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The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

Under the provisional Constitution of 1968, Iraq claims to be a democratic republic. However, political power has rested exclusively in a harshly repressive one-party apparatus dominated by Saddam Hussein al-Tikriti and members of his extended family. According to the Constitution, the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercised both executive and legislative authority. President Saddam Hussein, who was also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, therefore wielded absolute decisive power. Hussein and his regime obtained 100 percent of the votes cast in a nondemocratic "referendum" on his presidency held in October that did not include secret ballots, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. The judiciary was not independent, and the President had the ability to override any ruling or refer any case to a secret system of special courts outside the normal judiciary.

Under the RCC and Ba'ath party structure, the Tikriti family maintained total effective control of the security forces and the military. The regime's security apparatus included militias attached to the President, the Ba'th Party, and the Interior Ministry. The military and these paramilitary forces often played an internal security role and were central to maintaining the environment of intimidation and fear on which regime power depended. The regime historically made little attempt to acknowledge, investigate, or punish officials or members of the military or security forces accused of human rights abuses; however, in February it admitted that state police were commonly accused of human rights violations. Members of the military and security forces committed widespread, serious, and systematic human rights abuses. In the Kurdish North, party militias under civilian control provided regional security and have committed human rights abuses.

The country has an estimated population of 24 million people. The regime owned all major industries and controlled most of the highly centralized economy, which is based largely on oil production. The Iran-Iraq and Gulf Wars damaged the economy, and the country has been subject to U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions—the "oil-for-food" program. Under the program, the country also was permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agriculture, and education projects, and spare parts for the oil sector. The regime routinely circumvented U.N. sanctions. Under a Memorandum of Understanding with the U.N., the regime shares administration of 13 percent of "oil for food" revenues with Kurdish parties in areas under their control.

Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix likewise is varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Kurdish Yazidis, and a small number of Jews and Sabean Mandaean. Civil uprisings occurred in previous years, especially in Kurdish areas in the north and Shi'a areas in the south. The minority Arab Sunni regime reacted with extreme repression against those who oppose or even question it. The regime also systematically forced the removal of ethnic minorities under its policy of "Arabizing" arable land.

The regime's human rights record remained extremely poor, and it continued to commit numerous, serious human rights abuses. Citizens did not have the right to change the regime. The regime continued summarily to execute alleged political opponents and leaders of the Shi'a religious community. Reports suggested that

persons were executed merely because of their association with an opposition group. The regime continued to be responsible for disappearances and to kill and torture persons suspected of or related to persons suspected of oppositionist politics, economic crimes, military desertion, and a variety of other activities.

Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions were extremely poor and frequently life threatening. The regime reportedly conducted "prison cleansing" campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The regime granted a much-publicized amnesty in October to all prisoners except those accused of spying for the United States or Israel, but by all accounts prisoner release was not as universal as claimed. This public relations event served mainly to corroborate previous reporting of summary executions, disappearances, torture, and inhuman living conditions within the regime's prison system. Many prisoners remained unaccounted for after the amnesty.

Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The regime continued to infringe on citizens' privacy rights. The regime severely restricted freedoms of speech, the press, assembly, association, religion, and movement. The U.N. Special Rapporteur on the situation of human rights in the country issued a report in March detailing ongoing, grievous violations of human rights by the regime. The U.N. Commission on Human Rights and the U.N. General Assembly passed a resolution in November criticizing the regime's suppression of these freedoms. In April the European Parliament published a report condemning the regime's human rights abuses. Nevertheless, human rights abuses remained difficult to document because of the regime's concealment of facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to allow visits of human rights monitors, and its continued restrictions designed to prevent dissent. Although in February, the Special Rapporteur was allowed a single, 4-day visit to research abuses in the country for the first time since 1992, time and access were severely limited and strongly controlled by the regime. It has refused to allow a followup visit. Past U.N. reporting on the regime's human rights abuses was based almost entirely on interviews with recent emigrants, opposition groups and others that had contacts inside the country, and on published reports from outside the country. Violence and discrimination against women occurred.

