

Iraq (26)

**2000 Annual Report on International Religious Freedom:****Iraq**

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IRAQ

The Constitution provides for freedom of religion; however, the Government severely limits this right in practice, represses the Shi'a religious leadership, and seeks to exploit religious differences for political purposes. Islam is the official state religion.

There was no change in the status of respect for religious freedom during the period covered by this report.

Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs are at a distinct advantage in all areas of secular life. The Government also severely restricts or bans outright many Shi'a religious practices. The Government has for decades conducted a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against the religious leaders and followers of the majority Shi'a Muslim population and has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups. The regime has systematically killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, interfered with Shi'a religious education, and prevented Shi'a adherents from performing their religious rites.

The United States has no diplomatic relations with Iraq and thus is unable to raise directly with the Government the problems of severe restrictions on religious freedom and other human rights abuses. However, the U.S. Government makes its position clear in public statements and in diplomatic contacts with other states.

In September 1999, the Secretary of State designated Iraq a country of particular concern under the International Religious Freedom Act for particularly severe violations of religious freedom.

Section I. Government Policies on Freedom of Religion**Legal/Policy Framework**

The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. Islam is the official state religion. The Constitution does not provide for the recognition of Assyrians, Chaldeans, or Yazidis.

The Government's registration requirements for religious organizations are unknown. New political parties must be based in Baghdad and are

prohibited from having any ethnic or religious character. The Government does not recognize political organizations that have been formed by Shi'a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, "must believe in God."

There are no Shari'a (Islamic law) courts as such. Civil courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Religious Demography

While a precise statistical breakdown is impossible because of likely inaccuracies in the latest census (taken in 1997), according to conservative estimates, 97 percent of the population of 22 million persons are Muslim. The (predominantly Arab) Shi'a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 12 to 15 percent are Sunni Arabs, and the rest are Sunni Turkomans). The remaining approximately 3 percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenians), Yazidis, and a small number of Jews.

The Shi'a, though predominantly located in the south, also are present in large numbers in Baghdad and have communities in most parts of the country. Sunnis form the majority in the center of the country and in the north.

Shi'a and Sunni Arabs are not ethnically distinct. Shi'a Arabs have supported an independent Iraq alongside their Sunni brethren since the 1920 Revolt; many Shi'a joined the Ba'ath Party and formed the backbone of the Iraqi Army in the 1980-88 Iran-Iraq War.

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). Although these groups do not define themselves as Arabs, the Government defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime. Christians are concentrated in the north and in Baghdad.

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. However, the Government, without any historical basis, has defined the Yazidis as Arabs. Yazidis are located in the north of the country.

Governmental Restrictions on Religious Freedom

Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs

are at a distinct advantage in all areas of secular life, be it civil, political, military, or economic.

The following government restrictions on religious rights remained in effect throughout the period covered by this report: restrictions and outright bans on communal Friday prayer by Shi'a; restrictions on Shi'a mosque libraries loaning books; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the Government; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings commemorating Shi'a holy days.

Shi'a groups report capturing documents from the security services during the 1991 uprising that listed thousands of forbidden Shi'a religious writings. Since 1991 security forces have been encamped in the shrine to Imam Ali in Najaf, one of Shi'a Islam's holiest sites, and at the Shi'a theological schools of Najaf. In June 1999, several Shi'a opposition groups reported that the Government had instituted a new program in the predominantly Shi'a districts of Baghdad that use food ration cards to restrict where individuals could pray. The ration cards, part of the United Nations oil-for-food program, reportedly are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an unauthorized location. Shi'a expatriates who reported this policy believe that it is aimed not only at preventing unauthorized religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, a practice many pious Shi'a have turned to because their own mosques remain closed.

The Government consistently interferes with religious pilgrimages, both of Iraqi Muslims who wish to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims who wish to travel to holy sites in Iraq.

