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## 2009 Human Rights Report: Iraq

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
**2009 Country Reports on Human Rights Practices**  
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Iraq, with a population of approximately 29 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al-Maliki. The current administration assumed office in 2006 after the Council of Representatives (COR) approved a unity government composed of the major political parties. The 2005 COR elections establishing this government met internationally recognized electoral standards for free and fair elections, and the results of the elections reflected the will of the voters, according to the final report of the International Mission for Iraqi Elections.

During the year, the general security situation in the country improved substantially. Violence decreased to the lowest level since 2004, although attacks on military, police, and civilians continued. Compared to the previous year, civilian deaths from violence during the year fell 47 percent to an average of seven civilian deaths per day and Iraqi Security Forces (ISF) deaths from violence fell by 52 percent to an average of 1.4 ISF deaths per day. Successful ISF operations contributed to decreasing violence by consolidating government control of areas Shia special groups and other extremists previously dominated. Sectarian killing declined due to the continued observance, except by some breakaway factions, of a series of unilateral ceasefires the Shia militia Jaysh al-Mahdi (JAM) first announced in 2007, and the continued efforts of "Sons of Iraq" (SOI) neighborhood security forces — initiated in 2007 and 2008 and mostly affiliated with Sunni tribal groups — to undermine the influence of the terrorist group Al-Qa'ida in Iraq (AQI) and other largely Sunni extremists.

During the year, the Ministry of Interior (MOI) and Ministry of Defense (MOD) increased the numbers of trained security forces to more than 655,000, an increase of 65,000 from the 590,000 present at the end of 2008. The ISF assumed control of cities on June 30 from Multinational Force-Iraq (MNF-I) and, despite major coordinated terrorist attacks in August, October, and December, generally maintained law and order effectively. Civilian authorities generally maintained control of the ISF. Continuing violence, corruption, and organizational dysfunction undermined the government's ability to protect human rights.

During the year the following significant human rights problems were reported: arbitrary or unlawful killings; insurgent and terrorist bombings and executions; disruption of authority by sectarian, criminal, and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention and prison facilities; denial of fair public trials; delays in resolving property restitution claims; immature judicial institutions lacking capacity; arbitrary arrest and detention; arbitrary interference with privacy and home; other abuses in internal conflicts; limits on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of protection of refugees and stateless persons; lack of transparency and significant widespread corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic and religious minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Insurgent and extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses. Although their influence and ability to attack has significantly weakened since 2007, terrorist groups such as AQI and other extremist elements continued to launch highly destructive attacks, attempting to fuel sectarian tensions and undermine the government's ability to maintain law and order. Extremist and AQI attacks continued against ISF and government officials. AQI and other extremists also conducted high-profile bombings targeting urban areas, particularly prominent government buildings, Shia markets, and mosques, and killing Shia religious pilgrims. Religious minorities, sometimes labeled "anti-Islamic," were often targeted in the violence. Insurgents also carried out a number of attacks against other civilians. During the year, despite some reconciliation and easing of tensions in several provinces, the government's human rights performance consistently fell short of according citizens the protections the law provides.

The constitution and law provide a strong framework for the free exercise of human rights. The country conducted credible and legitimate provincial elections in 14 majority Arab provinces on January 31 and regional elections in the three provinces that make up the Kurdistan Regional Government (KRG) on July 25. The prime minister and minister of justice directed the MOD, in cooperation with other government institutions, to transfer its civilian detainee population to Ministry of Justice (MOJ) custody. The passage of a new electoral law on December 6 set the stage for national parliamentary elections in early 2010.

### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

During the year there were reports that the government or its agents committed arbitrary or unlawful killings in connection with the ongoing conflict. According to personal accounts and numerous press reports, government security forces caused civilian deaths during operations that targeted and killed armed fighters or persons planning to carry out violence against civilian or military targets.

On July 28, clashes erupted at Ashraf in Diyala Province when the ISF attempted to establish a police presence inside the more than 3,400-person compound of the terrorist Iranian dissident group Mujahedin-e Khalq (MEK). The clashes resulted in the deaths of 11 MEK members and injuries to 30 ISF officers. The government credibly claimed the MEK provoked the clashes by staging a violent demonstration to block the ISF from entering the compound.

Unlike in previous years, with the increased exercise of central government authority over security forces, the phenomena of widespread and confirmed unauthorized government agent involvement in extrajudicial killings largely ceased. However, there were reports of attacks by individuals posing as ISF. On November 17, west of Baghdad, perpetrators wearing Iraqi army uniforms used silenced guns in the execution-style killings of 13 men, including a Sunni politician from the Iraqi Islamic Party. The victims had been kidnapped from their homes in the villages of Abid and Khodeir Zaidan. On November 25, men dressed in Iraqi army uniforms entered a house in the village of Tarmiya and killed six members of a family, including women and children.

There was virtual impunity for officials tried for extrajudicial killings. In 2007 several high-ranking Ministry of Health (MOH) officials who were JAM members—including deputy minister Hakim al-Zamili—were arrested and charged with organizing the killing of hundreds of Sunnis in Baghdad's hospitals. In March 2008 a three-judge panel, citing a lack of evidence, acquitted the defendants, who were released soon after. There were allegations of witness intimidation throughout the process. At year's end an appeal by the prosecution was pending.

Although overall violence against the civilian population greatly decreased during the year, insurgent and terrorist bombings, executions, and killings were regular occurrences throughout all regions and sectors of society. On March 23, a suicide bomber attacked a Kurdish funeral in the city of Jalula, killing 27. On August 19, a coordinated attack on the ministries of foreign affairs and finance killed 100 persons and injured more than 500. Four more attacks occurred simultaneously throughout Baghdad, wounding 20 other individuals. On September 28, a series of bombings in Baghdad, Ramadi, Mosul, and Qadasiya killed 18 persons and wounded 55 others. On October 25, two car bombs targeting the MOJ and the Baghdad Provincial Government headquarters exploded, killing 155 persons and injuring approximately 500. On December 8, bombs exploded near education facilities, judicial complexes, and other government institutions, killing 127 persons and wounding more than 500. AQI claimed responsibility for the coordinated Baghdad bombings targeting government institutions on August 19, October 25, and December 8.

Incidents of terrorist attacks by female suicide bombers continued to occur during the year. On February 13, a female suicide bomber blew herself up in the midst of a group of Shia pilgrims on their way to visit the shrine of Imam Hussein in Karbala, killing 30 and wounding 80 individuals. On February 15, a female suicide bomber in Khanaqin blew herself up inside a restaurant, killing 15 persons and injuring 13 others.

On January 21, the ISF arrested Samira Ahmed Jassim al-Azzawi, who confessed to recruiting 80 women to carry out suicide bombing missions in Baghdad and Diyala Province. Police linked her to a 2007 attack that killed 12 individuals, many of whom were police recruits, and another 2007 bombing that killed 15 persons at a Sunni Awakening meeting in Diyala. On November 30, the ISF arrested Rajaa Idan Farhan for recruiting female bombers and for preparing an explosive belt for Ranya Ibrahim, a failed suicide bomber arrested in Baaquba in 2008.

An estimated 515 ISF members were killed during the year. Police officers, in particular, were targeted. On March 8, a suicide bomber attacked a police academy in eastern Baghdad killing 28 persons and wounding 57 others. On September 7, six army and police checkpoints in Baghdad, Karbala, Ramadi, and Baquba were attacked with bombs and grenades, killing approximately 21. On December 24, two explosions in Hilla killed 25 persons, including 14 police, and wounded 105, including 35 police.

Terrorists also targeted political institutions and leaders. On January 16, Dawa party member Haitham Kadhim al-Husaini was shot and killed after a campaign appearance in the Jabala district in Babil Province. On June 12, Dr. Harith al-Obeidi, deputy chairman of the COR's Human Rights Committee and head of the Sunni Tawafuq Front party, was shot and killed as he left a Baghdad mosque after Friday prayers. On July 30, a pair of explosions targeting the Iraqi Islamic Party offices in Baquba killed five persons and injured 14. On November 22, a gunman assassinated a member of the Executive Committee of the Iraqi Turkoman Front political party, Yauz Ahmad Efendi, at his home in Mosul. On December 30, two suicide bombers detonated explosives near the governor's office in Ramadi, killing 24 persons including one member of the provincial council and wounding 58 including the governor of Anbar, Qasim Abed al-Fahadawi.

Terrorists also targeted religious institutions and minority groups (see section 2.c.).

AQI attacks against SOI and Sunni tribal leaders increased during the year. On January 24, two Awakening Council guards were killed and two wounded when their checkpoint was attacked in Babil. On April 11, a suicide bomber killed eight SOI members and injured 30 others while the officers waited for their pay in Iskandariyah. On December 7, six Awakening Council members were shot and killed in Nadeem village, north of Baghdad.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces comprising the Kurdistan region, there were significantly fewer

reports of sectarian violence than elsewhere in the country.

Unlike in the previous year, there were no confirmed reports of KRG security forces using excessive lethal force. In August 2008 residents of Sreshma village in Erbil demonstrated in favor of improved access to water. As they reached the Khalifan village mayor's office, the police opened fire, killing a 15-year-old bystander and injuring four others. The governor of Erbil suspended the chief of the Khalifan police, but an investigation was unable to fix responsibility for the incident.

Unlike in the previous year, there were no terrorist attacks within the Kurdistan region. There were attacks on Kurdish regional security Peshmerga forces operating in other provinces. On October 5, a car bomb in Shalaan village in Ninewa governorate targeting a convoy of Peshmerga soldiers injured 12. On December 25, a car bomb targeting a patrol of Peshmerga soldiers in the district on Sinjar in Ninewa governorate killed three and wounded 15.

The Turkish Air Force and artillery targeted the Kurdistan Worker's Party (PKK) sites in the Kurdistan region multiple times during the year. During the week of February 8, these attacks killed 13 PKK members. Iranian forces occasionally bombarded areas along the Iran-Iraq border, targeting members of the Party of Free Life of Kurdistan, an Iranian Kurdish separatist rebel group. In August there were Iranian mortar attacks against the border villages of Hajj Omran district in Erbil Province, including the villages of Bwara Gurg, Dola Sebar and Kodian Mountain.

There were no other known developments in 2008 killings.

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

#### b. Disappearance

During the year kidnappings and disappearances remained severe problems. The majority of the reported cases appeared to be financially motivated, with large ransom demands, rather than sectarian-based. Police believed that the majority of cases went unreported.

Unlike in previous years, there were fewer reports that police arrested civilians without an arrest warrant and held them for ransom. On November 17, a Baghdad police lieutenant was arrested for the kidnapping and murder of his neighbor's son. The officer had demanded ransom before he killed the child. He remained in custody awaiting trial at year's end.

Kidnappings were often conducted for ransom, and religious minorities and children were often the target of such kidnappings. Kidnappers who did not receive ransom often killed their victims. On August 18, Sameer Gorgees was kidnapped in Kirkuk and held for 29 days, during which he was tortured. The kidnappers released him on September 16 after a payment of 110 million Iraqi Dinars (ID) (approximately \$100,000) ransom. On September 14, unknown assailants abducted Soran Abdul-Qadir, head of human rights and democracy programs for Norwegian People's Aid's in Sulaymaniyah. He was found alive three days later in Kirkuk, showing signs of physical abuse. In July his home was vandalized and he received death threats. On October 3, Iman Elias Abdul Karim was kidnapped in Kirkuk and his body found a day later. The MOI Human Rights office reported that it investigated 525 missing person cases during the year; results were pending.

Five British men (a computer expert and four bodyguards) were kidnapped in 2007. Peter Moore, the computer expert, was released unharmed on December 30, while the bodies of three of the four bodyguards were returned on June 19 and September 3 to the United Kingdom. The whereabouts of the fifth man remained unknown at year's end. Fifteen Americans, four South Africans, four Russian diplomats, and one Japanese citizen who were abducted since 2003 remained missing. There was no further information on the 2007 kidnapping of the Ministry of Science and Technology acting undersecretary, Samir Salim al-Attar.

Until its fall in 2003, the former regime caused the disappearance of many thousands of persons. Additional mass graves from that period were discovered during the year. On May 12, a mass grave was discovered containing 100 bodies in the province Diwaniyah. The victims were thought to be Kurds killed prior to 1991 by the former regime. On May 15, the Ministry of Human Rights (MOHR) announced that it had discovered three mass graves in the Qadisiya district west of Najaf. The graves were estimated to contain 3,000 bodies, mostly of Kurds killed during the Al-Anfal campaign in 1988. On December 19, the government announced the discovery of a mass grave near Kirkuk that contained dozens of bodies believed to be those of Kurds killed between 1988 and 1991.

More recent mass graves were also discovered. On February 14, officials found a mass grave in al-Midaan village north of Baghdad containing 40 persons killed in 2006 by Sunni insurgents in the area. On May 25, a mass grave containing eight bodies believed to be victims of AQI was found in the city of Baqubah.

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

#### c. Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment

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

During the year local and international human rights organizations, the MOHR, and the human rights directorates of the MOI and MOD continued to report allegations of torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces' detention facilities. A MOHR prisons report for 2009 indicated that there were 326 documented

cases of torture and ill-treatment at MOI facilities, 152 cases at MOD facilities, 14 cases at Ministry of Labor and Social Affairs (MOLSA) facilities, one case at MOJ facilities, and 12 in Peshmerga facilities in the Kurdistan region during that year.

