed Shia group was engaged in heavy fighting with coalition forces in Baghdad and in southern Iraq during 2004. Strength may number upwards of 6,000." **[132] (p2)**

On 7 February 2008, International Crisis Group (ICG) also reported that the Mahdi army had redeployed to southern Iraq, away from multinational force presence in Baghdad. **[25i] (p1)**

Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, stated that:

> "The formation of Jaish al-Mahdi (Army of the Messiah) was announced by the young Shia firebrand Muqtada al-Sadr in July 2003. Muqtada al-Sadr is the son of the late Ayatollah Muhammad Sadiq al-Sadr …" **[14c] (p2)**
>
> "After the fall of Saddam Hussein, Muqtada al-Sadr quickly established a significant power base in Baghdad's massive Saddam City (renamed Sadr City) Shia slum, but was excluded from the new political order. He subsequently emerged as one of the most vocal opponents to the US-led Coalition and the interim authorities established after the fall of Saddam Hussein." **[14c] (p2)**

Jane's report continues to note that when coalition forces closed Sadr's newspaper in April 2004, he launched a widespread rebellion, taking control of a number of towns in southern Iraq. **[14c] (p2)** Due to large numbers of Jaish al-Mahdi casualties, a ceasefire was declared in June 2004 and again in October 2004. **[14c] (p2)** A disarmament programme was launched in Sadr city, which was generally successful and expanded to other parts of Iraq. **[14c] (p2)**

The ceasefire by the Mahdi army was extended on 22 February 2008 for another six months. Moqtada al-Sadr announced that his army's activities would remain frozen until the middle of August 2008. (Times, 22 February 2008) **[5j]**

Jaish-e-Mohammad (JeM) (Army of Mohammed, Army of the Prophet, Jaish-e-Mohammad Mujahideen E-Tanzeem, Jaish-e-Mohammed, Jaish-e-Muhammad, Jaish-e-Mtthammed, Jaish-i-Mohammad, Jaish-i-Mohammed, Jaish-i-Muhammad, Jaishi- Muhammed, Jamaat ul-Furqan (JuF), Jesh-e-Mohammadi, Khudamul Islam, Khuddam ul-Islam (Kul), Kuddam e Islami, Mohammed's Army, National Movement for the Restoration of Pakistani Sovereignty and Army of the Prophet, Tehrik al-Furgan and Tehrik Ul-Furqaan) [129]

The UNHCR COI report, October 2005, noted that:

> "This organization is made up mostly of Sunni Muslims whose main aim is to liberate Iraq from foreign occupation. US Government sources report that former members of Saddam Hussein's security forces are incorporated into the organization's leadership, although it is reported to operate under the guise of an Islamist organization. In November 2004, the (then) Prime Minister Iyad Allawi announced the capture of this group's leader (Mu'ayyed Ahmed Yassin, also known as Abu Ahmad) and other members of Mohammed's Army in Fallujah. The group was reportedly responsible for some beheadings and was known to have cooperated with Al-Qaeda in Iraq. However, in an interview with IWPR, an alleged spokesperson of the group denied any connection with Al-Qaeda and denounced killings of Muslims by Muslims. It also rejected the idea that a significant number of foreign fighters are among its ranks and stated that most members are Iraqi farmers." **[44f]**

The HRW report, dated 3 October 2005, mentioned that:

> "Jyash Muhammad condemned attacks on 'innocent Muslims'. 'A Muslim must not kill a Muslim, no matter what,' a spokesman said in an interview, as he denounced the bombings at Shi`a shrines and attacks on police. At the same time, he accepted kidnapping those who 'cooperate with the occupation.' 'Kidnapping is an obligation,' he said. 'It is not prohibited by religion, if it is done to foreigners who cooperate with the occupation.'" **[15j] (p30)**

The UNHCR COI report, October 2005, noted that:

