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COUNTRY OF ORIGIN INFORMATION REPORT

IRAQ

12 JANUARY 2009

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, United Kingdom 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 28 November 2008. The 'Latest News' section contains further brief information on events and reports accessed from 29 November 2008 to 5 January 2009. The report was issued on 12 January 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 UKBA as below.

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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 UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

Latest News

EVENTS IN IRAQ FROM 29 NOVEMBER 2008 TO 5 JANUARY 2009

2 January "At least 23 people have been killed in a suicide bombing in a town south of the Iraqi capital Baghdad, police say. About 110 people were also injured in the attack at a gathering of Sunni Muslim tribal leaders in Yusufiya, 20km (12 miles) from Baghdad. Police said the bomber had entered the home of a sheikh as a Sunni council meeting was being held."
BBC News: Suicide bomb kills many in Iraq, 2 January 2009
http://news.bbc.co.uk/1/hi/world/middle_east/7808354.stm
Accessed 5 January 2009

1 January 2009 "Iraq has taken control of security in Baghdad's fortified Green Zone after a UN mandate for troops expired. The end of the UN mandate - put into place soon after the invasion in March 2003 - means Iraq will now take greater control of its own security. Iraqi Prime Minister Nouri Maliki welcomed the move as Iraq's 'day of sovereignty' at the handover ceremony. US and British forces will remain in Iraq - but with Iraqi permission, under two separate bilateral deals."
BBC News: Iraq takes control of Green Zone, 1 January 2009
http://news.bbc.co.uk/1/hi/world/middle_east/7806812.stm
Accessed 5 January 2009

17 December Eighteen people were killed and 53 wounded in the Nahdha neighbourhood of central Baghdad on 17 December by twin bomb blasts near a traffic police station and a hospital.
Reuters: Blasts kill 18 and wound 53 in Baghdad, 17 December 2008
http://www.reuters.com/article/middleeastCrisis/idUSLH275365
Accessed 22 December 2008

15 December "Seven members of a family belonging to the minority Yazidi community have been murdered in northern Iraq, police say. Officers said a mother and father and their four adult children were shot dead when gunmen burst into their home in the town of Sinjar, west of Mosul.… A number of attacks against Yazidis in recent years have been blamed on al-Qaeda in Iraq which views them as infidels."
BBC News: Yazidis targeted in Iraq attack, 15 December 2008
http://news.bbc.co.uk/1/hi/world/middle_east/7783278.stm
Accessed 15 December 2008

11 December "A suicide bomber killed about 50 people and wounded more than 100 on Thursday, including Kurdish and Arab officials, in a crowded restaurant near Iraq's ethnically mixed city of Kirkuk. … It appeared to be the worst attack in Iraq since 63 people were killed by a truck bomb in Baghdad on June 17. Violence has dropped sharply in recent months after more than five years of sectarian bloodshed and insurgency unleashed by the 2003 U.S.-led invasion. Iraqis have begun to venture out and resume normal life in areas where security is returning, but militants still stage regular attacks in volatile areas."
Reuters UK: Suicide bomber kills 50 in Iraqi Restaurant, 11 December 2008
http://uk.reuters.com/article/worldNews/idUKTRE4BA2X420081211
Accessed 12 December 2008

This Country of Origin Information Report contains the most up-to-date publicly available information as at 5 January 2009. Older source material has been included where it contains relevant information not available in more recent documents.

8 December — Adel Hussein, a Doctor and freelance journalist, was released from prison in Erbil under a pardon granted by the president of the Kurdistan region of Iraq. "Hussein had been in prison since 24 November, when he was found guilty of offending public decency under article 403 of the criminal code for writing an article about homosexuality for the independent Kurdish-language weekly Hawlati."
Reporters sans frontiers/Reporters without Borders (RSF): Kurdish president pardons doctor who was jailed for writing about homosexuality. 8 December 2008
http://www.rsf.org/article.php3?id_article=29508
Accessed 9 December 2008

2 December — Fourteen people were killed in bomb attacks across Iraq, including four in Mosul in an attack targeting pupils leaving a school, five soliders in Al-Hillah, south of Baghdad, and five in the northern city of Tal Afar.
Radio Free Europe/Radio Liberty: Bombs kill 14, wound many across Iraq, 2 December 2008
http://www.rferl.org/content/Bombs_Kill_14_Wound_Many_Across_Iraq/1355507.html
Accessed 2 December 2008

1 December — "The number of civilians killed in Iraq rose last month after a series of Baghdad bombings, but the U.S. military death toll fell to its lowest level since the war began in 2003, data showed. Iraqi government figures showed 296 civilians died violent deaths in November, up from 238 in October, which had been the lowest tally since the U.S.-led invasion in 2003. … Violence has fallen sharply in Iraq over the past year, but insurgents have shown themselves still capable of conducting large-scale attacks."
Radio Free Europe/Radio Liberty: Iraq Civilian Death Toll Up In November; U.S. Deaths Down, 1 December 2008
http://www.rferl.org/content/Iraq_Civilian_Death_Toll_Up_In_November_US_Deaths_Down/1354817.html
Accessed 2 December 2008

29 November — "Two foreign contractors working for the UN have been killed and 15 wounded in a rocket attack on Baghdad's high-security Green Zone, the UN says. … It is not known who carried out the attack … The victims worked for a catering company contracted by the UN Assistance Mission for Iraq, officials say."
BBC News: UN Contractors killed in Iraq, 29 November 2008
http://news.bbc.co.uk/1/hi/world/middle_east/7756274.stm
Accessed 1 December 2008

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http://www.brookings.edu/saban/~/media/Files/Centers/Saban/Iraq%20Index/index.pdf
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http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7MDEHZ?OpenDocument
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http://www.hrw.org/sites/default/files/reports/iraq1208web.pdf
Date accessed 16 December 2008

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http://www.state.gov/documents/organization/113259.pdf
Date accessed 16 December 2008

US Department of State http://www.state.gov/
Iraq Weekly Status Report, 3 December 2008
http://www.state.gov/documents/organization/112944.pdf
Date accessed 9 December 2008

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http://www.unhcr.org/refworld/pdfid/493550612.pdf
Date accessed 3 December 2008

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Accessed 5 January 2009
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http://www.iom-iraq.net/Library/idp_gov_profiles/2008/Governorate_Profiles_Babylon_Kerbala_Najaf_Jun08.pdf
Accessed 5 January 2009
IDP 2008 IOM Iraq Governorate Profiles: Anbar, Baghdad and Diyala, December 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 Feb 2007) **[66e] (p1)** Baghdad is the country's capital city. (United States State Department (USSD) Background Note: Iraq, last updated Feb 2008) **[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 July 2008 was 28,221,181 with an estimated annual growth rate of 2.562% per year. (CIA world factbook, last updated on 9 Oct 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) [139a] (p4, Administrative divisions)** "The Iraq governorates are al-Anbar, al-Basrah, al-Muthanna, al-Qadisiyah, an-Najaf, Arbil, as-Sulaymaniyah, at-Tamim, Babil, Baghdad, Dahuk, Dhi Qar, Diyala, Karbala, Maysan, Ninawa, Salah ad-Din and Wasit. Kurdistan is an autonomous region recognized by the Iraqi federal authorities." **[139a] (p4, Administrative divisions)**

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, Aug 2006) **[33a] (p7)** (FCO country profile, last updated 8 Feb 2007) **[66e] (p1)** (CIA world factbook, last updated on 9 Oct 2008) **[78a] (p5)** Other evident ethnic groups are Turkmens, Chaldeans, Assyrians. (US Library of Congress, Aug 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, Aug 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 Feb 2008) **[2k] (p1)** (Encyclopaedia Britannica, accessed 3 Jan 2007) **[106a]** The Encyclopaedia Britannica (accessed on 3 Jan 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 Feb 2008) **[2k] (p1)** (Encyclopaedia Britannica, accessed 3 Jan 2007) **[106a]** The Encyclopaedia Britannica (accessed on 3 Jan 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 Feb 2008) **[2k] (p1)**
(Encyclopaedia Britannica, accessed 3 Jan 2007) **[106a]** "Bilingualism is fairly common, particularly among minorities who are conversant in Arabic." (Encyclopaedia Britannica, accessed 3 Jan 2007) **[106a]**

1.06 The CIA world factbook (last updated on 9 October 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)**

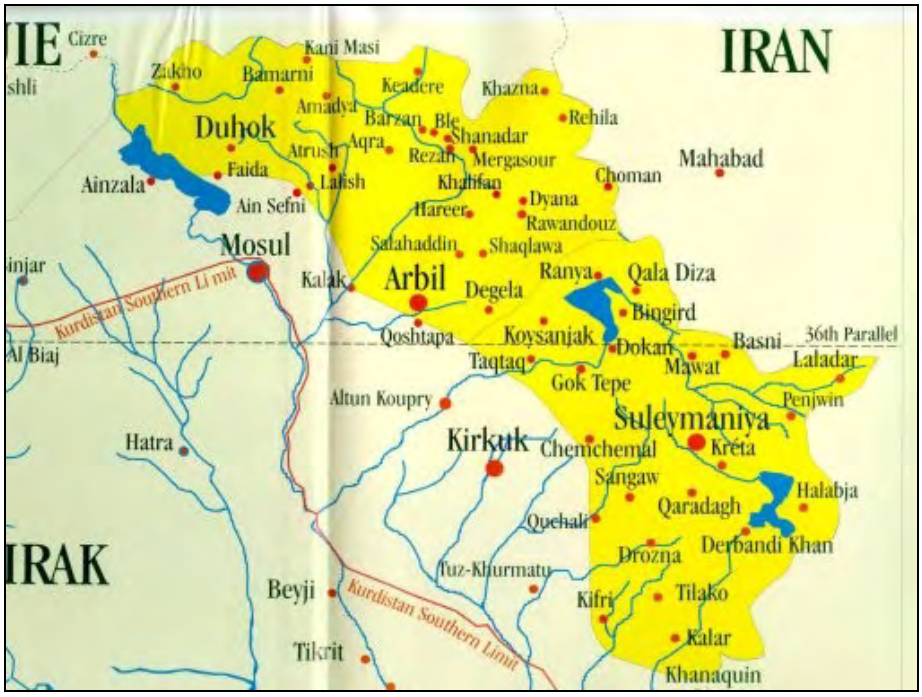
MAPS

Iraq and neighbouring countries

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

Kurdish Regional Government (KRG) area

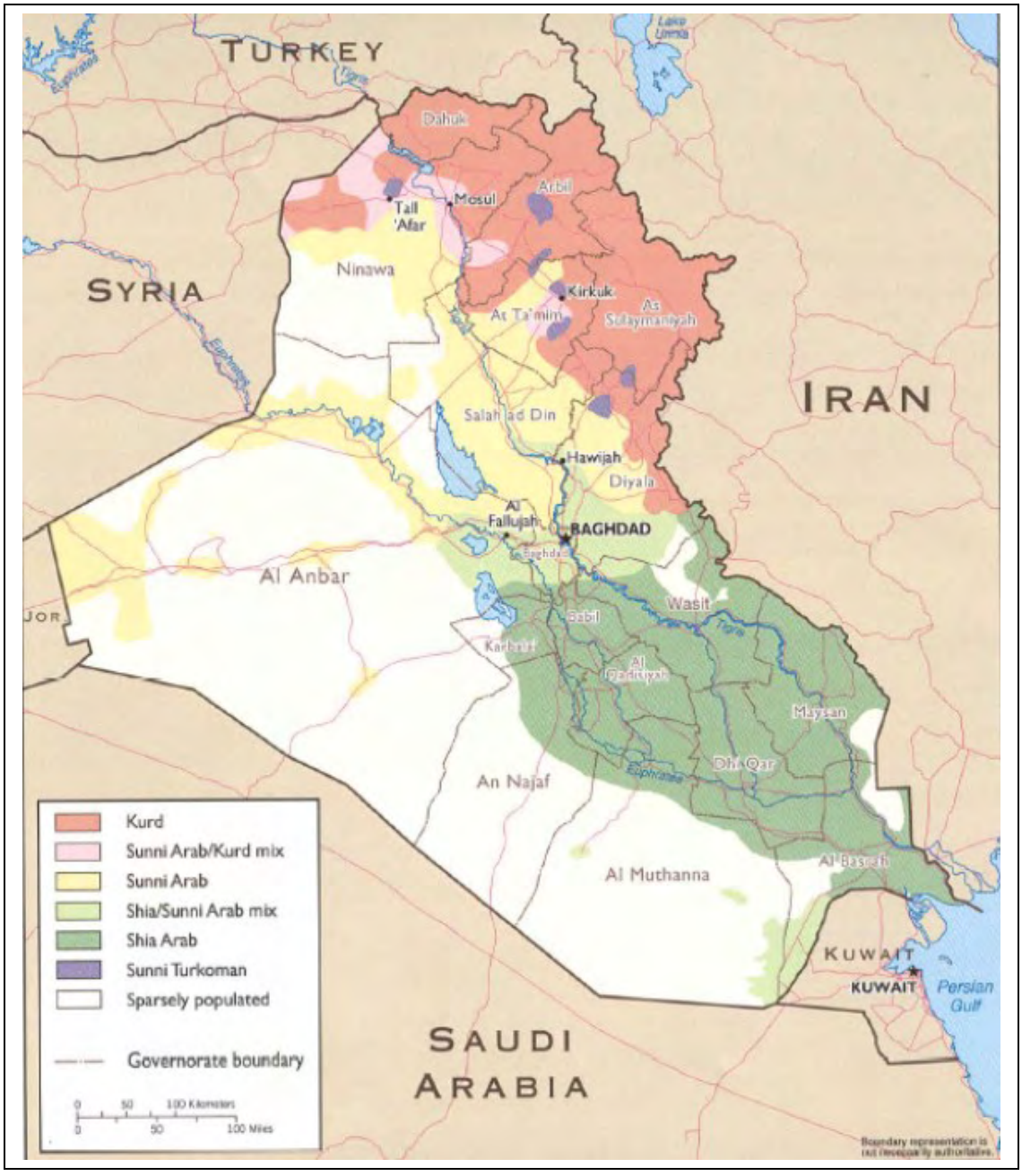
1.08 Map from Dr Rebwar Fatah report, dated 28 June 2006. **[77b] (p7)**



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 continues to lack revenue diversity and is vulnerable to various types of economic shocks. Oil sits at the heart of the key economic issues. Oil revenues account for 70 per cent of GDP and 95 per cent of government revenues." (Jane's, 7 Oct 2008) **[14d] (p7)**

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 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 9 October 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 mismanaged. 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 9 October 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 Jul 2007) **[18bs]** The minimum wage was reported to be USD 70. (ICRC, 29 Oct 2008) **[43g]**

2.13 The World Bank noted 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]**

See also Women

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

25 June 2008, ranked Iraq as 178th most corrupt out of 180 countries (1 being the least corrupt and 180 the most corrupt country). **[51c] (p302)**

2.17 Jane's Sentinel Country Risk Assessment of Iraq, 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. (Europa Regional Survey 2005,) **[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 Mar 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 Feb 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 Jan 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 Feb 2005) **[11r]**

3.07 The results of the election were announced on Sunday 13 February 2005 having initially been delayed. (CNN, 14 Feb 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 Feb 2005) **[4n]** (CNN, 14 Feb 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 Feb 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 Feb 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 Jun 2005) **[38b] (p2)** Ibrahim al-Jaafari was appointed as Iraq's next interim Prime Minister. (*The Guardian*, 7 Apr 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, noted 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. (Psephos, 2005) **[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 Jun 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 Jan 2006) **[4i]** (UNSC, 3 Mar 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 Mar 2006) **[38e] (p1)** Additionally, Sunni Arabs, who boycotted the last election in January 2006, appeared to have voted in large numbers. (BBC, 15 Dec 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 Mar 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 Feb 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 Jan 2006) **[11h]** (UNSC, 3 Mar 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]** (Radio Free Europe/Radio Liberty (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." **[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 Apr 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 added 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 Apr 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 Apr 2006) **[4v]** *The Daily Telegraph* reported 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 Apr 2006) **[8e]** (BBC, 22 Apr 2006) **[4v]** (Aljazeera, 22 Apr 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 inaugurated Prime Minister designate on 20 May 2006. (Associated Press, 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 Jun 2006) **[4j]** (*The Times*, 8 Jun 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 continued:

> "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 (United Nations Security Council) 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. (*The Times*, 9 June 2006) **[5b]** Two US Air Force F16 jets dropped 500lb bombs on a farmhouse near Baqubah, north of Baghdad. (BBC, 9 Jun 2006) **[4d]** It was reported that six others were killed of whom three were men and three were women. **[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 same 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 7 October 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'), who has come under harsh criticism from within AQI for failures of leadership. 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 was 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 Jan 2007) **[4al]** (*The Times*, 30 Dec 2006) **[5g]** (UNAMI, 1 Nov-31 Dec 2006) **[39f] (p3 and 22)** (*The Telegraph*, 1 Jan 2007) **[48g]** The other two co-defendants were executed on 15 Jan 2007. (BBC, 9 Feb 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

RECENT HISTORY

3.33 On 3 February 2007, BBC News reported that a lorry bomb in Sadriya market, central Baghdad, had killed more than 130 people and injured 305. The Iraqi Prime Minister, Nouri Maliki blamed loyalists of the executed former leader Saddam Hussein for the al-Sadriya attack. **[4do]** In April 2007, further attacks caused by bombs detonated in mainly Shia areas of Baghdad left nearly 200 people dead. (BBC, 18 April 2007) **[4dp]** In August 2007, around 250 people were killed when four truck bombs targeting Yazidi Kurds exploded in two

villages in northern Iraq. (BBC, 15 August 2007) **[4dq]**

3.34 The trial of six former members of Saddam's regime before the Iraqi High Tribunal (IHT) concluded in June 2007, in connection with the 1988 Anfal campaign against the Kurdish population in northern Iraq. On 24 June 2007, Ali Hassan al Majid, known as 'Chemical Ali', was sentenced to death for his role and three of the five other defendants also received the death penalty. Charges of genocide, crimes against humanity and war crimes in connection with the Anfal campaign were handed down by the judge. (UNAMI 1 April-30 June 2007) **[39h] (p34)**

3.35 In October 2007, the predominantly Shia province of Karbala became the eighth province to be transferred to local control by US forces. (*Guardian*, 30 October 2008) **[6aj]** In December 2007 Britain handed over control of Basra to Iraq security forces, the last of the four provinces once patrolled by UK forces. (Reuters, 16 December 2007) **[7i]**

3.36 In November 2007 the Turkish parliament authorised military operations in Iraq against of Kurdish rebels, the Kurdistan Workers Party (PKK). In December 2007 Turkey launched an aerial raid on PKK targets inside Iraq. (Reuters, 16 December 2007) **[7h]** BBC News reported, on 27 November 2007, that the attacks had occurred dispite internation pressure to avoid an invasion. **[4i]**

3.37 "On 12 January 2008 the Justice and Accountability Law was adopted by the Council of Representatives, replacing earlier debaathification policies. On 13 February the Council of Representatives passed a package of laws: the Law on Governorates not Organized into a Region, the General Amnesty Law and the 2008 Budget. This package represented a compromise between the interests of three parliamentary blocks: the Kurdistan Alliance, the United Iraqi Alliance, and Tawafuq. Efforts to persuade Tawafuq to rejoin the Cabinet are continuing as part of a wider attempt to restructure the Government." (UNSC, 22 April 2008) **[38i]**

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RECENT DEVELOPMENTS

4.01 Reuters reported, on 13 February 2008. on the passing of various legislation including the 2008 budget, an amnesty law that could allow the relase thousands of prisoners, and a law outlining provincial powers to define ties between Baghdad and local authories. **[7j]** Parliament passed the provincial election law on 24 September 2008, with elections expected to take place by 31 January 2009. (Christian Science Monitor, 26 September 2008) **[34e]**

See also Political system in the KRG area.

4.02 On 20 April 2008, the *International Herald Tribune* reported that the Sunni (Iraqi) Accordance Front was to rejoin the Shiite-led ruling coalition nine months after quitting the government. "Sunni lawmakers say the Front agreed to return in part because of the security offensive that al-Maliki launched last month against Shiite militiamen." **[126b]** The Accordance Front had quit the Iraqi cabinet in August 2007, accusing the Shi'a-led government of Prime Minister Nuri al-Maliki of failure to address a list of its concerns. (RFE/RL, 2 August 2007) **[22ab]**

4.03 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]** On 28 August 2008, BBC News reported that Moqtada Sadr, leader of the Mehdi Army, had indefinitely extended a ceasefire being observed by members of his militia, although Sadr did not say whether his 60,000-strong militia would disarm. **[4dj]**

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

4.04 Turkish fighter jets bombed Kurdistan Workers Party (PKK) rebel positions on the Iraq border, with attacks during 2008 on rebel positions on several occasions between May and July 2008. (BBC News; 3 May 2008, 8 Jun 2008, 27 Jul 2008) **[4de] [4dd] [4df]** Air strikes on PKK bases in the Qandil Mountains in Northern Iraq in May were reported to have killed over 150 rebels. **[4df]**

4.05 On 1 September 2008, Iraqi forces took control of the mainly Sunni province of Anbar from US forces. (*The Guardian*, 2 September 2008) **[6ak]** "Once a flashpoint of the anti-US insurgency and later an al-Qaeda stronghold, Anbar is the first Sunni province to be returned to Baghdad's Shia-led government." (BBC, 28 November 2008) **[4i]**

4.06 The UNSC report of 6 November 2008 stated that "The process of integrating the approximately 100,000 members of the Sons of Iraq into government structures commenced on 1 October [2008] when 54,000 fighters in the Baghdad area came under Iraqi supervision. The Government assumed responsibility for the salaries of group members on 1 November. Over time, the Government plans to find jobs for members in the army, police or elsewhere in the public sector." **[38r] (p2)**

4.07 On 30 October 2008, the *Times* reported that the governorate of Wasit became the 13th province to be transferred to Iraqi control by US forces. **[5n]**

4.08 Iraqi Body Count recorded the civilan death rate, as of 28 November 2008, as 466 individuals in November 2008, a decrease from the previous months of August (591), September (535) and October (526). **[151]**

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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. (Europa)**[1b] (p2189)** 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. (Europa) **[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. (Europa) **[1c] (The Constitution)** (UNSC, 7 December 2005) **[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) [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 Mar 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)** 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 UNHCR paper also noted that "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. (US Library of Congress, Aug 2006) **[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 Feb 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 Mar 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]**

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 Apr 2006) **[18a]** (*Duluth News Tribune*, 22 Apr 2006) **[60b]** The FCO country profile (last updated on 8 Feb 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)**

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)**

6.12 The UN Security General report of 28 July 2008, further stated: "During the reporting period, the Independent High Electoral Commission reached a number of operational milestones, most importantly solidifying a field structure needed to administer election activities throughout the country. In late May [2008], the Commission appointed the eight remaining directors of the governorate election offices following a UNAMI-led selection process conducted by a panel of international experts. In addition, the Commission, with UNAMI support, selected and trained nearly 8,000 staff to provide voter registration services at 564 centres nationwide. Additional activities of the Commission included consultations with Iraqi civil society to encourage the registration of political entities and coalitions.… More than 500 political party entities and coalitions have registered with the Commission to participate in the governorate council elections. The Commission, assisted by UNAMI, also developed a comprehensive public outreach strategy to inform Iraqis about voter registration and elections." **[38q] (p6)**

POLITICAL SYSTEM IN THE KRG AREA

6.13 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)**

6.14 The Kurdistan Regional Government is recognised as the official government of the territories that were administered by that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. (IGC, 28 October 2008) **[25l] (p6)** 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)**

6.15 "Elections for a 275-seat Transitional National Assembly (TNA), along with simultaneous elections for provincial governments and the KRG, were held in

January 2005." (Freedom House, 2 July 2008) **[70g] (p2)** The Freedom House report stated further:

> "In the 111-seat Kurdistan National Assembly, the PUK and KDP each have 38 seats while the KIU has 9. The remainder are distributed among the smaller Alliance parties, which are fully or partially funded by the two main parties. Elections for the Kurdistan National Assembly are supposed to be held every four years." **[70g] (p2)**

See also Annex B – Political organisations

6.16 An FCO letter, dated 6 December 2006, stated 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]**

6.17 The President of the KRG is Masoud Barzani, the Prime Minister Nechirvan Barzani, and the Vice-President Kosrat Rasoul Ali. (ICG, 28 October 2008) **[25l] (p19, 11, 2)**

6.18 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]**

6.20 The ICG report of 28 October 2008 stated "…the vast majority of the electorate approved [the constitution] in a referendum in October 2005. Article 140, in particular, provides for successive steps – 'normalisation', a census and a referendum no later than 31 December 2007 – whose full implementation the Kurds believed would fulfil their ambition. Qader Aziz, the Kurdistan regional government (KRG) presidency's Article 140 envoy, identified three guarantees that helped allay the Kurds' deep distrust of the Iraqi government (in which the Kurdish parties are represented, but as a minority): Article 22 of the 2006 governing accord, which set deadlines for 'normalisation', census and referendum, and which was approved by the council of representatives; the preamble to the constitution, which arguably gives the Kurds an opt-out-of-Iraq clause in case the constitution is not implemented; and the December 2007 referendum deadline contained in the article itself…" **[25l] (p2)**

6.21 The ICG report further noted that although the December 2007 deadline passed without a referendum, "In late September, UNAMI brokered a compromise. Legislators passed the law, setting elections for fourteen governorates no later than 31 January 2009 and (in Article 23) stipulating a separate process for Kirkuk without prejudging the eventual power-sharing arrangement. However, while this solved the problem of provincial elections in the rest of Iraq, it did little to break the deadlock over Kirkuk: Arabs and Turkomans continue to press for

the 32-32-32-4 formula on the provincial council, which Kurds will be able to block in the yet-to-be-created committee charged with reaching a consensual decision." **[25l] (p2)**

6.22 The International Herald Tribune reported, on 15 July 2008, that there were protests in July 2008 at the proposed provincial election law by Kurds in an attempt to postpone the provincial council vote in Kirkuk until a constitutionally mandated referendum is held on whether Kirkuk should remain under Baghdad's administration or join the semiautonomous Kurdish regional government. Under the Iraqi Constitution, the Kirkuk referendum was scheduled to take place by the end of last year. **[126c]**

See Recent developments for further information and latest news on provincial elections.

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NATIONAL HOLIDAYS

7.01 The Immigration and Refugee Board of Canada (IRB) Factsheet on Iraq, January 2008, noted the following national holidays in 2007/8:

"2007: 1 January (New Year's Day), 6 January (Army Day), 20 January (Islamic New Year), 29 January (Ashoura), 8 February (Ramadan Revolution), 31 March (Mouloud, Birth of Muhammed), 9 April (National Holiday, commemorating overthrow of the Baath regime in 2003), 1 May (Labour Day), 14 July (National Holiday, commemorating overthrow of the Hashemite monarchy in 1958), 17 July (Republic Day), 8 August (Ceasefire Day; End of Iran-Iraq War), 10 August (Leilat al-Meiraj, ascension of Muhammed), 13 October (Id al-Fitr, end of Ramadan), 20 December (Id al-Adha, Feast of the Sacrifice).

"2008: 1 January (New Year's Day), 6 January (Army Day), 10 January (Islamic New Year), 19 January (Ashoura), 8 February (Ramadan Revolution), 20 March (Mouloud, Birth of Muhammed), 9 April (National Holiday, commemorating overthrow of the Baath regime in 2003), 1 May (Labour Day), 14 July (National Holiday, commemorating overthrow of the Hashemite monarchy in 1958), 17 July (Republic Day), 30 July (Leilat al-Meiraj, ascension of Muhammed), 8 August (Ceasefire Day; End of Iran-Iraq War), 2 October (Id al-Fitr, end of Ramadan), 8 December (Id al-Adha, Feast of the Sacrifice), 29 December (Islamic New Year)." **[139a] (p2)**

Human Rights

INTRODUCTION

8.01 The UNSC report of 28 July 2008 noted that "The human rights situation in Iraq remains serious, although violations were less widely reported. Despite improved security conditions in Baghdad, Amarah and Mosul after operations against armed militias, UNAMI remained concerned about the physical safety and legal protection of hundreds of suspects arrested, as well as detention conditions and lack of due process following detention. Those apparently rounded up as suspects included a number of children." **[38q] (p7)**The UNSC report of 6 November 2008 further noted that:

> "Overall, the improvements in the security environment in recent months have proved positive with respect to human rights in Iraq, but continued violations pose serious concerns for Iraqi civilians and remain a priority of the United Nations. A significant decrease in violent, high-visibility, high-casualty attacks by militias or criminal gangs was witnessed during the current reporting period. Nonetheless, grave and systematic human rights violations remain constant, but are less visible and less widely reported … The broader situation regarding women's rights and conditions has also shown no significant overall improvement and alleged suicides and suspected 'honour crimes' continue to be reported with alarming regularity." **[38r] (p11)**

See also Security situation; Arrest and detention; Women; Abuses by non-state armed groups;

8.02 The Amnesty International (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

9.01 The UNSC report of 28 July 2008 stated "A combination of political and military efforts has contributed to continued improvements in security across Iraq during the past three months. Although civilian casualties as a result of violence remain unacceptably high, both the frequency of violent incidents and casualty figures have continued to decline and there has been increased cooperation from local communities in preventing acts of violence." **[38q] (p1)** The UNSC report of 6 November 2008 further mentioned the decrease in security incidents, although reported an increase in threats against leaders of religious minorities, particularly Christians, and the targeted assassination of journalists, political activists, public officials and pilgrims still remained a grave concern. **[38r] (p1)**

9.02 The BBC reported, on 10 November 2008, that in spite of reported security improvements and decreased incidents, attacks still occur daily, particularly in Baghdad. "Of particular concern has been the increased use of small bombs attached to the underside of vehicles with magnets or glue - which are much easier to get past security checks. No-one is clear who is behind these attacks, but the continuing violence is a reflection of the fact that there has been no peace agreement or real reconciliation between Iraq's different factions." **[4dm]**

9.03 The USSD Country Report on Terrorism for 2007 (released on 30 April 2008), 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." **[2m] (p2)**

9.04 The UNSC report of 28 July 2008, concurred, and noted: "Nationally, the number of violent incidents recorded declined during the reporting period to 40 to 50 attacks a day, excluding areas of declared military operations. The impact has been particularly notable in Baghdad, where much of the day-to-day fighting has now subsided." **[38q] (p13)** This decrease has been attributed to the increase in Iraqi force capability, the Mahdi army ceasefire and the take over of the Sons of Iraq forces (Awakening Councils) by the Iraqi government.