As in previous years, reports of abuse at the point of arrest and during the investigation period, particularly by the MOI's Federal Police and the MOD's battalion-level forces, continued to be common. Allegations of abuse included beatings, sexual assault, and death threats.

On February 8, the Central Criminal Court of Iraq (CCC-I) found three defendants guilty of terrorism charges stemming from a 2007 improvised explosive device attack that killed former Babil Province police chief Qais Hamza Abud al-Mamouri. The CCC-I issued life sentences rather than imposing the death penalty due to credible evidence that the defendants had been tortured while in police custody awaiting trial.

On February 14, thousands of protesters called for Diyala provincial police chief Ghanim al-Quraishi to be fired for several incidents of torture; he was relieved of duty in mid-August.

On May 17, three detainees at the MOI Al Forsan detention facility in Ramadi were allegedly tortured. The MOI brought charges against five officers for their role in the abuse. On June 10, prison guards allegedly tortured and raped female detainees at an MOI detention facility in the Adamiya neighborhood of Baghdad. Two MOI officers were charged, but there were no updates at year's end.

On June 11, three members of the COR alleged that 11 detainees had been subject to abuse and torture by MOI officials, including 11 at an MOI facility in the Rusafa district and 10 at Diwanayah prison. Following these claims, prisoners at the 11th Iraqi Army detention facility went on a hunger strike for a day in protest of their own conditions before receiving government assurances of an investigation. On June 18, the government established a committee to investigate the claims and charged 40 police officers for abuse. According to government reports, one general, two colonels, two majors, and two lieutenants were suspended pending additional investigation into charges of detainee abuse. There were no updates on their cases at year's end.

There were indications that some disciplinary action was taken against security forces accused of human rights abuses and some judicial follow-up in torture cases. During the year the MOI Human Rights Directorate, with a staff of 50 investigators, opened 55 investigations into human rights abuse cases and sent 15 cases to court for further investigation. At year's end nine of the 15 investigations had substantiated allegations of torture against 14 officers including one general, five colonels, and three majors.

There were fewer reports of torture or abuse in the MOJ's pretrial detention facilities than in MOI or MOD facilities.

The KRG's Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities run by the KRG internal security forces (Asayish) and party-affiliated intelligence services Parastin of the KDP and Zaniyari of the Patriotic Union of Kurdistan (PUK). Allegations of abuse included stress positions, broken fingers, and application of electric shocks. A MOHR report on prison conditions in the Kurdistan region noted that inspectors had observed signs of "systemic torture" in Asayish detention facilities, although cases in prisons run by KRG social welfare authorities were limited to isolated instances.

#### Prison and Detention Center Conditions

Despite a law mandating that detention facilities be under the sole control of the MOJ, four separate ministries operated detention facilities: the MOJ, MOI, MOD, and MOLSA, whose facilities are exclusively for juvenile detention. KRG social welfare authorities operated prisons in the KRG, and KRG security authorities operated pretrial detention facilities. KRG internal security forces and KRG intelligence services operated separate detention facilities as well. Kurdish authorities operated eight detention facilities that combined pretrial and postconviction housing and eight additional internal security pretrial detention facilities.

Although the government had not yet adequately resourced the MOJ with the personnel, supplies, equipment, and facilities to assume complete control over all detention operations throughout the country, there was significant progress in transferring MOD detainees to MOJ detention facilities.

At year's end there were 11 MOJ prisons and seven MOJ pretrial detention facilities. Under the direction of the previous acting minister of justice, the Baghdad Central Prison (formerly Abu Ghraib) was reopened in November 2008 with a plan to hold as many as 5,000 posttrial prisoners. A prison riot occurred on September 10 that damaged the facility and required relocation of the entire prison population of 2,630 inmates. At year's end the MOJ did not have plans to reopen or further use Baghdad Central Prison, and to accommodate the relocation of its inmates, the MOJ formally activated the 3,000-bed posttrial facility at Chamchamal in Sulaymaniyah Province.

MOI detention facilities comprise an estimated six Federal Police facilities and 294 Iraqi Police facilities. There are an estimated 1,200 smaller MOI police holding stations throughout the country managed, staffed, and operated by the Federal Police, Iraqi Police Services, Criminal Investigations Division, and the National Investigative and Information Agency. Although there were no independently verified statistics, it was estimated that the MOI facilities held as many as 8,000 pretrial detainees.

The MOD operated 27 Iraqi Army pretrial detention centers for detainees captured during military raids and operations. There were reports of unofficial detention centers throughout the country. The MOD lacks the legal authority to detain civilians and is required to transfer detainees to MOI or MOJ facilities within 24 hours. In May the MOD began transferring

its civilian detainees to MOJ custody. At year's end an estimated 75 percent of MOD detainees (approximately 1,500 persons) had been transferred. Approximately 650 civilian detainees remained in MOD custody at year's end, the majority located in a detention facility in the International Zone in Baghdad, operated by the 56th Iraqi Army Brigade, and the Old Muthanna Airfield in Baghdad, operated by the 54th Iraqi Army Brigade.

The majority of individuals in MOI and MOD facilities were pretrial detainees. Overcrowding of pretrial detainees remained a problem in all detention facilities throughout the country, due to slow case processing. For example, the MOI Khamees detention center in Diyala, with a capacity of 200 inmates, held more than 450 in unsanitary conditions, according to an April report of the UN High Commissioner on Human Rights.

The MOJ is the only government entity with the legal authority to hold, care for, and guard posttrial detainees. The total capacity of MOJ's Iraqi Corrections Service (ICS) facilities was 20,295 beds (not including emergency capacity), which included 304 dedicated beds for women. The total number of prisoners in the ICS was 20,223, 47 percent of whom were pretrial detainees.

In MOI and MOD detention facilities, conditions and treatment of detainees were generally reported as poor. The MOI Human Rights Directorate conducted 120 inspections during the year and found that most facilities had shown improvement from the previous year, but overcrowding remained widespread. Many lacked adequate food, exercise facilities, medical care, and family visitation. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not provided consistently, and there continued to be allegations of abuse and torture in some facilities. At the MOD's detention center in the International Zone in Baghdad, detainees were denied family visits or access to counsel, were held in overcrowded cells, and exhibited evidence of torture and abuse.

Despite limited resources and funds, MOJ detention facilities provided detainees with better treatment and living conditions than MOI and MOD detention facilities. Medical care in MOJ's ICS prisons in some locations exceeded the community standard. ICS personnel made significant progress in meeting internationally accepted standards for prisoner needs. The MOJ is responsible for training ICS guards and correctional executive management staff, providing the facilities with necessary supplies and equipment, addressing overcrowding, facilitating case processing, and providing prison rehabilitation programs.

The ICS internal affairs department monitored abuse or violations of international standards for human rights in prisons. Allegations of abuse have resulted in the disciplining of ICS officers in some cases. During the year there were two allegations that ICS staff abused detainees.

The law mandates that women and juveniles be held separately from adult males. Although this law was generally observed, in some cases women were held in the same detention facility as men, but in segregated quarters and cellblocks. An MOD inspection of a facility in Baghdad's International Zone found women at the facility, albeit in separate cells. Juveniles were also occasionally held with adults. MOD inspections of its own International Zone facility and Old Muthanna detention facilities found juveniles living in the same cells as adult detainees. Additionally pretrial detainees and convicted prisoners were sometimes held in the same facility due to space limitations.

During the year MOLSA's juvenile facilities improved. In June the Tobschi juvenile facility in Baghdad completed renovations and increased its capacity from 265 to 327 beds. The current population at Tobschi is 279 pretrial juveniles. The Kharq juvenile facility remained overcrowded, with a capacity of 245 and a total population of 435 posttrial juveniles. There have been no reported instances of abuse or mistreatment in MOLSA facilities.

KRG security authorities operated male pretrial detention facilities and KRG social welfare authorities operated male posttrial and female and juvenile pretrial and posttrial detention facilities in the Kurdistan region. The national MOHR and a KRG human rights official visited several detention facilities run by KRG social welfare authorities during the year. The KRG internal security forces and the KRG intelligence services operated separate detention facilities. Domestic and international human rights NGOs and intergovernmental organizations generally had access to pretrial and posttrial facilities. Access by independent organizations to the facilities of the KRG internal security and intelligence services was limited to the MOHR, International Committee of the Red Cross (ICRC), and UN.

National detention facilities permitted visits by representatives of the national MOHR and members of parliament, and KRG detention facilities permitted visits by the national MOHR and KRG human rights authorities. In accordance with a directive from the prime minister, the national MOHR continued its own program inspecting every detention facility monthly apart from those run by the KRG, which were inspected jointly. The MOHR's fourth annual report covering 2009 was generally critical of prison standards across the country and addressed general conditions and populations of detention facilities, judicial processes, and torture allegations. It reported 326 confirmed cases of torture or abuse within the MOI, 152 cases within the MOD, 14 cases within MOLSA, 12 cases within Peshmerga facilities in the Kurdistan region, and one case in the MOJ for the year. The Higher Judicial Council (HJC) was investigating the cases at year's end.

Domestic and international human rights NGOs and intergovernmental organizations generally did not have access to national MOI detention and pretrial facilities, although the MOHR initiated a program during the year to train NGOs in how to conduct prison inspections. Some intergovernmental organizations had access to similar facilities of the KRG internal security and intelligence forces. Only the ICRC visited several detention facilities and prisons under the MOI, MOD, MOLSA, and MOJ around the country and had access to KRG detainees, some of whom were held in Asayish facilities. The ICRC visited these facilities in accordance with standard modalities. During the year the ICRC carried out 76 visits to 26 central government detention facilities. The ICRC also regularly visited 32 KRG detention facilities.

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

#### d. Arbitrary Arrest or Detention

The constitution provides for protection against arbitrary arrest and detention without a warrant, except in extreme exigent circumstances as provided for in a state of emergency. In practice there were many instances of arbitrary arrest and detention.

#### Role of the Police and Security Apparatus

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

The MOI security forces include several components: the 292,700-member Iraqi Police Service deployed in police stations; the 43,800-member Federal Police, overwhelmingly Shia and organized into commandos and public order police; the 40,000-member Border Enforcement Police; and the 83,000 Facilities Protection Service security guards deployed at MOI direction at individual ministries. The MOI was responsible for approximately 600,000 employees, 10 percent of the country's male labor force.

During the year the security services exhibited greater integration of the SOI into the ISF, strengthened chain of command and control, and fewer shortages of personnel and equipment. Total trained ISF numbers grew to at least 655,000 from 590,000 in 2008, enabling the ISF to improve operations against extremist activity. Although oversight by MOI and MOD Internal Affairs increased, problems continued with all security services, arising from sectarian divisions, corruption, and unwillingness to serve outside the areas in which personnel were recruited. The effort of the head of the Federal Police to have police serve in provinces other than their home provinces to reduce corruption was partially successful.

The ability of the overwhelmingly Shia ISF to convince Sunni communities that the ISF was not biased in enforcement remained a problem. Government efforts to pay the approximately 94,000 SOI personnel, mostly Sunnis, and integrate them into full-time government employment positions (20 percent with state security agencies and 80 percent with civil ministries) continued on a largely successful course. Legitimate complaints about payment delays persisted, in part because the country operated principally as a cash economy. Although the government's stated goal was to transition all 50,000 of the Baghdad SOI into government positions by the end of the year, this did not occur. The government did successfully transition more than 37,000 of the SOI during the year. Suspected government targeting and arrest of SOI personnel for alleged previous insurgent or Ba'athist activity continued to be a point of tension between the Sunni population and the government. Since October 2008, 43 SOI leaders have been arrested, and 33 remained in custody at year's end.

The KRG maintained its own regional security forces, the Peshmerga, as set forth in the constitution. The two main parties of the Kurdish region maintained ties to these Peshmerga units as well as to other security and intelligence units currently outside KRG or central government control. 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.

During the year the KRG merged its two KDP and PUK-based Peshmerga forces under an entity for Peshmerga affairs. KRG internal security forces remained separated in practice along party lines. On April 5, in Sulaymaniyah, the chief judge of the province and the head of the PUK branch of the KRG internal security forces signed a memorandum of understanding (MOU), acknowledging the supremacy of the civilian court system in all security matters. Through the MOU, KRG internal security forces pledged not to carry out arrests and other actions without court authority.

Central government and KRG authorities often did not maintain effective control over security forces, despite increased efforts.

In April 2008 the MOI established the Internal Security Forces disciplinary and criminal court system to adjudicate disciplinary violations and crimes committed by MOI police. The court began hearing cases in July 2008. Although the MOI Internal Security Forces Courts continued to process cases during the year, their effectiveness in holding high-level officials accountable for serious violations remained unproven. There are five regional courts: Erbil, Mosul, Baghdad, Hillah, and Basrah. All but the First Regional ISF Court, in Erbil, heard cases. A court of cassation heard appeals in Baghdad. The regional courts have reviewed 5,937 cases, returned 1,475 cases for further investigation, issued 1,495 sentences, and had 814 cases pending as of July.

In July alone the Internal Security Forces Courts convicted and sentenced 272 police and acquitted two. Courts sentenced six police officers to five to 15 years, eight police officers to one to five years, and 258 police officers to less than one year in jail. Two police officers were assessed fines.

Between January and July, MOI Internal Affairs closed 391 investigations. Of the closed cases, 128 were referred to the court system for adjudication and 105 to the Commission of Integrity for further inquiry. Auditors identified 140 billion ID (approximately \$112 million) in improper expenditures.