> "In early 2005 Raad Al-Doury, the new leader of Jaish Mohammed, was arrested just days after he took over from the previous chief who had been detained two months earlier in Fallujah. Members of Mohammed's Army and a possibly related organization, the Armed Vanguards of Mohammed's 2nd Army, have taken responsibility for videotaped attacks that aired on Arabic television networks. The latter group also claims responsibility for the bombing of the UN Headquarters on 19 August 2003. Jaish Mohammed warned Iraqis against aiding the MNF, saying that such persons would be attacked with the same fury that is directed against the US military. Jaish Mohammed is said to have participated in talks with US officials in June 2005." **[40c] (p68-69)**

The ICG report, dated 15 February 2006, noted that Jaysh Mohammed "…issues periodic communiqués and videos focusing on IED17 attacks in the Anbar governorate." **[25c] (p3)**

Jane's Sentinel, updated 18 February 2008, briefly mentioned that one of the identifiable insurgents groups to have emerged in Iraq since the US-led invasion in

March 2003 were the Jaish Muhammad, or National Front for the Liberation of Iraq. **[14c] (p1)**

Jaysh al-Mujahedeen (Army of the Mujahedeen)

The UNHCR COI report, October 2005, noted that "Little is know[n] about this group. It appears to work closely with Ansar Al-Sunna and the Islamic Army as they have jointly claimed a number of attacks and issued statements warning Sunnis against participating in the political process. The Army of the Mujahedeen has also issued a statement denying any contacts with Iraqi/US officials." **[40c] (p71)**

The ICG report, dated 15 February 2006, stated that "This group, too, puts out weekly updates and operates a website, which was briefly shut down in December 2005." **[25c] (p3)**

No more up to date reports could be found about this group.

Jaysh al-Ta'ifa al-Mansoura (Victorious Army Group)

The UNHCR COI report 2005 mentioned that:

> "This previously unknown group appeared in May 2004 when it claimed responsibility for the kidnapping of two Russian electrical workers and called for the withdrawal of foreign citizens from Iraq. The group issued a number of communiqués in July 2005 claiming responsibility for the killing of Saleh Mahdy Al-Ameri, a leader in the Badr Organization, and various attacks on US military convoys." **[40c] (p72)**

The ICG report, dated 15 February 2006, noted that "At least three brigades are known to have pledged alliance to this group, which also issues weekly updates." **[25c] (p3)**

No more up to date reports could be found about this group.

Jaysh al-Rashidin (The First Four Caliphs Army)

The ICG report, dated 15 February 2006, noted that "As many as six brigades reportedly operate under its banner. The group issues regular updates on its activities and recently set up a website." **[25c] (p3)**

No more up to date reports could be found about this group.

Jund al-Islam (See Ansar al-Islam)

Kataeb al-Jihad al-Tawheed (the Brigades of Holy War and Unity) (aka: Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), Jamaat al-Tawhid wa'l-Jihad / Unity and Jihad Group, Tanzim Qa'idat Al-Jihad in Bilad al-Rafidayn (Organization of Jihad's Base in the Country of the Two Rivers))

The Times reported, on 17 April 2007, that this group may be linked to al-Qaeda, although its existance was doubted in the article. **[5m]**

Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, also mentioned an insurgent group called Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), which may be the same group. **[14c] (p1)**

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)

The Council on Foreign Relations report on the PKK, 19 October 2007, noted that PKK, known after their Kurdish name, Partiya Karkeren Kurdistan, were formed with Marxist-Leninist roots in 1974. **[8i] (p1)** They sought to create an independent Kurdish state in southeastern Turkey and parts of Kurdish-inhabited neighbouring countries. **[8i] (p1)**

> "The group turned to terrorist tactics in the mid-1980's, relying on guerrilla warfare that included kidnappings of foreign tourists in Turkey, suicide bombings, and attacks on Turkish diplomatic offices in Europe." (CFR, October 2007) **[8i] (p2)**

There has been a recent increase in violence in late 2007-early 2008, which prompted Turkey's call for revenge. (CFR, October 2007) **[8i] (p2)** (BBC News, 1 November 2007) **[4ch] more sources needed**