> "Moreover, the multinational force in Iraq formally transferred security responsibilities to the Iraqi army in Al-Anbar Governorate in September, Babil Governorate on 23 October and Wassit Governorate on 27 October, bringing the number of provinces under Iraqi security control to 13." (UNSC, 6 Nov 2008) **[38r] (p1)**

See also Awakening Councils; Shi'a militia; Multi-National Forces (MNF).

9.05 The USSD Country Report on Terrorism for 2007, published 30 April 2008, commented: "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.

9.06 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)**

9:07 The Centre for Strategic and International Studies (CSIS) report on Iraqi public opinion on Iraq, the Surge, Partition and the War, published on 9 October 2007, provides a portrait 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)**

See also Civilian deaths and casualties.

9.08 The UN 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]** Other reports suggested that Iraqis were being forced to return home because they were running out of money and visa restrictions. (BBC News, 20 Mar 2008) **[4cz]** A report by Refugees International, published 15 April 2008, further commented that since January 2008, the rate Iraqis were returning from Syria had slowed dramatically. **[119c] (p9)** The most recent IOM report, published November 2008, also noted that "Overall, returns are continuing at a slow but significant rate, while displacement is still slowed nationwide, limited to isolated events such as the recent displacement of Christian families in Mosul." **[111l] (p1)**

See also Christians; Internally Displaced People.

9.09 The UNHCR report of December 2007, 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)**

ORDER FOR SAFEGUARDING NATIONAL SECURITY

9.10 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)**

See also Freedom of movement.

CIVILIAN DEATHS AND CASUALTIES

9.11 The USSD report for 2007, released 11 March 2008, 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 [2007] that 10,000 bodies brought to Baghdad's Medico-Legal Institute between August 2006 and August 2007 were never identified." **[2l] (p3)**

9.12 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.

9.13 The civilian death rate generally started to decline after January 2007, although it peaked on several occasions; in May and July 2007, and in April 2008. (Brookings, 6 Nov 2008) **[88d] (p4)** The number of multiple fatality bombings also decreased after January 2007. **[88d] (p9)**The BBC reported, on 12 November 2007, that the number of rocket and mortar attacks had fallen. **[4bh]**

9.14 The UNHCR report of December 2007, also noted that "In recent months, a downward trend in attacks, sectarian killings and overall civilian casualties has been observed." **[40l] (p27)**

9.15 February 2008 saw an increase in civilian deaths in Iraq from that of January 2008; at least 633 were 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. On 24 February 48 to 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. (BBC News, 1 March 2008) **[4co]**

9.16 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." **[21i]**

"Despite some signs that violence in Iraq was declining in 2007, that trend has reversed in recent months. … In March and April 2008 alone, more than 2,000

people, many of them unarmed civilians, were killed in clashes between Iraqi government forces, operating with US support, and the Mahdi Army, an armed Shi'a militia loyal to Moqtadr al-Sadr." (AI, 15 Jun 2008) **[28p] (p5)**

9.17 On 1 October 2008, Reuters Foundation reported "The number of civilians killed in Iraq last month more than halved to 359 compared to a year ago, Iraqi government figures showed, and the number of U.S. troops killed in action also fell dramatically." **[7g]**

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SECURITY IN CENTRAL AND WESTERN IRAQ

9.18 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)**

9.19 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)**

9.20 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)**

9.21 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)** The UNSC report of 28 July 2008 concurred, stating:

"The western region continues to attract low levels of violent activity, with support from the local community in identifying suspicious activity and alerting the Iraqi Security Forces or multinational force in Iraq. However, Al-Qaida in Iraq maintains a presence in Anbar, and appears intent on continuing attacks against tribal groups that are cooperating with the local or international security forces." **[38q] (p13)**

Baghdad

9.22 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)**

9.23 The UNHCR's Addendum to its August 2007 paper, published in 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]** The CSIS report, published 21 January 2008, also noted that "Baghdad Province is still the most violent area in spite of major [sic] drop in violence." **[63g] (p7)** The UNHCR December 2007 report went 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)**

9.24 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]**

"The fighting in [Sadr City] Baghdad continued during the rest of April and into May [2008], resulting in at least 1,000 deaths, and more than 2,000 wounded. … it was an Iranian-brokered cease fire, signed on May 11th, that seemed to end the most serious major violence, although smaller-scale operations continued particularly around the walled off southern section of Sadr City.… most JAM forces obeyed the cease fire." (CSIS, 28 May 2008) **[63i] (p17)**

9.25 The UNSC paper of 6 November 2008 mentioned that five major vehicle and suicide bombings occurred against Shia mosques and markets during the Eid al Fitr period at the end of Ramadan. **[38r] (p13)** The IOM's paper, published 1 November 2008, reported on the security situation in Baghdad, stating that:

"Tensions escalated in Baghdad during the Muslim holy month of Ramadan. Insurgents launched attacks in the streets crowded with Ramadan shoppers, in one case killing 34 and injuring 52 in the Al Karada neighbourhood of Baghdad. Some areas experienced a series of assassinations, such as Baghdad al-Jadida which saw twelve men killed by small-arms fire. MNF-I responded by increasing its presence in the area, with a spate of detentions and check-points … However, despite increased patrolling efforts, there were several episodes of violence targeting Baghdad returnees in the past month … In Dora neighbourhood six families were killed one month after returning. This area has seen a notable increase in violence against returnees." **[111l] (p5)**

See also Internally displaced people (IDPs).

9.26 BBC News reported, on 10 November 2008, on a triple-bomb attack in Baghdad stating that "Although there has been a big drop-off in violence, attacks still happen every day across Baghdad - just at a lower rate than before … No-one is clear who is behind these attacks, but the continuing violence is a reflection of the fact that there has been no peace agreement or real reconciliation between Iraq's different factions." **[4dm]**

Baghdad – Green Zone (International Zone)

9.27 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)**

9.28 The CSIS report, published on 28 May 2008, stated that "Partly in response to the ISF offensive in Basra, JAM forces began launching rocket attacks on the Green Zone in Baghdad from Sadr City. This prompted a Coalition led offensive to secure Sadr City." **[63i] (p17)** The UNSC report of 28 July 2008, recorded the number of indirect fire attacks on the green zone had dropped to only one in June 2008, compared with 50 strikes in April and May 2008. "Widespread military control measures and restraint urged by the Sadrist bloc are the key factors responsible for this dramatic drop in attacks on the International Zone and other locations." **[38q] (p13)**

9.29 The UNSC report, 6 November 2008, stated that "there were four indirect fire attacks on the International Zone during the reporting period, each of low volume with no significant casualties." **[38r] (p13)**

Al-Anbar

9.30 The UNHCR's December 2007 Addendum paper noted the security situation had improved, with a significant reduction in violence and many Al-Qa'eda in Iraq (AQI) fighters fleeing the region. 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. AQI continued to launch attacks against the MNF-I/ISF, tribal leaders, Government officials and citizens. 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)**

See also Awakening councils.

9.31 The IOM report of 1 October 2008 stated that "After several postponements, management of security in Anbar was successfully handed over from MNF-I to Iraqi Security Forces (ISF) on the 1st of September [2008]. Sporadic attacks and IED explosions continue to make the security situation tense, and there is a curfew in place from midnight to 4:00 AM." **[111k] (p3)** The UNSC report, 6 November 2008, however noted that the transfer of Al-Anbar had "proceeded smoothly, without a significant rise in hostilities." **[38r] (p13)**

Diyala

9.32 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. A high civilian death toll and widespread displacement resulted from frequent attacks on civilians and the MNF-I/ISF. Daily attacks on the MNF-I/ISF, government officials, politicians, tribal members, contractors, translators and civilians also arose. Sectarian killings continued in mixed areas and members of the former Ba'ath Party and security services continued to be targeted. **[40l] (p34-36)**

9.33 RFE/RL reported, on 7 May 2008, on how the growing presence of Iraqi and coalition security forces in the area had failed to stop insurgent bomb attacks in Diyala. 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]**

9.34 The UNSC report, published 28 July 2008, stated that Diyala "… continued to experience daily attacks against Government, security and international elements." **[38q] (p13)** The UNSC report of 6 November 2008 recorded that:

> "On 29 July, the Government of Iraq launched 'Operation Heralds of Prosperity' against insurgent elements in Diyala Governorate. The operation turned into a standoff between Iraqi security forces and Kurdish forces in the north-eastern district of Khanaqin. On 20 August [2008], Prime Minister Nuri Kamel al-Maliki formed a committee led by the Minister of the Interior, Jawad al-Bolani, to investigate events in Diyala. A new agreement on a separation of forces in and around Khanaqin town was subsequently achieved on 5 September [2008] and the situation remains tense but stable." **[38r] (p1-2)**

9.35 The IOM report of November 2008, recorded that "Although recently the security situation has briefly settled down in Diyala, numerous cases of violence have been reported during the past month, including spillover of continued tensions in Khanaqin district. Explosions, arrests, assassinations, militia attacks, and suicide bombings continued to occur in significant numbers. The situation is particularly tense in disputed areas along the border with Kurdistan." **[111l] (p9)** The IOM report of the previous month recorded a suicide bombing which had killed 32 people in the Baladrooz district. **[111k] (p8)**

9.36 The UNSC report, 6 November 2008, stated "… a pattern of the use of female suicide bombers has been noted in Diyala Governorate." **[38r] (p13)**

Salah-Al-Din

9.37 The UNHCR December 2007 report stated that "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." **[40l] (p34-36)** Daily attacks on the MNF-I/ISF, government officials, politicians, tribal members, contractors, translators and civilians also occurred. Sectarian killings continued in mixed areas and members of the former Ba'ath Party and security services continued to be targeted. **[40l] (p34-36)**

See also Sectarian Violence.

9.38 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]**

9.39 A security assessment of Salah al-Din by the IOM, published 1 November 2008, noted that "Security continues to stabilize in Salah al-Din, with increasing responsibility turned over to the Iraqi Security Forces. Limited attacks, suicide bombings, and murders still occur. In Samarra each quarter has been separated with concrete walls restricting movement between quarters, as well as into and out of the town." **[111l] (p18)**

SECURITY IN SOUTHERN IRAQ

9.40 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)** The ICRC report for 2007, published 27 May 2008, nevertheless stated that "Most provinces south-east of Baghdad were relatively calm compared with central Iraq." **[43f] (p336)** The UNSC report, 6 November 2008, noted that

> "The Government of Iraq is now in charge of security throughout the country's mostly Shiite south. Conditions in… the south are largely unchanged." **[38r] (p13)**

9.41 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." Multinational forces regularly clash with the Mehdi Army and a group called Kataib Al-Hussein (Hussein battalions). 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. 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] (p43-45)**

9.42 The UNSC report of 6 November 2008, stated "The Government of Iraq is now in charge of security throughout the country's mostly Shiite south. Conditions in other parts of the south are largely unchanged. Indirect fire attacks against Basra air station have diminished in frequency and volume. Joint military operations in Maysan Governorate have netted large quantities of smuggled weapons and munitions that were probably destined for use in Baghdad or

Basra. Eid al Fitr celebrations in Karbala and Najaf passed without any major hostile incidents. The governorate elections will be ardently contested and the potential for significant violence remains." **[38r] (p13)**

Basrah

9.43 The UNHCR's December 2007 Addendum report noted that: "Militias have infiltrated the local security forces and control hospitals, the university, ports, oil facilities and power supply. 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] (p39-40)** The CSIS report, published on 28 May 2008, stated:

> "Local and highly corrupt factions of ISCI/Daawa, the Sadrists and JAM, al-Fadilah, and smaller Shi'ite factions all vied for control of Basra. Basra, and indeed much of southern Iraq, had fallen under the de-facto control of local and feuding rival elements of the major Shi'ite parties, their militias or local elements in the police and security forces, and various criminal gangs which often could not be separated from political parties and militias. Conflicts over the oil facilities, port operations, and smuggling routes often turned violent." **[63i] (p8)**

See also Security forces: Infiltration

9.44 UNHCR's December 2007 Addendum paper noted Basrah was "… at the centre of factional fighting." Most of its minorities have been displaced by ongoing violence, the Sunni presence has decreased from 40% in 2003 to 14%. Several hundred Sunnis have reportedly been murdered, hundreds of families evicted from their homes and Sunni mosques have been attacked. Many Christians and Sabaean-Mandaeans have also been forced to flee Basrah. 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)**

See also Non-Muslim religious groups.

9.45 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.'" **[40l] (p40-41)**

9.46 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)**

9.47 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.

9.48 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]** The CSIS report, published 28 May 2008, reported on the violence, and commented that the ISF were ill-prepared and equipped to deal with the situation. **[63i] (p10)**

See also Sectarian Violence.

9.49 The UNSC report, 28 July 2008, stated that "Following an operation in Basra, the Iraqi Security Forces commenced several major operations concurrently: Operation Peace began in May against renegade groups in the Sadr City area of Baghdad; Operation Promise of Peace started in June in the southern town of Amarah in Missan Province…" **[38q] (p1)**The report further commented that

"… during the period under review there were sporadic indirect fire attacks against Basra air station, which continued to threaten the safety of UNAMI staff members at that location." **[38q] (p13)** The UNSC of 6 November 2008 noted that these indirect fire attacks against Basra air station had diminished in frequency and volume. **[38r] (p13)**

9.50 Recent assessments of the security situation by the IOM, 1 November 2008, reported that "Security is unstable in Basrah, as assassinations, kidnapping, and attacks continue. Checkpoints are spread heavily throughout the governorate, making travel slow and difficult." **[111l] (p7)**

Babil (Babylon)

9.51 The UNHCR's December 2007 paper 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. 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] (p45-46)**

9.52 The IOM's report of 1 November 2008 noted security was "… still troubled in the northern area of Babylon governorate, as MNF-I continues to bomb certain areas. In the middle and south, MNF-I is pursuing search-and-arrest campaigns." **[111l] (p4)**

9.53 The multinational forces handed over control of Babil governorate to the Iraq government on 23 October 2008. (UNSC, 6 November 2008) **[38r] (p13)**

Wasit

9.54 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. 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 [2007]. 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)**

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

See also Sectarian violence.

9.56 The multinational forces handed over control of Wassit governorate to the Iraq government on 29 October 2008. (UNSC, 6 Nov 2008) **[38r] (p13)** IOM's report of November 2008, commented that "Security in Wassit continues to be stable." **[111l] (p21)**

Qadissiya

9.57 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)**

9.58 The IOM report, of 1 November 2008, stated that Security in Qadissiya remained stable. **[111l] (p17)**

Kerbala and Najaf

9.59 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. There were also armed clashes among rival Shi'ite militias and security forces. **[40l] (p45)**

9.60 The IOM report, published on 1 July 2008, stated that "Security remains calm but tense. The number of checkpoints has increased due to a recent bombing attack in the center of Kerbala, and thus movement throughout the governorate is more difficult and entry to the center of Kerbala is highly restricted." **[111j] (p12)**

9.61 Recent security assessments by the IOM (1 November 2008) noted that "Security in Najaf remains stable." **[111l] (p15)**

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SECURITY IN KIRKUK AND MOSUL

Kirkuk

9.62 The Brookings Institute report, published on 3 March 2008, commented that Kirkuk was "Home to Kurds, Turkmen, Arabs, and various ethnic Christian communities, competing claims to territory and leadership abound." Concerning security, the report further noted that "[Kirkuk] does not share the capital's positive trend toward improvement over the past six months. Rather, the security situation in Kirkuk Governorate has deteriorated over the last two years and today remains highly unstable." **[88c] (p4)**

9.63 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." 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. Civilian deaths as a result of MNF-I/ISF military offences and raid and search operations have also been reported in Kirkurk. **[40l] (p36-38)**

9.64 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." The FFM report further commented that the upcoming referendum on Kirkuk was partly responsible for tensions in the area. **[131] (p6)**

9.65 The Finnish FFM report also commented that in Kirkuk, "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)**

See also Land and property rights; Recent developments.

9.66 The UNSC report, 28 July 2008, stated that "daily attacks against Government, security and international elements… were observed in Kirkuk, where targeted assassinations occurred against law enforcement and other officials. Ansar al-Sunnah and numerous other affiliates are still present and capable of carrying out deadly attacks." **[38q] (p13)**

9.67 The IOM's November 2008 report noted that "Security remains volatile in Kirkuk as ethnic tensions escalate. Recent weeks have seen murders, kidnapping, detention campaigns, and increased checkpoints along all major roads. Many incidents are attributed to motives along ethnic lines. The border crossing to Sulaymaniyah governorate has become even more difficult, and all Arabs must have a sponsor in order to enter." **[111l] (p12)**

See also Freedom of movement.

Mosul

9.68 "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]**

9.69 The UNHCR's December 2007 paper stated that the governorate of Ninewa saw increasing levels of violence in 2007, mostly between Sunni insurgents and local ISF or Shi'ite members. Insurgents also targeted Kurds and other minorities, such as Yazidis and Christians. 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)**

9.70 The Finnish FFM report, for the period 23 October-3 November 2007, commented that "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)**

See also Christians.

9.71 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." The source also reported that Mosul remained one of the final strongholds of al-Qaeda in Iraq. **[6ah]** The CSIS report, published 28 May 2008, also commented that "By early 2008, the largest remaining urban Al Qa'ida stronghold was in Mosul. **[63i] (p17)**

9.72 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. According to a local journalist, Mosul was "… the worse *[sic]* place in the whole of Iraq." **[4cm]** 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

9.73 The CSIS report, published 28 May 2008, stated:

> "On May 10, 2008, … US and Iraqi forces launched a major offensive, dubbed 'Lions Roar,' in Mosul.… Al Qa'ida was apparently unable to organize a coherent defense after months of successful ISF/Coalition offensives throughout central, western, and northern Iraq, and did not put up a fierce resistance. According to Maj. Gen. Mark Hertling, 1,200 militants were captured in the crackdown, about 200 of whom were believed to be members of —terrorist organizations. Hertling also added that the number of daily attacks in Mosul had dropped 85% since the beginning of the operation." **[63i] (p18)**

9.74 The UNSC report, 28 July 2008, stated that "Operation Lion's Roar was launched against insurgent groups in Mosul and other parts of Ninawa

Province." **[38q] (p1)** The UNSC report of 6 November 2008 stated the security environment remained "particularly challenging" in Mosul, noting: "… the frequency of attacks in Mosul continued to mount in recent weeks and the Prime Minister sent further reinforcements to Mosul." **[38r] (p1)**

9.75 The IOM's November 2008 report noted that security in Ninewa "… became a serious issue as tens of Christians were killed, spurring thousands of Christian families to flee. Currently the wave of flight has almost completely ended, and more ISF have arrived to areas of Mosul with mostly Christian residents. Checkpoints have also been increased." **[111l] (p16)**

See also Christians.

SECURITY IN THE KRG (KURDISH REGIONAL GOVERNMENT) AREA

9.76 "The legal Kurdish region, as controlled by the Kurdish Regional Government (KRG), is technically comprised of only the three northern governorates – Dahuk, Erbil, and Sulaymaniyah." (Brookings Institute, 3 March 2008) **[88c] (p2)**

9.77 A report by AI, published in 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)**

9.78 Throughout the end of 2007 and the beginning of 2008 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. (BBC News, 16 November-26 December 2007) **[4cq] [4cr] [4cs] [4ct] [4cu] [4cv]** (BBC News, 26 March-29 July 2008) **[4dd] [4de] [4df] [4dg]** 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 Dec 2007) **[4cr]**

See also Recent history.

9.79 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)**

9.80 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)**

9.81 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)**

9.82 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, that a Turkish military operation to the KRG region seemed imminent, and flights between Turkey and Erbil were cancelled." **[131] (p8)**

9.83 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 commented 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)**

9.84 The IRC report, published 28 May 2008, stated that "Recently, Kurdistan- the safe haven for many Iraqis became involved in armed conflict. Both the Iranian and Turkish military bombarded the border villages with artillery shells for weeks. Thousands of villagers migrated inland for fear of their lives thus compounding the displacement problem in Iraq. The latest incident took place on 25 April 2008 in Erbil, where there was bombardment of the border villages in Sida area. Disaster response activities of the Iraqi Red Crescent in the area included distributing relief aid and temporarily sheltering the displaced families in safe areas. Also, in Suleimaniah, the Iranian military bombarded the border villages which caused displacement of families to Bashdar. The Iraqi Red Crescent provided the IDP with food and relief aid." **[134a] (p2)**

PERCEIVED COLLABORATORS AND 'SOFT TARGETS'

9.85 UNHCR noted in its August 2007 and December 2007 reports that numerous Iraqis had been attacked and killed by armed groups because they were perceived as 'collaborators' or 'traitors'. (UNHCR Aug 2007) **[40j] (p101-107)** (UNHCR, Dec 2007) **[40l] (p41)**

9.86 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 made similar remarks about the lack of protection the UN and humanitarian organisations can offer their employees and volunteers. **[40j] (105)**

9.87 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)**

9.88 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)**

9.89 It was well publicised that interpreters working for the British Army had been threatened or killed by militias. (*The Times*, 14 September 2007) **[5l]** (BBC News, 17 December 2007) **[4cl]** 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]**

9.90 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]**

9.91 The UNSC report of 14 January 2008 reported that:

> "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)**

9.92 The AI annual report 2008, published 28 May 2008, mentioned that women, human rights defenders, judges, medical doctors and other professionals were targeted by armed groups. **[28j] (p3)**

9.93 The UNSC report of 28 July 2008 noted that "Numerous instances of abduction were reported, followed by ransom demands or killings, as were assassinations of targeted individuals, among them public officials. Journalists, educators, medical doctors, judges and lawyers remained prime targets for armed militia and criminal gangs." **[38q] (p11)** The UNSC report, 6 November 2008, stated that:

> "armed opposition groups still have the capacity to launch attacks and, in particular, continue to target the Iraqi security forces and prominent individuals…
>
> "Targeted assassinations of journalists, political activists, public officials and pilgrims remain a deeply worrying feature of the security picture." **[38r] (p11)**

See also Journalists and other media workers; Doctors and health care workers.

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CRIME

10.01 The ACCORD/UNHCR COI report, published in November 2007, stated that "… many Iraqis regard their biggest problem to be the overwhelming crime and criminal violence." **[40m] (p70)**

CRIMINAL GANGS

10.02 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)**

10.03 The ACCORD/UNHCR COI report, published in 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)**

10.04 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 was 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)** A report by the Institute for War and Peace Reporting (IWPR), 27 March 2008, also commented that Basra "… had become a 'hotbed for gangs and outlaws who were committing crimes against people like women and professors'." **[11y]**

See also Security in southern Iraq.

10.05 Jane's Sentinel, updated on 7 October 2008, stated:

> "For over a decade before the war, almost all crime, both domestic and involving transnational smuggling, was government-sanctioned and involved narrow fraternities of criminals. The new pattern of crime in Iraq has seen the emergence of a broadening criminal class. In addition to released criminals and former security personnel, high unemployment and inflation combine to create an ideal environment for corruption and the dangerous recourse to employment by criminal groups. The economy as a whole now suffers under other forms of extortion. Iraqis now receive incomes that are an order of magnitude better than their pre-war stipends and many businesses are now being taxed over a dozen times a day by 'mafia' groups, suggesting that they are amassing significant

economic power bases." **[14d] (p15)**

KIDNAPPING/HOSTAGE TAKING

10.06 Kidnappings continued to be a serious problem in Iraq. (USSD 2007) **[2l] (p3)** (UNHCR Aug 2007) **[40j] (p23)** (UNHCR Dec 2007) **[40l] (p6)** (AI, Mar 2008) **[28o] (p6)** (AI, Jun 2008) **[28p] (p9)** (Jane's, 7 Oct 2008) **[14d] (p14)** The UN Security Council report of 28 July 2008, stated: "Numerous instances of abduction were reported, followed by ransom demands or killings … " **[40j] (p23)** Jane's Sentinel, last updated 7 October 2008, reported that "Iraqi police officers have noted that under Saddam Hussein, abductions made up one per cent of their cases, while the phenomenon currently accounts for 70 per cent of reported crime." **[14d] (p14)**

10.07 The USSD report for 2007 recorded that "During the year [2007] authorities in Basrah, including the police chief, expressed concern about the continued prevalence of killings and kidnappings by militia members wearing police uniforms or driving police cars.… MOI-affiliated death squads targeted Sunnis and conducted kidnapping raids and killings in Baghdad and its environs." **[2l] (p2)**

10.08 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

10.09 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."
>
> 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)**

10.10 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)**

10.11 The ACCORD/UNHCR COI report, published in 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)**

10.12 The Amnesty International report, published in March 2008, commented that "Some people perceived to be wealthy, including children, have been kidnapped by armed gangs for ransom. Once ransoms have been paid, those held have generally been released." **[28o] (p6)** The USSD report for 2007 also commented

on the situation in Basra, stating that kidnappings for ransom had significantly increased towards the end of 2007. **[2l] (p2)**

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SECURITY FORCES

11.01 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. 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)**

11.02 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 [2007] 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)**

11.03 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]**

11.04 However, according to the CSIS report of 28 May 2008, these US and MNF-I figures were based on the number of men trained and equipped, rather than actually manning, therefore did not bear a resemblance to the actual force levels that are really still in service. **[63i] (p19)**

11.05 As of 15 August 2008, MoD, MoI and Counter Terrorism Bureau forces totalled nearly 600,000, an increase of over 32,500 since June 2008. (US Department of Defense (USDoD), Sept 2008) **[103c] (p33)**

IRAQI SECURITY FORCES (ISF)

11.06 The Long War Journal, last updated 31 May 2008, reported both the Ministry of Interior (MOI) and Minstry of Defence (MOD) shared responsibility for the ISF. The MOI oversaw the Iraqi Police, National Police and the Department of Border Enforcement. The MOD was in charge of the Air Force, Navy, Iraqi Support Command (ISC), the Iraqi Training and Doctrine Command, Iraqi Corps of Engineers and Ground Forces. **[137a] (Page 1: ISF Organisation)** The CSIS report, published 28 May 2008, noted that "… cooperation and coordination

between Army and Police units remains poor in most of Iraq," although this varied from area to area. **[63i] (p19)**

11.07 The USSD report for 2007 noted "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)**

11.08 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.

11.09 The CSIS report, published on 28 May 2008, on Iraqi force development, noted "The exact numbers of desertions, defections, and personnel refusing to fight remains unclear…. While most of the deserters were low-level soldiers or police, officers also deserted, including at least 2 senior officers. Iraqi estimates of the number of officers who deserted varied from several dozen to more than 100." **[63i] (p13)** The report also noted the ISF lacked weapons and ammunition. **[63i] (p18)** The AI report, published 17 September 2008, stated that "It is not known how many infantry weapons and rounds of ammunition are lost due to desertion, casualty of war, illicit sales by security force members and theft, but in 2007, 21,000 Iraqi soldiers were dropped from the rolls for desertion or absence without leave." **[28q] (p57)**

11.10 The CFR (Council on Foreign Relations) report, published 27 March 2008, commented that the ISF was estimated to be operated at a reduced capacity of 65 percent, in part due to "Iraq's primitive banking system, which is based solely on cash transactions. At any given time, half the country's trained soldiers are traveling home to hand deliver paychecks to their families …" **[8j] (p3)**

11.11 Jane's Sentinel, last updated on 7 October 2008, stated that "The Iraqi security services officially numbered 513,506 personnel in August 2008." **[14d] (p7)** The Brookings Institute, 6 November 2008, reported the total number of ISF to be 558,279 persons (figure from Iraq MoD and MoI). **[88d] (p34)**

Infiltration

11.12 There were various reports that the ISF were infiltrated by militias. (CFR, 27 Mar 2008) **[8j] (p3)** (UNHCR, Aug 2007) **[40j] (p40)** (UNHCR, Dec 2007) **[40l] (p39-40)** (Jane's Sentinel, 18 Feb 2008) **[63i] (p5)** In particular, the Facilities Protection Service were reported to have been infiltrated by Shiites – see also Facilities Protection Service.

11.13 The UNHCR's Eligibility Guidelines of August 2007 reported that:

> "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)**

11.14 The same report also noted that "… 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)**

See also Security situation: Basra.