In an environment where allegations did not often lead to convictions, there were more allegations of MOI and MOD abuses than in the previous year. There were continuing reports of torture and abuse throughout the country in many MOI police stations and MOD facilities; the incidents generally occurred during the interrogation phases. Unlike in the previous

year, MOI employees accused of serious human rights abuses were generally investigated and punished rather than transferred. The MOI Internal Affairs division punished 103 officers and opened 66 new investigations into wrongdoing.

Investigative judges rarely pursued security force officials for suspected crimes because the law permits the minister responsible for the suspect to block an arrest warrant by withholding agreement. Permission was rarely given during the year to prosecute higher-level officials.

#### Arrest Procedures and Treatment While in Detention

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

In practice many detainees have been held for months or years without access to defense counsel or without being formally charged or brought before a judge. Police and army personnel frequently arrested and detained suspects without judicial approval. MOHR and MOD Human Rights Directorate inspections of the MOD detention facilities in the International Zone and at Old Muthanna Airfield found many detainees without case files or valid detention orders. Security sweeps sometimes were conducted throughout entire neighborhoods or provinces. For example, on September 19, the police arrested 33 men in Baqubah who were wanted for alleged terrorist activity. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention.

At year's end the number of detainees in government hands was estimated at 29,000, not including those in central government facilities in the KRG or Asayish and KRG intelligence service facilities. At year's end the ICS held 19,751; the MOI, an unverified number estimated at 8,000; the MOD, 650; and the MOLSA, approximately 700. The KRG total was approximately 2,200, not including central government facilities in the KRG or Asayish and KRG intelligence service facilities.

In practice few detainees saw an investigative judge within the legally mandated time period. Many complained they did not see the investigative judge until months or sometimes years after arrest and detention. Incommunicado detention took place. Lengthy detention periods without judicial action were a systemic problem. The lack of judicial review was due to a number of factors that included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and an insufficient number of judges. A February 20 UN Security Council report noted that many detainees were deprived of their liberty for months or even years, often in poor conditions. There were allegations of detention beyond judicial release dates as well as unlawful releases.

In April the MOJ, with assistance from the international community, took action regarding pretrial detainees who had been in the Rusafa Prison Complex without movement on resolving their cases. This MOJ initiative represented the first step by the government to identify and implement a process for moving cases against pretrial detainees toward resolution. The MOJ began by identifying 936 pretrial detainees the MOD had arrested who were in need of case processing. By year's end 365 of the MOD detainees had received case processing, and another 190 had been released. In August the MOJ completed a second survey of pre-trial detainees at Rusafa, which identified 1,209 pretrial detainees who had been arrested and had been in pretrial confinement for more than six months. At year's end 340 of the detainees had received some level of court action on their case, resulting in the release of 262 individuals.

There were reports that KRG internal security units detained suspects incommunicado and without an arrest warrant and that they transported detainees to undisclosed detention facilities.

Police across the country continued to use coerced confessions and abuse as methods of investigation.

The law allows release on bond, and in practice criminal (but not security) detainees were generally released on bail.

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

#### Amnesty

The COR passed a general Amnesty Law that became effective in February 2008. Pursuant to the law, the HJC formed an amnesty committee in each province headed by four judges and a prosecutor to review all detainee cases and, when appropriate, to recommend release. The law, designed to foster national reconciliation because detainees are disproportionately Sunni, allowed amnesty for certain cases predating the passage of the law. It was not applicable for detainees sentenced to death, and it excluded from amnesty other specified crimes, such as murder and acts of terrorism. Since passage of the Amnesty Law, the HJC has reviewed more than 171,000 cases and determined that more than 137,000 cases affecting individuals who were fugitives, on bail, or held in pretrial and posttrial confinement--a total of 25,000 detainees--were eligible for amnesty. Since the Amnesty Law came into effect, there have been more than 35,000 persons granted amnesty and more than 19,000 detainees released, according to MOHR data.

In 2007 the Kurdistan National Assembly passed a General Amnesty Law for the KRG. A KRG human rights official reported that more than 644 of the approximately 1,054 convicted prisoners in KRG social welfare authorities' prisons received amnesty by the end of 2007, which was the only year in which the KRG Amnesty Law was in effect.



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

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country rendered the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements impaired judicial independence in many places. The courts in Baghdad were notable exceptions, particularly the Central Criminal Court of Iraq (CCC-I), Kharkh, and the Felony Court, Rusafa, (formerly the Rusafa CCC-I), which operated in heavily guarded locations. The MOI agreed to supplement security for judges and allowed judges to select which police officers would be assigned to their security detail. Approximately 2,000 police officers under MOI authority have been assigned to protect judges.

Judges frequently faced death threats and attacks. On October 16, a judge from Ninewa Province was among those killed in a suicide bombing at a mosque in Mosul. This was the only judge killed during the year, although there were several instances of attempted killings, assaults, and attacks on judges and their family members.

Although individual judges were generally viewed as objective and courageous, judges were vulnerable to intimidation and violence. There were reports that criminal cases at the trial level or on appeal to the Court of Cassation were decided by corruption or intimidation. Unlike in the previous year, there were few reports that court-issued detainee release orders were not consistently enforced.

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

The law also restricted the free investigation of wrongdoing. Section 136(b) of the criminal procedure code gives ministers the opportunity to review and prevent the execution of arrest warrants that sitting judges presiding over criminal investigations have issued against ministry employees. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch. During the year permission was given to arrest only lower-level ministry employees under Section 136(b).

The HJC, an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation, and the appeals courts, manages and supervises the judiciary at all levels--investigative, trial, appellate, and supreme court. The HJC also includes representatives of the Judiciary Oversight Committee (a judicial oversight board that hears charges of judicial misconduct) and regional judicial councils. Although implementing legislation for the constitutionally created HJC received its second reading in the COR in July 2008, it had yet to be enacted by year's end. On October 25, a suicide car bomber heavily damaged the MOJ building, which housed the headquarters of the HJC. Despite the damage to the building, the HJC continued its operations with minimal interruption and continued to manage and supervise the judiciary from alternate headquarters. The attack on the HJC headquarters on October 25 and a subsequent attack on December 8 on the Old Kharkh Courthouse (temporary headquarters of the Court of Cassation) did not cause any long-term disruption to the HJC as an institution.

The constitution provides for an independent judiciary in all regions.

In 2007 the KRG passed the Judicial Power Law, which attempted to create a more independent judiciary. The Kurdish Judicial Council (KJC), which had been part of the executive branch's MOJ, became legally independent and took responsibility for its own budget, human resource management, and reporting. KRG judicial authorities no longer have direct operational control over the judiciary, the KRG financial authorities relinquished control of the KJC's budget, and the chief justice was appointed by other judges and not by the executive branch. Nonetheless, the executive continued to influence cases in politically sensitive areas, such as freedom of speech and the press. According to an April report from Amnesty International (AI) on the Kurdistan region, a KRG judge who wrote a newspaper article in which he criticized Asayish interference in the judicial process was subsequently threatened by a senior Asayish official to stop such comments or face adverse consequences.

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 go first 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. The Law on Criminal Proceedings provides for the use of traditional tribal justice. Usually, arbitration (al-Fasil) is accepted in all governorates or other forms of extrajudicial procedures. Cases are referred to government courts when tribal arbitration is unable to reach a verdict. The CCC-I, located in Baghdad, hears cases involving serious criminal offenses, including detainees referred for prosecution. It has nationwide discretionary investigative and trial jurisdiction over all criminal violations, with focus on terrorism, governmental corruption, organized crime, sabotage, and sectarian or ethnic violence. The NGO Human Rights Watch (HRW) claimed in a December 2008 report that the CCC-I seriously failed to meet international standards of due process and fair trials. The failures reported included long periods of pretrial detention without judicial review, inability to pursue a meaningful defense or challenge evidence, and abuse in detention to extract confessions. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, including a large number of pre-trial detainees, undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and an insufficient number of judges.

In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court (FSC), the jurisdiction of which is limited to resolving disputes between branches of government or 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 FSC. Like the HJC, the FSC had yet to see its proposed implementing legislation enacted by year's

end, but this has not hindered the court's operations.

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

In the 2007 Anfal trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali," and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Mohammed, were convicted of genocide and related charges and sentenced to death. The sentences were upheld on appeal. Codefendants Farhan Jubouri and Saber Abdel Aziz al-Douri were sentenced to life imprisonment, and Taher Tawfiq al-Ani was acquitted. The Anfal trial concerned the deaths of an estimated 182,000 Kurdish men, women, and children, caused in part by the use of chemical weapons. The death sentences had not been carried out at year's end because of a dispute between the Prime Minister's Office and the Presidency Council (the president and two deputy presidents) over whether the sentences had to be affirmed by the Presidency Council. In February 2008 the Presidency Council ratified the death sentence of Ali Hassan Al Majid. Sunni vice president Tariq Al Hashimi and Shia vice president Adel Abdul Mahdi signed the ratification. Mahdi also signed the decree on behalf of President Jalal Talabani. The death sentence for Ali Hassan Al Majid is the only IHT death sentence the Presidency Council has ratified.

In 2007 the IHT began its third trial, the 1991 Intifada case, in which 15 defendants were charged with crimes against humanity in Maysan and Basrah Provinces. The 15 defendants were high-level members of the former regime and key military and Ba'ath Party officials, including Ali Hasan Al-Majid. In December 2008 the IHT sentenced al-Majid and Abdul Ghani Abdul Ghafor to death. Former minister of defense Sultan Hashim Ahmad al-Tai was sentenced to 15 years (al-Tai already had been sentenced to death for his role in Anfal). After appellate review, four defendants received life sentences, Sultan Hashim and five others were sentenced to 15 years' imprisonment, and three defendants were acquitted. The events in other provinces involving the 1991 Shia uprising remained under investigation. The prosecutor subsequently appealed the acquittals of two defendants and the sentences of the two others. Those cases were sent back to the trial chamber for reconsideration, and the trial chamber heard additional evidence. Upon reconsideration, the two defendants who were acquitted were convicted and sentenced to 15 years each. The two defendants who were sent back to the trial chamber for sentencing had their sentences increased from 15 years to life.

In April 2008 the IHT began its fourth trial, the merchants' case, in which the former regime in 1992 blamed merchants for shortages and high prices. At that time a "Special Court" was convened, and 42 merchants brought before the court were convicted and executed within hours. The eight defendants included former deputy prime minister Tariq Aziz. On March 11, a verdict in the case was announced. Two defendants, Sabawi Ibrahim and Watban Ibrahim, Saddam Hussein's half-brothers, were sentenced to death. One defendant was acquitted. The remaining defendants received sentences varying from life to six years' imprisonment. Tariq Aziz was convicted and sentenced to 15 years' imprisonment. The verdict and sentence were appealed. The appeals court left the conviction and sentences intact with the exception of the forfeiture of movable and immovable assets, which was vacated.

In July 2008 the IHT began its fifth trial, the Friday Prayers trial, involving the Shia protests of 1999 after Saddam's agents killed the Shia leader and father of Muqtada, Mohamed Sadiq al-Sadr. The Third and Fourth Iraqi Army corps, overseen by Ali Hassan al-Majid, quashed the protests. Fourteen defendants, including Ali Hassan al-Majid and Tariq Aziz, stood trial. The prosecution presented its case at the end of 2008, the defendants then presented their evidence, and on March 2, the trial chamber announced its verdict. Of the 13 defendants, three were acquitted, including former foreign minister Tariq Aziz. Three defendants were convicted and sentenced to death. Four defendants were sentenced to life imprisonment. The remaining defendants were sentenced to between six and 15 years' imprisonment. On appeal the verdicts and sentences were upheld with the exception of the portion requiring the forfeiture of the movable and immovable assets, which was vacated.

Two additional cases were referred to the trial chamber. The Halabja case, which included five defendants and began in December 2008, involved chemical attacks on the Kurdish town of Halabja that resulted in the death of more than 5,000 civilians. In December 2008 the trial began of 25 defendants who were part of the former regime and were allegedly involved in the persecution of Dawa party members. At year's end the trial court in the Halabja case was preparing to announce its verdict, and the Dawa Party case remained in litigation.

On April 7, the IHT began the Ethnic Cleansing case, in which 13 defendants were charged with involvement in forcibly relocating Kurds from Kirkuk to other areas of the country. The case ended with a verdict on August 2 acquitting five defendants and convicting the remaining eight. All prison sentences in the case ranged from six to seven years. The prosecutor appealed three of the acquittals. The case remained under consideration by the appeals court.

In September the IHT issued a warrant for the arrest of Dr. Abdel Basit Turki, head of the Board of Supreme Audit, responsible for auditing the financial records of all central government institutions. Turki was charged with "wasting national wealth" during his time as a senior government official under Saddam Hussein's regime, in particular for the transfer of billions of dollars in cash out of the country prior to Saddam's removal. The allegations fall under the jurisdiction of the IHT due to their nature and the time period in which the offenses were allegedly committed.

During the year the IHT continued to investigate a number of crimes allegedly committed by members of the former regime, including other atrocities following the 1991 uprising, the draining of the southern marshes, and the invasion of Kuwait. The IHT also dropped charges against some detainees. At year's end the IHT had nine trials in process.