The PKK are regarded as a terrorist organisation by Turkey, the EU and the US. **[4ch]**

Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, stated that:

> "[The PKK] retains the ability to conduct hit-and-run attacks on targets in southeast Turkey, where the conflict has claimed approximately 1,500 lives since June 2004. As part of its two-front strategy, the PKK also conducts an urban bombing campaign in western Turkey, primarily targeting the tourism industry. The bombing campaign has claimed approximately 30 lives since June 2004, including those of seven foreigners." **[14c] (p3)**

Jane's report continued to note that in practice the PKK is run by Murat Karayilan, since the imprisonment of their president, Abdullah Öcalan, in 1999. **[14c] (p3)**

al-Muqawama al-'Iraqiya al-Wataniya al-Islamiya – Fayaliq Thawrat 1920 (the Iraqi National Islamic Resistance – the 1920 Revolution Brigades; Mukawama al-Iraqiyya al-Islamiyya (Iraqi Islamic Resistance - 1920 Revolution Brigades))

The AI report, dated 25 July 2005, noted that:

> "This group reportedly operates in West Baghdad and in al-Anbar, Diyala and Ninawa governorates. It has distributed statements claiming responsibility for specific attacks on US targets outside mosques after Friday prayers. For example, in a statement on 19 August 2004 the group said that between 27 July and 7 August 2004 it had conducted an average of 10 operations a day which resulted in deaths of US soldiers and the destruction of military vehicles." **[28c] (p5)**

This group were mentioned in Jane's Sentinel's report, last updated 18 February 2008. **[14c] (p1)**

Munazzamat Al-Alam Al-Aswad (Black Banner Organization of the Islamic Army)

The UNHCR COI report, October 2005, stated that:

> "This radical Sunni organization is believed to be composed of mainly non-Iraqi fighters and is led by Iraqi Omar Al-Hadid. Said to have links to Al-Qaeda, this organisation was one of a number of different groups that had control over Fallujah until the US military operation there in October 2004. They are said to have imposed strict Islamic law in Fallujah, including a ban on everything from tobacco to popular music cassettes. The organization has also claimed responsibility for a number of kidnappings, including three Indians, two Kenyans and an Egyptian truck driver working for a Kuwaiti company. … Together with two other militant groups, the Mujahedeen Army and the Mutassim Bellah Brigade, it also claimed responsibility for the kidnapping of 10 Iraqis working for a US security and reconstruction company in Iraq." **[40c] (p69)**

No more up to date reports could be found about this group.

Omar Brigades

A Sunni group that was set up in response to the Badr Brigades and the Madhi Army. The Omar Brigades enjoy sympathy among the population. **[88b] (p13)**

No more up to date reports could be found about this group.

Peshmerga ('those who face death')

The CSIS report, dated 22 June 2006, noted that:

> "The two major Kurdish parties, the Kurdish Democratic Party (KDP) headed by Masoud Barzani and the Patriotic Union of Kurdistan, headed by Jalal Talibani, retain powerful militias, known collectively as the Peshmerga. Their current strength is difficult to estimate, and some elements are either operating in Iraqi forces or have been trained by US advisors. The Iraqi Kurds could probably assemble a force in excess of 10,000 fighters – albeit of very different levels of training and equipment." **[63b] (p278)**

The CFR report, dated 9 June 2005, stated that "They are a Kurdish liberation army whose name translates literally to 'those who face death.' Elements of the force, whose roots stretch back to the 1920s, fought against Saddam Hussein during the Iran-Iraq war and provided military backup during the U.S.-led coalition's ousting of Saddam Hussein in 2003. The peshmerga is now believed to comprise some 100,000 troops…." **[8a] (p1)**