11.15 The ACCORD/UNHCR COI paper, published November 2007, 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)**

11.16 The CSIS report, published 28 May 2008, noted that "JAM [Jaish al-Mahdi army], ISCI/Badr, Daawa, Kurdish groups, Fadilah, Sunni Awakening groups, and a host of smaller groups all vie for control of the various parts of the ISF. In many areas, such as Basra and much of southern Iraq, the Coalition had effectively ceded control of security and local government to these parties. JAM influence over the IP and elements of the IA were exposed in the desertions of ISF personnel during the fighting in Basra in March, 2008." **[63i] (p5)**

11.17 A report by Refugees International, published on 15 April 2008, noted they had observed "… close cooperation between the Mahdi Army and the Iraqi Police, Iraqi National Police and the Facility Protection Services that often protect ministries and are notorious for their lawlessness … This lack of separation between the state and the Shiite denomination intimidates Sunnis and creates the impression of Shiite ownership of government institutions." **[119c] (p6)**

11.18 The AI report, 'Blood at the crossroads: Making the case for a global arms trade treaty', published on 17 September 2008, stated:

"A severe shortage of translators to monitor and screen who was applying for posts within these various units [Iraqi National Guard, Iraqi army, Iraqi police, Iraqi border police and Iraqi facilities protection force] meant that there was effectively no accountability in place to ensure who was being armed. Those working on weapons distribution alleged that some military equipment was ending up on the illicit arms markets or in the hands of armed groups who had infiltrated the Iraqi police force and were using such weapons in armed attacks both against other armed groups and UK forces, carrying out indiscriminate attacks, resulting in killings of civilians and other serious human rights abuses." **[28q] (p56)**

Iraqi police

11.19 Jane's Sentinel, updated on 24 September 2008, stated that "Since April 2006, the Iraqi police, who come under the control of the Ministry of the Interior, have been divided into two main elements, the Iraqi Police Service (IPS) and the Iraqi National Police (INP). The IPS and the INP come under the control of the National Command Centre in Baghdad, which also controls the Department of

Border Enforcement (DBE) and the Facilities Protection Service (FPS)….[the] IPS is composed of patrol police, traffic police, the personnel who man police stations and the Iraqi Highway Patrol. The latter was merged with provincial police departments. The Highway Patrol was set up in late 2004, and has the role of providing law enforcement and security along Iraq's highways and major roadways.… The paramilitary capabilities of the police service has been enhanced by the development of Company Special Weapons and Tactics (CSWAT) units. By summer 2008 there were 30 such units operating in Iraq's provinces." **[14f] (p1)**

"There are also 238,378 Ministry of Interior personnel, comprising IPS and other forces (National Police). At the local level, the IPS is part of the problem as often as it is part of the solution due to its local recruitment by factional leaders in provincial governance." (Jane's, 7 Oct 2008) **[14d] (p7)**

11.20 The UNAMI report, covering the period 1 July-31 December 2007, listed details of attacks, including car and suicide bombings, targeting policemen or police facilities. **[39l] (p9)**

See also ISF as targets for insurgents.

11.21 The FCO Human Rights Annual report for 2007 (issued in March 2008), commented that "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)**

11.22 Jane's Sentinel, last updated on 7 October 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." **[14d] (p15)**

11.23 A report by AI, published in March 2008, noted that "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)**

11.24 The CSIS report, published 28 May 2008, commented "The MOI and the Iraqi Police in particular, were largely unable to overcome local influences and loyalties. Some blame the IP for much of the violence in Basra [March 2008]. …

"The ongoing influence of Shi'ite parties and militias hampered efforts to clean up the IP in the south, and especially in Basra. Iraqi arrest warrants for members of the notorious Basra Serious Crimes Unit (which was accused of a host of sectarian crimes including kidnapping and torture, and whose headquarters was destroyed by British forces in late 2006) were never executed." **[63i] (p5)**

11.25 The CSIS report also remarked on the expansion of the IP under the MOI, and noted "The IP numbered 291,497 assigned personnel as of March 31, 2008. However, it is not clear how many additional personnel have been hired by Provincial and local authorities." The report stated "Local and Provincial governments recruit forces on an ad-hoc basis, with little oversight from Baghdad. … The MoD and MoI do not accurately track which personnel are trained as part of U.S.-funded programs, so this number is not reported." **[63i] (p31)**

11.26 Jane's Sentinel, updated on 7 October 2008, stated that "The Highway Patrol's mission … includes responding to incidents involving insurgents and terrorists as well as car bombs and attacks on convoys. There had been a particular requirement for such a force to protect the 700 km road between Baghdad and the Jordanian border." **14e] (p2)**

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National Police (NP)

11.27 The CSIS report of 19 June 2006, stated that National Police were formally known as "Special Forces" and "Commandos". **[63a] (p110)** The CFR report, published on 27 March 2008, noted that the National Police were stationed primarily in Baghdad and were tasked with responding to insurgent violence, terrorist strikes and public unrest. **[8j] (p2)** Jane's Sentinel, updated on 24 September 2008, reported that:

> "The INP primarily comprises eight brigades organised into two motorised divisions, the 1st and 2nd INP Motorised Divisions (with a third in formation); a mechanised brigade (1st INP Mechanised Brigade); a quick-reaction battalion and a national-level Emergency Response Unit (ERU) with about 600 personnel. The ERU is an elite unit which has the role of responding to national-level law-enforcement operations. Elements have taken part in operations in Baghdad, Al Fallujah and Mosul." **[14f] (p1)**

11.28 Jane's Sentinel further reported (7 October 2008), that "National Police units have been fairly successfully 're-blued' (vetted and reorganised) so that they do not present a sectarian risk to one social faction or another, and so that they are an additional mobile reserve for the government." **[14d] (p7)**

11.29 The USSD report for 2007, commented that the 33,000-member National Police were overwhelmingly Shi'a and organized into commandos, public order, and mechanized police. 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)**

11.30 The USSD report for 2007, stated 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)**

11.31 The CSIS report, published 28 May 2008, noted that "Until 2007, the National Police (NP) acted largely as a Shi'ite force within the MOI, and were responsible for much sectarian violence against Sunnis. Far from being a central-government run nationwide police force, they more often resembled a government funded tool of sectarian intimidation. MNF-I instituted a massive reform program in the NP in 2007. This ongoing program has clearly had some positive outcomes, and has reduced the previous Shi'ite dominance of the force and resulted in the firing of a huge number of the NP's senior commanders. Many elements still, however, present problems, and it remains to be seen whether the reform program can make the NP a truly non-sectarian force." **[63i] (p6)**

11.32 The CSIS report further stated that "The National Police (NP) had 37,685 assigned personnel as of March 31, 2008… The reform of the National Police is a priority effort for MNF-I, but the NP continues to be seen by many Iraqis as a sectarian institution.

"By early 2008, Sunnis made up 40% of the NP officer corps. At the brigade level, the NP is about 30 percent Sunni, and 70 percent Shi'ite. The Battalion level is 20/80 percent Sunni /Shi'ite. …

"The notorious 'Wolf Brigade,' which operates near Doura, has continued to face allegations of aiding the Shiite militias in driving out Sunnis. In response to continuing problems in the unit, NP chief Maj. Gen Hussein Awadi fired the brigade commander, re-assigned roughly half its members, and brought in Sunni officers." **[63i] (p40-41)**

Border Enforcement

11.33 Jane's Sentinel, updated on 24 September 2008, reported that as of 30 April 2008, "According to figures released by the US State Department, the DBE [Department of Border Enforcement] had 41,017 personnel assigned." **[14f] (p3)** The DBE were tasked with patrolling Iraq's border crossings, including seventeen land ports, four sea ports and four airports. (CFR, 27 Mar 2008) **[8j] (p2)**

11.34 Jane's Sentinel, last updated on 7 October 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)**

11.35 The DBE was organised into 12 brigades and 44 battalions. (CSIS, 28 May 2008) **[63i] (p41)** (Jane's, 24 Sep 2008) **[14f] (p3)** "These forces are divided into 5 regional commands, each responsible for border control and control of the Ports of Entry in its zone. …

"Unfortunately, the DBE faces many of the same problems as the IP. It is underfunded and under manned. It also faces severe officer and NCO shortages, equipment shortages, fuel shortages, poor logistical support, inadequate maintenance capability, and poor facilities. The DBE also faces problems with the loyalty of its personnel, as many are locally recruited and

loyal to, or complicit with, smugglers." **[63i] (p41)**

Facilities Protection Service (FPS)

11.36 The FPS is tasked with the role of providing security for government and official buildings. US figures reported it consisted of around 144,000 members, as of May 2008. (Jane's, 24 Sep 2008) **[14f] (p3)** The CFR report, published on 27 March 2008, noted this figure to be around 100,000. **[8j] (p2)**The CFR report further stated that the FPS had "… become a band of over one-hundred thousand armed militiamen, with no central command or oversight. U.S. officials have described FPS members as militants paying allegiance to the ministries they protect, largely run by Shiites. Authors of the Iraqi Study Group Report concluded the FPS has become complicit in sectarian violence, and is a source of 'funding and jobs' for radical Shiite cleric Muqtada al-Sadr's Mahdi Army." **[8j] (p3)**

11.37 The CSIS report, published 28 May 2008, commented that "The Facilities Protection Services (FPS) are still a largely unsupervised, untrained, motley group of units controlled by various ministries. The Facilities Protection Services Reform Law provides GOI authority to consolidate the FPS under MOI authority. It will likely take years for the MOI to fully absorb the FPS, although 18,968 FPS personnel have already been absorbed into the MOI." **[63i] (p41-42)**

Iraqi armed forces

11.38 The Iraqi Armed Forces, or Joint forces, fell under the control of the Ministry of Defence (MOD). (Long War Journal, 31 May 2008) **[137a] (ISF Organisation)** (CFR, 27 Mar 2008) **[8j] (p2)** These Joint Forces under MOD control consisted of the Air Force, Navy, Iraqi Support Command (ISC), the Iraqi Training and Doctrine Command, Iraqi Corps of Engineers and Ground Forces. **[137a] (Page 1: ISF Organisation)**

11.39 A report by the CFR, published on 27 March 2008, stated "The original Iraqi Army, with roughly nine-hundred thousand soldiers and security personnel, was disbanded (PDF) by the U.S.-led Coalition Provisional Authority in May 2003 and replaced with U.S.-trained fighters. … The new Iraqi army … totaled roughly 141,000 in January 2008, according to Pentagon numbers, with additional support forces (PDF) numbering nearly 20,000. It is divided into twelve divisions and one-hundred thirty-four battalions, with an additional thirty-seven battalions planned." **[8j] (p2)**

11.40 A report by Refugees International, published on 15 April 2008, commented that "All the Iraqi sectarian forces are compromised by sectarianism but the Iraqi Army is the least mistrusted of the various official bodies." **[119c] (p15)**

11.41 The CSIS report, published 28 May 2008 reported that "IA [Iraqi army] strength stood at 165,437 assigned personnel as of March 31, 2008. There were 123 IA combat battalions conducting operations. The IA was divided into 11 infantry divisions and 1 mechanized division. A thirteenth division is being generated." **[63i] (p25)**

11.42 The CSIS report, further mentioned that 1,415 Navy personnel had been trained to date. Also, 1,501 Air Force personnel had been trained by May 2008. **[63i] (p24)** As of 15 August 2008, this figure stood at 1,494 Navy personal trained (1,872 assigned) and 2,246 Air Force personnel trained (1,887 trained), according to the Iraqi MoI and MoD. (USDoD, Sep 2008) **[103c] (p33)**

11.43 The CSIS report of 28 May 2008, stated that "The regular Iraqi armed forces seem to be gradually becoming a more national force, with fewer highly Kurdish and Shi'ite elements, and fewer problems with Sunni officers. This progress, however, is slow and uncertain." **[63i] (p5)** The report also noted there were desertion problems among the IA during fighting in Basra, March 2008, when IA personnel deserted and some even defected to the enemy's side, Jaish al-Mahdi army. **[63i] (p14)**

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Iraqi National Guard

11.44 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 National Counter-Terrorism Forces (INCTF)

11.45 Global Security reported, in March 2008, on the "Transition of the Iraqi Special Operations Forces (ISOF) Brigade command and control from Coalition forces to the Iraqis at the Counter- Terrorism Bureau (CTB) and Counter-Terrorism Command (CTC) …" The report continued to note that first ISOF Brigade, currently orgnised [sic] under the CTC, had been formed, equipped and received initial trainees. **[83d]**

Awakening Councils (Sons of Iraq)

11.46 The predominantly Sunni Awakening Councils, or Al-Sahwa forces (a.k.a. Sons of Iraq), were members of Sunni clans trained by US-forces as part of the US strategy to achieve stability in Iraq. The movement, now comprising of over 80,000 elements, began in the Anbar province in December 2006. (Asharq Alawsat, 29 Dec 2007) **[127]** Since then, "Multi-National Forces have established a Diyala Salvation Front to mirror the Anbar Awakening Council of anti-AQI tribes in Anbar." (Jane's, 7 Oct 2008) **[14d] (p3)**

11.47 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]**

11.48 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." **[4cd]** But the forces increasingly became a target for attacks launched by insurgent forces. (Asharq Alawsat, 29 December 2007) **[127]** (BBC News; 20

Dec 2007, 7 January 2008) **[4cg] [4cd]** (*The Guardian*, 20 Nov 2007) **[6ag]** On 11 February 2008, the *New York Times* reported that at least 100 Awakening members had been killed in the previous few weeks. **[24k]** On 4 February 2008, BBC News also reported that "… government intelligence reports showed al-Qaeda was trying to infiltrate the neighbourhood groups." **[4ck]**

See also Sunni Arab insurgents.

11.49 The CSIS report, published on 28 May 2008, referred to the awakening councils as "Sons of Iraq" (SOI), stating "The groups continue to steadily grow, and had spread to 10 provinces, with more than 90,000 by Spring, 2008. However, problems with the SOI system have emerged. The chief problem is the fact that the SOI are a temporary solution, and the SOI members must eventually be given permanent places in the ISF, or some other type of job." **[63i] (p7)**

11.50 The report noted further that, as of February 2008, nearly 20,000 SOI members had been transferred to the ISF. The Iraq government were hesitant to transfer large number of SOI members, particularly Sunnis, due to the fact so many SOI members used to be members of the insurgency, which should disqualify them from being eligible for the ISF. **[63i] (p5)** A report by Refugees International, published on 15 April 2008, commented that awakening forces were largely composed of former insurgents who had shifted tactics. **[119c] (p4)**

11.51 Jane's Sentinel, last updated on 7 October 2008, stated that "In August 2008, 103,536 'Sons of Iraq' were employed, with 72,000 funded by the US military commander's Emergency Response Programme (held and dispensed at the brigade level)." **[14d] (p7)**

11.52 The UNSC report of 6 November 2008, recorded that:

"The process of integrating the approximately 100,000 members of the Sons of Iraq into government structures commenced on 1 October [2008] when 54,000 fighters in the Baghdad area came under Iraqi supervision. The Government assumed responsibility for the salaries of group members on 1 November. Over time, the Government plans to find jobs for members in the army, police or elsewhere in the public sector. Their satisfactory incorporation into government organs and civilian life will be a key determinant in consolidating security and stability gains in Iraq as State security forces take on increasing responsibility and improve their capacities across the country." **[38r] (p2)**

Security agencies

11.53 The CSIS report, published on 28 May 2008, stated that "Iraq's intelligence apparatus remains divided between a CIA-supported official' agency (the Iraqi National Intelligence Service or INIS) and a Shi'ite-run agency (under the auspices of the minister of state for national security, Shirwan al-Waely)." **[63i] (p6)** Jane's Sentinel, updated on 24 September 2008, reported that "The INIS was formally established in April 2004. … It operates under the Interior Ministry of the Iraqi government." **[14f] (p3)**

11.54 The CSIS report also noted:

"The first Intelligence Transition Team (I-TT) was established in the Fall of 2007. The I-TT —was established to assist the Government of Iraq (GoI) in developing national intelligence capabilities. The team functions in a cross-ministerial capacity advising intelligence elements in both the MoD and MoI.

The team is led by an SES-level DoD civilian intelligence professional and will soon grow to 81 embedded intelligence and law enforcement advisors. It was unclear, as of November, 2007, what relationship the I-TT had with the quasi-official parallel Shi'ite-led intelligence agency …" **[63i] (p21)**

ISF as targets for insurgents

11.55 Attacks by armed insurgents on the ISF occurred. (UNHCR, Aug 2007) **[40j] (p9,10,25,35,39,50,102)** (UNHCR, Dec 2007) **[40l] (p10,31,36,37,45)** The frequent attacks largely targeted checkpoints, police stations and recruitment centres. (UNHCR, Dec 2007) **[40l] (p31)**

11.56 The UNHCR report, August 2007, commented that "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." **[40j] (p102)**

11.57 The Brooking Institute Iraq Index report, updated on 6 November 2008, provides figures of the numbers of Iraqi military and police killed monthly (although not the source of attack). **[88d] (p6)**

See also Perceived collaborators and 'soft targets'; Awakening Councils.

Torture by the security forces

11.58 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, a report by AI, published in March 2008, commented that "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)**

11.59 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 Nov 2005) **[4z]** (Times Online, 16 Nov 2005) **[5e]** (*The Guardian*, 16 Nov 2005 **[6b]** (IRIN, 20 Feb 2006) **[18ag]** (AI, 22 Feb 2006) **[28h]** (AI, 6 Mar 2006) **[28b] (p2)** The AI report, published March 2008, stated that "… 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 Human Rights Annual Report for 2007 (published in March 2008), 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)**

11.60 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

11.61 In Amnesty International's annual report for 2008, covering events of 2007, it was reported that: "Iraqi security forces killed civilians unlawfully. In some cases, investigations were announced but their outcome was not known." **[28j] (p3)**

11.62 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)**

11.63 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)**

11.64 UNHCR's August 2007 paper noted 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)**

11.65 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)**

11.66 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

11.67 A report by Amnesty International, published in March 2008, noted 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)**

See also Infiltration.

11.68 The CSIS report, published on 28 May 2008, also commented that, during violence in Basra in March 2008, it was alleged that killings were carried out by gunmen in police cars. **[63i] (p9)**

SECURITY FORCES IN THE KRG AREA

11.69 The USSD report for 2007 also stated that "In 2006 Kurdish security forces, including the armed forces (Peshmerga), internal security forces (Asayish), and political party intelligence services (Parastin/Zanyari), reportedly conducted police operations in disputed areas in the provinces of Ninawa, whose capital is Mosul, and of Tameen, whose capital is Kirkuk. These operations abducted individuals and continued to detain them in unofficial and undisclosed detention facilities in the KRG as of year's end." **[2l] (p4)** The CFR report, published 27 March 2008, stated the Peshmerga consisted of around one-hundred thousand fighters. **[8j] (p2)**

11.70 An 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]**

11.71 The FCO letter 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]**

11.72 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

11.73 UNHCR's August 2007 paper stated 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)** The UNHCR report also noted that "Members of ethnic minorities run the risk of arbitrary arrest and incommunicado detention by Kurdish militias." **[40j] (p90)**

11.74 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)

11.75 "The presence of the multinational force in Iraq is currently authorized by the Security Council at the request of the Government of Iraq, and, as stated in resolutions 1546 (2004), 1637 (2005) and 1723 (2006), the Council will review the mandate at the request of the Government. The Governments of Iraq and of the United States are currently holding bilateral discussions with regard to the conclusion of a status-of-forces agreement." (UNSC, 6 Nov 2008) **[38r] (p13)**

11.76 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)**

11.77 The HRW World Report 2008 noted 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)**

11.78 Jane's Sentinel, last updated on 7 October 2008, stated that "Counter-terrorism operations are, albeit to a lessening extent, still reliant on the MNF, which will remain at 15 brigades until the end of 2008." **[14d] (p6)** Jane's further noted that "It was estimated that in mid-2008 that in excess of 171,600 coalition troops were deployed in Iraq." **[14f] (p5)**

Torture by the MNF

11.79 It was widely reported that the MNF were responsible for the torture and ill-treatment of Iraqis. (HRW World Report 2007) **[15o] (p1)** (AI Annual Report 2008) **[28j] (p3)** (AI Mar 2008) **[28o] (p2)** (UNHCR, Aug 2007) **[28o] (p62)** (UNAMI, Jul-Dec 2007) **[39l] (p3)** The UNHCR COI report, published 2005 noted 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)**

11.80 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 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)**

11.81 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

11.82 The MNF were responsible for numerous civilian deaths and casualties in Iraq since the fall of the former regime. (AI, Mar 2008) **[28o] (p2)** (AI Annual Report 2008) **[28j] (p1)**

11.83 The UNAMI human rights report for the period 1 July-31 December 2007, noted that 123 civilians were reportedly killed during MNF air strikes, including several children. Thirty-seven civilian deaths during MNF ground operations were also recorded, including two children. **[39l] (p12-13)**

11.84 A report by AI, published in 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

11.85 The AI report of 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)**

11.86 The UNAMI human rights report for the period 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].

"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)**

11.87 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]**

This Country of Origin Information Report contains the most up-to-date publicly available information as at 5 January 2009. Older source material has been included where it contains relevant information not available in more recent documents.

Other sources suggested the figure stood at seventeen deaths. (*The Guardian*, 31 Oct 2007) **[6ae]** (BBC News, 20 Nov 2007) **[4bu]** (HRW, 14 Dec 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 unjustifiably and the US government's own investigation found no evidence the Blackwater guards had been provoked or attacked. **[15t]**

11.88 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]**

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

11.90 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 16 September 2007, when 17 Iraqis were killed. The article stated that "…foreign security firms have a reputation among the population of indiscriminately using lethal force." **[4bx]**

11.91 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)**

11.92 Jane's Sentinel, last updated on 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)**

11.93 Human Rights Watch (HRW) reported that Iraq's cabinet had passed legislation on 30 October 2007 to end immunity for foreign private security contractors, which was now awaiting approval by Parliament. **[15u]** No reports could be found by COI Service as of 28 November 2008 to suggest there has been any further progress on the approval of this legislation.

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MILITARY SERVICE

12.01 The Child Soldiers report for 2007, published on 21 May 2008, commented that:

> "In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres." **[42a] (p1)**

12.02 The CSIS report, published 23 July 2008, commented on the high desertion rate from the ISF **[63k] (p4)**; there were reports that hundreds, possibly thousands, of soldiers defected from the Iraqi Army and Iraqi Police during fighting in Basra in March 2008, with some soldiers even changing sides to the Mahdi army. **[63k] (p13)** The CSIS report further stated:

> "Reports emerged in the week following the cease fire that more than 1,000 ISF soldiers and policemen either refused to fight or abandoned their posts. Some ISF personnel even shed their uniforms, kept their weapons, and joined the JAM. While most of the deserters were low-level soldiers or police, officers also deserted, including at least 2 senior officers. Iraqi estimates of the number of officers who deserted varied from several dozen to more than 100." **[63k] (p13)**

See also Security in Southern Iraq: Basrah.

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ABUSES BY NON-GOVERNMENT ARMED FORCES

13.01 The Child Soldiers report for 2007, published 21 May 2008, stated that "A wide range of armed groups operated in Iraq, most of them opposing the occupation of the multinational forces or engaging other sectarian militia groups. Iraqi armed groups opposing the occupation were mainly Sunni, although Sunni armed groups also attacked Shia targets. Al-Qaeda in Iraq (al-Qaeda of Jihad Organization in the Land of the Two Rivers) was the most prominent insurgent group." **[42a] (p2)**

13.02 Armed groups were responsible for abuses against Iraqi civilians and foreign nationals, as well as attacks against the MNF and Iraqi troops. (AI Annual Report 2008) **[28j] (p2)** (UNHCR, Aug 2007) **[40j] (p38)** (AI, Mar 2008) **[28o] (p2)** Abuses included abductions and hostage taking, torture and ill-treatment, suicide bombings and killings. (AI annual report 2008) **[28j] (p5)** (UNHCR, Aug 2007) **[40j] (p38)**

13.03 Amnesty International's Annual Report 2008 remarked that "Armed groups, including Islamist and nationalist groups fighting against the US-led forces and the Iraq government, as well as al-Qa-ida and militias affiliated to Shi'a religious groups, committed gross human rights abuses. Many of the abuses were committed in the course of sectarian violence between Shi'a and Sunni armed groups, who sought to clear mixed neighbourhoods of Sunni and Shi'a respectively, abducting people from their homes or in the streets and murdering them. Often, bodies were dumped bearing evidence of mutilation or torture." **[28j] (p3)**

See also Sectarian violence.

13.04 UNHCR's Eligibility Guidelines paper of August 2007 noted that "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)**

13.05 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]**

13.06 Jane's Sentinel, last updated on 7 October 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)**

This Country of Origin Information Report contains the most up-to-date publicly available information as at 5 January 2009. Older source material has been included where it contains relevant information not available in more recent documents.

13.07 A report by AI, published in 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. The report also lists examples of attacks of civilians in recent months prior to the release of the report. **[28o] (p5-7)**

13.08 On the other hand, a report by Refugees International, published in April 2008, noted Iraqi civilians became increasingly dependent on non-state actors, who filled the vacuum created by the Iraqi government's inability to respond to their needs. Insurgent groups, such as the Mahdi Army or Sunni militias, provided an array of humanitarian services to displaced persons, such as security, food and shelter. **[119c] (p2)**

See also Internally displaced persons.

13.09 Jane's Sentinel, 7 October 2008, further stated that "There is a strong argument that demilitarisation and demobilisation of militias is happening from the bottom-up. 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. CLCs [concerned local citizens (awakening councils)] have been partially paid by the Iraqi government as a line item in the Ministry of Interior budget since the beginning of 2008, drawing further militiamen into government employ, either temporarily or permanently." **[14d] (p5)**

SUNNI ARAB INSURGENTS

13.10 Jane's Sentinel Country Risk Assessment of Iraq, updated on 31 October 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." **[14g] (p2)**

13.11 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." **[14g] (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

13.12 The Council on Foreign Relations reported on Al-Qaeda in Iraq (AQI) in an article published on 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)**

13.13 The report stated that as of July 2007, 80-90% of Iraq's suicide bombings were thought to have been carried out by AQI. Up to 60% of AQI were suspected to be from Saudi Arabia. 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)**

13.14 Jane's Sentinel Country Risk Assessment of Iraq, updated on 31 October 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." **[14g] (p2)**

13.15 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 on 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.

13.16 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-Baghdadihas been declared the state's *Emir*." **[40j] (p38)**

13.17 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)**

13.18 A report by ICG (International Crisis Group), published on 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.

13.19 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

13.20 The AI report, published in March 2008, stated that "Some of the armed groups, in particular al-Qa'ida, have also carried out numerous attacks, such as bombings and suicide attacks, in heavily crowded areas, including markets, checkpoints or in places where people queue to buy food or petrol. The intention has been to kill as many civilians as possible. In recent months, al-Qa'ida has reportedly recruited women as volunteer suicide bombers and is said to be recruiting children and training them in secret camps in Iraq.

> "Many of those killed were abducted from their homes or in the streets by the armed groups. Days later their bodies were found in a street or had been taken to morgues by the police. The bodies invariably bore marks of torture, including the use of electric shocks and drills. Some Iraqi newspapers carry daily reports of the discovery of unidentified bodies, most mutilated, and daily incidents of killings by armed groups." **[28o] (p5-6)**

See also Child soldiers recruited by insurgent groups; Mental health.

13.21 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)**

13.22 On 20 December 2007, BBC News reported on the discovery of a 'torture complex' in an al-Qaeda safe haven in Diyala. 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]**

13.23 The ICG report, published on 30 April 2008, commented that "… al-Qaeda in Iraq's crude and vicious tactics, … [which] 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

13.24 Jane's Sentinel, last updated on 7 October 2008, noted that "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)**

13.25 The Child Soldiers report for 2007, published on 21 May 2008, stated the "Jaysh al-Mahdi, led by radical cleric Sheik Muqtada Sadr, had a large presence in the cities of Najaf and Karbala and the 'Sadr City' suburb in Baghdad. It was created in 2003 following the collapse of the Saddam Hussein government, and sought to replace more traditional factions as the voice of Iraq's Shiite majority." **[42a] (p3)**

13.26 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)**

13.27 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)**

13.28 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]**

13.29 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)**

13.30 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)**

13.31 The CSIS report, published 28 May 2008, commented "Basra, and indeed much of southern Iraq, had fallen under the de-facto control of local and feuding rival elements of the major Shi'ite parties, their militias or local elements in the police and security forces, and various criminal gangs which often could not be separated from political parties and militias. Conflicts over the oil facilities, port operations, and smuggling routes often turned violent.

> "… They [Shi'ite militias] have these overlapping spheres of gangsterism and politics, militias and legitimate businesses, and legitimate politics. The areas of control of each faction were well-defined: —Fadilah controls the electricity sector and shares power with the Mahdi at the ports; Dawa and Fadilah have a strong grip in the lucrative southern oil operations, and a different branch of Dawa — the one to which Mr. Maliki [Iraqi PM] belongs — holds sway at the Basra airportThe Fadilah party also controlled the dock worker's union. The rampant corruption of Fadilah, combined with the decrepit state of Um Qasr's infrastructure, made the port extremely inefficient." **[63i] (p8)**

See also Annex D – Current insurgent/militia groups

Torture by Shi'a militia

13.32 The AI report, published in March 2008, commented that "Shi'a militia groups belonging to Shi'a political parties, continue to kidnap, torture and kill civilians." **[28o] (p1)** "There have also been persistent accusations that Shiite militias, including JAM [Jaysh al-Mahdi/Mehdi army] and the Badr organization, were involved in some of the attacks on the SOI [Sons of Iraq]." (CSIS, 23 July 2008) **[63k] (p38)**

13.33 The CSIS report, dated 23 July 2008, noted that "Basra was divided up among Shi'ite party mafias, each of which had its own form of extortion and corruption.