#### Trial Procedures

The constitution provides for the right to a fair trial, and judges--investigative, trial, and appellate--generally sought to enforce that right. An accused person is considered innocent until proven guilty and has the right to privately retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts was insufficient access to defense attorneys. Many defendants met their lawyers for the first time during the initial hearing. Defense attorneys were provided at public expense if needed.

In May 2008 the Baghdad Legal Defense Center opened at the Rusafa Detention Complex, providing 25 attorneys, including three female attorneys, to assist the 7,500 detainees in the facility. Since the center's opening, the attorneys have met with more than 10,000 detainees, including detainees held at the Rusafa women's prison.

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

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

Three-judge panels are responsible for trying accused persons in public trials based largely on the results of judicial investigations. During those trials, all three judges on the panel can question the defendants, but in almost all cases the presiding judge is the one who questions the defendants; witnesses may testify at these proceedings. The prosecutor and the defense attorney may make brief closing statements.

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

The constitution provides for the establishment of military courts, but only military crimes committed by the armed forces and the security forces may come before such courts. The MOI courts investigate and try crimes committed by MOI employees related to their employment.

#### Political Prisoners and Detainees

During the year there appeared to be an orchestrated political campaign against Sunni politicians from Diyala Province with arrest warrants issued for four members of the provincial council, the deputy governor, and a member of the parliament from Diyala. On May 18, Iraqi Special Forces affiliated with the prime minister entered the Diyala Provincial Council during the regular weekly meeting and arrested Abdel Jabbar Ali Ibrahim, a member of the provincial council and head of the Sunni Accordance Front bloc in the council. Ibrahim was arrested on terrorism-related charges and taken to a detention facility in Baghdad, where he remained in custody at year's end. Arrest warrants were also issued against provincial council members Ismail Ibrahim Farhan, Dhiyab Sa'ad Khalil, and Hashem Ali al-Hayali, but the prime minister reportedly suspended the warrants following requests from senior Sunni parliamentarians. An arrest warrant was issued for al-Hayali's wife, Taysir Mashadani, who served as a member of the COR and as a result had immunity. On November 22, the deputy governor, Muhamad Hassayn Jasim, was arrested on charges related to terrorism financing. He was being held in a MOD detention facility at year's end. A former Sunni provincial council member, Hussayn al-Zubaydi, continued to be detained on murder charges since his August 2008 arrest, although he was found not guilty of terrorism-related charges in September.

There was little information available concerning persons detained in Kurdish Asayish facilities.

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

#### Civil Judicial Procedures and Remedies

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

#### Property Restitution

There was a problem with serious delays in adjudicating claims for property restitution. The Commission for the Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission, is governed by a 2006 law and is an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between 1968 and 2003, for reasons other than land reform or lawfully applied eminent domain. The CRRPD process was intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of

sectarian displacements. The previously announced June 2007 deadline for filing claims was extended and remained open at year's end.

By year's end the CRRPD had received more than 157,000 claims nationwide since its founding and reportedly reviewed and adjudicated more than 76,000 claims nationwide of which more than 12,000 related to Kirkuk. The claims were handled through a technically complex process, but most claims were resolved in a matter of months. There is a CRRPD appellate commission in Baghdad consisting of seven judges. Since 2003, the wafadin, Arabs previously settled in the Kirkuk region under Saddam Hussein's anti-Kurdish policies, have returned to their prior homes in the center and south of the country and applied for compensation. Since the CRRPD was established, 28,000 wafadin have applied for compensation to the Article 140 committee, which resolves claims for wafadin who seek compensation for returning to their original provinces. Approval for compensation has been given to 16,500, and 10,917 wafadin have received compensation and in theory have returned to their original provinces.

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

The constitution mandates that authorities not enter or search homes except with a judicial order. The constitution also prohibits arbitrary interference with privacy. In practice security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence, although this happened less than in previous years.

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

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

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution broadly provides for the right of free expression, provided it does not violate public order and morality.

Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not to exceed seven years for any person who publicly insults the COR, the government, or public authorities. The law also restricts media organizations expressing support for the banned Ba'ath Party or for "alterations to Iraq's borders by violent means." In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by the government, political parties, and insurgent and sectarian forces.

There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Most media outlets were strongly influenced by political parties in their publications and broadcasts.

The government acted to restrict media freedom in some circumstances. During the January 31 provincial elections, there were widespread reports of the ISF refusing to allow journalists to enter polling stations and in some cases detaining them until after voting had ended. In Basrah prison guards beat approximately 15 photographers and destroyed their equipment when they attempted to film inmates casting their votes at Minah Prison.

On September 14, bodyguards from the Baghdad Provincial Council severely beat a group of 10 journalists and photographers from Al-Iraqiyah television channel as the media workers were on their way to cover a council meeting. The bodyguards forced the group out of their car and beat them with rifle butts, hands, and clubs.

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.

On May 22, a court ordered Internet news site *Kitabat* to pay one billion ID (approximately \$867,000) in damages in a lawsuit Prime Minister Maliki filed. The suit, prompted by a *Kitabat* story alleging nepotism within the prime minister's senior staff, was later withdrawn by the prime minister. In May 2008 the Iraqi National Intelligence Service filed suit for 1.1 billion ID (approximately \$1 million) in damages against the United Kingdom's *Guardian* newspaper for describing Prime Minister Maliki as "authoritarian"; the agency also called for the closure of the paper's Baghdad bureau. On November 12, a court ordered the *Guardian* to pay damages to the prime minister. The news organization, which continued operating in the country, reported that it would appeal the ruling.

Media workers often reported that politicians pressured them not to publish articles criticizing the government. They offered accounts of intimidation, threats, and harassment of the media by government or partisan officials. The government frequently used the threat of legal action against media workers. In a June letter to Prime Minister Maliki, the Journalistic Freedoms Observatory and CPJ called for an end to government agencies filing politically motivated lawsuits against journalists and publications, noting that "high-ranking government officials have used lawsuits as a political tool to

obstruct and silence the news media."

In April the government threatened to close the Baghdad offices of *Al-Hayat* newspaper and Al-Sharqiya, a television station, based on charges of misinformation stemming from allegations that both media outlets inaccurately quoted a high-ranking general regarding the rearrest of recently released Sunni SOI members. A government-owned newspaper, *Al-Sabah*, also printed the quotes but did not face legal action. On April 13, the *New York Times* reported that security forces in Karbala confiscated satirical cartoons depicting Prime Minister Maliki and other government officials. The cartoons had been displayed as a part of a street exhibit in Karbala.

Following a July 28 bank robbery involving members of vice president Adel Abdul al-Mahdi's security team, journalist Ahmed Abd al-Hussein wrote an article insinuating that an unnamed political party was behind the robbery and intended to use the stolen money to advance its political aims. The vice president's party, the Islamic Supreme Council of Iraq (ISCI), threatened legal action against al-Hussein's employer, *Al-Sabah* newspaper. During a widely broadcast Friday sermon, ISCI politician and religious leader Sheikh Jalal Eddin al-Saghir criticized the media's involvement in political matters and called for the journalist to be tried and put to death. Hussein went into hiding for a brief period but resumed work at *Al-Sabah*. The editor in chief of the paper, however, was relieved of his position in October in what many observers interpreted as a rebuke related to the coverage of the robbery.

In compliance with regulations introduced in July, all book imports were subject to inspection by the Ministry of Culture (MOC). Books produced and published within the country required MOC approval before going on sale. According to the MOC, new vetting procedures applying to imports were established to stop the entry of literature promoting sectarianism.

The threat of violence, targeted and indirect, continued against the country's media community, although less so than in previous years. Violence against the media, primarily by insurgent groups and government security forces, was common, and media workers reported that they engaged in self-censorship to avoid retaliatory attacks by government or elected officials. Despite multiple killings of journalists during the year, the CPJ noted that there were no convictions for these or previous killings of journalists. On May 1, *Al-Baghdadia* correspondent Alaa Abdel-Wahab was killed and another journalist wounded when a bomb attached to Abdel-Wahab's vehicle exploded in Mosul. On the same day, two employees of Al-Iraqiyah television station were severely injured when a bomb attached to their vehicle exploded in Baghdad. On November 23, Diyar TV journalist Emad Al-Ebadi survived an assassination attempt when unknown assailants shot him in the neck and head. It was widely believed that the attack was retaliation for Al-Ebadi's frequent televised criticism of parliamentary and government figures. MOI officials and judicial authorities continued investigating the circumstances of the shooting.

Security forces frequently harassed local journalists. On July 8, three journalists working for satellite television station Ifaq were beaten and detained for five hours when police and SOI forces stopped them near the city of Ramadi. The journalists were riding in a vehicle clearly marked with press designators. The incident prompted journalists in Babil Province to hold a protest condemning the attack. Later that month SOI members stopped and beat a *Radio Sawa* reporter in Baghdad when he displayed his press identification card. According to NGO Reporters Without Borders, one of the SOI members involved in the assault berated the journalist for working for a foreign media agency.

On July 4, government officials announced the arrest and confession of three men suspected in the 2006 abduction and killing of well-known *Al-Arabiya* journalist Atwar Bahat and two of her crew members near Samarra.

In the Kurdistan region a 2008 law passed by the regional parliament provided for media freedom, but enforcement was not consistent. Under the 2008 law, imprisonment is no longer a penalty for publication-related offenses. Journalists continued to be tried, convicted, and imprisoned under the 1969 penal code.

The Kurdistan Journalists Syndicate (KJS) documented 44 lawsuits against journalists during the year in the Kurdistan region, approximately one-third under the penal code. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but the law allows for prosecution on the basis of offending public morals and other crimes. Public officials regularly resorted to punitive fines through legal actions against individual media outlets and editors, often for publishing articles on alleged corruption.

On April 23, the KRG official for martyrs and victims of Anfal, Chnar Sa'ad, filed four defamation lawsuits against *Jihan* magazine editor in chief Nabaz Goran seeking damages of one billion ID (\$869,000) and imposition of a travel ban following an article reporting on the minister's two-month trip to London. The court ruled on the first of Goran's four defamation cases on December 7 and fined Goran seven million ID (\$5,830). Goran filed an appeal with the higher court on December 8 and was awaiting the appellate decision at year's end. On December 7, the court ruled in the second of the four cases, and instead of imposing a fine, it permanently blocked Goran from traveling abroad. The third and fourth cases remained pending decisions by the lower court. Government and party officials filed five other defamation lawsuits against Goran during the year.

At the beginning of August, the KRG human rights authorities filed a criminal lawsuit under the penal code seeking prosecution of the owner (a KRG employee) and the editor of the new Kurdish language magazine *Balga*. The magazine had published two partially blacked-out photographs of women journalists as part of an article questioning the standards of professionalism and workplace ethics of their employer, the Wusha Media Group. A ministry spokesman told news outlets that the publication of the photographs degraded the status of women in the Kurdish region and amounted to a violation of individual rights.

In January 2008 President Talabani filed a defamation lawsuit against the editor in chief of *Hawlati* newspaper for reprinting an article appearing in the foreign press alleging that the president embezzled public funds. On March 15, a Sulaymaniyah court fined the newspaper 13 million ID (\$48,700) and the editor in chief 3 million ID (USD \$2,600) for

defaming the president. The fines were upheld on appeal. *Hawlati* had three lawsuits brought against it during the year, including one by KRG human rights authorities.

Libel remains a criminal offense in the Kurdistan region, and judges may issue pretrial arrest warrants for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of published information. When named in a lawsuit, journalists were typically detained at police stations and were not released until they posted bail. Police often keep journalists in custody during investigations.

On March 18, local police arrested Soran Omar, a journalist with *Rega* magazine, after he was named in a libel lawsuit filed by the former director of the Chwarqurna District's Municipality. Omar had accused the former director of corruption and abuse of power. Omar was sent to Rania's main prison, where he posted bail of three million ID (\$2,500) and was released.

In June, *Hawlati* editor in chief Kamal Rauf was detained after a former KRG human rights official filed a defamation lawsuit against him. *Hawlati* had published an opinion article criticizing the MOHR for not strongly condemning the killing of Lvin journalist Soran Mama Hama in Kirkuk in July 2008. Rauf was taken into custody for two hours until he was released on bail.

Journalists in the Kurdish region asserted that they routinely encountered personal intimidation by KRG officials, security services, tribal elements, and business leaders. Local estimates of the number of violations against journalists in the Kurdistan region ranged from a few dozen to more than 100. According to an April 14 AI report, most media outlets avoid criticizing the KRG, its internal security forces and intelligence agencies, and the two main political parties. Political parties owned or had significant influence over all but a few newspapers based in the region. The April Guidelines of the UN High Commissioner for Refugees (UNHCR) reported that criticism of the ruling PUK and KDP in the Kurdish region resulted in intimidation, beatings, arrest and detention, and extrajudicial killings, with journalists particularly at risk.

On October 27, several armed men confronted and assaulted Nabaz Goran, the editor of the independent weekly *Jihan*, on the street outside his Erbil office. After the beating, Goran closed the magazine's Erbil office and fled to Sulaymaniyah. The directorate general of the Erbil internal security forces issued a statement after the attack but had not investigated the attack by year's end.

In July 2008 *Lvin* magazine reporter Soran Hama was killed during the magazine's investigation of alleged criminal activity by KRG internal security forces operating in Kirkuk. Although the KRG reportedly opened an investigation, there was no tangible result by year's end.

