



IRAQ

COUNTRY REPORT

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**COUNTRY INFORMATION & POLICY UNIT
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. Scope of Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 March 2004.

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

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

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

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

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this Report was issued.

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

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

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

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Advisory Panel on Country Information

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work

should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

2.1 As documented in several sources, the Republic of Iraq is situated in the Middle East. Borders are shared with Turkey to the north, Iran to the east, Kuwait and the Persian Gulf to the south, Saudi Arabia and Jordan to the south-west and Syria to the north-west. [1a] (p460) [1b] (p2181) [79a] (p1-2) [80a] (p4) [81a] The Europa world yearbook 2004 noted that between the Iraqi, Jordanian and Saudi Arabian borders is a neutral zone devised to facilitate the migrations of pastoral nomads. [1b] (p460)

2.2 The United States State Department (USSD) Background note of August 2004 noted that Iraq's area is 437,072 sq. km. Baghdad is the country's capital city. [2c] Europa Regional Surveys: The Middle East and North Africa, 2005 added that other principal cities include Mosul, Arbil, Kirkuk, Basra, Sulaimaniya, An-Najaf, Karbala Hilla and Nasiriya. [1a] (p524) As documented in CIA world Factbook dated 16 December 2004, the estimated population of Iraq in July 2004 was 25,374,691 with an annual growth rate of 2.74 percent. [79a] (p3)

2.3 Europa world yearbook 2004 noted that politically, the country is divided into 18 Governorates. [1b] (p2193, 2199) The CIA World Factbook noted that the governorates comprise of:

Al Anbar	Baghdad
Al Basrah	Dahuk
Al Muthanna	Dhi Qar
Al Qadisiyah	Diyala
Al Najaf	Karbala'
Arbil	Maysan
As Sulaymaniyah	Ninawa
At Ta'min	Salah ad Din
Babil	Wasit [79a]

2.4 Europa world yearbook 2004 explained that three of the Governorates, in the north-east of the country, formed what after the 1991 Gulf War became the Kurdish Regional Government administered area known variously as the Kurdish Autonomous Area, the Kurdish Autonomous Region and the Kurdish Autonomous Zone. [1b] (p2193, 2199) The Iraqi Kurdistan National Assembly (IKNA) website stated that "The area of Iraqi Kurdistan is about 80.000 sq km, and thus it forms 18% of the total area of Iraq, (about 435.000 sq km)." [47a] Article 53 (A) of the Transitional Administration Law (TAL) stipulates that "The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh." [86a]

2.5 The Foreign and Commonwealth Office (FCO) Country Profile dated 21 December 2004 and the CIA World Factbook dated 16 December 2004, stated that Iraq's two largest ethnic groups are Arabs, which make up approximately 75 - 80 percent of the population and Kurds, which make up approximately 15 - 20 percent of the population. [66e] (p1) [79a] (p3) The USSD Background note dated August 2004 stated that "Other distinct groups are Turkomans, Chaldeans, Assyrians, Persians and Armenians." [2c] (p2)

2.6 The USSD Background note added that:

“Almost 75% of Iraq's population live in the flat, alluvial plain stretching southeast toward Baghdad and Basrah to the Persian Gulf. ... Arabic is the most commonly spoken language. Kurdish is spoken in the north, and English is the most commonly spoken Western language.” [2c] (p2)

2.7 The CIA World Factbook dated 16 December 2004 stated that approximately 97 percent of the population were Muslims, of which 60 – 65 percent were Shi'a and 32 – 37 percent were Sunni. Approximately 3 percent adhered to Christian or other religions. ([See also section 6A on Freedom of Religion](#)) [79a] (p3)

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3. Economy

3.1 As documented in the CIA World Factbook dated 16 December 2004, “Iraq’s economy is dominated by the oil sector, which has traditionally provided about 95% of foreign exchange earnings.” [79a] (p5) The FCO Country Profile added that “Iraq is widely believed to have the world’s second largest reserves of oil after Saudi Arabia. Its high dependency on oil makes the economy vulnerable to fluctuations in the oil price and also to attacks of sabotage on the oil infrastructure.” [66e] (p6)

3.2 The Economist Intelligence Unit (EIU) report 2004 stated that:

“The Iraqi economy’s heavy dependence on oil has been exacerbated since 1980 by an almost continuous state of either war or UN economic sanctions. Even when the country was not at war, the defence budget was estimated to consume 25-33% of all resources. ... The sanctions imposed after the invasion of Kuwait in 1990 turned Iraq into a siege economy, and the government’s access to foreign exchange became extremely limited.” [82a] (p39)

3.3 However, the USSD Background noted dated August 2004 observed that:

“Implementation of a UN oil-for-food program in December 1996 has improved conditions for the average Iraqi citizen. In 1999, Iraq was authorized to export unlimited quantities of oil to finance essential civilian needs including, among other things, food, medicine, and infrastructure repair parts. ... Per capita food imports increased significantly, while medical supplies and health care services steadily improved.” [2c] (p4-5)

3.4 The FCO Country Profile dated 21 December 2004 noted that:

“During the past three decades the Iraqi economy suffered from costly militarisation, three wars, pervasive state intervention, and over a decade of international sanctions. As a result Iraq’s GDP per capita is estimated to have dropped from over \$3,600 in the early 1980s to about \$700-1,000 in 2001. More recently, economic activity has been affected by hostility and subsequent looting, sabotage, and security problems.” [66e] (p5)

3.5 The EIU report 2004 stated that “The lifting of sanctions following the passing of UN Security Council Resolution (UNSCR) 1483 in May 2003 allowed reconstruction efforts to begin, but serious security problems continue to hamper the rebuilding effort.” [82a] (p37) The USSD Background note dated August 2004 explained that:

“The occupation of the US-led coalition in March-April 2003 resulted in the shutdown of much of the central economic administrative structure. The rebuilding of oil, electricity, and other production is proceeding steadily in 2004 with foreign support and despite the continuing internal

security incidents, A joint UN and World Bank report released in the fall of 2003 estimated that Iraq's key reconstruction needs through 2007 would cost \$55 billion. According to the General Accounting Office as of April 2004, total funds available towards this rebuilding effort include: \$21 billion in US appropriations, \$18 billion from the Development Fund for Iraq, \$2.65 billion in vested and seized assets of the former regime, and \$13.6 billion in international pledges. The US and other nations continue assisting Iraqi ministries, to the extent requested by the IIG [Iraqi Interim Government], and offer extensive economic support." [2c] (p5)

3.6 The EIU report 2004 stated that "The post-war insurgency has increasingly targeted foreign and Iraqi contractors, in an effort to undermine the reconstruction process. In April 2004 alone, 90 foreigners were kidnapped, prompting Russia, Portugal, Poland and France to urge their nationals to return home, with the Russians eventually taking the lead in bringing all its civilian workers out by the end of the month." [82a] (p46)

3.7 As noted in the FCO Country Profile dated 21 December 2004, "The IMF predicts Iraq's economy will have grown by over 50 percent in 2004, with stable inflation and growing foreign exchange reserves. An agreement by the Paris Club in November 2004 that should see 80 percent of Iraq's public debt written off (totalling \$100 billion) will be crucial to underpinning long-term economic prosperity." [66e] (p6)

3.8 The USSD report 2004 noted that "During the year [2004], official estimates of unemployment ranged between 20 and 30 percent. Government officials estimated that the rate of underemployment was roughly equivalent to joblessness. Anecdotal reports suggested that approximately half the working-age population was unemployed." [2a] (p1)

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Agriculture

3.9 As documented in the CIA World Factbook 16 December 2004, the main agricultural products included wheat, barley, rice, vegetables, dates, cotton, cattle and sheep. [79a] (p6) The USSD Background note August 2004 stated that "Despite its abundant land and water resources, Iraq is a net food importer. Under the UN oil-for-food program, Iraq imported large quantities of grains, meat, poultry, and dairy products." [2c] (p5) The EIU report 2004 observed that "From the beginning of the implementation of the oil-for-food programme in 1997, agricultural production fell sharply, as demand was met by imports and local farmers were (and remain) unable to compete with what are essentially food handouts by central government. Periodic droughts also played a part in this decline." [82a] (p49)

3.10 The USSD Background note of August 2004 noted that:

“Obstacles to agricultural development during the previous regime included labor shortages, inadequate management and maintenance, salinization, urban migration, and dislocations resulting from previous land reform and collectivization programs. A Ba'ath regime policy to destroy the ‘Marsh Arab’ culture by draining the southern marshes and introducing irrigated farming to this region destroyed a natural food-producing area, while concentration of salts and minerals in the soil due to the draining left the land unsuitable for agriculture. Efforts have begun to overcome the damage done by the Ba'ath regime in ways that will rehabilitate the agricultural sector and confront environmental degradation.” [2c] (p5)

3.11 The EIU report 2004 stated that “Decades of state intervention in the economy have marginalised private, market-driven initiatives in agriculture. A limited number of large agricultural producers and processors operate in Iraq, but technologically they are extremely underdeveloped.” [82a] (p50)

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Trade

3.12 The USSD Background note dated August 2004 stated that “The United Nations imposed economic sanctions on Iraq after it invaded Kuwait in 1990. Noncompliance by Iraq with its UN obligations, particularly Iraq's refusal to allow weapons inspectors full freedom of action in dismantling Iraq's weapons program, caused those sanctions to remain in place until the Ba'ath regime was removed in 2003. Under the oil-for-food program Iraq was allowed to export oil and use the proceeds to purchase goods to address essential civilian needs, including food, medicine, and infrastructure spare parts. With the removal of UN sanctions, Iraq is gradually resuming trade relations with the international community, including with the U.S.” [2c] (p5)

3.13 An Al-Mashriq report carried in the Institute for War and Peace Reporting (IWPR) Iraqi Press Monitor on 23 February 2004 stated that according to the Ministry of Planning and Developmental Cooperation, unemployment nationally in Iraq was running at 38%. The highest level was in Nasiriya, at 46%, the lowest, 14%, in Karbala. Baghdad's unemployment was 33%. [46f]

3.14 On 29 November 2004, however, Integrated Regional Information Networks (IRIN) reported that “Officially, unemployment stands at more than 60 percent, according to unverified statistics from the Ministry of Labour and Social Affairs (MLSA).” [18v] The same article added that:

“Unemployment has increased for a number of reasons since the US-led war in Iraq last spring, al-Aubaydi said. Some Iraqis who have returned home from other countries don't have jobs yet, for example. And life is so dangerous in Iraq that many businesses and public offices don't work regular schedules and haven't taken on any new workers in months. ... The only jobs at the moment are in government

ministries, in the country's state-run oil industry, the new Iraqi army or are security-related.” [18v]

3.15 A report by Iraq Today dated 28 October 2003 noted that “Despite predictions of pandemonium and terror in the streets, Baghdad and most other Iraqi cities remained quiet on [22 October 2003] as the transition to the new, Saddam-free Iraqi Dinar officially began.” [9a] The currency changeover was due to be completed by January 2004. The denominations available included ID50, ID 250, ID1,000, ID5,000, ID10, 000 and ID25,000 [9a] The Department for International Development (DFID) report December 2004 noted that “Since the new Iraqi Dinar was introduced about a year ago, replacing the two currencies in use under Saddam’s regime, it has been remarkably stable. Inflation has fallen from around 40-50% pre-conflict to around 2-3% in 2004.” [59c] (p1) As documented in Europa Regional Surveys 2005, there are 1,000 fils to 20 dirhams which is equal to 1 ID. [1a] (526) The exchange rate on 27 January 2005 was £1 sterling to 2,868.74 Iraqi Dinar. [83a]

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4. History

4.1 As documented in the FCO country profile dated 21 December 2004, “In early 1991, following Iraq's defeat during the Gulf war, serious unrest took place in Iraq. Uprisings in the south of the country were quickly crushed by troops loyal to President Saddam Hussein. In the north an uprising by Kurdish separatists initially overran large parts of Kurdistan but was overcome as troops in the south were redeployed to the north.” [66e] (p1-2)

4.2 The USSD background note August 2004 stated that “After the war, the UN Security Council required the regime to surrender its weapons of mass destruction (WMD) and submit to UN inspections. When the Ba'ath regime refused to fully cooperate with the UN inspections, the Security Council employed sanctions to prevent further WMD development and compel Iraqi adherence to international obligations.” [2c] (p3)

4.3 The Europa regional survey 2005 explained that “As the ‘Kurdish crisis’ had developed, France, the United Kingdom and the USA had all committed troops to maintain a ‘safe haven’ for the Kurds in northern Iraq.” [1a] (p474) The USSD background note added that “Coalition forces enforced no-fly zones in southern and northern Iraq to protect Iraqi citizens from attack by the regime and a no-drive zone in southern Iraq to prevent the regime from massing forces to threaten or again invade Kuwait.” [2c] (p3)

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Post-Saddam Iraq

4.4 The FCO country profile dated 21 December 2004 stated that:

“On 19 March 2003 a coalition of forces led by the US and UK commenced military action against Iraq. The UK decision to take military action to enforce Iraq's disarmament obligations, in accordance with the relevant UN Security Council resolutions, was taken as a last resort. The operation was codenamed 'Operation Iraqi Freedom'. By 7 April 2003 US forces had entered the capital Baghdad.” [66e] (p3)

4.5 As documented in the Europa Regional Surveys 2005, “The ousting of Saddam Hussein’s government was followed by a period of civil unrest. Looting, revenge killings and destruction of property were regular occurrences.” [1a] (p497)

4.6 Europa Regional Survey 2005 noted that “Following the removal of the Baathist regime by the US-led coalition in early April 2003, a Coalition Provisional Authority (CPA) was established to administer Iraq in the absence of an elected government, and to assist in the reconstruction in the country’s infrastructure.” [1a] (p529)

4.7 An article by the Washington Post dated 12 May 2003 observed that one of the first acts of the CPA was to outlaw the Ba’ath Party and demobilise the

Iraqi army and security apparatus including the ministries of defence and information. The dissolution of the Ba'ath Party was announced on 11 May 2003. [16a]

4.8 Europa Regional Survey 2005 stated that “The CPA oversaw the selection for and the establishment of a 25-member Governing Council, which held its inaugural meeting on 13 July 2003 and was responsible for the appointment of the Interim Cabinet, also of 25 members, which took office of 1 September 2003” [1a] (p529)

4.9 The FCO report dated 21 December 2004 added that “For the first time in Iraq’s history, the Council brought together a group of people representative of a wide range of Iraq’s religious, social and cultural society. The Governing Council comprised leaders from 14 political parties and consisted of members from all the main regions and ethnic religious groups.” [66e] (p4) The BBC on 16 May 2003 added that at least 15,000, and up to 30,000 senior Ba’ath Party members were banned from taking part in a new government. [4g]

4.10 In November 2003 the security situation continued to deteriorate. As noted in a BBC report dated 4 March 2004, on the 15 November the Governing Council announced an accelerated timetable for transferring control of the country to Iraqis. [4i]

4.11 A US Congress Report of January 2004 stated that “On December 13 2003, U.S. forces captured Saddam Hussein in the town of Ad Dur, nine miles south of his hometown, Tikrit, in Iraq’s predominately Sunni tribal area north of Baghdad. Saddam, who had been hiding in a tiny cellar on a farm with \$750,000 and a pistol, surrendered to soldiers of the Fourth Infantry Division without a fight.” [33b] (p29)

4.12 The Institute for War and Peace Reporting article dated 22 March 2004 stated that on 8 March 2004, after considerable last minute wrangling, a ‘Law of Administration for the State of Iraq for the Transitional Period’, generally known as the Transitional Administrative Law, was signed. [11j] Europa Regional Survey 2005 explained that the Transitional Administrative Law acted as an interim Constitution. [1a] (p499) ([See also section 5 on the Constitution](#))

4.13 Europa Regional Survey 2005 noted that “On 28 May 2004 a new Iraqi Prime Minister [Dr Ayad Allawi] was appointed, and an Interim Government, consisting of a President [Seikh Ghazi al-Yawar], two Deputy Presidents [Ibrahim al-Ja’fari and Dr Rowsch Shaways], a Prime Minister and a Council of Ministers was announced on 1 June 2004. The Governing Council and Interim Cabinet were dissolved upon the formation of the new administration, which accepted the handover of sovereignty from the CPA on 28 June 2004 (two days ahead of the scheduled handover date of 30 June 2004).” [1a] (p529)

4.14 The EIU report 2004 noted that “The Interim Government itself remained unproven as an administrative organization, and regarded as illegitimate by many Iraqis.” [1a] (p500)

4.15 The UN Security Council report dated 3 September 2004 observed that:

“Since its formation on 28 June 2004 the Interim Government of Iraq has taken a number of initial steps to start rebuilding Iraq with a view to improving the living conditions of Iraqis in all parts of the country. ... At the same time, the security situation remains volatile and generally unreceptive to significant economic and political initiatives. Governance structures in the provinces and administrative links with Baghdad have yet to be fully established.” [38b] (p1)

4.16 The FCO report dated 21 December 2004 stated that:

“A National Conference of 1,300 Iraqi representatives chosen by various methods, including regional caucuses and widespread consultations with Iraqi by the National Conference Preparatory Commission was held in Baghdad from 15-18 August 2004. The Conference widened participation in the political process and launched a national political debate ahead of elections. It elected a 100-member Interim National Council (an oversight ‘parliament-type’ body, but without legislative powers) to advise the Interim Government and hold it to account.” [66e] (p4-5)

4.17 The Economist report dated 29 July 2004 observed that:

"Over half of the 1,000 delegates have earned their places in the tent after 'caucus' elections in Iraq's 18 provinces, with successful candidates sometimes defeating as many as 30 rivals. The remaining 440 places in the tent have been distributed among established political parties, civil-rights groups and tribes, as well as the entire 100-strong steering committee chosen a couple of months ago by the American-appointed, now-dissolved, Governing Council. A quarter of the seats will go to women." [19a] (p1)

4.18 The Guardian in a timeline updated on 8 August 2004 noted that on 4 August 2004 ferocious fighting erupted in Najaf breaking a ceasefire agreement. [6s] (p1) The BBC reported on 27 August 2004 that on 27 August 2004 the 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shia leader. Iraqi Shia militants are instructed to lay down their arms and leave the Imam Ali shrine - Shia Islam's holiest. [4c]

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History of Northern Iraq

4.19 A US Congressional report in January 2004 stated that:

“In the aftermath of the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes, and the KDP

turned to Baghdad for backing. ... A tenuous cease-fire held after November 1997, and the KDP and PUK leaders [Masud Barzani and Jalal Talabani respectively] signed an agreement in Washington in September 1998 to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government)." [33b] (p5)

4.20 IRIN on 17 September 2004 noted that there is increasing ethnic tension in the north of Iraq. "In general, Iraqis who originally moved to northern Iraq under former president Saddam Hussein's 'Arabisation' programme have been under attack since the regime fell in April 2003 and US-led troops came in." [18z] (p1)

4.21 HRW in an article dated 3 August 2004 stated that, "In northern Iraq, the authorities' failure to resolve property disputes between returning Kurds and Arab settlers threatens to undermine security in the region". [15f] (p1)

4.22 The New York Times reported on 25 May 2003 that having fought bitterly for most of the 1990s, the leaders of the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) appeared to have maintained a truce since the overthrow of Saddam but were still mistrustful of Baghdad. [24c] Reuters on 12 June 2003 reported that "Kurdish parties in northern Iraq [PUK and KDP] agreed Thursday to merge their regional administrations in a move intended to give them a united voice after the U.S.-led war that ousted Saddam Hussein, Kurdish television said". [7c] The article added that, "KDP leader Massoud Barzani and PUK head Jalal Talabani attended a meeting in Dukan, northern Iraq, to set up a committee to oversee the unification of their administrations, which are run from Erbil and Sulaymaniyah respectively." [7c]

4.23 The Daily Star, a Lebanese newspaper, stated on 27 April 2004, "However the rivalry and distrust between the PUK and the KDP still persist. After years of efforts and negotiations, the two leading parties in Erbil and Suleimaniyah still cannot agree to unify their administrations, despite intense popular demand." [57a]

4.24 The Guardian on 23 July 2004 noted that, "The KDP and the PUK have taken tentative steps to unite the ministries they control in each half of the region. Education, health, and justice have merged, but the more sensitive portfolios of economic planning and police, as well as the peshmerga, remain separate." [6c] (p1)

4.25 The British / Danish fact finding mission report October 2004 stated that the "KDP and PUK co-operated with each other on a long range of issues of common interest and the two organisations were not fighting each other anymore." [30c] (p10)

4.26 The Kurdish Media on 29 July 2004 reported Massuad Barzani, the leader of KDP saying, "We would not accept in whatever shape to be directly ruled by Baghdad again.... Our decision on [the fate of] Iraqi Kurdistan is known. Iraq will [evolve to] become a federal structure, which is based on

voluntary union. We would not accept less than this." [21b] ([See also section 6B on Specific Groups - Kurds](#))

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Elections January 2005

4.27 The multi-party national elections were held in Iraq on 30 January 2005. [6v] As documented in a BBC report dated 14 February 2005, a total of 8,456 million Iraqis voted in the elections in 2005. [4o] The BBC further reported on 13 February 2005 that "A total of 280,303 Iraqi exiles in 14 countries registered to vote - roughly one in four of those eligible to do so." [4p] Several news articles observed that the overall turnout across the country was 58% of registered Iraq voters. [4n] [4o] [17c] The CNN report and the Guardian report both dated 14 February 2005 indicated that turnout was particularly low in many Sunni-dominated areas following calls by clerics to boycott the election and threats of violence by insurgents. [17c] [6t] [92a] Aljazeera reported on 1 February 2005 that "Iraq's Independent Electoral Commission acknowledged that some Iraqis were unable to vote because pre-election intimidation in two Sunni Arab provinces hampered preparations." [55a] An article by the Guardian dated 14 February 2005 added that "Only 13,893 people - 2% of eligible voters - turned out in Anbar province, which includes the restive towns of Falluja and Ramadi." [6v]

4.28 The CNN report dated 14 February 2005 stated that the results of the election were announced on Sunday 13 February 2005 having initially been delayed. [17c] On 9 February 2005 the Guardian indicated that Iraqi officials said that the contents of 300 ballot boxes needed recounting because of various discrepancies. [6t]

4.29 The Guardian reported on 27 January 2005 that there were 111 political parties and coalitions, with a total of 7,500 candidates represented in the election. [6p] ([See Annex B on Political Organisations](#)) The BBC report and the CNN report both dated 14 February 2005 noted that the result of the Iraqi national election was a victory for the Shia United Iraqi Alliance (UIA), backed by Grand Ayatollah Ali al-Sistani, with 48 percent of the votes cast and 140 seats in the 275 seat National Assembly. [4n] [17c] The Kurdish Alliance, led by Jalal Talabani, obtained 26 percent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the interim Prime Minister Ayad Allawi, was in third place with 14 percent and 40 seats. [4r] [6t] [6p] [17c] [11p] [93a] ([See Annex H on the National Election Results](#))

4.30 The Psephos report, accessed 17 February 2005 stated that the Kurdish Alliance gained the majority of the vote in Arbil with 95 percent, Dahuk with 95 percent, Ninawa with 38 percent, Sulaymanyah with 92 percent and Tamin with 59 percent. [93b]

4.31 The DFID report February 2005 explained that "93,000 Iraqi monitors and party agents oversaw the administration of the elections, together with 600 international monitors." [59d] (p1) Reports by the IWPR dated 14 February

2005 and the Guardian dated 15 February 2005 indicated many Sunnis protested that the election was flawed and unfair. [6i] [11r] The BBC reported on 17 February 2005 that “Election commission spokesman Farid Ayar told al-Arabiya television that 47 complaints had been filed and most were resolved.” [4r] On 14 February 2005, the Guardian reported that many world leaders welcomed the results of the election. The report continued “But the Turkish foreign ministry said in a statement that voter turnout in some regions was low and charged that there were ‘unbalanced results’ in several regions, including Kirkuk.” [6u]

4.32 The IWPR reported that “At the same time as the national ballot, voters across the country will also elect governing councils for Iraq's 18 provinces. In the three Kurdish provinces (Sulaimaniyah, Arbil and Dohuk), there will also be an election for the 111-member Iraqi Kurdistan National Assembly, a regional lawmaking body.” [11q] The Human Rights Watch statement released 1 February 2005 noted that “The two main Kurdish political parties, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), formed a joint list for the national and Kurdish assemblies. They did, however, compete in local provincial elections and both parties complained of some threats and manipulation by the other side.” [15i] The Kurdistan Democratic List gained the majority of votes in the Kurdistan legislative election with 90 percent of the votes and 104 seats in the Kurdistan National Assembly. [93c] ([See Annex H on the Iraqi Kurdistan Election Results](#))

4.33 The Guardian report dated 14 February 2005 mentioned that the UIA failed to get 50 percent of the vote. [6w] Therefore, as documented in the IWPR report accessed 17 February 2005, “The results mean that the Shias and the Kurds, two groups that were oppressed under Saddam Hussein, will now hold the balance of power.” [11s]

4.34 The DFID report February 2005 advised that:

“Although there are a significant number of Sunnis on the main parties’ lists as well as the smaller Sunni-dominated lists, Sunni representation in the TNA is likely to be low. However, Iraqi political leaders, including the influential Shia Ayatollah Sistani, are agreed on the need for an inclusive political process which fully involves the Sunni community. All the main parties stand behind Prime Minister Allawi’s call on 31 January for national unity and for ‘a new national dialogue that guarantees that all Iraqis have a voice in the next government’.” [59d] (p2)

4.35 The BBC stated in a report dated 13 February 2005 that “The assembly first has to choose the presidency council. The council has two weeks in which to select a prime minister who has four weeks to nominate a government.” [4p] The BBC also mentioned in an article dated 14 February 2005 that according to the schedule the Government should be formed by late March 2005. [4n] The IWPR report dated 14 February 2005 added that “The assembly’s principal task is to draft a constitution by August this year, in time for a referendum in October [2005] and fresh parliamentary elections in December [2005]. The final document will define how Iraq is governed and

how much autonomy its regions will enjoy – issues in which Sunnis as well as Shias and Kurds have a vital interest.” [11r] However, the IWPR report accessed 18 February 2005 noted that “If it is rejected, the assembly will be dissolved and a new one elected to produce another constitution. The permanent constitution will also fail if two-thirds of the population of three provinces object.” [11q]

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Violence Continues

4.36 As documented in the United Nations Security Council (UNSC) report dated 8 December 2004 “The current security situation remains a major challenge. Although certain parts of the country, especially in the south, remain relatively calm, violence continues to adversely affect the centre of the country, particularly in and around Baghdad and other key cities, such as Fallujah, Samarra, Ramadi and, more recently, Mosul.” [38c] (p1) The joint British / Danish factfinding mission report October 2004, nevertheless stated that security in the northern part of the country was much better than in central and southern part of Iraq. However the report also noted that that the situation was tense in Mosul and Kirkuk. [30c] (p8)

4.37 The UNSC report dated 8 December 2004 observed that:

“Iraq’s security and law enforcement institutions remain fragile. Attacks, including acts of terror, against State institutions and Government officials, at both the national and the governorate level, as well as against members of the multinational force, Iraqi security forces and civilians, including aid workers, continue unabated. Abductions and hostage-taking are also reported almost on a daily basis.” [38c] (p1)

4.38 The Guardian added on 24 February 2005 “Insurgents have relentlessly attacked US and Iraqi security forces with car bombs throughout the past year [2004] in a campaign of violence that has also included kidnappings, beheadings and the assassination of leading officials.” [6r] The joint British / Danish factfinding mission report October 2004 also noted that “Suicide bombing and other attacks occurred on a daily basis. The amount of kidnappings was increasing. ... The main reason for the violence was the wish to destabilize Iraq and pressure the Multi National Force to leave the country.” [30c] (p8)

4.39 The Guardian report dated 25 February 2005 noted that “Police and army bases have improved their security following recent devastating attacks, but the insurgents have varied their tactics and profited from excellent intelligence supplied by infiltrators.” [6r] ([See also section 5 on Internal Security](#))

5. State Structures

The Constitution

5.1 As documented by numerous reports, on 9 April 2003 Saddam Hussein's regime collapsed and the US established the Coalition Provisional Authority (CPA) to run the country. [4i] (p4) [1b] (p2189) [2a] (p1)

5.2 Europa Regional Survey 2005 reported that "On 15 November 2003 the Coalition Provisional Authority (CPA) and the Governing Council agreed on a timetable for the restoration of full Iraqi sovereignty, the creation of a permanent constitution, and the holding of free national elections. [1a] (p529)

5.3 The United Nations Development Programme – Programme on Governance in the Arab Region (UNDP – POGAR) report, accessed 9 February 2005, stated that "The Coalitions Provisional Authority promulgated the Law of Administration for the State of Iraq for the Transitional Period on March 8, 2004." [84a] (p1)

5.4 The BBC report dated 8 March 2004 noted that "The Transitional Administrative Law [TAL] will be the Supreme Law of Iraq, during the transitional period. [4m] On 22 March 2003, IWPR stated that the Transitional Administrative Law will expire once a government is elected under a permanent constitution; this will happen no later than 31 December 2005. [11j]

5.5 The IWPR report dated 22 March 2002 added that the Law provides that the transitional government will contain checks and balances and the separation of powers; the people of Iraq are to be sovereign and free; the Law provides for a republican, federal, democratic and pluralistic system of government; federalism to be based on geography, history and separation of powers; and not ethnicity or sect. The armed forces are to fall under civilian leadership; Islam is to be the official religion and a source of legislation; the law is to respect the Islamic identity of the majority; freedom of religious belief and practice is to be guaranteed; Arabic and Kurdish are to be the official languages. [11j]

5.6 The TAL dated 8 March 2004 also provides for the freedom of thought, conscience and expression; the freedom of association and assembly; the right to a fair, speedy and open trial; the right to vote, in accordance with the law, in free, fair, competitive and periodic election; and the right to file grievances against officials when these rights have been violated. [86a]

5.7 The UNSC report dated 8 December 2004 stated that "Subsequent to the elections, the Transitional National Assembly will write the draft of a permanent constitution by no later than 15 August 2005, which would then be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. If the constitution is approved in the referendum, elections for a permanent government will be held no later than 15 December 2005." [38c] (p3)

Citizenship and Nationality

5.8 The IWPR Iraqi Press Monitor noted on 25 February 2004 that:

“Iraqis whose citizenship was cancelled by the former regime will have it restored when the new law of administrating the country is issued, according to governing Council Member Naseer al-Chadirchi. The new law will terminate the notorious Resolution 660 under which hundreds of thousands of Iraqis were deported by Saddam, Chadirchi said. He also said cancelled citizenships will be renewed automatically, enabling participation in future elections. The new law will not allow discrimination into first- and second-class citizenship, and it will no longer allow cancellation of citizenship for any reason.” [46g]

5.9 Article 11 of the Transitional Administrative Law confirms that:

“(A) Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State.

(B) No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted.

(C) Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose citizenship was withdrawn because he acquired another citizenship shall be deemed an Iraqi.

(D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.

(E) Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annuled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi.

(F) The National Assembly must issue laws pertaining to citizenship and naturalization consistent with the provisions of this Law

(G) The Courts shall examine all disputes arising from the application of the provisions relating to citizenship.”

5.10 The Dutch country report December 2004 stated that “A new Iraqi law is still being developed.” [71c] (p28) The same report added that “It is expected that the new nationality law will make it possible for certain groups, such as Fayli

Kurds, to have Iraqi citizenship once more. Palestinians in Iraq cannot be considered for Iraqi nationality. It is also not possible for Palestinians to obtain an Iraqi passport. However, the Iraqi authorities can issue travel documents to facilitate travel from and to Iraq for Palestinians. [71c] (p28)

5.11 As stated in the Foreign and Commonwealth Office letter dated 26 April 2004:

“There is a lack of clarity over the position of Iraqi Jews who left Iraq. Many of them were forced out in the early 60s and were made to renounce citizenship and property rights, so it is ambiguous whether they are allowed to return as, in practice, it was not Saddam's regime who cancelled their citizenship and on paper they volunteered to renounce their Iraqi nationality. But these decisions were clearly not voluntary.” [66a] (p2)

5.12 The United Nations High Commissioner for Refugees (UNHCR) in a paper dated August 2004 noted that:

"Statelessness is a major issue in Iraq. Up to half a million Iraqis (including Faili Kurds and Arab Shi'ites) were stripped of their nationality by the previous government and expelled to Iran. Meanwhile, Bidouns (stateless nomads) live on either side of the Iraq/Kuwait border. In addition, children of mixed marriages (particularly in cases where the mother is Iraqi and the father of another nationality) may face problems if they wish to return to Iraq, while women (such as those who have married men of another nationality) may face particular obstacles when they wish to return. In the recent past, nationality issues have not been decided in courts, and nationality laws frequently revised, with the result that indigenous expertise on the subject has declined." [40b] (p7)

5.13 The same document stated that a Non Governmental Organisation (NGO) that operates a legal aid centre would help Iraqi returnees who lack Iraqi identity papers, translate and notarize any identity documents that they have in order that they can access legal and other services open to Iraqi nationals. [40b] (p15)

5.14 On 27 September 2004 the IWPR Iraqi Press Monitor reported:

"A Ministry of Interior official said all deportees and other Iraqis whose citizenship was cancelled by the former regime for political reasons soon would regain their rights after the issuance of the regulations. The Ministry's Director General of Travel and Citizenship Hadi al-Mehna said all Iraqis would receive the new citizenship cards and nationality certificates. The new documents would not be easily counterfeited, he added." [46d] (p1)

5.15 The British / Danish fact finding mission report October 2004 stated that:

“The source advised that the draft Nationality law excludes Palestinians. It does address statelessness however, and those that were de-nationalised during Saddam’s regime should receive citizenship. The draft law makes it difficult for Bedoons, however those born in Iraq to an Iraqi mother and a non-Iraqi father should be able to receive citizenship, as well as those born to an Iraqi father. However UNHCR were careful to advise that this law is in draft form and will not be confirmed until after the elections.” [30c] (p28)

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Political System

5.16 The Dutch country report December 2004 explained that “In Iraq, the form of government is currently in a transitional phase. On 8 June 2004, the United Nations Security Council unanimously adopted Resolution 1546.” [71c] (p8)

5.17 As documented in the FCO report dated 21 December 2004 “The transfer of authority from the CPA to the Iraqi Interim Government took place on 28 June 2004. Iraqis now have full responsibility for governing Iraq. The Interim Government will continue until the formation of a Transitional Government, after elections have produced the Transitional National Assembly on 30 January 2005.” [66e] (p4)

5.18 As documented in the EIU report 2004 “Under the terms of the UN Security Council Resolution (UNSCR) 1546, this government is recognised as a ‘sovereign’ in the context of ‘sovereignty’ having been returned to Iraq after the end of the occupation.” [82a] (p8) The BBC report dated 8 March 2004 observed that the Fundamental Principles of the Law stipulates “That the system of government in Iraq will be republican, federal, democratic, and pluralistic. Federalism will be based on geography, history, and the separation of powers and not on ethnicity or sect.” [4m]

5.19 The USSD report 2004 stated that “The TAL provides citizens with the right to change their government peacefully through periodic, free, and fair elections based on universal suffrage.” [2f] (p10) The national elections took place in Iraq on 31 January 2005. [6v] ([See also section 4 on the Elections January 2005](#))

5.20 The BBC report dated 14 February 2005 noted that in the 2005 Iraqi national election, the Shia dominated United Iraqi Alliance (UIA) won 48 percent of the votes cast. The UIA also holds 140 of the 275 seat National Assembly. [4n] The same report noted that the Kurdish Alliance is the largest opposition party, with 26 percent of the vote and 75 seats in the National Assembly. The Al-Qaimah al-Iraqiyah (Iraqi List) gained 14 percent of the votes and holds 40 seats in the National Assembly. [4n] The US Agency for International Development report, accessed 17 February 2005, noted that nine minor parties share the balance of 20 seats in the National Assembly.

[92a] As mentioned in the BBC report dated 31 January 2005, many of the Sunni political parties boycotted the election. [4q] (p6)

5.21 The FCO Country Profile dated 21 December 2004 stated that the President is the Head of State. [66e] (p1) However, the Economist report dated 10 December 2004 explained that “The prime minister enjoys executive authority in the government, while the positions of president and vice-president are largely ceremonial.” [19b] The FCO Country Profile dated 21 December 2004 mentioned that the interim Prime Minister is Ayad Allawi and the interim President is Ghazi al-Yawr. [66e] (p1) ([See Annex F on Prominent People](#))

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Northern Iraq

5.22 The International Crisis Group (ICG) report dated 8 April 2004 stated that

“The Kurdistan Regional Government (KRG) continues to be the official government of the ‘territories that were administered by that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh’ (Art. 53A), and it will continue to exercise the functions it has performed so far, ‘except with regard to those issues which fall within the exclusive competence of the federal government’, as specified by the TAL. The KRG retains control over its own police and internal security forces and the right to impose taxes within the region (Art. 54A). In sum, these articles recognise the political status quo as per the Kurdish demand for a Kurdish federal region.” [25b] (p19)

5.23 The USSD report 2004 also stated that “The Kurdistan Regional Government was recognized in the TAL as the official government of those territories that were administered by the Kurdish Regional Government on March 19, 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala, and Ninewah.” [2a] (p1)

5.24 As noted in a peyamner report dated 14 February 2005 “The turnout for the 111-seat Kurdistan National Assembly was 1,753,919 votes, which means that each entity needs 15,801 votes to get a seat.” [96a] The HRW statement released 1 February 2005 noted that the KDP and PUK formed a coalition for the national and Kurdish assemblies. [15j] As documented in the Psephos report, accessed 17 February 2005, the Kurdistan Democratic List gained the majority of votes in the Kurdistan legislative election with 90 percent of the votes and 104 seats in the Kurdistan National Assembly. The Kurdistan Islamic Group in Iraq came second with 4.9 percent of the vote and 6 seats in the Kurdistan National Assembly while the Kurdistan Toilers Party gained 1.2 percent and one seat. [93c] ([See Annex H on the Iraqi Kurdistan Election Results](#))

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Judiciary

5.25 The FCO Human Rights report 2004 stated that “The criminal justice system is the responsibility of the Iraqi ministry of justice. The Iraqi courts are now run by Iraqis, as are detention facilities for individuals accused or convicted of crimes.” [66h] (p21) As stated under Article 43(A) of the Transitional Administrative Law [TAL] dated 8 March 2004 “The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the accused pursuant to law, without interference from the legislative or executive authorities.” [86a] (p13)

5.26 Article 12 of the TAL stipulates that all persons are equal before the law and the courts and “No one may be deprived of his life or liberty, except in accordance with legal procedures.” [86a] (p4)

5.27 However, the HRW report dated 15 April 2003 noted that “After decades of Ba’ath Party rule, the Iraqi judiciary has been deeply compromised.” [15b] According to the Freedom House report 2004 “The Iraqi judiciary is not independent.” [70b] The USSD report 2004 added that “Some aspects of the judicial system were dysfunctional, and there were reports that the judiciary was subject to external influence.” [2a] (p2) The joint British / Danish fact finding mission report October 2004 also mentioned that “In general the court are functioning however some judges do not follow the laws and procedures. In general the courts were functioning without interference from the politicians.” [30c] (p14)

5.28 The Dutch country report December 2004 added that “The effectiveness of the judiciary was hampered by capacity problems and the general instability in Iraq. Just like other institutions in the fledgling Iraqi State, the judiciary has to struggle with corruption and a lack of transparency, which are both a serious impediment to its effectiveness.” [71c] (p47)

5.29 Nevertheless, On 29 July 2004 the Foreign Affairs Select Committee stated that “Important progress has been made on reconstituting the judiciary.” [62a] (p13) Sir Jeremy Greenstock, informed members of the Committee that:

“The Iraqi court system and judiciary generally have been developed quite well as an independent judiciary since the occupation began and is capable of handling more ordinary court cases.’ The Judicial Review Committee has completed its review of judges and prosecutors for membership of the Ba’ath Party, corruption and human rights violations. The overall dismissal rate was around 25 per cent”. [62a] (p13)

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Judicial System

2.30 As noted in the Europa Regional Survey 2005, “Following the ousting of the Baaath regime, the judicial system was subject to a a process of review and Be-Baathification. In June 2003 thr CPA established the Judicial Review Committee, whose task was to review and repair the material status of the courts and to assess personal. ... In the interim period, a new judicial system was formed. [1a] (p532)

5.31 The USSD report 2004 explained that “The criminal justice system is based on the French or civil system. ... The system is inquisitorial; cases are controlled and investigated by the judiciary.” [2a] (p6) The same report noted that “There is no jury in the criminal justice system. A three-judge panel decides if a defendant is guilty. Defendants who are found guilty are sentenced immediately after the verdict.” [2a] (p6)

5.32 The Dutch country report December 2004 noted that “In general terms the legal system can be broken down into three different types of judicial process:

civil proceedings
criminal proceedings
cases involving family law.” [71c] (p46)

5.33 The same report added that “These three types of judicial process are made up of three different levels: first instance, appeal and finally appeal to the Supreme Court.” [71c] (p46)

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Court Structure

5.34 As documented in the UNDP – POGAR accessed 9 February 2005, “The Iraqi court system is divided into the Civil Courts, Courts of Personal Status, and Criminal Courts. The court hierarchy consists of Courts of First Instance, Courts of Appeal, and Courts of Cassation, a Federal Court of Cassation and a new Federal Supreme Court. One Supreme Court judge is to preside over the Higher Judicial Council.” [84a] (p2)

5.35 The USSD report 2004 added that “The courts are geographically organized into 17 appellate districts.” [2a] (p6)

5.36 The UNDP – POGAR report, accessed 9 February 2005, noted that “The Courts of Personal Status have jurisdiction in all matters of first instance related to personal status of Muslims. Jurors of the Shari’a Courts are either qadis, or religious judges, or judges from civil courts.” [84a] (p2)

5.37 The HRW World report 2004 noted that “Following the fall of the Saddam Hussein government, Iraq’s criminal courts began functioning again around June 2003, but have had to rely on an outdated and deeply flawed legal framework pending comprehensive reform of Iraq’s judicial system and criminal laws.” [15k] (p2)

5.38 The Dutch country report December 2004 stated that “A Central Criminal Court of Iraq has been active in Baghdad since August 2003. This court has representations in various other cities.” [71c] (p26) The FCO Human Rights report 2004 added that the Central Criminal Court dealt with the most serious national crimes under reformed criminal procedures.” [66h] (p21) As documented in the Coalition Provisional Authority Order Number 13, amended on 22 April 2003, the Central Criminal Court of Iraq consisted of two chambers: an Investigative Court; and a Felony Court. [31a] (p1-2)

5.39 In a July 2003 report Amnesty International (AI) welcomed the abolition of the Revolutionary, Special and National Security Courts and noted the establishment of the Central Criminal Court. However, AI expressed a number of concerns about the terms under which the court would operate including: the sweeping restrictions on former Ba’athists; that the appointment of judges for one year terms would not give them sufficient security of tenure to ensure their independence; that gender or political opinion were not listed among the grounds on which judges are not allowed to discriminate. [28b] (p15)

5.40 An article in Iraq Today on 22 September 2003 stated that the Court of First Instance is a civil court dealing with such issues as unpaid debts, property ownership and disputes, patents, inheritance and contracts. Around 20 percent of the 50 or so cases before the court would be decided in any one week but judges were reported to be holding back some cases in the hope that the law would be changed to erase the bad precedents established under Saddam’s regime. [9b]

5.41 The UNDP – POGAR report accessed 9 February stated that “Decisions made by the Courts of Appeal, in both civil and criminal matters, may be appealed to the Courts of Cassation and to the Federal Court of Cassation, which is normally the court of last resort. Under some circumstances further appeals may be made to the Federal Supreme Court. This Court is the highest judicial authority in the land.” [84a] (p2)

5.42 The FCO Human Rights report 2004 noted that “The Iraqi juvenile courts are in Iraqi hands and are among the best managed system.” [66h] (p21)

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Judges

5.43 The Dutch country report December 2004 stated that:

“The ‘Iraqi Council of Judges’ resumed its duties in early October 2003. Saddam Hussein had dissolved it in 1979. The Council operates independently of the Ministry of Justice and acts as a watchdog for the independence, quality and integrity of the judicial system. The Council is also responsible for appointment of judges and public prosecutors. The Council is chaired by the President of the Supreme Court and is made up of eight people. Objections can

be raised against decisions by the Council. The ruling on the objection, however, is final and conclusive.” [71c] (p46)

5.44 By early October 2003, Associated Press Television News (APTN) reported that Hashem Abed al-Raman, the Iraqi minister of Justice, claimed that ‘the state of justice is good’, with judges enjoying the freedom and responsibility to dispense justice in accordance with the law rather than with the wishes of Saddam Hussein’s regime. The CPA had helped get Baghdad’s courts up and running and have consulted with judges to develop new strategies. [51a]

5.45 As reported in Reuters on 4 November 2003 and the Independent on 5 November 2003, as well as the Dutch country report December 2004, Judges have been the targets in a number of attacks. [8a] [7d] [71c] (p48)

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Traditional Law

5.46 An article by IRIN news dated 22 October 2004 stated that “Sheikhs from the tribes in Iraq most commonly use Shariat law to settle disputes.” [18m]

5.47 The UNHCR report August 2004 stated that:

“There has been an increase in the number of people turning to traditional judicial structures since the fall of the Saddam Hussein regime. This increase can be attributed to the lack of authority and general state of lawlessness in Iraq as well as the fact that people have little or no faith in the current ability of the existing official legal structures to resolve disputes in a timely and effective manner. The Iraqi tribal justice system is widely considered by Iraqis to be very effective, especially for criminal cases. It is also a much quicker way of resolving disputes than the long drawn-out court cases where the parties are unable to reach an agreement which is mutually satisfying. Agreements between tribal leaders are considered final, and while the courts are not obliged to adopt such decisions, they generally do as the decision is more likely to be effectively implemented when agreed upon between tribal leaders.” [40b] (p17)

5.48 The British / Danish fact finding mission report October 2004 were informed that in the south tribes deal with problems in the traditional way but in the north there is more reliance on the court system. The report also noted that Moqtada al Sadr has his own courts and prisons. [30c] (p17) The Dutch country report December 2004 added that “Torture is allegedly used here.” [71c] (p47)

5.49 On 1 March 2004 IWPR reported that “Traditional courts offer a non-violent route for pursuing claims against Saddam’s henchmen”. “Relatives of victims had killed an untold number of Ba’athists, particularly in the south

where tribal traditions of vendetta were especially strong.” But while Tribal rules tend to sanction blood vengeance in the case of murder relatively minor injuries such as minor gunshot wounds did not call for such drastic retribution. Instead, victims could take their grievance to a local tribal court which could order the accused to pay compensation. A local Sheikh who sat on a tribunal believes that the arbitration system provides a consensual way of defusing potentially violent disputes: “This approach satisfies all the tribes. It prevents bloodshed and prevents [further] disagreements”. However, “Although such traditional courts are widely accepted by local tribes, some policemen argue that it will deter their colleagues from enforcing the law in the post-Saddam era.” [11f]

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Judiciary in Northern Iraq

5.50 The Iraqi Kurdistan National Assembly (IKNA) website explained that “Judicial authority in the region is organized according to a special law of judicial authority and according to that law, it is independent and is subjected to no other authority except that of law. No one has the power to interfere with the judiciary sovereignty and the decision of the courts can be applied to all natural or juristic personalities related to the government.” [95a]

5.51 The same report noted that types of courts in the region are, Court of Cassation, which is a supervises and monitors all of the courts; Court of Appeal; Court of First Instance; Courts of Personal Status; Criminal Court; Courts of Offence; Juvenile Courts; Court of Labour; and Court of Fact-Finding (investigation). [95a]

5.52 A report by RFE/RL dated 15 September 2004 observed that “The difficulties faced by judges are the worst in central and southern Iraq. By contrast, judges in northern Iraq describe conditions there as normal by most standards of the profession.” [88b]

5.53 The same article reported that:

The judicial system is in place, democracy is in place, there is a parliament in Iraqi Kurdistan, and a judge is free to make rulings in accord with his own convictions and without external pressure.’ ...