The UNHCR COI report, October 2005, stated that "In the North, the Kurdish Peshmerga continues to control the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah; since the fall of the former regime it has also expanded its area of influence south into Kirkuk, Mosul and Diyala Governorates." **[40c] (p59)** The peshmerga serve as the primary security force for the KRG in the northern Iraq. (CFR, 9 June 2005) **[8a] (p1)** (UNHCR COI, October 2005) **[40c] (p61)** (CSIS, 22 June 2006) **[63b] (p278)**

The UNHCR COI report, October 2005, stated that "Unlike the other militias, the Peshmerga were not prohibited from existing under the TAL." **[40c] (p61)** The same report noted that "In June 2005, the Kurdish parties agreed to assign about 30,000 Peshmerga fighters to the National Government while the rest will come under the control of a planned unified Peshmerga Ministry in the KRG." **[40c] (p61)**

The CSIS report, dated 19 June 2006, stated that "A Kurdish word meaning 'those ready to die,' the Peshmerga were created in 1946 to fight for an independent Kurdish state. The forces number up to 140,000 with loyalties divided between the two main Kurdish political parties: the Kurdish Democratic Party, and the Patriotic Union of Kurdistan. About 20,000 Peshmerga had been integrated into Iraq's army by the spring of 2006, but were still largely based in the Kurdish provinces to the north." **[63a] (p58)**

Qatta'ab Al-Imam Al-Hussein (Imam Al-Hussein Brigades)

The UNHCR COI report, October 2005, stated that:

> "This group claimed responsibility for a number of attacks in Baghdad and in the South directed against the 'occupation forces' and those persons, including Iraqi civilians, suspected of supporting them. Furthermore, it claims the assassination of a Ministry of Commerce official and member of the Badr Brigades. …Given the group's name, which refers to one of the most venerated Shiite imams, it is assumed that this insurgency group (unlike most others) is Shiite." **[40c] (p72-73)**

Saraya Al-Ghadhab Al-Islami (the Islamic Anger Brigades) **[25c] (p3)**

Saraya Usud Al-Tawhid (the Lions of Unification Brigades) **[25c] (p3)**

Saraya Suyuf al-Haqq (the Swords of Justice Brigades)

The ICG report, dated 15 February 2006, noted that "Previously unknown, this group took responsibility for the November 2005 kidnapping of four peace activists from the Christian Peacemaking Team. Its origins and affiliation remain murky, although it claims to operate under the banner of Jaysh al-Sunna wal-Jama'a, a recent offshoot of Jaysh Ansar al-Sunna." **[25c] (p3)**

No more up to date reports could be found about this group.

Shura Council of Mujahedeen (SCMI)

The UNHCR COI report, October 2005, noted that "This group appeared as an umbrella organisation of Iraqi resistance fighters in Fallujah prior to the US military's assault on the city in November 2004. The US-led Coalition has posted a reward of US $50,000 for information leading to the capture of Sheik Abdullah Al-Janabi, the Iraqi Sunni cleric who heads the Shura Council of Mujahedeen." **[40c] (p72)**

Jane's Information Group noted, on 1 August 2006, that:

"On 15 January 2006, the Mujahideen Shura Council of the Mujahideen in Iraq (SCMI) announced its establishment, stating that it represented an umbrella movement of Salafist groups that sought to confront the 'Crusaders and their Rafidi (Shiite) and secularist followers who have seized Baghdad.' The movement brought together six Salafist groups: Tanzim Qaedat Al-Jihad fi Bilad Al-Rafidayn; the Jaysh al-Taifa al-Mansura; Ansar al-Tawhid; Al-Ghuraba; Al-Jihad al-Islami; and Al-Ahwal. Utilising both foreigners and Iraqis, these groups have carried out a range of suicide bombings and assassinations inside Iraq. Despite a steady loss of mid-level leaders in the last year, the network continues to maintain a high operational tempo. Recruits are either streamed to suicide operations, or undertake other forms of attacks. This latter set of

operatives include recruits (known as 'executors'), who earn the status of 'commanders' after carrying out ten executions by slashed throat or beheading." **[14b]**