In October 2008 three men were arrested in a plot to assassinate Ahmed Mira, editor in chief of *Lvin* magazine. On April 29, the first court hearing of the trial of at least two suspects charged in the plot commenced. After six sessions ending August 9, a Sulaymaniyah criminal court sentenced two of the three suspects to six years' imprisonment and acquitted the third for lack of evidence. Mira claims the third was employed by the Parastin, the KDP intelligence apparatus. Before the trial judicial officials performed a limited investigation, and the trial judge refused Mira's request to admit the full evidence into court, including evidence the Asayish collected. The case was on appeal at year's end.

During the period leading up to the Kurdistan region's parliamentary elections in July, media outlets not controlled by the major political parties raised credible allegations of incidents of violence and intimidation against them by government officials and party supporters.

On July 27, supporters of the ruling KDP party surrounded the Erbil offices of KNN Television and *Rozhnama* newspaper (both belonging to the Wusha Media Group, affiliated with the opposition Change (Goran) movement) and fired gunshots into the premises. During the night of October 12, passengers in two cars opened fire with guns on the same offices. No prosecutions have been brought as a result of these actions or 15 other incidents against journalists, which the Kurdistan Institute for Human Rights recorded during the election campaign. The Kurdistan Journalists Syndicate registered five incidents during the same period.

#### Internet Freedom

There were government restrictions on access to the Internet. On August 2, in accordance with a directive from the Council of Ministers, the MOI announced efforts to block Web sites that "negatively impact Iraqi society, values and security." According to MOI officials, Web sites that benefit the cultural, scientific, technical, social, economic, and tourism fields of knowledge will not be blocked.

Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. Direct Internet access was generally low due to a lack of infrastructure in homes; however, the prevalence of Internet cafes contributed to extensive usage among youth. On August 4, the government announced it would require Internet cafes to officially register or be subject to closure. According to International Telecommunication Union 2008 data, there were an estimated 14,900 Internet subscribers and 275,000 users.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. Social, religious, and political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups reportedly sought to control the pursuit of formal education and granting of academic positions. During the year extremists, insurgents, and terrorists targeted cultural figures such as doctors, academics, and scientists. The president of the University of Mosul received numerous threats and many faculty members from universities throughout the country

departed for other locations within the country or abroad. Staff and students have intimidated other professors. In December 2008 the dean of the college of medicine at the University of Mosul was shot in the abdomen but survived.

In the central and southern parts of the country, there were a number of reports of threats by extremists, or insurgent groups against schools and universities, urging them to modify activities, favor certain students, or face violence. Educational institutions often complied with the threats. On October 14, the prime minister closed Mustansiriyah University for a week due to increased violence at the university by a student group, including alleged torture and rape of other students and killing of professors and administrators since 2005.

According to the MOHR, insurgents killed 340 university professors and 446 students between 2005 and 2007. In 2007 the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers had fled the country since 2003. In the past year, improved security led to reports from some universities and hospitals in Baghdad, Basrah, Babil, Karbala, and Anbar that some professors and other professionals began to return to their jobs, but no comprehensive statistics were available.

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

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protestors. The emergency law was in effect until 2007, giving the prime minister 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, 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 participants violated a curfew. Following the lapse of the state of emergency, the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.

Unlike in the previous year, there were no reports that KRG security forces killed or detained demonstrators protesting government acts.

##### Freedom of Association

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

#### c. Freedom of Religion

The constitution proclaims Islam as the official religion of the state. The constitution provides for full religious rights for all individuals "such as Christians, Yazidis, and Mandaean Sabians," but it stipulates that no law may be enacted that contradicts the established provisions of Islam. The constitution also states that no law may be enacted that contradicts principles of democracy or the rights and basic freedoms stipulated in the constitution, including freedom of thought, conscience, and religious belief and practice for Muslims and non-Muslims alike. Although the government generally endorsed these rights, violence by terrorists, extremists, and criminal gangs restricted the free exercise of religion and continued to exert pressure on other groups to conform to extremist interpretations of Islam's precepts.

The government publicly called for tolerance and acceptance for all religious minorities and took steps to increase security at places of worship, especially during religious holidays and following security incidents. Frequent attacks on places of worship and religious leaders, as well as sectarian violence, hampered the ability of citizens to practice their religion freely.

Regardless of religious affiliation, 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 after being harassed for not doing so.

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

During the year there were allegations that KRG officials engaged in discriminatory behavior against religious minorities in the disputed territories. Christians and Yazidis living north of Mosul claimed that government officials confiscated their property without compensation and began building settlements on their land. Some Assyrian Christians alleged that the KDP-dominated judiciary in Ninewa Province routinely discriminated against non-Muslims and failed to enforce judgments in their favor. There were reports that Yazidis faced restrictions when they entered the KRG-controlled disputed internal boundary areas and had to obtain KRG approval for finding jobs in areas within Ninewa Province administered by the KRG or under the security protection of the Peshmerga.

Yazidi and Shabak political leaders alleged that Peshmerga forces regularly committed abuses against and harassed their communities in Ninewa Province. Minority leaders alleged that Kurdish forces intimidated minority communities into identifying themselves as Kurds and supporting their inclusion in the KRG. Yazidi political representatives also reported that they were not allowed to pass through security checkpoints in areas controlled by Peshmerga as they traveled from

Baghdad to their communities in the north.

The KRG denied allegations that it ordered or condoned violent incidents directed at Christians and other minorities. Most of these allegations came from minorities living in the disputed territories. Many non-Muslims reside in northern disputed regions and the Kurdistan region, and many sought refuge there from other parts of the country where pressures to conform publicly to narrow interpretations of Islamic tenets were greater.

In 2007 the MOI's Nationality and Passport Section canceled Regulation 358 of 1975, which prohibited the issuance of a national identity card to those claiming the Baha'i faith. In 2007 the government issued identity cards to a small number of Baha'is, but later in the same year the Nationality and Passport Section's legal advisor halted issuance, claiming that the Baha'is had been registered as Muslims since 1975 and citing a government regulation preventing the conversion of "Muslims" to another faith.

#### Societal Abuses and Discrimination

Conservative and extremist Islamic elements continued to exert pressure on society to conform to their interpretations of Islam's precepts. Although these efforts affected all citizens, non-Muslims were especially vulnerable to this pressure and violence because of their minority status and their lack of a tribal structure to provide protection.

Sunnis also continued to claim general discrimination during the year, alleging an ongoing campaign of revenge by the Shia majority for the abuses of Shia under the former regime, and also because of a widespread perception that the insurgency was composed primarily of Sunni extremists and former regime supporters with whom the majority of Sunnis sympathized.

Shia in Sunni-dominated neighborhoods, Sunnis in Shia-dominated neighborhoods, and religious minorities in both Sunni- and Shia-dominated neighborhoods reported receiving death threat letters demanding that they leave their homes, and in many cases individuals either complied or were killed. These incidents occurred less frequently than in the previous year, partially due to the increasing capabilities of the ISF and displacement of persons from mixed neighborhoods in previous years.

In general, religious minorities played a small role in political life, especially at the national level, where they lacked much representation. At the provincial level, minorities have been elected to serve on the provincial councils in five governorates, although their influence on decisions concerning security and economic development was limited by the number of seats they controlled.

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 had a detrimental economic impact on the non-Muslim community and contributed to the departure of significant numbers of non-Muslims from the country.

Many Yazidi towns in Ninewa lie in areas disputed between the KRG and the central government and suffered from poor municipal services. The KRG provided some services to these areas, including payment of salaries for Yazidi religious instruction at some state-funded schools.

Religious extremists, including terrorist groups and Shia special group members, targeted places of worship and individuals because of their religious identity.

Religious leaders, groups, and centers were targeted for killings. On July 12, a coordinated series of bombings at six Christian churches in Baghdad killed four persons and left more than 20 wounded. On July 31, five Shia mosques were bombed in Baghdad in a coordinated attack that resulted in at least 29 killed and 136 wounded. On October 16, a gunman attacked worshippers at the Taqwa mosque in the town of Tal Afar and then detonated an explosive vest, killing 15 people, including the mosque's imam, Abdual-Satar Hassan, and wounding approximately 100 others. On November 26, bomb attacks against St. Ephrem's Chaldean Church and St. Theresa's Convent in the city of Mosul caused extensive damage to the buildings, but no casualties. On December 15, bombs detonated outside the Syriac Catholic Church of the Annunciation and the Syriac Orthodox Church of the Virgin Mary in Mosul, killing five individuals and wounding 40. On December 24, a bomb targeting a procession to commemorate Ashura, an important Shia religious holiday, killed six persons and wounded 26 in Sadr City, and another explosion in the city of Karbala killed one and wounded 12 individuals. On December 27, a bomb killed five persons celebrating Ashura in the town of Tuz Khormato.

During August and September, a wave of attacks targeted minority communities in the north. On August 7, a truck bomb in the village of Shirakhan killed 37 Shia Turkmen. On August 10, two truck bombs destroyed the village of Khazna near Mosul where approximately 10,000 Shabaks lived. The attack killed 34 and wounded 200. On August 13, a suicide bombing at a cafe in the village of Sinjar killed 21 Yazidis. On September 9, a truck bomb exploded in the Kakai village of Wardek in Ninewa Province, killing 20 persons and wounding 40 others.

During the year Sabean-Mandaeans, who were few in number and lived in small groups spread across the country, continued to report criminal and extremist elements targeted them because of their religious identity and their perceived wealth. On April 19, three Sabean-Mandaean goldsmiths were among seven jewelers killed in a coordinated daytime robbery in Baghdad. Three other Sabean-Mandaeans were severely injured. Four suspects in the killings were arrested, tried, and sentenced to death. On August 6, a Sabean-Mandaean, We'am Abdul Nabi Lazem, was killed in his shop in the Iskan district of Baghdad. On September 19, four masked men using silenced pistols and knives killed two Sabean-Mandaean goldsmiths, Farqad Faiq Authman and Muhand Qasim Abdul-Razzaq, in their shops in the city of Basrah.

According to a 2009 report published by the Hammurabi Human Rights Organization, a domestic NGO, 12 Christians were



kidnapped during the year. On May 15, a Christian missionary was kidnapped in Kirkuk and held for eight days before mediation by tribal chiefs and local imams led to their release. On November 23, gunmen kidnapped a Christian oil industry worker on his way to work in the city of Kirkuk. On December 28, a Christian university student, Sarah Edmond Youkhana, was kidnapped in Mosul by an organization identifying itself as the "Islamic State of Iraq" (see also section 1.b.).

Islamist militants continued to target stores that provided goods or services considered inconsistent with Islam. Islamic extremists bombed, looted, and defaced liquor stores in Baghdad and elsewhere. For example, on May 9, an alcohol merchant in the al-Shurta district of Baghdad was killed after storekeepers in the area received anonymous warnings to close their shops. Liquor store operators in Basrah received occasional threats from Islamist militants, but there were no recorded acts of violence during the past year.

The country's Jewish population was virtually nonexistent as a result of both voluntary and forced emigration over decades. Even so, anti-Semitic sentiment remained a cultural undercurrent. Among other provisions, the citizenship law precludes Jews who emigrated from regaining citizenship.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

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

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

The constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. The government generally respected these rights. There were some limitations in practice, particularly regarding travel into and residence in the Kurdistan region. Restrictions by provinces on the entry of new internally displaced persons (IDPs) had little impact as there was little new displacement during the year. Some IDPs were unable to access the Public Distribution System in the governorate in which they were displaced. The World Food Program and the ICRC delivered food rations to these IDPs.

The government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems to assist these individuals were not completely established by year's end.

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

There are no KRG laws that restrict movement across the areas administered by the KRG, but due to security procedures in practice this was not always the case. Citizens (of any ethnicity, including Kurds) crossing into the region from the south are obliged to stop at checkpoints, undergo personal and vehicle inspection, and receive permission to proceed. Officials from the Directorate of Checkpoints, who report KRG security authorities, take photographs of travelers and issue a temporary pass. Officials prevent individuals from entering into the region if deemed a security threat. Entry for Arab males was reportedly more difficult than for others. The officer in charge at the check point has the right to decline entry into the region.

To accommodate increasing numbers of summer and holiday visitors, the KRG security authorities worked out agreements with other provinces whereby tourist agencies submitted names of visitors in advance for pre-clearance. Visitors must show where they are lodging and how long they intend to stay.

The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before receiving a passport. On May 8, KRG prime minister Nechirvan Barzani declared that, unlike in the rest of the country, women older than the age of 18 would be able to obtain passports without obtaining the approval of a close male relative in the KRG-administered areas.

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

There were no known government restrictions on emigration. There were few reports of citizens having difficulty obtaining passports. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

There were allegations during the year that some of the 3,400 members of the MEK terrorist organization located at Ashraf were denied the right to leave under threat of reprisal from MEK leaders. These allegations were corroborated by several former Ashraf residents who had fled the camp. Individuals claimed to have been subjected to psychological and physical abuse, including threats of reprisal against family members and solitary confinement in Ashraf to discourage defections.

#### Internally Displaced Persons (IDPs)

In 2006 and 2007, sectarian militia and terrorist actions provoked fear and chaos leading to large-scale movements of Sunni and Shia populations from mixed Sunni/Shia areas toward areas of greater sectarian homogeneity and to displacement inside and outside the country of members of the Christian and other religious minorities. With increased

homogeneity, as well as improvements in security and a lessening of sectarian tensions in many areas, the flow of displacement reversed, with some 400,000 IDPs and refugees returning to their homes since 2008. The total number of displaced remained high, however. The UNHCR estimated that there were approximately 2.76 million IDPs in the country, an estimated 1.5 million of whom were displaced by sectarian violence following the 2006 destruction of the dome of Al-Askariya Mosque and Shrine in Samarra, a Shia holy site. Approximately 200,000 were displaced between 2003 and 2005, and the remainder were displaced prior to 2003, according to the UNHCR.