Much of northern Iraq fell outside of Hussein's control after the 1991 Gulf War. Since then, the Iraqi Kurds have established their own governmental and security institutions. Police units in the region were not disbanded and reformed by the CPA since they were considered free of ties to the former regime.” [88b]

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Corruption

5.54 As documented in the USSD report 2004 "Corruption remained a problem in the criminal justice system." [2a] (p6) The same report noted that "Some police officers did not present defendants to magistrates and held them in detention cells until their families paid bribes for their release." [2a] (p5)

5.55 The HRW report January 2005 added that "Corruption is a major impediment to respect for basic rights. One of the most common complaints made by detainees was of police officials threatening them with indefinite detention if they failed to pay them sums of money." [15j] (p5)

5.56 The Independent reported on 9 August 2004 that "Judicial and prosecutorial salaries have also been increased, to minimise the risk of temptation from bribes and to reduce corruption. Efforts have been made to refresh the legal skills and knowledge of the Iraqi judiciary in order to re-equip them with the necessary tools to conduct trials fairly and in accordance with internationally accepted standards." [8c] (p1) The article added that, "CPA order 35 restored the independence of the judiciary through the re-establishment of the Council of Judges, chaired by the Chief Justice of the Supreme Court." [8c] (p2)

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Developments

5.57 The APTN report October 2003 noted that so far there had not been many dramatic changes to the Iraqi legal code, but there had been some critical ones: separation between the judiciary and legislature had been provided for; several dictatorial legal articles had been removed from the code; ministries, police and high-ranking military personnel no longer enjoyed legal immunity; and justices had been stripped of their right to issue sentences without due process. Salman al-Taie, a justice at Al Bayaa Court, was reported as saying that although the old legal structure was basically the one still being used, those elements that conflicted with human rights standards had been removed. Judge Sameer Ali Motlag said that there was no illegal force, beatings, insults, threats, fear tactics and that suspects had to be presented with legal evidence before being convicted. [51a]

5.58 In September 2004 the Center for Strategic and International Studies (CSIS) noted that:

"When the CPA transferred power to Iraq's interim government, Iraq's courts were not yet functioning at prewar levels; by some estimates, the courts in Baghdad, for example, were functioning at about one-third their prewar capacity. Even the Central Criminal Court of Iraq, which the CPA established, lacks the basic materials needed to stock an office - it has no computers, typewriters, or filing cabinets and only a few bare desks and chairs. The CPA did undertake efforts to reform Iraq's justice system, including vetting Iraq's judges for ties to the Ba'ath party and corruption, and reestablishing the judiciary as an independent branch of government. It also began addressing Iraqi

judges' outdated legal skills, including with a training program for a small number of judges in the Hague. Nonetheless, the justice system is completely overstretched by the rampant crime and security problems." [63b] (p37)

5.59 A report by the UK Department for International Development (DFID) October 2004 observed that:

"Since February, 216 judges, prosecutors, lawyers and justice department officials have trained in International Human Rights Law; and 50 judges, prosecutors and lawyers have trained in International Humanitarian Law. Participation has been diverse: male and female judges, prosecutors and lawyers have been chosen from all areas of Iraq and from all parts of the community. A number of participants have been trained as trainers, so that the benefits of the training can be disseminated to others in Iraq." [59b] (p2)

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Justice for Human Rights Abusers

5.60 As documented in the HRW world report 2005 and the UNDP – POGAR report accessed 9 February 2005, the Iraqi Governing Council approved a statute establishing the Iraqi Special Tribunal for Crimes Against Humanity on 10 December 2003. [15k] (p3) [84a] (p2)

5.61 The HRW world report 2005 added that:

"Among other problems, the tribunal law contains no prohibition on using confessions extracted by torture, no right of access to a lawyer in the early stages of investigation, and no requirement that guilt be proven beyond a reasonable doubt. Those convicted can face the death penalty. And while justice efforts worldwide have created a cadre of judges and prosecutors with invaluable experience prosecuting genocide and crimes against humanity, the tribunal has been structured to almost entirely exclude their participation. Instead, the tribunal is to be run by lawyers and judges who have acknowledged their own lack of experience in complex prosecutions of this kind." [15k] (p3)

5.62 The HRW report November 2004 explained that "After more than thirty-five years of Ba'thist rule, Saddam Hussein and a number of other former Iraqi government officials responsible for perpetrating the most heinous crimes under international law crimes against humanity, genocide, and war crimes are about to be tried for their alleged crimes." [15g] (p1)

5.63 On 8 March 2004 the Guardian reported that, "A team of US legal experts left for Iraq at the weekend to help build the case for Saddam Hussein and other members of his fallen regime to be tried for war crimes". [6f] On 1

July 2004 the BBC reported that former Iraqi President Saddam Hussein was told he faces seven preliminary charges. [4b] (p1-2)

5.64 The HRW report dated 24 November 2004 stated that “Of the dozens of potential defendants, only 12 have been brought before a judge so far – by the Central Criminal Court of Iraq instead of the Iraqi Special Tribunal. As a result, the defendants have been charged only for crimes that are punishable under Iraq’s penal code.” [15i] (p1)

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Legal Documents

5.65 As noted in the HRW world report 2005 “In announcing the Order, Iraqi officials pointed to provisions requiring that persons may not be arrested except upon the issuance of arrest warrants from the judicial authorities, and would be brought before an investigative judge within twenty-four hours. The law, however, does provide for such arrests or searches without warrant in ‘extreme exigent circumstances,’ which are not defined.” [15k] (p2)

5.66 The HRW report January 2005 stated that “Persons may not be arrested without a warrant (except in circumstances prescribed by law, such as crimes committed in flagrante delicto).” [15j] (p20)

5.67 The HRW report January 2005 observed that “The police and intelligence services conduct arrests without warrants issued by an appropriate judicial authority, frequently on the basis of information provided by ‘secret informants’ from within the police force.” [15j] (p4)

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Legal Rights / Detention

5.68 The HRW report January 2005 stated that “The bill of rights contained in the TAL guaranteed a number of fundamental principles pertaining to persons deprived of their liberty.” [15j] (p21) Article 12 of the Transitional Administration Law (TAL) stipulated that all Iraqi citizens, irrespective of gender, sect, opinion, belief, nationality, religion, or origin, are ‘equal before the law’ and courts. [86a] (p4)

5.69 Article 15(C) states that “No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs.” [86a] (p5) The HRW report January 2005 added that all person have the right to challenge the legality of arrest or detention without delay. [15j] (p22) The Freedom House report 2004 stated that:

“Although Iraq’s 1971 Criminal Procedure Code, which stipulates that suspects cannot be held more than 24 hours without an examining magistrate’s ruling of sufficient evidence, remains in force and is generally observed in ordinary criminal cases, thousands of people

suspected of security offenses were detained without charge by coalition troops and Iraqi police in 2003. At year's end, the CPA had roughly 12,800 such detainees in custody, including around 4,000 members of the Mujahedin-e Khalq Organization, an Iranian dissident group backed by the former Iraqi regime." [70b]

5.70 The HRW report January 2005 added that:

"Over the course of several months beginning in July 2004, Human Rights Watch received numerous reports of the torture and ill-treatment of persons apprehended because they were suspected members or supporters of Shi'a cleric Muqtada al-Sadr or armed militiamen belonging to the Mahdi Army. Most of the arrests took place in the context of armed clashes that erupted in the city of al-Najaf at the beginning of August between Iraqi government and Multinational Force troops on the one hand, and armed militiamen loyal to Muqtada al-Sadr on the other. ... During the same period, arrests of other suspected members or sympathizers also took place in Baghdad, some of whom said they were accused of aiding Shi'a militiamen in al-Najaf." [15j] (p26-27)

5.71 The same report noted that "Human Rights Watch is also aware of other cases involving the arrest without warrant, illegal detention and ill-treatment of members of several political parties in Baghdad." [15j] (p35)

5.72 The HRW report January 2005 stated that:

"Many persons reported being beaten at the time of their arrest and being very tightly bound in handcuffs or tightly blindfolded. Contrary to the provisions of Iraq's Code of Criminal Procedure (CCP), which requires a defendant to be brought before an investigating judge within twenty-four hours of arrest, the vast majority had been held without appearing before a judge for far longer – in some cases for almost four months." [15j] (p4)

5.73 The AI report June 2004 observed that:

"There is in effect a two-tier system whereby people detained by the Coalition Forces have fewer safeguards than those held under Iraqi justice system. For example, those detained by Coalition Forces can be held for 90 days before being brought before a judge (according to CPA Memorandum No. 3), whereas those detained within the framework of the Iraqi Code of Criminal Procedure (Article 123) must have their case reviewed within 24 hours." [28a] (p2-3)

5.74 The HRW report January 2005 stated that "The judge may renew their period of detention for not more than fifteen days on each occasion, provided that the total period does not exceed six months. If the criminal investigation is not completed within six months, authorization for further extensions of the detention period must be obtained from the relevant criminal court. [15j] (p20)

5.75 An article by the Xinhua News Agency dated 6 October 2004 reported that "About 6,000 Iraqis and other Arab nationalities were being held without trial in both Abu Ghoraib prison, west of Baghdad, and Pokka prison in Basr, 600km south of Baghdad, local newspaper Al Mashriq reported Wednesday." [89a]

5.76 Moreover UNHCR noted in August 2004 that "Some cases have remained incommunicado while others have had the right to legal counsel and have been subsequently released. Reports concerning several cases who are still being detained without charge and whose whereabouts are unknown have also been received by UNHCR. " [40b] (4)

5.77 Articles 15(D) and 15(F) respectively state that "All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay." and "The right to a fair, speedy, and open trial shall be guaranteed." [84a] (p5)

5.78 However, according to the HRW world report 2005, "In the vast majority of cases observed by Human Rights Watch, defendants had been detained without judicial warrants and were brought before the criminal courts without having had prior access to defense counsel." [15k] (p3) The same report added that "Trials before the criminal courts were summary, lasting less than thirty minutes in the majority of cases." [84a] (p5)

5.79 The AI report June 2004 stated that "Those in Iraqi-run prisons usually have access to lawyers and judges at some point. Many of those held in prisons and detention centres run by the Coalition Forces have invariably been denied access to family or lawyers and any form of judicial review of their detention. Many are still illegally being held beyond the prescribed 90 days for judicial review." [28a] (p2-3)

5.80 The UNHCR report August 2004 noted that "Families often do not know where their relatives are detained and what the charges against them are. Many families have to travel to multiple prisons across the country searching for news. The right to meet with their families and lawyers and to have a judicial review of their detention is to date still denied to many detained persons." [40b] (p4)

5.81 Article 15(E) of the TAL states that "The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. At the time a person is arrested, he must be notified of these rights." [15k] (p3)

5.82 The HRW world report 2005, nevertheless, noted that "Where defendants were unable or unwilling to engage lawyers to act on their behalf, the courts appointed lawyers for them. However, such lawyers did not have

prior access to the defendants nor to the evidence against them, and in some cases, lawyers were not present at investigative hearings.” [15k] (p3)

5.83 Article 15(J) also stipulates that “Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise.” [84a] (p5-6)
Nevertheless, HRW stated in its world report 2005 that in some cases the accused had been tortured or ill-treated to extract confessions from them. [15k] (p3)

5.84 The HRW report January 2005 also noted that “Conditions of pre-trial detention are poor. Detainees reported receiving little or no food or water for several days at a stretch, and being held in severely overcrowded cells with no room for lying down to sleep, without air conditioning, and in unhygienic conditions.” [15j] (p4)

5.85 The AI report March 2004 also mentioned that :

“Many detainees have alleged they were tortured and ill-treated by US and UK troops during interrogation. Methods often reported include prolonged sleep deprivation; beatings; prolonged restraint in painful positions, sometimes combined with exposure to loud music; prolonged hooding; and exposure to bright lights. Virtually none of the allegations of torture or ill-treatment has been adequately investigated. ” [28d] (p6-7)

5.86 The HRW report dated January 2005 noted that “There is little indication that any serious measures have been taken to enforce existing laws and put an end to these practices. Human Rights Watch is aware of only a handful of cases in which investigations into allegations of torture or ill-treatment by Iraqi law enforcement personnel resulted in the conviction of the perpetrators, and none of those convicted received prison time.” [15j] (p6)

5.87 The same report noted that “Officials found guilty of torturing or ill-treating detainees in their custody are punishable by up to fifteen years’ imprisonment under the Penal Code. Detainees have the right to submit a complaint regarding a threat or harm caused to them with a view to initiating criminal proceedings against the perpetrators.” [15j] (p20)

5.88 The Netherlands general official report on Iraq dated June 2004 stated that, "CPA Order 10 transferred the management of detention and prison facilities to the Ministry of Justice. Regulations have also been issued governing the safeguarding of proper (according to international norms) living conditions in detention centres and prisons. This includes segregating the sexes, separating suspects from convicts and separating minors from adults. Prisoners are also required to be detained in separate cells. The regulations also provide safeguards relating to the supply of food and drink, sports, recreational and educational facilities, medical care, working conditions, the right to receive visits, the right to complain and faith. The Order also lays

down requirements governing disciplinary instructions, including a ban on all forms of mistreatment and rules with which prison staff must comply." [71b]

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Death Penalty

5.89 Capital punishment was suspended on 10 June 2003 by Coalition Provisional Order Number 7. [31b] However, the Guardian reported on 9 August 2004 that the Iraqi government announced the reintroduction of the death penalty on 8 August 2004. [6r] The same report stated that "Officials said the move was part of a raft of measures designed to impose the rule of law in Iraq and stem the violence that has shown little sign of easing since the US officially ended its occupation at the end of June [2004]." [6r]

5.90 The HRW report January 2005 also noted that:

"The Iraqi Interim Government passed Order 3 of 2004 on August 8; the Order reintroduced capital punishment for a range of offenses, including certain crimes affecting internal state security, public safety, premeditated murder, and drug trafficking. It also introduced the death penalty for abduction. Government officials argued that capital punishment would serve as a deterrent against such crimes, while its implementation would be 'very limited and only in exceptional cases.'" [15j] (p17)

5.91 The Dutch country report December 2004 added that "The death penalty can only be carried out after the judgement has been upheld by the Presidential Council and the Prime Minister." [71c] (p53)

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Internal Security

5.92 Several sources noted that in the run up to elections on 30 January 2005, insurgents stepped up their campaign of intimidation against, and targeting of, people and infrastructure involved in the election process. [4aa] [5f] [17d] [19c] The Times reported on 31 January 2005 that on election day itself, there was a total of 44 fatalities, nine of them suicide bombers. However, the security measures for the election were widely successful. [5h] (p2)

5.93 The FCO stated on 22 October 2004 that:

"Recent terrorist attacks on Iraqis and Iraq's infrastructure are attempts to disrupt the political process and ruin Iraq's future. The Iraqi Interim Government (IIG) is determined to clamp down on terrorism and insurgency. In his statement of 20 June [2004], PM Allawi issued a robust statement on security. He outlined plans to create special police units trained and equipped in counter terrorism, a National Guard and tighten border security." [66c] (p2)

5.94 The HRW world report 2005 noted that:

“In June 2004, Prime Minister Ayad Allawi announced a major reorganization of Iraqi security forces, including the creation of new agencies with responsibility for intelligence gathering and for law enforcement. An Iraqi National Intelligence Service had already been set up under CPA authority in April 2004, initially reporting to CPA Administrator L. Paul Bremer and subsequently to the prime minister. Several Ministry of Interior agencies were also reorganized and expanded under the CPA with responsibility for investigating serious criminal offenses - such as money laundering, abductions, and organized crime - as well as gathering intelligence on criminal activity. [15k] (p2)

5.95 The HRW report January 2005 stated that:

“The planned changes included bringing the CPA-created Iraqi Civil Defense Corps under army control as part of the Iraqi National Guard and the creation of emergency response units for special operations. Special police units would also be created to be deployed ‘in the frontlines’ of the battle against terrorism and sabotage, and a new directorate for national security established. The Ministry of Interior reportedly appointed a new security adviser to assist in the establishment of a new general security directorate modeled on the erstwhile General Security Directorate (Mudiriyyat al-Amn al-‘amma), one of the agencies of the Saddam Hussein government dissolved by the CPA in May 2003.” [15j] (p15-16)

5.96 The HRW world report 2005 added that:

“On July 3, 2004, the interim government passed the Order for Safeguarding National Security (Number 1 of 2004), introducing emergency legislation to the statute books and enabling the prime minister to declare martial law for up to sixty days (renewable with the approval of the Presidency Council). The Order provides for the imposition of curfews; the closure of roads, sea lanes, and airspace; restrictions or bans on public gatherings; surveillance of electronic and other communications; and wide powers to search property and to detain suspects.” [15k] (p2)

5.97 The UNSC report dated 8 December 2004 noted that “On 7 November [2004], the Interim Government of Iraq, under the National Safety Law, declared a 60-day state of emergency in all parts of Iraq, except the three northern governorates. Specific measures were announced for Fallujah and Ramadi. ... Since then, curfews have been imposed on other cities, including Baghdad, Bayji, Mosul, Najaf, Ba’qubah and Samarra.” [38c] (p1-2)

5.98 The FCO Human Rights report 2004 stated that “The Multinational Security Transition Command Iraq (MNSTC-I) has provided additional advice to its Coalition Military Assistance Training Teams (CMATT) and Coalition

Police Assistance Training Teams (CPATT) on human rights in order to protect civilians in Iraq as well as develop the credibility of the ISF. CMATT and CPATT have provided training, with a special focus on the protection of civilians during military or police security operations." [66h] (p20)

5.99 The same report noted that "Iraqi army recruits are being taught to respect the human rights of detained persons and not deny them basic necessities, in accordance with the Geneva Conventions." [66h] (p20)

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Northern Iraq

5.100 The UNHCR in its Return Advisory paper dated September 2004 noted that:

"In the North, although the overall conditions seem to be better than in the rest of the country, the situation remains tense due to a number of factors. These include the political agenda of and relations between the two main Kurdish parties (PUK and KDP) as well as that of the Kurdish Regional Government authorities (KRG) with the IIG, the on-going debate linked to the modalities of the constitutional process, as well as the establishment of a representative government, and the degree of autonomy for the Kurdish populated areas." [40a] (p3)

5.101 In July 2004 the CSIS report noted that within the Kurdish area, "The major security concern is infiltration by Arab extremist groups intent on destabilizing an area known for its secularism and its close relations with the United States. In Sulaimania, the security situation is stable, but residents are slightly less optimistic than those of Erbil. This may be due to apprehension that increasing Kurdish-Arab tensions may lead to armed conflict." [63a] (p16)

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Police

5.102 The DFID report dated 2 July 2004 observed that the Iraqi Ministry of Justice was in charge of all Iraqi police. [33b] (p25-26) As documented in a report by the Council of Foreign Relations dated 7 October 2004, "The Iraqi police has 84,950 police on duty. Forty-two percent, or 35,295, are classified as trained, but only about 10 percent of them have gone through a formal, eight-week course at a police academy. The Iraqi Police Service is scheduled to have 135,000 members by June 1, 2005." [86a] (p1-2) The joint British / Danish fact finding mission report October 2004 noted that the United Nations Assistance Mission for Iraq (UNAMI) was involved in the training of Iraqi police. [30c] (p12)

5.103 In May 2004 the FCO informed the Foreign Affairs Select Committee that "In April [2004] a US Army General was reported as saying that about 10% of new officers were rebels and a further 40% had left their jobs". [62a] (p8)

5.104 The Christian Science Monitor report dated 17 September 2004 stated that police are often a target for insurgents. [34f] (p2) The USSD report 2004 noted that "More than any other group, the police have been a target of terrorist attacks. Over 1,500 IPS personnel have been killed between April 2003 and year's end." [2a] (p5) An article in the Times dated 4 January 2005 stated that "More than 1,000 police and National Guardsmen have been killed since the security forces were established after the war in relentless attacks aimed at plunging the country into chaos." [5f]

5.105 The HRW report January 2005 stated that "In just the last four months of 2004, approximately 1,300 Iraqi police and scores other Iraqi security forces have died at the hands of insurgents." [15j] (p1) The same report added that:

"Human Rights Watch recognizes the enormous difficulties inherent in reconstituting a police force in Iraq today, where prevailing security conditions affect all aspects of life and new police recruits are among the prime targets of attack. Those involved in law enforcement additionally have to contend with the legacy of the Saddam Hussein government, whose human rights record stood out as being among the worst anywhere." [15j] (p3)

5.106 The IWPR report noted on 3 August 2004 that, "The massive deployment of Iraqi police, one of the first acts carried out by the prime minister Iyad Allawi's government after it assumed power on June 28 [2004], has won support from many Baghdadis, who lived in fear of both bombers and common criminals. Many believed that jumpy American soldiers were just as dangerous." [11o] (p1)

5.107 The article further noted that, "Other people said that since the police force is now operating without US supervision, they feel more confident about providing it with information on the actions of insurgents in their neighbourhoods." However the same article concluded that whilst the police force is more active, Iraq's other security agencies are still in the process of rebuilding. [11o] (p1-2)

5.108 The joint British / Danish factfinding mission report October 2004 stated that "UN sources in Amman advised that the police force was not effective enough to provide security to ordinary Iraqis. The source added that the police force was more corrupt than ever before, and that the kidnappers were very rich and so could bribe police officers." [30c] (p11)

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Northern Iraq

5.109 In the Kurdish Regional Government administered area, according to a Reuters report carried by the Kurdistan Observer on 16 October 2003, "The two Kurdish factions [the PUK and KDP] which took control of the north after

the 1991 uprising, built up police forces and local governments which remain in place, largely unaffected by the war.” [10b] (p2)

5.110 The effectiveness of internal security varies greatly between the Kurdish Regional Government administered areas and elsewhere. According to Lebanese newspaper, the Daily Star, stated on 27 April 2004 that “Furthermore, law and order exists [in the Kurdish Regional Government administered area]. Kurdish police and security forces are efficient and the security situation in the self-ruled Kurdish region is a far cry from that in the rest of Iraq. Exemplary relations between coalition troops and the population further enhance stability, including political stability.” [57a]

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Military / Armed Forces

5.111 The Council on Foreign Relations report dated 7 October 2004 noted that “After the fall of Saddam Hussein in April 2003, the Iraqi Army was dissolved and the occupation authorities had to rebuild the forces from scratch.” [87a] (p1)

5.112 The CIA world factbook December 2004 added that in March 2004 the Iraqi Interim Government established a Ministry of Defence which created the Iraqi Armed forces. [79a] (p9)

5.113 The Council on Foreign Relations report dated 7 October 2004 noted that:

“The Iraqi army has 12,699 soldiers on duty. Of those, 4,789, or 38 percent, were trained. The army is slated to have a total of 27,000 fully trained soldiers by April 1, 2005, according to Pentagon targets.

The Iraqi National Guard, which works alongside U.S. forces on counterinsurgency and other operations, has 40,351 men on duty. Of those, almost all—38,338—are classified as trained. The Pentagon aims to have 62,000 trained guard troops by April 1, 2005.

The army also has two new counterinsurgency units: the Iraqi Prevention Force, with 1,928 trained soldiers, and an Iraqi special operations force, with 581 trained soldiers. ...

There are 16,798 border guards on duty, 14,313 of whom are classified as trained. The Department of Border Enforcement aims to have 32,000 personnel trained by November 2004; it is likely to miss that target.

There's also a fledgling air force with 143 trained personnel, and a coastal defense force with 282 trained troops. These services are targeted to have only 900 total troops.” [87a] (p1-2)

5.114 As documented in the EIU report 2004:

“A light infantry division numbering around 12,000 was to be founded within 12 months, according to the CPA in mid-2003, but the slow pace of training and the deterioration of the security and political environment has seen only 7,000 operating from late June 2004. The CPA's target was that the New Iraqi Army (NIA) would grow to about 40,000 troops by mid-2005. The CPA originally envisaged that the NIA would be geared towards border security rather than offensive operations or internal repression. However, a force specifically charged with responsibility for border security was subsequently established to meet the security challenge of Iraq's porous borders. It currently stands at around 17,000. Internal military security may increasingly become the focus of the NIA. The Iraqi National Guard (formerly called the Civil Defence Corp), which is exclusively focused on internal security operations, numbers around 25,000, with a target of adding a further 15,000 by the end of 2004. Conscription is not envisaged, at least in the short term, but it could become an issue, especially after a government comes into office under the planned permanent constitution scheduled to be agreed in late 2005.” [82a] (p23-24)

5.115 As stated in a report by Radio Free Europe/Radio Liberty (RFE/RL) dated 8 October 2004, “The interim Defense Ministry has issued a call for former officers with the rank of major and below to join the new Iraqi Army, Al-Sharqiyah television reported on 5 October. The call is reportedly only addressed to the divisions of electrical and mechanical engineering, supplies, and transportation.” [22a] (p3)

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Multi National Force

5.116 As indicated in the HRW report January 2005, “The resolution [UN Security Council Resolution no. 1546 of 8 June 2004] sets out the responsibilities of the Multinational Force, among them ‘building the capability of the Iraqi security forces [including the police] and institutions, through a programme of recruitment, training, mentoring, and monitoring.’” [15j] (p14-15) [38d] (p4)

5.117 The Department for International Development (DFID) advised on 2 July 2004 that:

“Iraqis control Iraq's security forces. The Multi-National Force in Iraq (MNFI) is there at the request of the Iraqi Government, under a mandate set out in UN Security Council Resolution 1546. The MNFI's principal roles are: helping to maintain security; protecting the UN; and helping to develop Iraq's own security capacity.” [59a] (p1)

5.118 The Dutch country report December 2004 noted that “In addition to the US (about 138,000 troops) and the UK (about 8000 troops), thirty countries take part in the MNF.” [71c] (p22)

5.119 In June 2004 Keesings added that the mandate for the MNFI will be reviewed at the request of the Iraqi government or 12 months from the date of the Resolution. "The Mandate should expire on completion of the political process (i.e. by Dec. 31, 2005) but could be terminated earlier if requested by the Government of Iraq." [3b] (p46089)

5.120 An article by the Associated Press dated 5 November 2004 noted that a number of countries have expressed their intention to pull their troops out of Iraq during the first half of 2005. [65c]

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Border Control

5.121 As stated in a BBC article dated 5 August 2004, Iraq's border control is struggling to get a grip on the insurgents into its territory. The Multi-National Force is keen to train and equip Iraqi security forces so that they can safely withdraw. However the challenge is enormous and the insurgents seem to be well armed compared to the lightly equipped and inexperienced border guards. [4a] (p1-2) However in August 2004 the US Federal Department and Agency stated that, "In another development that will brighten night border patrols in Iraq, members of the Iraqi Border Patrol battalion in Diyanah received 25 sets of night-vision goggles and 10 Jeep Libertys from Multinational Corps Iraq on Aug. 28 [2004]." [75a] (p2)

5.122 The FCO added on 22 October 2004 that, "Foreign Minister Hoshyar Zebari has been very active in working with his counterparts in the neighbouring States on border issues. PM Allawi has given priority to border security efforts and has announced that he will use advanced technology to intercept terrorists, smugglers, illegal immigrants and contraband. The UK are working with Iraqis to help this process. There are now over 11,000 Iraqi border police operational across Iraq, with the aim to increase the Department of Border Enforcement to 20,000 personnel." [66c] (p2) [66d]

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Militia / Insurgents

5.123 The IWPR stated on 26 January 2005 that "Though it has moved beyond its Baathist roots, most agree that ex-party loyalists remain a driving force within the insurgency." [11u] (p3) The same report noted that "They have vast wealth at their disposal, having raided the banks before the Americans arrived, and a large supply of weapons and other resources, many of which enter Iraq through the country's long and porous borders. With just 150,000 US troops on the ground, the likes of Zarqawi and other al-Qaeda operatives have little trouble entering Iraq and moving around at will." [11u] (p3)

5.124 The UNSC report dated 8 December 2004 noted that "During the period under review, central Iraq, between Mosul (Ninawa) in the north and Latifiyah

(Babil) in the south and from Qaim (Al Anbar) in the west to Ba'qubah (Diyala) in the east, has witnessed a particularly high level of insurgent and military activity." [38c] (p2) The HRW report January 2005 observed that "Insurgents daily target vulnerable civilians, as well as military targets, with suicide bombers and roadside bombs." [15j] (p1)

5.125 As documented in the CSIS report December 2004, US officials estimated range of 12,000 to 16,000 insurgents operating in Iraq in October 2004. [63c] (p2,13) However, an article in the Times dated 4 January 2005 reported that "Iraq's rapidly swelling insurgency numbers 200,000 fighters and active supporters and outnumbers the United States-led coalition forces, the head of the country's intelligence service said yesterday." [5f] The same article noted that "General Shahwani said that there were at least 40,000 hardcore fighters attacking US and Iraqi troops, with the bulk made up of part-time guerrillas and volunteers providing logistical support, information, shelter and money." [5f] The CSIS report December 2004 observed that "There is no evidence that number of insurgents is declining as a result of Coalition and Iraqi attacks to date." [63c] (p12)

5.126 The Times article dated 4 January 2005 noted that "General Shahwani said that there were at least 40,000 hardcore fighters attacking US and Iraqi troops, with the bulk made up of part-time guerrillas and volunteers providing logistical support, information, shelter and money." [5f]

5.127 The Dutch country report December 2004 observed that "Prominent militias include: the Mahdi Army of Muqtada al-Sadr (mainly active in central Iraq, including Baghdad, and southern Iraq), the terrorist movement of al-Zarqawi (mainly active in Baghdad, central and northern Iraq), Ansar al-Sunna (mainly active in central and northern Iraq), and Ansar al-Islam (mainly active in the north)." [71c] (p20)

5.128 The same report added that "The Iraqi interim government has reached an agreement with nine political parties on the dissolution of their militias (including the Kurdish peshmergas and the Badr organisation)." [71c] (p21)

5.129 The Duluth News Tribune article dated 26 February 2005 explained that "Officially, the Iran-backed Badr militia is the Badr Organization, a political party whose leaders say it's disarmed. In reality, Badr fighters were so emboldened by their sect's victory at the polls that they're again roaming southern Shiite territories with weapons displayed, according to witnesses and Iraqi authorities." [60a]

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Sunni Arab Insurgents

5.130 The CSIS report December 2004 indicated that "The insurgency seems to remain largely Iraqi and Sunni dominated. Some 35 Sunni Arab groups have made some kind of public announcement or claimed responsibility for terrorist or insurgent attacks – although many may be little more than cells

and some may be efforts to shift the blame for attacks or make the insurgent movement seem larger than it is.” [63c] (p12)

5.131 The same report noted that:

“The Sunni insurgents are divided into a complex mix of Sunni nationalists, pro-Ba'ath/ex-regime, Sunni Iraqi Islamist, outside Islamic extremists, foreign volunteers with no clear alignment, and paid or politically motivated criminals. Most now seem organized so that there cadres are in relatively small cells, some as small as 2-3 men. These can recruit or call in larger teams, but the loss of even a significant number of such cells may not crippled (sic) a given group, and several Sunni groups operate in most areas.” [63c] (p13)

5.132 The CSIS report December 2004 added that:

“The Sunni insurgent groups are concentrated in Sunni-populated areas like the ‘Sunni Triangle’ and Al Ansar Province to the west of Baghdad, and the so-called ‘Triangle of Death’ to the southeast of Baghdad. As a result, four of Iraq’s provinces have both a major insurgency threat and a major insurgent presence. Sunni insurgents have also repeatedly shown since the battle of Fallujah that they can strike in major mixed or Shi'ite-dominated cities like Baghdad, Mosul, and Basra. They have also operated in Kurdish areas. No province is safe from occasional attack, and attacks are only part of the story.” [63c] (p14)

5.133 The FCO stated on 22 October 2004 that “Besides a campaign of kidnapping of both foreign military and 'soft target' civilian contractors and the Iraqi police, the insurgents are also targetting (sic) senior officials, assassinating the Mosul Governor on 15 July; wounding the Minister of Justice, and killing 4 bodyguards on 17 July. Steps are being taken to strengthen protection of IIG Ministers.” [66c] (p2)

5.134 The CSIS report December 2004 stated that “These insurgents have suffered significant tactical defeats since early 2004, notably in Najaf, Baghdad, Samarra, Fallujah, and Mosul.” [63c] (p12)

5.135 The same report noted that:

“The commander of the Iraqi National Guard in Baghdad said that his forces were trying to root out guerrillas who had infiltrated his organisation, and who were passing on intelligence to the insurgents to enable the attacks. Major- General Mudhir Abood said that the problem had arisen because the force had been set up hastily in the face of a rapidly deteriorating security situation and that the new recruits had not been sufficiently vetted.” [63c] (p14)

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Shi'ite Insurgents

5.136 The CSIS report December 2004 explained that

“The Moqtada al-Sadr now seems to be committed to participating in Iraq’s political process. His Mehdi Army did, however, present a serious threat to Coalition and government forces in Najaf and other Shi’ite areas in the south during much of the summer of 2004, however, and in areas like Sadr City in Baghdad. Moqtada al-Sadr’s Mehdi Army continues to exist despite its apparent retreat from Najaf following the ceasefire negotiated by Sistani. It is widely believed to have reconstituted a large percentage of itself in the Baghdad slum of Sadr City. It has scarcely been disbanded or disarmed. In practice, Sadr’s movement also controls Sadr City more than the government does, and is active in poorer Shi’ite areas throughout the country. [63c] (p16)

5.137 The same report noted that “The Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the faction of Abdul Aziz al-Hakim also have a powerful militia. Al Dawa, the Badr Corps, and the Iraqi Hezbollah remain potential security problems.” [63c] (p16)

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Foreign Insurgents

5.138 The CSIS report December 2004 stated that:

“Other key insurgent elements include Arab and Islamist groups with significant numbers of foreign volunteers like the one led Abu Musab al-Zarqawi (Qaeda Organization for Holy War in Iraq). It is unlikely that such foreign volunteers make up more 10% of the insurgent force, and probably only make up around 5%. They are not and (sic) organized force, they come from a wide range of countries and often with little or no training and the overwhelming majority have only a limited history of affiliation with any organized Islamist or extremist group. Some are, however, considerably better organized. A number of groups claim affiliation with Zarqawi, but it is unknown how closely tied many of these groups are to Zarqawi. It is likely that some of them can only claim him as an inspiration.” [63c] (p15)

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Kurdish Militia

5.139 Then CSIS report December 2004 explained that “The two major Kurdish parties, the Barzani and Talibani factions, retain powerful militias and the Kurds represent a faction that is now considerably more powerful relative to other Iraqi factions in military and security terms than their 15% of the population.” [63c] (p17) The report added that “There has already been serious

tension in areas like Kirkuk and Mosul. There has also been some armed violence between Kurds, Arabs, and Turcomans, as well as struggles over 'soft' ethnic cleansing in North, and there may be more violence in the future." [63c] (p17)

5.140 However, on 22 March 2004 the Kurdistan Observer carried a report that the leaders of the approximately 50,000 Kurdish peshmerga and the 10,000 strong Badr Organisation had provisionally agreed to dissolve their forces. Members of the militias would be offered the opportunity to work in Iraq's new security services or get substantial retirement benefits. Members of smaller militias would also be able to apply for jobs in the new security apparatus. Those who choose not to disband would be confronted and disarmed by force if necessary. [10c]

5.141 Keesings 2004 noted that "Prime Minister Allawi announced on June 7 [2004] that nine political groups had agreed to disband their private militias, although Muqtada al-Sadr's radical Shi'ite 'Mahdi Army' was not amongst them. He said that about 100,000 paramilitary soldiers would demobilise and re-enter civilian life or join the country's security forces, Most of the militias would be phased out by January 2005." [3b] (p46091) The article added that:

"The parties to the agreement included: the two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdish Democratic Party (KDP); the Badr Brigade of the Shi'ite Supreme Council for the Islamic Revolution in Iraq (SCIRI); the Iraqi Islamic Party; the Iraqi National Accord; the Iraqi National Congress; Iraqi Hezbollah; the Iraqi Communist Party; and the Da'wa." [3b] (p46091)

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Other Militia

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

5.143 The report stated that:

"Basra, for example, has seen the emergence of numerous armed groups, some related to Shi'a Islamist political groups such as the Badr Organization, but many are new such as Tha'r Allah (God's Revenge), Harakat 15 Sha'ban, al-Talee'a (The Vanguard) and Jama'at al-Fudhala (Group of Virtue). These groups have occupied former government buildings which had been looted during the war and use them now as their headquarters. They are feared by many people in

Basra because they have been responsible for gross human rights abuses, including killing a large number of former Ba'ath party members or supporters, former security men and alcohol sellers." [28a] (p8)

5.144 The AI report added that, "The occupation of Iraq also led to the emergence of armed groups who vowed to end the occupation using all available violent means including suicide attacks. These groups, said to be a mixture of former Ba'ath supporters, former members of the various security services, Sunni radical Islamist groups and foreign fighters, have targeted Coalition Forces, members of the IGC, Iraqis cooperating with or working for the CPA and Coalition Forces, as well as international aid workers and journalists." [28a] (p18) The report added that, "These groups have also resorted to hostage-taking and killing of hostages to put pressure on countries that have troops in Iraq to withdraw them." [28a] (p9) ([See also Annex C on Current Militias](#))