They sometimes fought and feuded, but had a crude modus vivendi at the expense of the rest of the nation." The CSIS report also commented on the "JAM influence over the IP and elements of the IA" which was exposed during fighting in Basra in March 2008 between the JAM and ISF, which saw many members of the ISF defecting to the JAM. **[63k] (p9)**

13.34 The CSIS report further stated that "… many elements of the JAM have been guilty of sectarian cleansing, and that the Sadr movement in general is hostile to the US and is seeking to enhance Muqtada al-Sadr's political power. There is also no doubt that the rogue elements in the JAM continued acts of violence in spite of the pre-invasion ceasefire, and that some had ties to Iran." **[63k] (p12)**

13.35 IRIN News, 28 February 2008, commented that "Al-Sadr's main rival is the Supreme Iraqi Islamic Council, the largest Shia political party, led by influential Shia religious leader Abdul-Aziz al-Hakim. The Mahdi Army and al-Hakim's Badr Brigade have been engaged in a bitter power struggle in Iraq's oil-rich south." **[18ct]**

13.36 The CSIS report further reported on the Badr Organisation, stating it "… was one of the recognized militia under the Coalition Provisional Authority Order 91. Although it participates in the Government of Iraq, Badr's members attack Sunni targets and compete with JAM for power and influence among the Shi'a. Badr receives financial and materiel support from abroad." **[63l (p25)**

13.38 The UNHCR paper, published in August 2007, stated that "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*." **[40j] (p42)**

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

KURDISH MILITIA

13.40 The Kurdish Peshmerga were the military force responsible for security in Iraqi Kurdistan. The IHT reported on the decision by the Iraqi Prime Minister, Nouri al-Maliki, and the head of the Kurdish regional authority, Nechervan Barzani, to retain the present semiautonomous status of the peshmerga. (*International Herald Tribune*, 12 Apr 2008) **[126a]**

13.41 The CSIS report, published 5 February 2007, further commented that:

> "The Peshmerga is a security organization that operates as the regional guard force described in Article 121 of the Iraqi Constitution. It maintains security independently within and along Iraq's borders for the Kurdistan Regional Government. Private security companies have hired individual Peshmerga members for work outside the Kurdish area. Some members of the Peshmerga have been integrated into the Iraqi Army; there are allegations that these former Peshmerga members remain loyal to Kurdish authorities rather than to their proper Iraqi chain of command. Although the Peshmerga does not attack Coalition or Iraqi forces, and in some cases provides security for reconstruction efforts, the perceived dual allegiance of the Peshmerga undermines effective national security and governance." **[63l] (p25)**

13.42 Jane's Sentinel, last updated on 7 October 2008, reported:

> "In the Kurdish community, such militias are deeply embedded safeguards against central government aggression as well as features of the internal power balance between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Though such militias may claim to be folding their troops into central government security forces, the primary affiliation of security forces personnel typically remains to their sectarian blocs and the few functional Iraqi National Guard units are little more than thinly veiled sectarian militias. Smaller communities also maintain unofficial militias. For instance, Iraq's Turkoman have developed militia forces with training and support from Turkey. Over 100,000 peshmerga will have been incorporated formally into the Iraqi security forces by the end of 2008; the remaining 46,000 will be incorporated into a KRG regional force that the federal government will fully subsidise. In the latter third of 2008, tensions between the Arab and Kurdish blocs were mirrored by stand-offs in disputed areas like Khanaqin and the Khurmala Dome oilfield between the Iraqi Army and Peshmerga forces." **[14d] (p4)**

See also Annex D – Current insurgent/militia groups; Political system in the KRG area

Torture by Kurdish militia

13.43 UNHCR's August 2007 paper stated that "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

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JUDICIARY

14.01 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)**

14.02 Several sources, nevertheless, reported that the judiciary and judges were subject to political influence and pressure. (USSD 2007) **[2l] (p6)** (Freedom House, 2007) **[70d] (p6)** (Freedom House, 2008) **[70g] (p5)** The FCO Human Rights Report for 2007 (published in March 2008) 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)**

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

> "From 21 to 23 January [2007] 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)**

14.04 Moreover, the UNSC report, dated 5 December 2006, stated 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, Apr to Jun 2007) **[39h] (p21)**

14.05 The UNAMI report for 1 July-31 December 2007, 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 [2007], resulting in the review and release of some 1,500 detainees by 24 August." **[39l] (p23)**

14.06 The CSIS report, published 28 May 2008, noted the criminal justice and courts system were unable to support the police. The report noted further that "The establishment of reliable and impartial courts has been extremely slow, and this has seriously harmed the development of effective MOI forces at the local level. There is little official reporting on Iraq's jails, the availability of defendants to find counsel, the status of due process, and the role of religious and tribal courts." **[63i] (p6)**

See also Iraqi Police; Religious and tribal law.

ORGANISATION

14.07 The Canadian IRB report on Iraq, published in January 2008, stated "The Iraqi legal system is made up of the Higher Juridical Council, the Supreme Federal Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other federal courts." **[139a] (p4, Judicial System)**

14.08 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)**

14.09 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 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

14.10 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)**

14.11 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)**

14.12 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]**

14.13 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)." **[2l] (p8)**

14.14 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] (p9)**

RELIGIOUS AND TRIBAL LAW

14.15 The new Constitution made Shari'a the primary source of national law. (IRIN, 13 Apr 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]**

"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)**

14.16 An IWPR (Institute for War and Peace Reporting) article reported, on 20 October 2006, that there are a number of extra-judicial Shari'a 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]**

14.17 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] (p123-124)** 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." (UNHCR COI, October 2005) **[40c] (p123-124)**

14.18 The report further stated 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.

"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)**

14.19 However, UNHCR's paper of August 2007 noted 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)**

14.20 UNHCR also considered 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)**

14.21 The UNAMI report, for the period 1 July-31 December 2007, commented that in rural areas, police presence and authority are weaker and tribal rules tend to prevail. **[39l] (p15)**

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JUDGES AND LAWYERS

14.22 Article 88 of the 2005 Constitution stated "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 [sic] regime, the judicial system was subject to a process of review and De-Baathification." **[1a] (p532)**

14.23 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, Oct 2005) **[40a] (p6)** (FCO, accessed on 8 Aug 2005) **[66k]** The FCO stated in August 2005 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]**

14.24 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, Oct 2005) **[40c] (p125)** (UNHCR, Oct 2005) **[40a] (p6)** "It further appoints, promotes and transfers judges and prosecutors." (UNHCR COI, Oct 2005) **[40c] (p125)**

14.25 The UNAMI report, dated 1 July–31 August 2006, recorded 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 UNAMI report, for the period 1 July-31 December 2007, added that during this reporting period the number of trial judges had increased. **[39l] (p23)**

14.26 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. 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)**

14.27 The paper concluded 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)**

IRAQI HIGH TRIBUNAL (IHT)

14.28 The HRW World Report 2006 stated "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)**

14.29 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 Jan 2007) **[4al]** (HRW,

10 Feb 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 Feb 2007) [4i] (BBC, 8 Jan 2007) **[4al]** (*The Times*, 30 Dec 2006) **[5g]** (UNAMI, 1 Nov-31 Dec 2006) **[39f] (p3and22)** (*The Telegraph*, 1 Jan 2007) **[48g]**

14.30 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 (last updated on 28 November 2008 added that "Barzan Ibrahim - Saddam Hussein's half-brother - and Awad Hamed al-Bandar, former head of the Revolutionary Court, are executed by hanging." **[4i]**

14.31 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)**

14.32 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 Jan 2006) **[22o]** (*The Daily Telegraph*, 16 Jan 2006) **[48d]** (Al-Jazeera, 18 Jan 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 Sep 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 Sep 2006) **[4am]**

14.33 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)

14.34 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)**

14.35 The UNHCR COI report, October 2005, stated:

> "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)**

14.36 The same report recorded 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)**

14.37 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]**

14.38 The USSD report for 2007 commented that "Investigative judges rarely referred security force officials to the Central Criminal Court because of Section 136 (b) of the Criminal Procedure Code, which requires that such referrals must be approved by the ministry for whom the suspect works." **[2l] (p6)**

14.39 The CSIS report, published 28 May 2008, stated "In many areas, the criminal justice system is thoroughly dominated by local, tribal, religious or sectarian interests, and in some areas criminal justice is effectively nonexistent.… most provincial judges sent major terrorists cases to the main criminal court in Baghdad. The Rusafa criminal court in Baghdad is located in a secure 'Rule of Law Complex,' wherein court facilities, and employees, are protected from attacks and intimidation." **[63i] (p42-43)**

See also Religious and tribal law.

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ARREST AND DETENTION – LEGAL RIGHTS

15.01 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)** The UNSC report of 6 November 2008 further stated that "Overall, slow bureaucratic procedures, insufficient resources and the absence of effective accountability measures delay the processing of detainee cases and result in a lack of due process." **[38r] (p12)**

15.02 The AI report of March 2008 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)**

15.03 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]**

15.04 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)**

15.05 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)**

15.06 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)**

15.07 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)**

15.08 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)**

15.09 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

15.10 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)**

15.11 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)**

15.12 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)**

15.13 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 [2007] 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)**

15.14 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)**

15.15 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

15.16 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, Oct 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, Oct 2005) **[40c] (p151)**

15.17 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, Oct 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 Mar 2006) (p2) **[28b] (p9)** (UNHCR COI, Oct 2005) **[40c] (p151)**

15.18 The AI report, dated 6 March 2006, added 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)**

15.19 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 prisoners for number of juvenile detainees held in MNF custody.

15.20 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)**

15.21 The UNAMI report, 1 July-31 December 2007, commented on the creation 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)**

15.22 Amnesty International's Annual Report 2008 noted:

> "In October [2007] the MNF Commander of Detainee Operations said the MNF was holding some 25,000 detainees at Camp Bucca in the south, Camp Victory and Camp Cropper near Baghdad International Airport, and other places, including 840 juveniles and 280 foreign nationals, mostly from Arab countries. Shortly before, the MNF began releasing detainees and by December several thousand detainees had been released on condition that they would not pose a security threat and after providing a family guarantee of good conduct." **[28j] (p3)**

15.23 The UNSC report of 6 November 2008, stated that "United States forces

continue to release detainees in an effort to reduce the number of people held in their detention facilities. UNAMI welcomes these releases, but reiterates that international human rights law applies to the remaining detainees, the vast majority of whom have not been charged and afforded due process. As of 3 October [2007], the number of detainees in United States facilities in Iraq was down to 17,965 (from 24,514 at the end of 2007)." **[38r] (p12)**

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PRISON CONDITIONS

16.01 The AI report, dated 6 March 2006, noted 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." It added "… 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 UNSC report of 6 November 2008 noted that "The condition of detainees across the country, including in the region of Kurdistan, remains of concern." **[38r] (p12)**

16.02 It was widely reported that those Iraqis in detention were subjected to torture and ill-treatment. (HRW, 2008) **[15v] (p2)** (AI, May 2008) **[28j] (p5)** (UNAMI, 1 Jul-31 Dec 2007) **[39l] (p25)** (UNSC, 6 Nov 2008) **[38r] (p12)** The UNSC paper further stated that "Pretrial detainees in particular are subject to violence during the investigation phase." **[38r] (p12)** Reported abuses included "… burns injuries on their buttocks, allegedly sustained after being forced to sit for prolonged periods (while awaiting their turn for interrogation) on the asphalted ground of the courtyard, which became very hot during the summer months." (UNAMI, 1 Jul-31 Dec 2007) **[39l] (p25)** The UNAMI also reported on detainees being forced to stand barefoot on hot asphalt as a punishment and the sexual and physical abuse of juvenile males. **[39l] (p25)** HRW and AI reported in their 2008 reports, that according to UN officials, prisoners had been hung by their limbs, subjected to electric shock treatment, forced to sit on sharp objects and subjected to burns. **[15v] (p2) [28j] (p5)**

16.03 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)**

16.04 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)**

16.05 The UNSC report of 6 November 2008, noted that "The [UNAMI] Human Rights Office has continued to visit detention facilities and prisons to monitor the situation of detainees held by the Ministries of the Interior, Justice, Defence and Labour and Social Affairs. Many have been deprived of their liberty for months or even years, often under precarious physical conditions, without access to defence counsel or being formally charged with a crime, or being brought before a judge." **[38r] (p12)**

16.06 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)**

16.07 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 … 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)**

16.08 The UNSC reported, in their 28 July 2008 paper, on the general amnesty law for prisoners, passed on 27 February 2008. The report stated that "According to data provided by the Higher Judicial Council, as at 4 June some 86,214 persons were considered eligible under the terms of the amnesty, of whom 67,094 were released on bail or remained at large, while 19,120 others were detainees and convicted prisoners. It was unclear how many of those in the latter category had actually been released or whether they included detainees held in the custody of the multinational force in Iraq on criminal charges." **[38q] (p8)** The Brookings Iraq Index report, last updated on 6 November 2008, stated that since the Amnesty Law was implemented on 2 March 2008, as of 1 May 17,000 detainees had been approved for release. **[88d]**

IRAQI-RUN PRISONS AND DETENTION FACILITIES

16.09 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)**

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

16.11 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)**

16.12 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)** The UNSC report of 6 November 2008 stated that "The number in Iraqi detention facilities is reported to be 27,366. Persons held in Iraqi custody include a steady flow of individuals who are released by United States forces only to be rearrested by Iraqi authorities, in some cases without sufficient evidence." **[38r] (p12)**

See also MNF-run prisons and detention facilities.

16.13 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)**

See also Juvenile prisoners.

16.14 The UNAMI report for 1 April-31 June 2007 noted that "During its visit to al-Kadhimiyya Women's Prison on 24 May [2007], 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)**

16.15 On 11 December 2007, IRIN News reported that "… 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. 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.

16.16 The UNSC report, 6 November 2008, stated that upon conducting a visit to the central prison of Fallujah, the UNAMI Human Rights Office discovered that over 400 prisoners were being held in pre-trial detention in poor conditions, many for more than one year. **[18bw] (p12)** BBC News also reported, on 25 November 2008, that Baghdad's Rasafa facility was seriously over crowded and prisoners were experiencing poor living conditions. **[4dn]**

Prisons and detention facilities in the KRG area

16.17 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 were made throughout UNHCR's August 2007 Eligibility Guidelines paper. **[40j] (p13, 24, 45, 87, 89-90, 106, 107, 108, 135)**

16.18 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)**

16.19 The HRW world report 2007 noted "… that 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." **[15v] (p2)**

16.20 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)**

16.21 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)**

16.22 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.

16.23 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."

> "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)**

16.24 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." **[39l] (p29)** "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

16.25 The UNHCR COI report, October 2005, stated "On the basis of UN Security Council Resolution 1546, the MNF are authorized to intern persons on compelling security grounds." **[40c] (p54)** 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)** The UNAMI report, covering the reporting period 1 July-31 December 2007, reported the number of detainees to be 25,525. **[39l] (p25)** Human Rights Watch reported the number of detainees to be around 17,000, as of November 2008. (IRIN, 17 Nov 2008) **[18cw]** The ICRC report for 2007, published on 27 May 2008, commented that places of detention controlled by the MNF were "Camp Cropper and Remembrance II, both located near Baghdad Airport; Camp Bucca near Um Qasr, southern Iraq; and the Divisional Internment Facility of the UK forces in Basra." **[43f] (p338)**

16.26 The UNAMI report 1 July-31 December 2007 also commented that many of the detainees were held for "… prolonged periods without judicial review of their cases…" The report added that "The US Government states that due process 'is a human rights concept generally associated with criminal arrests and trials' and does not apply to security detentions under MNF authority in Iraq, based in part on its own interpretation of the nature of the conflict." **[39l] (p25-6)** UNHCR's August 2007 paper reported that the MNF were "…accused of inflicting torture and inhuman and degrading treatment upon individuals whom they have arrested and detained." **[40j] (p26)**

16.27 The AI report, published in March 2008, stated that:

> "Despite the US authorities' introduction of various measures to safeguard detainees following the shocking Abu Ghraib prison scandal, torture and other ill-treatment by members of the MNF continue to be reported, albeit on a lesser scale than before 2004. 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)**

16.28 Reports from 2006 mention Shu'aiba Camp, near Basra, a detention facility operated by UK forces **[28b] (p6)** and Camp Nama, FOB Tiger and Mosul, where abuses of prisoners by US forces were reported. **[15f] (p2)** During 2006, there

were indications that persons detained in Iraq have secretly been transferred outside Iraq for interrogation by the CIA. (AI, 6 Mar 2006) **[28b] (p13)**

16.29 The UNAMI report 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 did not give any information on conditions in these prisons.

16.30 The UNSC report of 6 November 2008 noted that "UNAMI continued to monitor closely the situation of the People's Mujahedin of Iran members who are living in the Ashraf camp in Diyala Governorate. They are still under the protection of the United States army following an agreement signed in 2004, but the Government of Iraq has expressed its intention to take full control of the camp in the near future." **[38r] (p12)**

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DEATH PENALTY

17.01 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)**

17.02 The Hands off Cain report 2008 stated that "According to Iraqi law a death sentence must be approved by the government, the President and the two Vice-Presidents." The report noted the method of execution to be "hanging and shooting". **[97a] (p1)**

17.03 Amnesty International's Annual Report 2008 recorded that "The death penalty was used extensively, although the Human Rights Minister told the UN Human Rights Council in March [2007] that the government was working towards abolition. "At least 199 men and women were sentenced to death and at least 33 prisoners were executed [in 2007]. Most death sentences were passed after unfair trials by the Central Criminal Court of Iraq (CCCI). Defendants complained that confessions extracted under torture were used as evidence against them and that they were not able to choose their own lawyer." **[28j] (p4)**

17.04 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]**

17.05 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. 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." **[39l] (p33)**

17.06 A report by AI, published in March 2008, commented that "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

17.07 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)** Hands off Cain further reported that on 29 May 2008, "the autonomous northern Iraqi region of Kurdistan's justice minister, Faruq Jamil, told campaign group Amnesty International he wants to abolish the death penalty, according to an unnamed ministry source…The Kurdistan region's human rights minister, Shirwan Aziz is currently working on a bill to limit the application of the death penalty together with a commission from the regional parliament and several international organisations." **[97a] (p2-3)**

17.08 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 [2007], when 11 people were executed after being convicted of killings and kidnappings." **[28j] (p4)** UNAMI's April to June 2007 report remarked 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)**

17.09 The Finnish FFM report, for the period 23 October-3 November 2007, 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)**

17.10 In 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

18.01 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)**

18.02 The paper further highlighted the heightened danger associated with working for the UN and international organisations such as the International Committee of the Red Cross 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)**

18.03 There were reports that government officials and employees and politicians continued to be targets for kidnapping and assassination. (UNHCR, December 2007) **[40l] (p31-32)** (UNAMI, 1 July-31 December 2007) **[39l] (p2)**

See also Perceived collaborators and 'soft' targets.

Freedom of political expression in the KRG area

18.04 The USSD report 2007 stated that "Membership in some political parties conferred special privileges and advantages in employment and education. There were some reports that the KDP and PUK prevented the employment of nonparty citizens, and that KRG courts favored party members." **[2l] (p15)**

18.05 A report by AI, published in 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

18.06 The Constitution provides for "Freedom of assembly and peaceful demonstration, and this shall be regulated by law." 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)**

18.07 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)**

See also De-Ba'athification.

18.08 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)**

18.09 The Freedom House report 2008 noted that:

"Domestic and international nongovernmental organizations are able to operate without legal restrictions, though security constraints limit their activities in many regions. The lack of a legal framework and registration system for nongovernmental organizations also hinders their ability to function and attract donor funds. Peaceful demonstrations occurred frequently during 2007 without interference from coalition or Iraqi forces, except when they were in violation of curfews. Gatherings or rallies that violated anti-Baath strictures were considered illegal." **[70g] (p6)**

18.10 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 [2007], the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats." **[2l] (p12)**

18.11 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

18.12 The UNAMI report, dated 1 September-31 October 2006, noted "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)**

18.13 The UNHCR assessment, dated August 2006, stated "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)**

18.14 The UNAMI report, dated 1 July–31 August 2006, noted:

> "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)**

18.15 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)**

18.16 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

18.17 The UNHCR August 2007 report, noted that politicians may be perceived as supporting the US-led invasion: "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." **[40j] (p107)** The UNHCR's addendum paper of December 2007 also noted that politicians continued to be targets for kidnappings and assassinations. **[40l] (p32)**

See also Perceived collaborators and 'soft' targets.

Former members and associates of the Ba'ath party/former regime

18.18 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)**

18.19 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)**

18.20 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, added "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 the former regime have been similarly targeted. The degree to which these individuals are at risk depends on such factors as the extent to which they are identified with the Ba'athist ideology and the human rights abuses that occurred under the former regime, the rank or position previously held, and public recognition. Rank or seniority alone is not dispositive, as many low level officials have been targeted at the community level." (UNHCR, Aug 2007) **[40j] (p12)**

18.21 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

18.22 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)**

18.23 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

18.24 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)**

18.25 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)**

Opposition in the KRG

18.26 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)**

18.27 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)**

18.28 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

19.01 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, a report by the Committee to Protect Journalists (CPJ), published 30 April 2008, stated "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)**

19.02 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. … 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)**

19.03 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)**

NEWSPAPERS, RADIO AND TELEVISION

19.04 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)** (BBC, 3 Jun 2008) **[4dc]** 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 Alam TV, which broadcasts in Arabic, can be received in Baghdad without a satellite dish." (Freedom House, 2007) **[70f] (p2)**

19.05 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, Aug 2006) **[33a] (p21)** (Freedom House, Freedom of the Press, 2006) **[70c] (p83)** Most of the major international newspapers are also available in Iraq. (US Library of Congress, Aug 2006) **[33a] (p21)**

19.06 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)**

19.07 Whilst the USSD report 2007 noted: "Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem." **[2l] (p10)** The BBC country profile for Iraq, last updated on 3 June 2008, concurred, stating "Private media outlets are often linked to the political, ethnic or religious groups …" **[4dc]**

19.08 The Freedom House Freedom of the Press 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)**The Freedom House 2008 report, covering events of 2007, did not give any further information regarding the two kidnapped journalists, Reem Zaid and Marwan Khazal. **[70g]**

19.09 The Freedom of the Press 2007 report also noted that "In November [2006], 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)**

19.10 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.

"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." **[2l] (p10)**

OTHER FORMS OF MEDIA

19.11 The 2007 Freedom House Freedom of the Press 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)**

19.12 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)**

19.13 The Brookings Institute Iraq Index, last updated 6 November 2008, reported there were around 827,500 internet subscribers as of October 2008. **[88d] (p48]**

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JOURNALISTS AND OTHER MEDIA WORKERS

19.16 Several reports noted that Iraq was the most dangerous place in the world to work as a journalist. (RSF 2008) **[20j] (p155)** (CPJ, 18 Dec 2007) **[26k] (p1)** (CPJ, 30 Apr 2008) **[26j] (p2)** (CPJ Attacks 2007) **[26l) (p1)** (UNHCR, Aug 2007) **[40j] (p111)** Because of this, the number of foreign journalists in Iraq has declined considerably since 2003. Many Iraqi journalists have gone into exile, or sought refuge in the Kurdish north or Jordan or Syria. (RSF, 19 Mar 2008) **[20l] (p2-3)**

19.17 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 Mar 2008) **[20l] (p2)** An RSF report, published on 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)**

19.18 The UNHCR August 2007 report commented that "journalists suffered harassment by the ISF/MNF for alleged links with the insurgency, including unlawful searches, confiscation of computers and other personal belongings, arbitrary arrest and prolonged detention without being charged. There have also been reports of journalists being beaten and mistreated by Iraqi Police." **[40j] (p115)**

19.19 The CPJ report on attacks in Iraq in 2007 concurred, stating "The U.S. military

poses another threat to journalist safety. At least 16 journalists have been killed by U.S. forces' fire since March 2003." **[26l) (p2)** The report further noted:

"The U.S. military has failed to fully investigate or properly account for the killings of journalists in Iraq, CPJ found. …

"Elsewhere, U.S. forces harassed or obstructed the work of journalists in a number of instances. In February, the U.S. military raided the headquarters of the Iraqi Journalists Syndicate and ransacked the premises while briefly detaining staff, according to local journalists. The military continued its practice of open-ended detentions of journalists." **[26l) (p2-3)**

19.20 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." **[2l] (p10)**

"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)**

19.21 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)**

19.22 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 2008. 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]**

19.23 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 noted that "Highly visible foreign journalists were obvious targets

and increasingly unable to report on the street." **[26f] (p1)**

19.24 On 11 October 2008, RSF report that 222 journalists and media workers had been killed in Iraq since the US-led invasion in 2003. **[20n]** The previous RSF report, published 22 July 2008, on Kirkuk, noted that of the 217 journalists and media workers killed in Iraq since the US-led invasion in 2003, 13 of which had been in Kirkuk. **[20m]**

19.25 These figures differ slightly from ones published by the Committee to Protect Journalists, who reported that, as of 19 November 2008, 135 journalists and 51 media workers had been killed in the line of duty in Iraq since March 2003. **[26h]**

The Media and journalists in the KRG area

19.26 On 5 May 2008, the CPJ reported "…the twice-weekly *Hawlati* is considered the most widely read newspaper in Iraqi Kurdistan with an estimated circulation of about 20,000." **[26m]**

19.27 A report by AI, published March 2008, also commented that "Journalists [in the KRG] are muzzled and often risk arrest and torture in their daily work." **[28o] (p20)** 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 pointed 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)** The UNSC report of 6 November 2008, stated that "The situation with regard to journalists and its implications for media independence and freedom was highlighted when a list of journalists who have been threatened because of their critical views of Kurdistan Regional Government policy was recently publicized." **[38r] (p11)**

19.28 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)**

19.29 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)**

19.30 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)**

19.31 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)**

19.32 Both UNAMI and CPJ reported on the Journalism Law, which was approved by the Kurdistan National Assembley. (UNAMI, Jul-Dec 2007) **[39l] (p19)** (CPJ Annual Report, 2007) **[26l) (p4-5)** (CPJ, 5 May 2008) **[26m]) (p7)** Further to this, on 23 September 2008, RFE/RL reported that "

"Iraq's largely autonomous Kurdistan region has passed a modified media law aimed at protecting journalists' rights, abolishing jail terms for offences such as defamation, legislators said. An earlier version of the law passed by parliament last December carried tough sanctions for journalists including imprisonment, fines of up to 10 million Iraqi dinars ($8,400) and the closure of publications. After a widespread public outcry, the president of the Kurdistan regional government, Mas'ud Barzani, rejected the law and sent it back to parliament. The new law excluded jail sentences for journalists carrying out their duties and reduced fines that could be levied." **[22aa]**

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

20.01 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." International aid workers were forced to relocate to neighbouring countries, such as Jordan. **[48h]**

20.02 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)**

20.03 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)**

20.04 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)**

20.05 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)**

20.06 The UNHCR December 2007 report also noted that there had been targeted kidnappings and assassinations of humanitarians in parts of Iraq. **[40l] (p37)**

20.07 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]**

20.08 The UNSC report of 28 July 2008 stated that "Twenty-three Iraqi and international non-governmental organization projects were funded in the first half of 2008 by the Expanded Humanitarian Response Fund for Iraq, with grants of up to $400,000 to deliver emergency relief assistance to the most vulnerable Iraqis or those most affected by conflict. To date, 24 per cent of the $20 million requested ($4.8 million) has been contributed." **[38q] (p10)**

See also Humanitarian Issues.

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS IN THE KRG AREA

20.09 The USSD report for 2007 commented 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)**

20.10 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 headquartered in the comparatively secure Kurdish north…" **[48h]**

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CORRUPTION

21.01 The Iraqi government ratified the United Nations Convention against Corruption in April 2008. (UNSC, 6 November 2008) **[2l] (p8)** Nevertheless, corruption was a major problem in Iraq. (USSD 2007) **[2l] (p1, 4, 6)** (Freedom House, 2007) **70d] (p4-5)** (Freedom House, 2008) **[70g] (p5)** There were reports of corruption within the government, security services, and courts. (USSD 2007) **[2l] (p1, 4, 6)** The AI report, published on 16 March 2008, commented that corruption, along with poor security and violence, had slowed Iraq's reconstruction after the 2003 invasion. **[28o] (p1)** Transparency International's report, published on 25 June 2008, which ranked Iraq as 178th most corrupt out of 180 countries, stated that corruption in Iraq was "one of the main obstacles to progress in the reconstruction process." **[51c] (p180)**

21.02 The CSIS report, dated 5 February 2007, stated:

> "Corruption in the ministries has hampered their capabilities. Many of Iraq's political factions tend to view government ministries and their associated budgets as sources of power, patronage, and funding for their parties. Ministers without strong party ties face significant pressure from political factions and sometimes have little control over the politically appointed and connected people serving under them. This corruption erodes public confidence in the elected government." **[63l] (p24)**

21.03 In January 2004 the Commission on Public Integrity (CPI) was set up to tackle corruption in the country. (USSD 2006) **[2h] (p13)** (IRIN, 6 Sep 2006) **[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)**

21.04 A report by CSIS, published 6 August 2007, commented that "The structure of the central government is so horribly inefficient, and its ministries so vulnerable to power brokering, corruption, and ethnic and sectarian manipulation that meaningful reform is impossible." **[63j] (p15)**

21.05 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)**

21.06 The AI report, published on 17 September 2008, stated:

> "Very serious failures have occurred in the effective management of huge quantities of weapons and munitions supplied to Iraq since 2003…. This mismanagement and the resulting diversion of arms have also exacerbated the high levels of armed violence and human rights abuse in large parts of Iraq. This has been compounded by the large scale of corruption within the Iraqi MoD involving millions of missing US dollars from funds allocated to defence contracts and the failure of the US government to ensure accountability and oversight." **[28q] (p42-3)**

CORRUPTION IN THE KRG AREA

21.07 The UNHCR August 2007 paper stated "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 Aug 2006) **[22v]**

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FREEDOM OF RELIGION

22.01 Article 2 of the Constitution stipulates that Islam is the official state religion and that no law maybe enacted contradict Islam. 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)**

22.02 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, 9 Oct 2008) **[78a] (p4)**

22.03 The USSD International Religious Freedom 2008, published on 19 September 2008, stated that "At the end of the reporting period, national identity cards continued to note the holder's religion; however, passports do not." **[2n] (p3)** 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)**

22.04 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)**

22.05 The USSD International Religious Freedom report 2008 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." Although the government generally respected these rights in practice, insurgents and militias often did not. **[2n] (p1)**

22.06 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 2008) **[2n] (p3-7)** (UNHCR, Aug 2007) **[40j] (p11)** The UNHCR December 2007 paper commented on various targeted assassinations of religious groups. **[40l] (p6,32,37,41,45,60)** The USSD report for 2007 noted that "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." **[2l] (p13)**

22.07 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)**

22.08 The USSD International Religious Freedom report 2008 detailed kidnappings and assassinations of Christian, Syriac Orthodox and Assyrian Orthodox religious leaders by terrorist groups. **[2n] (p7)**

22.09 The USSD International Religious Freedom report 2008 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 some positive steps with respect to religious freedom during the reporting period." **[2n] (p7)**

22.10 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)**

22.11 The USSD report for 2007 also stated that "Religious leaders were in several instances targeted for killings." The report goes on to mention the shooting of a Chaldean priest and a Sunni imam, both in June 2007. 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.

22.12 The Finnish FFM report for the period 23 October-3 November 2007 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

22.13 On 13 April 2007, IWPR reported that "Sunni insurgents … distrust Sunni who have entered mixed marriages with Shia, suspecting that the Sunni spouse will sympathise with the Shia and work for the government. Such marriages are common - the authorities estimate two million of the 6.5 million marriages in Iraq are between Sunni and Shia, according to the United Nations reporting service IRIN." **[12aa]**

22.14 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]**

22.15 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)**

22.16 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

22.17 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 Feb 2008) **[25i] (p8)** (Jane's, 18 Feb 2008) **[14c] (p1)**

22.18 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 2008) **[2n] (p4-7)**

See also Freedom of religion.