At year's end the KRG hosted approximately 134,000 post-February 2006 IDPs, according to the UNHCR. Another 635,000 in the north were Kurds displaced from southern and central regions during the previous regime but were largely considered to have established permanent settlements in the KRG. Hygiene and sanitation for IDPs were generally better in the KRG than in other areas, but shelter, food, and other concerns remained critical. There were fewer reports than in 2008 of threat letters delivered to Shia and Sunni residents warning them to leave their homes or face death, but Christian residents in the disputed areas in the north and in Baghdad received continued threats during the year. Of the 1.4 million Christians included in the 1987 census, only 500,000 to 800,000 remained, according to media reports.

Most IDPs lived with families or rented houses in the host community. Other IDPs occupied abandoned buildings, public buildings, or homes other displaced families had abandoned. Some lived in ad hoc "clusters" or settlements located throughout the country. The UNHCR identified 75 settlements in Baghdad, some 175,000 residents. Other IDPs rented homes or lived with friends or family members. According to the UNHCR, Baghdad hosted 572,000 post-2006 IDPs.

A significant number of IDPs and a small number of refugees have begun to move back into former residences, particularly in Baghdad. According to information UNHCR collected, on average 14,085 IDPs and 3,168 refugees returned to their homes each month during the year.

There is a legal and administrative process for restitution of property and eviction of squatters, along with a system of grants and stipends for returnees and evictees. The government offered stipends of one million ID (\$870) to returning families who de-registered as IDPs or refugees. As of mid-November, according to the MODM, 37,739 families had received the grant and another 16,130 more claims were being processed. There were two returns assistance centers in Baghdad and one in Diyala where prospective returnees could present documents verifying their IDP status and property ownership and ask the ISF to evict illegal occupants. In districts where returns occurred, the ISF reportedly evicted several thousand squatters with minimal violence. The Council of Ministers also authorized a rent subsidy totaling 900,000 ID (approximately \$780), paid in installments over six months, to all registered IDPs who vacated the homes of other displaced persons. According to UN and NGO sources, few families actually received the stipends, although the MODM claims that 230,000 families, 87 percent of the post-February 2006 Samarra-bombing caseload, received them. NGOs and other returnee families complained that the bureaucratic process involved in obtaining the returnee grants and the stipends was overly burdensome, requiring documents that many returnees no longer possessed and letters from authorities in both their locations of displacement and return. The expense and time of the process effectively deprived many families of authorized assistance.

The government has no comprehensive policy for undoing sectarian cleansing, but it did encourage returns to secure areas where violence had occurred previously. Council of Ministers Decree 262 of July 2008 provided stipends to IDPs who vacate the homes of the displaced. Prime Ministerial Order 101, issued in August 2008, provided displaced persons with government resources to access their homes in Baghdad. Prime Ministerial Order 54 of July extended Order 101 to Diyala Province, the second-largest locus of returns after Baghdad. The government appointed Ambassador Sadiq Rikabi, an advisor to the prime minister, as coordinator of IDPs and refugee issues. Despite these measures, many humanitarian organizations and Sunni leaders, including deputy prime minister Rafi al-Issawi, cited the lack of steps to reverse the worst of sectarian cleansing, declaring that the government wished to discourage Sunni Arab refugees and IDPs from returning. Government officials vigorously denied these charges. Practical obstacles often discouraged greater numbers of returns. The government's property restitution policy depended on individual requests for restitution from property owners, and these requests often became bogged down in an overburdened legal system. There was no wholesale eviction of squatters from neighborhoods.

The government, through the MODM, allowed IDPs access to domestic and international humanitarian organizations, collected information about IDPs, and provided some protection and assistance in the form of humanitarian supplies. Nonregistration limited IDPs' access to basic services and legal documentation to receive food rations from the public distribution system. The government did not target IDPs or forcibly return them under dangerous conditions.

#### Protection of Refugees

The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to 12,000 Palestinian refugees. Generally, refugee groups of Turkish and Iranian Kurds in the KRG reached a high level of integration. For the majority of the 9,173 Iranian Kurds whom the UNHCR registered as refugees in the north, local integration remained the best and most likely option. For the 15,758 Turkish Kurds whom the UNHCR registered as refugees, the UNHCR's strategies included voluntary repatriation and local settlement, subject to negotiations with Turkey and the government on a Tripartite Voluntary Repatriation Agreement and a Local Settlement/Resettlement Protocol for those willing to remain and integrate. Refugee groups in central and southern regions, particularly refugees who were

perceived to have been privileged by the former regime such as Palestinians, Ahwazis in the South, and Syrian Arabs in Baghdad and Mosul, had a lesser chance of integration and continued to face discrimination and protection problems.

Since the end of 2007 there have been fewer reports of attacks and arrests of refugees in central and southern Iraq. Refugees were targeted periodically in attacks carried out by insurgents, extremists, and criminals. According to the UNHCR, general violence in central Iraq and targeted attacks against Palestinians decreased. Since the beginning of the year, there has been a marked decrease in the number of mortar attacks and raids on Palestinian residential areas of Al Baladiyat as well as arbitrary arrests and targeted killings. Notwithstanding improvements in security, Palestinian refugees continued to experience a deep level of uncertainty with regard to their place within the fabric of society. Economic challenges placed Palestinian refugees in the lowest socioeconomic rankings; their declining economic situation was in part attributable to a loss of employment opportunities due to ethnic discrimination.

According to the UNHCR, approximately 50 Palestinian refugee families left Baghdad to seek refuge in Syria and Turkey during the year, but there were few Palestinians who tried to leave Baghdad for Al Waleed or other refugee camps. The UNHCR reported that it worked with MODM to provide identification cards to the 12,000 Palestinians remaining in the country. The MOI, in coordination with UNHCR, has issued approximately 10,000 identification cards to Palestinians, and approximately 2,000 more were in process.

Sudanese refugees were relocated to the UNHCR's newly established Emergency Transit Center (ETC) in Romania for third country resettlement by the UNHCR. The 138 Sudanese, who could not return to Sudan after 2003, were subjected to violence in Baghdad in 2004 and 2005 and fled the capital to a makeshift camp in the Anbar desert. The Sudanese were transferred to the ETC over a two-month period beginning in December 2008.

Threats against most refugees who had received favorable treatment under the previous regime subsided throughout the year. Nevertheless, lack of proper identification documentation compromised freedom of movement and personal security for certain refugee groups, namely Palestinians and Syrians in Baghdad and Ahwazis in Basrah.

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

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

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

The Independent High Electoral Commission (IHEC) was established in 2007, with nine COR-appointed IHEC Commissioners.

#### Elections and Political Participation

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

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

The country's political parties tended to be organized along either religious or ethnic lines. Shia Islamist parties, such as the ISCI, al-Dawa al-Islamiyya Party, and Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement. Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK reportedly give preference in government employment to their respective members.

A 2008 law on provincial, district, and sub-district elections provided for provincial council elections in the 14 provinces other than Tameem (Kirkuk) and the provinces of the KRG by January 31, and district and sub-district elections within six months of provincial elections. There was no specific quota for women, but entities were required to have 25 percent representation of women on their list of candidates, as the constitution required. In November 2008 the COR amended the law to grant six seats to minorities. Christians received three seats, one each in Baghdad, Ninewa, and Basrah; Yazidis and Shabaks received one seat each in Ninewa; and Sabean-Mandaeans received one seat in Baghdad. Some minorities, including Christians, expressed concern about the number of seats reserved for them at the provincial level in Baghdad and Ninewa. They claimed the number was far less than demographic weight would indicate. Minorities were also eligible to compete for general seats.

Provincial elections took place on January 31. Approximately 14,600 candidates competed for 440 seats on 14 provincial councils. Candidates were elected through a hybrid open-list system under which voters could choose to vote for only a party or a candidate and his or her party. Approximately 7.5 million voters (51 percent of eligible voters) turned out at 39,000 polling stations in 14 provinces. Approximately 100,000 domestic observers, 400 international observers, 400 international media, and 1,200 domestic media members visited polling sites during the day. Election day was largely peaceful. The IHEC announced preliminary results on February 5. The IHEC reviewed approximately 2,000 electoral complaints. On March 26, the Electoral Judicial Panel ruled on 593 appeals, and the IHEC Board of Commissioners

certified the final election results. Nationwide, Prime Minister Maliki's State of Law Coalition won 123 seats, the Supreme Islamic Iraqi Council loyalists (Shia) won 53 seats, followers of Muqtada al-Sadr (Shia) won 41 seats, former prime minister Ibrahim al-Jaafari's National Reform Trend (Shia) won 23 seats, former prime minister Ayad Allawi's National Iraqi List (secular) won 21 seats, the National Accordance Front (Sunni) won 21 seats, the National Hadba Gathering (Sunni Nationalist) won 19 seats, and Saleh al-Mutlaq's Iraqi National Project (Sunni) won 19 seats. The most common problems reported during the provincial elections related to voters who were unable to locate their names on the voter lists at the polling stations. Although some small parties and some minorities complained about the IHEC and the voter lists, and journalists reported mixed assessments of media freedom, the population broadly accepted the results of the January 31 provincial elections.

The 2008 Law of Governorates Not Incorporated into a Region (Provincial Powers Law) went into effect when the new provincial councils were seated, granting them more discretion in coordinating with the national government to provide resources and services such as gasoline, security, health care, and education to the local population.

On July 25, the Kurdistan region held closed-list parliamentary elections as well as a popular vote for the KRG presidency. The IHEC, working through the Kurdistan Regional Electoral Office in Erbil, administered the elections, which citizens and international observers alike viewed as successful and leading to a peaceful transition of power in the KRG. Incumbent KRG President Masoud Barzani won the Kurdistan region's first popular vote for the presidency with 69.6 percent of the vote. In the race for the 111-seat parliament, the KDP-PUK retained its majority of seats, but dropped from 104 to 59 seats. The Change List (Goran) political movement, headed by former PUK deputy secretary general Nawshirwan Mustafa, won 25 seats, and the four-party Service and Reform List won 13 seats. The Islamic Movement in Kurdistan won two seats. Eleven seats were allocated to minorities under a quota system: five seats for Christians, five seats for Turkmen, and one seat for Armenians. One Yazidi candidate was also elected.

In the months following the July 25 elections, the Change movement documented hundreds of names of government employees, especially members of the security services (police, Asayish, and Peshmerga) whose employment was terminated, allegedly for supporting the Change List. President Barzani formed a committee authorized to investigate the allegations, but there were no tangible results by year's end.

On December 4, an unknown gunman shot Sardar Qadir, a well known Change movement supporter and likely candidate in the national parliamentary elections, twice in the thigh while sitting inside the home of a close friend. The incident and ensuing recovery caused Qadir to withdraw his name as a Change candidate for national office.

On December 6, the COR agreed to an amended national elections law to govern parliamentary elections in 2010. The law established a multidistrict, open-list election and expanded the number of seats in the parliament from 275 to 325. Of those seats, the law reserves five for Christians as well as one each for Yazidis, Shabaks, and Sabean-Mandaeans.

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

There were 75 women elected to the COR, which was more than 25 percent of the membership. Women chaired two of the 24 standing committees. There were five female ministers of 37 in the cabinet: the ministers of state for women's affairs and provincial affairs; and the ministers of human rights, environment, and housing and construction. Three cabinet members were from religious and ethnic minority groups: the minister of human rights, the minister of industry and minerals, and the minister of youth and sports.

#### Section 4 Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, large-scale corruption pervaded the government, and public perception of government corruption and impunity continued to be strong. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the "de-Ba'athification" process to pursue political and personal agendas. During the year prosecution of corruption cases increased, but officials combating corruption faced persistent political, social, and capacity restraints. Credible information on the nature and extent of corruption in the judiciary was lacking, but such corruption was widely believed to exist.

Anti-corruption institutions were fragmented, and their interaction was hampered by a lack of consensus about their role, partly due to a lack of effective legislation as well as to insufficient political will to eliminate widespread corruption. Lack of accountability continued to be widespread, reinforced by several statutory provisions, unclear regulatory processes, and limited transparency.

The law does not provide public access to government information for citizens or noncitizens, including foreign media. Government officials who were required by law to file financial disclosure reports, such as ministers, governors, and parliamentarians, increased their compliance from the previous year. By year's end 100 percent of the Council of Ministers and the Presidency Council had submitted their reports, and 35 percent of members of parliament had complied with the regulation. The government was not powerful enough to enforce required financial disclosure reports in all cases.

The Commission of Integrity (COI), established in 2004 as the Commission on Public Integrity, is the government body charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The COI, with a staff of approximately 1,300, reports to the commissioner of integrity, and the COR and has the authority to refer cases for criminal prosecution.

According to a prime ministerial order, the COI may not initiate cases and has instructed the ministerial inspectors general

(IGs) to perform all initial investigations. In practice this order has placed the ministers in control of any investigation of corruption within their own ministry. There are documented instances where the ministers have ordered major corruption investigations to be dropped.