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Prisons and Prison Conditions

5.145 Global Security.org, in a report dated 10 June 2004, noted that:

"Under Saddam Hussein certain prisons were notorious for routine mistreatment of prisoners. Al-Rashidiya Prison, on the Tigris River north of Taji, reportedly had torture chambers. The Al-Shamma'iyah Prison, located in east Baghdad, held the mentally ill and is reportedly the site of both torture and disappearances. The Al-Radwanayah Prison is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions. This prison was the principal detention center for persons arrested following the civil uprisings of 1991, and is estimated to hold more than 5,000 detainees." [73a]

5.146 As mentioned in the HRW report January 2005, "Following the transfer of sovereignty on June 28, 2004 under Security Council resolution no. 1546, the so-called Multinational Force-Iraq (essentially U.S. forces and its allies) have maintained responsibility for the apprehension and detention of captured insurgents and other security detainees, including 'high value detainees' such as Saddam Hussein and former government officials and foreign terror suspects. The Iraqi Interim Government has assumed responsibility for the detention and prosecution of common criminal suspects and insurgents apprehended by Iraqi security forces." [15j] (p1)

5.147 The USSD report 2004 noted that "Although there was significant improvement in Iraqi Corrections Service (ICS) prison conditions following the fall of the former regime, in many instances the facilities did not meet international penal standards." [2a] (p4)

5.148 The USSD report 2004 observed that "Overcrowding was a problem. Inmate disturbances and riots reduced available prison beds by approximately

one-third, and pretrial detention facilities were often overcrowded. The insurrections in Sadr City and later in Najaf created additional overcrowding in detention facilities.” [2a] (p4) The HRW report January 2005 added that “Detainees reported receiving little or no food or water for several days at a stretch, and being held in severely overcrowded cells with no room for lying down to sleep, without air conditioning, and in unhygienic conditions.” [15j] (p4)

5.149 Nevertheless, the USSD report 2004 stated that “ICS operated 17 facilities, totaling 8,500 beds. Renovation and construction on an additional 6 facilities, totaling 6,000 beds, was underway at year's end. No inmates died during the period under review due to poor conditions of confinement or lack of medical care, although the quality of care was low.” [2a] (p4)

5.150 An IRIN News article dated 6 July 2004 stated that “Very little money has been budgeted for prison buildings over the last 30 years in Iraq, according to the CPA. Conditions for prisoners and staff in the main jails had fallen below the standards that are now considered acceptable.” [18s] The article added that “Faris [head of the Al-Mina prison] believed prison conditions were much better now.” [18s] The report noted that new prison called Al-Mina was built in Basra to ease overcrowding at the nearby al-Ma'aqal jail. Al-Mina prison, which has a total capacity for 600 inmates, has running water, electrical and sewage facilities. [18s]

5.151 As mentioned in an article by HRW dated 25 January 2005 “Human Rights Watch conducted interviews in Iraq with 90 detainees, 72 of whom alleged having been tortured or ill-treated, particularly under interrogation.” [15a]

5.152 The HRW report January 2005 explained that:

“The majority of the detainees interviewed for this report stated that torture and ill-treatment during the initial period of detention was commonplace in facilities under the jurisdiction of the Ministry of Interior’s specialized police agencies. Methods of torture or ill-treatment cited included routine beatings to the body using a variety of implements such as cables, hosepipes and metal rods. Detainees reported kicking, slapping and punching; prolonged suspension from the wrists with the hands tied behind the back; electric shocks to sensitive parts of the body, including the earlobes and genitals; and being kept blindfolded and/or handcuffed continuously for several days. In several cases, the detainees suffered what may be permanent physical disability.” [15j] (p4)

5.153 The AI report February 2005 observed that “Women have also been at risk of torture or ill-treatment as detainees in the custody of US-led forces. Reports about the torture and cruel, inhuman and degrading treatment of detainees in Abu Ghraib prison and other US detention centres in Iraq have included allegations that women have been subjected to sexual abuse, possibly including rape.” [28e] (p7)

5.154 The HRW report January 2005 stated that “Persons tortured or mistreated have inadequate access to health care and no realistic avenue for legal redress. With rare exception, Iraqi authorities have failed to investigate and punish officials responsible for violations.” [15j] (p2)

5.155 The Washington Post also reported on 21 January 2005 “The mistreatment by soldiers at Abu Ghraib in the fall of 2003 was documented in photographs and videos showing naked detainees being frightened, beaten and forced into humiliating sexual positions. ...Eight soldiers were charged with abusing detainees at Abu Ghraib.” [16e] However, the HRW report January 2005 stated that “Considerable international attention has rightly focused on torture and other abuse inflicted on detainees by U.S. forces at Abu Ghraib and other detention facilities in Iraq. Accountability for these violations, and confidence that they are no longer occurring, has not been achieved.” [15j] (p2)

5.156 The same article noted that:

“Soldiers who guard detainees now work under strict guidelines. ... The military has also overhauled all of its detention facilities since the scandal, which highlighted the poor living conditions of both the detainees and the soldiers. Prisoners at Abu Ghraib now live in heated tents with electricity and have access to showers and to cold water in the summer. They also have extensive medical and dental care.” [16e]

5.157 The ICRC report 6 May 2004 stated that “ICRC delegates regularly visit Abu Ghraib and other places of detention in Iraq (including those under the responsibility of UK forces). [91a] The ICRC report dated 31 December 2004 added that “These visits are made to monitor conditions of detention and treatment of detainees,” [91b]

5.158 The International Centre for Prison Studies report, last updated 13 February 2005, stated that the prison population at April 2004 was approximately 15,000, including pre-trial detainees, of which 7,000 were in the custody of the Ministry of Justice. [90a] An article by the Washington Post dated 21 January 2005 added that the US military held about 7,900 prisoners regarded as security threats. [16e]

5.159 The USSD report 2004 noted that “The law provides that women and juveniles be held separately from men; according to HRW interviews, juveniles were confined with adults in some cases.” [2a] (p4) The HRW report January 2005 explained that “The right of child detainees to be held separately from adults is also provided for under Iraq’s Juveniles Welfare Law. Article 52(2) of this law stipulates that in areas where separate detention facilities are not available, measures must be taken to prevent children from mixing with adult detainees.” However “The requirement for the separation of child detainees has not been followed in some cases.” [15j] (p63) The report also noted that “Human Rights Watch continues to receive reports of children being held together with adults in detention facilities under the jurisdiction of the Ministry of Interior. The children include both criminal suspects and others

suspected of having taken part in clashes against government forces, including those suspected of links with the Mahdi Army." [15]] (p62)

5.160 The UK Government informed the Foreign Affairs Select Committee on 29 July 2004 that, "Information about internees is available. When someone is arrested their details are passed to the International Committee of the Red Cross which then informs the person's family. Iraqi police stations and CPA offices hold lists of all those in detention. The CPA is currently in the process of listing all detainees on the CPA website in Arabic". [62a] (p25)

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Prisons in the North

5.161 The USSD Report 2003 stated that "Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions was observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly deny access to ICRC officials. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners". [2a] (p5)

5.162 In the north, according to the 2003 US State Department Human Rights report, there were reports that authorities of both the PUK and KDP tortured detainees and prisoners. The same report also stated that prior to the fall of Saddam's regime the PUK and KDP enacted laws establishing an independent judiciary, according to press reporting and independent observers generally observed these laws in practice, and in addition had established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses. [2a] (p2, 5)

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Military Service

5.163 The Independent and The Baltimore Sun in May 2003 noted that Iraq's armed forces as they existed under Saddam Hussein were dissolved in May 2003 by a directive issued by L Paul Bremer. The Ministry of Defence, Ministry of Information, Republican Guard and other security institutions were abolished and conscription was ended. [8b] [14a]

5.164 The Europa regional survey 2005 stated that "Prior to the commencement of the US-led campaign to oust the regime of Saddam Hussain in March 2003, military service was compulsory for all men at the age of 18 years." [1a] (p537) The Child Soldiers global report 2004 noted that "The CPA order creating the new armed forces in August 2003 specified that the minimum age of recruitment was 18 and that recruitment was voluntary. [42a]

5.165 The Dutch country report on Iraq December 2004 stated that

“Compulsory military service was abolished by the CPA. Military service is now voluntary and Iraq therefore now has a professional army. The minimum recruitment age is 18. During the reporting period no plans were announced for introduction of compulsory military service. After joining the armed forces, recruits must abandon any political activity and refrain from making any political statements. There are recruitment offices in almost all Iraqi towns and cities and Iraqis can enlist there for the new Iraqi army.” [71c] (p56)

5.166 The same report also noted that “Press reports also pointed to desertion from the ranks of the new Iraqi army.” [71c] (p56)

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Medical Services

5.167 A USSD special report in December 2003 stated that “Since the liberation of Iraq, the country has not faced a major public health crisis.” [2a] (p1) However, News24 stated on 20 February 2005 that “Overwhelmed by a daily influx of trauma cases from insurgent bombings and ambushes, Baghdad’s antiquated and ill-equipped hospitals are nearing breaking point.” [85b]

5.168 The report USSD special report December 2003 observed that “The entire country is at pre-war capabilities for providing health care - 240 Iraqi hospitals and more than 1,200 primary health clinics are operating, offering basic healthcare services for the Iraqi people. ... The Ministry has 100,000 healthcare professionals and staff. More than 80 percent are women.” [2d] (p1) The same report noted that “Three Facility Protective Services classes have trained over 1,300 personnel to protect health facilities.” [2d] (p1) The report also noted that “The Ministry [of Health] is responsible for 29,000 hospital beds.” [2d] (p1) The British / Danish fact finding mission report October 2004 stated that “Iraqi doctors were normally very competent. However, the amount of doctors was not sufficient as many doctors had left Iraq and some had been kidnapped.” [30c] (p37-38)

5.169 A joint WHO and UNICEF report July 2003 observed that initial reports of widespread looting of health facilities were found to have been overstated. In fact about 12% of hospitals were damaged and 7% were looted. Two out of three rehabilitation hospitals in Baghdad were looted and are closed but only about 15% of Community Child Care Units were closed. To help compensate, 31 military hospitals with around 12,000 nurses were to be integrated into the public health system. At least half of Iraqi health professionals worked through the war, sometimes in very trying conditions, and most returned to work as soon as the fighting ended. [23a] (p35)

5.170 An IRIN news report dated 21 February 2005 explained that:

“The MFP [Medicine for Peace] reported that most hospitals were unclean and unhygienic and lacked an infection control programme. ... The survey was carried out in 90 percent of the capital’s hospitals and 60 percent nationwide. ... According to the MFP study, all hospitals were suffering from a sporadic or persistent shortage of essential medicines and disposable supplies, including basics such as detergents, hand washing disinfectants, sterile needles and gloves, masks, antiseptic and soap.” [18r]

5.171 IRIN news further noted on 15 February 2005 that “Doctors throughout hospitals in the capital complained of a lack of electricity and clean water. They also added that many foreign companies which started working in hospitals had pulled out and new equipment promised had not reached them. [18n] (p2) The report also noted that “A shortage of medicine is still the main problem throughout the country. Doctors and pharmacists claim that simple medications such as pain killers and antibiotics are unavailable and sometimes they run out of needles and syringes.” [18n] (p2)

5.172 The Joint British-Danish Fact-Finding Mission report August 2003 explained that it was not possible to get sophisticated treatments such as cardiac surgery, and cancer treatment was limited according to. Only basic drugs were available for the treatment of cardio-vascular diseases and radiotherapy could only be administered in Baghdad and Mosul. There was a lack of many chemotherapy drugs. [30a] (paras 3.11 – 3.21)

5.173 The British / Danish fact finding mission report October 2004 stated that “Every citizen could approach a doctor, clinic, or hospital to get medical assistance freely. Ordinary medication was free and available. However more specified medication might attract a charge. Lack of medication was not a big problem in Iraq. Iraqi doctors were normally very competent.” [30c] ([p37)

5.174 The UNHCR report August 2004 added that:

" While consultations at the public hospitals are free of charge, the price of medicines is very high. Hospitals are generally able to stock and dispense basic medical supplies, although the quantity and quality (there are many problems with expired medicines) are not reliable. Other drugs must be obtained from pharmacies. The high cost of medicines for persons with special medical needs is problematic, especially in light of the very high rate of unemployment and low salaries. The situation in the four southern governates, which each have a main hospital, is particularly severe, with only 25% of hospital equipment functioning IF there is electricity. Medical supplies are very erratic, and hospitals still suffer from the effect of sanctions. Special treatments such as chemotherapy and radiation therapy are difficult to obtain due to both the lack of drugs as well as electricity to run the radiation machines, and children in the paediatric ward who suffer from leukemia and other treatable illnesses are not expected to survive due to the lack of adequate care". [40b] (p9)

5.175 An IRIN news article dated 16 June 2003 observed that a shortage of adequate medical equipment and expertise was hampering the treatment of tuberculosis in the three northern Governorates and the associated social stigma was fuelling its spread, according to a report on. The WHO worked with the clinic on a Directly Observed Treatment Short Course (DOTS) which ensured that patients had access to the medicine by supplying the clinic near where they lived with the drugs. Since the introduction of DOTS in April 2002 the recovery of TB patients had improved by almost 90%. [18a]

5.176 The Guardian noted in an article dated 15 October 2003 that, wealthier families had the option of obtaining drugs that were not available in Iraq from neighbouring countries but this was not an option for poorer people – for example a three month supply of the leukaemia treatment ATRA bought in Jordan would cost in the region of £15,000. [6m]

5.177 IRIN reported in July 2004 that 15 out of 68 private hospitals across the country now donate at least one free surgical operation per month to patients in desperate need of care. This was set up by an Iraqi NGO called Health Friends Organisation. IRIN added that:

"Surgery regularly costs \$600 to more than \$1,200 - an astronomical sum for people used to paying less than \$1 for a visit to the doctor....Owners of private hospitals decide who should receive free surgery after looking at applications. Doctors often follow up with free after-surgery care as well, she added. The hospital charges patients whatever they can afford to pay, especially if they need to stay overnight or longer after the operation". [18q] (p1)

5.178 The Joint British-Danish Fact-Finding Mission report August 2003 and the WHO/UNICEF report July 2003 noted that the drug importation pipeline was functioning and items in short supply immediately after the war, including insulin, asthma inhalants, anaesthetics and anti-hypertensives were available, albeit in reduced quantities. All basic medicines and drugs and most treatments were available, the major difficulties being administrative and logistical – i.e. getting them to where they were needed. [23a] (p36) [30a] (paras 3.11 – 3.21) The Joint British-Danish Fact-Finding Mission report August 2003 explained that in principle the most common drugs could be sent to Iraq within a few days. In some cases, more specialised medication might take longer to obtain. [30a] (paras 3.11 – 3.21)

5.179 The Guardian reported in July 2004, that "Iraq's new UK-trained health minister, Dr Ala'adin Alwan, acknowledges there is mismanagement and corruption, with drugs 'leaking' out of hospitals to be sold in the street." [6q] (p2)

5.180 A USSD special report in December 2003 stated that "Routine vaccinations are now available to newborns, children, and mothers every day at Ministry of Health facilities across the country and are promoted nationally through immunization days on the 22nd of each month." [2d] (p1)

5.181 An article by IRIN news dated 4 February 2005 reported that the health system was improving in southern Iraq. “According to medical staff in the area, the working environment has been improved and conditions are now better than during the Saddam regime. [180] The article stated that “A wide variety of drugs can be found at private pharmacies but the cost is high.” [180] ([See also Annex G on Health Care Facilities](#))

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Mental Health Care

5.182 On 26 July 2003 the Freedom and Peace Trust reported that Al-Rashad Hospital in Baghdad was the only long-term mental institution in Iraq and was regarded as one of the most advanced mental health facilities in the region. [13a] (p1) In a separate article dated updated 12 July 2003 the Freedom and Peace Trust noted that in July 2003, Al-Rashad had a capacity of 1,250 beds, although half of these were without mattresses and conditions were poor. There were six wards, 3 each for men and women, a maximum security ward and an out-patient clinic. [13b] (p1) On 26 July the same source noted that Basra General Hospital had a 16 bed psychiatric ward which catered for thousands of out-patients in an area with a population of 2.5 million. Both hospitals were looted of critical medicines in April 2003 and Al-Rashad hospital’s patients were forced onto the streets; staff and NGOs had been working to return them to the hospital and treat them. [13a] (p1)

5.183 As mentioned by the Freedom and Peace Trust, Ibn-Alrashid Hospital was the only hospital in Iraq dedicated to short-term in-patient treatment focusing on addiction and severe depression. It also had a children’s unit although there was not a specialist child psychiatrist (and possibly not one in the whole of Iraq). The hospital had 75 beds (all of which were full at the time of the report in July 2003, and an out-patient unit that served 80-100 patients a day. In addition, the five psychiatrists working at the hospital treated many cases of Obsessive Compulsive Disorder, Post Traumatic Stress Disorder and Bipolar illness. However, most of the medicines in the hospital were looted after the war and they sought help in developing proper treatment programmes. Patients paid a minimal fee for their stay at the hospital; the average length of stay was two weeks and for many it was a half-way house. [13b]

5.184 The Guardian reported on 30 August 2003 that Iraq had less than 100 psychiatrists, and many of them were reportedly planning to emigrate once Saddam’s travel restrictions had gone. Of the remainder, some were prevented from practising because they were members of the top four ranks of the Ba’ath Party. [69]

5.185 The Freedom and Peace Trust claims to be the only NGO in Iraq focusing on the mental health system. They have the help of large teams of American and European bi-lingual psychiatrists, psychologists and social workers who are committed to treating Post Traumatic Stress Disorder. The Freedom and Peace Trust has distributed consignments of psychotropic and

anti-convulsive drugs, including Risperdal, Paxil and Phenytoin, sufficient to treat thousands of patients, to al-Nasiriyah, Baghdad and Basra. Further shipments are to follow. The Trust was also planning to open the first Behavioural Rehabilitation Centre and Women's Crisis Intervention Centre in Iraq, and hoped to duplicate the model throughout the country. [13a]

5.186 According to Provisions Consulting Incorporated, an American Mental Health Specialist, there is a serious dearth of mental health professionals in the country. The article noted on 16 April 2004 that, "According to Numan Ali, M.D., secretary-general of the Iraqi Society of Physicians (ISP), there are only 90 psychiatrists, no psychologists, counselors or other mental health providers". However the paper also stated that, "The Alwiyah Women's clinic provides maternal and mental health care for women in Baghdad. Under Hussein, there was no mental health system and very little care for the mentally ill. Prior to the increase in health funding, the cost of receiving services at the clinical (sic) was too expensive for many Iraqis. However, the cost is now equivalent to 12 U.S. cents per visit." [74a] (p1-2)

5.187 IRIN reported on 17 June 2004 that national health adviser Dr. Fakri Saieb Sabeh has named a National Council for Mental Health to discuss Iraq's future strategy for the mentally ill. The article noted that "Sabeh has sent numerous mental health care nurses and social workers for training programmes in Jordan, Lebanon, Syria and Turkey". The article further noted that, "The Red Cross has spent more than US \$1 million on various projects, re-equipping rooms and buying new air-conditioners to replace those that were looted". [18w] (p1-2)

5.188 As noted in an IRIN news report on 12 June 2003, the NGO-run Emergency Surgical Centre for War Victims in Erbil treated landmine victims. It operated another surgical centre in Sulaymaniyah and had a network of 22 first-aid posts that provided out-patient treatment for less urgent cases. An integral part of the treatment was rehabilitation – for 6 months after the prosthetic fitting, patients were provided with vocational training to improve their chances of finding employment. [18b] The Observer reported on 10 August 2003 that Iraqi doctors working with child amputees were operating under almost impossibly primitive conditions. Iraq's main centre of excellence for amputees, the National Spinal Cord Injuries Centre in Baghdad was badly looted and lacked such basics as sheets, pillows and sterilisation equipment; doctors had no anaesthetic for amputations. Wounds were being dressed with unsterilised cotton and there were no chemicals to make casts for prosthetic limbs. [37a]

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HIV/AIDS

5.189 The 2004 update of the joint report by UNAIDS, UNICEF and WHO noted that The reported number of HIV/AIDS cases to health authorities in Iraq is very low, with 150 cumulative HIV cases reported at the end of 2000,

and a total of 124 cases reported at the end of 2001. [97b] (p2) The same report noted that:

“The conflict that began in Iraq in March, 2003, has severely disrupted the health care system and the following description applies to the former system of surveillance. The system of reporting and screening of HIV was tightly monitored by the health authorities. HIV screening was performed at border checkpoints for both Iraqis and non-Iraqis entering the country. Gypsies, who are involved in [the] entertainment business, are also considered to be at potential risk and were tested. Other groups who were tested included STD patients, prostitutes (arrested by the authorities), night club workers, blood recipients, prisoners, patients with TB, patients with hepatitis B or C, sex contacts of AIDS patients, blood donors, pregnant women, health workers and couples before marriage.” [97b] (p2)

5.190 An IRIN news article dated 18 March 2004 stated that “Although the total number of people living with HIV remains small in Iraq, many have reported numerous infringements of their civil liberties, including having to sign a form agreeing only to marry others with the virus”. [18i]

5.191 Resources in clinics in Baghdad for those with HIV/AIDS were limited and although WHO had financed some diagnosis kits, medicines such as anti-retrovirals such as AZT, which cost US \$300 per patient per month had all been looted. Many registered patients no longer attended hospital and “WHO and the A[IDS] S[tudy] C[entre] have together put together a plan to bring HIV-positive patients back to the health centre by paying them US \$20 a month on top of the small monthly allowance they currently receive”. [18i]

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People with disabilities

5.192 The USSD report 2004 observed that “The Ministry of Labor and Social Affairs operated several institutions for the education of disabled children and young adults. These institutions offered basic educational services; however, they did not have access to appropriate pedagogical technology due to the absence of training and funding.” [2a] (p13)

5.193 Handicap International Belgium website, accessed 18 August 2004, stated that it has been present in the Suleymaniya region since 1991, dealing mainly with victims of anti-personnel mines laid during the various recent conflicts. [72a] (p1) An IRIN news article dated August 2003 reported that Handicap International said “Normally, in most countries, the general proportion of people with disabilities in a population would be something like 10 percent - but in Iraq I would guess it’s an awful lot more. ... There are a lot more chronic disabilities here, because they haven’t had access to drugs that would control progressive diseases - for example, with a disease like Parkinson’s, a lot of people wouldn’t have the drugs.” [18u] (p1-2)

5.194 Handicap International advised that:

"The Orthopaedic centre in Suleymaniya 'Vincent Orthopaedic Centre' was joined in 1998 by a second orthopaedic centre in Halabja. Next, in 2001 and 2002, two delocalised centres (satellite units) were put in place in the towns of Penjwin and Kalar, to make primary care (physiotherapy, minor repairs to appliances) more accessible to villagers in border areas, who are the first to fall victim to accidents caused by mines (farmers, shepherds etc.)." [72a] (p1)

5.195 The same article noted that these centres provide support to some 7,500 disabled people. [72a] (p2)

5.196 UNHCR in August 2004 noted that, "There are currently no facilities available in Iraq for children with special needs or learning disabilities." [40b] (p11)

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Educational System

5.197 An IRIN news article dated 15 February 2005 stated that "As well as security, education in Iraq is one of the sectors most Iraqis want to see more improvements in. [18n] The same article stated that "According to education experts in the country, there has been a decline in the quality of education and support by the government since the conflict in 2003. There has been inadequate repair work on schools and much more is needed as basics such as books and computers are still missing, according to teachers." [18n]

5.198 The Joint British-Danish Fact-Finding Mission Report August 2003 observed that schools were generally back and functioning. Teachers continued to work even when they were not receiving salaries. Attendance varied widely amongst communities. Fear of sexual violence and abduction disproportionately affected women's and girls' school attendance but the situation improved as families arranged for their daughters to travel to and from school in groups, and as more male relatives began escorting female students to school. By the beginning of June 2003 attendance overall had reached approximately 75%. [30a] (para 3.27)

5.199 In a report on 26 March 2004 the USSD said that more than 2,300 schools had been rehabilitated, with nearly 900 more underway and 4,500 new schools planned to be built over the next four years; more than 32,000 secondary school teachers and 3,000 supervisors had been trained; entry-level teacher monthly salaries had risen from a pre-war \$5 to \$66; over eight million new textbooks had been printed and distributed; and more than 180,000 desks, 61,000 chalk boards, 808,000 primary student kits and 81,000 teacher kits had been provided. [2e]

5.200 However, the UNHCR report dated August 2004 noted that:

"Approximately 50% of Iraq's primary and secondary schools are in a very poor state of disrepair and are not considered acceptable for children, as they have neither basic water nor latrine facilities". The report further noted that schools are very crowded and children are obliged to attend schools in shifts. The report added that, "While there is no notable lack of teachers in the north and centre, in the south, there is a general shortage of teachers which is mainly attributed to the lack of salaries." [40b] (p11)

5.201 The UNICEF report dated 15 October 2004 added that "The worst affected governorates are Thiqr, Salaheldin and Diala, where more than 70 per cent of primary school buildings either lack water service altogether or the existing water system is not working. ... In fact, while there are more than 14,000 named primary schools in Iraq, there are only 11,368 actual schools buildings available to house them. Some 2,700 of these need major rehabilitation." [97a]

5.202 The IRIN report dated 15 February 2005 noted that "Children's education in the country has been heavily dependant on support from the United Nations Children's Fund (UNICEF), among other aid organisations, since the last war. Last year UNICEF managed to deliver US \$80 million of aid to children in Iraq - often in extremely dangerous and difficult circumstances." [18n]

5.203 The USSD report 2004, nevertheless, stated that "Primary education, which is free and universal, is compulsory through age 11. Attendance in the sixth grade fell to about 50 percent of first grade levels due, in part, to the pervasiveness of child labor." [2a] (p13) The UNICEF report dated 15 October 2004 added that "Some 4.3 million children are currently enrolled in primary schools, up from 3.6 million in 2000, the most recent year for which data were available prior to this survey. However, there are not enough desks, chairs, or classrooms." [97a]

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6. Human Rights

6.A Human Rights Issues

General

6.1 The Interim Government, reversing a long legacy of serious human rights abuses under the previous regime, generally respected human rights, but serious problems remained. [2a] (p1)

6.2 However, the HRW world report 2005 stated that:

“The human rights situation in Iraq remained grave in 2004, aggravated by increased armed attacks by insurgents and counterinsurgency attacks by U.S.-led international and Iraqi forces. Both U.S. forces and insurgents have been implicated in serious violations of the laws of armed conflict, including war crimes.

The level of violent attacks on civilians by insurgents, including suicide bombings and the deliberate killing of Iraqi civilians working with U.S. and other foreign forces, remained high in 2004. There was also a marked increase in the number of abductions, and in some cases killings, of both Iraqi and foreign nationals. This high level of insecurity had a particularly negative impact on the ability of women and girls to go to jobs, attend school, or otherwise move outside the home.” [15K] (p1)
Also noted in the Dutch country report December 2004.” [71c] (p50)

6.3 The Dutch country report December 2004 noted that:

“A great number of people, both Iraqis and foreigners, were killed as a result of insurgent attacks, fire-fights and disturbances. A large number of civilian casualties were amongst the victims. ...Detainees, security personnel or bystanders were often killed as arrests were being made. Some MNF soldiers have been accused of the murder of Iraqi civilians.” [71c] (p50-51)

6.4 The USSD report added that:

“However, there were reports of arbitrary deprivation of life, torture, impunity, poor prison conditions - particularly in pretrial detention facilities - and arbitrary arrest and detention. There remained unresolved problems relating to the large number of Internally Displaced Persons (IDPs). Corruption at all levels of the Government remained a problem. Some aspects of the judicial system were dysfunctional, and there were reports that the judiciary was subject to external influence. The exercise of labor rights remained limited, largely due to violence, unemployment, and maladapted organizational structures and laws; however, with international assistance, some progress was underway at year's end [2004]. [2a] (p2)

6.5 The AI report March 2004 observed that:

“There have been some welcome positive developments in the country, especially in the field of freedom of expression, association and assembly. Dozens of non-government organizations (NGOs), including organizations focusing on women's rights, have been established, more than 80 daily and weekly newspapers are published and scores of political parties and religious organizations have emerged.” [28d] (p1)

6.6 The same report noted that “However, the positive developments, along with almost everything else, were constantly threatened by the mounting insecurity. [28d] (p1)

6.7 A June 2004 report by the High Commissioner for Human Rights noted that:

"As part of the arrangements introduced by the Iraqi Interim Governing Council, an Iraqi Ministry of Human Rights was established in September 2003. It was given the mandate of addressing past human rights atrocities and safeguarding the human rights and fundamental freedoms of all persons within the territory of Iraq in the future. Specifically the Ministry of Human Rights is to help establish conditions conducive to the protection of human rights and fundamental freedoms in Iraq and prevent human rights violations in Iraq; to make formal recommendations for measures to prevent human rights violations; and to assist all people in society in healing from past atrocities; to serve as focal point for relations with international human rights bodies; and to provide advice to law makers." [40c] (p40)

6.8 In a report entitled Capturing Iraqi Voices, by the CSIS dated July 2004, it was noted that:

"The lowest rating for security was in Baghdad, which has been the scene of daily fighting even after the uprisings of April and May [2004] have died down. Bombings remain a regular occurrence in the capital, and kidnapping has become endemic, with many rich doctors and lawyers (especially Christians) remaining at home to avoid being taken hostage. In Sadr City, organized gangs appear to operate with impunity. There was, nevertheless, optimism among Baghdadis as the al-Sadr uprising appears to be heading toward resolution, and the presence of police and ICDC [Iraq Civil Defense Corps] is growing rapidly. Our interviewer reported that at least 3,000 residents of Sadr City have joined the ranks of these two institutions." [63a] (p18)

6.9 A UK/Danish Fact-Finding Mission Report to Damascus, Amman and Geneva reported in August 2003 that in Mosul and Kirkuk the situation was good immediately after the war but had since deteriorated, with increasing tension between Kurds and Arabs over de-Arabisation, although these problems had not been as severe as anticipated. Nonetheless, the situation

remained much better than in Baghdad and the Sunni triangle. [30a] ([See also section 5 on Internal Security](#))

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Humanitarian Situation

6.10 The USSD report 2004 stated that “Serious security problems significantly slowed reconstruction activities.” [2a] (p1)

6.11 In August 2004 UNHCR documented the problems Iraqis face, "In addition to the security situation, the second source of concern as well as main obstacle to return is constituted by the current high rate of unemployment in Iraq." [40b] (p8)

6.12 The report added that "The water situation in the south of Iraq is extremely poor, and is described by all as worse than before the Coalition invasion, although the existing system was already badly neglected and in need of repair." [40b] (p10) Furthermore the report noted that "The supply of electricity in central Iraq can at best be described as erratic, while in the North it is fairly stable and in the south it is extremely poor." [40b] (p12)

6.13 The UK Danish Fact Finding Mission to Damascus, Amman and Geneva published in August 2003 reported that all Iraqis were entitled to food coupons which they could exchange for their monthly food ration at local supply points; this applied equally to Iraqis returning from abroad. However, in some cases poorer people were forced to barter some of their food supplies for other essential supplies such as medicines, or to pay the nominal US \$0.20 registration fee to access food rations. This may have been one reason why almost 8% of children in Baghdad under the age of five were suffering from acute malnutrition, double the number in 2002. [30a] (paras 3.1-3.3)

6.14 On 7 December 2003 an AFP reported that “Iraq is verging on a catastrophic shortage of housing for its people”. An official in the interim ministry of construction and housing reported that housing shortages were getting worse and were ‘probably’ a catastrophe. The ministry has begun site preparation for three major housing complexes and plans to build one million new houses by 2010. [99b]

6.15 As mentioned in a Report of the Secretary-General of the United Nations on 28 May 2003,

“In the three northern Governorates, the first group of United Nations international staff members who returned on 24 April 2003 found the humanitarian situation better than originally predicted. The local authorities have been able to maintain law and order, sparing the region from the widespread looting that followed the conflict in the rest of the country. Social services, such as hospitals, continue to function efficiently. Schools that were closed prior to the departure of international staff have reopened.” [38a] (p2)

Freedom of Speech and the Media

6.16 Article 13 of the TAL provides for freedom of expression [86a] The USSD report 2004 noted that "The TAL protects the freedoms of speech and the press, and the Government generally respected these rights in practice." [2a] (p8) The UNHCR report August 2004 stated that "Freedom of expression of the media in Iraq has been notably better since the fall of the previous regime." [40b] (p7) However, the UNHCR report June 2004 explained that restrictive regulations in force under Saddam Hussein are still in force. [40c] (p29-30)

6.17 The Freedom House report August 2004 noted that by March 2004 the CPA had formally issued decrees setting up a new national media network and establishing regulatory bodies for the media. [70a] (p1) The USSD report 2004 observed that "There are transparent licensing procedures for broadcast media, and the written press does not require a license to operate." [2a] (p8)

6.18 Moreover, the Freedom House report August 2004 noted that "In preparation for the transfer of political authority back to Iraq on June 30, 2004, the CPA began to establish structures intended to create the framework for regulating the Iraqi media. In March 2004, the CPA issued Order Number 65, which established the Iraq Communications and Media Commission (ICMC) as an independent, nonprofit administrative institution responsible for licensing and regulating the media, telecommunications, broadcasting, and information services." [70a] (p6)

Newspapers, Radio and Television

6.19 In August 2004 Freedom House stated that, "A year after the fall of Saddam Hussein's government, media analysts estimated that more than 200 newspapers and 90 television and radio stations were operating in Iraq, representing an unprecedented diversity of media in that country. However, the quality of these new publications and media outlets has been uneven." [70a] (p1)

6.20 Several reports stated that on 7 August 2004, the interim government banned the Qatar-based Al-Jazeera television station from transmitting in the country for one month. The interim government accused the station of inciting violence and hatred. [2a] (p8) [4f] [71c] (p33) The Dutch country report December 2004 added that the ban was extended in September [2004] for an unspecified period of time and the office of Al-Jazeera in Baghdad was closed. [71c] (p33) However, according to the USSD report 2004 the station continued to function in the country by using free-lance journalists. [2a] (p8)

6.21 Furthermore Freedom House report August 2004 noted that "The CPA's suspension on March 28, 2004, of Al-Hawza, a weekly newspaper controlled

by the political movement of firebrand Shiite cleric Muqtada Al-Sadr, stood out among the CPA's efforts to maintain a balance between press freedom and public security. The CPA alleged that Al-Hawza's coverage irresponsibly assigned U.S. helicopters blame for the deaths of more than 50 Iraqi police recruits in a suicide truck bombing on February 10 [2004]". [70a] (p4) However a BBC article dated 6 August 2004 observed that, "The ban was lifted in mid-July by the interim Iraqi government, citing the move as proof of its belief in a free press, but the newspaper said it had been preparing to resume publishing anyway." [4h] (p1)

6.22 A report in Al-Mutamar, the newspaper of the Iraqi National Congress (INC), carried by the IWPR's Iraqi Press Monitor on 16 March 2004 claimed that an INC report had found that, whether intentionally or unintentionally, government ministries were inhibiting the growth of the media by directing all their advertising spend to the Coalition backed Al-Sabah newspaper. [46i]

6.23 The Freedom House report August 2004 noted that the CPA had created a national media umbrella comprising of the daily newspaper Al Sabah, the national television channel Al-Iraqiyah, and a radio station. Al Iraqiyah had managed to reach three quarters of the public, making it the most watched television channel in Iraq. [70a] (p4-5)

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Other Forms of Media

6.24 As documented in the USSD report 2004, "There were no restrictions on content or access to books, periodicals, mass media of any sort, satellite dishes, computers, modems, faxes, and Internet services. The authorities formally respected academic freedom." [2a] (p8)

Journalists

6.25 The Guardian stated on 19 January 2005 that "The number of Iraqis claiming to be journalists has risen from 1,000 to 5,000 since the fall of Saddam Hussein after the US-led invasion." [6k] (p1)

6.26 As documented in the Committee to Protect Journalists (CPJ) report, accessed 18 March 2004, "Since hostilities began in March 2003, thirty-six journalists and 18 media workers have been killed in the line of duty." [98a] (p1) However, an article by the Guardian dated 18 February 2005 puts the figures at more than 70. [6h]

6.27 An article by IRIN dated 11 August 2004 documented journalists from al-Takhi newspaper and al-Sabah newspaper have suffered problems, specifically, "Drive-by shootings and threatening letters, e-mails and phone calls are daily fare at the al-Sabah newspaper, which was financed by the US-led Coalition and is now supported by the interim government." [18x] (p2)

6.28 An article by AFP dated 6 January 2005 added that “The US army killed four of the reporters - employees of the Arab television stations Al-Arabiya and Al-Iraqiya - in incidents in March and April, it said.” [99a] The Guardian article dated 18 February 2005 reported that “US government was today accused of hiding behind a ‘culture of denial’ over the deaths of at least 12 journalists who are alleged to have perished at the hands of the US military in Iraq.” [6h]

6.29 The USSD report 2004 stated that “On August 15 [2004], police ordered all unembedded journalists to leave the city of Najaf, where Coalition and Iraqi forces had been fighting supporters of Muqtada al-Sadr. The police cited concerns about the journalists' safety for the order, but many journalists ignored it.” [2a] (p8) An article by Reporters sans Frontières (RSF) dated 27 August 2004 noted that “Reporters Without Borders today condemned the brief detention yesterday in Najaf of some 60 journalists who were taken to police headquarters in the city and accused by the police chief of failing to tell the truth.” [100b] The report added that “Some accounts highlighted the violent way the journalists were detained, with the police reportedly entering some of their rooms and firing shots in the air.” [100b]

6.30 As documented in the RSF article dated 25 November 2004, “The press freedom organisation noted that, before the the US and Iraqi forces began their offensive against the Sunni rebel city of Fallujah on 8 November [2004], the authorities instructed the media to present the government's position and banned ‘patriotic’ treatment of the ‘murderers and criminals.’ Media were threatened with unspecified ‘sanctions’ if they did not comply.” [100a]

6.31 The Dutch country report December 2004 observed that “For journalists it involves risk to criticise militant extremist groups. Attacks or retaliatory actions cannot be excluded. According to some reports journalists could be arrested or even abducted by the Iraqi police.” [71c] (p34) The HRW world report added that “Many foreign journalists, several of whom have been targeted for abduction, also have pulled out of Iraq.” [15k] (p4)

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Freedom of Religion

6.32 As documented in the USSD report 2004, “The TAL provides for freedom of thought, conscience, and religious belief and practice. The Government generally respected these rights in practice; however, there was substantial politically and religiously driven violence between Sunni and Shi'a and against Christians.” [2a] (p8)

6.33 The Dutch country report December 2004 stated that “Iraq has a variety of religious communities.” [71c] (p35) Several reports noted that approximately 97 percent of the population were Muslim. [2a] (p8) [71c] (p35) [79a] (p3) The USSD report 2004 and the CIA world factbook dated 10 February 2005 stated that approximately 60-65 percent were Shi'a Muslims, while approximately 32-37 percent were Sunni Muslims. [2a] (p8) [79a] (p3) Several reports noted that the

other 3 percent consisted of Christians, such as, Chaldeans (Roman Catholic), Assyrians (Church of the East), Syriac (Eastern Orthodox), Armenian Orthodox, several denominations of Protestant Christians, Yazidis, and a small number of Sabeian Mandaean and Jews. [2a] (p8) [71c] (p35) [79a] (p3)

6.34 The USSD report on Religious Freedoms 2003 observed that:

“With the fall of Saddam Hussein, thousands of religious prisoners were released. While no firm statistics are available regarding the number of religious detainees held by the former regime, observers estimate that the total number of security detainees was in the tens of thousands or more, including numerous religious detainees and prisoners. Some individuals had been held for decades. Others who remain unaccounted for since their arrests may have died or been executed secretly years ago.” [2b] (p3)

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Shi'a Muslims

6.35 As documented in a BBC report dated 17 February 2005, “Shia Muslims were oppressed by Iraq's Baathist regime for more than 30 years and excluded from the highest ranks of power.” [4s] However, the Dutch country report December 2004 stated that “Since the overthrow of Saddam Hussein, there has been a significant improvement in the position of Shi'ites. Many Shi'ite clerics have returned to Iraq from abroad. The end of Saddam Hussein's regime spelled an end to the suppression of the Shi'ite leadership.” [71c] (p62)

6.36 The BBC report dated 17 February 2005 observed that “The Shia heartland is in the south-east of the country. It includes Basra and the sacred cities of Najaf and Karbala - home to shrines revered by millions of Shia across the East. The Shia also make up a sizeable minority of the population in the capital Baghdad, where most live in poverty in sprawling slum areas on the outskirts.” [4s]

6.37 The BBC report and the CNN report both dated 14 February 2005 noted that the Shia United Iraqi Alliance (UIA), backed by Grand Ayatollah Ali al-Sistani, won the January 2005 elections and were allocated 140 seats (just over half) in the transitional National Assembly following the national elections. [4n] [17c]

6.38 The USSD report 2004 stated that “Sunni-Shi'a violence was widespread and often fueled by foreign extremists.” [2a] (p8) An article by the BCC dated 18 February 2005 reported that violence against the Shia Muslims increased following January's election. For example, “A string of suicide bombs and attacks against mainly Shia Muslim targets have killed at least 29 people in Iraq. Bombers struck two Shia mosques in Baghdad, killing 16, while three died in an explosion near a Shia procession.” [4t] The same article reported that “Predominantly Sunni Arab militants have vowed to continue targeting

Iraq's Shia majority, which is set to take power for the first time.” [4t] [See also Section 6B on Shia Arabs](#))

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Sunni Muslims

6.39 The BBC report dated 17 February 2005 stated that “Sunni Arabs have dominated the politics of Iraq since 1921.” [4s] The same report noted that “More recently Saddam Hussein's Baath Party was dominated by Sunni Muslims and he centralised power in his Sunni clan.” [4s]

6.40 As noted in the USSD religious freedom report 2003, approximately 18 to 20 percent of Sunni Muslims were Sunni Kurds, 12 to 15 percent Sunni Arabs, and the remainder were Sunni Turkomen. The same report observed that “Sunnis form the majority in the center of the country and in the north. Shi'a and Sunni Arabs are not ethnically distinct.” [2b] (p1-2)