Supreme Iraqi Islamic Council (SIIC)

According to Jane's Sentinel, last updated 18 February 2008, the Supreme Iraqi Islamic Council was one of the key armed Shia groups. **[14d] (p4)**

Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers, Al-Qaeda in Iraq (AQI), Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia))

As stated in the AI report, dated 25 July 2005, Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers) was reportedly influenced by or linked to al-Qa'ida. **[28c] (p5)** The report noted that it was allegedly set up by Abu Mus'ab al-Zarqawi, a Jordanian Islamist who was sentenced to death in absentia in Jordan on 6 April 2004. **[28c] (p5)** The FCO stated, on 22 October 2004, that Abu Mus'ab al-Zarqawi was based in Fallujah. **[66c] (p4)** The AI report, dated 25 July 2005, added that "The date of Abu Mus'ab al-Zarqawi's arrival in Iraq is not known." **[28c] (p5)**

The same AI report mentioned that "This group was initially called al-Tawhid wal-Jihad (Unity and Holy War) but in October 2004 Abu Mus'ab al-Zarqawi reportedly issued a statement through the internet stating that he was changing the name to Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn." **[28c] (p5)**

The ICG report, dated 15 February 2006, stated that:

> "It claims to have fifteen brigades or battalions (Katiba, plural Kata'ib) operating under its banner, including two 'martyrs' brigades, of which one allegedly comprises exclusively Iraqi volunteers. Tandhim al-Qa'ida releases daily communiqués, runs two official websites (both of which were shut down as of December 2005), and publishes a short monthly magazine, Siyar A'lam Al-Shuhada' (Biographies of Great Martyrs), as well as one that appears more erratically, Sawt al-Jihad (Voice of Jihad)." **[25c] (p1-2)**

The same report noted that "Known for its uncompromising and generally extreme positions, Tandhim al-Qa'ida sought throughout 2005 to remodel and 'Iraqify' its image. How central it is to the overall insurgency is unclear; … As far as Crisis Group can conclude, based on a study of its communiqués, Tandhim al-Qa'ida appears to be surprisingly well-structured; it should neither be blown up into a Leviathan nor ignored as a mirage, but rather considered as one among a handful of particularly powerful groups." **[25c] (p2)**

The AI report, dated 25 July 2005, stated that:

> "In November 2004 Abu Mus'ab al-Zarqawi and his supporters were among the targets of US military attacks on Falluja. The Iraqi interim government and the US military argued that they wanted to retake Falluja because it was being controlled by insurgents, including foreigners. It turned out that of the 1,000 men reportedly arrested during the assault, only 15 were confirmed as foreign, according to General George W. Casey, Jr., the top US ground commander in Iraq. US military officials stated that many of the fighters had escaped Falluja

> to other predominantly Sunni Arab cities, including Mosul, before the assault." **[28c] (p5)**

The group claimed responsibility for a number of attacks, often carried out by suicide bombers, against civilians as well as the ISF and MNF. (USSD, 30 April 2008) **[2m] (p1)** (AI, 25 July 2005) **[28c] (p8-9, 12, 14)**) (UNHCR COI, October 2005) **[40c] (p68)**

The UNHCR COI report, October 2005, mentioned that "Those considered part of the 'foreign occupation' – such as the MNF, foreign civilians and humanitarian organizations – have been targeted by JTJ/Al-Qaeda in Iraq in the past, but their focus has now shifted to Iraqis aiming to pacify and rebuilding the country, such as the emerging ISF and those involved in the political process." **[40c] (p68)**

The same report added that "Most recently, the group has claimed responsibility for the killing of several high-ranking foreign diplomats in a move to undermine the ITG's efforts to improve its ties with other governments." **[40c] (p68)**