22.19 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)**

22.20 The UNHCR August 2007 report stated that "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)**

22.21 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)**

22.22 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)**

22.23 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)**

22.24 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)**

22.25 The IGC Report, published on 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)**

22.26 Jane's Sentinel, updated on 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)**

22.27 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. 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. 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 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 Factbox: Main players in Iraq's Basra, 25 Mar 2008) **[7e]**

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Shi'a Muslims

22.28 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)**

22.29 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)**

22.30 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. 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

22.31 The USSD International Religious Freedom report for 2008 commented that "Sunnis form the majority in the west, center, and the north of the country." **[2n] (p1)** The BBC report, dated 17 February 2005, stated "Sunni Arabs have dominated the politics of Iraq since 1921." 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]**

22.32 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 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)**

22.33 The USSD International Religious Freedom report 2008, recorded: "Sunni Muslims also continued to claim general discrimination during the reporting period, alleging that it was due to an ongoing campaign of revenge by the Shi'a majority for the Sunnis' presumed favored status and abuses of Shi'a under the former regime, and 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 Sunnis strongly denounced the insurgency." **[2n] (p7)**

Wahhabi branch of the Islam

22.34 The USSD International Religious Freedom report 2008 noted "… a 2001 resolution prohibits the Wahhabi branch of Islam. While provisions on freedom of religion in the new Constitution may supersede these laws, no court challenges have been brought to have [it] invalidated, and no legislation has been proposed to repeal [it]." **[2n] (p3)**

Baha'i faith

22.35 The USSD International Religious Freedom report 2008 recorded "Law No. 105 of 1970 prohibits the Baha'i faith." **[2n] (p3)** 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 2008) **[2n] (p3)**

> "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, Aug 2007) **[40j] (p82)**

22.36 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

22.37 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

22.38 Reports suggested that Iraqis were often targeted by militia or insurgents because of their religious identity or secular leanings. (USSD International Religious Freedom report 2007) **[2i]** (USSD International Religious Freedom report 2008) **[2n]** (UNHCR, Dec 2007) **[40l] (p6,32,37,41,45,60)** 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)** It was reported by the UNSC that in the lead up to provincial elections on disputed territories, the rights and security of minority groups in these regions (Ninawa, Tamin and Diyala) was of concern. Further: "Reports have also been received of minority groups being forced to identify themselves as either Arabs or Kurds and prohibited from using their own languages, which is contrary to the Iraqi Constitution, which protects minority rights." (UNSC, 6 Nov 2008) **[38r] (p11)**

See also Recent developments.

22.39 Members of non-Muslim religious groups were targeted for not adhering to strict Islamic law. (USSD International Religious Freedom report 2008) **[2n] (p5)** For instance, there were reports of stores that provided unIslamic goods, such as alcohol, which 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 2008) **[2n] (p5)** 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)**

22.40 The USSD International Religious Freedom report 2008 noted that "Non-Muslims, particularly Christians and Yezidis, complained of being isolated by the Muslim majority because of their religious differences. Many non-Muslims continued to complain they were disenfranchised, marginalized, and not adequately represented." **[2n] (p7)**

22.41 Further "The combination of discriminatory hiring practices by members of the majority Muslim population, attacks against non-Muslim businesses, corruption, and the overall lack of rule of law, 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 2008) **[2n] (p7)**

22.42 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)**

22.43 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

22.44 The USSD International Religious Freedom report 2008 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. 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 the north from the more volatile areas in the middle and southern parts of the country, where pressures to conform publicly to narrow interpretations of Islamic tenets were greater. In May 2008 IOM estimated there were 58,600 internally displaced persons in the Ninewa Plain." **[2n] (p4)**

See also Christians.

22.45 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

22.46 The Minority Rights Group (MRG) report of 2008 stated "Iraq's Christian minorities, from the ancient communities of Chaldo-Assyrians and Syriac-speaking Orthodox Christians to the Armenians who fled to Iraq from the Ottoman Empire early in the twentieth centry [sic], are now all under severe threat." **[121c] (p152)** The USSD International Religious Freedom report for 2006 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)**

22.47 The USSD report on International Religious Freedom 2008, recorded that:

"Reported estimates of the Christian population in 2003 range from 800,000 to 1.2 million. Current population estimates range from 550,000 to 800,000. Approximately two-thirds of Christians in the country are Chaldeans (an eastern rite of the Catholic Church), nearly one-third are Assyrians (Church of the East), and the remainder are Syriacs (Eastern Orthodox), Armenians (Roman Catholic and Eastern Orthodox), Anglicans, and other Protestants. Most Assyrian Christians are found in the north, and most Syriac Christians are split between Baghdad, Kirkuk, and the Ninewa province. It is estimated that as much as 50 percent of the country's Christian population live in Baghdad, and between 30 and 40 percent live in the north, with the largest Christian communities there located in and around Mosul, Erbil, Dohuk, and Kirkuk. The Archbishop of the Armenian Diocese reported that 15,000 to 16,000 Armenian Christians remained in the country, primarily in the cities of Baghdad, Basrah, Kirkuk, and Mosul. It was reported that evangelical Christians number between 5,000 and 6,000. They can be found in the northern part of the country, as well as in Baghdad. A very small number reside in Basrah." **[2n] (p1)**

22.48 The UNSC report, 6 November 2008, stated that "Starting in August [2007], attempts at intimidation against Christians in Mosul were reported with a dramatic increase in violence in the first two weeks of October 2008. Over 2,200 families, more than 10,000 individuals, have reportedly fled their homes and most have sought temporary shelter in the Ninawa plains, leading my Special Representative to publicly express concern and strongly condemn the killing of civilians on 12 October. The development comes at a very sensitive time, and against a backdrop of heightened political tensions regarding the unresolved issues of minority representation in the provincial elections and disputed internal boundaries." **[2n] (p1)** IRIN News also reported that violence against Christians had erupted again in Mosul on 4 October 2008, when gunmen assassinated and threatened Christians, telling them to leave the city. (IRIN, 20 Oct 2008) **[18cv]** "The killings were followed by threatening messages disseminated in Christian neighbourhoods by loudspeakers mounted on cars, and the bombing of Christian dwellings in Mosul." (UNSC, 6 Nov 2008) **[38r] (p11)** Around 12,000 Iraqi Christians fled Mosul as a result of the violence. (BBC, 28 Oct 2008) **[4di]** Development and Peace reported, on 30 October 2008, that twelve Christians had been killed as a result of violence in October. **[149a]** On 6 November 2008, IRIN reported that "About 400 Christian families, (some 2,400 individuals) have returned to their homes in the northern city of Mosul after a spate of threats and killings led them to flee in early October." **[18cu]**

22.49 The IOM, in their report of 1November 2008, commented on Christians fleeing violence in Mosul, and stated that "The majority left to safer parts of Ninewa, while some also fled to Dahuk, Erbil, and Kirkuk governorates. Iraqi Security Forces have been deployed to secure the area, after which the murders and displacement have significantly decreased." **[111k] (p2)**

See also Internally displaced people.

22.50 This followed on from previous violence in 2007; UNAMI's April to June 2007 report noted that "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)** In September 2007, a further 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. 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." **[4cy]**

22.51 The UNHCR noted that, as of April 2008, 20% of Iraqi refugees in Syria were Christians. **[40o] (p4)** Others fled to the relative safety of the Kurdish-controlled north; (RFE/RL, 17 Apr 2008) **[22y]** Minority Rights Group, published 6 March 2008, commented that "Reports indicated that 3,000 Christian families have left Baghdad and moved to the Kurdish Territories, whilst another 4,000 have moved to the Nineveh Plains." **[121c] (p151)** The MRG report further commented that "… while Christians make up 4 per cent of the overall Iraqi population, they constiture *[sic]* 40 per cent of Iraqi refugees." **[121c] (p154)**

22.52 On 3 July 2008, IRIN News reported that 172 fatalities due to direct or indirect attacks had been recorded in the Christian community in Iraq, and that 1,752 Christians families (around 9,000 people) were living as IDPs. **[18co]** Representatives of Iraq's Christian community stated that attacks against Christians in Baghdad and Mosul resulted in 44 people killed during the last six months of 2007. (UNAMI, Jul-Dec 2007) **[39l] (p17)** In particular, a rise in attacks on Christian families in al-Dora district, Baghdad, was reported in UNAMI's previous report of April to June 2007: "By the end of June, the number of displaced Christian families from the Baghdad area reached 1,200, according to church sources." (UNAMI, 1 April-30 June 2007) **[39h] (p12)** The USSD report for 2007 commented that Christians in the al-Dora district received threatening letters demanding they left or be killed. **[2i] (p6)** Further:

> "Christian leaders stated in press reports that 500 families left the Doura District [Baghdad] between April and May 2007, and the United Nations High Commission for Refugees (UNHCR) reportedly counted at least 100 families fleeing Doura. Due to the improved security situation this reporting period, a number of Christian families returned to their Doura homes." (USSD International Religious Freedom Report 2008) **[2n] (p6)**

22.53 Christian women also faced increasing pressure to adhere to strict Islamic dress codes and to cover their hair with a veil. (RFE/RL, 17 Apr 2008) **[22y]** (USSD International Religious Freedom 2007) **[2i] (p4)** (USSD International Religious Freedom 2008) **[2n] (p5)** (Minority Rights Group, 6 Mar 2008) **[121c] (p151)**

22.54 UNHCR's August 2007 paper recorded the 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, Aug 2007) **[40j] (p65)**

22.55 The ACCORD/UNHCR COI report, November 2007, stated "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)**

22.56 RFE/RL reported, on 17 April 2008, that al-Sadr's militia, the Mahdi Army had been one of the main perpetrator of violence against Christians in Iraq.

> "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." **[22y]**

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Christians in the KRG area

22.57 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)**

22.58 UNHCR's August 2007 paper also noted that Christian converts in the KRG would not 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)**

22.59 The Finnish FFM report, for the period 23 October-3 November 2007, 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." **[131] (p5)**

"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)**

22.60 The Finnish 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)**

22.61 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

22.62 The Minority Rights Group (MRG) report, published 6 March 2008, stated "The Mandaean-Sabeans are an ancient people whose faith dates back to pre-Christian times…. The Mandaean faith is centred around John the Baptist." **[121c] (p152)**

22.63 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, Aug 2007) **[40j] (p68**

22.64 The MRG report further of 2008 noted that "Today, it is estimated that only 5,000 Mandaeans remain in Iraq, mostly in Baghdad, and in the area around Basra.

"Since the US-led invasion of Iraq in 2003, Mandaeans have been the specific targets of violence. Mandaean women and children have been kidnapped and forcibly converted to Islam by rape, circumcision, physical beatings and even burning by bonfire. The community has suffered the looting and destruction of their homes and businesses …

"Mandaeans do not have the protection of tribal structures, and their pacifism means they will not turn to violence, even in self-defence. Thus they are among the most vulnerable communities in Iraq. They daily face the harrowing dilemma: convert, leave or die." **[121c] (p152)**

22.65 The BBC concurred, noting in an article of 19 October 2008, that "It is thought fewer than 5,000 remain, the rest have been killed or have fled abroad." **[4dh]**

22.66 Mandaeans also assumed Islamic names out of fear of persecution. (STP,

March 2006) **[110a] (p2)**

22.67 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, Aug 2007) **[40j] (p71)** The MRG 2008 report further commented that for most Mandaeans, relocation to the KRG was not an option, as few had family or community ties in the area. **[121c] (p152)**

22.68 The USSD report for 2007 also reported on an 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)**

22.69 The USSD International Religious Freedom report 2008 recorded: "The Sabean-Mandaean community continued to decline; according to Sabean-Mandaean leaders, 3,500 to 5,000 remained in the country, down from an estimated 5,000 to 7,000 in the previous reporting period.… leaders reported that their community continued to be targeted. They reported forced conversions, hijab wearing by Sabean-Mandaean women, and kidnappings for ransom. While ransom payments secured the release of some victims, other victims, despite the payment, were killed or remained missing. They also reported that Islamic extremists threatened many Sabean-Mandaeans." **[2n] (p2, p6)** Further, "On February 2, 2008, ten members of a Sabean-Mandaean family died in a rocket attack on their house in the Alaza area in Kut after having received threats from Islamist militants." **[2n] (p6)**

Yazidis

22.70 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 USSD report for 2008 recorded that "Yezidi leaders reported that most of the country's 500,000 to 600,000 Yezidis resided in the north, near Dohuk and Mosul." **[2n] (p2)**

22.71 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 Oct 2005) **[40d] (p6)** UNHCR's August 2007 Eligibility Guidelines paper noted:

> "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)**

22.72 Sunni insurgents have attempted to forcibly removed Yazidis from towns such as Sinjar, Mosul, and Tal-Afar. (AFP, 13 Oct 2006)**[21f]** Yazidis were also affected by campaigns requesting the compliance with Islamic dress codes and values (UNHCR, Oct 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 Oct 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)**

22.73 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)**

22.74 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)**

22.75 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)**

22.76 The UNHCR December 2007 paper also listed attacks on Yazidis. **[40l] (p73, 74)**

22.77 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 [sic] for such sanctions." **[40j] (p80)**

22.78 The Finnish FFM to the KRG area of Iraq, for the period 23 October-3 November 2007, stated that: "Unemployment is a big problem for Yazidis particularly outside the KRG-administered region." **[131] (p17)**

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Kaka'i

22.79 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)**

22.80 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

22.81 The USSD International Religious Freedom report 2008 noted that "[The] law specifically precludes Jews from regaining citizenship in the event it is ever withdrawn." **[2n] (p3)**

22.82 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)**

22.83 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)**

22.84 On 27 July 2007, *Time* magazine reported that, according to a Christian priest in Baghdad, there were only eight Jews remaining in the city. 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]** An article in the *New York Times* published 1 June 2008, also reported that there were only seven or eight remaining Jews in Baghdad. **[24l]**

Shabaks

22.85 Shabaks have also been pressured into converting to Islam. (UNAMI, 1 November-31 December 2006) **[39f] (p13)**

22.86 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)**

22.87 The USSD International Religious Freedom report 2008 noted "Shabak leaders stated there are 200,000 to 500,000 Shabaks, who reside mainly in the north near Mosul." **[2i] (p2)**

22.88 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)** The UNSC report of 6 November 2008 commented on the assassination of

prominent Shabak leader, Mullah Abbas Khadhim, in Ninawa in July 2008; noting that no persons had been bought to justice for his killing. **[38r] (p11)**

22.89 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)**

22.90 The MRG report for 2008, commented on the harassment of the Shabaks by Kurdish militants, stating "In the interests of extending land claims in the northern Nineweh governorate, these Kurds assert that, despite Shabaks' distinct ethnic language and recognition as an ethnic group, Shabaks are really Kurds. Additionally, the majority of Shabak who are Shia have been targeted by Sunni militants." **[121c] (p154)** On 3 July 2008, IRIN News reported that a report by Iraq's Ministry of Human Rights, covering the period 2003-2007, had found the Shabak minority in Ninewa, northern Iraq, had suffered the highest number of deaths of the ethnic communities, with 529 fatalities and 3,078 families (about 16,000 individuals) displaced. **[18co]**

22.91 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

23.01 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)**

23.02 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)**

23.03 UNHCR's Eligibility Guidelines paper of August 2007 noted 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)**

23.04 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)**

23.05 A report by MRG, published in March 2008, stated "Violence between Kurds and Arabs increased during 2007, as a referendum slated for the end of the year on the future status of the oil-rich town of Kirkuk neared. The Iraqi Constitution provides for the referendum to decide on whether Kirkuk province will join the autonomous Kurdistan Region.." **[121c] (p153-4)**

ARABS

23.06 The CIA world factbook (last updated on 9 October 2008) stated that 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 Sep 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]**

23.07 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)**

23.08 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)**

23.09 The UNHCR report of August 2007, commented that "Sunni Arabs, who had largely dominated the country under the previous regime, perceived themselves as politically and economically marginalized, particularly by two far-reaching decisions of the CPA, namely the de-Ba'athification Order and the Order to dissolve the Iraqi Army. Sunni Arabs now form the backbone of the ongoing insurgency in Iraq." **[40j] (p37)**

23.10 The MRG report, published March 2008, stated that "In April [2007] the central government approved an incentive package for Sunni Arabs forcibly settled in Kirkuk under Saddam Hussein to return to their original homelands in the south. According to an Iraq minister, by October 2007, around 1,000 Sunni Arab families had accepted approximately US $15,000 payment to leave their Kirkuk homes." **[121c] (p153-4)** There were also reports that Kurdish forces targeted Arabs in Kirkuk; (IRIN News, 16 Sep 2007) **[18ck]** (MRG, Mar 2008) **[121c] (p154)** since June 2007 over 2,000 Arab families had fled, forced out by Kurdish militia. (IRIN News, 16 September 2007) **[18ck]**

Marsh Arabs

23.11 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)**

23.12 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]**

23.13 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

23.14 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]**

23.15 The US Library of Congress, in August 2006, noted "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, noted "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]**

23.16 The UNHCR report of August 2007, stated that "Kurds have also been perceived as supporters of the 'foreign occupation,' given their staunch support of the US-led invasion in 2003 and presence in the country, full involvement in the political process, political efforts to achieve federalism in Iraq (viewed by many Sunni Arabs as a precursor to the break-up of Iraq), and reported relations with Israel. This has resulted in a number of attacks on Kurdish political and military representatives, offices of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and Kurdish civilians." **[40j] (p12)**

23.17 The UNHCR report further noted that "Turkmen, Arab, Christian and Shabak parties claim harassment and forced assimilation by Kurdish militias in Kirkuk and other mixed areas such as villages in the Ninewa Plain, with the aim of incorporating these areas into the Region of Kurdistan." **[40j] (p12)**

23.18 The CSIS report, dated 22 June 2006, stated 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 sceptical [sic] 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)**

23.19 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)**

Faili Kurds

23.20 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

23.21 The MRG report for 2008, commented that "Faili, who are Shia Krds *[sic]*, also face threats on sectarian grounds." The report noted an incident in July 2007 where a truck bomb exploded outside a café patronised by Faili in Amirli, killing 105 people. **[121c] (p154)**

TURKMENS

23.22 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)**

23.23 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)**

23.24 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 Oct 2006) **[6ad]** (IRIN, 16 Nov 2006) **[18bc]** (RFE/RL, 2 Nov 2006) **[22u]**

23.25 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)**

23.26 The MRG report, published March 2008, commented that Turkomans living in Kirkuk had been targeted by Kurdish forces, including through abduction and torture campaigns. The report further noted that "Turkomans view Kirkuk as historically theirs. Out of its opposition to the Kurds gaining control of Kirkuk and the likewise-disputed oil-town of Mosul, turkey has provided backing for Turkoman militias that are confronting Kurdish forces. Apart from the competition for land, Turkomans have been targeted on sectarian grounds, with women being particularly vulnerable." **[121c] (p154)**

ASSYRIANS AND CHALDEANS

23.27 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)**

23.28 Assyrians in the Nenevah Plains were pressured into converting to Islam. "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 Nov-31 Dec 2006) **[39f] (p13)**

See also Christians

ROMA

23.29 The UNHCR report, August 2007, stated "The Roma, or Kawliyah, originate from India, but have been living in Iraq for hundreds of years. They are a distinct ethnic group with their own language, traditions and culture, although they have never been recognized as such in Iraq. Roma usually adopt the

dominant religion of the host country while preserving aspects of their particular belief systems. In Iraq, they usually adhere to Islam, either the Sunni or Shi'a branch. The Kawliyah used to live a nomadic life, were not registered and did not have any documentation.

"There are no official statistics on the number of Roma in Iraq. It is estimated that some 10,000 individuals lived in the Baghdad area before the fall of the former regime. Today, Kawliyah tribal leaders say that there are more than 60,000 in the whole country, with some 11,000 in the Governorate of Qadissiyah. The Dom Research Center provides a figure of 50,000.

"The Kawliyah community in Iraq has been subjected to persecution for a variety of reasons.… They are collectively reputed as alcohol sellers and prostitutes, both considered 'un-Islamic'. Furthermore, there have been cases in which Kawliyah offered shelter to women at risk of 'honour killings', thereby further contributing to their negative image in Iraqi society. Finally, they are considered to have received privileges and protection from the former regime and, through their work, to be associated with the Ba'athists." **[40j] (p93-4)**

TRIBES/CLANS

23.30 An article in *Middle East Times*, published 9 June 2008, stated that "Iraq has over 100 tribes, some of whose roots trace back 1,000 years. While modernization and urbanization have eroded tribal affiliations, tribal loyalties remain a bedrock of Iraqi society. Indeed, tribal affinities may matter as much as national, ethnic or religious identities. "Tribal influences in Iraq have a greater longer-term effect than religion in many parts of the country. The Iraqi tribes, with tens of thousands of members, are based on lineage. They are concentrated in parts of Iraq, yet branch across to Syria, Jordan, Lebanon and the Gulf region, including the United Arab Emirates." **[141a]**

23.31 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. **[25j] (p11)**

"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

24.01 *The Guardian* reported, on 25 September 2008, that "The 'improved' security situation in Iraq is not benefiting all Iraqis, especially not those who are gay. Islamist death squads are engaged in a homophobic killing spree with the active encouragement of leading Muslim clerics, such as Moqtada al-Sadr … The death squads of the Badr organisation and the Mahdi army are targeting gays and lesbians, according to UN reports, in a systematic campaign of sexual cleansing. They proudly boast of their success, claiming that they have already exterminated all 'perverts and sodomites' in many of the major cities." **[6ai]**

24.02 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)**

24.03 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)**

24.04 On 11 March 2008, 365gay.com reported on the closure of three safe houses in November 2007, in southern Iraq, including one in Basra, due to lack of funds. These shelters were operated by Iraqi LGBT, a London based-group. **[72d]**

LEGAL RIGHTS

24.05 IRIN News reported, on 5 February 2006, that "Since 2001, an amendment to the 1990 Penal Code has made homosexual behaviour between consenting adults a crime. In that year, the Revolutionary Command Council issued a decree making the offences of prostitution, homosexuality, incest and rape punishable by death, according to Amnesty International. It is believed that the sudden introduction of the death penalty for these acts was tied to a desire by Saddam Hussein to win the support of Islamic conservatives. The law has not been changed since the US-led invasion of the country. 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." **[18ah]**

24.06 The IWPR commented, on 20 October 2006, that "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." Further, "…the Saddam era seems like a 'golden' time because homosexuality was discreetly tolerated." **[11w]**

24.07 The 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)**

24.08 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]**

24.09 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

24.10 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. 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, Aug 2007) **[40j] (p127)**

See also Iraqi police

24.11 On 16 April 2007, IRIN News reported "The gay community continues to be subjected to systematic terror by Shia militias, especially the Mahdy Army controlled by the religious leader Muqtada al-Sadr. The government of Iraq is refusing to offer protection …" **[18cn]**

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

24.12 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 Mar 2006) **[72b]** (Advocate.com, 25 Mar 2006) **[75a]** (Pinknews.co.uk, 22 Mar 2006) **[76a]** Armed groups in Iraq increasingly threatened, kidnapped, assaulted and killed homosexuals. (*The Observer*, 6 Aug 2006) **[87b]** (365Gay.com, 11 Apr 2006)**[72a]** (365Gay.com, 15 Mar 2006) **[72b]** (PlanetOut, 27 Mar 2006) **[74a]** (Advocate.com, 25 Mar 2006) **[75a]** (Pinknews.co.uk, 22 Mar 2006) **[76a]**

24.13 Advocate.com's March 2006 article reported that "The Badr Corps is committed to the 'sexual cleansing' of Iraq…" and noted "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]**

24.14 Between October 2005 and 30 June 2006 at least 12 homosexuals were reportedly killed in targeted attacks. (UNAMI, 1 May–30 Jun 2006) **[39a] (p4-5)** (365Gay.com, 11 Apr 2006)**[72a]** At least another 70 have been threatened with kidnapping. (365Gay.com, 11 Apr 2006)**[72a]** An article by 247gay.com, published 16 April 2007, stated that since 2005, "more than 230 cases of abuses against gays and lesbians, including more than 64 deaths" occurred. **[140a]** 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 Jun 2006) **[39a] (p4-5)** (*The Independent*, 20 Jul 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, Oct 2006) **[11w]**

24.15 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]** The UNAMI report of 1 November-31 December 2006, stated "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 Oct 2006) **[11w]**

See also Religious and tribal law

24.16 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)**

24.17 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)**

24.18 On 16 April 2007, IRIN News reported "the number of victims of 'sexual cleansing' is growing on a daily basis." The article continued to note that since the beginning of 2007, more than 30 gays had been executed in Baghdad. According to a spokesman for the Rainbow for Life Organisation (RLO), a Baghdad-based gay rights NGO, "The bodies have been found tortured, mutilated - sometimes with signs of rape …" **[18cn]**

24.19 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)**

24.20 The USSD report for 2007 stated "In April [2007] the Iraqi Lesbian, Gay, Bisexual and Transgender organization stated that eight killings took place between January and April, while several other gay activists were arrested and tortured. During the year reports of persons targeted because of their sexual orientation that were kidnapped or disappeared in Baghdad included a taxi driver, a tailor, a translator, a chef, a college student, and a transvestite. Islamist death squads reportedly were involved in the killings." **[2l] (p20)**

24.21 On 26 August 2008, *Newsweek* reported that militiamen from the Mahdi Army had conducted visits to houses in the Doura neighbourhood of Baghdad, looking for individuals they suspected to be homosexual. **[148a]**

'Honour' killings

24.22 *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)**

24.23 Homosexuality is also considered culturally unacceptable within Kurdish society and therefore goes on behind closed doors. (FCO letter, 6 Dec 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, Aug 2007) **[40j] (p126)**

24.24 *The Observer's* August 2006 article concurred: "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 Feb 2006) **[18ah]**

Lesbian, gay, bisexual and transgender persons in the KRG

24.25 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)**

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DISABILITY

25.01 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)**

25.02 The 2008 Landmine Monitor (LM) report commented on assistance for victims of landmines, stating that "The government of Iraq is unable to cope with the needs of persons with disabilities because of the huge demand for and the scarcity of services. Many persons with disabilities are only cared for within the family network and 90% of them live below the local poverty line. The IHSCO RE [Iraqi Health and Social Care Organization Risk Education] assessment found that only 4% of survivors interviewed had received assistance." **[98c] (p15,14)** The LM report of the previous year stated that:

> "The Ministry of Health has registered 43,600 war-injured people with a disability of 60 percent or more prior to 2003, and approximately 80,000 amputees of whom some 75 to 85 percent reportedly were caused by mines or UXO (unexploded ordinance)." **[98b] (p15,14)**

25.03 The USSD report 2006 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)**

25.04 On 4 October 2007, the ICRC reported they were assisting "eight limb-fitting centres in various parts of the country (including the IRCS centre in Mosul) and manages the physical rehabilitation centre in Erbil. ICRC input includes training and technical support (for example to the Basra centre).

> "The centres supported by the ICRC dealt with 4,730 patients and produced over 600 prostheses and 1,320 orthopaedic appliances from April to June 2007." **[43e] (p2-3)**

25.05 A report by Medact, published in 2008, noted that: "People with learing *[sic]* disabilities receive little specialist help." **[10b] (p10)**

See also Children.

25.06 The ICRC report for 2007, published 27 May 2008, commented on facilities for individuals disabled in action, stating "Physical rehabilitation centres in

Baghdad, Basra, Erbil, Hilla, Mosul and Najaf continued to receive ICRC technical and material support, and similar assistance to the centre in Tikrit started at the request of the Ministry of Health. Following the signing of an agreement with the Iraqi authorities, construction began on a physical rehabilitation centre in Falluja." **[43f] (p339)**

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WOMEN

26.01 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)** The UNSC report, of 6 November 2008, recorded that "The broader situation regarding women's rights and conditions has also shown no significant overall improvement …" **[38r] (p11)**

26.02 The UNAMI human rights report for 1 July-31 December 2007, noted that " … gender-based violence continued to be reported in many locations in Baghdad and other governorates including Basra and Diyala. …

> "In November and December [2007], further reports emerged of scores of so-called 'honor crimes' being perpetrated with regularity in Basra by armed groups or militia. Basra police records on 44 of the victims killed in 2007 showed multiple gunshot wounds to various parts of the body … Notes were reportedly found next to some victims' bodies, accusing them of adultery or of 'un-Islamic' conduct, such as failure to follow certain dress codes or to veil appropriately." **[39l] (p14)**

26.03 The AI report of March 2008 concurred, noting that "With the virtual disintegration of the state and the rise of radical Islamist groups, women who do not wear Islamic dress are being threatened, abducted and killed. Unlike before 2003, many Iraqi women now feel obliged, by the threat of attack or reprisals, to wear Islamic dress." **[28o] (p2)**

See also Social and economic rights.

26.04 The UNAMI report also noted that "In the Region of Kurdistan, violations of women's right to life and liberty continued to be perpetrated during the reporting period, many of them classified as so-called 'honor crimes', as well as instances of domestic and communal violence such as forced marriages and domestic abuse." **[39l] (p14-15)**The report, however, further noted:

> "UNAMI welcomes ongoing efforts by the Women's Committee of the Kurdistan National Assembly to gain support for draft legislation addressing women's rights, including gender-based violence as well as matters of personal status …
>
> "In July and October [2007], the KRG authorities established a department to combat violence against women within the Interior Ministry in Sulaimaniya and Erbil respectively …" **[39l] (p16,15)**

26.05 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)**

26.06 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)**

26.07 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

26.08 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. 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. (Council on Foreign Relations, January 2006) **[8h] (p3)**

26.09 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)**

26.10 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." Despite this, one MP noted the hazards for of getting to work; in 2005 one female MP was shot dead on her door step. 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. "… 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)**

26.11 *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)** The UNAMI report, covering the period 1 July-31 December 2007, 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)**

26.12 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.