6.41 As stated in the Dutch country report December 2004 “During the reporting period some Sunni clerics were the target of assassinations.” [71c] (p63) For example, the USSD report 2004 noted that “On November 23 [2004], masked gunmen assassinated a Sunni cleric north of Baghdad. Sheikh Ghalib Ali al-Zuhairi was a member of the Association of Muslim Scholars, an influential Sunni clerics group.” [2a] (p8) ([See also Section 6B Sunni Arabs](#))

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Christians

6.42 The USSD report on Religious Freedom 2003 noted that “Assyrians and Chaldeans are considered by many to be distinct ethnic groups as well as the descendants of some of the earliest Christian communities. These communities speak a distinct language (Syriac).” [2d] (p1) The USSD report 2004 observed that “The majority of the country's Christians were Chaldeans.” [2a] (p9)

6.43 As noted in the USSD report of Religious Freedom 2003 “Christians are concentrated in the north and in Baghdad.” [2b] (p1) The same report observed that “The Government's Christian Endowment Office reported that there were between 750,000 and 1 million Christians in the country, mostly in the North and Baghdad; there were 1.4 million in 1987.” [2a] (p9) An FCO letter dated 25 January 2005 added that “30% of Iraq's Christians live in the North, with the rest mostly in Baghdad and a few in Basra.” [66f] The same letter observed that 12,000 Christians were situated in Kirkuk, 15,000 in Arbil, 13,000 in Dohuk and between 150,000 and 175,000 in Mosul. [66f]

6.44 The British / Danish fact finding mission report October 2004 added that the Assyrians were integrated into various communities. However, there was a concern for them in Hilla and the Christians there were keeping a low profile. Assyrians are neutrals in Baghdad and Kirkuk; they hold a respected

and valued place in society. Armenians should not be a target because they are a small non-political group. Chaldeans were sometimes seen as being affiliated to foreigners, however they do not face a problem. [30c] (p18)

6.45 The same report stated that “In Baghdad they [Christians] reside in specific quarters. In Saddam’s time they were a privileged group.” [30c] (p18)

6.46 Several sources referred to in the British / Danish fact finding mission report October 2004 advised that Christians were not a persecuted group in Iraq. One source stated that Christians were not even discriminated against. [30c] (p18-19) The same report noted that “No other religious community looked upon the Christians as a rival for political power and thus there would be no reason for persecution or even harassment.” [30c] (p18)

6.47 The Dutch country report December 2004 explained that “The situation for Christians in Iraq has improved in legislative terms. Since the overthrow of Saddam Hussein, Christian parties have been able to take part in the political process throughout Iraq. It is also possible under the TAL for Assyrian Christians to receive education in their own language, (Sureth), which was not permitted under Saddam Hussein.” [71c] (p63-64)

6.48 However, the UNHCR report August 2004 noted that the situation of Christians has dramatically deteriorated since the overthrow of the previous regime. [40b] (p7) The USSD report 2004 observed that “There were numerous incidents of violence against the Christian community this year [2004], ranging from individual killings to intimidation and assaults on women for not wearing a headscarf (hijab). Most of these incidences of violence were related to religion.” [2a] (p8) The Dutch report December 2004 added that:

“Several incidents, the worst of which involved the attacks in August this year [2004], however, point towards a deterioration in the situation for Christians in practical terms. In August of this year [2004], the Christian community in Iraq first found itself the victim of a large-scale, targeted attack. Ten people were killed in explosions aimed at churches in Baghdad and Mosul. In October [2004] bomb attacks were again carried out on six churches in Baghdad. Although no one was killed in these attacks, there were a number of wounded. In early November [2004] bombs exploded at two churches in Baghdad, resulting in six dead. Responsibility for these attacks was attributed to extremist Islamic organisations. ‘Outsiders’ attempting to sow discord between the religious groups are reportedly lurking behind attacks such as these.” [71c] (p63-64)

6.49 The British / Danish fact finding mission report October 2004 noted that “Rich Christians, like other rich people, faced the risk of being robbed or kidnapped.” [30c] (p18) An IOM staff member in Amman noted that Christians are not targeted unless they are liquor sellers. The source advised that Iraqis need Christians, as they tend to be the businessmen within Iraq. [30c] (p20)

6.50 The UNHCR report August 2004 stated that "There are reports of tensions between Christians and Muslims in several parts of Iraq because of increasing Islamification." [71c] (p64) The FCO letter dated 20 January 2005 stated that "All Iraqis are faced with the daily threat of terrorism and, even more so, of criminality. These problems vary depending on the region, town or locality. Christians in Iraq are perceived as being wealthy citizens." [66g] The Dutch country report December 2004 added that "Because Christians are often assumed to hold a better socio-economic position, Christians have frequently fallen victim to abductions aimed at bringing in ransom money." [71c] (p65) The FCO letter dated 20 January 2005 stated that "This makes it particularly hard to distinguish between criminal and sectarian motivations for attacks on them." [66g] The Dutch country report December 2004 observed that "Religious motives are not thought to play a role in this. It is assumed that this applies throughout the country. However, in the KRG areas the situation for Christians during and prior to the reporting period was more stable." [71c] (P65)

6.51 The Guardian reported on 2 August 2004 that "Christian leaders have also complained that kidnappings and murders of Christians and threats against bishops, especially in the Sunni Arab stronghold of Mosul, have gone unreported. In Baghdad, Islamic radicals have warned Christians running liquor stores to shut up shop. Some store owners have been beaten or suffered worse violence." [6b] (p2) The FCO letter dated 22 October 2004 stated that "Such attacks are thought to be the work of local Iraqi Islamists, aiming to enforce a strict Islamic code, including a ban on alcohol." [66c] (p1)

6.52 As stated in the FCO letter dated 20 January 2005:

"But Iraqi Christians do face a growing sectarian threat. While we are not aware of any officially sponsored discrimination against Christian communities in Iraq, reports of attacks on them are on the increase. ... We see increasing evidence of sectarian intimidation. Recent examples include threatening notes pushed through doors, death threats to priests and church leaders, posters in the north warning Christians to convert to Islam or leave Iraq or face death and destruction of homes and Islamist websites calling for attacks on all infidels in Iraq. Iraqi Christians are feeling increasingly beleaguered. Church attendance is falling and some families are keeping their children away from school." [66g]

6.53 A representative of the Assyrian Democratic Movement told the Guardian on 2 August 2004 that "We have seen fanaticism on the rise. We are accused of being collaborators with the 'crusader' coalition forces." He blamed the attacks on "Islamic fundamentalist and extremist" groups, adding that, "There is no general persecution of Christians." [6b] (p2) An Asia Times report dated 7 August 2004 added that "As the movement for the Islamization of Iraq gathers momentum, their religious rights - and more worryingly, their personal survival - is likely to come under further threat." [56a] (p2) The FCO letter dated 20 January 2005 stated that "Local Islamists see them (and all Christians) as supporters of the coalition." [66g]

6.54 The UNSC report December 2004 stated that “Many Iraqi Christians targeted by extremist religious groups have temporarily moved to neighbouring countries or to safer areas in the Kurdish governorates.” [38c] (p13)

6.55 The FCO letter dated 25 January 2005 added that “Christians are relocating to Suleimaniya, Arbil and Dohuk provinces only. ... Many of the Christians in Basra and Baghdad originally came from the North (Suleimaniya, Arbil and Dohuk as well as Mosul). Under a separate scheme run by the Kurdistan Regional Governments, around 150 families have relocated from Baghdad to Faysh Habur.” [66f] The USSD report 2004 stated that “Christian religious leaders estimated that approximately 700,000 Christian citizens lived abroad.” [2a] (p9) The same report added that “According to the Christian Endowment Office, more than 30,000 Christian families fled the country during the year [2004].” [2a] (p9) The Guardian also noted on 2 August 2004 “Several hundred Christian families - who were relatively free to practise their religion under the former Ba'ath regime - have reportedly left the country out of fear of religious persecution at the hands of Islamic extremists.” [6b] (p2)

6.56 A report in Christian Today dated 16 December 2004 observed that “Of the some 70 parties that have registered to take part in the Jan. 30 [2005] elections, eight have been identified to be Christian parties.” [32a] The Al-Rafidayn List, an Assyrian Christian group, gained 0.43 percent of the votes in the National Election and one seat in the National Assembly. [92a]

6.57 The Guardian reported on 27 January 2005 that “Although its [the United Iraqi Alliance (UIA)] candidates are dominated by Shias - the country's majority ethnic group - it has been careful to include Christians, Turkomans, Sunnis and Kurds.” [6p] The IWPR article, accessed 27 January 2005 added that “Like many other blocs, Al-Iraqiyun [The Iraqis] has made a conscious attempt to draw support from across ethnic and religious divides.” [11p]

6.58 However, “Some local officials have claimed that hundreds of thousands of Kurdish Christians were prevented from voting because balloting materials did not arrive.” [24b]

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Mandaeans / Sabians

6.59 Estimates of the number of Mandaeans vary widely, with IWPR estimating around 100,000, while the Independent, quoted in Keesings, put the number at 30,000. [3a] [111] The USSD religious freedom report of 2003 describes the Mandaeans as a small sect, concentrated mostly in southern Iraq, but with small communities in Baghdad, Kirkuk and elsewhere. They have been present in the country since pre-Christian or early Christian times. [2b]

6.60 The IWPR article dated 22 January 2004 explained “A non-violent people (sic) who believe that God alone has the right to take a human life, the Mandaeans are targets partly because they normally don't carry weapons.

That makes them highly vulnerable in the near lawless chaos of post-war Baghdad.” [111] The report added that Mandaeans do not have clans or tribes to protect them. [111]

6.61 The IWPR article dated 22 January 2004 stated that “Mandaean officials have filed many complaints with local police, but members claim that no action has been taken to protect them. As a result, they no longer report crimes to the authorities – choosing instead to seek help from higher powers.” [111] UNHCR advised the British / Danish fact finding mission report October 2004 that during 2004 a Fatwa was issued against Mandaeans. [30c] (p20)

6.62 The Dutch country report December 2004 stated that:

“The position of Mandaeans has deteriorated in the south of Iraq since the overthrow of the regime of Saddam Hussein. According to reports these (sic) is increased discrimination (discharge from public service, expulsion from schools, desecration of Mandaean shrines, forcing girls and women to wear veils, forced circumcision of newborn boys, forced conversion). Mandaeans have also fallen victim to abductions and violent crimes. It is assumed that abductions, violent crimes and other forms of intimidation are not taking place so much for ethnic or religious reasons, but because of their generally affluent socio-economic position, Mandaeans are an attractive target for abductions and demanding ransom money.” [71c] (p65)

6.63 As mentioned in the British / Danish fact finding mission report October 2004, Mandaeans are generally more at risk in the south than in Baghdad. [30c] (p20) The Dutch country report December 2004 added that “Various Mandaeans have already moved from the south to Baghdad (where roughly half of the Mandaean community lives).” [71c] (p65)

6.64 The same report noted that Mandaeans were not persecuted in Iraq and they have the same access to jobs, schools and health as other Iraqis. However, the report mentioned that many of them have a subjective fear. [30c] (p20-21)

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Yazidis

6.65 As documented in the USSD religious freedom report 2003, “The Yazidis are a syncretistic religious group (or a set of several groups). Many Yazidis consider themselves to be ethnically Kurdish, though some would define themselves as both religiously and ethnically distinct from Muslim Kurds.” [2b] An article by Islam Online dated 9 December 2004 stated that Yazidis predominately resided in the north of the country, with the main concentration located near the town of Mosul. [102a] A number of reports disagree on the Yazidi population in Iraq. [5d] (p1) [18] [101a] [102a] The estimates ranged from ‘just a few thousand’ [102a] to 200,000 [18] and even as many as 700,000. [5d] (p1)

6.66 The Times article dated 5 June 2003 stated that the Yazidis practise one of the more secretive and persecuted religions in Iraq. [5d] (p1) Several reports noted that Yazidis have been labelled as heretic, Satanic and Devil-worshippers by their Muslim neighbours. [5d] (p1) [18] [101a] The Times article dated 5 June 2003 reported that the Yazidis had been reclaiming land and villages taken by Saddam and were resuming pilgrimages to their most holy shrine, the Lilash temple in the mountains of northern Iraq. They claim that they are descended from Adam while everyone else is descended from Eve. [5d] (p1)

6.67 The same article goes on to state that the Yazidis believe that:

"Satan was redeemed and became a peacock, not a Devil. They deny that they are Devil-worshippers. The Yazidis pray twice a day and their day of rest is Wednesday. They can drink alcohol and eat pork but not lettuce, which is seen as a source of evil. Their beliefs are not written down but memorised and passed on. Many of their rituals are so secret that they have never been seen by outsiders. It is impossible to convert to Yazidism and it is forbidden for Yazidis to marry outside the religion." [5d] (p1-2)

6.68 A number of articles reported that the Yazidis were represented in the January 2005 national election as part of the coalition the United Iraqi Alliance (UIA), which won with 48 percent of the votes. [4e] [5b] [65d] [102a] However, the AP reported on 6 February 2005 that Yazidis, as well as members of other small religions in the north, took part in a protest outside Baghdad's heavily guarded Green Zone over alleged irregularities in the election. The protesters stated that tens of thousands of people were prevented from voting in Mosul and the surrounding Ninevah province because polling centers never opened. [65e]

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Jews

6.69 As noted in a report by the Independent, recorded in Keesings 2003, there were only around 50 Jews left in Iraq, mostly in Baghdad. [3a] The USSD report 2004, however, stated that:

"The country's Jewish population reportedly dwindled at year's end [2004] to only 22 persons in the Baghdad area, from 33 in April 2003. Soon after the fall of the Ba'ath Regime, the IGC signed a memorandum with the Baghdad Jewish community that would protect Jewish assets should all members of the community depart the country. These assets would be transferred to three external organizations." [2a] (p14)

6.70 The FCO in a letter dated 26 April 2004 stated that:

"There is a lack of clarity over the position of Iraqi Jews who left Iraq. Many of them were forced out in the early 60s and were made to

renounce citizenship and property rights, so it is ambiguous whether they are allowed to return as, in practice, it was not Saddam's regime who cancelled their citizenship and on paper they volunteered to renounce their Iraqi nationality. But these decisions were clearly not voluntary." [66a]

6.71 The USSD report 2004, nevertheless, stated that:

"After the promulgation of the TAL in February, the former Governing Council addressed the question of whether Jewish expatriates would be allowed to vote in the 2005 elections. It announced that they would be treated like any other expatriate group. The Government also denied unfounded rumors (sometimes spread in flyers distributed by antigovernment extremist groups) that Jewish expatriates were buying up real estate in an attempt to reassert their influence in the country." [2a] (p9)

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Freedom of Association and Assembly

6.72 Article 13(C) of the Transitional Administrative Law stated that "The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed." [86a] The USSD report 2004 observed that "The TAL provides for freedom of assembly and association, and the Government generally respected these rights in practice." [2a] (p8) However, Voices of Wilderness, a US NGO, noted on 2 January 2004 that "Order 45 issued on November 2003 by Governor Bremmer requires all organisations of Iraqi civil society and the international NGOs to register and undergo forms of control and scrutiny. This order is a serious impediment which violates the right of freedom of association." [35a] (p1)

6.73 The USSD report 2004 noted that "Political parties and candidates had the right freely 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." [2a] (p11)

6.74 The Joint British / Danish Fact-Finding Mission Report in August 2003 stated that the parties operated freely and most had opened offices in Baghdad and other cities. There appeared to be a degree of co-operation between many of the various parties, most of which had a shared interest in restoring peace and stability and sooner or later ending the US occupation of the country. [30a] (paras 1.1 – 1.2) The British / Danish fact finding mission report October 2004 added that there was no evidence that the PUK or the KDP were persecuting each other's members. [30c] (p30)

6.75 The Freedom House report 2004 observed that:

"Although the Baath Party has been banned, political organizations representing a wide range of viewpoints are allowed to organize freely.

Public demonstrations, ranging from strikes by public sector workers to pro-Saddam rallies, occurred almost daily during the year without coalition interference. While coalition forces reportedly killed several unarmed demonstrators in 2003, most deaths appear to have resulted from soldiers returning fire at armed militants. Baathist-era laws banning worker strikes are no longer in effect.” [70b]

6.76 The USSD report 2004 stated that “Many demonstrations, which often proved to be a cover for insurgent violence, took place countrywide. According to the Government, the MOI did not break up any peaceful violations, except when a curfew was violated.” [2a] (p8)

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Employment Rights

6.77 As mentioned in the USSD report 2004 “During the year [2004], official estimates of unemployment ranged between 20 and 30 percent. Government officials estimated that the rate of underemployment was roughly equivalent to joblessness. Anecdotal reports suggested that approximately half the working-age population was unemployed.” [2a] (p1)

6.78 The same report noted that “The exercise of labor rights remained limited, largely due to violence, unemployment, and maladapted organizational structures and laws; however, with international assistance, some progress was underway at year’s end [2004].” [2a] (p2)

6.79 The report also noted that “At year’s end [2004] work was in progress to draft a new labor code. The TAL incorporated the 1987 labor code and the CPA Order Number 89 that amended it.” [2a] (p14)

6.80 Article 13(C) of the TAL provides for the right to join unions freely. [86a] However, the International Confederation of Free Trade Unions (ICFTU) stated on 24 February 2005 that Iraq is an increasingly dangerous place for trade unionists. [88a] The report added that “Following the assassination [on 4 January 2005] of Hadi Saleh, International Secretary of the Iraqi Federation of Trade Unions (IFTU), the torture and murder of labour leaders in Iraq has become a troubling trend in a country where trade unionists still operate under anti-union legislation which dates back to the Saddam-era.” [88a]

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People Trafficking

6.81 As mentioned in the USSD report 2004 “Detection of trafficking was extremely difficult due to lack of information because of the security situation, existing societal controls of women, and the closed-tribal culture.” [2a] (p13)

6.82 However, the USSD report on Trafficking in Persons 2004 observed that “Iraq appears to be a country of origin for women trafficked for the purpose of sexual exploitation to other countries within the region and to India. Reports indicate that an increasing number of Iraqi women and girls are being trafficked into Yemen for sexual exploitation.” [2g]

6.83 The same report noted that “Some of these victims cited threats against their families as a means of coercion; others may be victims of debt bondage. To a lesser extent, there were reports of girls and women trafficked within the country for sexual exploitation.” [2g]

6.84 The USSD trafficking in Persons report 2004 stated that the US military and the Iraqi police have arrested and jailed numerous kidnappers, rapists and suspected traffickers. [2g] The USSD report 2004 explained that “The Ministry of Interior has responsibility for trafficking-related issues.” [2a] (p13)

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Freedom of Movement

6.85 As noted in the USSD report 2004, the TAL provides for the freedom of movement, and the Government generally respected this right in practice. [2a] (p9)

6.86 The FCO letter dated 20 January 2005 noted that “Ease of movement within Iraq varies from place to place depending on security restrictions, and is the same for all Iraqis.” [66g]

6.87 The British / Danish fact finding mission report October 2004 observed that “Currently the most dangerous areas in Iraq were the suburbs of Baghdad, Haifa Street in Baghdad, and the cities of Balad and Fallujah and the Sunni triangle.” [30c] (p11)

6.88 The British / Danish fact finding mission report October 2004 mentioned that although the freedom of movement has improved, security throughout Iraq is still a problem. Particular cities restrict certain ethnic groups. [30c] (p30)

6.89 The UNHCR report August 2004 noted that:

“Most legal restrictions to freedom of movement disappeared as a result of the fall of the former regime. Nevertheless, freedom of movement in all parts of Iraq is severely restricted due to the security situation. While there is no formal prohibition of movement, many people have chosen to ‘self impose’ a curfew and do not venture out in the evening. Road travel is hazardous due to the possibility of mined areas, and is further restricted due to the numerous military checkpoints which have been set up, especially in and around Baghdad as well as at the ‘green line’, which separates the northern governates from central Iraq. Freedom of movement is further hindered

by the additional illegal checkpoints which have been set up by armed groups linked to various political parties.” [40b] (p6)

6.90 The British / Danish fact finding mission report October 2004 stated that:

“From Basra to Kirkuk and Mosul there is entire internal movement and you can live anywhere you want. However at the Green Line (the former border to the Kurdish Autonomous Area) there is restriction of movement into the three northern governorates. There are Turkmens and Assyrians living above the Green Line however Turkmens and Assyrians suffer significant harassment at the Green Line. ... The source advised that it is not possible to resettle in Sulaimaniyah.” [30c] (p30)

6.91 The same report added that Arabs would have difficulties living in the Kurdish areas in the north. [30c] (p31)

6.92 The HRW report January 2005 noted that “On July 3, 2004, the Iraqi Interim Government passed the Order for Safeguarding National Security (No. 1 of 2004 – Amr al-Difa’ ‘An al-Salama al-Wataniyya), introducing emergency legislation to the statute books and enabling the prime minister to declare martial law for up to sixty days at a time, renewable with the approval of the Presidency Council.” [15j] (p16) The CNN report 20 January 2005 noted that the state of emergency allows the Prime Minister to restrict freedom of movement and impose curfews. [17b]

6.93 Several articles reported that during November 2004 Iraq's Government declared a 60-day state of emergency in response to the escalation of violence by militants. [2a] (p9) [4v] [6e] [38c] (p1-2) [85c] The BBC article dated 7 November 2004 and the UNSC report December 2004 stated that it was declared in all parts of Iraq, except the three northern governorates. [4v] [38c] (p1-2)

6.94 Several reports stated that the Iraq Government increased security for the national elections on 30 January 2005. [5g] [17b] [17a] [11t] [85d] The IWPR article reported that “Tightened security measures came into effect on January 28 [2005], with Iraq's land borders sealed, a ban on travel between provinces, and an extended curfew.” [11t] The Times reported on 28 January 2005 that “From today travel by car will be restricted except for those with authorisation, the country's borders and Baghdad's airport will be closed, and a curfew will run from 7pm to 6am.” [5g]

6.95 As noted in the UK Danish Fact Finding Mission to Damascus, Amman and Geneva in July 2003, there are regular reports of car-jackings and robberies on Iraq's roads, in particular the highway between Baghdad and the Jordan border. These appeared to have had little impact on the high levels of traffic and trade along the road. [30a] The FCO on 22 October 2004 further added that, "British Embassy Baghdad report that robbery and kidnap on the road from Jordan to Baghdad are common. Travelling the route without ID is difficult as the Iraqi Police or the Multinational Force may stop Iraqis or detain

them. The road passes Fallujah, a terrorist stronghold, where MNF have been carrying out targetted (sic) airstrikes." [66c] (p1)

6.96 The British / Danish fact finding mission report October 2004 stated that "The source [Diplomatic source in Amman] advised that the route from Jordan is attacked regularly however this is more likely to be criminal elements rather than political insurgents. On this route the attackers will target both foreigners and Iraqis, and there is no distinction of the nationality of the individual. Even Arabs from the neighbouring countries are attacked on this route." [30c] (p30)

6.97 The Guardian noted on 5 August 2004 that "The new Iraqi government started issuing passports as soon as it took sovereignty on June 28 [2004], and every day the offices are virtually under siege" The same report stated that "The procedure is relatively simple, or would be without the crowds: copies of identity papers, two colour photographs, a thumbprint and a form to fill out." [6c]

6.98 However the Washington Post article dated 31 July 2004 added that:

"Although the new passport officially costs 50 cents, people are paying \$100 or more in bribes or other considerations for one of the coveted green booklets, a price too steep for many Iraqis. Passport bureau managers deny that such abuses are occurring in their offices, but Iraqis who have applied for passports say the system, just three weeks old, is already corrupted, deepening their doubts about the interim administration and the chances that it will pave the way for a genuinely democratic government." [16c]

6.99 The AP reported the same problems on 10 August 2004 stating that hopefully a new anti-corruption commission would help eradicate the problem. [65a] (p2)

6.100 The Christian Science Monitor noted on 21 September 2004 that "Every day long lines of Iraqis form outside passport offices. Officials say they have issued more than 500,000 passports since sovereignty was restored in June. Many applicants say the passport is a kind of insurance policy against deepening chaos." [34c] (p1)

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6.B Human Rights – Specific Groups

Ethnic Groups

6.101 The USSD report 2004 stated that “Ethnically and linguistically, the country’s population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians.” [2a] (p13)

Arabs

6.102 As noted in the IWPR on 10 August 2004, "Iraqi Arabs who visit Iraqi Kurdistan increasingly claim hostility and unfair treatment at the hands of their Kurdish hosts." The article added that, "Arab visitors increasingly find they are singled out as potential security risks." However not all Arabs feel the hostility, "'There is no discrimination', said Salah Kaduri, 35, from Baghdad, who often travels to Sulaimaniyah with his wife". The IWPR stated that "But it's not hard to find Kurdish voices who admit to a strong sense of animosity towards their compatriots." [11b] (p1-3)

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Marsh Arabs

6.103 As observed by UNHCR in a report dated August 2004:

"The majority of Marsh Arabs are concentrated in southern Iraq (Bashrah and surrounding governates). Marsh Arabs have traditionally been regarded by other Iraqis as a very distinct group. A number of international NGOs with projects in the south attested to the fact that Marsh Arabs are often considered by the local population as second class citizens and discriminated against, both as regards access to employment as well as to basic services. Marsh Arab returnees from Iran seem to be especially suspicious in the eyes of the local population and are generally blamed for any criminal activity which takes places in the south." [40b] (p7)

6.104 The same document noted that the Marsh Arabs were subjected to forced migration as a result of the organised Marsh Drainage campaign undertaken by the former regime. [40b] (p17)

6.105 The IWPR report dated 20 October 2004 stated that:

“The vast marshes at the lower end of the Tigris and Euphrates rivers were drained by Saddam’s regime in the Nineties to deprive Shia rebels of potential hiding places. Saddam’s men diverted up to 95 per cent of the 12,000 square miles of marshland waters into a massive network of canals, artificial rivers, and pipelines for desert irrigation.” [11a]

6.106 The UNHCR report August 2004 noted that as part of the policy, Marsh Arabs were forced to resettle in the north, in order to alter the ethnic balance of the area. [40b] (p17) The report stated that “Although the number of displaced Marsh Arabs is quite difficult to identify due to the protracted nature of displacement and varying levels of integration, it is estimated that between 100,000-200,000 persons remain internally displaced from the marshland areas.” [40b] (p17)

6.107 The IWPR stated on 20 October 2004 that “Things began changing after the fall of Saddam’s regime, as many dams were breached and pumping stations destroyed, and the marshland’s waters began to flow again.” [11a]

6.108 The Dutch country report December 2004 stated that:

“The UN declared in the autumn of 2004 that it wanted to set up a project aimed at restoration of the marsh areas in the south of Iraq. The internally displaced people in Iraq include Marsh Arabs who were driven out, under Saddam Hussein’s regime, from the areas where they had originally lived. Returns to the marsh areas have been reported in prior review periods.” [71c] (p55)

6.109 The Telegraph noted on 26 June 2004 that “Of the 200,000 people displaced in the central marshes only a few thousand of the poorest have returned from the slums outside Baghdad and other cities where they have lived for the past decade.” [48b]

6.110 The IWPR article dated 20 October 2004 reported that in an attempt to bring back Marsh Arabs to the area, the Government installed ten temporary mobile schools in the marshes of Amara. [11a]

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Shi’a Arabs

6.111 As noted in the Dutch country report December 2004, “Iraqi Shi’ites by no means constitute a homogenous community and they are politically and religiously divided.” [71c] (p62) The same report mentioned that “Since the overthrow of Saddam Hussein, there has been a significant improvement in the position of Shi’ites. Many Shi’ite clerics have returned to Iraq from abroad. The end of Saddam Hussein’s regime spelled an end to the suppression of the Shi’ite leadership.” [71c] (p62)

6.112 The IWPR reported on 5 March 2004 that tensions had been particularly high since the capture of Saddam Hussein, “But things have changed, says Haydar Anwar, a Shia doctor at al Kadhemiya hospital, as delegations are crossing the bridge to donate blood.” [11g]

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Sunni Arabs

6.113 The EIU report 2004 noted that:

“In the so-called ‘Sunni Triangle’, running from Baghdad some 150 km north to Baiji and about 150 km north-west to Rawa, the population is almost exclusively Sunni Arab. Since the downfall of the regime of Saddam Hussein in early April [2003], significant resistance from this area has been conducted against US forces, principally by remnants of the former regime’s military and security services.” [82a] (p18)

6.114 The Economist reported on 5 August 2003 that “There is also evidence that the mosques within the area have served as a mobilising force, at least rhetorically, for the resistance, and some Sunni Arab clerics are emerging as leaders of political groupings. In addition, small numbers of foreign Islamist fighters entered the country before the war began, primarily from Syria and Saudi Arabia. [19f] (p3)

6.115 The Dutch country report December 2004 observed that:

“Since the overthrow of Saddam Hussein, Sunni Arabs have organised themselves to a limited extent into political parties or groups such as Ahl Al-Sunnah wa Al-Jammah, Hay’at Al-Ulama Al-Muslimin (‘Muslim Scholar’s Association’), the Muslim Brotherhood and organisations grouped around secular Arab Sunnis. ... During the reporting period some Sunni clerics were the target of assassinations.” [71c] (p63)

6.116 The IWPR dated 9 February 2004 added that “Competing with Kurds and Shias, the Sunnis are creating new organisations to represent their interests.” [11h] The same article stated that “Sunni Arabs are represented in several different religious trends, as well as by tribes. Some also claim allegiance to the toppled Ba’ath Party.” [11h]

6.117 The EIU report 2004 stated that:

“Various coalition military operations have been conducted to crack down on the Sunni fighters, resulting in the arrest of many alleged resistance fighters. Although by definition disparate, the lead element among the Sunni Arab resistance appears to be those who are either loyal to the former regime or, like some of its former officials, sympathetic to Baathist ideology. Some, at least, are organised around the name al-Awdeh (the Return), which is reportedly paying Iraqis to kill coalition forces.” [82a] (p18)

6.118 The same report noted that:

“The forces of the largely Kurdish Sunni extremist Islamists, Ansar al-Islam, who were believed by the Kurdish leadership before the war to be linked to the al-Qaida organisation of Saudi-born dissident Osama bin Laden and to have had ‘international’ fighters among their number,

appear to have been largely dislodged. However, some are alleged to remain close to the Iranian border, as well as on the run in Baghdad itself, and they could target coalition forces.” [82a] (p18)

6.119 As mentioned in the Dutch country report December 2004, “There are also ethnic differences amongst the Sunnis, therefore, such as the difference between Sunni Arabs and Kurds. Sunni Arabs belong to several political movements. There are also various religious movements, ranging from the liberal Sufism and Hanafism to the radical Salafism and Wahabism.” [71c] (p62)

6.120 As reported in the Guardian on 26 January 2005, “Having a tribal name that associated you with a Sunni-dominated area or tribe was for centuries a guarantee of access to the government and a good job, but these same names now land you in American custody if you happen to be in the wrong place at the wrong time.” [6a]

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Kurds

6.121 The following is taken from the Middle Eastern Review of International Affairs on 4 December 2002 “The Kurds, an Iranian ethno-linguistic group unlike Persians, Lurs, Baluch and Bakhtiari, inhabit the mostly mountainous area where the borders of Turkey, Iran, Iraq, and Syria converge.” [54a] (p2)

6.122 The same report noted that “The majority of Kurds are Sunni Muslims. There are also Shi’a and Yezidi Kurds, as well as Christians who identify themselves as Kurds. ... The once thriving Jewish Kurdish community in Iraq now consists of a few families in the Kurdish safe haven.” [54a] (p2)

6.123 The Dutch country report December 2004 stated that:

“In formal terms the situation for the Kurds in Iraq has improved since the overthrow of Saddam Hussein. Since that time, Kurds have been able to take part in the national and regional political process. ... The security situation was relatively calm in the KRG areas in comparison with the rest of the country. Nonetheless acts of violence were committed against Kurds in Iraq.” [71c] (p53)

6.124 The HRW report August 2004 stated that following the overthrow of the Saddam regime, the Kurds and other non-Arabs began returning to their former homes and farms. [15p] (p1) The report noted that “Ethnic tensions between returning Kurds and others and the Arab settlers escalated rapidly and have continued to do so, along with tensions between the different returning communities - particularly between Kurds and Turkomans - over control of the oil-rich city of Kirkuk.” [15p] (p1)

6.125 The EIU report stated that “The Kurds collectively control in excess of 25,000 pershmerga guerrilla fighters and, in the absence of access to Turkish

territory for a US ground invasion, these soldiers, and the territory itself, proved essential to the military campaign.” [82a] (p13)

6.126 As noted in the EIU report 2004, “The self-rule area continues to exercise de facto autonomy; however, Kurdish leaders will expect the proposed permanent constitution to support federally-based autonomy for the Kurdish region. The Kurdish leaders have assured the US that they will not take Kirkuk or Mosul by force. However, their political aspirations to rule over these cities remain.” [82a] (p13)

6.127 As mentioned in the EIU report 2004, “Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the two main parties, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK).” [82a] (p12)

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Fayli Kurds

6.128 The World Directory of Minorities dated 1997 noted that, “Those north of the Greater Zab river speak Kumaniji Kurdish as do most of Turkish Kurds, while those south of it speak Sorani and have greater affinity with Iranian Kurds. The majority of Shafi'i Sunni, but about 150,000 in Baghdad and the south-east were Shi'i (known locally as Faili [alt. Fayli]), mostly of Luri origin. In Baghdad the Failis were important both as traders and porters in the main suq [souk = market]. Most were expelled by the government in the 1970's.” [78a] (p349) The Netherlands general official report on Iraq dated June 2004 added that, “The new draft nationality law contains provision for reviving the nationality rights of Fayli Kurds. A number of aspects of this draft version have also been included in the TAL. During the period under review [January to May 2004] it was not clear which procedures Fayli Kurds have to follow to actually obtain Iraqi nationality. The decrees of the Revolutionary Command Council (including decree 666 of 1980) affecting the withdrawal of Iraqi citizenship have been abolished. Fayli Kurds are said to have returned from Iran since the fall of the old regime. Exact numbers are not known.” [71b]

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Turkmens

6.129 The Dutch country report December 2004 stated that “The Turkmen community in Iraq is divided. There are at least five known Turkmen political organisations, with the largest party being the Iraqi Turkmen Front (ITF).” [71c] (p55)

6.130 The Kurdistan Observer article dated 1 July 2003 stated that the Iraqi Turkmen Front had offices in Mosul and Kirkuk but virtually no presence elsewhere in the country. [10a] However, the FCO letter dated 26 April 2004 noted that there was also a Turkmen presence in Baghdad. [66a] (p4)

6.131 The Dutch country report December 2004 noted that “It is stipulated in the TAL that Iraqis are entitled to education in their mother tongue at government schools. There are several Turkmen schools in the KRG areas. A Turkmen school is also to be set up in Kirkuk.” [71c] (p55)

6.132 In early November 2003 the Kurdistan Observer carried a report by Turkish newspaper ‘Zaman’ that “Tension between Kurds and Turkmen in Kirkuk have gradually been growing to the point where hostilities can break out at any time”. [45a]

6.133 The Dutch country report December 2004 added that:

“As far as it can be gathered from media reports, tensions flared during the reporting period to a limited extent between Turkmen and Kurds. These sometimes led to violence. Such tensions often resulted from the return of people who had been driven out under Saddam Hussein’s arabisation policy and from discontent amongst Turkmen about the possible ‘Kurdisation’ of Kirkuk. According to a confidential source and press reports, many Kurds moved to Kirkuk to influence the demographic balance in the city.” [71c] (p55)

6.134 The AFP reported on 5 January 2004 that Turkmen IGC member Shangul Shapuk had demanded that Kurdish militias in Kirkuk be disarmed after Kurdish fighters shot dead four people at an Arab and Turkmen demonstration protesting against Kurdish attempts to incorporate Kirkuk into Kurdistan. Shapuk said that they were with the Kurds if they keep out of Turkmen affairs but if they insist on annexing Kirkuk the Turkmen would demand an Iraqi Turkmenistan. [99g]

6.135 The Christian Science Monitor on 8 March 2004 reported that, “The long-simmering friction between Kurds and Turkmen here is taking a sectarian turn, with thousands of Shiite militiamen recently arriving to protect the Turkmen and Arab coreligionists against Kurdish hopes to incorporate Kirkuk into their sphere of influence in the north”. The article further reported that Kurds viewed a march by 2,000 of Moqtada Sadr’s Mehdi Army militia earlier in the month as a provocation. The next day, 100 Kurds ransacked the headquarters of the Iraqi Turkmen Front and looted shops owned by Turkmen and Arabs. [34d] (p1-2)

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Assyrians and Chaldeans

6.136 The USSD report 2004 stated that “Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language (Syriac), preserve traditions of Christianity, and did not define themselves as Arabs.” [2a] (p13)

6.137 A representative from the Assyrian Democratic Movement (ADM) informed the fact-finding delegation in July 2003, that “In the immediate

aftermath of the war, Assyrians in northern Iraq in some cases had been attacked by criminal Kurds. ADM's armed wing is licensed to carry weapons and has protected Assyrians in northern Iraq in the area from Mosul to Al Qush and from Mosul towards the north-west. There are at moment no security problems for Assyrians in northern Iraq: ADM co-operates with KDP, PUK and Arabic and Islamist parties in the area." [30a] (para 4.13)

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Women

Legal Provisions

6.138 As mentioned in the Dutch country report December 2004, "Since the overthrow of Saddam Hussein, attempts have been made to improve the position of women in terms of legislation. According to the TAL, all Iraqis are equal under the law, irrespective of gender." [71c] (p56) However, the AI report February 2005 stated that "Women face discriminatory laws and practices that deny them equal justice or protection from violence in the family and community." [28e] (p1)

6.139 HRW's July 2003 report drew attention to the deficiencies in Iraqi law in addressing sexual violence and abduction. For example, the Penal Code allowed a man to escape punishment for abduction if he married his victim, and allowed for significantly reduced sentences for honour killings, rape and other cases of sexual violence. In addition to these legal barriers, HRW also came across cases where the police were reluctant to investigate cases, or where they blamed the victim, doubted her credibility, showed indifference or conducted inadequate investigations. [15e] (p1)

6.140 The AI report February 2005 stated that:

"Discrimination against women in the Personal Status Law, Law 188 of 1959 as amended, relates to marriage, divorce and inheritance. Men are allowed to practise polygamy under certain conditions (Article 3(4)). They must have judicial authorization and the judge should take into consideration whether or not the applicant has the financial means to support more than one wife." [28e] (p13)

6.141 The same report mentioned that:

"Provisions on inheritance in the Personal Status Law also discriminate against women, who are generally only awarded half of the entitlement of their male counterparts (Articles 86-94). The law provides that both husband and wife can seek to end the marriage under certain conditions to be assessed by a family court (Articles 40-45). However, it also allows another form of divorce petition (Talaq) that may only be filed by the husband and does not require him to give any reason (Article 34-39)." [28e] (p14)

6.142 The report also noted that:

“Apart from these discriminatory provisions, the Personal Status Law is still generally seen as having been an achievement for women’s rights in a region in which women often do not have equal legal status to men. In December 2003 the IGC attempted to amend the Personal Status Law to place certain family matters under the control of religious authorities. However, after protests and lobbying by women’s organizations, the IGC reconsidered and later withdrew the resolution containing the proposal (Resolution 137).” [28e] (p14)

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Violence Against Women

6.143 The AI report February 2005 noted that “Women and girls in Iraq live in fear of violence as the conflict intensifies and insecurity spirals. Tens of thousands of civilians are reported to have been killed or injured in military operations or attacks by armed groups since the US-led invasion of Iraq in March 2003.” [28e] (p1)

6.144 The AI report February 2005 stated that “Violence and threats have directly affected women and have been specifically aimed at women. Armed opposition groups have targeted and killed several women political leaders and women’s right activists. Women detained by US forces have in some cases been subjected to sexual abuse, possibly including rape.” [28e] (p5)

6.145 The Dutch country report December 2004 stated that “For women it is becoming increasingly difficult to travel without being accompanied by a male member of the family, in view of the risk of violence and abduction.” [71c] (p58)
The British / Danish fact finding mission report October 2004 added that:

“A representative from a UN development agency in Amman stated that women have freedom of movement within Iraq however there is becoming an increased need for a male companion otherwise the woman is vulnerable. Women are generally safe in the Kurdish area however if they are escaping a family problem, the family will follow them wherever they go in Iraq. Women can leave Iraq without needing a male escort however they cannot obtain a passport without being accompanied by their guardian – this may be their father, brother, uncle or even son.” [30c] (p25)

6.146 Previously, in July 2003, HRW had found that reports of sexual violence and abduction of women and girls abounded in Baghdad. Although doctors, victims, witnesses and law enforcement authorities had documented some of these crimes, HRW was concerned that many more went unreported and uninvestigated because of the social stigma which attached to victims of sexual violence: victims may face social ostracism, rejection by their families or physical violence. Such concerns were long-term but the condition in Iraq post-war had been exacerbated by generally poor security and a small, badly

managed police force. Not only were women discouraged from reporting sexual crimes but in some cases they could also face difficulty obtaining medical treatment for any injuries they had suffered because some hospital staff did not consider treating victims of sexual violence as their responsibility, or gave such care low priority because of limited resources. [15e] (p1)

6.147 The HRW report January 2004 stated that “Iraqi police give a low priority to allegations of sexual violence and abduction. The victims of sexual violence confront indifference and sexism from Iraqi law enforcement personnel, and the U.S. military police are not filling the gap.” [15d] (p4) The Dutch country report December 2004 noted that “The maximum prison sentence for rape and / or sexual violence is life. The maximum sentence for indecent assault is fifteen years’ imprisonment.” [71c] (p59)

6.148 While the late Shiite cleric Ayatollah Muhammad Bakr Al-Hakim considered himself to be a moderate, “More militant clerics issued fatwas, or orders, that women be veiled, that schools and workplaces be segregated by sex, and that their strict version of Islamic law be enforced, complete with death by stoning for women who have sex out of wedlock”. [26a]

6.149 As mentioned in the AI report February 2005:

“Women continue to be forced to wear headscarves by threats and harassment from members of Islamist groups. These groups have targeted women and girls who have not covered their heads, including non-Muslims, in the streets, in schools and in universities. As a consequence, the number of women and girls wearing a headscarf or veil has further increased.” [28e] (p5)