The report also noted that "On 15 October 2004, the US State Department added Zarqawi and the JTJ to its list of Foreign Terrorist Organizations and ordered a freeze on any assets that the group might have in the US. Furthermore, Abu Musab Al-Zarqawi and JTJ have been designated and listed for international sanctions by the UN 1267 Committee for their ties to Al-Qaeda." **[40c] (p68)**

Jane's Sentinel Country Risk Assessment of Security in Iraq, updated 18 February 2008, stated that:

> "The main militant Islamist terrorist grouping in Iraq is the network known as Al-Qaeda in the Land of the Two Rivers (Tanzim Qaedat Al-Jihad fi Bilad Al-Rafidayn). … On 15 January 2006, the Mujahideen Shura Council of the Mujahideen in Iraq (SCMI) announced its establishment, stating that it represented an umbrella movement of militant Islamist groups that sought to confront the "Crusaders and their Rafidi (Shiite) and secularist followers who have seized Baghdad". The movement brought together six militant Islamist groups: Tanzim Qaedat Al-Jihad fi Bilad Al-Rafidayn; the Jaysh al-Taifa al-Mansura; Ansar al-Tawhid; Al-Ghuraba; Al-Jihad al-Islami; and Al-Ahwal. Utilising both foreigners and Iraqis, these groups have carried out a range of suicide bombings and assassinations inside Iraq." **[14d] (p3)**
>
> "In the first quarter of 2007, AQI elements have continued to alienate the residents of Anbar province, notably resorting to setting off chlorine bombs to bring Anbar communities to heel, and are increasingly focusing their efforts on cementing their new base in the Sunni triangle areas of the Tigris valley. These comprise Baghdad and the northern provinces of Diyala and Salah al-Din, with smuggling routes principally operating in the northwest from the Rabiya border crossing with Syria to Tall Afar and from there to Mosul. AQI has provided Iraqi insurgent groups operating in this area with specialised support (e.g. anti-helicopter capabilities) and otherwise sought to weave itself into the fabric of the mainstream Sunni anti-occupation attacks." **[14d] (p3)**
>
> "The US offensive into the upper Tigris river valley since early 2007 appears to have dislodged AQI from Diyala and pushed its centre of gravity further up the Tigris to areas such as Balad, Tikrit, Kirkuk and Mosul. The organisation appears to be losing ground in all Sunni areas. … In the latter months of 2007, AQI cadres were increasingly forced to operate out of northern Iraqi cities …

> and have focused their efforts on intimidating the Sunni Awakening movements." **[14d] (p3)**

On 29 December 2007, BBC News reported that, according to the Iraqi Interior Ministry (MOI), "Three-quarters of al-Qaeda in Iraq has been destroyed over the last year [2007], … [although this] claim could not be independently verified." **[4ci]** The MOI also reported that Al-Qaeda activity was now confined to "certain places north of Baghdad." **[4ci]**

On 27 March 2008 CSIS reported that "The organization [AQI] transformed over the past eight months and moved from Anbar Province and the ring of towns around Baghdad to the area surrounding Mosul, further north. It continues to disrupt the country with countless bombings, kidnappings and executions …" **[63h]**

See also Sunni Arab insurgents.

A report by the ICG, Iraq After the Surge I: The New Sunni Landscape, published 30 April 2008, commented on AQI, stating that "While the organisation has been significantly weakened and its operational capacity severely degraded, its deep pockets, fluid structure and ideological appeal to many young Iraqis mean it will not be irrevocably vanquished." **[25j] (pii)**

The report also commented that "Al-Qaeda in Iraq's methods were excessively brutal, its goal being to fuel ever-intensifying sectarian strife, fear and instability. It systematically targeted Shiite civilians, killed police officers and other civil servants and even coerced Sunni civilians to the point were most were forced to flee. In no sense could this lead to victory as the more nationalist groups defined it; instead, it was a recipe for never-ending chaos and bloodshed. More importantly perhaps, al-Qaeda in Iraq's attempt to monopolise the insurgency generated a backlash from groups either squeezed out of former strongholds or facing more intense competition, including assassination of their militants." **[25j] (p17)**