26.13 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

26.14 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)**

26.15 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)**

26.16 UNAMI further reported, on 16 July 2008, that "UNAMI is encouraged by the continued inclusion of protections in the draft law that provides quotas and mechanisms for women's inclusion on party lists. This will ensure Iraqi women are given the opportunity to serve on governorate councils." **[39o]**

26.17 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

26.18 The June 2007 Forced Migration Review Special on Iraq stated:

> "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)**

26.19 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)** The problem was compounded by the fact that, according to UNAMI, "70,000 [women] have been widowed in the past 4-5 years." **[39p]**

26.20 On the subject of Islamic dress, particularly the wearing of headscarves (hijab), a number of organisations recorded that women – including non-Muslims – were increasingly pressured to wear a headscarf. (USSD International Religious Freedom report 2008) **[2n] (p5)** (USSD 2007) **[2l] (p18)** (AI, Mar 2008) **[28o] (p2)** (UNAMI, 1 Jul-31 Dec 2007) **[39l] (p14)** (UNHCR, Aug 2007) **[40j] (p122)** (MRG, Feb 2007) **[121a] (p23)** A report by MADRE, an International Women's NGO, published March 2007, commented that "Across Iraq, cities were soon plastered with leaflets and graffiti warning women against going out unveiled, driving, wearing make-up, or shaking hands and socializing with men." **[143a] (p7)**

26.21 The USSD International Religious Freedom report of 2008 also stated that "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. Numerous women, including Christians, reported opting to wear the hijab for security purposes after being harassed for not doing so." The USSD report further noted that Basrah police reported that 40 women were murdered in 2007 for not covering their heads and conforming to a conservative Muslim style of dress, regardless of their religion. **[2n] (p5)**

See also Security situation, Basra; Christians.

> 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)**

26.22 The USSD report of 2007 also 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)**

26.23 The USSD International Religious Freedom report of 2008 also noted: "Students generally were not prohibited from practicing elements of their faith in school; however, during the reporting period, there were some schools and other public places where non-Muslim minorities and secular Arabs were forced to adhere to conservative Islamic practices. This occurred less frequently than in previous reporting periods." **[2n] (p3)** The USSD report of the previous year stated that "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)**

26.24 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)**

26.25 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)**

26.26 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% 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.

26.27 The Iraq Family Health Survey (IFHS), published 9 January 2007, stated that "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)**

26.28 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)**

26.29 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

26.30 The Constitution states that "All forms of violence and abuse in the family, school, and society shall be prohibited." **[82a] (p10)** However, an AI report of March 2008, noted "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)** The UN Security Council report of 28 July 2008, stated that "A database containing more than 400 published reports revealed more than 21,000 cases in Iraq over the past five years. Given the severe and often fatal consequences for victims who report acts of sexual violence, the analysis indicates that only a fraction of the incidents are known." **[38q] (p8)**

26.31 The MADRE report, published March 2007, concurred and stated that "… although most assaults on women occur in public, violence against Iraqi women continues to be perceived mainly as a 'private' or family matter, somehow outside the realm of 'politics.'" **[143a]**

26.32 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. The report adds that "Women whose male family members are wanted for involvement in insurgency are often reportedly arrested in their place." **[18r]**

26.33 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)**

26.34 A report by AI, published March 2008, commented that "Many [women] 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)** An MRG report of February 2007, stated that "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)**

26.35 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. 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. Vigilantes patrol the streets, accosting women not wearing the traditional dress and headscarf, a hijab. (IRIN, 20 Nov 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, 11 Nov 2007) **[4bg]**

26.36 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'…. 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.

26.37 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

26.38 The MADRE report, published in March 2007, commented that "Iraq's new constitution effectively legalizes multiple forms of violence against women." The report goes on to comment on Article 2, Section A, which states "No law that contradicts the established provisions of Islam may be established … can be used to negate guarantees of women's rights enshrined elsewhere in the constitution and to sanction domestic violence and other human rights violations against women." **[143a] (p6)**

26.39 The MADRE report further noted that "Sectarian conflict has made domestic violence more deadly because of the proliferation of guns in Iraq. Because of the threat of attack, nearly every Iraqi household now possesses weapons. … Women's rights advocates in other armed conflicts have noted that, 'domestic violence often increases as societal tensions grow and becomes more common and more lethal when men carry weapons.'" **[143a] (p19)**

26.40 The UNAMI report for the period 1 July-31 December 2007, commented that instances of domestic violence in the Region of Kurdistan were "violations of women's right to life and liberty…" **[39l] (p15)** The Finnish FFM to the KRG of Iraq, for the period 23 October-3 November 2007, also commented domestic violence was widespread in this region of Iraq. **[131] (p11)** The UNAMI report also stated:

> "According to the Minister of State for Interior Affairs, women are reluctant to report spousal or domestic abuse for fear of retributive violence, divorce or even murder. He added that further efforts were needed to enhance public

awareness and to deal with social and religious components of gender-based violence, and that the KRG authorities had conducted activities and supported civil society organizations in this regard." **[39l] (p16)**

26.41 Amnesty International commented, in their annual report for 2008 and their report of March 2008, that domestic violence was on the rise for women. **[28j] (p8) [28o] (p17)**

26.42 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)** MADRE further reported, on 4 December 2007, that, along with the Organization of Women's Freedom in Iraq (OWFI), it "supports women in Iraq by creating a safe network of women's shelters, serving as an Underground Railroad to help these women escape honor killings." **[143b] (p1)** The MADRE report, published March 2007, further commented that "MADRE also supports OWFI's six women's shelters, located in cities across Iraq." **[143a] (p35)**

26.43 Women for Women International, an international NGO with operational programs in Baghdad, in their report published 3 March 2008, stated "The collective advocacy of NGOs and community groups has amplified the voices of women and achieved some hard-fought measures of success." **[130] (p31)** The report noted some of the NGOs that helped collect data for the survey detailed in the report, including The Unified Women's League in Baghdad, Asuda for Combating Violence Against Women, Al-Majed Women's League and Turkmen Women's Association. **[130] (p16)**

26.44 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 statistics below)

26.45 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)**

26.46 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

26.47 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)**

26.48 There were reports that the Iraqi security forces committed acts of rape against women and girls. (AI, Mar 2008) **[28o] (p17)** (USSD Trafficking report for 2008) **[2a] (p1)** The USSD report for 2007 further 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." **[2l] (p18)** UNAMI's January to March 2007 report documented the alleged rape of a woman by members of the Iraqi security forces. **[39g] (p17-18)** See also Iraqi police.

26.49 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)**

26.50 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)**

26.51 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

26.52 "Gender-based violence, murders, suicides, so-called 'accidents' and other suspected 'honour crimes' also continued to be documented in the region of Kurdistan." (UNSC, 28 Jul 2008) **[38q] (p7-8)** 'Honour crimes' continued to be reported with "alarming regularity", the most recent UNSC report noted. (UNSC, 6 Nov 2008) **[38r] (p11)** The UNHCR COI report, October 2005, defined 'honour killings' as:

> "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)**

26.53 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)**

26.54 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. In 2006, 366 burns cases resulting in 66 deaths were recorded. Between January and March 2007, around 40 cases of alleged honour crimes in these three governorates and Salahuddin were reported. 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)**

26.55 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. 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." 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)**

26.56 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)**

26.57 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)**

26.58 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)**

26.59 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]**

26.60 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 wars makeup and appears in public with her hair uncovered. Sectarian groups trying to force a strict interpretation of Islam were reportedly responsible for the attacks." **[18cf]**

26.61 A report by AI, published in 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.

26.62 *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." 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)

26.63 Various sources reported that cases of FGM were reported in area of Northern Iraq. (ACCORD/UNHCR, Nov 2007) **[40m] (p92)** (USSD, 2007) **[2l] (p18)** (UNHCR, Aug 2007) **[40j] (p14)** The USSD report for 2007, published 11 March 2008, "(FGM) is not illegal and was reported in the rural areas of the Kurdish region. In March NGOs organized the publication of an open letter to KRG officials in various regional newspapers to demand legislation banning FGM. More than 13,000 petitioners reportedly endorsed the letter. The government offered no substantive assistance for victims of FGM." **[2l] (p18)**

26.64 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, Aug 2007) **[40j] (p123)**

26.65 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. 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." 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)

26.66 The Finnish FFM report, 23 Oct-3 Nov 2007, noted forced marriage was still

common in the three northern governorates of Iraq. **[131] (p11)**

26.67 The UNHCR August 2007 paper stated that forced marriages between Christian and Sabaean-Mandaean women with Muslim men had been reported, and also within the Yazidi sect. **[40j] (p61, 73 ,81)** The UNHCR report also noted that: "The right of men and women to enter into marriage only if they freely and fully consent is not enshrined in the Constitution." **[40j] (p124)** Further:

> "Under Iraq's Personal Status Law, forced marriage is prohibited and punishable by up to three years' imprisonment. The legal age for marriage is 18, 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. Despite these legal provisions, many women and young girls are forced to marry and risk enduring violence if they reject their families' choice, including 'honour killings'. Marriages of girls below the age of 15 are done according to religious customs and are not legally recognized. In rural areas of Northern Iraq, a practice called Jin bi Jin, meaning 'a woman for a woman', can be a form of forced marriage as it involves the exchange of women between two families where no bride price is paid. Similar practices can also be found in other areas of Iraq. Another custom, known as 'exchange-for-blood marriage', involves giving a girl or woman in marriage to another family as compensation for a killing." **[40j] (p125)**

See also Children.

26.68 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 [sic, hour], if fact. So, it's kind of a pretext for prostitution." **[22w]**

See also Prostitution.

26.69 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)**

26.70 The International Displacement Monitoring Centre (IDMC) report, published 30 March 2007, noted that "An institution known as Muta'a or 'enjoyment marriage' has appeared in the Iraqi society recently and these cases are on the rise. 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 [2006] after their families discovered their

engagement in Muta'a marriage." **[50a] (p168)**

PROSTITUTION

26.71 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)**

26.72 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)**

26.73 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)**

26.74 On 23 October 2007, War Child reported on the stories of three Iraqi children involved in prostitution – one girl, 16, became a prostitute after her family abandoned her when she was convicted on an 'honour crime'. **[115b]**

26.75 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)**

26.76 Reports noted that female refugees had been forced into prostitution in their host countries. (IGC, 10 Jul 2008) **[25k] (p25)** (AI, 15 Jun 2008) **[28p] (p3, 11)**

SINGLE WOMEN

26.77 The UNAMI report, dated 1 November-31 December 2006, noted:

> "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)**

26.78 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)**

26.79 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

27.01 The OHCHR reported that Iraq ratified the Convention on the Rights of the Child on 15 June 1994. **[146a] (p3)** The report, last updated on 2 July 2008 further stated that "The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect to article 14, paragraph 1, concerning the child's freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the *Islamic Shariah*." **[146a] (p11)**

27.02 The UNSC report of 28 July 2008 stated that "The continuing conflict and resulting psycho-social impact of violence and deprivation on millions of Iraqi children is of tremendous concern. Violations against children are being committed on a large scale and include child recruitment, attacks on schools and hospitals, killing and maiming by indiscriminate attacks and lack of humanitarian access due to insecure conditions." **[38q] (p8)**

27.03 The UNSC report of 21 December 2007, noted that "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)**The International Organisation for Migration's (IOM) 2007 Mid-Year Review also commented on displaced children, stating "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)**

27.04 The IDP Working Group members report, published 28 March 2008, further commented that due to the high number of IDP children, incidents of early marriage amongst Iraqi girls, drug abuse and prostitution have all increased. Children were also reported to have displayed symptoms of psychological trauma in unstable areas. **[135] (p18)**

See also Internally Displaced People (IDPs).

27.05 The UNICEF humanitarian action report for Iraq, published 25 June 2008, noted that Iraq ranked as the 41st worst country in a global survey of under-five mortality rates and 34th worst concerning infant mortality rates. **[27g] (p130)**The June 2007 Forced Migration Review Special Issue on Iraq further 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)**

27.06 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)**

27.07 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]**

27.08 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]**

EDUCATION

27.09 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 Christian Science Monitor, on 9 July 2008, stated

> "In the 1970s and '80s, Iraq's public and higher-education systems were the pride of the Arab world. The impact of international sanctions in the 1990s ushered in a period of decline that was worsened by the disruption and sectarian conflict that followed the US-led invasion in 2003." **[34d]**

27.10 The USSD report for 2007 stated that "Free primary education is compulsory for six years, and 89 percent of students reached the fifth grade. 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. 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)**

27.11 The UNSC report of 21 December 2007, commented that "UNICEF estimates that at least 30 per cent of Iraqi children are not currently attending school." **[38o] (p14)** The UNSC report of 6 November 2008, stated that "Across parts of Al-Anbar, Babil and Basra, fewer than 60 per cent of children aged 6 to 11 had regularly attended school in the past two school months. In many of these governorates, over 30 per cent of primary schools operate two or more shifts per day." **[38r] (p11)**

27.12 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. 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]**

27.13 A survey of 1,513 Iraqi women, reported by Women for Women Institute on 3 March 2008 noted that "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] (p8)**

27.14 The 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)**

27.15 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.

27.16 A report by UNICEF, published 14 February 2008, recorded that "Throughout the year, many schools did not open regularly or overcrowded, local health centres were under-stocked and water supplies a growing challenge." **[27h] (p2)** However, on 21 December 2007, UNICEF reported that "Approximately 4.7 million Iraqi primary school children benefited from UNICEF-supported investment in education: including distribution of critical school materials, rebuilding and restoring schools, adding extra classrooms for displaced children and providing accelerated learning opportunities. A government-supported assessment of school attendance rates in 2007 is now in process (83 per cent of Iraq's primary school age group was estimated to be attending school during the 2005/2006 school year)." **[27d]**

27.17 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)** The UNICEF report, published 14 February 2008, further commented: "An unnaceptable number of Iraqi schools, teachers and pupils were targeted or caught in the crossfire of local conflict – particularly in southern and central Iraq." **[27h] (p8)**

27.18 On 23 May 2008, UNICEF reported that violence in Sadr City had damaged more than 29 schools, with some being destroyed completely and parents opting to keep their children for security reasons, despite the declaration of a ceasefire in the area. The article noted that UNICEF was working to help rebuild schools and provide new school supplies. **[27e]** Further to this the UNSC report of 28 July 2008, commented that work was underway to repair 14 out of 22 damaged schools in Sadr City, Baghdad. **[38q] (p11)**

27.19 There were reports that students and teachers were the target of militia or insurgents groups, who threatened to close down or face violence. (UNAMI, Jan-Mar 2007) **[39g] (p8)** (UNAMI, Jul-Dec 2007) **[39l] (p9)** (USSD 2007) **[2l] (p11)** (UNSC, 21 Dec 2007) **[38o] (p3)** There were also reports that insurgents and militias targeted academics. (USSD 2007) **[2l] (p11)** (UNSC, 21 Dec 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)**

27.20 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 UNHCR August 2007 paper stated that "As a consequence of frequent attacks directed against educational facilities and teaching professionals, many schools and universities hold irregular classes or have suspended classes altogether. Many schools in volatile areas remain closed." **[40j] (p112)**

27.21 The UNICEF report, published 14 February 2008, stated "Displacement raised additional barriers to learning. Iraq's rates of internal displacement peaked in April and May 2007, with almost 200,000 school-age children displaced, rising to 220,000 by year-end. Lack of proper documentation prevented re-enrollment in many areas, adding to high drop-out rates of up to 5% for primary levels. Arabic teachers were also dispatched to the Kurdistan Region to help tens of thousands of displaced Arabic-speaking children struggling in Kurdish language classrooms." **[27h] (p8)**

27.22 The IDP working group report, published on 28 March 2008, commented on IDP children that "Students are still encountering difficulties in transferring documentation needed for school in their place of displacement. In particular, in January [2008], cases in Kirkuk and in Baghdad were reported." **[135] (p18)**

27.23 The UNSC report, published on 6 November 2008, recorded that "UNICEF has also successfully completed the training of 664 teachers, head teachers and supervisors in child-centred and active learning methods, 18,000 teachers in psycho-social support and 210 teachers in northern Iraq addressing the needs of children with disabilities." **[38p] (p9)**

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CHILD CARE: ORPHANS AND STREET CHILDREN

27.24 On 21 November 2007, IRIN News reported that "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." 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]**

27.25 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)**

27.26 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." **[2l] (p19)** AVERT, an international HIV and AIDS charity, noted that the age of consent in Iraq was 18. **[147] (p4)** An article by UNICEF, published 31 August 2007, also stated:

> "Many street children end up trapped in even more desperate situations, drawn into drugs, prostitution and violence. The more fortunate ones find a refuge in government institutions. The unlucky ones end up in trouble with the police or permanently damaged by the worst forms of economic and sexual exploitation, their childhoods lost." **[27i]**

27.27 The USSD report for 2007 stated:

> "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)**

27.28 On 19 November 2007, IRIN news also reported on this cholera outbreak in which had infected four Iraqi orphans and killed two. **[18cb]** On 21 November 2007, IRIN News reported on children with serious illnesses were often abandoned on the streets of Baghdad. **[18cc]**

See also Medical issues; Health Issues.

27.29 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)**

HEALTH ISSUES

27.30 UNICEF reported on 21 December 2007, that "An estimated two million children in Iraq continue to face threats including poor nutrition, disease and interrupted education." The article further noted that with over $40 million dollars invested by UNICEF during 2007, "Iraqi health workers conduct[ed] 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]**

27.31 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)** The UNSC paper of 28 July 2008, reported that "WHO and UNICEF supported a vaccination drive for 239,000 children … [had] contained a measles outbreak." **[38q] (p11)** UNICEF further reported, on 4 November 2008, that the Iraqi Government had delivered vaccinations to around 5 million under five-year-olds. **[27j]** However, the UNSC report of 6 November 2008, commented that "In poor subdistricts of Baghdad, as few as 18 per cent of children aged 1 to 5 years were found to be immunized against measles." **[38r] (p11)**

27.32 In November 2007 a cholera outbreak infected four and killed two children in a Baghdad orphanage – see Child care: orphans and street children.

27.33 The most recent WHO Daily Situation Report on Diarrhoea and Cholera in Iraq, published 4 November 2008, stated that of the 738 laboratory-confirmed Cholera cases, 51% of the cases were found in children under 5 years of age. The report also stated that of the 8 deaths due to cholera, 50% of those were in children below the age of 5. **[23g]**

27.34 On 11 February 2008, IRIN News reported on an outbreak of leishmaniasis in Qadissiya, south of Baghdad. 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]**

27.35 Doctors for Iraq, in their March 2008 newsletter, commented that "A study carried out by the Ministry of Health in Iraq showed the total number of children born with neonatal anomalies from 2001 to 2006 reached almost 13129. Data from 2007 shows that 1919 children were registered as born with anomalies. According to the study the governorate of Naynawa had one of the highest rates of cases of neonatal anomalies wit [sic] 411 cases, followed by Baghdad with 372 and Basra came third with 300 children with neonatal anomalies." **[136a] (p11)**

See also Medical issues.

27.36 A report by UNICEF, published 14 February 2008, stated that "Instability also took a growing toll on children's behaviour. A report by the WHO in March 2007 said that 30% of Iraqi children were showing classic signs of anxiety and distress: including bedwetting, poor concentration and violence." **[27h] (p10)**

See also Mental Health.

JUVENILE PRISONERS

27.37 The USSD report for 2007 stated that "A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MoI personnel and adult prisoners. There were also allegations that some family members of the inmates were also sexually assaulted. Following the inspection of Site 4, the government worked to improve conditions for the detainees, relocating many including juveniles to safer locations. In June arrest warrants were issued for over 50 suspected abusers. However, the MoI had yet to execute any of the arrest warrants by year's end." **[2l] (p5)**

27.38 The Prisoners' Association for Justice (PAJ) reported that children were being abused and tortured during interrogation in Iraqi prisons. (IRIN, 25 Oct 2007) **[18by]** (AI 2008) **[28j [p5]** 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] [28j [p5]** 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 Oct 2007) **[18by]**

27.39 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 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 [2007]." **[39l] (p28)** A report by HRW,

published 21 May 2008, estimated that 513 children were being held by the MNF as "imperative threats to security …"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." **[15w]**

27.40 The UNSC report of 28 July 2008, stated that "Approximately 1,500 children are known to be held in detention facilities for alleged association with armed groups and in centres where they are mixed with adults." **[38q] (p8)**

CHILD LABOUR

27.41 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, the USSD report of 2007 noted that "Despite laws against child labor, children often worked as laborers on rural farms or in street commerce." **[2l] (p19)**

27.42 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)**

27.43 On 12 June 2007, IRIN News reported that "The UN Children's Agency (UNICEF) estimates that about 11 percent of Iraqi children under 14 work. …

> "'Since last year [2006] we have observed a huge increase in the number of children on the streets, and the number of orphans resulting from sectarian violence has also increased. This is disastrous for the future of Iraq because those children are not getting an education and are exposed to drugs, prostitution and sexual harassment," Professor Salah Faris, a social and economic analyst at Baghdad University, said, adding: 'There are few projects tackling child labour in Iraq today. …'" **[18cq]**

27.44 Further to this IRIN News reported that according to the president of Keeping Children Alive (KCA), a local NGO, "two of their projects tackling child labour had to be stopped after they received threats from gangs and militias that were using children on the streets as fighters or drug sellers." **[18cq]** Another article by IRIN News, published 25 October 2007, also mentioned that KCA worked with children with mental disorders. **[18cr]**

See Mental health.

CHILD SOLDIERS

27.45 The Child Soldiers global report 2008, stated that "In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of

universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres." **[42a] (p179)**

Children recruited by insurgents

27.46 There were reports that children were being recruited by insurgents into the ranks of militias, such as Al-Qaeda. (IRIN News, 2 Nov 2006) **[18ax]** (IRIN News, 10 Apr 2007) **[18bu]** (UNSC, 21 Dec 2007) **[39o] (p13)** (UNICEF, 20 Jun 2008) **[27f]** (UNSC, 21 Dec 2007) **[39q] (p8)** The Child Soldiers global report 2008 noted that "The two main child recruiters were al-Qaeda in Iraq and Jaysh al-Mahdi (Army of the Mahdi), according to research conducted by an Iraqi NGO. These groups reportedly used money to entice children into the group. **[42a] (p179)**

27.47 Children were used as decoys in suicide car bombings (UNSC, 21 Dec 2007) **[39bo] (p13)** and allegedly used by al-Qaeda as spies, or sent to distract troops while the group prepared to detonate bombs nearby; at least 12 children had died as a result of this practice. (War Child, 2008) **[42a] (p180)** There were reports of mentally handicapped children being sold by their parents to al-Qaeda to fight US and Iraqi forces. (IRIN News, 10 Apr 2007) **[18bu]** (Child Soldiers, 2008) **[42a] (p179)** Officials at local NGOs said there had been may reports that mentally handicapped children were being in insurgent attacks to divert the attention of US or Iraq forces, especially in cities such as Diyala, Ramadi and Fallujah. (IRIN News, 10 Apr 2007) **[18bu]** (Child Soldiers, 2008) **[42a] (p179)** The Child Soldiers 2008 report noted that:

> "On 21 March 2007 mentally disabled children were allegedly used by al-Qaeda in Iraq operatives in a suicide attack on a market in the Adhamiyah neighbourhood of Baghdad. According to a spokesperson for the Ministry of Interior, 'they were put in the back of a car with another two adults in the front. The military let their car pass through the check point since it had children as passengers. When they reached the market, they [the adults] left the car with the children inside and detonated a bomb in the vehicle, killing the children and another five Iraqis.'" **[42a] (p179-180)**

27.48 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. 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. 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.

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TRAFFICKING

28.01 The USSD Trafficking in Persons report of June 2008 stated that "Iraq is a source and destination country for men and women trafficked for commercial sexual exploitation and involuntary servitude. Iraqi children are trafficked within the country and abroad for commercial sexual exploitation; criminal gangs may have targeted young boys, and staff of private orphanages may have trafficked young girls for forced prostitution." **[2a] (p271)**

28.02 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)**

28.03 A June 2007 Forced Migration Review (FMR) Special Issue on Iraq recorded that:

> "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)**

28.04 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, 2006) **[33a] (p25)** The USSD Trafficking in Persons Report, June 2007, added:

> "Iraq did not take any meaningful action to address trafficking in persons over the reporting period. Although it has a functioning judiciary, the government neither prosecuted any trafficking cases this year nor convicted any traffickers. Furthermore, the government offers no protection services to victims of trafficking, reported no efforts to prevent trafficking in persons, and does not acknowledge trafficking to be a problem in the country. … despite reports of a growing trafficking problem among women and foreign nationals in the country for labor. The government does not sponsor any anti-trafficking campaigns, and did not monitor immigration and emigration patterns for evidence of trafficking. Iraq has not ratified the 2000 UN TIP Protocol." **[2a] (p271)**

28.05 Jane's Sentinel, last updated 18 February 2008, stated that "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)**

28.06 The Doctors for Iraq Newsletter for March 2008, reported that members a criminal gang, thought to be part of a network responsible for child trafficking into neighbouring countries, had been arrested after they were caught trying to steal babies from Kazimiya children's hospital in Baghdad. **[136a] (p2)**

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MEDICAL ISSUES

29.01 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)**

29.02 A report by Medact, published 23 January 2008, 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)**

29.03 The Medact report also noted that "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)** In an interview in the March 2008 edition of Doctors for Iraq newsletter, a Baghdad based medical relief NGO, the Iraqi Minister of Health admitted that "the countries [sic] health system has deteriorated and one of the biggest problems facing the country is the migration of doctors." **[136a] (p2)**

29.04 A report by The International Committee for the Red Cross (ICRC), published 15 March 2008, noted that "… 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. **[43d] (p8)**

29.05 In its 2007 Mid-Year Review, the 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. … 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)**

29.06 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. Regarding asthma, the prevalence was 8.3 per 1000 persons. **[23d] (p15)**

29.07 The Women for Women International Iraq report, published 5 March 2008, which surveyed 1,513 Iraqi women, noted that 57.1% had said their families lacked adequate medical care. The report also stated that: "Rising prices have negatively impacted health and medical care as well." **[130] (p24)**

29.08 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)**

Drugs and medical equipment

29.09 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. 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. 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. There was also reported to be a black market supply of certain cancer treatments. 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.

29.10 Consequently, the Doctors for Iraq newsletter for March 2008, commented that "According to the latest reports from the Ministry of Health there has been a substantial increase in the recorded cases of cancer. There are a reported 6000 cases in the middle Euphrates region. … the most common cancer in women was breast cancer and in men lung and bladder cancer. Among children it was leukaemias and lymphomas." **[136a] (p11)**

29.11 The Associated Press reported, on 18 February 2008, that "Drug supplies are so low that Iraqis hospitalized for illnesses as serious as cancer are asked to track down their own medicine." Whereas before the invasion in 2003, pharmacists obtained drugs through government-owned medicine depots, doctors now had to visit private pharmacies. **[65j]**

29.12 A report by The International Committee for the Red Cross (ICRC), published 15 March 2008, noted that:

> "… 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)**

29.13 Nevertheless, the ICRC report for 2007, published 27 May 2008, stated that it had helped medical facilities to continue functioning by providing: "Over 80 hospitals and other health centres received drugs, medical consumables, and essential emergency room and/or operating theatre equipment. In an integrated approach, the water and sanitation systems of numerous hospitals and primary health care centres treating the wounded were repaired or upgraded and a number of main hospitals were supplied with water on a daily basis." **[43f] (p339)** The ICRC also stated, on 29 October 2008, that health care was expensive and although health services were more readily available in larger cities in Iraq, persons from rural areas may have to travel. **[43g]**

29.14 The Women for Women International Iraq report, published 5 March 2008,

commented that "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)**

29.15 The WHO Bulletin on Iraq for 11 May 2008, stated that "WHO provided 5,000 quadruple blood bags to the National Blood Transfusion Center in Baghdad as part of WHO's continued efforts to assist the Iraqi Ministry of Health in responding to the current alarming humanitarian health situation in the country." The Bulletin noted that WHO supplied Sadr City hospitals with emergency medical supplies following violence, where health facilities were overwhelmed by the large number of injured patients. **[23e] (p1)**

29.16 The Doctors for Iraq newsletter for March 2008, commented that a grant from a Spanish NGO allowed them to purchase medical supplies; orthopaedic, vascular and trauma equipment; first aid, laboratory supplies and instruments; IV fluids and anaesthesia drugs were all bought for Al Numan Hospital with the grant. **[136a] (p10)**

29.17 The WHO Bulletin, 11 May 2008, also reported that WHO had helped fund biomedical engineering training to enable staff to operate x-ray machines and had also supported the rehabilitation of a repair shop for x-ray machines in Baghdad. **[23e] (p1)**

29.18 On 1 July 2008, the Institute for War and Peace Reporting (IWPR) reported on equipment shortages in Kirkuk hospital, stating "Iraqi health officials do authorise supplies of equipment and medicine – but bureaucracy, corruption and instability means that little of it ever reaches the hospital." **[11z]**

See also Corruption.

Doctors and health care workers

29.19 The Iraqi medical services had to deal with a shortage of staff as doctors and nurses emigrated en masse. (Medact, 23 Jan 2008) **[10b] (p2)** (IRIN News, 18 Nov 2007) **[18ca]** (ICRC, 15 Mar 2008) **[43d] (p8)** (Doctors for Iraq, Mar 2008) **[136a] (p4)** The Iraq Doctors' Syndicate, the official medics' register, estimated that 1,500 medical professionals (doctors, nurses, dentists and pharmacists) had fled Iraq in 2006 alone. **[136a] (p2)** In particular, an estimated 80 percent of the doctors in Diyala were reported to have fled, due to well publicised violence in the province. (IRIN News, 18 Nov 2007) **[18ca]** The UNAMI report, dated 1 May–30 June 2006, stated 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)**

29.20 On 18 February 2008, the Associated Press reported that "According to figures from the Iraqi Health Ministry released early this year [2007], 618 medical employees, including 132 doctors, as well as medics and other health care workers, have been killed nationwide since 2003." **[65j]** Diyala also saw an increase in the number of insurgent attacks on doctors from August to November 2007. (IRIN News, 18 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. The report lists incidents where doctors were kidnapped or murdered by militant groups. **[40l]**

29.21 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)**

29.22 The IOM 2007 Mid-Year Review, stated "Specialized health care (e.g. surgery or gynecology) is increasingly scarce, as many specialist physicians have fled the country." **[111b] (p5)** The Doctors for Iraq report also noted that the Minstry of Health had lost more than 720 physicians, many of whom were assassinated. **[136a] (p4)**

29.23 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. 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." 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. 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'.