6.150 An article in Reuters dated 20 June 2003 stated that in KRG area women’s experience had been different, according to Nermin Othman, education minister in what had been an autonomous Kurdish administration in northern Iraq since the 1991 Gulf War. Othman was reported as saying: “In Iraqi Kurdistan, women have full rights and freedom of speech and organisation. We have cancelled some discriminatory laws and introduced new legislation that ensures their rights.” Othman said Kurds had worked hard to reduce violence against women and had set up shelters for battered women; a woman had the right to divorce an abusive husband, and honour killings were treated legally as violent crimes: “We are trying now to upgrade the status of [all] Iraqi women to that of Kurdish women.” [18b]

6.151 However, a spokesman for UNHCR in Damascus told the Joint British-Danish Fact-Finding Mission in July 2003 that there is still some persecution of women in northern Iraq: women activists expressing liberal views might find themselves at risk of persecution; women are also at risk from honour killings, gender based persecution and arbitrary detention without the KDP or PUK being involved, especially around the Halabja and Sulaymaniyah areas. Erbil and Sulaymaniyah had sanctuaries for women but the reach of the protection provided by the KDP and PUK was limited. [30a] (para 4.20)

Domestic Violence

6.152 As documented in the AI report February 2005:

“For decades, violence in the family in Iraq has been under-reported. Most acts of violence in the home are carried out on women and girls by husbands, brothers, fathers or sons. The men are sometimes acting on the orders of family councils, gatherings of family or clan elders who decide the punishment for women deemed to have infringed traditional codes of honour. Tradition all too often serves as a pretext for acts of brutality against women for daring to choose how to lead their lives. An underlying cause of the violence, and closely bound up with it, is the discrimination that denies women equality with men in every area of life, including within the family.” [28e] (p8)

6.153 As reported in IRIN on 3 June 2003, “A recent survey of domestic violence in Erbil showed that over 60 percent of women interviewed reported that they had been subjected to abuse and harassment in public places. Close to 60 percent had suffered some form of violence from their immediate family. Divorced women, the report noted, were particularly targeted.” [18d] The AI report February 2005 observed that “Most victims of violence in the family have no access to medical treatment.” [28e] (p12)

6.154 The same report stated that “This high level of acceptance of violence within marriage is supported by Iraqi legislation. According to the Penal Code of 1969, which is still in force, a husband who ‘disciplines’ his wife is exempt from criminal liability for doing so (Article 41(1)).” [28e] (p11-12)

6.155 The report also noted that:

“In recent years, organizations in Iraq have started working to provide support to women who have experienced violence in the home. Women’s rights activists have helped women to escape violent men and to hold their attackers to account. They confront the prejudices that hold women’s protests and complaints about ill-treatment to be shameful to the family. They are often themselves faced with threats and assaults from the families of the women they support.” [28e] (p8)

6.156 The Dutch country report December 2004 explained that “The extent to which women can avoid the threat of honour crimes through settling elsewhere in Iraq is impossible to determine with certainty. The extent to which the current security organisations in Iraq can offer protection to women exposed to (sexual) violence at the hands of third parties or honour crimes is also unknown.” [71c] (p59)

6.157 The British / Danish fact finding mission report October 2004 stated that:

“A diplomatic source in Amman (3) stated that there are numerous NGO’s, which help women and that some are quite well organised. Some have been based in the Kurdish area since 1991 and have only recently moved down to central Iraq. There are women’s shelters in Iraq and they can, and do, arrange meetings between women and their communities. The source advised that people working for these organisations have received death threats. There are women’s shelters in Dohuk, Arbil and Sulaimaniyah. The shelter in Sulaimaniyah receives women and then sends them to the Arbil shelter. The Arbil shelter is not particularly large. The source advised that the shelter in Dohuk is fully functioning with no problems. The majority of women who seek protection from these shelters have had disagreements on marriage with their father. Mediation tends to be the traditional solution for the women’s organisations. Tribal justice is also an effective remedy for family and community problems, and the source advised that in the current unstable environment the traditional ways are surfacing. The source concluded that women are a vulnerable group in Iraq.” [30c] (p23)

6.158 The same report noted that “As well as 2 refuges in Baghdad and Arbil, there are also two in Hilla and Kirkuk.” [30c] (p24)

6.159 The report also mentioned that “Women are scared of the social stigma attached to the shelters, and often consider them a dead-end or a prison. The shelters are secret and few people know where they are. There are a number of drop-in refuges run by the US, and then the women are referred to the shelters. More often than not women eventually return to their families.” [30c] (p23)

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Honour Killing / Crime

6.160 The Dutch country report December 2004 observed that “There have been several reports pointing to the fact that honour killings are occurring in various parts of Iraq.” [71c] (p59)

6.161 The AI report February 2005 stated that “Most victims of ‘honour crimes’ are women and girls who are considered to have shamed the women’s families by immoral behaviour. Often the grounds for such an accusation are flimsy and no more than rumour. ‘Honour crimes’ are most often perpetrated by male members of the women’s families in the belief that such crimes restore their and the family’s honour.” [28e] (p8-9)

6.162 As mentioned in the Times on 28 September 2003, Iraqi police reported that the number of honour killings of Iraqi women had increased rapidly in the months since the war, particularly in rural Sh’ite dominated areas where moral and religious codes were strictly observed. [5e]

6.163 Nevertheless, the AI report February 2005 explained that “There is insufficient information available to establish whether the incidence of ‘honour

killings' has increased over the past decades of armed conflict in Iraq. However, during the months of lawlessness following the 2003 US-led invasion, the perpetrators of 'honour killings' – like other criminals – were unlikely to be tried. The lack of a functioning judicial system during the months after the 2003 war contributed to an increase in the part played by tribal bodies in resolving conflicts, including in relation to 'honour crimes'." [28e] (p11)

6.164 The Times article dated 28 September 2003 noted that women might be killed because they lost their virginity before marriage, had extra-marital affairs, or even because they were raped. Honour killings were treated leniently by the Iraqi judicial system, with perpetrators facing a maximum of one year in prison. [5e]

6.165 As noted in the AI report February 2005 "Mutilation is another form of 'honour crime' used in northern Iraq as a punishment for people accused of a relationship considered to be illegitimate. ... Between 2000 and 2002 the Kurdish authorities amended the law so that courts could no longer find 'honourable motivation' a mitigating circumstance in 'honour crimes' against women. [28e] (p9)

6.166 The AI report February 2005 noted that "Until legal reforms specifically to address 'honour killings' were introduced by the Kurdish authorities in northern Iraq between 2000 and 2002, the perpetrators of such killings were either never tried or received generally lenient sentences." [28e] (p9)

6.167 As stated in the British / Danish fact finding mission report October 2004, "A diplomatic source in Amman (1) informed the delegation that with regards to honour crimes the victim can go to the police however whether they got support from the police would rely on whom within the police you talk to and whether you have a contact via your family." [30c] (p26)

6.168 The British / Danish Fact Finding Mission to Amman and Ankara regarding Iraqi asylum seekers 2002 stated that the KDP was sceptical about the basis of many asylum claims based on honour killing, accepting that such killings do take place but not on the claimed scale. It was suggested by diplomatic sources in Turkey that honour crimes in northern Iraq were becoming more visible rather than more frequent. There may still have been some problems in the villages far away from the cities but there have been concerted efforts to cut down on honour killings in remote rural areas with organisations such as the Women's Federation, the Students Union and the Social Affairs department being involved. [30b] (p18-19)

6.169 The AI report February 2005 observed that "In recent years several organizations have been established in northern Iraq that offer support for women at risk of violence, including survivors of attempted 'honour killings'. One of these organizations is the Sulaimaniya-based Asuda Centre for Combating Violence against Women (Asuda Centre), which in August 2002 opened a shelter for women survivors of violence at a secret location." [28e] (p10)

Forced Marriage

6.170 The AI report February 2004 stated that:

“Under Iraq’s Personal Status Law, forced marriage is prohibited and punishable by up to three years’ imprisonment (Article 9). The legal age for marriage is 18 (Article 7). Anyone who wishes to marry under the age of 18 must meet certain conditions prescribed by law: being at least 15 years old, having the approval of parent or guardian, and having judicial permission (Article 8).

However, in practice forced marriages, including of underage girls, continue to take place. Girls under the age of 15 are particularly vulnerable to forced marriage, which are arranged by the family in the vast majority of cases. Early pregnancy, frequently a result of child marriage, is associated with adverse health effects for both mother and child.” [28e] (p13)

6.171 The same report noted that “Many women and young girls in Iraq are denied the right to choose their marriage partner freely, and those who oppose forced marriage are at risk of violence or even of being killed.” [28e] (p12) The report also mentioned that:

“In northern Iraq, the practice of ‘Jin be Jin’ contributes to the high incidence of forced marriage. It involves the exchange of girls – the girl from one family marrying the son of another (or from the same extended) family, while his sister is given in marriage in return – to avoid having to pay ‘bride prices’ for the daughters. Similar marriage arrangements take place in other regions of Iraq.” [28e] (p12)

Female Genital Mutilation (FGM)

6.172 Several reports noted that the German NGO, Wadi, conducted a survey of 40 villages in the Germain region of northern Iraq. The survey found that about 60 percent of women in that area had undergone female genital mutilation. [18h] [28e] (p11) [88c]

6.173 The AI report February 2005 stated that “In some rural areas in northern Iraq, FGM appears to be widespread. ... Areas where FGM seems to be common are within the region where the Sorani Kurdish dialect is spoken, including around Halabja, Germian and Kirkuk.” [28e] (p11) However, the AI report February 2005 stated that “In a 2003 survey on women’s health in southern Iraq, FGM was not identified as a common practice.” [28e] (p11)

6.174 The AI report February 2005 noted that:

“There are indications that the practice has been decreasing. A Norwegian journalist and a Kurdish writer from northern Iraq interviewed numerous people about FGM – including, doctors, women’s rights activists and Muslim clerics – in the course of research in late 2003. Two chief physicians at the Sulaimaniya University Hospital and at the Soresh Maternity Hospital reported that in recent years the number of girls brought into hospital with haemorrhages caused by FGM has decreased. The doctors saw this development as an indication that the practice of FGM had declined. Although FGM is usually carried out on girls, the doctor at the Soresh Maternity Hospital reported that, in the course of her 25-year career as a gynaecologist, she recalled about 10 cases in which she or a colleague had carried out FGM on a married adult woman at the request of the husband.” [28e] (p11)

6.175 As noted in the RFE/RL report dated 21 January 2005 some local women organisations, as well as NGOs such as WADI, have campaigned against the practice of FGM in northern Iraq for more than a decade. [18h] [88c]

6.176 An article by Womens News dated 1 August 2004 reported that “There are now some penalties for practicing FGM in Iraqi Kurdistan. Certified midwives caught operating on girls lose their certification. But activists admit threats of legal action rarely have any effect on traditional practitioners in the villages, who work in the secrecy of their homes.” [69a] (p2)

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Prostitution

6.177 The British / Danish fact finding mission report October 2004 stated that trafficking, drugs and prostitution is common in Iraq and it is more noticeable in Baghdad. [30c] (p23) The report explained that “Girls between the ages of 8 – 15 years old are prostituting themselves, women with babies and children are observed begging in Baghdad. The system is very well organised by Mafia groups; prostitutes live in hotels, and minibuses take them to the streets. They give money to their organisers in exchange for food and shelter.” [30c] (p23)

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Abortion

6.178 As noted in an article in the Daily Telegraph dated 26 October 2003 abortion in Iraq was illegal and socially taboo except in medical emergencies. But the fall of Saddam’s regime had seen an upsurge in sexual promiscuity and corresponding increase in demand for back-street abortions, which were now readily available. One woman offering abortions, a qualified mid-wife, charged over £250 per procedure and claimed to offer medical attention to hospital standards. But a doctor in Al Aliya women’s hospital in Baghdad said he had seen one or two patients with septic abortions each week, claiming some people offering illegal abortions did not know what they were doing. [48a]

6.179 The same source stated that, many of the abortions had been for women who had been raped or who had been driven to prostitution to earn money to feed their families. A number of brothels had opened and red light areas developed. Under Saddam, prostitutes were liable to be executed but now, one Madam was reported as saying, prostitution was quite safe because the Iraqi police protect them. [48a]

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Single Women

6.180 As mentioned in the British / Danish fact finding mission report October 2004 “Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that single women returning to Iraq from abroad were in a less favourable position compared with women travelling with their family.” [30c] (p27)

6.181 The same report noted that “UNHCR in Amman noted that single women have a more vulnerable situation. Families can protect them, however tribes can target them just as easily as they can protect them.” [30c] (p27)

6.182 The report also mentioned that:

“A humanitarian organisation working in the region advised the delegation that there are plenty of women’s associations that can provide basic needs for those women who are the single head of household. The source advised that it is difficult for women to live alone and that the government are currently working to improve that. The source stated that women who had married non-Iraqis would be unlikely to stay within Iraq.

An UN development agency in Amman stated that in the rural areas it is not possible for women to be single, and they would be supported by families or in the case of their husband’s death, they would marry the husband’s brother. Women can refuse to marry the brother, however this makes the situation much harder for the woman.” [30c] (p27)

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Women’s Rights in Political and Public Life

6.183 As noted in an article by the German NGO, Wadi, “Several laws were passed in favour of women encouraging them to participate in the nation’s development and establishing equal rights in the field of education, health, and employment, but they were never enforced or were cancelled, like the majority of the laws passed by other bodies than the CCR. Rape, abuse and torture were practised on a daily base by the Iraqi Security.” [68a]

6.184 UNHCR in a report dated August 2004 noted that, "The United Nations Development Fund for Women (UNIFEM) is currently trying to implement a strategy to support women leaders in Iraq. UNIFEM works with the Interim Iraqi Government and has assigned a gender focal point to each Ministry. A Ministry of Women's Affairs has also been created." [40b] (p6)

6.185 As documented in the Dutch country report December 2004, "The TAL stipulates that from August of this year 25 % of the total number of seats in the National Conference and the future parliament must be held by women." [71c] (p56) The same report noted that "Women are under-represented in the political establishment on a national level.... There have also been reports of religious leaders and groups expressing protests and uttering threats against women because of their aversion to women participating in the political and social process." [71c] (p56-57)

6.186 However, the FCO article, accessed 28 February 2005, stated that "One third of candidates in the 30 January [2005] elections were women, to meet the Transitional Administrative Law (TAL) target of no less than one-quarter women's representation in the TNA. Figures obtained from the Independent Electoral Commission for Iraq indicate that at least 86 women were elected to the TNA, or 31% of the total seats." [66i]

6.187 The FCO Human Rights report 2004 stated that "Newly-formed Iraqi women's groups have taken an active role in advocating fair representation in government bodies and calling attention to the rights of women in all spheres of Iraq's democratic development." [66h] (p23)

6.188 The report also noted that:

"Over the last year Iraqi women have organised conferences in Baghdad and in the regions to discuss women's political participation and human rights issues. ... Eighteen women's centres have been established throughout the country. These centres offer opportunities for women to acquire skills that will open up employment or other economic opportunities, and enable them to take part in programmes that will lead them to a better understanding of their rights and how to be active participants in the decisions that affect their lives." [66h] (p23-24)

6.189 The AI report February 2005 noted that "The widespread fear of violence affecting all Iraqis has restricted the participation of women in civil society since the 2003 war, particularly in education, employment and political decision-making." [28e] (p5)

6.190 As mentioned in the British / Danish fact finding mission report October 2004, "An UN development agency in Amman stated that the situation for women is economically better in the rural areas. In the cities there is a real economic problem, however women do have access to the job market." [30c] (p22)

6.191 The British / Danish fact finding mission report October 2004 was advised by a UN representative “Nursing and teaching have the highest proportion of women. The source added that 5 to 6 women are Ministers and that for the region this figure is excellent. More women than ever are reaching senior professional levels. The source added that from a legalistic perspective no barriers existed with regards to women’s access to the labour market.” [30c] (p22)

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Children

6.192 As mentioned in the UNICEF report, accessed 23 March 2004, “Almost half of the population is under the age of 18.” [97c] According to Save the Children an estimated 4.2 million were under the age of five. [64a]

6.193 UNICEF observed that “Even before the most recent conflict began, many children were highly vulnerable to disease and malnutrition. One in four children under five years of age is chronically malnourished.” [97c]

6.194 The Joint British Danish Fact Finding Mission in July 2003 reported that Iraq is a signatory to the Convention on the Rights of the Child and this commitment is deemed to remain intact. [30a] (para 4.22)

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Orphans and Street Children

6.195 The RFE/RL article dated 21 June 2004 observed that many children lost their parents during the war and the frequent violence that continued. Many others were thrown out of the state-run orphanages that ceased to function after the collapse of the Saddam regime. [88d]

6.196 The IRIN article dated 13 August 2003 reported that “According to findings, there were only 12 social workers for the whole of the city of Mosul, which has a population of 1.3 million, and concluded that they faced a mammoth task in protecting children and vulnerable groups.” [18c] The Joint British / Danish Fact Finding Mission report July 2003 observed that there had been some reform in foster care but UNICEF said that the rest remained in a mess. [30a] (para 4.23)

6.197 The Joint British / Danish Fact Finding Mission report July 2003 noted that that many street children were also released from prisons. [30a] (para 4.23) The same report noted explained that accurate numbers of street children were not available. [30a] (para 4.23)

6.198 An IRIN news article dated 1 February 2005 reported that about six percent of Iraqi males between 10 and 14 years of age were found to be working. [18f] The same report added that “Some 35 percent of child workers were unpaid by their employers. “ [18f]

6.199 An article by RFE/RL dated 21 June 2004 stated that “Thousands of homeless children are living on the streets of the Iraqi capital Baghdad.” [88d] IRIN reported on 13 August 2003 that in Mosul, children as young as four were sent by their families onto the streets of Iraqi towns to beg or sell goods. Sometimes ‘working’ for twelve hours a day, some of the children had been victims of violence. The children may have dropped out of school or never have been to school in the first place. In many cases members of their families were sick, disabled and unable to work. [18c] The RFE/RL article dated 21 June 2004 added that “The beggars are children, some as young as five years old.” [88d]

6.200 The Times reported on 4 August 2003 that Shi’a Islamic groups had taken over the Dar al-Rahma orphanage in Sadr City. The orphanage was reported to be safe and clean but the new authorities imposed a strict Islamic code. A former worker said that marriage and social control appeared to be the priorities of the orphanage management, saying that in the month she worked there five girls were married. UNICEF had withdrawn its support from the orphanage and withdrew any child who wanted to leave. The only orphanage in Baghdad supported by UNICEF at that time was the Child House in central Baghdad, half an hour’s drive away from Dar al-Rahma. Here the children appeared to be content with their pink cardboard doll’s houses, flowers in the rooms and television to watch. [5a] [5c]

6.201 On 8 January 2004, IWPR reported that a specialist unit had been set up to address the alarming numbers of kidnapping for ransom of children. A spokesman for the unit estimated that there were 100 kidnapping gangs operating in Baghdad and two neighbouring governorates and that they had carried out 350 kidnappings in October and November 2003 alone. The number of incidents was said to be falling but the kidnap gangs still exerted fear over Baghdad. [111]

6.202 An article in Al-Adala carried in the IWPR Press Monitor on 4 March 2004 stated that: “An official in the Ministry of Human Rights claimed to have (sic) evidence that 100 homeless children have been raped in the Betawiyeen neighbourhood in Baghdad.” The article added that, “An official in the Ministry of Labour said there was an obvious slackness on the part of the Ministry of Interior, which is responsible identifying homeless children and reporting them to the Ministry of Labour. For its part, the Ministry of Interior claims the Ministry of Labour has refused to receive the homeless into its shelters.” [46h]

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Children in Prison

6.203 The HRW report January 2005 stated that “Human Rights Watch continues to receive reports of children being held together with adults in detention facilities under the jurisdiction of the Ministry of Interior. The children include both criminal suspects and others suspected of having taken part in

clashes against government forces, including those suspected of links with the Mahdi Army. [15j] (p62)

6.204 The HRW report also mentioned that under the Convention on the Rights of the Child (CRC), Article 52(2) of Iraq's Juveniles Welfare Law and orders promulgated by the CPA on the management of detention facilities, Children should be detained seperately from adults. [15j] (p63)

6.205 However, the HRW report noted that:

"The requirement for the separation of child detainees has not been followed in some cases. Human Rights Watch found that such cases sometimes arose when police apprehended children as part of a large sweep in a given area, where they arrested scores and sometimes several hundred people as part of the government's efforts to crack down on violent crime. Police invariably conduct such sweeps without warrants, and children are sometimes caught up." [15j] (p63)

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Homosexuals

6.206 The International Lesbian and Gay Association noted in July 2000 that "Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code. However homosexuality is taboo, and there is no viable support for lesbian and gay rights." The article added that "Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is between 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years." [53a]

6.207 The New York Times stated on 29 September 2004 that one of the duties of the doctor's in a Baghdad morgue was to examine men accused of homosexual activities. [24a] The same article also noted that homosexuality was a criminal offence in Iraq. [24a]

6.208 A Canadian Immigration and Refugee Board stated on 5 September 2003 that:

"An article on homosexuals in the American army during the Iraqi conflict, published in 2003 on the AtomicQueens.com Website, cited the remarks of a gay man in Baghdad who said in an interview that gays are treated better in Iraq than in other Arab countries, and that he had never witnessed overt gay abuse in Iraq. He nevertheless went on to describe Iraq as a 'complex and repressive' society whose eyes are shut to the reality of gays and which uses 'homophobic proclamations against political opponents, rather than to target gays'." [77a]

6.209 The report added that:

"An article on the status of homosexuals in Iraq since the fall of Saddam Hussein, published in the Atlanta magazine *Southern Voice*, quoted a gay American-Arab journalist who frequently travels to the Middle East as saying that the family unit dictates the direction of a country in the Middle East, that families and tribal communities have widely differing views on individual rights, and that thinking 'any government change in the short term will secure the rights of gays and lesbians in Iraq is unbelievably naïve'." [77a]

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Ba'ath Party Members

6.210 According to an article in the Washington Post dated 3 February 2005, the Ba'ath party had an estimated 1 million to 2.5 million members. [16d] The same article noted that membership to the Ba'ath party was an 'unavoidable fact of life' during the Saddam regime. "It was required for most civil service jobs, and almost everyone who wanted to go to college had to join." [16d]

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Structure and Membership

6.211 The Library of Congress report 1988 stated that only a small percentage of the Ba'ath Party membership then were 'full' members: 30,000, or 0.2% of the 1.5 million membership in 1988. The remainder are known as 'supporters' and 'sympathisers'. [33a] (p2) In a 27 July 2003 report in the Washington Post it was estimated by a former Iraqi ambassador that at least 95% of the total 'membership' was not loyal to the regime nor did they believe in the doctrine of the Ba'ath Party. [16b]

6.212 The 1988 Library of Congress report stated that "Generally, party recruitment procedures emphasized selectivity rather than quantity, and those who desired to join the party had to pass successfully through several apprentice-like stages before being accepted into full membership." [33a] (p2-3) The 27 July 2003 Washington Post report stated that a potential member would have to spend 1-2 years as a sympathiser; another 1-2 years as a supporter, during which time they would receive training; 6 months to 1 year as a candidate member undergoing further training; and finally, if accepted, they would become a full member of a local 'Cell'. [16b] (p2)

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Party Organisation and Membership Ranks

6.213 The FCO on 20 September 2004 categorised the ranks of the Ba'ath party as below, from junior to senior:

"Sadiq (friend)
Mu'ayyid (supporter)

Nasir (partisan)
Nasir Mutaqaddam (Senior Partisan)
Rafiq (Comrade)
Udw Firqa (Division Leader)
Udw Shu'ba (Section Leader)
Udw Fara' (Branch Leader)" [66b]

6.214 The ICG report March 2003 added that the senior ranks of the Ba'ath Party also included that qiyada qutriyya (Regional Command). [25a] (p6)

6.215 The same report noted that "All party members have received military training and carry light weapons. Some are staunch loyalists and have perpetrated gross human rights violations or engaged in war crimes. However, the bulk of the membership includes opportunists, who joined for personal advancement, as well as former communists, Kurdish nationalists and Islamists who felt compelled to join for self-preservation." [25a] (p6)

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De-Baathification

6.216 The Dutch country report December 2004 explained that "CPA-administrator Paul Bremer introduced a national policy of de-Ba'athification when he took office in Iraq. Officials who belonged to the top four ranks in the former Ba'ath Party were relieved of their posts. [71c] (p59)

6.217 The AI report dated 9 December 2003 observed that the sweeping nature of the de-Ba'athification Order may violate the right to freedom of expression and association and that mere membership of the Ba'ath Party should not itself have been reason enough to deny the opportunity to hold employment in the top three layers of government ministries. [28c]

6.218 The Freedom House report 2004 observed that "Unemployment soared as a result of the CPA's early de-Baathification decrees, which left around 35,000 civil servants out of work, and the disbanding of Iraq's 400,000-man army." [70b]

6.219 However, the BBC article dated 23 April 2003 and the New York Times dated 17 May 2003 reported an apparent reversal in policy when Paul Bremer announced that former senior Ba'athists, whose prior membership in the party was deemed non-threatening, could return to their old jobs in the military or education. [4j] [24d] (p3) The BBC report dated 23 April 2003 stated that the decision was condemned by some members of the IGC, one of whom was quoted as saying "This is like allowing Nazis into the German government immediately after World War Two." [4j]

6.220 The RFE/RL report dated 22 October 2004 informed that the Ba'ath party restructured under the name 'Al-Islah' (the reform). It was being led by former regime loyalists, including Tahir Jalil al-Habush, the former director of Iraqi intelligence; former Republican Guard commander Sayf al-Rawi; and

Hani and Rafi'a Tulfah, relatives of Hussein. [88e] (p9)

6.221 The Associated Press report dated 17 February 2005 stated that "The Shiite-dominated United Iraqi Alliance, which took 48 percent of the vote in the Jan. 30 [2005] national elections, has made weeding out Baath Party members part of its platform. The policy has raised concerns among Sunnis, who see it as a way to make sure they have no positions in a new government." [65f]

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Reprisals Against Ba'ath Party Members

6.222 Sources told the 2003 UK-Danish Fact Finding Mission only those former Ba'athists who were known to have abused their position were being targeted for reprisals; these would mostly be former members of the intelligence services, the security services or Fedayeen Saddam, but according to one source, even in these categories only individuals known to have committed abuses would be targeted. This could however mean that relatively low ranking Ba'ath Party members could be at risk because they had operated at street level and were therefore known to their victims or their victims' families or associates. [30a]

6.223 On 9 Decemer 2003 the BBC reported that "It seems the killings are targeting anyone from the previous regime, and not only senior figures connected with ousted leader Saddam Hussein". [4u]

6.224 On 20 May 2003 a report in the Seattle Times began:

"Iraqis have begun tracking down and killing former members of Saddam Hussein's Ba'ath party, doubtful that the United States intends to adequately punish the midlevel government functionaries they say tormented them for three decades. ...

The killers appear to be working from lists looted from Iraq's bombed-out security-service buildings, which kept records on information and victims alike. But others are simply killing Baathist icons or irksome party officials identified with the Saddam government." [20a]

6.225 The Duluth News Tribune article dated 26 February 2005 also noted that:

"Especially besieged are Shiite Baathists who live in predominantly Shiite or mixed Sunni-Shiite neighborhoods, where targets are more accessible than in homogenous Sunni strongholds. Militiamen have demanded that former Baathists fly white flags to atone for their party membership and let their neighbors know they have renounced their pasts. Those who refuse often end up dead." [60a]

6.226 A source told the 2003 UK-Danish Fact Finding Mission in July 2003 that the number of attacks had been less than he had expected but estimated that nonetheless more than one hundred members of the security apparatus of the former regime had been killed. [30a] However, the Duluth News Tribune article dated 26 February 2005, also noted that the killings have increased since the election in January 2005. [60a] The same article reported that “In a tactic borrowed from Sunni insurgents, Shiite militants have begun distributing printed death threats.” [60a]

6.227 As mentioned in the Duluth News Tribune article dated 26 February 2005, “The war between Shiite vigilantes and former Baath Party members is seldom investigated and largely overshadowed by the insurgency.” [60a]

6.228 Nevertheless, the Dutch country report December 2004 stated that “The assumption is that members of the former Ba'ath Party run proportionately less risk of meeting with acts of violence than those who are believed to be co-operating with the Interim Government or the MNF.” [71c] (p61)

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Threat to Families of Ba'ath Party members

6.229 The UK/Danish Fact Finding Mission 2003 noted that there is little evidence of widespread deliberate targeting of the families of Ba'ath Party members in reprisal attacks and the families of Ba'ath Party officials or people associated with the former regime would not be targeted in revenge for crimes committed during the Saddam regime. [30a]

6.230 The Guardian report dated 20 June 2003 and an article by albawaba.com on 1 July 2003 observed that there is however evidence that the family of Ba'ath Party members are being caught up in attacks on the members themselves. [61] [27b]

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Prosecution of former Ba'ath Party members

6.231 The IWPR noted in a report on 17 June 2003 that, “In a test case for post-Saddam justice, Kurdish police have arrested a party official accused of triple murder.” Police in Kirkuk arrested Hadi Hama Salih, a former Ba'ath Party official who was accused of murdering three of his neighbours in Sulaymaniyah in 1991. ... Many believed that if Salih was convicted and sentenced this would act as a deterrent to anyone who might be thinking of taking justice into his own hands in the wake of Saddam's overthrow. [11n]

6.232 As reported in the Christian Science Monitor on 12 January 2004, the Coalition offered a ‘parole program’ to former Ba'athists who agreed to hand over their weapons, report periodically to US forces, inform them if they were moving out of the area, and provide help in tracking down insurgents. [34e] The report added “About 200 more Baath Party members from the next level

down in the hierarchy are scheduled to follow their lead Monday.” in return for a reduced prospect of arrest, eventual rehabilitation in their communities and a chance to get their jobs back. The US would issue letters acknowledging the former Ba’athists co-operation but the IGC has said that no senior Ba’ath members (i.e. all those who had so far signed on to the programme) would ever work for the government again. The US officer who led the programme hoped that it could be repeated elsewhere in the country but acknowledged it could be more difficult in other areas. [34e]

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The Tribes

6.233 As noted in the British / Danish Fact finding mission report October 2004, tribes are very significant in Iraq. Most of the political parties in the country were developed from tribal practices, including the PUK and the KDP. [30c] (p17)

6.234 The Christian Science Monitor report dated 17 June 2003 stated that while the various religious and ethnic groupings were making the most noise in post-Saddam Iraq, the country’s 2,000 tribes were quietly working behind the scenes to ensure that they played a major political role. The tribes potentially wielded a great deal of influence: while most tribes comprise tens of thousands of members, the largest, the Shumar, based south-west of Baghdad, claimed it had well over 100,000 members. Other large tribes include the Obeidi from northern Iraq, the Azzawi from Diyala, and the Hiyalin of Baghdad, led by Sheikh Talib al-Said. [34a] (p1) Another Christian Science Monitor report on 24 September 2003 noted that the Jubouri in Salah al-Din governorate is another large and influential tribe. [34b] (p3)

6.235 The British / Danish Fact finding mission report October 2004 explained that Iraqis often approached tribal-leaders to solve various problems in regard of criminal cases and problems between members of different tribes. [30c] (p17) The report stated that “The system seems to be surprisingly effective.” [30c] (p17) The same report added that “Tribes can resolve problems, but in the same way they can exclude people. ... The conflict- solving system of the tribes is much more effective than the police and courts.” [30c] (p17)

6.236 The British / Danish Fact finding mission report October 2004 stated that:

“Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that in particular in the countryside, the tribal system worked well as a conflict solving institution. A decision of a sheik (tribal leader) was normally respected by everyone, even by the defeated party. Representatives for the Iraqi Ministry of Justice in Baghdad stated that tribal justice was most common in the southern parts of Iraq. The sources characterized tribal justice as medieval but still a reality in some parts of Iraq.” [30c] (p17)

6.237 The same report, however, informed that both UNHCR in Amman and an international humanitarian organisation stated that the tribal conflict solving system was active and strong all over Iraq. [30c] (p17)

6.238 The same IWPR report stated that people had also been exploiting the tribal arbitration mechanism whereby tribal leaders would mediate between the families of victims and perpetrators to try to arrive at a figure for compensation, or 'blood money'. In the aftermath of the conflict, tribal leaders had been 'swamped' with false claims from people trying to earn a few dollars and openly expressed concern at the damage that tribal based criminality was having on their communities. [11d]

6.239 IWPR reported on 20 October 2003 that there have been reports that tribal networks in southern Iraq were involved in extortion and organised crime to the extent that they threatened security and reconstruction in impoverished Shi'a areas. The police were reportedly reluctant to intervene for fear of reprisals from other tribe members and victims may have been reluctant to report crime for the same reason. British forces in the area were reluctant to get involved in tribal issues unless they were directly threatened, preferring instead to leave it to the Iraqi police to sort out. [11d]

6.240 A Brookings Institute report on the Iraqi tribes on 8 July 2003 stated that Saddam's own tribe, the Abu Nasir, one of the Tikriti tribes, comprises a number of clans and houses, not all of whom remained loyal to Saddam after members once close to the regime fell from favour, often fatally.

6.241 Brookings Institue on 7 December 2003 reported that most Sunni tribes enjoyed privileges under Saddam's rule, especially those bordering Tikrit: the Jubbur in Sharqat; the 'Ubayd in al-Alam and Tarmiya; the Mushahadah in Tarmiya; the Luhayb in Sharqat; and al-Azza in Balad. Further afield, the Harb in ad-Dur, the Tayy in Mosul, the Khazraj from south of Mosul, the Maghamis from Khalis and the large Sunni tribal federation of the Dulaym, west of Baghdad, were close to the regime. The Shammar Jarba, from north-west of Baghdad, and the Abu Nimr from al-Ramadi were reported to have collaborated rather less enthusiastically with the regime. Even among the tribes closest to the regime, their loyalty seems to have been based on self-interest and certainly was not unwaivering – some members of the above mentioned tribes were implicated in coup attempts and attempted assassination of Saddam. [12a] (p2-3)

6.242 Maps of the distribution of Iraqi tribes can be found at:

<http://www.humanitarianinfo.org/iraq/maps/284%20A4%20Tribes%20in%20Iraq.pdf>

http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethno_2003.jpg

<http://healingiraq.blogspot.com/iraq-majortribes2.gif>

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Perceived Collaborators to the Coalition and Iraqi Authorities

6.243 The Times reported on 4 January 2005 that the guerrillas launched a substantial campaign of violence towards anyone associated with the coalition and / or the Iraqi authorities. [5f] The HRW report January 2005 observed that "Revenge killings started slowly but grew to be virtually daily events with perceived Ba'thist supporters, and later those identified as supporting the U.S.-led occupation, caught in the crosshairs. Cities once cited as evidence of the success of the U.S. led coalition's occupation such as Mosul have become bloody battlegrounds." [15j] (p1)

6.244 The UNHCR in a Return Advisory dated September 2004 noted that:

"While most security incidents prior to the handover directly targeted soldiers and or nationals of countries participating in the Coalition Forces, threats and attacks over the past six months have been increasingly aimed at Iraqi civilians employed by the UN, NGOs and foreign contractors as well as foreign nationals who work for any of the above. Furthermore, Iraqi intellectuals, medical staff, doctors, journalists, artists, as well as anyone associated with or perceived as supporting the new Interim Iraqi Government (IIG) have also become frequent targets of both harassment and violence. Members of the Iraqi police force, as well as potential police recruits are often the victims of lethal attacks." [40a] (p2)

6.245 Furthermore, the IWPR on 10 August 2004 observed that an unofficial Islamic court imposes harsh sentences on Iraqis who work for the Americans and their allies. The report stated that "An 'Islamic resistance' court based in western Iraq has begun to order harsh punishments against Iraqis accused of collaborating with so-called foreign occupiers, inhabitants in the region said. The court, they said, originated in late 2003 as one of a number of Islamic clerical committees that locals have been using to arbitrate personal and family disputes". IWPR noted that in recent months this particular court has become more political, passing sentence on translators, truck drivers, informers, and others who allegedly work with the foreigners. [11k] (p1-3)

6.246 As stated in the British / Danish fact finding mission report October 2004, "IOM in Amman stated, that it could be dangerous for Iraqis to work for foreign companies in Iraq. The insurgents targetted (sic) foreign companies and foreign workers." [30c] (p10)

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6.C Human Rights – Other Issues

Treatment of Non-Governmental Organisations (NGOs)

6.247 As mentioned in the USSD report 2004:

“A number of domestic and international human rights groups generally operated without government restriction other than security constraints, investigating and publishing their findings on human rights cases. While NGO advocacy is still in its infancy, government officials were generally cooperative and responsive to their views. The Ministry of Human Rights met regularly with NGO leaders.” [2a] (p11)

6.248 Voices of Wilderness, a US non governmental organisation noted on 2 January 2004 that, "Order 45 issued on November 2003 by Governor Bremmer requires all organisations of Iraqi civil society and the international NGOs to register and undergo forms of control and scrutiny. This order is a serious impediment which violates the right of freedom of association." [35a] (p1) The article added that, "We also demand that, as contemplated in Resolution 1483, the activities of the international NGOs should be coordinated by the United Nations and not 'caged' within the restriction of Order 45." [35a] (p2)

6.249 NGOs were maintaining a low profile in Iraq because of the security environment, according to a 15 March 2004 report by IRIN: “Seven months after 22 people, including UN Special Representative Sergio Vieira de Mello, were killed by a truck bomb at the United Nations headquarters in Baghdad, aid workers are driven around in local vehicles. They don’t go out to eat much, following the New Year’s Eve bombing of a restaurant popular with foreigners. In fact, many of the workers spend most of their time in neighbouring Jordan, only coming to Iraq when absolutely necessary” . [18k] In fact, according to the vice-President of the International Medical Corps, people would be surprised at what had been achieved so far but they do not want to advertise their presence for fear their staff would be targeted. [18k]

6.250 The USSD report 2004 noted that “Terrorists throughout the country have systematically killed NGO and civic leaders.” [2a] (p11)

6.251 UNHCR in its return advisory paper dated September 2004 noted that:

"Although the UN continues to review the possibility of re-deploying international staff to Iraq and at the end of August 2004 sent a small team to Baghdad for six weeks, under the auspices of the Special Representative to the Secretary-General, in order to assess the humanitarian situation, it is unlikely, in light of continued security concerns, that any type of sustained international presence will be possible in the near future." [40a] (p3)

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Internally Displaced Persons (IDPs)

6.252 As documented in the Global IDP Project report November 2004:

“More than a million people remain internally displaced in Iraq today, though figures are uncertain given the poor security in the country. The majority of internally displaced people (IDPs) were forcibly displaced under the previous regime, which targeted communities perceived to be in political opposition as well as using forcible displacement as one of its tactics to gain control of resource rich areas. Prior to the United States led invasion of Iraq in March 2003 that led to the toppling of Saddam Hussein’s regime, it is estimated that some 800,000 people were displaced in the north, mainly Kurds, but also Assyrians and Turkomen. In the south and centre, between 100,000 and 200,000 Marsh Arabs and at least 25,000 Arab Shi’ites were displaced.” [50a] (p1)

6.253 The Dutch country report December 2004 noted that:

“In broad terms internally displaced persons can be broken down into three categories. The first category is primarily made up of Marsh Arabs, who were driven out of their original homes in the south of Iraq in the nineties by the previous regime, and the Arabs and Kurds who had to leave their areas under the arabisation policy. ... The group is found mainly in the south of Iraq (Basra, Maysan and Dhi’Qar) and in the KRG areas. The second category primarily consists of Arabs from central Iraq (especially Diyala and Salah Al-Din). They were forced to settle elsewhere under the arabisation policy and are now being forced to leave these areas. ... The third category of internally displaced persons is made up of families fleeing temporary violent conflagrations, such as in Fallujah, Kerbala, Tell-Afar, Kufa and Samarra. These people generally return home as soon as the situation so permits.” [71c] (p70)

6.254 The Forced Migration Review January 2005 added that “Kurds comprise the largest number of displaced Iraqis. Almost all Iraqi Kurds have been refugees or IDPs at some time in their lives.” [49a]

6.255 The Forced Migration Review January 2005 stated that “With little involvement of international organisations, the Marsh Arabs have been returning to their homes and rebuilding their old lives. [49a]

6.256 The report added that “Many Shi’ite refugees have also now returned to their former towns in villages elsewhere in southern Iraq. Because of its relative ethnic homogeneity and the fact that settlers were never brought in to replace forcibly displaced populations, the south of Iraq in general poses fewer problems for refugee and IDP returns.” [49a]

6.257 As documented in the Global IDP Project report November 2004, “Displaced and other vulnerable families frequently resort to sending their children to work in order to get by.” [50a] (p5)

6.258 The same report noted that “Certain groups of IDPs face increasing restrictions on their freedom of movement as well as harassment. There has been a rising trend of newly-displaced Arabs, mainly in the centre (including Tameem, Ninewa and Diyala), being subjected to aggressive searches by Coalition Forces, detained without charge, and accused of association with the former government or terrorist groups.” [108 (p5)]

6.259 The Global IDP Project report also mentioned that IDPs are further at risk from landmines and unexploded shells, as well as facing eviction from public buildings without being provided with alternative accommodation and problems receiving food at the public distribution centres because of lack of documentation required for monthly food rations. [108 (p5)]

6.260 IRIN news reported on 4 January 2004 that thousands of IDPs live in tents or mud shacks, with no income with which to buy their way out of the situation and totally dependent on the monthly food rations under the Oil-for-Food programme. [18j] (p3-4)

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De-Arabisation

6.261 As mentioned in the HRW report August 2004, “Since 1975, the former Iraqi government forcibly displaced hundreds of thousands of Kurds, Turkomans, and Assyrians from their homes, and brought in Arab settlers to replace them, under a policy known as ‘Arabization.’” [15q] (p1) The HRW report August 2004 stated that:

“Kurds and other non-Arabs in Kirkuk faced constant harassment, and were forced to choose between immediate expulsion or joining the Ba`th Party, changing their ethnic identity (commonly referred to as ‘nationality correction’) to Arab, and ‘volunteering’ for paramilitary forces such as the Jerusalem Army (Jaysh al-Quds). Families who refused to comply were issued expulsion orders requiring them to leave their homes and were then expelled to the Kurdish-controlled areas. The government of Iraq expelled approximately 120,000 persons from Kirkuk and other areas under Iraqi government control during the 1990s in furtherance of its Arabization policies. Arabs were encouraged to settle in the north through financial incentives and subsidized home prices.” [15q] (p2)