The government also has a system of 36 IGs. There is an IG assigned to each ministry, as well as an IG for the municipality of Baghdad, the Property Resolution Commission, the Hajj and Omrah Commission, the Commission of Political Prisoners, and the country's multiple religious endowments. The mandate of the IGs, with approximately 1,800 total staff, is to audit, inspect, and investigate to reduce fraud, waste, and abuse. The country's oldest anticorruption agency, the Board of Supreme Audits (BSA), performs external audits of government ministries and agencies. The BSA also audits the offices of the prime minister, Presidency Council, and presidency of the COR, as well as expenses claimed by members of the COR.

Aside from the three core institutions of the COI, the IGs, and the BSA, the COR maintains an Integrity Committee charged with oversight of executive branch and anticorruption agencies. By executive order, the prime minister created the Joint Anticorruption Council in 2007 to integrate anticorruption initiatives; it includes representatives of the COI, IGs, BSA, COR's Integrity Committee, and HJC, and is chaired by the Council of Ministers secretary general.

The media also continued to cover corruption issues, exposing wrongdoing and promoting public awareness of anti-corruption institutions. NGOs worked to expose corruption, although their physical capacity to do so was limited.

In June the COI launched a new antibribery campaign at the behest of the prime minister, consisting of public awareness efforts and administrative steps across ministries to reduce opportunities for low-level bribery.

In August 2008 the KRG established a corruption committee, composed of government officials, to review levels of corruption and make recommendations on how to prevent corruption. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures. In July KRG prime minister Nechirvan Barzani announced the summary results of the accounting firm's report, including a recommended anticorruption strategy. Although the new cabinet, led by KRG prime minister Barham Salih, reaffirmed its intent to implement the anticorruption strategy, it had yet to do so by year's end.

During the year 972 anticorruption cases were sent for prosecution as a result of COI investigations compared to 398 in 2008, and 150 in 2007. The number of convictions was approximately 285, compared to 98 for the previous year. At year's end the COI had issued 133 warrants against senior government officials of director general rank or higher.

In May the COR questioned minister of trade Abd Falah al-Sudani regarding allegations of corruption and mismanagement within his ministry. Al-Sudani resigned from his post on May 14. He was then charged with corruption and arrested on May 30 while fleeing the country for Dubai. Al-Sudani's brother, Sabah al-Sudani, was also arrested after he was stopped with 170 million ID (\$150,000) and attempted to bribe a police officer. Three ministry of trade officials involved in the case, including the director general of the Grain Importation Board, were convicted of negligence in their duties; one received a two-year prison sentence and the other two received a one-year sentence. Al-Sudani was awaiting trial at year's end.

On September 6, the deputy minister of transportation, Adnan al-Obaidi, was arrested after investigators recorded him taking a 115 million ID (\$100,000) bribe. According to reports, a foreign security firm had approached the COI alleging that al-Obaidi had asked for a bribe of 575 million ID (\$500,000) to renew the firm's contract. Al-Obaidi's trial was held in December and he was sentenced to eight years on charges of soliciting a bribe.

In November the head of the Baghdad Provincial Finance Office and several of her relatives were arrested for the theft of more than 23 billion ID (\$20 million). Government authorities worked in coordination with neighboring countries to arrest the individuals involved in the theft, as well as recover a substantial portion of the stolen funds. The suspects remained in custody at year's end.

The COI became increasingly active in vetting civil servants and candidates for public office. In September the COI began publishing names of public officials who relied on falsified educational credentials to gain government jobs.

The commissioner of integrity and several IGs lacked full authority due to the fact that their names had not been submitted for parliamentary confirmation, as required by law.

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

The law in practice permits ministers to halt corruption proceedings against their employees. As in previous years, ministries effectively stalled investigations by failing to provide information or not complying with requests for officials to appear in court. The prime minister's approval is required before corruption cases proceed against members of the Presidency or the Council of Ministers. Information on specific instances of the prime minister and ministers using these tactics during the year was not available. Judicial authorities reported that the practice constituted a significant obstacle to the prosecution of corruption cases.

The central government and the KRG maintained inflated public payrolls. Ministries and public sector institutions employed nonexistent "ghost" employees, and political patronage was common at all levels of government. Ministries were beginning to establish automated payroll deposits and conduct workplace audits with the BSA to cut back on "ghost" employees. Rates of absenteeism and desertion among the ISF continued to decrease. During the year in the KRG there were roughly one million employees on the government payroll out of a total population of approximately 3.9 million.

There were allegations in numerous provinces of politicization of personnel matters, including reports from Anbar, Babil, and Baghdad. In June the governor of Babil Province ordered the removal of 15 provincial employees from the government payroll, as they had been hired illegally. Allegations that he acted out of political motivations followed this action. There were also reports of dismissals in the KRG as reprisals for civil servants who were supporting opposition party Goran. These personnel cases had not been adjudicated at year's end.

According to an external assessment, the MOI fired an estimated 3,000 employees on administrative corruption charges between 2006 and June 2009, although no information was available on how many had been prosecuted.

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

There were reports in all 18 provinces, at the national and regional levels, of opaque public tender processes, favoritism in contracting, and excessive discretion of public officials in procurement decisions. Corruption along the country's borders existed as well; the GOI worked independently and with the international community to address structural and capacity issues.

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

Anti-corruption, law enforcement, and judicial officials, along with members of civil society and the media, continued to face threats for vigorous pursuit of corrupt practices. There was widespread intimidation, but there were fewer killings and attacks than the previous year against COI employees, inspection personnel, witnesses, and family members involved with COI cases.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government extended minimal cooperation with NGOs and with the UN and its agencies on human rights issues, generally citing security restrictions. In May 2008 the government signed a headquarters agreement with the ICRC, granting it legal status and permanent representation in the country. The COR had not ratified the agreement by year's end, but the ICRC benefited nonetheless from all of its provisions.

In comparison to previous years, the ICRC had greater access to visit detainees at central government detention facilities due to verbal agreements with the MOI, MOJ, and MOLSA that grant unrestricted ICRC access to all detention facilities except the Counter Terrorism Center (CTC) detention facility. The ICRC and central government did not formalize an agreement granting the ICRC unrestricted access to all sites during the year, but the ICRC was able to conduct inspections and the prime minister publicly declared that only the ICRC and the MOHR had unrestricted access to all detention facilities in the country except those of the KRG.

The ICRC had a separate agreement with the KRG for unrestricted access to KRG detention facilities. They formally renewed the agreement on December 20. The previous authorization dated from 1992.

All nongovernmental investigations of alleged human rights violations continued to be restricted. The government attributed restrictions to the security situation and its policy of allowing only the MOHR and the ICRC unrestricted access to detention facilities. The government generally did not permit detention center or prison visits by NGOs. The MOHR did meet with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations. The MOHR also initiated a program to train representatives of 32 domestic NGOs to visit and monitor prison conditions.

During the year activity and advocacy by the country's relatively new NGOs remained weak overall. At the end of the year more than 6,000 NGOs were registered, although according to the director of the NGO Office, only approximately 1,800 were operational, including 235 human rights NGOs and 181 women's rights NGOs. The majority of domestic human rights NGOs were affiliated with a political party 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 (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. Only one office in the country, located in Baghdad, accepted registrations for NGOs.

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

The poor security situation continued to severely limit the work of NGOs.

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

The KRG strongly criticized a report AI released in May assessing the human rights situation within the Kurdish areas. KRG officials denied that Kurdish internal security forces continued to hold detainees without trial and denied AI's reports of abuse within detention facilities. The KRG also criticized a November HRW report detailing its treatment of minority communities in disputed territories between the central government and KRG.

Although no ombudsman existed, for the first half of the year the national MOHR and the KRG human rights authorities focused on raising awareness and knowledge of human rights and conducting prison visits. Each ministry reported to its respective prime minister. Following parliamentary elections in the Kurdistan region, the KRG MOHR was eliminated when the KRG reduced the number of ministries from 40 to 19, and the director general began to report to KRG judicial authorities. By year's end the KRG had introduced draft legislation to the Iraqi Kurdistan Parliament to create a separate department attached to the KRG Council of Ministers to assume the role of the former ministry.

The MOHR published a report on prison conditions during the year. The KRG published no similar report. The national MOHR attempted to monitor human rights abuses and advocate for and assist victims, and it issued public reports on prisons and detention centers, minorities, and victims of terrorism. Limited resources and poor cooperation from other ministries limited the ministry's effectiveness. The effectiveness of KRG human rights authorities was limited by a lack of trained personnel and effective follow-up throughout the government on human rights issues. KRG human rights authorities and the KRG's Honor Killing Monitoring Commission, established in 2007, were active on women's issues, particularly on steps to end honor killings. KRG human rights authorities collated and published monthly data on honor killings.

In November 2008 the COR's Committee on Human Rights passed legislation establishing an Independent High Commission on Human Rights. In December 2008 the legislation was ratified. As of December 31, a Committee of Experts to select the Commission's directors had been formed, but the COR had not ratified its membership. The government had not contributed any funds, and support from the international donor community was limited. The COR committee also advocated publicly for raising standards in government detention facilities and prisons. In 2007 the KRG's legislative body, the IKP, formed a special committee to deal with human rights and detainee issues, but did not issue any public reports.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

##### Women

The constitution provides for equal treatment before the law without discrimination based on gender; in practice, discrimination existed, and enforcement of equal treatment was uneven. The general lack of security in the country and increasingly conservative societal tendencies had a serious negative impact on women.

The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment for rapists. It was difficult to estimate the incidence of rape or the effectiveness of government enforcement of the law.

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

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

During the year NGOs reported that domestic violence against women remained a serious problem, although no reliable statistics existed.

Domestic violence was also widespread in the Kurdistan region, including beatings, shootings, and burnings. Women have an unequal role in the family and in the social structure of the region. Although technology has made it easier for women to contact others outside their immediate family, this has led to sometimes violent disputes over whom a woman can talk to or what she can do outside the home. For the first eight months of the year, the domestic NGO Human Rights Data Bank recorded 363 incidents of battery against women, 295 reported threats, 40 murders, and 32 sexual assaults.

Honor killings remained a serious problem. Legislation in force permits honor considerations to mitigate sentences.

According to the UNHCR in April, honor killings were prevalent in all parts of the country. For the first nine months of the year, the domestic NGO Human Rights Data Bank recorded 314 burn victims (125 instances of self-immolation and 189 cases of burning), compared with 234 burn victim during the same period in 2008.

A KRG human rights official reported in December 2008 that the KRG does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The nature of the crime makes it difficult for authorities to find sufficient evidence to prosecute cases. KRG human rights authorities reported that for the year 2008, 117 women died in honor killings, but for 200, the KRG reported a total of 528 honor killings. The UN Assistance Mission for Iraq (UNAMI) and civil society observers considered both figures to be low. In April 2008 KRG internal security forces arrested three persons accused of an honor killing in Sulaymaniyah but later released them, according to press reports. The suspects reportedly fled the country.

In May 2008 the KRG Violence Against Women Commission, under the direct supervision of the prime minister and deputy prime minister, created monitoring boards to ensure that the courts uphold and enforce the region's existing laws to

protect women. The commission also recommended that "komalayati" bodies, or traditional panels led by village elders to reconcile disputes, no longer play a role in deciding legal cases. Nonetheless, komalayati boards continued to play a role at year's end.

Private shelters for women existed, but space was limited. Shelters closely protected information regarding their locations. Some NGOs worked with local community mental health workers, employed by the MOH, who provided assistance to victims of gender-based violence. Other NGOs worked to provide legal assistance to these victims. Victims of domestic violence received no substantive assistance from the government. Authorities frequently attempted to mediate between women and their families to try to work out a peaceful solution for the women to return home. Other than returning to their families, there were few options for women who were housed at shelters.

Prostitution is illegal. During the year reports of prostitution increased. According to the NGO Organization for Women's Freedom in Iraq, some women resorted to prostitution to provide for their children. There was no evidence that ISF specifically targeted prostitutes for harassment.

Since the fall of the Saddam regime in 2003, there have been no restrictions on reproductive rights, including number and spacing of children and access to both contraceptives and information on family planning. However, according to an August 2008 UNAMI report, a total of 10.8 percent of married women throughout the country had an unmet need for contraception. Many women who gave birth in public or private health institutions received inadequate medical care due to a lack of essential drugs, transport to referral institutions, and medical personnel lacking training in emergency obstetric care. Women were at increased risk of poor birth outcomes with high rates of anemia, short birth intervals, early marriage, and early pregnancy. There were no reliable statistics for on access to diagnosis and treatment of sexually transmitted infections, including HIV, due to cultural sensitivities.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported pressure to wear veils. Islamic extremists targeted women for undertaking normal activities, such as driving a car and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam. Islamic extremists also reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public.

The Ministry of State for Women's Affairs, with an approximately 18-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees. On February 3, the minister of state for women's affairs, Dr. Nawal Al'Samara'e, resigned, citing insufficient resources and limited authority to implement programs and policies to improve conditions for women.

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

The MOLSA Social Care Directorate administered social care institutions, among them institutions for orphans and the elderly. Women who were heads of single-parent households received a moderate cash stipend from the ministry if they could prove they were widows. Bureaucratic challenges, including lack of a spouse's death certificate and confusion about how to obtain the stipend posed serious challenges for the women. In addition, the budget for this assistance did not meet the need.