In 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj, but the Government rejected this offer. In 1999 the Sanctions Committee offered to disburse funds to cover Hajj-related expenses via a neutral third party; the Government again rejected the offer. Following the December 1999 passage of U.N. Security Council Resolution 1284 (UNSCR 1284), which exempted flights for Hajj pilgrimage travelers from general sanctions (overland travel to exit Iraq always had been permitted), the Sanctions Committee again sought to devise a protocol to facilitate the payment for individuals making the journey. Following passage of UNSCR 1284, the Sanctions Committee proposed to issue \$250 in cash and \$1,750 in travelers checks to each individual pilgrim to be distributed at the U.N. office in Baghdad in the presence of both U.N. and Iraqi officials. No Iraqi pilgrims were able to take advantage of the available funds or, in 2000, the permitted flights, because government officials stated that they would accept the funds only in the form of cash paid to the central bank, a requirement that would have violated U.N.

sanctions.

Twice each year--on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar--Shi'a pilgrims from throughout the country and around the world seek to commemorate the death of the Imam Hussein in the city of Karbala. The Government for several decades has interfered with these Ashura holiday commemorations, preventing processions on foot into the city. In 1998, 1999, and 2000, violent incidents were reported between Iraqi pilgrims and Ba'ath party members and security forces enforcing the ban.

In May 2000, the Ba'ath Party organization reportedly issued orders prohibiting the walking pilgrimage to Karbala. Travelers later reported that security troops opened fire on pilgrims who had intended to walk from al-Najaf to Karbala as part of the 40th day ritual.

Some devout Shi'a, wishing to avoid confrontation, have tried to select other significant days in the Muslim calendar for their pilgrimage. In 1998 Grand Ayatollah Mohammad al-Sadr announced that the 15th of Sha'baan--the anniversary of the birth of the Twelfth Imam (which fell in November that year)--would be an appropriate date for pilgrimage to Karbala; however, the Government reportedly prevented pilgrims from entering the city. Shi'a expatriates report that groups as small as 10 to 20 pilgrims attempting to make their way into the city at other times have been arrested. Shi'a sources report that Ba'ath Party militia forces clashed with Shi'a pilgrims attempting to commemorate Ashura in May 1998. The interference reportedly was especially severe at Karbala, Basra, and the al-Thawra district of Baghdad.

In past years, the Government has denied visas to many foreign pilgrims for the Ashura. In 1999 the Government reportedly charged foreign Shi'a pilgrims \$900 for bus passage and food from Damascus to Karbala, a trip that normally would cost about \$150.

The Government does not permit education in languages other than Arabic and Kurdish. Public instruction in Syriac, which was announced under a 1972 decree, has never been implemented. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. In northern areas under Iraqi Kurdish control, classes in Syriac have been permitted since the 1991 uprising against the Government. By October 1998, the first groups of students were ready to begin secondary school in Syriac in the north, but some Assyrian sources reported that regional Iraqi Kurdish authorities refused to allow the classes to begin. Details of this practice (for example, the number of students prepared to start secondary courses in Syriac and the towns where they were located) were not available, and Kurdish regional authorities denied engaging in this practice. There were no reports of elementary school instruction in Syriac being hindered in northern Iraq.

Assyrian religious organizations have claimed that the Government applies apostasy laws in a discriminatory fashion. Assyrians are permitted to convert to Islam, whereas Muslims are forbidden to convert to Christianity.

Governmental Abuses of Religious Freedom

The Government for decades has conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a Muslim population and has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

Despite supposed legal protection of religious equality, the regime has repressed severely the Shi'a clergy and those who follow the Shi'a faith. Forces from the Intelligence Service (Mukhabarat), General Security (Amn al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'ath Party have murdered senior Shi'a clerics, desecrated Shi'a mosques and holy sites (particularly in the aftermath of the 1991 civil uprising), arrested tens of thousands of Shi'a, interfered with Shi'a religious education, prevented Shi'a adherents from performing their religious rites, and fired upon or arrested Shi'a who sought to take part in their religious processions. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshipers.