6.262 The Dutch country report December 2004 stated that “After the overthrow of Saddam Hussein, returning Kurds started to demand their original homes back from the Arabs now living there. The KRG [Kurdish Regional Government] encouraged Kurds to return to the area around Kirkuk in order to boost the political role of the Kurdish in the area.” [71c] (p70) Also reported in the IRIN news article dated 23 September 2004. [18e]

6.263 The HRW report August 2004 noted that “The impact of three decades of forced displacement and Arabization has been immense. U.N.-Habitat counted a total of 805,505 displaced persons living in the Kurdish governorates of Arbil, Duhok, and Sulaimaniyya in 2001.” [15q] (P2)

6.664 The HRW report August 2004 stated that:

“The lack of widespread retaliation killings and other serious human rights abuses by Kurdish forces should not obscure the underlying reality of a dramatic change in power relations in northern Iraq. Arab families are almost completely powerless in the face of Kurdish forces, which were among the few militias in Iraq to have been allowed by U.S. and coalition forces to retain their arms. Serious intimidation of Arab families by Kurdish officials has taken place in areas where *Peshmerga* forces of both the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) began deploying following the fall of the former Iraqi government.” [15q] (p4)

6.265 The HRW report August 2004 noted that:

“Much of the Arab population brought to rural areas in the north during the Arabization campaign fled during the war, leaving large swaths of territory unpopulated. Among the reasons cited by the Arabs for their flight were the intensity of the bombing campaign and the proximity of the front lines with its associated dangers, fears of revenge from returning Kurds, and in many cases the remarkable recognition that the land they lived on did not truly belong to them, but rather to the Kurds or other minorities who had been expelled.” [15q] (p28)

6.266 The HRW report August 2004 explained that:

“While the majority of Arabs who had come north during the Arabization campaign fled their homes without facing direct threats or violence, a significant number who chose to remain in their homes did face direct threats and intimidation from returning Kurds, although Human Rights Watch is not aware of many cases in which such threats materialized into violence or killings. In almost all cases, returning Kurds left pre-Arabization Arab populations alone and focused their threats and intimidation on the Arabs who had come north during the Arabization campaign.” [15q] (p34)

6.267 The HRW report August 2004 observed that:

“Not all of the victims of Arabization had the force, or the willingness, to expel Arab settlers by force. The small Assyrian Christian community of northern Iraq was also targeted for Arabization, being expelled from their homes in Kirkuk and losing much of their farmlands in Nineveh governorate. Many Assyrians ultimately emigrated out of Iraq, forming substantial communities in the United States and Europe.” [15q] (p42)

6.268 On 9 July 2003, an AFP article reported that “Kurdish peshmerga fighters returning to their former homes in eastern Iraq have driven out thousands of Sh’ite Muslim families relocated to the region by Saddam Hussein’s regime a generation ago.” Around 7,000 Arab families had been forced to flee on foot or by car from Khanaqin. One former peshmerga who was then a policeman thought that the evictions were a fair state of affairs. Another policeman said that it had been made clear to the Arabs that they were not welcome but that a few Arab and Turkmen families who were not considered guilty of collaboration with Saddam’s regime had stayed. [99e]

6.269 The British-Danish Fact Finding Mission reported in August 2003 that “Leaders of Arab tribes in these areas have approached KDP and PUK and informed them that the former regime brought these Arab tribes to the Kurdish areas under pressure. The Arab tribal leaders acknowledged that they inhabited Kurdish properties and assured the Kurdish parties that they would leave but asked for this process to be implemented in an orderly way.” [30a] (paras 4.9-4.12)

6.270 On 19 February 2004 the BBC reported that: “[The Global IDP Project] that monitors displaced people says about 100,000 Arabs have been forced from their homes by returning Kurds in northern Iraq. The Global IDP Project estimates that about 30,000 Kurds who were evicted under Saddam Hussein have gone back to their home towns and villages. The Arab families have been pushed out, or fled, the group says. Many are camped in abandoned public buildings in non-Kurdish areas and are dependent on food aid.” [4z]

6.271 An article from HRW dated 3 August 2004 quoted Sarah Leah Whitson, executive director of Human Rights Watch’s Middle East and North Africa division as saying, “Kurds are flocking back to Kirkuk, but the city has little capacity to absorb them....They are living in abandoned buildings and tent camps without running water or electricity supplies, and they face precarious security conditions”. Arabs are in a precarious position as well. HRW notes that, “Many such families fled their homes during the U.S.-led invasion or were forced to do so subsequently, particularly in rural areas, but have remained in the vicinity in makeshift shelters and without basic amenities. Others living in urban areas, notably Kirkuk, never left and are waiting for their own property claims to be resolved.” [15f] (p1-2)

6.272 In a separate report dated August 2004 HRW documented that:

“In almost all cases, returning Kurds left pre-Arabization Arab populations alone and focused their threats and intimidation on the Arabs who had come north during the Arabization campaign. In most cases of intimidation documented by Human Rights Watch, fighters and sometimes civilian politicians of the two main Kurdish political parties—the KDP and the PUK—took a direct role in the intimidation, suggesting that the two political parties either actively supported the forced displacement of Arabs who had come north through Arabization, or at the very least condoned such abuses.” [15h] (p35)

6.273 HRW noted that the U.S. forces often reached trouble areas after forced displacement had occurred, and that most U.S. troops took aggressive steps to end such abuses once they reached the scene. [15h] (p35)

6.274 The same report noted that:

"Many other families in government-owned housing in Khanaqin faced similar eviction threats from PUK officials—including Kurdish and Turkoman families, in addition to Arab families. It appears that the main motivation behind many of these evictions was to free up housing for PUK *Peshmerga* families, and the families of PUK members who had been killed ('martyred') by the government of Saddam Hussein, rather than to allow those displaced by Arabization to return." [15h] (p37)

6.775 The Forced Migration Review January 2005 stated that "While many have returned south to former towns and villages, others – without communities to return to or who fear insecurity in places of origin – remain in makeshift camps in the north, particularly around Mosul. [49a]

6.776 On 17 September 2004 IRIN reported that, "An estimated 11,300 residents of the towns of Khanaqin and Mandeli in the Diyala governorate in northern Iraq are occupying a football stadium and tents near Baqouba in the south of the governorate, after being forced out of their homes. Residents not considered ethnically Kurdish or Turkmen were asked to leave their houses by the governor of Diyala province recently, Safah Hussein, internally displaced persons coordinator at the Iraqi Ministry of Migration and Displacement, told IRIN." [18z] (p1) The article added, "But to complicate matters, 'hundreds' of Kurdish people have been forced out of houses in the towns of Ramadi and Samarra in the insurgent-heavy 'Sunni Triangle' north and west of Baghdad. Many of them want to return to their homes in the northeast region, Amin said." [18z] (p1)

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Land and Property Rights

6.277 UNHCR in a document dated August 2004 observed that:

"The Iraq Property Claims Commission (IPCC) is the organization set up to reinstate peoples' property rights that were taken away by widespread property confiscations by the former Iraqi Government....The Iraqi Governing Council (IGC) played a lead role in drafting the Statute that established the IPCC and its boundaries....The IPCC process is open to all persons, or their heirs, who have been wrongfully deprived of real property (e.g. house, apartment or parcel of land) or an interest in real property (e.g. right to farm the land) because of actions taken by the former governments between July 17, 1968 and April 9, 2003 and or actions which can be attributed to them. The latter includes actions carried out by Ba'ath party members and relatives of senior officials of the government or Ba'ath party.

Claims may also be made by people who lost or lose real property or an interest in real property between March 18, 2003 and June 30, 2005 as a result of their ethnicity, religion, or sect, or for purposes of ethnic cleansing, or by individuals who had been previously dispossessed of their property as a result of the former government's policy of property confiscation...." [40b] (p13)

6.278 The Ministry of Migration and Displacement published an article in a local newspaper in April 2004 in order to inform readers about the existence and functions of the IPCC. However, no further public information on the IPCC was forthcoming. UNHCR noted that persons interviewed expressed frustration at not having heard anything about the IPCC since April, and that they had scepticism about its ability to resolve property disputes in a timely manner. [40b] (p14-15)

6.279 On 26 April 2004 the Foreign and Commonwealth Office said that:

"The Iraqi Property Claims Commission (IPCC), established by the Iraqi Governing Council, is a high-profile initiative that is a key part of the effort to redress the Ba'athist crimes against the Iraqi people. Strongly supported by the CPA, the IPCC provides Iraqi citizens of all ethnic and religious backgrounds with legal mechanisms to apply for the return of, or compensation for, real property - land, homes and other buildings - removed from them during from July 17, 1968 until April 9, 2003. The IPCC opened its offices across Iraq during March and April 2004, and will remain open until 1 January 2005. No estimate has been made of the number of property complaints in Iraq, but there are an estimated 1,000,000 internally displaced people (IDPs) in the country, of which 800,000 are estimated to be in the Kurdish Regional Government (KRG) areas. It is estimated that the IPCC will take over 5 years to process the applications and rule on the individual cases. A Ministry for Displacement and Migration has been established by the Iraqi Governing Council." [66a] (p4)

6.280 However Human Rights Watch reported on 3 August 2004 that:

"Although legislation was formally passed in January [2004] establishing an Iraq Property Claims Commission (IPCC), neither it nor its implementing instructions were finalized until June. More than 6,000 claims have reportedly been lodged at IPCC offices in 10 of the country's 18 governorates, but the judicial mechanism put in place for the adjudication of these property disputes has still not been implemented. The commission's statute also failed to adequately address the question of where Arab settler families are to be resettled once they have vacated disputed property. Many of them have lived in Kirkuk and other Arabized areas since the 1970s and have long since severed connections with their area of origin". [15f] (p1-2)

6.281 IRIN news added on 17 September 2004 that, "The law also says no final decisions can be made about houses and property before a government is elected and a new Iraqi constitution is approved." [18z] (p1) Moreover the Netherlands General Official Report on Iraq dated June 2004 noted that, "The interim constitution states that the status of Kirkuk will be reviewed when a permanent constitution has been adopted." [71b]

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Refugee Camps

6.282 The HRW report August 2004 stated that "For the Kurds who did own homes in Kirkuk and had them seized by the government, the situation was often intolerable. Like the other displaced, they found themselves living in mud homes without running water in camps like Benislawa, in the knowledge that an Arab was living in much more comfortable surroundings in their former home in Kirkuk." [15q] (p52)

6.283 A BBC article dated 14 Decmeber 2004 reported that "The UNHCR is to close several camps for Iraqi refugees in Iran because more than half of the 202,000 exiles have returned home." [4u]

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Kidnappings

6.284 Centurion, a risk assessment service, stated on 14 June 2004 that "There remains a very high threat of kidnappings in both Sunni and Shi'a Arab areas of Iraq. This includes kidnap by tribal and criminal gangs in order to obtain a reward from militia groups. The threat in Baghdad remains very high and there is an increase of warnings to the north in Tikrit and Mosul." [58a] (p3)

6.285 The Dutch country report December 2004 also mentioned that "There were frequent instances of abduction during the reporting period. These abductions were both in exchange for ransom by criminals and / or gangs and politically motivated abductions." [71c] (p51)

6.286 As mentioned in the British / Danish fact finding mission report October 2004, kidnappers tended to target rich upper and middle classes for economic reasons. [30c] (p8, 9-10) The AI report June 2004 also noted that "Doctors and other professionals have been amongst the primary targets for kidnapping or killing because they are perceived to be wealthy." [28a] (p8)

6.287 Asia Times reiterated this in an article dated 7 August 2004, "Several Iraqi Christians have been kidnapped over the past year. This again has to do with a general perception in Iraq that the Christian community is wealthy. But not all Christians are, and some of those who have been abducted have not been able to raise the enormous ransom demanded by their kidnappers." [56a] (p1)

6.288 The Dutch country report December 2004 noted that “Victims included soft targets such as civilians, including children, and employees of aid organisations or foreign companies.” [71c] (p51) The British / Danish fact finding mission report October 2004 added that “As a consequence of this, families tended to send their children and women out of the country, with the men staying behind to prevent the property being taken.” [30c] (p8)

6.289 The Dutch country report December 2004 stated that “Members of the Iraqi military were also regularly abducted. In most cases they were killed.” [71c] (p51) Centurion, a risk assessment service, stated on 14 June 2004 that:

“It is also assessed that the threat of kidnapping directed against members of the international community remains high. The threat is now exacerbated by events in the Shi 'a south. Insurgent groups are reported to be offering financial rewards for any foreign nationals taken hostage. In some areas of Iraq, reports state that criminal kidnapping is 'rampant and apparently unstoppable’”. [58a] (p3)

6.290 The The British / Danish fact finding mission report October 2004 mentioned that foreigners had only become targets for kidnappings since April 2004. [30c] (p8) The Dutch country report December 2004 stated that “Responsibility has been claimed by Islamic groups such as the ‘Tawhid wal Jihad’, now known as ‘Tanzeem Qaedat Al-Jihad Fee Bilad Al-Rafidain’ headed by Abu Mussab Al-Zarqawi, the Martyrs’ Brigade and the Brigades of Divine Fury.” [71c] (p51)

6.291 The Institute for War and Peace Reporting noted on 17 September 2004 that there is disagreement between various insurgents in Falluja over the treatment of hostages, "The Black Banners have a reputation for killing any foreigner or accused collaborator who falls into their hands, while Naami claims that Janabi's group only seeks ransom and 'does not kill any spy or hostage'." [11m] (p2) The article added that "In a possible indication of internal debate over the issue, a group with a similar name to Hadid's issued a request over Arab satellite television, asking the Muslim Clerics' Board – a gathering of Sunni religious scholars which many insurgents take as their ideological reference-point – to issue a fatwa or ruling defining hostage-taking." [11m] (p2)

6.292 With regards to protection in Falluja, the article added, "Iraqi government forces are absent from the equation of power in the town. The police play little role, there is no National Guard, and even the Fallujah Protection Brigade, established last April to keep order in the town, was dissolved a month ago when its members were seen fighting alongside the insurgents." [11m] (p2)

6.293 The Iraqi Press Monitor on 22 September 2004 noted that Al-Mutamar newspaper reported that, "Kirkuk police claim to have arrested two kidnapping networks. Police chief Tarhan Yousif said the networks were responsible for kidnapping 38 Kurd and Turkmen persons for ransom and for political

motives. Yousif added that investigations are underway to get more information about the networks' activities." [46j] (p2)

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Organised Crime and Corruption

6.294 The Associated Press noted on 10 August 2004 that, "Iraqis are learning that they still need to push recalcitrant clerks to perform their duties, and that 'Ikramiya,' an Arabic euphemism for bribery, still reigns - and is getting worse." A new anti-corruption commission was set up in June 2004 to investigate complaints dating back from the previous regime, however few people know about it. [65a] (p2)

6.295 UNHCR in August 2004 noted that, "Despite the introduction of a Code of Conduct, the temptation for police officials to supplement their meagre salaries through corruption is of particular concern. Nevertheless, a strong willingness to learn and good attendance for duty have also been demonstrated. The accountability of the Iraqi Police Forces currently falls under the Minister of Justice." [40b] (p3)

6.296 As mentioned in the British / Danish fact finding mission report October 2004, the Iraqi police were ineffective in combating organised crime. [30c] (p8)

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Treatment of Asylum Seekers

6.297 As noted in the USSD report 2004:

"The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees." [2a] (p9)

6.298 However, the USCRI stated that "Iraq hosted more than 130,000 refugees in 2003 - including 100,000 Palestinians, some 14,500 Iranians, 13,000 Kurds from Turkey, and about 4,000 Syrians." [44a]

6.299 The Government cooperated with U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers." [2a] (p9)

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Third Country Nationals

6.300 As mentioned in the July 2003 Joint British-Danish Fact-Finding Mission, third country nationals in Iraq were viewed with suspicion by many Iraqis due to their perceived affiliation with the former regime. In particular

Palestinian refugees had been targeted in the aftermath of the war. Several hundred Palestinian families had been evicted, mainly by landlords who were unhappy with the lease terms imposed by the former regime. The evictions, which had in some instances been violent, continued. There were 800 such displaced Palestinian families in a camp in Baghdad and perhaps a further 900 families in Jordan. There had also been reports of harassment against couples of mixed nationality, e.g. Egyptians married to Iraqi nationals. [30a] (para 4.29-4.33)

6.301 UNHCR added in August 2004 that, "Refugees have witnessed a marked deterioration in their access to basic services and other humanitarian assistance. In addition, as regards respect for their basic human rights, the situation changes according to groups and regions, but is overall far from satisfactory." [40b] (p4)

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Palestinians

6.302 The US Committee for Refugees and Immigrants (USCRI) report 2004 stated that:

"Palestinians—up to 100,000 residing mostly in Baghdad—found themselves displaced anew when their Iraqi landlords demanded exorbitant rents or evicted them outright, resenting the subsidized housing and special privileges that Saddam Hussein had extended to Palestinians. About 1,500 turned Baghdad's Haifa Sports Club into a makeshift refugee camp in April [2003], pitching hundreds of tents on the soccer field, where many remained throughout the year." [44a]

6.303 The Scotsman reported on 30 June 2003 that the Palestinians, who sought sanctuary in Iraq under Saddam, were provided with free government housing or accommodation rented cheaply from Iraqi landlords at Saddam's instruction. Saddam's generosity was politically motivated but many Iraqis resented their leader's patronage and since Saddam's fall many Palestinians had been evicted or forced to leave because of massive rent increases. [29a]

6.304 The On 10 September 2003 the UN's Office for the Co-ordination of Humanitarian Affairs reported that UNHCR and the Iraqi Red Crescent had provided tents, installed electricity and built showers and toilets at the camp. The ICRC had built a water piping system with additional water dispensers provided by 'The Muslim Hands' NGO. A Norwegian church provided medicines to the Palestinian clinic. But residents at the camp said the tents were unbearably hot in summer, there was no water supply to individual tents and not enough water overall. The UNHCR was pushing the CPA to allow the Palestinians to use an empty apartment complex nearby as an interim measure while a permanent solution was found. [18g]

6.305 IRIN noted on 21 June 2004 that, "170 Palestinians who fled Iraq last year have now left a no man's land site and the adjacent al-Ruweished refugee camp on the Jordanian border and returned to Baghdad. The

refugees said they had given up hope of finding a new home in the Middle East and preferred to return to Baghdad. UNHCR is providing all the returnees with transport assistance and various relief items." [18p] (p2)

6.106 The British / Danish fact finding mission report stated that although the Palestinian returnees do not face any persecution from the Iraqi Government, the Government has not been firm in providing protection for them. [30c] (p28)
The same report noted that Palestinians experienced hostility and discrimination because they were viewed as being associated with Saddam Hussein. [30c] (p29)

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Iranians

6.307 IRIN reported on 13 July 2004 that accommodation is being provided for 250 Iranian Kurdish refugee families who went to the northern Sulaymaniyah governorate, saying they had left deteriorating conditions in Al-Tash camp in the western Iraqi province of Al-Anbar. The article stated that in April and May [2004] numerous families fled the Sunni triangle area. The article documents a backlash against Kurds and a reduction in aid getting through to Al Tash camp. [18t] (p1-2)

6.308 The USCRI report 2004 noted that "One group of 1,200 became stranded in the no-man's land between the Iraqi and Jordanian borders in April 2003, when Jordanian officials refused to let the refugees enter the country. They remained there into the new year, living in inhospitable conditions through the scorching summer and freezing winter." [44a]

6.309 The same report noted that:

"In Southern Iraq, Iraqi militia forced some 1,000 of the estimated 6,000 Iranian Arab refugees from homes where they had lived for nearly 20 years. UNHCR helped 3,800 Iranian refugees repatriate during the year, but appealed to Iraq's neighboring states to postpone the repatriation of Iraqi refugees, expressing concern for their safety and the lack of international representatives inside the country." [44a]

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Treatment of Returned Refugees and Failed Asylum Seekers

6.310 Despite the on-going war, an estimated 55,000 Iraqi refugees repatriated during the year, leaving more than 600,000 Iraqi refugees still outside Iraq. Some 40,000 Iraqis applied for asylum during the year—mostly in Europe—as the war and its fallout caused a new displacement of tens of thousands of Iraqis and long-term refugee residents in the country.

6.311 The British / Danish fact finding mission report October 2004 stated that:

“Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that Iraqis returning from abroad had full access to the education and health system. They would also receive the monthly food package. UN-sources in Amman (2) added that the distribution of food was working very well.

Representatives for the Iraqi Ministry of Justice in Baghdad stated that all Iraqi citizens, including Iraqis returning from abroad, had equal rights. Dual citizenship was accepted.” [30c] (p37)

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Annex A

Chronology of Major Events

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 May 1994: Saddam Hussein becomes Prime Minister.

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

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

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

14 April 1995: UNSC Resolution 986 allows the partial resumption of Iraq's oil exports to buy food and medicine ("oil for food programme"). Iraq does not accept it until May 1996 and it is not implemented until December 1996.

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

1996: Fighting resumes between the KDP and the PUK

February 1996: Two of Saddam's son-in-laws, Hussein Kamel and Saddam Kamel, are executed after returning to Iraq following their earlier defection to Jordan.

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

3 September 1996: The US extends the northern limit of the southern no-fly zone to latitude 33 degrees north, just south of Baghdad.

23 October 1996: A cease-fire between the KDP and PUK ends the fighting for the rest of 1996.

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

12 October 1997: Truce brokered by the United States, the United Kingdom and Turkey, called the "Ankara Process" broken when PUK forces attack KDP positions.

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

January 1998: Crisis between the Iraqi Government and the United Nations Special Commission following the stopping of the work of the UN investigation team.

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

17 January 1998: President Saddam threatens to halt all co-operation with UNSCOM if sanctions are not lifted.

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

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

23 February 1998: UN Secretary-General Kofi Annan brokered a memorandum of understanding allowing UNSCOM to inspect eight "presidential sites".

2 March 1998: UN Security Council adopts Resolution 1154 threatening Iraq with the "severest consequences" if it breaches the February 23 memorandum of understanding.

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

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

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

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

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

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

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

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

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

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

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

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

9 August 1998: UNSCOM suspends inspections.

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

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

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

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

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

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

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

17 November 1998: UNSCOM inspectors returns to Iraq.

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

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

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

16-20 December 1998: "Operation Desert Fox" The US and UK launches air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes. [1a] (p488 - 489) [1b] (p2185)

January and February 1999: Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft causes the latter to respond in self-defence. [1a] (p489)

19 February 1999: Disturbances in southern Iraq following the assassination of Grand Ayatollah Mohammed Sadeq al-Sadr, spiritual leader of the Shi'i sect, and his sons. Later followers of al-Sadr are arrested and executed. There are also demonstrations by Kurds in northern Iraq against the capture by the Turkish authorities of the Turkish PKK leader Abdullah Ocalan. [4i] (p2)

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

December 1999: The UN Security Council adopts Resolution 1284 (1999) which creates a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body is established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. [1a] (p490) Iraq rejects the resolution.

January 2000: Iraq repeats its rejection of Resolution 1284, insisting on the total lifting of sanctions as a precondition for the return of UN arms inspectors to Iraq. [1a] (p492)

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

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

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

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

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

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

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

February 2001: Britain and United States carry out bombing raids in an attempt to disable Iraq's air defence network. [41] (p2)

18 February 2001: Franso Hariri, former governor of Arbil and a central committee member of the KDP, is assassinated on his way home from Arbil. He was allegedly killed by armed terrorists.

May 2001: Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party. [41] (p2)

January 2002: Iraq invites a UN human rights expert to visit for the first time since envoys were banned from the country in 1992. [1b] (p2187)

4 February 2002: It is announced that Iraq has expressed its willingness to hold talks "without preconditions" with Kofi Annan, the UN Secretary General. [1b] (p2187)

May 2002: UN SC members agree to revise sanction regime to ease humanitarian impact. [1a] (p496)

1-3 May 2002: Talks aimed at achieving a breakthrough in the stand-off over weapons inspection take place in New York between Iraqi Foreign Minister Naji Sabri Ahmad al-Hadithi, UN Secretary General Kofi Annan and Hans Blix head of the UN's weapons inspection agency UNMOVIC. They end without any agreement reached, Iraq agrees to attend a third round in Vienna in early July. [1b] (p2187)

17 September 2002: UNMOVIC and Iraq hold preliminary talks at UN headquarters in New York about arrangements relating to the resumption of inspections as a follow up to earlier talks in Vienna. Further talks agreed.

1 October 2002: The United Nations and Iraq end 2 days of talks in Vienna on practical arrangements needed to facilitate the return of UN weapons inspectors to Iraq.

George Bush tells a UN General assembly session to confront "the grave and gathering danger" of Iraq, or stand by as the US acts. [41] (p3)

October 2002: The British government publishes its dossier on Iraq's weapons of mass destruction.

4 October 2002: PUK & KDP reconvene parliament in northern Iraq.

16 October 2002: Saddam Hussein wins 100% vote in a referendum ensuring him another 7 years as President.

20 October 2002: Reported that Saddam Hussein announced a general amnesty for Iraqi prisoners.

27 November 2002: UN weapons inspectors resume inspections within Iraq after a four-year absence. They are backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms. [4i] (p3) [1b] (p2188)

March 2003: Chief weapons inspector Hans Blix reports that Iraq has accelerated its co-operation with the UN but says inspectors need more time to verify Iraq's compliance. [4i] (p4)

20 March 2003: The US and the UK begin military action against Iraq. [4i] (p4)

9 April 2003 US forces advance into central Baghdad. Saddam Hussein's grip on the city is broken. In the following days Kurdish fighters and US forces take control of the northern cities of Kirkuk and Mosul. There is widespread looting in the capital and other cities. [4i] (p4) [1b] (p2189) [2a] (p1)

10 April 2003: Senior Shi'a Cleric, Abdul Majid al-Khoei is murdered in Najaf. [4h] (p2)

April 2003 US lists 55 most-wanted members of former regime in the form of a deck of cards. Former deputy prime minister Tariq Aziz is taken into custody. [1b] (p2189)

1 May 2003 President Bush officially declares an end to 'major combat operations'. [1b] (p2189)

May 2003 UN Security Council approves resolution backing US-led administration in Iraq and lifting of economic sanctions. US administrator abolishes Ba'ath Party and institutions of former regime. [4i] (p5)

July 2003 Interim Governing Council (IGC) meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay are killed in gun battle in Mosul. [4i] (p5)

August 2003 Bomb attack at Jordanian embassy in Baghdad kills 11; attack at UN HQ in Baghdad kills over 20 including UN's chief envoy. Saddam's cousin Ali Hassan al-Majid, or Chemical Ali, captured. Car bomb in Najaf kills 125 including Shia leader Ayatollah Mohammed Baqr al-Hakim. [1a] (p498) [1b] (p2189)

October 2003 UN Security Council approve amended US resolution on Iraq giving new legitimacy to US-led administration but stressing early transfer of power to Iraqis. [4i] (p5)

October 2003 Dozens are killed in Baghdad bombings, including attack on Red Cross office. [4i] (p5)

November 2003 Security situation continues to deteriorate. By early

November - six months after President Bush declared the war over - more US soldiers have been killed in Iraq than died during the war to oust Saddam. In the course of the month 105 coalition troops are killed - the highest monthly death toll since the war began. [4i] (p5)

15 November 2003 Governing Council unveils accelerated timetable for transferring country to Iraqi control. [1b] (p2189)

13 December 2003 Saddam Hussein is captured. [1b] (p2190)

1 February 2004 More than 100 people are killed in Erbil in a double suicide attack on the offices of PUK and KDP. [99c] [4i] (p5) [6s] (p14)

March 2004 US-backed Governing Council agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands. [1b] (p2190)

2 March 2004 A series of bombs exploded during the Shia festival of Ashoura killing more than 180 people. [1b] (p2190)

4 April 2004 Demonstrations by supporters of Moqtada Sadr descend into riots in the Sadr city area of Baghdad, as well as in Najaf, Nasiriyah and Amara. Nine coalition troops and more than 50 Iraqis are killed in the clashes, which are described as the worst unrest since Saddam Hussein fell. [6s] (p9-10)

April 2004 US forces surround and blockade Fallujah. 100 Iraqis are reportedly killed in 5 days of fighting. Two members of the interim cabinet resign in protest. [1b] (p2190) Coalition forces fight Shia gunman and sunni insurgents on several fronts. Local Militia take control of Najaf and Kut [6s] (p7-9)

21 April 2004 Five suicide bombings near police stations and police academy in southern city of Basra kill 74 people and wound 160 others. [65g]

29 April 2004 Photos released of US human rights abuses in Abu Ghraib. Many of the pictures were taken in Autumn 2003 but not released until April. [18m] (p1) [6s] (p7)

17 May 2004 Ezzedine Salim, then head of the Iraqi Interim Governing Council is assassinated. [62a] (p1)

28 May 2004 The 25 members of Iraq's US-appointed governing council choose Ayad Allawi, a former Ba'athist turned CIA supporter, to serve as the country's interim prime minister after the June 30 handover. [6s] (p5)

12 June 2004 Deputy Foreign Minister Bassam Qubba is killed. [62a] (p1) [6s] (p4)

17 June 2004 A sport utility vehicle packed with artillery shells slams into a crowd waiting to volunteer for the Iraqi military, killing 35 people and wounding 138. [65g]

21 June 2004 Members of Iran's Revolutionary Guard detain eight United Kingdom servicemen for allegedly straying into the Iranian side of the Shatt al-Arab waterway. The men are shown blindfolded on Iranian television, but are released on 24 June 2004. [62a] (p7)

24 June 2004 Coordinated attacks in north and central Iraq leave 89 people dead, including three U.S. soldiers; at least 318 are wounded. [65g]

28 June 2004 Iraq's US-led administration transfers sovereignty to the interim Iraqi government in a surprise move two days ahead of the scheduled handover. Paul Bremer, the outgoing US governor, signs over control of the country and responsibility for dealing with its escalating security troubles to the interim prime minister, Ayad Allawi, in Baghdad. [6s] (p3)

1 July 2004 Saddam Hussein is shown in court. [6s] (p3)

28 July 2004 A car bomb explodes outside a police station used as a recruiting center in Baqouba, killing at least 68 people and wounding more than 50. [65g] [6s] (p3)

1 August 2004 A series of co-ordinated explosions on churches across Baghdad and Mosul. 12 people are killed and 40 others wounded. [3b] (p46177)

August 2004 Ferocious fighting erupts in Najaf breaking a ceasefire agreement. [6s] (p1)

Salem Chalabi, the man organising the trial of Saddam Hussein, is left facing a murder charge after an Iraqi judge issues a warrant for his arrest. [6d] Clashes also break out in Baghdad's Sadr City slum, and in the southern towns of Kut and Amara, while demonstrators in Nassiriya torch prime minister Iyad Allawi's political party office. [67a] (p1)

11 August 2004 Ahmed Chalabi, a former US ally, has returned to Iraq where he faces arrest on money counterfeiting charges. [4y] (p1) These charges were later (28 September 2004) dropped. [46k] (p2)

27 August 2004 The 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shia leader. Iraqi Shia militants are instructed to lay down their arms and leave the Imam Ali shrine - Shia Islam's holiest. [4c]

8 November 2004 The US and Iraqi forces began their offensive against the Sunni rebel city of Fallujah. [100a]

30 January 2005 The multi-party national elections were held in Iraq. [6v] The Shia United Iraqi Alliance (UIA) wins with 48 percent of the votes cast and 140 seats in the 275 seat National Assembly. [4n] [17c] The Kurdish Alliance, led by Jalal Talabani, obtains 26 percent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the interim Prime Minister Ayad Allawi, gains third place with 14 percent and 40 seats. [4r] [6t]

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Annex B

Political Organisations

The Institute for War and Peace Reporting (IWPR) reported that “Since only 500 signatures are required to register a political party, hundreds of new parties have formed since the fall of Saddam Hussein.” [11p]

On 14 September 2004 IRIN noted that:

“New political parties in Iraq have been more interested in consolidating their power against other political parties, rather than letting voters know what they stand for, a senior US diplomat watching the process told IRIN, declining to be named. Residents regard many of the new political parties with suspicion, since they are made up of former exiles who lived outside the country during much of Saddam Hussein's regime, the diplomat said.” [18y] (p1)

As documented in the Institute for War and Peace Reporting (IWPR) “A total of 111 blocs, parties and independent candidates have registered for the election – but only a handful carry real political weight and are expected to do well.” [11p]

They include:

United Iraqi Alliance (UIA)

The IWPR report stated that “Often described as the Shia bloc, this grouping includes the main Shia parties and was formed with the blessing of the supreme leader Grand Ayatollah Ali al-Sistani.” [11p]

The BBC report dated 31 January 2005 observed that “The list is dominated by Shia Muslims, but also includes Christians, Turkomans, Sunnis and Kurds.” [4q] (p3)

The BBC report dated 31 January indicated that the UIA had 228 candidates in the election and it contained over 20 groups, movements and political parties. The same BBC report and the IWRP report said that they included:

Supreme Council for the Islamic Revolution in Iraq (SCIRI) a party that largely believes in clerical rule. Its leader Abdul Aziz al-Hakim heads the United Iraqi Alliance. It was based in Iran for much of the Saddam Hussein era. SCIRI had its own militia, the Badr Brigade, until late 2003 when private militia were banned.

According to a Middle East Intelligence Bulletin report of October 2003, SCIRI was the best organised, the most capable and perhaps the most popular of the Sh'ite political organisations. Its leaders are ideological

compatriots of the Iranian clerical establishment (many of them are of Iranian descent), while its military commanders have worked closely with the Iranian Islamic Revolutionary Guard Corps for twenty years. However, SCIRI looked increasingly to mobilise support among Iraqi Shi'a and maintain good relations with Sunni and Kurdish groups. After the fall of Saddam, SCIRI was particularly strong in Diyala governorate and exercised political control over the towns of Shahraban and Khalis, and also in al-Kut. In the south, SCIRI used its office in Basra to extend its political influence in nearby towns and villages, with significant influence in Najaf and Karbala, although the precise extent of this influence was difficult to gauge. [39c] (p2-3)

SCIRI is governed by a General Assembly of 70-100 key personalities. The General Assembly elects a 12-member Central Committee, SCIRI's highest decision-making body. The Chairman is Abdelaziz al-Hakim, who assumed the role when his brother, Muhammad Baqir al-Hakim, was killed, along with over a hundred others, in a bomb attack in Najaf on 29 August 2003. SCIRI appeared to have coped well with the assassination of Muhammad Baqir al-Hakim, but Abdelaziz's leadership was at the time of the MEIB report relatively untested. [39c] (p1-2)

After initially refusing to take part in the provisional Iraqi government, in July 2003 SCIRI changed its mind and Abdelaziz agreed to take a seat on the Interim Governing Council; one of its members assumed the post of Reconstruction and Housing Minister in the Iraqi cabinet and SCIRI also assumed control of the Ministry of Sports and Youth. [39c] (p4)

SCIRI's militia is the Badr Brigade, established in 1983. The Badr corps was thought to have 10,000-15,000 fighters, of whom around 3,000 were professionally trained. Large numbers of Badr Brigade fighters entered Iraq following the collapse of Saddam's regime and there were intense clashes between Badr forces and pro-regime elements, including Ba'ath Party loyalists, local tribesmen loyal to Saddam and the Mojahedin-e-Khalq. [39c] (p2-3)

The Brigade had begun to disarm after the war but after the assassination of al-Hakim it established a heavy security presence in Najaf and, although the militia later reduced its presence on the streets, it still operates in the city. In mid-September 2003 armed Badr fighters stormed the residence of a former Ba'ath party official in Najaf and took him away for questioning. A number of subsequent security breaches, including the mortar attack on SCIRI's office in Kirkuk in early October that killed a SCIRI official, have led to calls for an even broader resurgence of the militia. Officially however, the Badr Corps was renamed the "Badr Organization for Development and Reconstruction" and was put to work rebuilding infrastructure and other humanitarian projects. [39c] (p4)

SCIRI has enjoyed good relations with both the PUK and KDP.

Relations with Sunni (or predominantly Sunni) factions have been cooler, and sometimes hostile. [39c] (p4) According to the Middle East Intelligence Bulletin:

“SCIRI is anathema to secular Arab nationalists who fear Iranian domination, while some Sunni Islamists see the resurgence of Shiite religious freedom as a threat. In early September, the Council of Ulema, a grouping of Sunni clerics established five days after the fall of Saddam's regime, accused Shiite clerics of seizing control over 18 Sunni mosques around the country, calling it 'a grave phenomenon akin to ethnic cleansing and the Balkanization of Iraq.' Nevertheless, it must be borne in mind that Sunni Islamists also suffered immensely under Saddam and many developed ties with SCIRI while in exile. Serious conflict between Shiite and Sunni Islamists in Iraq is unlikely to materialize in the near future.” [39c] (p4-5)

The same document goes on to note that:

“Although SCIRI's relations with the Daawa party and the marjaiyya remain good, its relationship with the Sadrists has been marked by tensions. Nevertheless, this rivalry is not yet as explosive as some have suggested. Asked if a rival Shiite faction may have been responsible for the killing of Hakim, Jabr replied, 'I totally rule this out. Throughout hundreds of years, the holy city of Najaf has witnessed only conflicts of ideas and dialogue of thoughts. Such acts are alien to the city of Najaf and to Shiite religious action.' In fact since Hakim's assassination SCIRI's relations with the Sadrists have improved.” [39c] (p5)

Al-Daawa (Hezb al-Daawa al-Islamiyya)(Islamic Call Party), the oldest Shia political group. It was based in Iran during the Saddam Hussein's regime. [4q] (p3-4) [11p]

As noted in the Middle East Intelligence Bulletin in June 2003:

“The organization’s secretive structure made it Saddam Hussein's most fearsome opponent - its remarkable list of accomplishments includes at least seven attempts to assassinate the former Iraqi president and the near-fatal shooting of his son, Uday. The organization pioneered the use of suicide bombings and simultaneous terror attacks in the Middle East. US officials thought the movement had been largely eradicated inside Iraq - until it organized the first major anti-American demonstration in April.” [39a] (p1) (The Foreign and Commonwealth Office disputes that US officials would ever have thought al-Da’awa had largely been eradicated in Iraq [56a]) The Middle East Intelligence Bulletin added that unlike SCIRI, al-Daawa has never advocated direct clerical control of the state and ostensibly supports a pluralist democratic system. [39a] (p1)

The Middle East Intelligence Bulletin stated that Al-Daawa emerged in the aftermath of Iraq's 1958 revolution. Its spiritual leader was Muhammad Baqir al-Sadr. Grand Ayatollah Muhsin al-Hakim and other senior clergymen also influenced the party, though the religious establishment was careful to avoid taking overtly political stances. The operational leader of the party was Sheikh Arif al-Basri. [39a] (p1-2)

The Middle East Intelligence Bulletin also noted that:

"The toppling of the Baathist regime enabled al-Daawa to establish itself openly in the southern and central regions of the country. It was al-Daawa that organized the first demonstrations against the US presence in Nasiriyah. The meticulous planning that had underpinned those demonstrations indicates the party had maintained an active presence in certain regions of Shiite Iraq throughout the rule of Saddam Hussein. Several key al-Daawa leaders have since returned to Iraq, most notably Ibrahim al-Jaafari and Muhammad Baqir al-Nasiri, an influential ideologue previously based in Tehran.

Although the party has not been willing to officially cooperate with the American authorities, its leaders appear intent on avoiding actions that might sabotage the delicate transition to some form of representative government in Iraq. A member of its political bureau recently told Al-Hayat that his organization 'does not see any interest in a US withdrawal from Iraq at this moment.' Nasiri has openly criticized those who have attempted to impose strict Islamic dress codes in Shiite areas. There are also some indications that the party may be cooperating with the United States in rooting out armed resistance. A recent statement by an anti-American Iraqi nationalist group accused al-Daawa of treason for informing the occupation forces about the resistance forces.

Hezb al-Daawa has proved itself to be an adaptable and resilient ideological movement and activist network. Its main challenge will be transforming itself from a secretive cell-based organization into a popular political party.” [39a] (p5)

The Basra headquarters of Al-Daawa was targeted in gunfire attacks in early September according to a report by albawaba.com on 7 September 2003. No-one was injured. Two men were captured by Al-Daawa people in connection with the attack but no information was available on who they were or which group they might belong to. An Al-Daawa spokesman said the men would be handed over to Iraqi police after they had been interrogated. [27a]

Iraqi National Congress, an exile group chaired by one-time United States ally Ahmed Chalabi. A US Congressional Research Service report in January 2004 stated that:

"The INC was formally constituted when the two main Kurdish militias, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), participated in a June 1992 meeting in Vienna of dozens of opposition groups. In October 1992, major Shiite Islamist groups came into the coalition when the INC met in Kurdish-controlled northern Iraq. The INC appeared viable because it brought under one banner varying Iraqi ethnic groups and diverse political ideologies, including nationalists, ex-military officers, and defectors from Iraq's ruling Baath Party. The Kurds provided the INC with a source of armed force and a presence on Iraqi territory. Its constituent groups publicly united around a platform that appeared to match U.S. values and interests, including human rights, democracy, pluralism, "federalism", ... the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq. However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian internal structure, and because of inherent tensions among its varied ethnic groups and ideologies. The INC's first Executive Committee consisted of KDP leader Masud Barzani, ex-Baath Party and military official Hassan Naqib, and moderate Shiite cleric Mohammad Bahr al-Ulum. (Barzani and Bahr al-Ulum are now on the 25-member post-war Governing Council and both are part of its nine member rotating presidency.)" [33b] (p3)

The FCO noted on 26 April 2004 that the INC had become dominated by Ahmad Chalabi rather than a genuine umbrella organisation. [66a] (p5)

Badr Organisation

Central Grouping Party

Islamic Fayli Grouping in Iraq

Al-Fadilah Islamic Party

First Democratic National Party

Islamic Fayli Grouping in Iraq

Iraq's Future Groupin

Hezbollah Movement in Iraq This conservative-religious party is headed by Abdel-Karim Mahoud Al-Mohammedawi, dubbed the 'price of the marshes'. Al-Mohammedawi played a leading role in the resistance to the regime of Saddam Hussein from the southern marsh territories. The party is said to enjoy support mainly among Marsh Arabs in the south of Iraq. [71b] (Appendix 4)

Justice and Equality Grouping;

Islamic al-Dawah Party-Iraq Organisation;

Islamic Master of the Martyrs Movement;

Islamic Task Organisation;

Islamic Union for Iraqi Turkomans;

The list is also said to represent the Yazidi religious minority. [4q] (p3-4)
[11p]

Kurdish Alliance

The IWPR report stated that “In northern Iraq, the Kurds have been effectively autonomous for 12 years, and their parties are well established.” [11p] On 31 January 2005 the BBC report noted that “Their two leading political parties, who were opponents for more than a decade, have agreed to stand together in the January polls. They support a united Iraq rather than an independent Kurdistan.” [4q] (p5) As documented in the same BBC report, the Guardian report dated 27 January 2005 and the IWPR report, they included:

Kurdistan Democratic Party (KDP) has been a dominant force in Iraqi Kurdish policy for more than half a century. Led by Massoud Barzani the KDP controlled a large area of north-western Iraq and had its own armed militia, peshmerga.

