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Amnesty International Report 2010 - Iraq

REPUBLIC OF IRAQ

Head of state: Jalal Talabani
Head of government: Nuri al-Maliki
Death penalty: retentionist
Population: 30.7 million
Life expectancy: 67.8 years
Under-5 mortality (m/f): 43/38 per 1,000
Adult literacy: 74.1 per cent

Government forces and armed political groups continued to commit gross human rights abuses, although the overall level of violence was lower than in previous years. Thousands of civilians were killed or seriously injured in suicide and other bomb attacks by armed political groups. The government and the US-led Multinational Force (MNF) continued to hold thousands of uncharged detainees on security grounds, some after several years, but released thousands of others. Torture and other ill-treatment of detainees by Iraqi forces, including prison guards, remained rife and were carried out with impunity. At least 1,100 prisoners were reported to be under sentence of death, many following unfair trials. The government disclosed no information about executions, but at least 120 were reported and it appeared that some were carried out in secret. At least 1.5 million people were still internally displaced within Iraq and hundreds of thousands of Iraqis were refugees abroad. New human rights violations were reported in the semi-autonomous Kurdistan region where conditions generally were much better than in the rest of Iraq.

Background

The Status of Forces Agreement (SOFA) between the governments of Iraq and the USA took effect in January, leading US troops to withdraw from Iraqi towns by 30 June and start releasing or handing over detainees to Iraqi custody. The USA also transferred control of Baghdad's Green Zone to the Iraqi government.

Prime Minister Nuri al-Maliki's State of Law Coalition won control of 10 out of 14

governorates, including Baghdad, in provincial elections held in late January in all areas except Kirkuk and the three Kurdish provinces.

The Council of Representatives (parliament) was beset by divisions, agreeing a new election law only in November. Parliamentary elections were scheduled for March 2010.

Despite the country's oil wealth, millions of Iraqis faced deepening poverty amid high unemployment and widespread government corruption. A senior government official told the UN in October that 5.6 million Iraqis were living below the poverty line, said to be a 35 per cent increase compared with the period before the US-led invasion of Iraq in 2003.

Abuses by armed groups

Armed political groups committed gross human rights abuses, including kidnapping, torture and murder. Suicide bombings and other attacks targeted public places, apparently aiming to inflict civilian casualties. Many attacks were mounted by al-Qa'ida in Iraq and by Sunni armed groups. Shi'a militia also committed abuses, including kidnapping, torture and murder. The victims included members of ethnic and religious minorities, journalists, women, gay men and other civilians.

- At least 25 boys and men were killed in the first quarter of the year in Baghdad, apparently because they were or were perceived to be gay, after religious leaders in Baghdad's predominantly Shi'a district of al-Sadr City urged their followers to eradicate homosexuality. The perpetrators were believed to be armed Shi'a militia or members of the victims' own families or tribes. Many of the victims were kidnapped and tortured before they were murdered. Some had their bodies mutilated.
- On 12 July, five Christian churches in Baghdad were bombed, killing four civilians and injuring at least 21 others.
- On 13 August, at least 20 people were killed in a double suicide bombing in the town of Sinjar, a stronghold of followers of the Yazidi religion.
- On 25 October, two suicide bombings killed at least 155 people in central Baghdad and injured more than 700. A truck bomb was detonated near the Ministries of Justice and Municipalities; minutes later a car bomb exploded outside the Baghdad Governorate building.

Detentions

On 1 January, the MNF was holding over 15,000 mostly uncharged detainees at Camp Cropper and other prisons. This total was reduced to 6,466 by early December in accordance with the SOFA, which required that the MNF either release detainees or transfer them to Iraqi custody. Some 7,499 detainees were released after a committee comprising representatives of several Iraqi ministries reviewed their cases and they had been interrogated by security officials. At least 1,441 others, including some foreign nationals, were issued with arrest warrants or detention orders by Iraqi judicial authorities and transferred to Iraqi detention.

In September, the large MNF-run Camp Bucca prison near Um Qasr in southern Iraq was closed. Its inmates were released, transferred to Iraqi custody or moved to the two remaining MNF prisons – Camp Cropper, where most of the detained former high-ranking Ba'ath party members remained held; and Camp Taji, north of Baghdad.