Shi'a groups reported numerous instances of religious scholars -- particularly in the internationally renowned Shi'a academic center of Najaf -- being subjected to arrest, assault, and harassment during the period covered by this report. This follows years of government manipulation of the Najaf theological schools. As reported by Amnesty International in the late 1970's and early 1980's, the Government systematically deported tens of thousands of Shi'a (both Arabs and Kurds) to Iran, claiming erroneously that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were prime targets for deportation. In the 1980's, during the Iran-Iraq war, it was reported widely that the Government expelled and denied visas to thousands of foreign scholars who wished to study at Najaf. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools; however, this easing of restrictions was followed by an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends.

Since the 1980's, the Government reportedly has attempted to eliminate the senior Shi'a religious leadership (the Mirjaiyat) through murder, disappearances, and summary execution. Since January 1998, the killings of three internationally respected Shi'a clerics (and an attempt on the life of a fourth) have been widely attributed to government agents by international human rights activists, other governments, and Shi'a clergy in Iran and Lebanon. Grand Ayatollah Sheikh Murtada al-Borojourni, age 69, was killed in April 1998. Grand Ayatollah Sheikh Mirza Ali al-Gharawi, age 68, was killed in July 1998. Ayatollah Sheikh Bashir al Hussaini escaped an attempt on his life in January 1999. Grand Ayatollah Mohammad al-Sadr, age 66, was killed in February 1999.

Former U.N. Human Rights Commission Special Rapporteur for Iraq, Max Van Der Stoel, sent a letter in 1999 to the Government expressing his concern that the killings might be part of an organized attack by the Government against the independent leadership of the Shi'a community. The Government has not responded to Van Der Stoel's inquiries.

In the aftermath of these killings, the Government stepped up repressive activities in the south and in other predominantly Shi'a areas to prevent mourning observances and popular demonstrations. As part of this campaign, two Shi'a scholars in Baghdad, Sheikh Hussain Suwai'dawi and Sheikh Ali al-Fraijawi, reportedly were executed in July 1998.

In April 1999, the Government executed four Shi'a men for the al-Sadr slaying after a closed trial. Shi'a religious authorities and opposition groups objected to the trial process and contend that the four executed men were innocent. At least one of the four, Sheikh Abdul Hassan Abbas Kufi, a prayer leader in Najaf, was reportedly in prison at the time of the killing. The Shi'a press reported in January 1999 that he had been arrested on December 24, 1998. The three others executed with Kufi were Islamic scholar Ahmad Mustapha Hassan Ardabili, Ali Kathim Mahjan, and Haider Ali Hussain. The condition of Ali al-Musawi, another Shia cleric accused of complicity in al-Sadr's death, was unknown. According to a report submitted to the Special Rapporteur in September 1999, another of al-Sadr's sons, Sayyid Muqtada al-Sadr, was arrested later in the year along with a large number of theological students who had studied under the Ayatollah. Nineteen followers of al-Sadr reportedly were executed toward the end of 1999, including Sheikh Muhammad al-Numani, Friday imam Sheikh Abd-al-Razzaq al-Rabi'i, assistant Friday imam Kazim al-Safi, and students from a religious seminary in al-Najaf.

Although a funeral for al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Government security forces used excessive force in breaking up these illegal religious gatherings. Throughout the country, security forces used automatic weapons and armored vehicles to break up demonstrations, killing, injuring, and arresting hundreds of protesters.

In the aftermath of al-Sadr's killing the Shi'a religious community is in a precarious state. Of the three generally acknowledged senior Shi'a clerics, Grand Ayatollah Ali as-Seistani is forbidden to lead prayers and remains home bound in Najaf as a result of attempts on his life; Ayatollah Mohammed Sayeed al-Hakim is forbidden to lead prayers at the shrine of Imam Ali in Najaf; and the status of Ayatollah Hussein Bahr al-Aloom in Kufa is not known. Many scholars at the Shi'a religious schools in Najaf reportedly have been arrested, as have many of al-Sadr's religious appointees throughout the country. These restrictions and abuses had an adverse affect on the development of a new set of Shi'a leaders.