The Kurdistan Democratic Party was formed in 1946, under the leadership of Mullah Mustalafa al-Barzani, in Soviet occupied territory in northern Iran. The current leader is Masud Barzani. [41b] The KDP controls Erbil and Dahuk provinces in Iraqi Kurdistan in a coalition government that includes the Iraqi Communist Party, the Assyrian Movement, the Independent Workers Party of Kurdistan, the Islamic Union and independents. The KDP participates in the Iraqi National Congress and purports to favour self-determination for Iraq’s Kurds within a unified Iraq [52a] but like the PUK, post-Saddam, although publicly it still maintains this position, it has been suggested that its real agenda is an independent Kurdish state.

Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the KDP and the Patriotic Union of Kurdistan (PUK). [19f] (p1)

Following the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes and the KDP turned to Baghdad for backing. In August 1996 the KDP sought and received help from Baghdad to capture Irbil, seat of the Kurdish regional government. [33b] (p5)

The KDP and PUK agreed a tenuous cease-fire in October 1996 [33b] (p5) but fighting between them continued through 1997 with the KDP claiming that 58,000 of its supporters were expelled from Sulaymaniyah and other PUK controlled areas. In addition, many villagers who supported the KDP were killed in attacks by the Patriotic Union of Kurdistan (PUK). [41b]

In September 1998 the KDP and PUK signed the Washington Agreement to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). On October 4 2002 they jointly reconvened the Kurdish regional parliament for the first time since the 1994 clashes. [33b] (p5)

After Saddam was ousted, Masud Barzani was part of the major-party grouping that was incorporated into the Governing Council, and both are part of the Council's rotating presidency. The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions. [33b] (p5)

Patriotic Union of Kurdistan (PUK) describes itself as a modern social-democratic party. Led by Jalal Talabani, the PUK created its own militia forces.

The PUK was formed in 1975 in the aftermath of the Algiers Accord between Iraq and Iran. Its leader is Jalal Talabani who was part of the major-party grouping that was incorporated into the Governing Council post-Saddam and as one of the Council's rotating presidents held the Presidency in November 2003. [33b] (p5) Historically the PUK sought self determination for the Kurds in a unified Iraq. [Since the fall of Saddam Hussein it purports still to do so but there are suggestions that its real agenda is a separate Kurdish state.] It controls Sulaymaniyah province in Iraqi Kurdistan with a population of approximately 1.5 million, leading a coalition government which includes the Kurdistan Toilers Party, the Kurdistan Social Democratic Party, the Islamic Movement and the Kurdistan Conservative Party. The PUK participates in the Iraqi National Congress. [52a]

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Assyrian National Party

Chaldean Democratic Union Party

Democratic House of the Two Rivers Party

Democratic National Union of Kurdistan The BBC reported on 13 January 2003 that: "The Kurdistan National Democratic Union (YNDK) worked closely with the Kurdistan Workers' Party (PKK) in the late 1990s. The two organisations issued joint statements in 1997 calling on Torkomans and Assyrians to join the PKK's attack on Turkish 'occupation' forces'. Under the leadership of Ghafur Makhmuri, the party remains hostile towards Turkish policy in the region, but has moved away from the PKK to cooperate with the Kurdistan Democratic Party (KDP). The YNDK publishes a weekly newspaper in Kurdish, Medea". [4d]

Kurdistan Communist Party

Kurdistan Democratic Socialist Party The BBC reported on 13 January 2003 that the KSDP was led by Muhammad Haj Mahmud. It had been supportive of the PUK over recent years and was a member of the PUK-led regional government based in Sulaymaniyah. "During clashes between the Kurdistan Workers Party (PKK) and the PUK in 2000, a delegation from the KTP [Kurdistan Toilers Party] and KSDP attempted to mediate between the two sides." [4d] The report stated that "The Kurdistan Socialist Democratic Party publishes a weekly

newspaper, Rebazi Azadi." [4q] The Netherlands General Official Report on Iraq dated June 2004 stated that, "After the KDP and the PUK, the 'Kurdistan Socialist Democratic Party' (KSDP) is one of the larger parties in the KRG areas. The KSDP is active in the PUK area and has a majority on the municipal councils of Said Saddiw and Qalat Deza where party members are mayors. The KSDP has council members in Sulaymaniyya and Raniya. Khaled Ahmed Hussein of the KSDP sits in the KRG/PUK government." [71b] (Appendix 4)

Kurdish Islamic Union

Kurdistan Movement of the Peasants and Oppressed

Kurdistan Toilers Party (Zahmatkeshan) [4q] (p5-6) [6p] [11p] As noted in a report by the BBC on 13 January 2003, the left-wing Kurdistan Toilers Party was led by Qadir Aziz. It had been supportive of the PUK in recent years and was a member of the PUK-led regional government in Sulaymaniyah. "During clashes between the Kurdistan Workers Party (PKK) and the PUK in 2000, a delegation from the KTP and KSDP [Kurdistan Socialist Democratic Party] attempted to mediate between the two sides." "The KTP runs a radio station – Voice of Kurdistan Toilers – and publishes a weekly newspaper – Alay Azadi – in Sorani Kurdish." Three KTP peshmergas were killed in armed clashes with Jund al-Islam in November 2001. [4q]

Al-Iraqiyun (The Iraqis)

The IWPR report observed that "Al-Iraqiyun (The Iraqis) is a bloc formed by President Ghazi al-Yawar and drawing support from tribes and some of the smaller political parties. Like many other blocs, Al-Iraqiyun has made a conscious attempt to draw support from across ethnic and religious divides." [11p]

Al-Qaimah al-Iraqiyah (The Iraqi List)

The IWPR report observed that "The Iraqi List, or Al-Qaimah al-Iraqiyah, is a bloc led by Prime Minister Ayad Allawi, and put together by his National Accord Party." [11p] The Guardian report on 27 January 2005 stated that the Iraqi list included a mixture of Sunnis and Shias, although most of its leading figures were Shias. [6p]

The BBC report dated 31 January 2005 noted that the parties in the bloc included:

Iraqi National Accord; A US Congressional Research Report in January 2004 stated that:

"The INA, originally founded in 1990 with Saudi support, consisted of defectors from Iraq's Baath Party, military, and security services who were perceived as having ties to

disgruntled officials in those organizations. It is headed by Dr. Iyad al-Alawi, former president of the Iraqi Student Union in Europe and a physician by training. He is a secular Shiite Muslim, but most of the members of the INA are Sunni Muslims. The INA's prospects appeared to brighten in August 1995 when Saddam's son-in-law Hussein Kamil al-Majid — architect of Iraq's weapons of mass destruction programs — defected to Jordan, suggesting that Saddam's grip on the military and security services was weakening. Jordan's King Hussein agreed to allow the INA to operate from there. The INA was ultimately penetrated by Iraq's intelligence services and, in June 1996, Baghdad dealt it a serious setback by arresting or executing over 100 INA sympathizers in the military.

Baghdad's offensive against the opposition accelerated with its August 1996 incursion into northern Iraq, at the invitation of the KDP. Iraq not only helped the KDP capture Irbil from the PUK, but Saddam's forces took advantage of their presence in northern Iraq to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout the north. In the course of its incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested as many as 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 oppositionists, mostly from the INC.

Prior to Operation Iraqi Freedom, Alawi claimed that the INA was operating throughout Iraq, and it apparently had rebuilt its presence in Iraq to some extent after the June 1996 arrests. Although it was cooperating with the INC at the start of the U.S.-led 2003 war, there is a history of friction between the two groups. Chalabi and the INC have argued for comprehensive purging of former Baathists from Iraq's institutions, while the INA, which has ex-Baathists in it, has argued for retaining some members of the former regime in official positions. Like the INC, the INA does not appear to have a mass following in Iraq, but it has close ties to the U.S. government and does have a constituency among pro-Western Iraqis. In post-Saddam Iraq, Alawi has also taken the lead in pushing for the establishment of an internal security service for post-war Iraq, dominated by the major exile factions. Alawi was part of the major-party grouping that became the core of the Governing Council, and Alawi has been named a member of that Council and one of its nine member rotating presidency; he was president in October 2003."

[33b] (p11-12)

Council of Iraq's Notables;

Iraqi Democrats Movement;

Democratic National Awakening Party;

Loyalty to Iraq Grouping;

Iraqi Independents Association [4q] (p4-5)

Other players

The IWPR report observed that numerous other groupings and single parties that have put themselves forward for election. [11p] As documented in a list completed by the Independent Electoral Commission of Iraq the other political parties that registered for the election were:

15th of Sha'ban Islamic Movement

Abbas Ali Zaki Hasun al-Miyah

Abd al-Satar Jabr Kat'a al-Abudi

Abd Jassim al-Sa'idi

Ahmad Hasan Mahmud

Al-Amir Ahmad Taha Ahmad Yasin Mahmud

Al-Bayan Independent Gathering of Iraq

Ali Abd Hamza al-Tamimi

Ali Musallam Jarallah Ali al-Baydani

Al-Izidiyah Movement for Progress and Reform (Yezidi)

Al-Kaldani Democratic Unity Party (Chaldean)

Al-Qasimi Democratic Assembly

Al-Rafidayn Democratic Coalition

Al-Rafidayn List

Al-Risaliyah National List

Al-Sha'baniyah Iraqi Uprising of 1991

Al-Umma Democratic Party of Iraq

Al-Umma Party

Amin Haidar Hamad

Amir Ali Husayn A'wid al-Murshadi

Assyrian National Gathering

Babil Independent Association

Baghdad Independent Citizen Gathering

Baqir al-Baqir

Brotherhood National Movement

Coalition for Iraqi National Unity

Conservative Party in Kurdistan led by Umar Surchi, is a junior partner in the PUK-led coalition government in Sulaymaniyah. The party represents tribal leaders and is dominated by the Surchi family. During 1996 KDP forces clashed with fighters from the Surchi family's home villages, killing Umar Surchi's brother. The PUK supported the Conservative Party in the short-lived conflict, prompting the Conservative Party to ally itself openly with the PUK". [4d]

Democratic Arab Front

Democratic Construction Party

Democratic Iraqi Gathering

Democratic Iraqi People's Party

Democratic Islamic Party

Democratic National Coalition

Democratic Society Movement (HMD)

Falah Hasan Abd al-Amir al-A'radi

Free Officers and Civilians Movement formed in 1996, and based in Baghdad, the founder and leader is Nagib al-Salihi. [1a] (p530)

Gathering of Democratic Tribes of Iraq

General Unity for the Youth of Iraq

Ghalib Muhsin Abd Husayn al-Sabahi

Hashemite Iraqi Royal Gathering The aim of the RDA is by its own account the restoration of the Hashemite Kingdom of Iraq. The

organisation is led by Nabil Janabi, an exile who has returned to Iraq since the fall of Saddam Hussein. The RDA upholds mainly Arab-nationalist views. Its support is said to consist primarily of Sunni Arabs. [71b] (Appendix 4)

Home Democratic Liberal Party headed by Haitham al-Hasani Homeland Gathering formed in 1995, the Iraqi Homeland Party is a liberal Sunni party allied with SCIRI. Its leader is Mishaan al-Jubouri. It publishes a newspaper called al-Ittijah al-Akhar. [1a] (p530)

Ibrahim Khalil Sa'id al-A'isawi

Ibrahim Shafik Khalil Ibrahim al-Basri

Independent Democratic Gathering founded by Adnan Pachachi in 2003. Seeks a secular and democratic government of Iraq. [1a] (p530)

Independent Faratain Party

Independent Iraqi Gathering

Independent List

Independent Progressive Front

Iraq Democratic Current

Iraqi Assembly for Democracy

Iraqi Commission for Civil Society Enterprise

Iraqi Council for Humanitarian Nongovernmental Organizations

Iraqi Democratic Congress

Iraqi Independent Democratic Gathering for Liberation and Construction

Iraqi Islamic Party Founded in 1960. Secretary General is Mohsen Abd al-Hamid. [1a] (p530) This Sunni party has links with the international Islamic (Sunni) organisation known as the 'Muslim Brotherhood' and aims to establish an Islamic state system. [71b] (Appendix 4)

Iraqi National Brotherhood Party

Iraqi National Rescue Party

Iraqi Popular Democratic Coalition

Iraqi Republican Group

Iraqi Turkoman Brotherhood Party

Islamic Action Organization in Iraq (Munazzamat al-Amal al-Islami or Islamic Amal Organisation) As documented in the January 2004 US Congressional Research Service Report for Congress:

"Another Shiite Islamist organization, the Islamic Amal (Action) Organization, has traditionally been allied with SCIRI. In the early 1980s, Islamic Amal was under the SCIRI umbrella but later broke with it. It is headed by Mohammed Taqi Modarassi, a Shiite cleric, who returned to Iraq from exile in Iran in April 2003, after Saddam Hussein's regime fell. Islamic Amal, which has a following among Shiite Islamists mainly in Karbala, conducted attacks against Saddam Hussein's regime in the 1980s. However, it does not appear to have a following nearly as large as SCIRI or the other Shiite Islamist groups. Modarassi's brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which tried to stir up Shiite unrest against the Bahrain regime in the 1980s and 1990s. Since returning to Iraq in April 2003, Mohammad Taqi has argued against violent opposition to the U.S. occupation, saying that such a challenge would plunge Iraq into civil warfare. On November 14, 2003, Modarassi criticized the United States for not holding elections to any of the political bodies formed thus far." [33b] (p11)

Islamic Al-Da'wah Movement

Islamic Conference of Iraqi Tribes

Islamic Democratic Movement

Islamic Talia'a Party

Islamic Union Party in Iraq

Islamic Wifaq Movement

Justice and Future Coalition

Kazim Jasim Ali al-Fadili al-Husayni

Kurdistan Democratic Solution Party Kurdish Media on 19 May 2003 carried a report from Ozgurpolitika (a Turkish language, pro-PKK Kurdish daily) that the Kurdistan Democratic Solutions Party (PCDK) announced that it is abandoning armed struggle and would instead be directing its energies into political action. PCDK was formed after the Kurdistan Workers Party (PKK) was dissolved and transformed into the Kurdistan Freedom and Democracy Congress (KADEK). [21a]

Kurdistan Islamic Group in Iraq (Komaly Islami) Founded in 2001 as splinter group of the Islamic Movement of Iraqi Kurdistan (IMIK), described by Europa as moderate Islamist aligned with the PUK, but see below. [1a] (p531)

A fringe Islamic group in northern Iraq, Komaly Islami claimed to be a moderate organisation according to the Los Angeles Times on 3 September 2003. [103a] But according to a Los Angeles Times report carried in the Concord Monitor on 15 July 2003 it is allied to Ansar al-Islam. Its leader, Ali Baqir, and three of his followers, were arrested by the Americans in July 2003. Before the war, Komaly Islami had between 3 – 5,000 followers living in and around Khurmali, in north-eastern Iraq. The PUK had been paying Komaly Islami hundreds of thousands of dollars a year in the hope of tempering its radical tendencies but in early 2003 decided the group was too close to Ansar and included them in the targeting instructions it gave to the Americans, which widened the scope of its cruise missile attacks to include several Komaly Islami bases around Khurmali. [103b]

Liberal Democratic Iraqi Party

Liberation and Reconciliation Gathering

List of Independents

Mahmud Taha Abud al-Qarnah al-Jaburi

Malik Abd al-Husayn Ghafuri

Mash'al Awad al-Sari

Mosul Tribes Union Council

Muhammad Abd Awad al-Dulaymi

Muhammad Dahham Nazal

Muhammad Kazim Fayruz al-Hindawi

Muhammad Muhsin Ali al-Zubaydi

Muhammad Rashad al-Fadi

Muthna Fadil Muhammad al-Ibrahimi

National Assembly

National Association of Iraqi Tribal Leaders and Sheikhs

National Tribes Organization

National Democratic Alliance

National Democratic Party

National Gathering for Centrist Current

National Independent Cadres and Elites

National Iraqi Gathering

New Iraq Revival Movement

Nizar Talib Abd al-Karim

People's Union

Royal Constitutionality of al-Sharif Ali bin al-Husayn

Sheikh Sa'dun Ghulam Ali Abd al-Karim al-Lami

Support for Democracy Party of Iraq

Thar Allah Islamic Organization

Turkoman Nationalist Movement

Twentieth Revolution Grandchildren Gathering

Unified Iraq Coalition

Union Party

United Islamic Iraqi Fayli Kurds

United Labor Democratic Front

Wadi Muhammad Wadi al-Khalifah [94a]

The Sunni electorate

The IWPR report stated that “The highest-profile – if not necessarily the most representative – voices are those of the insurgents, who demand uncompromising war on the Iraqi interim administration, its foreign sponsors, and the democratic processes they espouse.” [11p] An article by the IWPR dated 14 February 2005 reported that “Iraq’s major Sunni political groups boycotted the January 30 election, after the influential Muslim Scholars’ Association said a fair poll was impossible because of the continuing violence in Sunni-majority areas.” [11r]

As documented in the BBC article dated 31 January 2005 the following parties boycotted the election:

The Iraqi Islamic Party has affiliations with the wider Muslim Brotherhood in the Middle East. Although the Iraqi Islamic Party branded the elections illegitimate and refused to participate in the transitional administration, the party has recently been in negotiations with the veteran Sunni politician Adnan Pachachi, who wants Sunni groups to take part in shaping the new constitution.

The Muslim Clerics' Council, an association of influential religious figures, demanded a total boycott of the poll for as long as foreign troops remain in Iraq. [4q] (p6) [11p]

National Front for the Unity of Iraq;

Shaykh Muhammad Jawwad al-Khalisi (Secretary-General of the INCC);

Dr Wamid Jamal Nazmi (Spokesman);

Arab Nationalist Trend Movement;

Imam al-Khalisi University;

Democratic Reform Party;

United National Front;

Iraqi Turkoman Front Formed in 1995 and based in Erbil, the Iraqi Turkmen Front is a coalition of 26 Turkmen groups led by Faruk Abdullah Abd ar-Rahman. It seeks autonomy for Turkmen areas in Iraq, recognition of Turkmen as one of the main ethnic groups in Iraq and supports establish of a democratic multi-party system in Iraq. [1a] (p531)

Iraqi Christian Democratic Party;

Islamic Bloc in Iraq;

Office of Ayatollah Ahmad al-Husayni al-Baghdadi;

Office of Ayatollah Qasim al-Tai;

Union of Iraqi Jurists;

Higher Committee for Human Rights;

Iraqi Women's Association [4q] (p6-7) Led by Sondul Chapouk [1a] (p531) who is a member of the Interim Governing Council. [66a] (p5)

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Current Militia

Ansar al-Islam

According to a US Congressional research report in January 2004:

"In the mid-1990s, the two main Kurdish parties enjoyed good relations with a small Kurdish Islamic faction, the Islamic Movement of Iraqi Kurdistan (IMIK), which is headed by Shaikh Ali Abd-al Aziz. Based in Halabja, Iraq, the IMIK publicized the effects of Baghdad's March 1988 chemical attack on that city, and it allied with the PUK in 1998.

A radical faction of the IMIK split off in 1998, calling itself the Jund al-Islam (Army of Islam). It later changed its name to Ansar al-Islam (Partisans of Islam). This Ansar faction was led by Mullah Krekar, an Islamist Kurd who reportedly had once studied under Shaikh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Ansar reportedly associated itself with Al Qaeda and agreed to host in its northern Iraq enclave Al Qaeda fighters, mostly of Arab origin, who had fled the U.S.-led war in Afghanistan in 2001. Prior to Operation Iraqi Freedom, during which its base was captured, about 600 primarily Arab fighters lived in the Ansar al-Islam enclave, near the town of Khurmali. Ansar fighters clashed with the PUK around Halabja in December 2002, and Ansar gunmen were allegedly responsible for an assassination attempt against PUK prime minister Barham Salih in April 2002. Possibly because his Ansar movement was largely taken over by the Arab fighters from Afghanistan, Krekar left northern Iraq for northern Europe. He was detained in Norway in August 2002 and was arrested again in early January 2004.

The leader of the Arab contingent within Ansar al-Islam is said by U.S. officials to be Abu Musab al-Zarqawi, an Arab of Jordanian origin who reportedly fought in Afghanistan. Zarqawi has been linked to Al Qaeda plots in Jordan during the December 1999 millennium celebration, the assassination in Jordan of U.S. diplomat Lawrence Foley (2002), and to reported attempts in 2002 to spread the biological agent ricin in London and possibly other places in Europe. In a presentation to the U.N. Security Council on February 5, 2003, Secretary of State Powell tied Zarqawi and Ansar to Saddam Hussein's regime, which might have viewed Ansar al-Islam as a means of pressuring Baghdad's Kurdish opponents. Although Zarqawi reportedly received medical treatment in Baghdad in May 2002 after fleeing Afghanistan, many experts believed Baghdad-Ansar links were tenuous or even non-existent; Baghdad did not control northern Iraq even before Operation Iraqi Freedom. Zarqawi's current whereabouts are unknown, although some unconfirmed press reports indicate he might have fled to Iran after the fall of the Ansar camp to U.S.-led forces. Some recent press accounts

say Iran might have him in custody. U.S. officials have said since August 2003 that some Ansar fighters, possibly at the direction of Zarqawi, might have remained in or re-entered Iraq and are participating in the resistance to the U.S. occupation, possibly including organizing acts of terrorism such as recent car/truck bombings (see below). One press report quotes U.S. intelligence as assessing the number of Ansar fighters inside Iraq at 150. Ansar al-Islam is not listed by the State Department as Foreign Terrorist Organization (FTO)." [33b] (p5-6)

US officials estimated that 250 of Ansar al-Islam's estimated 700 fighters were killed in attacks by US and Kurdish forces in March 2003. Its bases were destroyed and its arms seized. Hundreds of Ansar members fled into Iran or hid out on the Iran/Iraq border. At the time it was written off as an effective force but there is evidence that it is returning to Iraq and operating in small groups throughout the country. Ansar is closely linked with al-Qaeda and US officials believe it is one of the groups responsible for attacks on their forces. [103a] In mid-July 2003 US forces uncovered a seven-member Ansar al-Islam cell in Baghdad, suggesting the group had expanded its area of operations, according to a report in Time on 11 August 2003. Further doubt on the extent to which the Ansar threat had been neutralised was raised by the bombing of the Jordanian embassy in Baghdad in August, an attack which bore the hallmarks of an Ansar operation. [36a]. As noted in the Reuters report on 24 August 2003 Ansar was also linked with the bombing of the UN's Baghdad Headquarters but denied that they were responsible. [7b]

The Los Angeles Times reported on 3 September 2003 that some Iraqi local authorities doubted that Ansar had the resources or the sophistication to mount a co-ordinated nation-wide campaign, particularly in the south where they did not have the necessary knowledge of the terrain, but acknowledged that the group may be involved in some attacks. It was also suggested that the US and the Kurds were exaggerating the threat from Ansar al-Islam as an excuse to maintain the pressure on political Islamic groups more generally. [103a]

The Economist reported on 5 August 2003 that

"The forces of the largely Kurdish Sunni extremist Islamists, Ansar al-Islam, who were believed by the Kurdish leadership before the war to be linked to the al-Qaida organisation of Saudi dissident Osama bin Laden and to have had "international" fighters among their number, appear to have been largely dislodged. However, some are alleged to remain close to the Iranian border, as well as on the run in Baghdad itself, and they could target coalition forces." [19f] (p3)

On 27 August 2003 an Ansar fighter known as Mullah Namo and two or three (reports vary) other Islamic militants were involved in a battle with over 100 Kurdish police and security forces according to reports in Los Angeles Times on 29 August and 3 September 2003. After lengthy negotiations Mullah Namo agreed to surrender but, as police approached, he and the militants opened

fire, killing a Kurdish colonel and, according to one report, a young girl. Namu and 2 militants were killed. In one report, a third militant was arrested. [103a] [99f]

A May 2004 Middle East Intelligence Bulletin reported that, "In October, coalition forces in Mosul captured a senior Ansar leader, Aso Hawleri. A week later, Lt. Gen. Norton Schwartz, director of operations for the Pentagon's joint staff, warned that Ansar al-Islam had reemerged as the coalition's 'principal organized terrorist adversary in Iraq.'" [39b] (p2)

Ansar al-Sunna

As noted by AFP on 11 February 2004: "The newspaper said Ansar al-Sunna broke away from the Ansar al-Islam group [in] October [2003] and was led by an Arab whose alias is Abu Abdullah Hasan bin Mahmud. Ansar al-Sunna is more extreme, said the newspaper". The group claimed responsibility for twin suicide bomb attacks on the offices of the PUK and KDP in Arbil in which at least 105 people died. "The newspaper said the motive of the attack was to 'punish' the two Kurdish secular groups, which control Iraqi Kurdistan, for their alliance with the US-led coalition." [99c]

In May 2004 the Middle East Intelligence Bulletin noted that, "According to Hawlati [independent Kurdish newspaper], Abu Abdullah's deputies, in order of rank, are Hemin Bani Shari and Umar Bazynai. Hawlati alleges that Bani Shari was once a KDP peshmerga. Subsequent claims of responsibility and statements indicate that in addition to its political leadership, Ansar al-Sunna maintains both military and information operation committees." [39b] (p2)

The same article added that, "Ansar al-Sunna unequivocally presents itself as a pan-Islamic movement. Of seven Ansar al-Sunna suicide bombers who have given pre-operation interviews on video, the accents and appearance of six clearly suggest that they are non-Iraq Arabs; one is an Iraqi Kurd." [39b] (p2) The same report stated that, "Ansar al-Sunna's activities show a well-trained group able to operate throughout much of northern Iraq and Western Iraq, though it does not appear able to operate effectively in the Shiite heartland." [39b] (p3)

Jund al-Islam

See Ansar al-Islam. [33b] (p5)

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)
(For clarity, the Kurdistan Workers' Party is referred to here as the PKK throughout.)

The PKK is a proscribed group under the British Terrorism Act 2000. [30d] (p3)

According to an AFP report on KurdishMedia on 13 January 2004, the latest names to be adopted by the Kurdistan Workers Party were the Kurdistan People's Congress, the People's Congress of Kurdistan and KONGRA-GEL. The names were added to the US terrorism blacklist. [99h]

According to the Federation of American Scientists, the PKK had 5,000 heavily armed guerrillas, mostly based in northern Iraq. At its 2000 Congress, PKK claimed that it would henceforth use only political means to achieve its new goal of improved rights for Kurds in Turkey. At its April 2002 Congress the PKK changed its name to KADEK: the Kurdistan Freedom and Democracy Congress, although most reporters tend still to use PKK. It also restated its commitment to non-violent activity but refused to disband or disarm its armed wing, the People Defence Force. [41a] AFP reported on 2 September 2003 that on 1 September PKK revoked its cease-fire although it said that it did not plan an immediate offensive. [99d] The US and Turkey were working together to disband PKK guerrillas in northern Iraq and were offering a partial amnesty to fighters who were not part of the leadership: if they surrendered by February 2004 they would earn lenient sentences, according to a report by BusinessWeek on 29 September 2003. [43a] On 10 November 2003 the BBC reported that US forces had clashed with 'unknown forces' near Dahuk. The Turkish foreign minister said the clash had been with PKK rebels; if that is confirmed it would be the first known clash between US and PKK forces. [4k] The Kurdistan Observer reported on 11 November 2003 that the PKK announced that it was dissolving in order to make for a new, more democratic structure that would allow for broader participation with a view to negotiating a peaceful settlement. The announcement made no direct mention of the clash with US forces just days before. [10a]

Mehdi Army - Moqtada Al-Sadr (see Other Prominent People)

The Foreign and Commonwealth Office on 22 October 2004 stated that, "Moqtada Al-Sadr, a radical Shia cleric has a group of illegal militia supporters, also known as the Mehdi Army. Following a ceasefire with the Iraqi authorities and US military in Najaf, and Sadr city, the Iraqi Interim Government, with the help of the religious authorities and other Iraqi groups, are attempting to draw Muqtada Al-Sadr and his supporters to be brought back into the political process." [66c] (p4)

Al Tawhid wa al-Jihad - Al-Zarqawi (see Other Prominent People)

The Foreign and Commonwealth Office on 22 October 2004 noted that Abu Musab Al-Zarqawi is based in Fallujah and leads the Al Tawhid wa al-Jihad group of extremist fundamentalist Sunnis. "HM Treasury have ordered any UK assets belonging to the group to be frozen." [66c] (p4)

The US Weekly Standard on 16 August 2004 noted that Umar Baziyani, Zarqawi's number four, a member of the Tawhid legislative council, and the "emir" of Baghdad, was captured by the US and through several days of interrogation revealed substantial information about Zarqawi's militia. The article stated that:

"He claims that there are nine regional leaders of the Falluja-based Tawhid and Jihad under Zarqawi. His deputy, also based in Falluja, is known as Mahi Shami. If U.S. intelligence manages to catch up with these two top leaders, there are still regional 'emirs' fanned out around Iraq, which could make the network incredibly difficult to break. For instance, Baziyani explained during his interrogation that he had been

replaced as emir of Baghdad after his arrest. There are also regional emirs in the Kurdish north (Hussein Salim), the western Anbar province (Abdullah Abu Azzam), and the city of Mosul (Abu Tallah). In this way, Tawhid and Jihad can execute spectacular terrorist attacks throughout the country." [76a] (p1-2)

In addition the article added that:

"Baziyani also details the military strength of Tawhid and Jihad. He lists seven military commanders under Zarqawi's control throughout Iraq with about 1,400 fighters at their disposal. Not surprisingly, Baziyani stated that the Falluja group, headed by Abu Nawas Falujayee, has the most fighters with 500. Second to Falluja is Mosul, with 400 fighters. (Analysts believe Mosul is a haven for former Ansar al Islam fighters.) There are also strongholds in Anbar (60 fighters), Baghdad (40 fighters), and Diyala, the province just northeast of Baghdad (80 fighters). According to Baziyani, most of the fighters in Tawhid and Jihad are Iraqi Arabs and Kurds--not foreign jihadis--which corroborates reports by U.S. intelligence that the foreign fighter presence is much smaller than previously imagined." [76a] (p2)

Other Militias

IWPR reported on 23 February that a statement signed by a dozen shadowy groups vowed that they would take control of Iraqi cities once the coalition withdraws. The signatories included: Muhammed's Army (Jaysh Muhammed), Ansar al-Sunna (Followers of the Sunna [Faith]), and the Iraqi Islamic Resistance (Muqawama al-Iraqi al-Islamiya). Most of the groups have previously claimed responsibility for attacks against the coalition. "Baghdad residents dismiss the pledge to win control of Iraqi cities as mere bravado." [11c]

A US congressional research report in January 2004 said that the resistance was operating under a number of different names including:

Al Awda (the Return), believed to be one of the largest and most active resistance group;

Saddam's Fedayeen, remnants of the paramilitary force that were the most tenacious of Iraqi forces during the 2003 major combat;

Saddam's Jihad;

Movement of the Victorious Sect;

Iraq's Revolutionaries - Al Anbar's Armed Brigades;

The Popular Resistance for the Liberation of Iraq;

Salafist Jihad Group (Salafi is a Sunni extremist Islamic movement);

Armed Islamic Movement for Al Qaeda - Falluja Branch. Actual linkages to Al Qaeda, if any, are not known;

Jaysh (Army) of Mohammad, said to be a highly active group;

Black Banners Group

Nasirite Organization and;

Armed Vanguard of the Second Mohammad Army. Claimed responsibility for U.N. headquarters bombing and threatened attacks on any Arab countries that participate in Iraq peacekeeping. The credibility of the claim is not known.
[33b]

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Past Militias

This information relates to the situation prior to the fall of the Saddam regime. It should be considered in that context.

Fedayeen Saddam

The paramilitary unit responsible for security duties was also used for specific propaganda objectives. Over the years the Fedayeen Saddam became better equipped and earned a healthy wage under Iraqi standards. There were also some elite units. The Fedayeen Saddam was made up of both Sunnis and Shiites. There were several brigades of the Fedayeen Saddam in the southern towns of Najaf, Kerbala, Amara, Nasiriyya and Basra who had partially taken over the duties of the local police. [30b] (p9)

Recruitment was not performed according to the same, rigid procedures each time. In view of the fact that there were enough young men who wanted to join the unit, it seemed very unlikely that new recruits had to be forced to join the Fedayeen. An unconfirmed press report noted that they were allowed to perform summary executions. [71a] (p72)

Many young people were recruited through teachers and lecturers at schools and universities affiliated to the Ba'ath party. This occasionally involved forced recruitment, but it was possible for them to be put under pressure, for example, by a leader of their own tribe, or if they have shown that they possess special (physical and other) capabilities. If they refused to join, they would quite possibly run the risk of being picked up and tortured. Young people sometimes fled or went into hiding to evade the Fedayeen Saddam. Early resignation from the Fedayeen Saddam was not accepted and could have attracted problems, such as arrest, intimidation or physical violence. The gravity of the problems encountered depended on the specific circumstances. Young girls and young women could join the Fedayeen Saddam; it couldn't be completely ruled out that they may have also be forced to join. [71a] (p72)

Al Quds

Initially this army unit was known as the 'Volunteer Forces of Jerusalem Day'. This army, was, according to the Ba'ath authorities, supposed to be made up of volunteers, and was used for the liberation of the Palestinian areas. It was used in particular for propaganda purposes and had little military power. The name of the army was changed in February 2001 to 'Jerusalem Liberation Army/Al Quds Army'. Although the term 'voluntary' no longer featured in the name, the authorities still considered it to be a volunteer army, which is why no formal legislation had been issued making it an offence to refuse to serve in the army. Officially no charges were brought against people who refused to join this army. This would have run counter to the alleged voluntary nature of the army. Nothing was recorded in Iraqi criminal law about the 'Jerusalem Liberation Army'. [71a] (p75)

Although a volunteer army in principle, in practice it appeared that people were urgently sought to enlist. In general, 'volunteers' (men aged from approximately eighteen to fifty) were being recruited during house calls by representatives of the Ba'ath party. Men who refused to join (and were unable to bribe the recruitment officer) might have been punished, although the lack of legislation meant that the punishment was not clearly defined. It could have included food ration restrictions, problems at work, or forced termination of studies. Those who refused also found themselves registered as disloyal to the Ba'ath government in the security service files. This could possibly have led to (serious) problems for the relevant 'volunteer' and the members of his family at a later stage. As a result few probably refused. If you were already recorded as being disloyal, prior to the recruitment (because you came from a 'tainted' family, for example), refusal to serve in the 'Jerusalem Liberation Army' could have been considered a political act. Detention and maltreatment could have then be used. This was a rare category, however. [71a] (p75-76)

It was relatively simple to bribe the relevant recruitment officer. You were then released from the 'obligation' to put yourself forward as a 'volunteer'. Apparently Iraqis living abroad could have bought themselves free for USD 1,000 (€ 988). They would have had to pay this sum at the Iraqi embassy in the country where they were living and once they had paid, they were issued with a written declaration which could have been presented to the (military) authorities should they have entered Iraq. They were then no longer called up for Al Quds. Although the above amount was high in Iraqi terms, settlement has shown that the Iraqi authorities were accommodating towards people who did not want to serve as volunteers in this army. [71a] (p76)

Jash

Kurdish militias who were allied to Saddam Hussein's regime and operated as mercenaries outside the regular army (popularly derided as 'Jash' or 'Jahsh') were located in Central Iraq, especially in and around Mosul. After the intifada in 1991, large groups of Jash deserted to the Kurdish resistance. The KDP and the PUK gave the militias a 'general pardon'. The Jash were incorporated in the existing military structures there or surrendered their weapons. As far as it is known, there was little if any meting out of retribution or settling of scores. The former members of the Jash generally experienced no problems in KAZ because they came from strong tribes, who could defend themselves (if required) in the area. [71a] (p73-74)

Initially the Jash were responsible for espionage, ensuring that no anti-Government opinions were voiced and no anti-Government activities were attempted by the local Kurdish population in the north of Central Iraq. These activities also included contacts with the KDP or the PUK. They were responsible, in conjunction with the Central Iraqi security troops, for maintaining order in the district where they were serving. [71a] (p74)

Because of the military nature of the Jash-militias and the authoritarian culture in the Ba'ath regime of Central Iraq, some of these militias regularly abused their power and employed (excessive) violence. There were reports of intimidation, threats and extortion employed against the local Kurdish

population. However, there were also Jash-militias who adopted a more accommodating attitude towards the local population. According to reports, the militias were no longer created purely on the basis of clan and tribal relations, unlike in the past, and members also joined on an individual basis. Privileges and financial reward could have been considered the most important motives for joining. [71a] (p74)

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Annex E

The situation of Insurgencies - Security

The Foreign and Commonwealth Office on 22 October 2004 provided a brief summary of insurgencies in some of the main towns/areas in Iraq:

"Sadr City (suburb of Baghdad)

A poor Shia suburb of Baghdad commonly known as Sadr City remains a centre of tension despite a current ceasefire between the IIG/MNF and supporters there of Moqtada al-Sadr. The Iraqi Interim Government has made every effort to resolve the situation peacefully but the militia has continued to use threats and violence to prevent over 17,000 Iraqis from working on \$160 million worth of essential services projects designed to improve the lives of the citizens of eastern Baghdad

Fallujah

The Multinational Force continues to carry out intelligence led, targeted airstrikes against terrorist strongholds in the city. There are plans for military action, if al-Zarqawi is not handed over.

Samarra

On 30 September [2004], following a request from the IIG, Iraqi and US MNF forces began operations to secure government and police buildings in Samarra. Operations were successfully completed on 4 October [2004] with new Iraqi counter-insurgency forces performing well. Reconstruction projects are now underway, but concerns remain that insurgents have withdrawn to outlying areas and could be preparing counter-attacks. ...

Maysan

There have been security problems in Maysan related to Moqtada al-Sadr supporters. There have been a number of incidents involving Improvised Explosive Devices (IEDs) in recent weeks. Following a peace agreement the situation appears to have improved in October [2004]. Despite this overall improvement, there have been a series of high profile murders of businessmen with ties to the Iraqi Police and security services. Fighting between the Garamsha and Al-Halaf tribes has continued sporadically, interrupting communications along the main road to Maysan." [66c] (p2-3) [66d]

Mosul and Kirkuk

The UNSC report dated 8 December 2004 added that "Recently, Kirkuk, Mosul and other locations have witnessed increased violence. In Mosul, there was fighting between armed groups and the multinational force and Iraqi security forces in the aftermath of the Fallujah operation. In Kirkuk, grievances appear to be linked in part to the settlement policies carried out by the

previous regime, which are being challenged by returning Kurds who were forced out of the area and are seeking to reverse those policies.