Turkoman Front militia

Jane's Sentinel Country Risk Assessment in Iraq, updated 18 February 2008, stated that:

> "The Turkoman Front is an ethnically based political party supported by Turkey. Its militia, with an estimated strength of 300, was established in the 1990s to safeguard the interests of Iraq's Turkish-speaking minority. It is believed that the Turkish military has played an extensive role in supporting the militia as a proxy force that could be used against Kurdish forces in northern Iraq. Turkoman gunmen have clashed with KDP forces in the important oil city of Kirkuk in northern Iraq, which both communities claim to control." **[14c] (p3)**

OTHER MILITIA/INSURGENT GROUPS

A US congressional research report in January 2004 said that the resistance was operating under a number of different names, which included:

al-Jabha al-Wataniya litahri al-'Iraq (the National Front for the Liberation of Iraq);

Jaysh Tahrir al-'Iraq (the Iraqi Liberation Army);

Iraq's Revolutionaries – Al Anbar's Armed Brigades;

Salafist Jihad Group (Salafi is a Sunni extremist Islamic movement);

Armed Islamic Movement for Al Qaeda - Falluja Branch
Actual linkages to Al Qaeda, if any, are not known;

Nasirite Organization. **[28c] (p5) [33b]**

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Annex E: Past insurgent/militia groups

This information relates to the situation prior to the fall of the Saddam regime. It should be considered in that context.

Fedayeen Saddam
The paramilitary unit responsible for security duties was also used for specific propaganda objectives. Over the years the Fedayeen Saddam became better equipped and earnt a healthy wage under Iraqi standards. There were also some elite, units. The Fedayeen Saddam was made up of both Sunnis and Shiites. There were several brigades of the Fedayeen Saddam in the southern towns of Najaf, Kerbala, Amara, Nasiriyya and Basra who had partially taken over the duties of the local police. **[30b] (p9)**

Recruitment was not performed according to the same, rigid procedures each time. In view of the fact that there were enough young men who wanted to join the unit, it seemed very unlikely that new recruits had to be forced to join the Fedayeen. An unconfirmed press report noted that they were allowed to perform summary executions. **[71a] (p72)**

Many young people were recruited through teachers and lecturers at schools and universities affiliated to the Ba'ath party. This occasionally involved forced recruitment, but it was possible for them to be put under pressure, for example, by a leader of their own tribe, or if they have shown that they possessed special (physical and other) capabilities. If they refused to join, they would quite possibly run the risk of being picked up and tortured. Young people sometimes fled or went into hiding to evade the Fedayeen Saddam. Early resignation from the Fedayeen Saddam was not accepted and could have attracted problems, such as arrest, intimidation or physical violence. The gravity of the problems encountered depended on the specific circumstances. Young girls and young women could join the Fedayeen Saddam; it couldn't be completely ruled out that they may have also been forced to join. **[71a] (p72)**

Al Quds
Initially this army unit was known as the 'Volunteer Forces of Jerusalem Day'. This army, was, according to the Ba'ath authorities, supposed to be made up of volunteers, and was used for the liberation of the Palestinian areas. It was used in particular for propaganda purposes and had little military power. The name of the army was changed in February 2001 to 'Jerusalem Liberation Army/Al Quds Army'. Although the term 'voluntary' no longer featured in the name, the authorities still considered it to be a volunteer army, which is why no formal legislation had been issued making it an offence to refuse to serve in the army. Officially no charges were brought against people who refused to join. This would have run counter to the alleged voluntary nature of the army. Nothing was recorded in Iraqi criminal law about the 'Jerusalem Liberation Army'. **[71a] (p75)**

Although a volunteer army in principle, in practice it appeared that people were urgently sought to enlist. In general, 'volunteers' (men aged from approximately 18 to 50) were being recruited during house calls by representatives of the Ba'ath party. Men who refused to join (and were unable to bribe the recruitment officer) might have been punished, although the lack of legislation meant that the punishment was not clearly defined. It could have included food ration restrictions, problems at work, or forced termination of studies. Those who refused also found themselves registered as disloyal to the Ba'ath government in the security service files. This could possibly have led to