The al-Sadr killing intensified Shi'a anger at the ruling Sunni minority and led to more severe government repression of the Shi'a and bolder

actions by the Shi'a resistance against the regime--including grenade and rocket attacks on security headquarters, Ba'ath Party offices, and presidential residences in Baghdad, as well as small arms attacks in many parts of the capital. For example, the al Amin, Nuwab ad-Dubbat, and al Naft districts of Baghdad reportedly have remained in a heightened state of alert every Friday since al-Sadr's death.

During the period covered by this report, Shi'a and opposition sources with close ties to individuals in the south, such as the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the Dawa organization, report that regular armed forces, the Republican Guard, Saddam's Commandos, and ad hoc formations of Ba'ath Party members have conducted deliberate ground sweeps and artillery attacks against Shi'a civilians.

Reports of military operations against Shi'a civilians also increased notably in the summer of 1998, after the killings of Ayatollahs Ali al Gharawi and Sheikh al Borojouri. In numerous incidents during 1998, security forces injured and summarily executed Shi'a civilians, burned Shi'a homes, confiscated land belonging to Shi'a, and arbitrarily arrested and detained scores of Shi'a.

On January 14, 1999, according to a report from SCIRI, security officials reportedly arrested Sheikh Awas, imam of the Nasiriyah city mosque. Shortly after the arrest of Sheikh Awas, hundreds of Shi'a congregation members reportedly marched on the security directorate to demand that Awas be released immediately to them. Security forces allegedly opened fire on the unarmed crowd with automatic weapons and also threw hand grenades. Five persons were killed, 11 were wounded, and 300 were arrested. The security services subsequently banned Friday prayer in Nasiriyah.

The Human Rights Organization in Iraq (HROI) reported that 1,093 Shi'a were arrested in June 1999 in Basrah alone. The Iraqi National Congress reports that tanks from the Hammourabi Republican Guard division attacked the towns of Rumaitha and Khudur in June 1999 after residents protested the systematic misdistribution of food and medicine to the detriment of the Shi'a. Fourteen villagers were killed, over 100 arrested, and 40 homes were destroyed. On June 29, 1999, SCIRI reported that 160 homes in the Abul Khaseeb district near Basra were destroyed.

In several incidents in 1999, security forces killed and injured Shi'a congregants who gathered to protest closures of various Shi'a mosques.

Security forces also have forced Shi'a inhabitants of the southern marshes to relocate to major southern cities and to areas along the Iranian border. Former Special Rapporteur van Der Stoel described this practice in his February 1999 report, adding that many other persons have been transferred to detention centers and prisons in central Iraq, primarily in Baghdad. The Government reportedly also continued to move forcibly Shi'a populations from the south to the north to replace Kurds, Turkomen, and Assyrians, who had been expelled forcibly from

major cities.

The military also continued its water-diversion and other projects in the south. The Government's claim that the drainage is part of a land reclamation plan to increase the acreage of arable land and spur agricultural production is given little credence. Hundreds of square miles have been burned in military operations. The former U.N. Special Rapporteur noted the devastating impact that draining the marshes has had on the culture of the Shi'a marsh Arabs. SCIRI claims to have captured government documents that detail the destructive intent of the water diversion program and its connection to "strategic security operations," economic blockade, and "withdrawal of food supply agencies."

The Government's diversion of supplies in the south limited the Shi'a population's access to food, medicine, drinking water, and transportation. According to the former U.N. Special Rapporteur and opposition sources, thousands of persons in Nasiriyah and Basra provinces were denied rations that should have been supplied under the U.N. oil-for-food program. In these provinces and in Amarah province, access to food allegedly is used to reward regime supporters and silence opponents. Shi'a groups report that, due to this policy, the humanitarian condition of Shi'a in the south continued to suffer despite a significant expansion of the oil-for-food program.