29.24 The Associated Press reported, on 18 February 2008, that doctors were beaten by gunmen if they failed to save their wounded fellows. **[65j]** In addition to this, the Doctors for Iraq Newsletter for March 2008, noted that "Doctors have gone on stike *[sic]* in hospitals in Baghdad and Babquba, north of the capital, after Iraq soldiers overran their clinics, demanding at gunpoint that their men be treated first." **[136a] (p6)**

See also Criminal gangs.

29.25 On 27 June 2008, Reuters News reported that "more than 400 Iraqi doctors had come back this year, encouraged by a drop in violence and better wages." The article further noted "The security is much better but the doctors still get threats from criminal gangs." **[7f]** BBC News further reported, on 20 November 2008 that:

> "Improved security in Iraq has led to 800 doctors returning to the country since the start of the year, a senior health ministry official has said. … October [2008] saw the fewest monthly deaths as a result of violence since 2003." **[4dl]**

29.26 On 17 October 2008, *the Independent* reported that the Iraqi government had passed a law permitting Iraq doctors to carry guns for personal protection. **[85f]**

MEDICAL ISSUES IN THE KRG AREA

29.27 A report by Medact, published 23 January 2008, 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)**

29.28 The FCO stated in a letter, dated 6 December 2006, further noted 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]**

29.29 The letter added that "The Korean military operate a very successful clinic in Erbil, which treats some 40,000 patients a year." **[66n]**

29.30 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)**

29.31 On 5 December 2007, the KRG announced the opening of the Erbil Cardiac Centre; "the largest and best equipped heart surgery hospital in Iraq … It has a staff of 300 medical professionals, and both pediatric and geriatric care units." **[150a]**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

29.32 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 Jan 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)**

29.33 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]**

29.34 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 Apr 2005) **[18y] (p1)** (IRIN, 19 Jan 2006) **[18ad]** (US Library of Congress, Aug 2006) **[33a] (p8)** (UNHCR COI, Oct 2005) **[40c] (p103)**

29.35 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 Jul 2005) **[18aa] (p1)** (IRIN, 19 Jan 2006) **[18ad]** In spite of this medical staff claim that this is not enough to cover the cost of the medicines. (IRIN, 7 Apr 2005) **[18y] (p1)** (UNHCR COI, Oct 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 Apr 2005) **[18y] (p1)** (UNHCR COI, Oct 2005) **[40c] (p103)**

29.36 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)**

29.37 By law, every person entering Iraq must be tested for HIV. (IRIN, 19 Jan 2006) **[18ad]** (US Library of Congress, Aug 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]**

29.38 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." 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]**

29.39 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 Aug 2006) The IRIN article also mentioned that "There is little awareness of the fact that the virus can be contracted via contaminated blood transfusions." **[18as]**

29.40 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]**

29.41 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…." 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]**

29.42 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)**

29.43 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

29.44 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. The report further commented that 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. A multidisciplinary national mental health council was set up and conferences held in 2005 and 2006."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." **[10b] (p10)**

29.45 IRIN News, 25 October 2007, agreed, stating that "Traditional families still believe that it is shameful to suffer from mental disorders…" The article went on to mention a Baghdad-based NGO working with individuals with mental health problems, Keeping Children Alive (KCA), and stated "KCA has registered about 1,800 children and 1,100 women who have sought psychological help since January 2007 but fewer than 6 percent have returned to continue the treatment after the first doctor's evaluation." **[18cr]**

29.46 The report by Medact, published January 2008 noted that "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)**

29.47 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)**

29.48 The UNHCR COI report, October 2005, stated that "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, mentioned 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, Oct 2005) **[40c] (p104-105)**

29.49 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, Oct 2005) **[40c] (p104-105)** (*The Daily Telegraph*, 24 Jan 2006) **[48c]**

29.50 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. 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)**

29.51 On 25 October 2007, IRIN News reported on Ibn-Rushd psychiatric hospital in Baghdad, stating "…about 100 patients a day visit the hospital since it is the only one with a psychiatric unit in the capital although it lacks supplies and medical staff. Long queues form daily outside its door…. In 2006, the hospital was supported by 14 specialists but now there are four as most have fled the country." **[18cr]**

See also Doctors and other health workers.

29.52 On 14 August 2007, IRIN News reported that "mentally handicapped children are being used by insurgents to fight US and Iraqi forces. 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." There were also reports of mentally handicapped children being used in insurgent attacks in Diyala, Ramadi and Fallujah. **[18bu]**

See also Child soldiers recruited by insurgent groups.

29.53 On 1 February 2008, around 100 people were killed in a suicide bomb attack in a Baghdad market, detonated by two mentally impaired women. An official from

the al-Rasheed psychiatric hospital in Baghdad was arrested on suspicion of supplying information about mentally ill patients to al-Qaeda in Iraq, following the bombings. (VOA, 13 Feb 2008) **[128a]** It was reported that the two women used in these attacks did not consent and were suffering from schizophrenia and depression. (CNN News, 14 Feb 2008) **[17g]** The Iraqi government claimed the women were mentally challenged and had Down's Syndrome. **[17g]**

DRUG AND ALCOHOL ADDICTION

29.54 The Doctors for Iraq newsletter of March 2008, noted:

> "The illegal drug trade is flourishing in Baghdad's cafes and public squares under the nose of the American and Iraqi military. Drugs are being peddled by young boys and men. Their customers are mostly gang members, looters and those who are addicted to drugs.
>
> "There are no official statistics on the number of drug addicts in Iraq but what is known is that since the invasion of Iraq there has been an increase in the availability of drugs and over the past five years it has been easier to bring drugs into the country because border controls have been weak and law and order non existent." **[136a] (p8)**

29.55 Jane's Sentinel, last updated 7 October 2008, further stated that "The Ministry of Health has warned that drug abuse is rising steadily among men and women of all ages in Iraq, especially in the capital Baghdad and in the south of the country. Unemployment, underemployment and trauma are key drivers of growing drug abuse. The Ministry of Health reports that the number of registered addicts in suburban Baghdad has more than doubled in recent years, rising from 3,000 in 2004 to over 7,000 in 2005. **[14d] (p8)**

29.56 On 5 September 2007, IRIN News reported that:

> "As the violence continues in Iraq, many people have been turning to alcohol to relieve their stress … 'The consumption of alcohol in Iraq has surprisingly increased in the past few months,' said Kamel Ali, head of the Health Ministry's drug and alcohol-prevention programme.
>
> "'Iraq has one of the worst treatment and follow-up regimes for alcohol abusers in the Middle-East,' he said. 'Alcohol abusers are treated as drunks rather than as people suffering from psychological stress' …
>
> "Officials at Ibn Rushd Psychiatric Hospital in Baghdad - the only medical facility in the country that treats drug addicts and alcohol abusers - said alcoholism was increasing but lack of professional staff and investment had prevented success." **[18cl]**

29.57 The article also noted that "The Iraqi Psychologists Association (IPA) said that according to a recent internal study by doctors associated with the IPA, in the past two months the number of alcoholics in care has increased by 34 percent compared to the figure for June 2006." **[18cl]**

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HUMANITARIAN ISSUES

30.01 A report by Refugees International (RI), published April 2008, noted that "Five years into the US military intervention in Iraq, the country is dealing with one of the largest humanitarian and displacement crises in the world." RI further reported that the Iraq government was "Fragmented and torn apart by sectarian rivalries and corruption … [and] unable and unwilling to use its important resources to respond appropriately to the humanitarian crisis." **[119c] (p1)**

30.02 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)** On 2 April 2008, International Medical Corps (IMC) reported that "Recent fighting and subsequent curfews in several major Iraqi cities have led to food shortages, disruption of health services, and above normal gaps in water and electricity supplies." **[144a]** The UNSC report, published 6 November 2008, stated that Iraq is experiencing one of the most serious droughts in 10 years. Low rainfall in the winter 2007/08 has caused severe water shortages across northern Iraq, with no available alternatives. **[38r] (p9)**

30.03 The IRIN Country Profile, last updated in February 2007, stated 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]**

30.04 The profile added "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, noted 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]**

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

> "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)**

30.06 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)**

30.07 Refugees International, in their report published 15 April 2008, commented that "Returnees also have a hard time renewing their PDS cards. Although most government bias seems to be in favor of Shiites, aid groups note that in provinces that are in the hands of Sunnis, such as Salahedin governorate, Shiite areas face a sectarian bias against them from local officials and receive an inferior quality of help." **[119c] (p6)**

30.08 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)**

30.09 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)**

30.10 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." **[130] (p25)**

"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)**

30.12 The ICRC reported, on 15 March 2008, that power shortages continued to affect many Iraqis. **[43d] (p11)**

30.13 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.

30.14 IMC reported, on 2 April 2008, that following fighting and curfews in major Iraq cities, they had provided "assistance to 2,000 families in Sadr City, a poor district in Baghdad, where fighting was especially fierce and citizens were cut off from assistance during the curfew. IMC is distributing one month's worth of food to the families - including rice, cooking oil, sugar, beans, and flour - and is also delivering 100,000 liters of water in Sadr City." **[144a]**

30.15 On 17 July 2008, WHO reported on the return of international WHO staff to Iraq, adding that "Foreign WHO staff based in Iraq were withdrawn after the August 2003 terrorist attack on the UN headquarters in Baghdad. But the recently improved security situation in the country, plus the UN support of Iraq's International Compact initiative, led WHO to re-establish its permanent international presence last month." **[23f]** The UN also reported that their assistance mission for Iraq (UNAMI) was looking to expand its presence in Iraq. (UNSC, 6 Nov 2008) **[38r] (p13)**

30.16 The UNSC report, published on 6 November 2008, stated that "New national survey data now being finalized by WFP suggest that access to social services in Iraq, including electricity supply, has improved from its lowest levels in 2005 and 2006. Initial analysis suggests that food insecurity has also fallen to a quarter of 2005 levels. However, UNICEF humanitarian assessments in August and September confirmed that State services are still struggling in the most vulnerable parts of Iraq. Access to safe drinking water has fallen to as low as 31 per cent in the poorest subdistricts, and access to sanitation services to 35 per cent." **[38r] (p11)**

Health issues

30.17 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." 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. On 19 November 2007, the same source reported on a cholera outbreak in an orphanage in Baghdad that killed two children. **[18cb]**

30.18 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)**

30.19 Further to this the ICRC report for 2007, published 27 May 2008, stated that "Health facilities received more than 100 tonnes of medical supplies in response to cholera outbreaks in Baghdad, Basra, Sulaymaniyah and Ta'mim provinces. In total, 96 health facilities (84 hospitals and 12 health centres) received support for water and sanitation projects." **[43f] (p339)**

30.20 The UNSC report of 6 November 2008 stated that:

"During August, a number of cholera cases were reported and the disease remains endemic in Iraq, with outbreaks common in the summer months. Although the caseload in 2008 was below the annual average, 27 districts in 10 governorates were affected and seven people died. Three of the deaths were reported in Babil, the most affected governorate with 222 confirmed cases. WHO and UNICEF, working with non-governmental partners, assisting the Government at the central and local levels in containing the outbreak through surveillance, technical assistance for cholera testing, water tankering, provision of household water purification kits, public information drives and medical supplies.…

"A cholera preparedness plan that was revised and adopted by the Ministry of Health has been activated. The United Nations water and sanitation sector outcome team has increased its support to Iraqi efforts to rehabilitate water and sewerage infrastructure, which lie at the heart of the issue in central and southern Iraq (Basra, Kerbala and Muthana and Suleimaniya)." **[38r] (p8)**

See Child care, orphans and street children; Medical Issues.

LANDMINES, UNEXPLODED ORDNANCE (UXO) AND DEPLETED URANIUM (DU))

30.21 An article by IRIN News, 14 April 2008, stated that "According to the Ministry of

Environment, based on statistics released in February, Iraq has some 25 million unexploded mines in 4,000 minefields and there were also about 90 million UXO items. … The majority of these landmines are concentrated in the border towns with Iran and Kuwait…" **[18cp]**

30.22 The International Campaign to Ban Landmines (ICBL) report, published on 21 November 2008, recorded that "The Republic of Iraq acceded to the Mine Ban Treaty on 15 August 2007, becoming a State Party on 1 February 2008. Iraq's treaty deadline for destruction of all stockpiled antipersonnel mines is 1 February 2012, and its deadline for destruction of all antipersonnel mines in mined areas under its jurisdiction or control is 1 February 2018." **[98c] (p2)**

30.23 The ICBL report further noted that "Iraqi government and Coalition forces continue to find antipersonnel mines in arms caches across the country. From February to April 2008, Coalition soldiers discovered weapons caches that included at least 13 mines. It was reported in July 2008 that during 'Operation Peace' (which began in May 2008) in the Sadr City district of Baghdad, the Iraqi Army had recovered 230 weapons caches, including 120 antivehicle mines and one antipersonnel mine. **[98c] (p3)**

See also Security in Baghdad; Shi'a militia.

30.24 The ICLB report also noted that insurgents had used antipersonnel, antivehicle and improvised explosive devices (IEDs), and noted "Between 1 January and 1 July 2007, 331 US military personnel died as the result of IED attacks in Iraq." The report listed examples of such attacks. **[98b] (p3-4)**

30.25 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

31.01 Article 44 (1) of the Constitution stipulates that "Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq." **[82a] (p13)**

31.02 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)**

31.03 The FCO also stated, in a letter of 27 August 2008, that "Road travel around Iraq remains dangerous, and there continues to be fatal roadside bombings throughout Iraq – the exception being the autonomous Kurdish Region where the threat posed by roadside bombs is low. There is also a substantial criminal threat from car jacking, kidnapping and robbery. Illegal road blocks and false check points are common place throughout Iraq, from which violent attacks have often been mounted. The dangers of travelling by road vary according to the ethnicity or tribal bias of the area being transited; even a legitimate road block/checkpoint could be problematic due to the ethnicity of those manning it differing from that of the travellers." **[66q]**

31.04 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, Oct 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, Oct 2005) **[40c] (p139)** In its paper of August 2007, UNHCR reported 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)**

31.05 An article by UNHCR, published in the Forced Migration Review special issue on Iraq of June 2007 reported 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 stressed 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)**

"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, Aug 2007) **[40j] (p152)**

31.06 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)**

31.07 A report by International News Safety Institute (INSI), published 3 July 2008, stated that "All of Iraq's roads remain potentially dangerous. There is an increased risk while in the vicinity of vehicle checkpoints and security forces where there is a higher likelihood of terrorist attacks or clashes between militants and the authorities. Areas where vehicles are overlooked (such as around bridges) or are forced to slow down (for example at traffic control measures or even just bends in the road) are also potentially hazardous." **[142a] (p2)**

31.08 The UNHCR and INSI reports both commented on the safety of travel on specific roads in Iraq (UNHCR, Aug 2007) **[40j] (p154)** (INSI, 3 Jul 2008) **[142a] (p2)**; the INSI report noted there was a "… high risk of attacks on routes running in to Baghdad from the north"; that "All routes in the south should be considered hostile"; and "All travel around al-Basrah should be considered hazardous." **[142a] (p3)** In particular, travellers on Route One, which passes from Baghdad through Salah Al-Din and Ninewa to the Syrian border, were reported to be at "a high risk of attack", **[142a] (p2)** particularly on the segment between Baghdad and the town of Tikrit. **[40j] (p154)** Route Two, which leads from Baghdad to the Turkish Border, via Diyala, Kirkuk and Erbil, was reported to be "one of the most dangerous roads in Iraq for the last three years with sectarian violence, armed conflict and crime being prevalent." **[40j] (p155)** Despite this, the UNHCR report further noted that "The roads from Kirkuk to Erbil and Sulaymaniyah are guarded by the Kurdish *Peshmergas* and are considered safe." **[40j] (p155)**

31.09 The UNHCR report also mentioned Highway No. 6 between Baghdad and the Kuwaiti border, via Al- Wassit, Missan and Basrah, was "generally considered safer than the Western route although sporadic roadside bombs are being reported and car-jackings are a common occurrence." **[40j] (p155)**

31.10 The UNHCR report, August 2007, noted that "The road to the airport, a 12km stretch of highway linking the airport to the International Zone has been a regular target for insurgents and was labelled the most dangerous road in Iraq.

Travellers on the road face constant threats from IEDs, small arms fire and RPG attacks. Incidents had lessened somewhat over the latter part of 2006. They have, however, risen again in 2007, and fatal attacks continue to take place on an almost daily basis." The report further stated, with regard to air travel, "… airplane travel has become more readily available via the three major airports in Basra, Baghdad and Erbil. However, insurgents are targeting Baghdad International Airport, which is located 20km southwest of Baghdad and also serves as a US military base (Camp Victory). Civilian and military aircraft arriving to and departing from the airport have been subjected to attack by small arms and missiles. In addition, insecurity and lack of proper maintenance of Iraq's aircrafts often lead to cancellations and delays. Insurgents reportedly have also targeted Erbil Airport." **[40j] (p156)**

31.11 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]**

31.12 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)**

31.13 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. **[18bq]** According to the UNHCR, around 60,000 refugees leave their homes every month, with around half of these remaining with Iraq. **[4bl]**

31.14 The IDP working group report, published 28 March 2008, commented that "Freedom of movement is facing serious limitations in Iraq: six governorates are still restricting physical access. Although it is difficult to prevent Iraqis from moving from one governorate to another, authorities at checkpoints will not allow a family through if it is clear that they are planning on settling in the governorate (e.g. they travel with their furniture). Eight other governorates are imposing measures which constrain registration." **[135] (p19)**

Freedom of movement within the KRG

31.15 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)**

31.16 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)**

31.17 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]**

31.18 The INSI report, 3 July 2008, stated that "There remains a risk of military action by Turkish and Iranian forces on the border with Iraqi Kurdistan, but this is unlikely to specifically implicate road travel, although there is a risk of delays and traffic queues around border crossing points such as around ad-Durnaq in ad-Dahuk province (which leads on to Cizre in Turkey)." **[142a] (p3)**

31.19 Concerning entry to the KRG, the IDP working group report, published 28 March 2008, commented that "Single men not originating from the Governorate of Dahuk need a sponsor to enter the governorate and register. Arabs and Kurds from disputed areas have reportedly faced difficulties in registering in the Governorate. Persons from A*rabized* areas claimed by the Patriotic Union of Kurdistan (PUK), i.e. Kirkuk and Khanaquin (in the Governorate of Diyala) are generally denied entry to the Governorate of Sulaymaniyah for political and demographic reasons, unless they wish to come for a visit only." **[135] (p19)**

31.20 The UNHCR, in its rapid needs assessments (RNAs) of the three northern governorates, September 2008, noted the difference in entry requirements for IDPs. In its Sulaymaniyah report, it noted that "Admission into the Governorate is generally not restricted and does not require a sponsor…. However, persons from arabized areas claimed by the PUK, i.e. Kirkuk and Khanaqeen in the Governorate of Diyala, are generally denied entry to the Governorate for political and demographic reasons, unless they wish to come for a visit only. In that case, they are allowed entry but are not able to bring their belongings or a large amount of luggage with them … Persons arriving in Sulaymaniyah by airplane do not face any entry restrictions (however, this requires that the person has the necessary financial means)." **[40p] (p11-12)** The report also noted that "Persons not originating from one the three Northern Governorates of Dahuk, Erbil and Sulaymaniyah generally must have a sponsor, who accompanies them to the Directorate of Security (*Asayish*), in order to legally remain in the Governorate … Persons originating from Kirkuk or Khanaqeen, including Kurds, Arabs, Turkmen and members of other ethnic or religious groups, are not able to stay for demographic and political reasons." **[40p] (p12)**

31.21 The UNHCR RNA report for Dahuk noted that "Persons originating from the three Northern Governorates can enter the Governorate of Dahuk without any restrictions. Also, families not originating from one of the three Norhern Governorates are allowed to enter without restrictions, while single men not originating from one of the three Northern Governorates need to have a sponsor for security reasons. The sponsor has to present him/herself at the entry checkpont and provide his or her Civil ID Card, phone number and address. The IDP has to fill out a card at the entry checkpoint and will then be allowed to enter the Governorate. Single males without a sponsor are generally denied entry into the Governorate." **[40q] (p13-14)** The report further commented that "All IDPs not originating from the three Northern Governorates have to approach the Residency Section in the Security Department to obtain a permit to stay." **[40q] (p14)**

31.22 The UNHCR RNA report for Erbil stated that "Persons not originating from one of the three Northern Governorates require a sponsor in order to be admitted to the Governorate of Erbil. This may prove difficult for persons with no family or other links. The sponsor must present him/herself at the entry checkpoint and provide personal details. IDPs must fill out a card at the entry checkpoint to enter the Governorate. IDPs without a sponsor are denied entry." **[40r] (p15)**

See also Internally displaced people (IDPs).

DOCUMENTATION FOR TRAVEL WITHIN IRAQ

31.23 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]**

31.24 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)**

31.25 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 noted 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)**

See also Internally displaced people (IDPs).

31.26 The UNHCR COI report, October 2005, recorded that:

"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)**

31.27 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]**

31.28 The UNHCR assessment, August 2006, stated:

"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)**

31.29 Civil ID cards are still believed to be in use in Iraq; the UNHCR RNA report for Dahuk mentioned these cards are required for IDP relocation for the governorate. **[40q] (p14)**

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INTERNALLY DISPLACED PEOPLE (IDPS)

32.01 The Iraqi Red Crescent Organization (IRC) report on internally displaced people in Iraq, published 28 May 2008, noted "The displacement problem continues in Iraq as long as violence continues." **[134a] (p2)** The IOM reported that displacement caused by the bomb attack on the Al-Askari Mosque in Samara in February 2006 had since slowed, although it continued in some locations and the humanitarian situation of those already displaced is worsening. (IOM, 1 November 2008) **[111k] (p1)** Additionally, a report by the IDP Working Group members (UNHCR, IOM, other UN Agencies and NGOs) on IDPs in Iraq, published 24 March 2008, commented that "New displacement is continuing at a much lower pace than for the past two years …" **[135] (p1)**

32.02 The IOM report of 1 November 2008 estimated the number of displaced people since February 2006 to be around 1,596,448 individuals. **[111l] (p1)** The Refugees International report, published 15 April 2008, stated that "eleven of Iraq's eighteen governorates have closed their borders to internally displaced Iraqis." **[119c] (p12)**

32.03 Prior to this, 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)**

The IRC report, 28 May 2008, also commented that September 2007 saw the highest number of IDPs registered. **[134a] (p2)**

32.04 The IRC report commented that "Thousands of displaced families became heavily dependant on humanitarian aid, which had intensified the growing humanitarian crisis. According to an assessment carried out by the World Food Program in 2007, some 55 percent of the displaced families were unable to get their food rations provided under Iraq's Public Distribution System (PDS) due to various difficulties including the transfer of their ration cards to their new place of residence." **[134a] (p2)**

32.05 The IRC report also noted that "[a] Change in the number of IDP was registered in five governorates- Baghdad, Najaf, Saladin, Missan and Diwaniya. The highest rate of increase was in Saladin" **[134a] (p2)** The IDP Working Group report, published 24 March 2008, noted "[the] Percentage of IDPs compared to total estimated governorate population is highest in Dahuk, Baghdad, Wassit and Kerbala." **[135] (p1)**

32.06 The IRC report, published on 28 May 2008, commented that Baghdad "has the largest number of displaced people as a result of many explosions, military operations and armed conflicts.… Sadr City, in particular, witnessed many military operations which had escalated the displacement problem." **[134a] (p7)** The IDP Working Group report, published on 24 March 2008, noted that "More than 560,000 IDPs are living in Baghdad Governorate. 40% of surveyed IDPs in

Baghdad have fled due to direct threats and forced eviction from their property, while between 10% and 17% have fled due to generalized violence and fear." **[135] (p1)** The IDP Working Group report also stated that secondary displacement had been reported in Baghdad. **[135] (p1)**

32.07 Other sources noted that some refugees were returning to Baghdad. "In May [2008], a wave of Iraqis returned to Rasheed sub-district in Baghdad, with 75 IDP families, both Shia and Sunni, returning to Awareej area and 1,000 families returning to date. The families cite improved security and reconciliation among various groups (tribal leaders, MNF-I, and local authorities) as reasons for returning. However, many of these families are in need of basic assistance and services." (IOM, 1 Jun 2008) **[111g] (p2)** Corresponding with these reports, April 2008 saw a 6.2% decrease in IDPs in Baghdad, compared to March 2008. (IRC, 28 May 2008) **[134a] (p7)** However, these figures could be partly due to secondary displacement of IDPs in Baghdad, reported by the IDP working group report previously. **[135] (p1)**

32.08 The IOM displacement report, published on 1 June 2008, also noted that:

"According to MoDM's estimation, about 4,073 IDP families have returned to Sadr City, Baghdad due to improvement in security. All IDP families (about 35 families total) left the camp at Al-Sha'ab Stadium, which MoDM set up to host families fleeing Sadr City.

"Other governorates are also experiencing returns, although to a lesser degree. In addition to lack of infrastructure and services, many children who returned recently were not able to start school either because the year was ending or because they missed school in places of displacement, so their education is being delayed." **[111g] (p1)**

32.09 The UNSC report of 6 November 2008, stated that "Some 50 per cent of the returnee totals represent families returning to Baghdad." **[38r] (p9)**

32.10 Concerning returns in other governorates, the IDP working group stated that "Returnees mostly return to those neighbourhoods/districts/governorates under control of members of their sect. To date, only a few families returned to areas under control of another sect. No members of minority groups (e.g. Christians, Sabaean-Mandaeans and Yazidis) have been reported to be among the returnees." **[135] (p1)**

32.11 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)** A report by IOM, published December 2007, commented that "IDP entry and registration are heavily restricted in Kirkuk. Entry and registration are open in Salah Al-Din and mostly open in Ninewa, except in Tilkaif and al Al-Hamdaniya districts, where entry is restricted to most IDPs except Kurds and Christians." **[111i] (p2)**

32.12 The IOM update on displacement in Iraq, published on 1 June 2008, concurred, and noted that "the Kirkuk governor has issued an order preventing the entry of IDPs from Ninewa and Diyala to Kirkuk City, including punishing families in Kirkuk who host IDP families from Ninewa or Diyala." **[111g] (p11)**

32.13 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)**

32.14 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)**

32.15 A report by AI, published March 2008, agreed and 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] (p10)**

See also Sectarian violence.

32.16 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)**

32.17 The IDP working group report, published 28 March 2008, further commented that "According to the current estimation, the number of IDPs in need of adequate shelter and food is now higher than one million. In addition, over one million cannot access regular income. Around 300,000 individuals have no access to clean water and are in need of legal aid to enable them to access other basic services." **[135] (p1)**

32.18 The IRC report of 28 May 2008 concurred and noted that "Displaced families continue to face problems related to health, education, shelter, income, food, water and electricity. Health services are inadequate. The problem is compounded by shortage of medicines and medical supplies. Most displaced people who suffer from chronic diseases have lost their medication cards. Many

diarrhea, cholera and typhoid cases have been registered as a result of using contaminated water. Most IDP families use the municipality water, water tankers or donated water from the humanitarian organizations. Others use unsafe water from wells, rivers and lakes and water running from damaged pipes." **[134a] (p2)**

32.19 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)**

32.20 The IDP working group report, published 28 March 2008, noted "Babylon, Anbar, Basrah, Missan, Thi-Qar and Khanaquin only allow entry to IDP families who can prove that they come from a dangerous area (definition of dangerous area is not uniform) and registration to those who have a sponsor. Only IDPs able to prove that they have been threatened are allowed to register in Kirkuk. Checkpoints and curfews restrict movement of IDPs in Missan, Wassit, Baghdad and Basrah." **[135] (p20)**

See also Freedom of movement.