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Prominent People

Members of Iraq's Interim Government

As at 28 February 2005

President of Iraq

Sheikh Ghazi Ajil Al-Yawar

- Sheikh Ghazi Al-Yawar, 45, a former Iraqi Governing Council member and president of the group during part of May, is the nephew of the leader of the Shammar tribe. He is a civil engineer who studied at the Petroleum and Minerals University in Saudi Arabia and at Georgetown University in Washington, D.C. Sheikh Ghazi Al-Yawar was recently the vice president of the Hicap Technology Company in Riyadh, Saudi Arabia. He was born in Mosul. [61a] (p6)

Deputy President of Iraq

Dr. Ibrahim Jaafari

- Dr. Jaafari was born in Karbala in 1947 and earned his medical degree from Mosul University. Dr. Jaafari joined the Dawa movement in 1966 and eventually became its chief spokesman. The group, the oldest Islamist movement in Iraq, was founded in the late 1950s and is based on the ideology of reforming Islamic thought and modernising religious institutions. The party was banned by Saddam Hussein in 1980, forcing Dr. Jaafari to move to Iran and then to London in 1989. He is a former Iraqi Governing Council member. [61a] (p6)

Deputy President of Iraq

Dr. Rowsch Shaways

- Dr. Shaways is currently president of the Kurdistan National Assembly. He was Prime Minister of the Arbil-based Kurdistan Regional Government from 1996-99, and resigned to become President of the Iraqi Kurdistan National Assembly. Dr. Rowsch's period in office saw key legislative changes affording women and children greater human rights than had been permitted under the old Iraqi penal system. While in Germany as a student, he was head of the Kurdish Student Union and returned to Iraq in 1975 to join the Kurdish rebellion. After the withdrawal of Saddam Hussein's forces in 1991, he became Deputy Prime Minister in the joint Kurdistan Regional Government. He was born in 1947, and earned a doctorate in engineering while studying in Germany. [61a] (p6)

Prime Minister of Iraq

Dr. Ayad Allawi

- Dr. Ayad Allawi graduated from Baghdad University from the Faculty of Medicine, and he obtained a master's of science in medicine from London University in 1976 and a doctorate in medicine from the same university in 1979. Dr. Allawi is a neurologist and businessman who began his opposition

to the former regime in 1971 when he moved to Beirut. He left Beirut in 1972 to begin his studies in the U.K. He has been a consultant to the United Nations Development Program, the World Health Organisation, and the United Nations Children's Fund. After surviving the brutal attack and assassination attempt ordered by Saddam Hussein, Dr. Allawi continued his efforts against the regime and co-founded the Iraqi National Accord, which attempted a failed 1996 coup against Saddam. He was most recently an Iraqi Governing Council member and chaired its security committee. He was born in 1945 in Baghdad. [61a] (p6)

Deputy Prime Minister

Dr. Barham Salih

- Dr. Salih, who was most recently the Regional Administrator for Sulaimaniya, was born in 1960 in Iraqi Kurdistan. He joined the Patriotic Union of Kurdistan (PUK) in 1976 and was arrested twice by the Iraqi secret police. He left Iraq in 1979, and soon became the PUK's spokesman in London. In 1991, having been elected to the PUK leadership, he departed for Washington, D.C., and served for 10-years as the PUK and Kurdistan Regional Government representative to the United States. Dr. Salih earned a bachelor's degree in civil and structural engineering from the University of Cardiff and earned a doctoral in statistics and computer modelling from the University of Liverpool. [61a] (p7)

Minister of Agriculture

Dr. Sawsan Ali Magid Al-Sharifi

- Dr. Al-Sharifi, the former Deputy Minister of Agriculture, was charged with programming and planning for reconstruction of the sector, and for ensuring the continuation of high quality research at the Ministry's numerous state boards and national production programs. She also has been the point-of-contact for USAID, CPA and World Bank reconstruction and development efforts in agriculture. Dr. Al-Sharifi earned her bachelor's degree in animal production from Baghdad University and her master's and doctoral degrees in animal breeding from Iowa State University. After returning to Iraq in 1984, Dr. Al-Sharifi held the position of Scientific Researcher at the prestigious Scientific Research Council. She is the author of more than 40 scientific research papers published in Iraqi and international journals, and she continues to supervise the research efforts of doctorate and master's degree students in Iraq. In addition to her main professional responsibilities, Dr. Al-Sharifi is also the editor of the Iraqi Journal of Agriculture. She was born in 1956 in Baghdad. [61a] (p7)

Minister of Communications

Dr. Mohammad Ali Al-Hakim

- Dr. Al-Hakim was most recently the Deputy Secretary General of the Iraqi Governing Council and Ambassador at the Iraqi Ministry of Foreign Affairs. He earned his bachelor's degree in statistics from Al-Mustansiriyyah University in Baghdad, his master's degree in computer science from Birmingham University, U.K., and a doctorate in information management from the University of Southern California. He was a global director for Nortel Networks and Cambridge Technology, and also co-founded a U.S.-based technology

company called Infoclarus. Dr. Al-Hakim has been part of several delegations representing Iraq to the international and global financial community. He was born in 1952 in Najaf. [61a] (p7)

Minister of Culture

Mr. Mufeed Mohammed Jawad al-Jaza'iri

- Mr. al-Jaza'iri obtained a master's degree in journalism in 1966 while studying in Prague. Throughout the 1960s and 1970s, Mr. Al-Jaza'iri worked as a journalist and correspondent for Al-Bilad, Arba'atash Tammouz and Tareeq ash-Sha'ab and as an editor and broadcaster for the Arabic section of Czechoslovak Radio. From 1982-1988, he travelled to Kurdish northern Iraq to join the underground opposition to Saddam Hussein. He is a member of the Iraqi Democratic Journalists, Writers & Artists Association. He was born in Al-Madhatiyah in 1939. [61a] (p7-8)

Minister of Defence

Mr. Hazem Sha'alan

- Mr. Sha'alan is Sheik of the Ghazal Tribe. He earned his degree in economics and management from Baghdad University in 1972 and began his career managing the Kut Dewanyah branches of the Iraqi Real Estate Bank. He served as Inspector General of the main branch in Baghdad from 1983-1985. He was forced to leave Iraq in 1985 because of his opposition to the former regime and managed a successful real estate firm in the U.K. He has been governor of Diwanyah since April 2003. He was born in 1947 in Diwanyah. [61a] (p8)

Minister of Displacement and Migration

Ms. Pascale Isho Warda

- Ms. Warda is president of the Assyrian Women's Union in Baghdad. She co-founded the Iraqi Society for Human Rights and served as the representative of the Assyrian Democratic Movement Foundation (ADM) in Paris. This was the highest position of any woman in the ADM, which is the primary Assyrian political party in Iraq. Additionally, Ms. Warda is the external affairs manager for the Assyrian Aid Society. She holds a degree from the Human Rights Institute at the University of Lyon in France. She was born in Duhok in 1961. [61a] (p8)

Minister of Education

Professor Sami Al-Mudhaffar

- Professor Al-Mudhaffar is the one of the most senior biochemists in Iraq and has played an important role in promoting biochemistry and related subjects such as molecular biotechnology research. He received his bachelor's degree in science with honours from Baghdad University in 1960, and then obtained his doctorate from the Virginia Polytechnic Institute and State University. Professor Al-Mudhaffar began his career in 1967 with a teaching and research lecturing position at the University of Basra in the College of Science. He was promoted to assistant professor in 1971, and in 1979 he was promoted a position as professor of biochemistry at Baghdad University. From 1968-2000, Dr. Al-Mudhaffar was a lecturer at the University of

Basra and Baghdad University in the College of Science. He has published more than 250 scientific papers, and he is a member of the editorial board of the Iraqi Journal of Chemistry and the Iraqi National Journal of Chemistry. He has received numerous fellowships, and is a member of many Iraqi and international societies and associations. Professor Al-Mudhaffar has over 33 years of teaching experience in different branches of biochemistry to undergraduate and postgraduate students. He was born in 1940 in Basra. [61a] (p8)

Minister of Electricity

Dr. Aiham Al-Sammarae

- Dr. Al-Sammarae earned his undergraduate electrical engineering degree from Baghdad University and completed his doctoral studies at Chicago ITT University. He worked for three decades for KCI, an electrical contractor, and eventually rose to become its executive director. His experience includes power plant design and power generation. He presided over the Scientific Conference for Nuclear Energy in the United States for five years and published more than 30 technical papers. During the past 12-years, Dr. Al-Sammarae participated in most of the opposition's national conferences as an executive member of the Iraqi Middle Democratic Trend. [61a] (p8-9)

Minister of Environment

Professor Mishkat Moumin

- Professor Moumin teaches law at Baghdad University and specialises in human rights courses. She is currently Assistant Director of the Iraq Foundation and is very active with the Advisory Council on Women's Affairs, which is the political branch of the Higher Council on Women. [61a] (p9)

Minister of Finance

Dr. Adel Abdul Mahdi

- Dr. Mahdi is an economist and member of the Supreme Council for the Islamic Revolution in Iraq. Born in Baghdad in 1942, he has graduate degrees in Politics and Economics from French Universities. He worked in a number of French think tanks, most recently as Head of the French Institute for Islamic Studies. He has also edited a number of magazines, in both Arabic and French and is the author of numerous publications. He was active in political life from an early age, being imprisoned, tortured and sentenced to death more than once in the 1960s. He was stripped of his job and passport in 1969, which forced him into exile in France. He lived in Iran for a time and joined the Supreme Council for the Islamic Revolution in Iraq, later serving as the official SCIRI representative in Kurdistan from 1992-1996. He served as the Deputy for Abdul Aziz al Hakim on the Iraqi Governing Council. [61a] (p9)

Minister of Foreign Affairs

Mr. Hoshyar Mahmood Mohammed Zebari

- Mr. Zebari earned a political science degree in 1976 from Jordan University in Amman and completed his master's degree in the sociology of development in 1979 from Essex University in the United Kingdom. He became a member of the Central Committee and Political Bureau of the Kurdistan Democratic Party in 1979, and served as a representative of the

KDP in Europe before managing its International Relations Office from 1988-2003. Mr. Zebari was elected to the executive council of the Iraqi National Conference in 1992 and was elected to its Presidential Council in 1999. He was born in Aqrah in 1953. [61a] (p9)

Minister of Health

Dr. Ala'adin Alwan

• Dr. Alwan holds a medical degree from the Alexandria Medical College in Egypt and postgraduate degrees from universities in the United Kingdom. He served as dean and professor at the Medical College at al-Mustansiriya University, Baghdad. Dr. Alwan was the World Health Organisation's representative and head of mission in Jordan and Oman, and served as head of the department of chronic and non-contagious diseases at the World Health Organization's offices in Geneva. He has held several positions in the Iraqi Ministry of Health and the Iraqi Ministry of Higher Education, and although his background is in medicine, Dr. Alwan also spent a major part of his career in the academic and teaching profession. He was born in 1949 in Baghdad. [61a] (p9)

Minister of Higher Education

Dr. Taher Khalaf Jabur Al-Bakaa

Dr. Al-Bakaa was most recently president of Al Mustansiriya University, where he has been a professor for more than a decade. Before rising to its presidency in 2003, Dr. Al-Bakaa's academic posts at Al-Mustansiriya include being the chair of the Department of History in 1994, chairman of the Academic Promotion Committee since 1996, and editor of the college press. He holds memberships in the Federation of Arab Historians, the Iraqi Historians and Archaeologists Association, and the Federation of Iraqi Writers and Men of Letters. Dr. Al-Bakaa earned his bachelor's, master's, and doctorate degrees in history from Baghdad University. He has authored books on regional history and has been published in several journals and magazines. He was born in 1950 in Dhi Qar. [61a] (p9-10)

Minister of Housing and Construction

Dr. Omar Al-Farouq Salim Al-Damluji

• Dr. Al-Damluji earned his bachelor's, master's, and doctoral degrees in engineering from Baghdad University, where he eventually became a civil engineering professor. He also taught at the University of Technology's Civil Engineering Department and supervised about 30 graduate and doctoral students studying civil engineering in the Universities of Baghdad, Technology, Nahrain and Kufa. He also wrote two books in soil mechanics and was a visiting professor to Hanover University and City University in London. Since 2000, Dr. Al-Damluji has served as the head of the Civil Engineering Department at Baghdad University. He is registered engineer in the Iraqi Engineers society, American Engineers society and a member of UNESCO/Iraqi higher Education Committee. [61a] (p10)

Minister for Human Rights

Dr. Bakhtiar Amin

- Dr. Amin earned a master's degree in international affairs and a doctorate in political geography from the Sorbonne in Paris. During that time, he also studied the media in Sweden and eventually returned to become country's Councillor in Immigration, Immigrants and Refugees in the 1980s. He was also Secretary General for the Kurdish Institute in Paris, councillor to Mrs. Daniel Meteran for the France Organisation of Liberties, Director of the Human Rights Coalition in Washington, D.C., and the Executive Director of Coalition for Justice in Paris and Washington. He has participated in many national and international conferences, including the Human Rights Conference in Vienna and the Durban conference in South Africa. He has also organised educational courses for Iraqi correspondents, lawyers, academics, political activists and minority's rights in Paris, Geneva and London, and he has given testimony about situations in Iraq to the U.S. Congress, European Parliament and the Arabic Cooperation Organisation. He has also been published widely on the issue of human rights. He is a native of Kirkuk. [61a] (p10)

Minister of Industry & Minerals

Dr. Hajem Al-Hassani

- Dr. Al-Hassani was born in Kirkuk in 1954 and graduated from Mosul University. In 1979 he moved to the U.S. to study international trade at the University of Nebraska and earned a doctorate in industrial organisation from the University of Connecticut. He has lectured at a number of American universities, managed an Internet company and worked most recently as head of the American Investment and Trading Company in Los Angeles. He has been a member of the board of a number of NGOs. Dr. Al-Hassani worked in the Iraqi Opposition for a number of years and became a member of the Politburo and then official spokesman of the Iraqi Islamic Party. He was elected to the follow up committee of the London Conference and has served as a Deputy Member of the Iraqi Governing Council and the Deputy Chair of its Finance Committee. [61a] (p10-11)

Minister of Interior

Mr. Falah al-Nakib

- Mr. al-Nakib is a former opposition leader with the Iraqi National Movement. He is from a prominent military family in Samarra; his father was a military chief of staff in the 1960s. Mr. al-Nakib, 48, is a U.S.-trained civil engineer and was most recently the Governor of Salah ad-Din. [61a] (p11)

Minister of Justice

Dr. Malik Dohan Al-Hassan

- Dr. Al-Hassan is a practising lawyer and recently appointed Chairman of the Special Task Force on Compensation for Victims of the Previous Regime. In 2003, he was elected President of the Iraqi Bar Association. Dr. Al-Hassan, one of Iraq's foremost authorities on tort law, began his career as an investigating judge and then served as a law professor at the University of Baghdad. He was elected twice to the Iraqi Parliament during the Monarchy and was appointed Minister of Culture and Information in 1967. Dr. Al-Hassan received his diploma in Public and Private Law and his doctorate in Law while studying in France. He was born in Al-Hilla in 1920. [61a] (p11)

Minister of Labour & Social Affairs

Ms. Leyla Abdul Latif. [61a] (p11)

Minister of Public Works

Ms. Nasreen Mustapha Berwari

- Ms. Berwari graduated in 1991 from Baghdad University with a degree in architectural engineering and urban planning. She also studied public policy and management at Harvard University's Kennedy School of Government, where she completed her master's degree in 1999. She also headed the UN Office in Kurdistan region of Iraq as Head of UN Field Office for Human Settlement in Dohuk from 1997-1998, and participating in the reconstruction of 4,000 villages destroyed under Saddam Hussein's regime. Ms. Berwari became the Minister of Reconstruction and Development for the Kurdistan Region in 1999. She was born in 1967 in Baghdad. [61a] (p11)

Minister of Oil

Mr. Thamir Abbas Ghadban

- Mr. Ghadban has worked for the Iraqi Ministry of Oil since 1973, and was detained and demoted from his position within the ministry for supporting democratic reforms. He earned his bachelor's degree in geology from University College in London and his master's degree in petroleum reservoir engineering from Imperial College at the London University. During his long career with the oil ministry, Mr. Ghadban was a reservoir engineer, head of petroleum and reservoir engineering, director general of studies and planning, a chief geologist, and chief executive officer. Mr. Ghadban has authored and co-authored more than 50 studies and technical reports dealing with various aspects of Iraqi oil fields. He was born in 1945 in Babil. [61a] (p11)

Minister of Planning

Dr. Mehdi Al-Hafidh

- Dr. Al-Hafidh represented Iraq as minister plenipotentiary at the UN in Geneva from 1978-1980. He later joined the UN system in Trade and Development where he was Director for Special Industrial Development from 1983-1996, and then served as regional director for Industrial Development until 1999. Dr. Al-Hafidh has been a member of the Council of Trustees & Consultants at the Arab Ideology Institute since 1996, and was head the Arab Association for Economic Research in Cairo from 1998-2000. He was also a founding member of the Arab Organisation for Human Rights, and worked as vice president of Al-Tasami Afro Asian Organisation since 1980. After completing his undergraduate studies in chemistry, he earned his doctorate in economic science from the University of Prague. [61a] (p12)

Minister of Science & Technology

Dr. Rashad Mandan Omar

- Dr. Omar obtained his doctorate in civil engineering from the University of London in 1977 and was the Director of the Committee for Oil Construction at the Ministry of Oil until 1999. Dr. Omar then worked in Dubai as a construction manager both in the private and state sector until his appointment as Minister of Science and Technology last September. [61a] (p12)

Minister of State for Provinces

Judge Wa'il Abdul al-Latif

- Judge al-Latif was born in Basra in 1950, and graduated with a degree in Law from Baghdad University in 1973 and with a Diploma from the Judicial Institute in 1982. He served as a Judge in Basra, Samawah and as Deputy Head of the Appeals Court in Nasseriya before being imprisoned and prevented from travelling and working under the previous regime. Judge al-Latif published a number of legal articles, especially on family law. He was elected by the Basra Provincial Council to be the Governor of Basra. [61a] (p12)

Minister of State for Women

Ms. Narmin Othman

- Ms. Othman is the former Minister of Education for Sulaimaniya, former advisor to the Ministry of Justice, and a former Minister of Social Affairs in the Kurdistan region of Iraq. She was a member of the Conference Advisory Steering Committee for the Voice of the Women of Iraq Conference on July 9, 2003. Prior to joining government service, she was an educator for eight years and a member of the Peshmerga. Ms. Othman also became the manager of the Save the Children office in Arbil and also served as manager of the Youth Activity Centre in Sulaimaniya. [61a] (p12)

Minister of State

Dr. Kasim Daoud

- Dr. Daoud, a native of Nasiriyah, graduated from Baghdad University's Faculty of Science with a bachelor's degree in 1971. He obtained his master's of science from Lawdiff in 1978, and a doctorate in microbiology and environment from the University of Wales in 1982. He worked as a scientist in the United Arab Emirates for a number of years and was the General-Secretary for the Iraqi Democratic Movement. Dr. Daoud was born in Hilla on April 13, 1949. He is married and has two daughters and one son. [61a] (p12)

Minister of State

Dr. Mamu Farham Othman

- Dr. Othman holds doctorates in English and German Philosophy. He was born in 1951. He is a scholar and linguist. [61a] (p13)

Minister of State

Mr. Adnan al-Janabi

- Mr. al-Janabi is a London-trained economist who heads the 750,000-member Janabi tribe. He earned his bachelor's degree in economics with honours from the University of London and his master's degree in petroleum technology from Loughborough University in the United Kingdom. Mr. al-Janabi was head of marketing for the Iraqi oil industry in the 1970s and was responsible for economics and finance at OPEC headquarters in Vienna for several years. He was head of foreign relations for the Iraqi Oil Ministry in the early 1980s and was also elected to the National Assembly in 1996, where he served as vice-chair of its oil committee. [61a] (p13)

Minister of Trade

Mr. Mohammed Mostafa al-Jibouri

- Mr. al-Jibouri was born in Mosul in 1949 and graduated from Mosul University in 1974 with a degree in Economics. He received a post-graduate degree in Economics from Glasgow University in 1983, and then returned to Iraq to work for the State Oil Marketing Organisation (SOMO). He was elected Director General of SOMO in May 2003. [61a] (p13)

Minister of Transportation

Mr. Louay Hatem Sultan Al Erris

- Mr. Al Erris was vice chairman of the Baghdad Provincial Council, Governor-Elect of Baghdad Province, an aircraft engineer for Boeing, and is now a Director General for Iraqi Airways. He has been a leading proponent of women's rights during his service on the local councils, and is particularly active on the City Council's Women and Children Committee. He acted as a spokesperson during the inaugural session of the City Council. Mr. Al Erris, 52, was elected to the Provincial Council in January 2004, and was subsequently chosen by his fellow council members to be vice-chairman. [61a] (p13)

Minister of Water Resources

Dr. Abdul Latif Jamal Rashid

- Dr. Rashid graduated with a degree in civil engineering from Liverpool University, U.K., in 1968 and completed his doctorate in engineering at Manchester University in 1976. He is a member of the Institution of Civil Engineers and a member of the International Commission for Irrigation & Drainage. Dr. Rashid has worked in the fields of irrigation and drainage, water control engineering, and agricultural development and management. He has provided services and consultancy for projects in Saudi Arabia, Somalia, South Yemen, and Egypt. Dr. Rashid has also been an official spokesman and representative for the Kurdistan Front Union in the United Kingdom since 1978. He was born in Sulaimaniya in 1944. [61a] (p13)

Minister of Youth and Sports

Mr. Ali Fa'iq Al-Ghabban

- Mr. Al-Ghabban was born in Baghdad in 1955. He received his Bachelor Degree in Agricultural Engineering from the University of Baghdad in 1977. He was an active member in the Supreme Council of the Islamic Revolution in Iraq and was forced to leave Iraq in 1980. Mr. Al-Ghabban has participated in several youth and sports activities outside Iraq, especially in Iran where he worked to help Iraqi refugees. He has served as a supervisor for many clubs and refugee youth centres. [61a] (p14)

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Members of Iraq's past Governing Council

Ahmad Chalabi: A Shiite and leader of the Iraqi National Congress. Chalabi, a 58-year-old former banker who left Iraq as a teenager, had been touted in some U.S. government circles as a future Iraqi leader — though he denies he has any ambitions to lead the country. He also has many critics who are

opposed to anyone ruling Iraq after spending so many years abroad. Chalabi was convicted in absentia of fraud in a banking scandal in Jordan in 1989 and sentenced to 20 years in prison. His group was formerly an umbrella organisation for a number of disparate groups, including Kurds and Shiites. [65b] (p2) In August 2004 Ahmed Chalabi faced charges of money counterfeiting in Iraq [4y] (p1) however these were dropped a month later. [46k] (p2)

Abdel-Aziz Al-Hakim: A Shiite and a leader of the Supreme Council for the Islamic Revolution in Iraq. SCIRI opposes a U.S. administration in the country but has close ties with the other U.S.-backed groups that opposed Saddam, including the Kurds and Chalabi's INC. [65b] (p2)

Jalal Talabani: A Sunni Kurd and leader of the Patriotic Union of Kurdistan. He and Massoud Barzani of the Kurdistan Democratic Party led the Kurdish zone in northern Iraq that had near-autonomy from Saddam's regime since the 1991 Gulf War. Born in Kirkuk Province in 1934, Talabani joined the KDP at the age of 15 and rose to its politburo in 1953. But he broke with the KDP and founded the PUK in 1975. [65b] (p2)

Massoud Barzani: A Sunni Kurd and leader of the Kurdistan Democratic Party. Barzani, 56, leads the KDP, founded in 1946 by his father, the legendary mountain warrior Mustafa Barzani. He was a teenager when he became an aide to his father, then became KDP president when his father died in 1979. In 1983, three of his brothers disappeared in what Kurds call an Iraqi massacre of the Barzani clan when 8,000 people were rounded up by the Baghdad regime. [65b] (p2)

Ibrahim Al-Jaafari: A Shiite and the main spokesman for the Islamic Dawa Party. The party, once based in Iran, launched a bloody campaign against Saddam's regime in the late 1970's, but it was crushed in 1982. The group said it lost 77,000 members in its war against Saddam. Born in Karbala, al-Jaafari was educated at Mosul University as a medical doctor. [65b] (p2)

Naseer Kamel Al-Chaderchi: A Sunni and leader of the National Democratic Party. He lives in Baghdad and works as a lawyer, businessman and farmowner. He is the son of Kamel al-Chaderchi, who played a leading role in Iraq's democratic development until 1968, when the Baath Party seized power. [65b] (p2)

Adnan Pachachi: A Sunni who served as foreign minister in the government deposed by Saddam's Baath party in 1968. The respected, 80-year-old politician founded the Independent Democratic Movement in February to provide a platform for Iraqis who back a secular, democratic government. He returned to Iraq in May after 32 years in exile. [65b] (p2)

Ahmad Shya'a Al-Barak: A Shiite and general coordinator for the Human Rights Association of Babel. He also is coordinator for the Iraqi Bar Association. He has worked with U.N. programs in Iraq since 1991 in the Foreign Ministry. [65b] (p2)

Raja Habib Al-Khuzaai: A Shiite woman who heads the maternity hospital in the southern city of Diwaniyah. She studied and lived in Britain from the late 1960s until 1977, when she returned to Iraq. [65b] (p2)

Hamid Majid Moussa: A Shiite and secretary of the Iraqi Communist Party since 1993. He is an economist and petroleum researcher. He left Iraq in 1978 and returned in 1983 to continue his political activities against the Saddam regime. [65b] (p2)

Mohammed Bahr Al-Uloum: A highly respected Shiite cleric who returned from London where he headed the Ahl al-Bayt charitable center. He was elected as the Shiite member of a leadership triumvirate by the Iraqi opposition after the 1991 Gulf War. [65b] (p2)

Ghazi Mashal Ajil Al-Yawer: A Sunni who was born in the northern city of Mosul. He is a civil engineer and recently vice president of Hicap Technology Co. in Saudi Arabia. [65b] (p3)

Mohsen Abdel-Hamid: A Sunni and secretary-general of the Iraqi Islamic Party. He was born in the northern city of Kirkuk and is author of more than 30 books on interpretation of the Quran. He was detained in 1996 on charge of reorganising the IIP. [65b] (p3)

Samir Shakir Mahmoud: A Sunni and member of al-Sumaidy clan. A writer from the western city of Haditha, he was a prominent figure in the opposition to Saddam's regime. [65b] (p3)

Mahmoud Othman: A Sunni Kurd who is politically independent but a longtime leader of the Kurdish National Struggle. [65b] (p3)

Salaheddine Muhammad Bahaeddine: A Sunni Kurd who was first elected secretary-general of the Kurdistan Islamic Union in the first conference of the party in 1994. He was born in the Kurdish village of Halabja and has written several books in Kurdish and Arabic. [65b] (p3)

Younadem Kana: An Assyrian Christian, secretary-general of the Democratic Assyrian Movement and active member of the Assyrian-Chaldian Christian community. He was a former minister of public works and housing and a former minister of industry and energy in Iraqi Kurdistan. He began activism against Saddam in 1979. [65b] (p3)

Mouwafak Al-Rabii: A Shiite and longtime human rights activists. A member of the British Royal Doctors' College, he practices internal medicine and neurology. [65b] (p3)

Dara Noor Alzin: A Sunni Kurd who served as a judge on the Court of Appeal. He ruled that of Saddam's edicts — confiscating land without proper compensation — was unconstitutional. He was sentenced to two years in

prison, eight of them served at the notorious Abu Ghraib prison west of Baghdad before being released in a general amnesty in October. [65b] (p3)

Sondul Chapouk: A Turkoman from the northern city of Kirkuk. She was trained as an engineer and teacher. She serves as leader of the Iraqi Women's Organisation and is a member of the Interim Governing Council. [65b] (p3)

Abdul-Karim Mahmoud Al-Mohammedawi: A Shiite, dubbed "Prince of the Marshes" for leading the resistance movement against Saddam in the southern march region of Iraq for 17 years. He was imprisoned for six years and leads the Iraqi political group Hezbollah in the southern city of Amarah. [65b] (p3)

Abdel-Zahraa Othman: A Shiite and the leader of the Islamic Dawa Movement in Basra. He is a writer, philosopher and political activist, who served as editor of several newspapers and magazines. [65b] (p3)

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Prominent people in Saddam Hussein's regime (Based on US 'pack of cards')

As documented in the BBC on 27 February 2005:

"Key leaders:

Saddam Hussein

President of Iraq, commander-in-chief of military:: **Captured by coalition forces 13 December 2003**

War crimes claims against the Iraqi leader include genocide of the Kurds, 'ethnic cleansing' in which tens of thousands of Kurds, Turkmen, Assyrians around the oil-rich city of Kirkuk were expelled as part of an 'Arabisation' programme, mass civilian executions after the Kurdish and Shia uprisings in 1991, and religious persecution.

Qusay Hussein

Special Republican Guard and Republican Guard commander:: **Killed 22 July 2003**

Saddam Hussein's younger son and chosen successor. The 36-year-old Qusay was in charge of the Special Republican Guard and the feared intelligence and security services. He is accused of curbing dissident activity in Basra after the failed Shia uprising in 1991 with mass executions and torture.

Uday Saddam Hussein

Fedayeen commander:: **Killed 22 July 2003**

Saddam Hussein's 38-year-old son was commander of Saddam's Fedayeen forces and president of the Iraqi National Olympic Committee. Uday's alleged brutality is legendary in Iraq. According to Indict, the committee seeking to prosecute the Iraqi leadership for war crimes, he was personally engaged in

acts of torture and ordered torture by forces under his command. He is said to have routinely abducted and raped women.

Abid Hamid al-Tikriti

Presidential secretary:: **Taken into custody 18 June 2003**

One of Saddam Hussein's closest aides, Abed Hamoud controlled access to the president and was frequently at his side. He is said to have directed matters of state and handed down many of the regime's repressive orders. The US says he was also authorised to deploy weapons of mass destruction.

Ali Hasan Majid

Presidential adviser, southern region commander:: **Captured by coalition forces 21 August 2003**

Saddam Hussein's cousin, Ali Hasan Majid, was known as "Chemical Ali" for his alleged role in the use of poison gas against Kurds in 1988. He had earlier been reported killed in a coalition airstrike on his house in Basra.

Izzat Ibrahim al-Douri

Vice-chairman Revolutionary Command Council, Northern regional commander

The 61-year-old deputy chairman of the Revolutionary Command Council and deputy chief of the armed forces is considered to have been Saddam Hussein's daily right-hand man. He was born in Tikrit, the Iraqi leader's home town. He was a key commander in the suppression of the failed Shia uprising in 1991. Indict also accuses Mr Ibrahim of the use of excessive military force against the Marsh Arabs of the south. He escaped an assassination attempt in Karbala in 1998. War crimes charges have been issued against him in Austria.

Aziz Salih al-Numan

Baath Party regional commander, militia commander:: **Taken into custody 22 May 2003**

The former governor of occupied Kuwait and commander of the popular army in Kuwait is accused of complicity in atrocities allegedly carried out on Kuwaiti citizens. He was governor of the Karbala and Najaf areas in the 1970s and 1980s and is believed to have been involved in the destruction of Shia Muslim shrines during that time.

Taha Yassin Ramadan

Vice-president:: **Taken into custody 18 August 2003**

The 65-year-old vice-president and commander of the popular army was known as Saddam Hussein's enforcer. He is accused of complicity in the occupation of Kuwait. He is also accused of involvement in the brutal repression of Shia Muslims who rose up against the regime in 1991 and of the killing of thousands of Kurds in the town of Halabja in 1988 when the town was attacked with poison gas bombs.

Tariq Aziz

Deputy prime minister:: **Surrendered 24 April 2003**

The only Christian in the leadership was at Saddam Hussein's side from the 1950s. The 67-year-old deputy prime minister is one of the most well-known faces of the former regime in the West. As a member of the Revolutionary Command Council, he is accused by Indict of complicity in war crimes against Iran, Kuwait and his own people.

Other leaders and officials:

Barzan Ibrahim Hasan al-Tikriti

Baath party official:: **Taken into custody 16 April 2003**

The former director of the notorious intelligence service, or Mukhabarat, which is believed to have tortured and murdered thousands of opponents of the regime. He is listed as number 52 in the US deck. He is also a former ambassador to the UN in Geneva.

Watban Ibrahim al-Tikriti

Baath Party official:: **Taken into custody 13 April 2003**

Saddam Hussein's half-brother and former intelligence minister and number 51 on the list. The former interior minister is believed to have been involved in repressing the 1991 uprisings.

Muhammad Hazmaq al-Zubaidi

Central Euphrates region commander:: **Taken into custody 21 April 2003**

Former deputy prime minister and member of the Revolutionary Command Council (RCC) Mr al-Zubaidi was captured by pro-US Free Iraqi forces on 21 April.

Humam Abd al-Khaliq Abd al-Ghafur

Minister of higher education and scientific research:: **Taken into custody 21 April 2003**

Number 54 on the list and a former member of Saddam Hussein's cabinet, Mr al-Ghafur was taken into custody by US troops on 21 April.

Jamal Mustafa Abdallah Sultan al-Tikriti

Deputy chief of tribal affairs:: **Taken into custody 20 April 2003**

Saddam Hussein's son-in-law and private secretary, and number 40 on the wanted list, he returned to Iraq after fleeing to Syria and was taken into custody on 20 April.

Hikmat al-Azzawi

Finance minister:: **Taken into custody 19 April 2003**

Number 45 on the list, Mr al-Azzawi was captured by Iraqi police in Baghdad and handed over to US forces on 19 April

Samir abd al-Aziz al-Najm

Baath Party chairman, Diyala region:: **Taken into custody 17 April 2003**

Iraqi Kurds handed over Samir abd al-Aziz al-Najm, the Baath Party regional command chairman for east Baghdad and number 24, to US troops near Mosul on 17 April

Amir Hamudi Hasan al-Saadi

Presidential scientific adviser:: **Surrendered 12 April 2003**

Saddam Hussein's high-profile scientific adviser surrendered in Baghdad after learning he was number 55 on the US list.

Hani abd Latif Tilfa al-Tikriti

Special Security Organisation director

Kamal Mustafa Abdallah Sultan Tikriti

Republican Guard secretary:: **Surrendered 17 May 2003**

Barzan abd Ghafur Sulayman al-Tikriti

Special Republican Guard commander: **Taken into custody 23 July 2003**

Muzahim Sa'b Hassan al-Tikriti

Air defence force commander:: **Taken into custody 23 April 2003**

Ibrahim Ahmad abd al-Sattar Muhammad al-Tikriti

Armed forces chief-of-staff:: **Taken into custody 15 May 2003**

Sayf al-Din Fulayyih Hassan Taha al-Rawi

Republican Guard forces commander

Rafi Abd Latif al-Tilfah

Director of general security

Tahir Jalil Habbush al-Tikriti

Internal intelligence services director

Hamid Raja Shalah al-Tikriti

Air force commander:: **Taken into custody 14 June 2003**

Abd al-Tawab Mullah Huwaysh

Deputy prime minister:: **Taken into custody 2 May 2003**

Sultan Hashim Ahmad al-Tal

Minister of defence:: **Surrendered 19 September 2003**

Ayad Futayyih Khalifa al-Rawi

Al-Quds chief of staff:: **Taken into custody 5 June 2003**

Zuhayr Talib Abd al-Sattar al-Naqib

Director of military intelligence:: **Taken into custody 23 April 2003**

Abd al-Baqi abd Karim al-Sadun

Baath Party chairman and Baghdad militia commander

Muhammad Zimam Abd al-Razzaq al-Sadun

Baath Party chairman, Ta'mim and Ninawa Governorate

Yahya Abdallah al-Ubaydi
Baath Party chairman, Basra Governate

Nayif Shindakh Thamir
Baath Party chairman, Salah al-Din Governate

Sayf al-Din al-Mashhadani
Baath Party chairman and militia commander, Muthanna Governate::
Captured 24 May 2003

Fadil Mahmud Gharib
Baath Party chairman, Babil and Karbala Governate:: **Taken into custody 15 May 2003**

Muhsin Khadar al-Khafaji
Baath Party chairman, Qadisiyah Governate:: **Taken into custody 7 February 2004**

Rashid Taan Kazim
Baath Party chairman, Anbar Governate

Ugla Abid Sighar al-Kubaysi
Baath Party chairman, Maysan Governate:: **Taken into custody 20 May 2003**

Ghazi Hamud al-Adib
Baath Party chairman, Wasit Governate:: **Taken into custody 7 May 2003**

Adil Abdallah Mahdi al-Duri al-Tikriti
Baath Party chairman, Dhi Qar Governate:: **Taken into custody 15 May 2003**

Husayn al-Awawi
Baath Party chairman, Ninawa Governate:: **Taken into custody 9 June 2003**

Khamis Sirhan al-Muhammad
Baath Party chairman, Karbala Governate:: **Taken into custody 11 January 2004**

Sad Abd al-Majid al-Faysal
Baath Party chairman, Salah al-Din Governate:: **Taken into custody 24 May 2003**

Latif Nussayif Jasim al-Dulaymi
Deputy chairman, Baath Party:: **Taken into custody 9 June 2003**

Rukan Razuki abd al-Ghaful Sulayman al-Tikriti
Chief of tribal affairs

Mizban Khidir Hadi

Revolutionary Command Council member, regional commander, Euphrates region: **Surrendered 9 July 2003**

Taha Muhyl al-Din Maruf

Vice-president and RCC member:: **Taken into custody 2 May 2003**

Walid Hamid Tawfiq al-Tikriti

Governor of Basra Governate:: **Surrendered 29 April 2003**

Mahmud Dhiyab al-Ahmad

Interior minister:: **Taken into custody 8 August 2003**

Amir Rashid Muhammad al-Ubaydi

Former oil minister:: **Taken into custody 28 April 2003**

Muhammad Mahdi al-Salih

Minister of trade:: **Taken into custody 23 April 2003**

Hossam Mohammed Amin

National monitoring director:: **Taken into custody 27 April 2003**

Sabawi Ibrahim

Baath Party, Saddam Hussein's maternal half brother:: **Capture announced 27 February 2005**

Huda Salih Mahdi Ammash

Scientist: **Taken into custody 5 May 2003**"

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Other Prominent People**Abu Musab Al-Zarqawi**

On 29 July 2004 the Foreign Affairs Select Committee noted that, Zarqawi is a Jordanian-born al Qaeda leader [62a] (p3) The US Weekly Standard (16 August 2004) noted that Abu Musab al Zarqawi heads the Tawhid and Jihad (Unity and Holy War) group. [76a] (p1) The Foreign and Commonwealth Office on 22 October 2004 stated that, "Abu Musab Al-Zarqawi, a Jordanian-born terrorist with links to Al-Qua'eda, claims to have been behind several of the most devastating suicide bomb attacks as well as the beheading of Western hostages." [66c] (p4)

Moqtada Al-Sadr

The BBC (14 August 2004) noted that Sadr is a radical Shia cleric, thought to be aged 30. The youngest son of Muhammad Sadiq Sadr - a senior Shia cleric assassinated in 1999, reportedly by agents of the Iraqi Government - Moqtada Sadr was virtually unknown outside Iraq before the US-led invasion in March 2003. He mixes Iraqi nationalism and Shia radicalism, making him a

figurehead for many of Iraq's poor Shia Muslims. In June 2003 he established a militia group, the Mehdi Army, in defiance of coalition arms controls, pledging to protect the Shia religious authorities in the holy city of Najaf. [4h] (p1-2) The Financial Times (13 August 2004) noted that, "Mr Sadr's temporal power is substantial. His constituency consists of the majority of Iraqi Shia. A poll by the coalition authorities in May gave Mr Sadr 68 per cent approval nationwide. However, only 2 per cent backed Mr Sadr for Iraq's presidency. In other words, he attracts much popular sympathy but is not taken seriously as a leadership choice." [67b] (p2)

Grand Ayatollah Ali Sistani

The BBC (14 August 2004) noted that Sistani is a moderate cleric [4h] (p1-2) The Financial Times (13 August 2004) stated that, "Mr Sistani is the most senior of Najaf's four grand ayatollahs." Adding that, "Mr Sistani is a very active political player. He has imposed prior truces in Najaf and Kerbala, scuppered US plans for regional caucuses in the constitutional process, forced the June 30 [2004] date for the handover of sovereignty and dictated the abandonment of federalism in the latest United Nations resolution. [67b] (p1-2)

Abdul Majid al-Khoei

The BBC (14 August 2004) noted that al-Khoei was a moderate Shia leader who was killed two days after the fall of Baghdad. An arrest warrant has been issued for Moqtada Sadr for the alleged involvement in the murder. [4h] (p1-2)

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Annex G

Health Care Facilities

Health care facilities in Iraq - WHO + UNICEF July 2003

Type of Facility	Definition and/or Service Provided	Location	Cost	Working Hours	Additional Countrywide Information *
General and Specialised Hospitals	Preventive, primary, secondary and tertiary care.	Urban and rural areas	Nominal fee	8:00 - 14:00 (A & E Depts are open 24 hr)	282 Hospitals (211 Public and 71 Private) and 110 Specialized Centres.
Health Centres (HC)	Preventive and primary health care	Urban and rural areas	Free	8:00 - 14:00	With or without doctors. Approx. 1,570 in the country.
Public Clinics (PC)	Preventive, primary, secondary and tertiary care. Doctors have at least two years of experience.	Urban areas	Nominal fee	16:30 - 19:30	Health Centres in the morning often work as Public Clinics in the afternoon. Approx. 339 in the country.
Health Insurance Clinics (HIC)	Same services as PC's but staffed by newly qualified doctors.	Rural areas outside the city	Nominal fee	16:30 - 19:30	Approximately 339 in the country.
Chronic Illness Pharmacy (CIP)	Provide drugs for treatment of chronic diseases on prescription issued by specialist and upon presentation of a special card for chronic illness.	Mainly in urban areas, usually attached to public clinics	Nominal fee	16:30 - 19:30	Approximately 299 in the country.
Bilat Al Shuhada Pharmacies or Pharmacy for Rare Drugs	Bilat Al Shuhada Pharmacies are pharmacies for rare drugs. Patients can obtain rare drugs against prescriptions from medical specialists. Rare drugs are determined by Ministry of Health, based on availability and cost.	Usually attached to public clinics but may be free standing.	Nominal fee	16:30 - 19:30	Approximately 32 Bilat Al Shuhada Pharmacies in the country.

* All totals are preliminary and are subject to confirmed totals from this current review. This update is as of July 2003.

[23a] (p58)

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Facilities of the Ministry of Health in Iraq, 2003 + UNICEF July 2003

Governorate	Ministry of Health & Directorates of Health	Health Sectors	Warehouses	Public Hospitals	Private Hospitals	Total Hospital Beds	Specialized Centres	Primary Health Centres with Doctors	Primary Health Centres without Doctors	Within Health Centres: Public Clinics	Health Insurance Clinics	Chronic Illness Pharmacy	Pharmacy for Rare Drugs	Research Institutions	Production Plants
Anbar	1	9	7	11	1	1,242	4	52	67	16	26	21	2	0	0
Babil	1	5	9	8	2	1,098	6	37	35	22	16	11	3	0	1
Baghdad	9	20	59	44	40	11,425	20	127	5	94	23	25	8	14	5
Basra	1	10	8	14	3	3,142	7	64	8	30	37	13	2	0	0
Diyala	1	1	5	9	2	1,059	4	33	24	10	21	22	1	0	0
Karbala	1	-	4	5	0	663	5	22	4	15	9	12	1	0	0
Missan	1	1	5	7	1	869	5	20	11	12	13	17	1	0	0
Muthanna	1	3	5	4	0	826	4	29	1	12	16	11	1	0	0
Najaf	1	2	5	6	0	1,160	4	21	20	14	11	14	2	0	0
Ninewa	1	8	7	14	4	2,603	8	78	45	20	23	22	2	0	2
Qadissiya	1	7	4	8	2	878	6	29	21	17	18	15	1	0	0
Salah al-Din	1	9	6	9	0	812	3	44	33	14	30	20	3	0	1
Tameem	1	5	7	8	2	1,156	5	41	23	22	26	26	2	0	0
Thi-Qar	1	1	4	7	1	977	5	36	29	14	20	9	2	0	0
Wassit	1	5	4	9	1	773	4	29	8	12	19	16	1	0	1
Dahuk	1	-	2	7	12	977	3	48	32	2	20	45	0	0	0
Erbil	1	-	2	12		?	8	61	86	6	11		0	0	0
Sulaymaniyah	1	-	3	29		2,019	9	63	284	7	0		0	0	0
Totals	26	86	146	211	71	31,679	110	834	736	339	339	299	32	14	10

Source: Ministry of Health, WHO & UNOHCI

[23a] (p50)

Annex H

Election Results

National Election Results - January 2005

Party	Valid Votes	Percentage of Votes	Seats
United Iraqi Alliance	4,075,295	48.19	140
Kurdistan Alliance	2,107,551	25.73	75
(Al-Qaimah al-Iraqiyah) The Iraqi List	1,168,943	13.82	40
(Al-Iraqiyun) Iraqis	150,680	1.78	5
The Iraqi Turkomen Front	93,480	1.05	3
National Independent Elites ad Cadres Party	69,938	0.83	3
People's Party	69,920	0.83	2
Kurdistan Islamic Group in Iraq	60,592	0.72	2
Islamic Action Organization in Iraq	43,205	0.51	2
The National Democratic Alliance	36,795	0.46	1
Al-Rafidayn List	36,255	0.43	1
Liberation and Reconciliation Gathering	30,796	0.36	1
		Total	275

[92a]

Iraqi Kurdistan Election Results – January 2005

Party	Votes	Percentage of Votes	Seats
Kurdistan Islamic Group in Iraq	85,237	04.9	6
Kurdistan Democratic List	1,570,663	89.5	104
Kurdistan Toilers Party	20,585	01.2	1

Others	77,434	04.4	-
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[93c]

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