- On 8 April, a court in Baghdad's al-Karkh district ruled that there was insufficient evidence against Kadhum Ridha al-Sarraj and ordered his release. However, he was not freed by the MNF until 7 October. He had been arrested on 15 September 2008 at Erbil international airport, handed to the MNF and detained without

charge at Camp Cropper, apparently because his medical research led him to be suspected of bombmaking.

Death penalty

At least 391 people were sentenced to death, bringing the total under sentence of death to at least 1,100, including at least 900 people who had exhausted all legal remedies. At least 120 executions were carried out but the true figure may have been higher as the authorities disclosed little information on executions and some were reported to have been carried out secretly.

Most death sentences were imposed after unfair trials for involvement in armed attacks, murder and other violent acts. Defendants commonly complained that "confessions" accepted as evidence against them had been obtained under torture when they were interrogated while held incommunicado in pre-trial detention, and that they could not choose their own defence lawyers. In some cases, these "confessions" were broadcast on television.

- On 10 June, 18 men and one woman were hanged at al-Kadhimiya prison, Baghdad. The executions were not officially announced.

Trials of former officials

The Supreme Iraqi Criminal Tribunal (SICT) continued its prosecution of former senior officials and associates of former President Saddam Hussain, executed on 30 December 2006 for war crimes, crimes against humanity and other offences. The court, whose independence and impartiality have been tainted by political interference, imposed several death sentences. In late October, more than 50 members of parliament called for the SICT to be detached from the Council of Ministers headed by the Prime Minister and placed under the sole authority of the Supreme Judicial Council. They also called for the SICT's jurisdiction to be extended to cover crimes committed by civilian and military officials after 1 May 2003.

- Watban Ibrahim al-Hassan and Sab'awi Ibrahim al-Hassan, both half-brothers of former President Saddam Hussain and respectively once Interior Minister and Head of Intelligence, were sentenced to death on 11 March for crimes against humanity. Former Deputy Prime Minister Tariq 'Aziz was sentenced to 15 years in prison, as was 'Ali Hassan al-Majid, who had already been sentenced to death in three other cases. The four were among eight people tried in connection with the killing in 1992 of 42 Baghdad merchants who had been accused of racketeering when the country was subject to UN-imposed economic sanctions. Three other accused received prison sentences ranging from six years to life; one man was acquitted.

Human rights violations by Iraqi security forces

Iraqi security forces committed gross human rights violations, including extrajudicial executions, torture and other ill-treatment, and arbitrary detentions, and did so largely with impunity. Detainees were held in heavily overcrowded prisons and detention centres, where they were abused by interrogators and prison guards. Torture methods reported included beatings with cables and hosepipes, suspension by the limbs for long periods, the application of electric shocks to the genitals and other sensitive areas, breaking of limbs, removal of toenails with pliers, and piercing the body with drills. Some detainees were alleged to have been raped.

- In June, a human rights body affiliated to al-Diwaniya Governorate in southern Iraq accused the security forces of torturing detainees to extract "confessions". Interior Ministry investigators subsequently reported that 10 out of the 170 prisoners at al-Diwaniya prison had bruising that could have been caused by torture or other ill-treatment. Video film apparently taken by a prison guard

showed a prisoner lying with his hands tied behind his back, being whipped by guards and subjected to electric shocks until he lost consciousness. One guard is heard to say, "He is done."

Human rights violations by US forces

US forces committed serious human rights violations, including unlawful killings of civilians. US military tribunals examined several court cases involving soldiers accused of crimes committed in Iraq in previous years.

- On 1 January, US troops shot and critically wounded Hadil 'Emad, an editor for the TV station Biladi, when she was near a checkpoint in Karrada, Baghdad. The US military said that US troops shot a woman who "acted suspiciously and failed to respond to warnings."
- On 16 September, US troops patrolling central Falluja shot dead Ahmed Latif, said to be mentally ill, apparently after he insulted and threw a shoe at them. The US authorities said he was shot because US troops suspected a grenade attack.
- On 21 May, Steven Dale Green, a former US soldier, was sentenced to life imprisonment by a court in the USA for the rape and killing in Iraq of Abeer al-Janabi, a 14-year-old girl, and the murders of her mother, father and six-year-old sister in March 2006. Three other former soldiers were sentenced to life imprisonment in the same case.

Violence against women

Women continued to face high levels of discrimination and violence. Some were attacked in the street by armed men or received death threats from men who accused them of not adhering to strict Islamic moral codes. In May, inmates of the women's prison in al-Kadhimiya told members of the parliament's human rights committee that they had been raped in the prison or while detained elsewhere. The government provided little protection against societal and family violence.