32.21 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)**

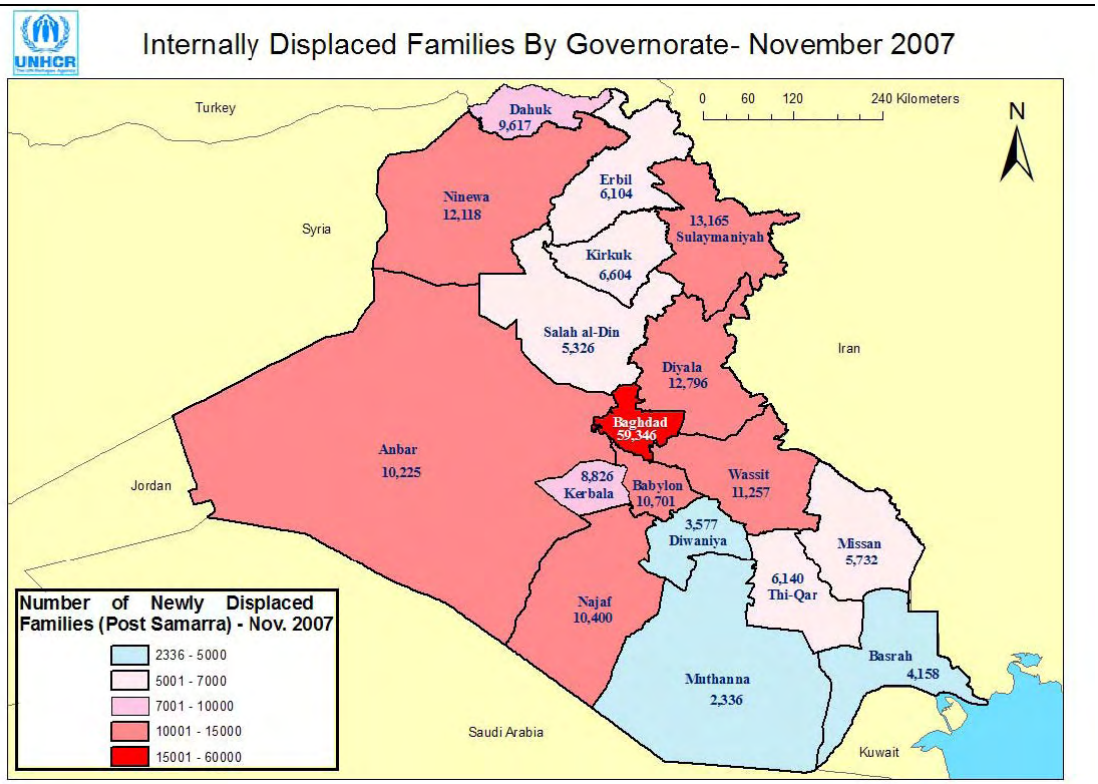
32.22 The UNHCR's December 2007 report noted that Governorates were closing their borders to IDPs, citing security fears and lack of absorption capacity. **[40l] (p29)** UNHCR reported that up to 11 governors were limiting access and three provinces were refusing access altogether because of a lack of resources to look after the internally displaced people. (BBC News, 10 October 2007) **[4bn]**

32.23 The IOM's displacement report, published on 1 November 2008, gave country-wide statistics of the places of origin, religion, ethnicity living arrangements, intentions and top priority needs of IDPs from each governorate. **[111k] (p2)** The IOM report from 1 December 2007, stated that, at the time of going to 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)**

32.24 The ICRC report for 2007, published on 27 May 2008, stated that "Around 742,000 people, both residents and IDPs, received food, hygiene kits and other essential relief commodities through distributions carried out directly by the ICRC or through the Iraqi Red Crescent and local NGOs." **[43f] (p338)**

Map

32.25 Map of Iraq - Internally Displaced Families by Governorate, November 2007. **[40n]**



IDPs IN THE KRG

32.26 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)**

32.27 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)** Further:

> "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)**

32.28 UNHCR noted "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)**

32.29 The Iraqi Red Crescent Organization, in their report published on 30 July 2008, commented that "Recently, Kurdistan- the safe haven for many Iraqis became involved in armed conflict. Both the Iranian and Turkish military bombarded the border villages with artillery shells for weeks. Thousands of villagers migrated inland for fear of their lives thus compounding the displacement problem in Iraq." **[134c] (p2)**

See also Freedom of movement in the KRG.

ARABISATION AND DE-ARABISATION

32.30 The Brookings Institution report, published 3 March 2008, stated:

> "During the Arabization campaigns, some 250,000 Kurds and other non-Arab minorities were displaced from this territory and replaced by Arabs from central and southern Iraq. The Operation Anfal of 1988 was an ethnic cleansing campaign in which 100,000 Kurds were killed and other hundreds of thousands were rendered homeless. The program of Arabization continued in Kirkuk until the eve of the Ba'ath regime's toppling; throughout the 1990s, Kurds and other non-Arab Kirkukis continued to face harassment and pressure to change their ethnic identity and join the Ba'ath party. During this period, 120,000 persons were driven out of Kirkuk and other territory under Baghdad's control." **[88c] (p1)**

32.31 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)**

32.32 The UNSC report of February 2007, stated that "…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)**

32.33 The Brookings Institution report further commented, stating:

> "In an attempt to reverse Saddam Hussein's Arabization campaign, the 'normalization' plan outlined in Iraq's constitution will facilitate the return of Arab families to their places of origin. Those who voluntarily relocate will receive about $16,000, but despite offers of compensation, many do not want to leave their current homes. Some settlers have established strong ties to their Kirkuk neighborhoods, through working and raising families. The official response from the Kurdish authorities is that relocation is voluntary and any family who chooses to stay will be welcome." **[88c] (p13)**

Land and property rights

32.34 The Refugees International report, published on 15 April 2008, commented "A mechanism, created by the Coalition Provisional Authority in 2004 and later endorsed by the Iraqi Transitional National Assembly, exists for the resolution of property right violations perpetrated during the Baathist period pre-dating the 2003 conflict: the Iraq Commission for the Resolution of Real Property Disputes (CRR PD)….

> "Iraqis who have property claims dating after April 2003 have no other recourse today than to turn to the severely deficient Iraqi judicial system or local armed groups. The current situation in Iraq remains too violent to design and implement a large-scale effort to compensate and provide restitution to those who have lost their homes." **[119c] (p16)**

32.35 The UNSC report, 7 March 2007, noted the CRRPD was "responsible for settling claims by people who lost property as a result of actions of the Ba'athist regime during the period from 1968 to April 2003. More than 50,000 Kirkuk-related claims have been filed with the Commission for Resolution of Real Property Disputes to date." **[38i] (p3)**

32.36 The UNSC report of 6 November 2008, stated that "Housing in many cases has been problematic, as many of the returnees' houses have been occupied by others or damaged. To encourage the return of displaced people, on 2 August the Government issued a directive to evict illegal occupants from private homes and government buildings across the country. Eviction started in Baghdad on 2

September [2008] following a one-month notice period and is applicable countrywide. The Government has established a reconciliation council to arbitrate property disputes and is offering a one-off payment of 1 million dinars (around $830) to each returning family. In addition, the Government is committed to paying 1.8 million dinars (equivalent to six months' rent) to displaced persons evicted from houses in Baghdad and unable to return to their original homes. Unfortunately, the Government continues to face challenges in the actual implementation of the assistance programme." **[38r] (p9-10)**

IDP CAMPS

32.37 The IDP Working Group members report, published 28 March 2008, noted that "Less than 1% of IDPs in Iraq live in tented camps. IDPs in Iraq live in different types of group settlements, e.g. tented camps, public and private buildings, mud and reed houses camps, former military camps…. The majority of the IDP population in the country is living in rental accommodation (58%)." The report went on to note that this housing was often of a low standard, due to high rents, with IDP families living in one room of a house, or even in former store rooms of mosques and shops, and sharing facilities with several other families." **[135] (p16)**

32.38 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)**

32.39 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)**

32.40 The IOM's bi-weekly report, published 1 December 2007, commented that 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)**

32.41 The IOM's camp assessment report, published January 2007, stated that:

"Although displacement slowed significantly during 2007, internally displaced persons (IDPs) continue to live in tent camps. These camps usually lack basic services, provide inadequate shelter during cold weather, and are set up in

remote areas. For these reasons, and a cultural aversion to the indignity and lack of privacy camp life entails, camps are viewed as a last resort for shelter and are treated as a temporary measure. The IDP population in camps therefore fluctuates considerably. Some camps have been opened in anticipation of displacement that did not materialize, while others have been closed after IDPs left due to their substandard living conditions." **[111h] (p1)**

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FOREIGN REFUGEES AND OTHER NATIONALS

33.01 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 did not establish by year's end an effective system for providing protection to refugees. In practice the government provided protection against 'refoulement,' the return of persons to a country where there was reason to believe they feared persecution.
>
> "The government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to both 23,000 Palestinian and to 2,500 Syrian refugees through rental subsidies, other forms of material assistance, and legal representation. The government also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees." (USSD 2007) **[2l] (p14)**

33.02 The USSD report 2007 also stated that "The government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to both 23,000 Palestinian and to 2,500 Syrian refugees through rental subsidies, other forms of material assistance, and legal representation. The government also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees. "In 2006 the government reestablished an interministerial committee charged with making refugee determinations. The committee did not review any cases during the year." **[2l] (p14)**

33.03 The USCRI World Refugee Survey 2008 covered the issues of residency, freedom of movement, employment and access to services for refugees in Iraq, stating that:

> "Authorities did not issue any identity cards to refugees and asylum seekers during the year, but because refugees had access to the Public Distribution System (PDS) their PDS cards doubled as identity cards. Palestinian families had to appear before the Department of Residency every one to three months to renew their registration and the staff occasionally confiscated their documents. Refugees in central and southern Iraq holding identity cards issued by the former regime could not renew them once they expired. Of the three Kurdish governorates, Dahuk and Erbil required refugees to hold renewable residency permits, but complying with the 1971 Refugee Act, Sulaymaniyah did not." **[44d] (p2)**

33.04 The report also stated that "The 1971 Refugee Act provided for refugees' right to work, and in the Kurdish areas, they could work legally under permission from the President's office, but there was no authorization for asylum seekers." **[44d] (p3)**

> "The Refugee Act entitled refugees to the same health and education services as nationals and, in the Kurdish regions, UNHCR and the regional government provided these services. Refugees without identity documents, however, had difficulty attending school and getting other services. Some 430 children

attended school in Al Waleed, where UNHCR paid for 12 teachers." (USCRI 2008) **[44d] (p4)**

33.05 The USCRI report 2008 noted that "Although there were no legal restrictions on refugees' freedom of movement or choice of residence, the general lawlessness, physical attacks, and arbitrary detention restricted refugees' movement in southern and central Iraq especially Palestinians without valid identification." **[44d] (p2)** "Refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. Protection for Palestinian refugees remained poor." (USSD 2007) **[2l] (p14)**

33.06 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 2007) **[2h] (p14)** (USCRI 2008) **[44d] (p1)** The USCRI report 2008 noted:

"MNF-I and ISF arrested and detained at least 100 refugees for alleged terrorism and insurgency, often without charges or judicial review. UNHCR often did not have access to detainees or to information about their conditions, but received reports of serious abuses and torture, which authorities denied. The International Committee of the Red Cross (ICRC) had access to MNF-I detainees." **[44d] (p2)**

33.07 The USCRI report 2008 noted that "There were no reports of refoulement [in 2007]." **[44d] (p1)** The report further commented that "A still-valid Coaltion Provisional Authority order assigned the Ministry of Displacement and Migration responsibility for recognized refugees. The Permanent Committee for Refugee Affairs, established under the 1971 Refugee Act and reactivated in 2005 lacked the capacity to determine refugee status, which left UNHCR in charge of the procedure." **[44d] (p2)**

33.08 The IRC report, published on 28 May 2008, mentioned that the Iraq Red Crescent provided humanitarian assistance to refugees in the Sudanese camp, 370 km from the centre of Anbar governorate; the Ahwasian camp, located at the borders with Jordan; and the Al-Waleed Palestinian camp, in the Tanaf area in Anbar, which housed over 292 families. **[134a] (p2)** In addition to these, the IRC report noted it had set up "42 camps in 15 governorates to shelter IDP families. Two of these camps were set-up jointly with the MODM. A total of 19 camps were in Baghdad governorate. By end of 2007, most of these camps were dismantled. These camps temporarily sheltered 3,253 families in 3,674 tents." **[134a] (p4)**

PALESTINIANS

33.09 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 2007) **[2l] (p12)** (UNHCR, Aug 2007) **[40j] (p12)** (AI, 15 Jun 2008) **[28p] (p60)** 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)**

33.10 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." 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)**

33.11 The USCRI report 2008 noted that "Nearly 40 Palestinian refugees died between January and November [2007]. **[44d] (p1)** The USCRI report of the previous year stated 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)**

33.12 The USSD report for 2007 stated that over 23,000 Palestinians were recognised as refugees by the Iraqi government in 2007. "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)**

33.13 The USCRI report 2008 noted that "In mid-January [2007], Iraqi security forces broke into two UNHCR buildings that housed Palestinians and arrested 30 men, whom they later released. Later that month, gunmen in police uniforms seized 17 Palestinians from another UNHCR building in Al Batawyen, central Baghdad. That same day, Iraqi security forces detained 13 Palestinians in the eastern Baghdad district of Al Amin." Additionally, "ISF and MNF-I arrested 60 Palestinians during a March [2007] raid in Al Baladiyat, after which they released all but 4 men. As of mid-August, all four remained in prison without trial or charges." (USCRI, 2008) **[44d] (p2)**

33.14 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. "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)**

33.15 The USCRI report 2008 stated that "Palestinian families had to appear before the Department of Residency every one to three months to renew their registration and the staff occasionally confiscated their documents." **[44d] (p2)** Also, "The Government issued Palestinians blue travel documents that distinguished them from Iraqis, who received green passports. Many refugees forged identification cards and passports to move around or leave Iraq. Authorities stamped the passports of Palestinians with the words "right to exit, no right to return" when they left the country. Neighboring countries did not accept Palestinian passports or Palestinians' Iraqi travel documents." **[44d] (p3)**

33.16 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. … 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)**

33.17 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. 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. Medical drugs, food and water were in short supply and there were reports of outsiders visiting the camp and sexually harassing women. **[28n] (p6-7)**

33.18 The UN Iraq Humanitarian Update of December 2007, stated: "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 also reported on the Al-Walid camp, stating it lacked the infrastructure to cope with additional Palestinan refugees. **[7d]**

33.19 The USCRI 2008 report, commented on the Al Waleed camp:

> "In May [2007], a government delegation outlined three options to residents: they could return to their homes in Baghdad under government protection; they could return to their homes and wait for UNHCR to resettle them outside Iraq; or they could go to a camp for at least 750 families in Al Baladiyat, Baghdad. The Palestinians refused all three options and remained in Al Waleed, where Iraqi security forces intimidated and verbally abused them, and where unidentified outsiders sexually harassed female residents." (USCRI, 2008) **[44d] (p3)**

33.20 On 20 November 2008, Refugees Interntional reported that al Al Hol camp housed about 340 Palestinians, Al Tanf had a population of 940, and Al Waleed was home to 1,750 Palestinians refugees. **[119d] (p2)**

IRANIANS

33.21 The USSD report of 2007 stated that the Iraqi government recognised 5,500 Iranians as refugees. "In 2006 the central government and the KRG agreed to integrate approximately 3,000 Kurdish Iranian refugees in northern Iraq." **[2l] (p14)**

33.22 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]** An article by Refugees International, published 25 February 2008, commented that Al-Tash had closed, and the 230 Iranian Kurdish refugee families (totalling 1,350 individuals) had

been rehoused in Kawa Settlement, near Arbil. **[119b]**

33.23 The USCRI 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)**

33.24 On the subject of the Iranian Ahwazis, the USCRI report 2008 further commented "After Iranian agents assassinated 4 of Ahwazi Iranians, around 100 of them fled to Trebil on the Iraqi Jordanian border." **[44d] (p2)**

33.25 A report by the United Nations Consolidated Appeals Project 2008, commented "The security situation and physical safety of … Ahwazi refugees in the South deteriorated significantly and remain acute." **[138] (p35)** The report further noted:

> "There are approximately 2,000 Ahwazis in Iraq, primarily in the southern governorates. Overall, they live in extremely poor conditions impacting their ability to access basic services and limiting freedom of movement. There are currently 113 Ahwazis at this location in a highly precarious situation." **[138] (p42)**

33.26 The USCRI report 2008, noted that "In the Kurdish governorates, Iranian refugees possessed identity cards that let them travel in the area, but needed permission from the regional government to go to other parts of Iraq." **[44d] (p4)**

33.27 The Iraqi Red Crescent report, published 27 February 2008, commented on the Ahwasian camp, and stated "This camp is located at the borders with Jordan (Traibeel area) and sheltered 300 Iranian families from Ahwaz area (at the Iraqi-Iranian border). Some of those families moved to the north of Iraq and others moved to Tash area since 1980 hoping that they will migrate to European countries. The majority of the families already migrated leaving behind 40 families. The Iraqi Red Crescent assists those families through distributing food and relief aid." **[134b] (p3)**

SYRIANS

33.28 The USCRI report 2008, noted that "Unknown agents kidnapped Syrian refugees because of their Baathist affiliations. In January, [2007] militiamen abducted four Syrian refugees from their homes." **[44d] (p2)**

33.29 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. 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

33.30 The UNHCR COI report, October 2005, noted that the majority of Turkish refugees were supporters or sympathisers of the Kurdistan Workers' Party (PKK). 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)**

33.31 The USCRI report 2008, noted that the Makhmour refugee camp housed Turkish refugees and noted they "could move freely within the district, but they risked detention if they did not carry identification and authorization from camp authorities to leave the district for more than a day." **[44d] (p3)**

SUDANESE

33.32 The USCRI report 2008 stated that "Over 100 Sudanese who arrived as workers under the Hussein regime lived in a desert camp in western Iraq after militias expelled them from Baghdad in 2005." **[44d] (p1)**

33.33 The IRC report, published on 28 May 2008, reported that "The Iraqi Red Crescent continues to assess the needs and provide humanitarian assistance to the refugees in the … Sudanese camp- located 370 km from the center of Anbar governorate. Forty Sudanese families resided in the camp since three years [ago]." **[134a] (p2)**

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CITIZENSHIP AND NATIONALITY

34.01 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)**

34.02 There were an estimated 350,000 stateless persons in Iraq. (UNHCR COI, October 2005) **[40c] (p24)** UNHCR's August 2007 Eligibility Guidelines paper 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)**

34.03 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)**

34.04 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

35.01 The USSD report 2007 stated 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.… 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)**

35.02 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." 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. **[18bk]** However, the Refugees International report, published 15 April 2008, noted that "Syria and Jordan, the main safe havens for Iraqis since 2003, have now virtually closed their borders to new Iraqis." **[119c] (p12)** The ICG report of 10 July 2008 agreed, stating that "host countries that earlier welcomed refugees have since sealed their borders." **[25k] (p12)**

35.03 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)**

35.04 A report by Amnesty International, published in 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)**

35.05 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)**

35.06 The CSIS report, published 28 May 2008, stated "Iraq's borders will always be porous. Smuggling routes have crossed in and out of Iraq for thousands of years.… Iraq's borders are too long, too remote, too rugged, and have too many long established smuggling routes and tribes dependant on smuggling to ever truly be secure. Smuggling into and out of Iraq is a problem that can be managed, but never eliminated." **[63i] (p41)**

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EMPLOYMENT RIGHTS

36.01 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. The report added that "... the torture and murder of labour leaders in Iraq has become a troubling trend …. " **[47a]**

36.02 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)**

36.03 The UN World Food Programme report: Food Security and Vulnerability Analysis in Iraq, published 14 February 2008, commented that "Decades of conflict and economic sanctions have had serious effects on Iraqis. Their consequences have been rising unemployment, illiteracy and, for some families, the loss of wage-earners. …

> "Unemployment: is a major problem in Iraq. Human capital and skills of the poor are very low and there are serious problems for the poor to enter into the current labour market where prevailing security conditions do not necessarily make it an attractive proposition. Job creation is key to reducing vulnerability to food insecurity in Iraq. Private and public sector job creation activities could serve the dual purpose of improving infrastructure and transferring cash to Iraq's poorest households." **[145a] (p2)**

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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. **[4i]**

1963 **February**: Qassem is ousted in a coup organised by nationalist and Ba'athist officers, who then seizes power under Abd Al-Salam Aref. **[4i]**

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. **[4i]**

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. **[4i]**

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. **[4i]**

1987 **June**: The UN pass Resolution 598, which calls for a cease-fire of the Iran/Iraq war. **[4i]**

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. **[4i]**

20 August: A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIIMOG). **[4i]**

1990 **2 August:** Iraq invades Kuwait and is condemned by UN Security Council (UNSC) Resolution 660 which calls for full withdrawal.
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]**

June - Australia ends its combat operations in Iraq. Mr Maliki pays third visit to Iran since taking office as premier. He seeks to allay Iranian fears over proposed indefinite extension of US military presence in Iraq by saying he will not allow his country to be used as a launch pad for an American attack on Iran. **[4i]**

July - Prime Minister Maliki for the first time raises the prospect of setting a timetable for the withdrawal of US troops as part of negotiations over a new security agreement with Washington. The main Sunni Arab bloc, the Iraqi Accordance Front, rejoins the Shia-led government almost a year after it pulled out. **[4i]**

September - US forces hand over control of the western province of Anbar to the Iraqi government. Once a flashpoint of the anti-US insurgency and later an al-Qaeda stronghold, Anbar is the first Sunni province to be returned to Baghdad's Shia-led government. Iraqi parliament passes provincial elections law after long debates. Issue of contested city of Kirkuk set aside so that elections can go ahead elsewhere. **[4i]**

October - Members of the Baghdad Awakening Council, estimated to number about 54,000, move to the Iraqi government payroll, with other members of the Sunni militia councils set to follow. The US military says al-Qaeda in Iraq's second-in-command has been killed during a raid in the northern city of Mosul, and that the group's top commander in east Baghdad has also been killed. The government sends extra police to Mosul to protect the city's Christians after a spate of killings blamed on al-Qaeda. **[4i]**

November - The Iraqi cabinet approves a military pact which will allow US troops to stay in Iraq until the end of 2011. Iraq's parliament is to vote on the agreement. **[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
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.islamicdawaparty.org
Founded 1957 in Najaf; banned 1980; formerly based in Tehran, Iran, and London, re-established in Baghdad 2003; contested Jan. and Dec. 2005 elections as part of UIA coalition; predominantly Shi'ite, but with Sunni mems; advocates government centred on the principles of Islam. Gen. Sec. Nuri Kamal (Jawad) al-Maliki. **[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)**

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, United Kingdom, as a multi-party coalition supported by the US Government; following the removal of the regime of Saddam Hussain, the INC moved to Baghdad and was transformed into a distinct political party; contested Jan. 2005 elections as part of the United Iraqi Alliance (UIA), but split to form National Congress Coalition for Dec. 2005 legislative elections, at which it failed to win any seats. **[1c] (Political Organisations)** Leader Ahmad Chalabi. **[1c] (Political Organisations)**

Iraqis (Al-Iraqiyun)
Founded 2004; moderate; includes both Sunnis and Shi'ites; joined INL to contest Dec. 2005 legislative elections. Leader Sheikh Ghazi Mashal Ajil al-Yawar. **[1c] (Political Organisations)**

Iraqi Turkmen Front www.kerkuk.net
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. **[1c] (Political Organisations)** 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; also known as Islamic Task Organization; Shi'ite; contested Jan. 2005 elections as mem. of UIA. **[1c] (Political Organisations)** Leaders 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 in Iraqi Kurdistan (IMIK) www.bzotnawa.net
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 and Masoud Barzani was the President. **[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)** It's 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)** Its General Secretary was Sheikh Jawad al-Khalisi. **[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 mlitia force of more than 20,000 peshmerga fighters – making it a key military asset for its US allies." **[4r]**

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) http://www.angelfire.com/tn/halk/
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) www.wpiraq.net
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 Brookings Institute on 6 November 2008. **[88d] (p38)**

Dr. Nawal Majid Hamid al-Samarr (Sunni) – Tawafiq/IIP Minister of State for Women's Affairs **[88d]**

Sherwan al-Wa'ali (Shi'a) – UIA/Da'awa Tanzim Minister of State for National Security Affairs **[4a] [66a]**

Dr. Muhammad Munajid Ifan al-Dulaymi (Sunni) – Tawafuq Minister of State for Foreign Affairs **[88d] (p38)**

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]**

Thamir jaraf al-Zubaydi (Shi'a) – UIA Minister of State for Civil Society **[88d] (p38)**

Dr Safa al-Safi (Shi'a) – UIA/Sadrist Minister of State for Council of Representatives Affairs **[4a] [66a]**

Muhammad Abbas al-Uraybi (Shi'a) – Iraq National List Minister of State without Portfolio **[88d] (p38)**

Akram al-Hakim (Shi'a) – SIIC Minister of State for National Dialogue **[88d] (p38)**

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]**

Salih al-Hasnawi (Shi'a) – Independent Health Minister **[88d] [p38]**

Dr Abd al-Falah al-Sudani (Shi'a) – Da'awa Tanthim Trade Minister **[4a] [66a]**

Ali al-Bahadli (Shi'a) – Independent Agriculture Minister **[88d] [p38]**

Mahmud Muhammad Jawad al Radi (Shi'a) – UIA/Badr Labour and Social Affairs Minister **[4a] [66a]**

Amir Abd al-Jabar Ismail (Shi'a) – UIA Transport Minister **[88d] [p38]**

Mahir Dalli Ibrahim al-Hadithi (Sunni) – Tawafiq/GCIP Culture Minister **[88d] [p38]**

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-Ujayli (Sunni) – Tawafuq Higher Education Minister **[88d] (p38)**

Riyad Ghurayyib (Shi'a) – UIA/Badr Municipalities Minister **[4a] [66a]**

Ali Baban (Sunni) – Unaffiliated Planning Minister **[88d (p38)**

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)**

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]** The UN Security Council report, published 28 July 2008, reported the ceasefire was still in effect. **[38q] (p1)**

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.

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.

Al-Awda (Return Party, Al-Awdah)

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)**

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 lnk.

> "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)) – See also Ansar al-Islam.

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 Abdu**l**ah 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)**

According to the Canadian IRB report for Iraq, published January 2008, noted "This army claims to have at least 13 brigades made up of several dozen to several hundred members." **[139a] (4. Armed groups and other non-state actors)**

Jane's Sentinel, updated 18 February 2008, stated:

> "… 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)**

The UNSC report of 28 July 2008, noted that Ansar al-Sunnah were "still present and capable of carrying out deadly attacks" in the Kirkuk region. **[38q] (p13)**

Jane's Sentinel updated on 31 October 2008, that as of 28 November 2007, the group had agreed to revert to using the group's original name, Ansar al-Islam. **[14g] (p1-2)** Further to this, "The current leader of Ansar al-Sunna is unclear. The last national-level emir identified by the group was Abu Abdullah al-Hassan bin ahmud."**[14g] (p2)**

See also Ansar al-Islam.

Army of the First Four Caliphs (Jaych al-Rachidin)

The Canadian IRB report for Iraq, published January 2008, commented "This army is reported to have 6 brigades made up of several dozen to several hundred members. It defines itself as an Iraqi Islamist and nationalist group." **[139a] (4. Armed groups and other non-state actors)**

'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 Canadian IRIB fact sheet for Iraq, published January 2008, stated "In 2005, this group consisted of 8,000 to 10,000 men." **[139a] (4. Armed groups and other non-state actors)**

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)**

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)**

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.

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)**

The Canadian IRB factsheet for Iraq, published January 2008, commented "The military faction of this organization consists of the Kata'ib Salah al-Din al-Ayyubi brigades." **[139a] (4. Armed groups and other non-state actors)**

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) (IAI)

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)**

Jane's Sentinel, updated on 31 October 2008, reported that "[IAI] cannot galvanise support from a large enough constituency. Nevertheless, it remains a large and sophisticated insurgent group that is capable of conducting almost daily attacks upon US forces in Iraq. At its peak it claimed 22 major attacks per day in the period around 2005-2006. The IAI is also involved in a running confrontation with Al Qaeda in Iraq (AQI)…" Further to this, "The current leader of IAI is believed by US authorities to be Brigadier General Muhammad Abid Mahmoud Ali al-Luheibi (Abu Osama)." **[14g] (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 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)**

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, updated on 18 February 2008, stated that:

> "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]**

The CSIS report, published 28 May 2008, stated "There is no question that many elements of the JAM have been guilty of sectarian cleansing, and that the Sadr movement in general is hostile to the US and is seeking to enhance Muqtada al-Sadr's

political power. There is also no doubt that the rogue elements in the JAM continued acts of violence in spite of the pre-invasion ceasefire, and that some had ties to Iran." **[63i] (p12)**

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)**

The Canadian IRB fact sheet for Iraq, published January 2008, commented on a groups called "Mujahidin Brigades (Katq'ib al-Mujahidin)", stating "This organization of Iranian dissidents formerly supported by Saddam Hussein is based in southern Iraq. It targets Iraqi and Kurdish forces. It was founded in 2004. Its leader is Massoud Rajavi." **[139a] (4. Armed groups and other non-state actors)**

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 wa1-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]**

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 on 31 October 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 1,800 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 55 lives since June 2004, including those of seven foreigners." **[14g] (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. **[14g] (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 Sentinel 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, updated 18 February 2008, stated 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 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. …
>
> "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. …
>
> "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)**

Jane's Sentinel, last updated 7 October 2008, reported that, "As of mid-2008, Mosul is the only major urban area in which AQI continues to try to hold terrain." **[14d] (p3)** Jane's also reported, on 31 October 2008, that the current leader of AQI to be Abu Ayyub al-Masri, also known as Abu Hamza al-Muhajir. **[14g] (p13)**

Turkoman Front militia

Jane's Sentinel, 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]**

Other groups mentioned in the Canadian IRB factsheet on Iraq, published January 2008, included "Active Religious Seminary, al-Faruq Brigades, al-Qiyadah al-Amah li Jaysh al-Iraq (General Command of the Iraqi Army), al-Sadr's Group, Armed Vanguards of Mohammad's Second Army, Ba'ath Arab Socialist Party, Black Banner Organization, Fallujah Branch, Hasad al-Muqawamah al-Iraqiyah, Imam al-Mahdi Army, Iraq's Revolutionaries, Iraqi National Islamic Resistance, Iraqi Organization of Liberation, Iraqi Resistance Brigades, Iraqi Resistance Islamic Front (JAMI), Islamic

Jihad Brigades of Muhammad's Army, Islamic Movement of Kurdistan, Jamaat al-Tawhid wa'l-Jihad (Unification and Jihad Group), Jaysh Muhammad, Jund al-Sham (God's Wrath), Kata'ib al-Zilzal al-Mujahidah (Jihadist Earthquake Brigades), Kurdistan Islamic Group, Liberating Iraq's Army, Mafariz al-Intiqam (Martyrs Brigades of the Hamas Movement), Mujahedin Allahu Akbar (God is Great Fighters), Mujahideen Battalions of the Salafi Group of Iraq, Muslim Fighters of the Victorious Sect, Muslim Youth, National Iraqi Commandos Front, Resistance Front, Sa'd bin Abi Waqqas, Salafist Jihad Group, Snake Party, Sons of Islam, Tha'r Allah (Vengeance Detachments), Usbat al-Huda (Daughter of Guidance), Wakefulness and Holy War, White Flags." **[139a] (4. Armed groups and other non-state actors)**

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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 earned 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
IRC	**Iraqi Red Crescent**
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
SIIC	Supreme Islamic Iraqi Council
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
UNAMI	**United Nations Assistance Mission to Iraq**
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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