(serious) problems for the relevant 'volunteer' and the members of his family at a later stage. As a result few probably refused. If you were already recorded as being disloyal, prior to the recruitment (because you came from a 'tainted' family, for example), refusal to serve in the 'Jerusalem Liberation Army' could have been considered a political act. Detention and maltreatment could have then be used. This was a rare category, however. **[71a] (p75-76)**

It was relatively simple to bribe the relevant recruitment officer. You were then released from the 'obligation' to put yourself forward as a 'volunteer'. Apparently Iraqis living abroad could have bought themselves free for USD 1,000 (€ 988). They would have had to pay this sum at the Iraqi embassy in the country where they were living and once they had paid, they were issued with a written declaration which could have been presented to the (military) authorities should they have entered Iraq. They were then no longer called up for Al Quds. Although the above amount was high in Iraqi terms, settlement has shown that the Iraqi authorities were accommodating towards people who did not want to serve as volunteers in this army. **[71a] (p76)**

Jash

Kurdish militias who were allied to Saddam Hussein's regime and operated as mercenaries outside the regular army (popularly derided as 'Jash' or 'Jahsh') were located in central Iraq, especially in and around Mosul. After the intifada in 1991, large groups of Jash deserted to the Kurdish resistance. The KDP and the PUK gave the militias a 'general pardon'. The Jash were incorporated in the existing military structures there or surrendered their weapons. As far as it is known, there was little if any meting out of retribution or settling of scores. The former members of the Jash generally experienced no problems in KAZ because they came from strong tribes, who could defend themselves (if required) in the area. **[71a] (p73-74)**

Initially the Jash were responsible for espionage, ensuring that no anti-Government opinions were voiced and no anti-Government activities were attempted by the local Kurdish population in the north of Central Iraq. These activities also included contacts with the KDP or the PUK. They were responsible, in conjunction with the Central Iraqi security troops, for maintaining order in the district where they were serving. **[71a] (p74)**

Because of the military nature of the Jash-militias and the authoritarian culture in the Ba'ath regime of central Iraq, some of these militias regularly abused their power and employed (excessive) violence. There were reports of intimidation, threats and extortion employed against the local Kurdish population. However, there were also Jash-militias who adopted a more accommodating attitude towards the local population. According to reports, the militias were no longer created purely on the basis of clan and tribal relations, unlike in the past, and members also joined on an individual basis. Privileges and financial reward could have been considered the most important motives for joining. **[71a] (p74)**

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Annex F: List of abbreviations

AI	Amnesty International
CCCI	Central Criminal Court of Iraq
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPA	Coalition Provisional Authority
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FFM	Fact-Finding Mission
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IECI	Independent Electoral Commission of Iraq
IED	Improvised Explosive Devices
IFRC	International Federation of Red Cross and Red Crescent Societies
IIG	Iraqi Interim Government
IMF	International Monetary Fund
INIS	Iraqi National Intelligence Service
IOM	International Organisation for Migration
ISF	Iraqi Security Forces
IST	Iraqi Special Tribunal
KDP	Kurdistan Democratic Party
KRG	Kurdish Regional Government
MNFI	Multi-National Force in Iraq (also MNF; MNF-I)
MOI	Ministry of the Interior
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NPA	Norwegian People's Aid
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OFF	(UN) Oil for Food program
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PUK	Patriotic Union of Kurdistan
RSF	Reporters sans Frontières
SICT	Supreme Iraqi Criminal Tribunal
STD	Sexually Transmitted Disease
STC	Save The Children
TAL	Transitional Administrative Law
TB	Tuberculosis
TI	Transparency International

TNA	Transitional National Administration
UIA	United Iraqi Alliance
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSCR	United Nations Security Council Resolution
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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