- Safa 'Abd al-Amir al-Khafaji, the head teacher of a girls' school in Baghdad's al-Ghadir district, was shot and seriously wounded by unidentified gunmen on 12 November 2009, soon after she announced that she would contest the elections as a candidate for the Iraqi Communist Party.

Refugees and internally displaced people

Hundreds of thousands of Iraqis were refugees in Syria, Jordan, Lebanon, Turkey and other countries, and up to 1.5 million others were internally displaced inside Iraq, although around 200,000 were reported to have returned to their homes in 2009, many because they perceived that the security situation had improved. However, they faced great challenges: many found that their homes had been destroyed or taken over by other people and had difficulty obtaining adequate food, water and energy supplies.

Camp Ashraf

Following months of rising tension, Iraqi security forces forcibly entered and took control of Camp Ashraf in Diyala Governorate on 28 and 29 July. The camp, which houses some 3,400 members or supporters of the People's Mojahedeen Organization of Iran, an Iranian opposition group, had been under US military control since 2003 prior to the SOFA. Video footage showed Iraqi security forces deliberately driving military vehicles into crowds of protesting camp residents. The security forces also used live ammunition, apparently killing at least nine camp residents, and detained 36 others who they tortured. The 36 were taken to al-Khalis police station in Diyala, where they mounted a hunger strike, and were then moved to Baghdad despite repeated judicial orders for their release. They were freed and allowed to return to Camp Ashraf in

October after an international campaign. However, the government was reported to be insisting that the camp residents move to another location in southern Iraq, despite fears that they would be less safe there, and to have set 15 December as the date by which they should move or be relocated by force. By the end of the year, camp residents had still not moved.

Kurdistan region

Presidential and parliamentary elections for the semi-autonomous Kurdistan Regional Government (KRG) were held on 25 July. Masoud Barzani was re-elected as KRG President. The Kurdistan List, which includes the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), retained an overall majority in the Kurdistan parliament. The main opposition Change List won 25 of the 111 seats.

In April, KRG Prime Minister Nechirvan Barzani told visiting Amnesty International delegates that he had personally instructed the Asayish, the security police, and other law enforcement bodies to comply with human rights safeguards recommended by the organization and was taking steps to make the Asayish fully accountable. He detailed measures being taken to combat so-called honour crimes and other violence against women. Despite this and the continuing improvement in human rights in the KRG, cases of arbitrary arrest and detention were reported, as were allegations of torture and other ill-treatment, notably by the Parastin and Zanyari, respectively the security arms of the KDP and the PUK. Activists in the Change List Movement and independent journalists were subject to threats, intimidation and, in some cases, violence for criticizing the KRG or senior officials.

Arbitrary detention

At least nine detainees arrested previously continued to be held without charge or trial.

- Walid Yunis Ahmed, a member of the Turkoman minority arrested in February 2000, spent his ninth year in detention without trial. He is reported to have been tortured after arrest, and in 2009 was held in solitary confinement in prison in Erbil.

Media freedom

Despite the introduction of a more liberal press law in 2008, journalists working for the independent media were harassed with what appeared to be politically motivated criminal lawsuits. Some were physically assaulted by men in plain clothes believed to be connected to the Parastin and Zanyari.

- In late October, Nabaz Goran, editor of the independent *Jihan* magazine, was attacked by three unidentified men outside the newspaper office in Erbil.

Violence against women

High levels of violence against women continued to be reported, including cases of women being killed by their relatives.

- In October, the body of Jian Ali Abdel Qader was discovered next to her family house in the village of Qadafari, Sulaimaniya. She had previously reported being subjected to family violence and sought refuge in a shelter in Sulaimaniya in July. However, she had returned to the family home after assurances for her safety had been given. Relatives, including her father, were detained in connection with her murder.

Amnesty International visit/reports

- Amnesty International delegates visited the Kurdistan region of Iraq in April/May.
- Trapped by violence: Women in Iraq (MDE 14/005/2009)
- Hope and fear: Human rights in the Kurdistan region of Iraq (MDE 14/006/2009)
- A thousand people face the death penalty in Iraq (MDE 14/020/2009)
- Iraq: Submission to the UN Universal Periodic Review (MDE 14/022/2009)

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