The Government continued to hold numerous religious detainees and prisoners. The Government reportedly continued to target Shi'a Muslim clergy and their followers for arbitrary arrest and imprisonment. While Shi'a are not the only group targeted in this way (others, including Kurds and secular regime opponents, are targeted for ethnic and political reasons), the Shi'a are the primary group targeted based on their religion. It is likely that Shi'a Muslims constitute the majority of the prison population in the country.

While no firm statistics are available, observers estimate the number of security detainees to be in the tens of thousands. Some individuals have been held for decades. Others who have remained unaccounted for since their arrests may have died or been executed secretly years ago. It is difficult to produce an accurate list of persons in prison for their religious beliefs. In 1998 and 1999, hundreds of prisoners, many of them Shi'a, reportedly were executed.

The Government to execute summarily its perceived opponents and Shi'a leaders. Those few citizens able to protest the arrests and executions have persisted in attempts at documentation. Opposition groups, including SCIRI, have provided detailed accounts of summary executions, including the names of hundreds of persons killed.

Certain prisons are well known for their routine mistreatment of prisoners, including those persons imprisoned for their religious beliefs.

The former Special Rapporteur and others have reported that the Government has engaged in various abuses against the country's

350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights.

Most Assyrians live in the northern governorates, and the Government often has suspected them of "collaborating" with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly executed and tortured many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians as well as ethnic Kurds and Turkomen for expulsion from Kirkuk, where it is seeking to Arabize the city.

There is evidence that the Government in the past compelled Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 Human Rights Watch report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government also has targeted the Yazidis in the past. For example, 33 members of the Yazidi community of Mosul, arrested in July 1996, still are unaccounted for.

Forced Religious Conversion of Minor U.S. Citizens

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Section II. Societal Attitudes

The country's cultural, religious, and linguistic diversity is not reflected in its political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932.

Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse by the Government, ostensibly because of their opposition to the Government.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party (PKK), a Turkish-based terrorist organization operating against indigenous Kurds in northern Iraq. Christians in the country report feeling caught in the middle of intra-Kurdish fighting. In December 1997, six Assyrians died in an attack near Dohuk by the PKK. Some Assyrian villagers have reported being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies.

Section III. U.S. Government Policy

The United States has no diplomatic relations with Iraq and thus is not able to raise directly with the Government the problems of severe restrictions on religious freedom and other human rights abuses. However, the U.S. Government makes its position clear in public statements and in diplomatic contacts with other states.

The President regularly discusses the problems experienced by Shi'a, Christian, and other religious groups in his periodic reports to Congress on Iraq. The Assistant Secretary of State for Near Eastern Affairs, in testimony before Congress on Iraq, has highlighted the situation of persons in the south. The State Department spokesperson has issued statements criticizing the deaths of Ayatollahs al-Gharawi, al-Borojourdi, al-Sadr, and the attempt on the life of Ayatollah al-Hussaini. The Voice of America has broadcast several editorials dealing with the human rights abuses committed against religious groups by the Iraqi Government.

It is the policy of the United States to encourage a change of regime in Iraq. Through the State Department's Office of the Special Coordinator for the Transition of Iraq, the United States is in frequent contact with Iraqi democratic opposition groups, including religiously oriented Shi'a, Sunni, and Christian groups. All of the groups designated as eligible for assistance under the Iraq Liberation Act have indicated their strong support for religious freedom and tolerance.

In March 2000, for the eighth consecutive year, the United States joined other members of the U.N. Human Rights Commission (UNHRC), to call on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." However, the Iraqi Government continued to ignore these calls. As in the past, it did not allow the U.N. Special Rapporteur to visit, nor did it respond to his requests for information. It continued to defy calls from various U.N. bodies to allow the Special Rapporteur to visit the southern marshes and other regions. Denied entry to Iraq, the Special Rapporteur has based his reports on the Government's human rights abuses on interviews with recent émigrés from Iraq, interviews with opposition groups with contacts in Iraq, and other interviews, as well as on published reports.

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