#### Children

Article 18 of the constitution states that anyone who is born with at least one Iraqi parent shall be considered a citizen. The government in general was committed to children's rights and welfare, although it denied benefits to noncitizen children. Their families had to pay for services that were otherwise free, such as public schools and health services. Except for several hundred Palestinian families, they were not eligible for the national food rationing program.

Primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. Education is free for children at all levels.

NGOs and international organizations noted increasing numbers of street children since mid-2007.

Female genital mutilation (FGM) is not illegal and is a common practice, especially in the rural areas of the Kurdistan region. Several NGOs that work to halt FGM had anecdotal evidence that in rural villages as many as 90 percent of women have undergone the procedure, and in urban areas as many as 30 percent. The government offered no substantive assistance for victims of FGM.

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

MOLSA operated 21 orphanages for older children in Baghdad and the provinces, housing a total of 376 children, as well as 36 nurseries for young children.

In 2007 a center in Baghdad for children with disabilities was discovered to be housing 24 severely malnourished boys from three to 15 years old. Arrest warrants were issued for three employees of the orphanage; two were arrested and one remained at large at year's end. Following the incident, the Office of the Inspector General at MOLSA conducted an investigation, which was referred afterward to the COI.

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



country's labor law, MOLSA established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sector.

In April 2008 the UN special representative for children in armed conflict issued a report that highlighted widespread child recruitment into armed insurgent groups throughout the country. During the year child recruitment into insurgent groups remained a problem, and insurgent groups increasingly recruited children through financial incentives to carry out attacks. There were no reports of the government engaging in this practice.

The KRG runs children's homes that house approximately 300 orphans, most of whom are from rural areas.

#### Trafficking in Persons

The constitution prohibits forced labor, slavery, slave trade, trafficking in women or children, and the sex trade. There were reports that persons were trafficked to, from, and within the country. The government maintains a committee chaired by the MOHR with representatives from the MFA, MOI, and MOLSA to examine trafficking problems; this committee has no authority to implement its recommendations.

Although reliable statistics did not exist, some government officials believed the country was a source and destination country for hundreds of men and women trafficked for commercial sexual exploitation and involuntary servitude. Children were trafficked within the country and abroad for commercial sexual exploitation and forced labor. Women were trafficked within the country, as well as to Syria, Jordan, Kuwait, Qatar, United Arab Emirates, Turkey, and Iran, for the purpose of commercial sexual exploitation. The country is also a destination for men and women trafficked from Georgia, India, Pakistan, Indonesia, Nepal, the Philippines, Uganda, and Sri Lanka for involuntary servitude as construction workers, cleaners, and handymen. Women from the Philippines and Indonesia were trafficked into the Kurdish territory for involuntary servitude as domestic servants or were coerced into prostitution. Some of these foreign workers were offered fraudulent jobs in Kuwait or Jordan but were then tricked or forced into involuntary servitude in Iraq instead; others went to the country voluntarily but were subjected to conditions of involuntary servitude after arrival. There were also reports of trafficking in human organs to other countries.

On August 18 and 30, 14 Ugandan women who had been trafficked for the purpose of labor exploitation were repatriated with the assistance of the government. Criminal charges were brought against two individuals believed to be responsible. The case remained pending at year's end.

Anecdotal evidence and media reports suggested that employees of orphanages and charitable institutions trafficked individuals from these institutions. MOLSA and the Ministry of State for Women's Affairs continued to accuse private orphanages of involvement in these activities and stated that a private orphanage in Sadr City trafficked young girls for forced prostitution. There were also reports that criminal gangs used threats and blackmail to exploit teenage boys sexually for commercial and other motives.

Both the MOI and KRG security authorities have responsibility for trafficking-related issues. The demands of the security situation relegated trafficking to a lower priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity. International NGOs worked with the central government to develop antitrafficking legislation and to provide assistance to trafficking victims, particularly in the KRG.

There is little information about trafficking in persons in the Kurdistan region. Third country nationals reportedly have been trafficked into the region to work as manual laborers, including garbage collectors, and women have been reportedly trafficked to work as prostitutes.

According to the government, the MOHR presented a number of educational workshops on trafficking through the National Institute for Human Rights. Three workshops were held in Baghdad in cooperation and coordination with the Ministry of Youth and Sports. At the start of the 2009-10 school year, several instructional workshops were conducted for students in schools and colleges. These workshops focused on the effects of trafficking in persons, the processes the perpetrators use, and methods of prevention.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of female victims kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Few shelters existed in the country; most were run by NGOs. There were no reports of government officials participating in or condoning trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

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

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

Eighteen institutes operated in Baghdad and the provinces outside the KRG for persons with mental and psychological disabilities and housed approximately 800 persons. There were 34 institutes assisting approximately 1,870 persons throughout the country for persons with physical disabilities, including homes for visually impaired and hearing impaired persons, vocational/rehabilitation homes, and homes for elderly persons. The government, through the prime minister's

office and MOH, provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

#### National/Racial/Ethnic Minorities

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

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

During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the disputed territories under the de facto control of the KRG, including Turkmen, Arabs, Yazidis, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process, took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem (Kirkuk) frequently charged that Kurdish security forces targeted Arabs and Turkmen. Within the three provinces of the KRG there was little evidence of KRG discrimination against religious and ethnic minorities. Minority communities operate their own schools and are represented both in the parliament and executive branch of the KRG.

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

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was no law specifically prohibiting the practice of homosexuality, although paragraph 394 of the penal code prohibits the act of "buggery." The law calls for imprisonment only if the "victim" is under the age of 18. There was no data on how often, if ever, persons were prosecuted for buggery.

During the year there were reports of discrimination and violence against gay men and lesbians, mostly by nongovernmental actors. Press reports in April indicated that approximately 60 gay men had been murdered during the first four months of the year, most of them in Baghdad. According to UNHCR, during the year approximately 30 boys and men from Baghdad were murdered because they were gay or perceived to be gay. On April 4, local and international media reported the discovery of the bodies of nine gay men in Sadr City. Three other men were found tortured but alive. Numerous press reports indicate that some victims were assaulted and murdered by having their anuses glued shut or their genitals cut off and stuffed down their throats until they suffocated. The government did not endorse or condone these extra-judicial killings, and the MOI publicly stated that killing men or lesbians was murder.

On May 29, Muqtader al-Sadr, leader of the JAM militia, ordered that the "depravity" of homosexuality be eradicated. Although he publicly rejected outright violence against lesbian, gay, bisexual, and transgendered (LGBT) individuals, reports attributed the killings of gay men to radical Shia militias, as well as to tribal and family members shamed by the actions of their LGBT relatives.

Authorities had not announced any arrests or prosecutions of any persons for killing, torturing, or detaining any LGBT individuals by year's end.

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

#### Section 7 Worker Rights

##### a. The Right of Association

The constitution provides the right to form and join unions and professional associations, subject to regulating law. Labor Law 150 of 1987, enacted by the Saddam regime and still in force, designated trade union organizations as "playing an effective role in the organization of labor relations, in the protection of workers' rights, and in the development of their personalities." However, it declared virtually all public sector workers to be government "executives," legally ineligible to form or to join unions. The provision in effect eliminated unions and the right of association from the large public sector. Although the number of formal unions and associations remains undefined, workers have generally been organized along sectoral lines stemming largely from state employment. The largest sectors with the most active unions or associations are oil/petrochemical, industrial and defense manufacturing, and education.

In the private sector, the 1987 Trade Union Organization Law allows employees to form workers' committees, with limited rights of association, in private sector work sites employing more than 50 workers. Originally, this was also intended to remove the right of association from a majority of private sector workers because most private sector businesses employ fewer than 50 workers. Decree 8750 of 2005, which cancelled unions' leadership boards, froze their assets, and formed an inter-ministerial committee to administer unions' assets and assess their capacity to resume activity, also inhibited union activity.

The legal and regulatory framework, combined with violence, insecurity, high unemployment, and maladapted labor organizational structures inhibited the exercise of labor rights. Nevertheless, labor organizations in the country's state-

owned enterprises (SOEs) were active during the year, and there were no reports that the government attempted to stifle protests. There were reports of worker dissatisfaction during the year. In February and March, employees of a Kirkuk-based state-owned cement company refused the changes a foreign investor made in the plant operations. As a result of the protests, the investor walked away from the project. In July employees of a state-owned oil company in Basrah expressed dissatisfaction with a proposed oilfield service agreement with a foreign oil company.

Despite remaining legal restrictions, MOLSA continued to work with the International Labor Organization (ILO) during the year to finalize a draft labor code to supersede the 1987 laws and the 2005 decree and conform to international statutes, as well as to retrain ministry staff in applying its provisions. The draft labor code—which is tied closely to proposed changes to the social safety net—remained under review in committee in the Shura Council at year's end.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations. Although the private sector only expanded modestly during the year, workers in the private sector continued to enjoy the right to form workers' committees at work sites employing fewer than 50 persons. In the public sector, workers in SOEs continued to enjoy the benefits of 2008 reforms and exercised their right to expression by speaking out publicly against perceived government or foreign investor threats to their livelihoods. Employees at moribund SOEs continued to draw state salaries, although they were in many cases underemployed or not engaging in work at all. While private sector unions have the right to seek government arbitration for labor disputes, but not the right to strike. There were no instances of private sector workers organizing or giving voice to concerns regarding labor practices during the year.

MOLSA recognized private sector unions belonging to the General Federation of Iraqi Workers (GFIW). The GFIW formed in 2005 when the Iraqi Federation of Workers' Trade Unions, the General Federation of Trade Unions, and the General Federation of Iraqi Trade Unions merged. MOLSA continued to monitor workplace safety and workers' rights in coordination with these unions but could not register 11 new independent unions until the new ILO-compatible legislation is enacted.

The constitution states that every citizen has the right to demonstrate and strike peacefully in accordance with the law; however the extant 1987 labor code rules out the existence of public sector labor unions capable of carrying out industrial action and prohibits striking in the public and private sectors. During the year workers at a government-owned oil company in Basrah continued to openly oppose the Ministry of Oil's plans to bring in private sector technical advisors to assist the government with more efficient extraction techniques. The same workers protested and publicly opposed the Technical Service Agreement between the government and a foreign oil consortium regarding the Rumaila oilfield outside Basrah. The workers' concerns were mollified when they learned that the terms of the proposed contract stipulated no change to employment numbers and mandated the percentage of citizens to be hired. There were no reported reprisals by the government against the labor leaders at the oil company.

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

#### b. The Right to Organize and Bargain Collectively

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

Because unions have no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining and written collective contracts is not possible. Unions were able to play a supportive role in labor disputes, and they had the right to demand government arbitration, a process the government has only recently begun to address in its commercial courts and judicial training. The 1987 Trade Union Organization Law defined "labor disputes" as collective conflicts arising between workers and employers over the provisions of the labor code and/or individual employment contracts. Government labor courts were empowered to rule on labor code violations and disagreements. MOLSA officials, who were also charged with ensuring that public and private sector employers provided workers government-mandated social security, pension, health care, and other benefits regardless of company size, readily acknowledged that enforcing these social safety net laws was more difficult without the partnership and cooperation of strong unions.

Foreign workers continued to experience resistance from municipal, provincial, and some national government elements. At the small Ahdab oilfield south of Baghdad, local officials and residents voiced opposition to the presence of legal Chinese guest workers conducting service work at the field.

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

The laws and decree did not prohibit antiunion discrimination by employers or others.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. According to press reports, foreign workers were sometimes subjected to abusive forced labor. Foreign workers were also reportedly induced, tricked, or forced to enter the country for work via nearby countries in the construction and household labor sectors. In some cases, they were the victims of involuntary

servitude involving high indebtedness, passport confiscation, and virtual imprisonment, or fraud amounting to involuntary servitude and trafficking. The MOI, in coordination with MOLSA, reviews applications for special worker status. According to MOLSA, most applications are denied to protect domestic workers and industry. When the government uncovered cases of exploitation of foreign workers, it worked in conjunction with international organizations to repatriate the victims.

d. Prohibition of Child Labor and Minimum Age for Employment

The constitution and law prohibited the worst forms of child labor. The government was not able to enforce these laws effectively. The law limits working hours for workers younger than 18 and prohibits their employment in dangerous occupations. The minimum age for employment was 15 years. Employment of anyone younger than 16 in work detrimental to health, safety, or morals is prohibited. The MOLSA Child Labor Unit continued to enforce child labor standards, but its work suffered from insufficient personnel and budget resources. The ISF continued to make slow but steady progress in its ability to pursue and interdict nonviolent crimes such as child labor violations.

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

The government introduced a targeted, means-tested social safety network program in 2005 to reduce poverty and to protect children against deteriorating living conditions in their households. By year's end one million families had received benefits and services administered by MOLSA. The package included a child allowance, conditional upon school attendance; the government also funded programs to assist former and current street children. International organizations and NGOs funded additional projects to enhance the protection of children.

e. Acceptable Conditions of Work

Wages are set by contract in the private sector and set by the government in the public sector. The national minimum wage for a skilled worker was less than 12,000 ID (approximately \$10) per day and for an unskilled worker less than 5,250 ID (\$4.50) per day. The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. The Central Organization of Statistics and Information Technology reported that the average salary was approximately 2,400,000 ID (\$2,085) per year, an increase over the previous year's figure of 1,788,000 ID (\$1,550). These earnings remained only marginally above poverty level and did not provide an adequate standard of living for a worker and family.

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

The MOLSA occupational safety and health component had staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment.

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