The regime has enacted laws affording a variety of protections to women; however, it has been difficult to determine the practical effects of such protections. The regime neglected the health and nutritional needs of children and discriminated against religious minorities and ethnic groups. The regime restricted severely trade union rights, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok, and Sulaymaniah since the regime withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held, although reunification measures were long delayed. The unified Assembly was convened for the first time in October. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May 2001, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP, PUK, and other opposition groups committed human rights abuses. However, the PUK and KDP have enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights. According to press reporting and independent observers, both groups generally observed such laws in practice. In addition, both the PUK and KDP have established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, including the International Committee of the Red Cross (ICRC), and to recommend ways to end abuses.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

In keeping with its long and established record of executing perceived or alleged political opponents, the regime committed numerous political and other extrajudicial killings throughout the reporting period. The U.N. Special Rapporteur repeatedly criticized the regime for the "sheer number of executions" taking place in the country, the number of "extrajudicial executions on political grounds," and "the absence of a due process of the law."

The list of offenses legally requiring a mandatory death penalty has grown substantially in past years and includes anything that could be characterized as "sabotaging the national economy." This includes offenses such as forgery, as well as smuggling cars, spare parts, heavy equipment, and machinery. More significantly, the Special Rapporteur noted that mere membership in certain political parties was punishable by death, and that there was a pervasive fear of death for any act or expression of dissent. There were recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'th Party. The Special Rapporteur also noted that even the "suggestion that someone is not a supporter of the President carries the prospect of the death penalty."

As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba'th Party. These executions included high-ranking civilian, military, and tribal leaders. In January Iraq Press (IP) reported that three dissidents—Ali Hassan Abed, Jawad Kadhem, and Abdujabaleel al-Uqaili—were executed for allegedly attacking members of the Ba'th Party. In February IP also reported that 10 senior army Republican Guard officers, including Lieutenant General Mohammed al-Dulaimi, were executed for allegedly plotting a coup. In April the U.K.-based Guardian newspaper reported that Lieutenant Colonel Mohamad Daham al-Tikriti, a recent defector from the General Security Service, admitted that in February 150-200 civilians were killed "at random" on suspicion of conspiracy and buried in a mass grave near Baghdad as part of a larger effort in which 1,500 civilians were summarily executed in the first 2 months of the year. According to Human Rights Watch (HRW) World Report for 2003, civilians detained in Abu Ghurayb prison were apparently executed in March and others in June. A number of military personnel were reportedly also executed in March in Baghdad, Mosul, and other cities. HRW also documented that 11 military officers, including an Army Major General, were executed between March and July 2001; and other executions of mid-level to senior officers occurred in August and October 2001, all on the charge of involvement in suspected coup attempts. In June the Iraqi Communist Party (ICP) reported that eight citizens from Basra were executed in November 2001 on suspicion of contacting the opposition.

The regime reportedly continued to pursue a policy of eliminating prominent Shi'a clerics and their followers suspected of disloyalty to the regime. For instance, the Sunday Times reported in May that regime security forces attacked Shi'a worshippers in Karbala on a religious pilgrimage to the shrine of Imam Hussein, killing at least 40 of them. This continued an alleged pattern of repression against Shi'a. For example, according to HRW, five Shi'a from al-Najaf province were among those apparently executed in March in Abu Ghurayb prison. In 2001 the regime reportedly executed two Shi'a clerics for claiming that the regime was involved in the killing of a Shi'a cleric in 1999 and killed another Shi'a cleric, Hussein Bahr al-Uloom, for refusing to appear on television to congratulate Qusay Saddam Hussein on his election to a Ba'th Party position. In 1998 and 1999, the regime killed a number of leading Shi'a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the regime that the killings might be part of a systematic attack by regime officials on the independent leadership of the Shi'a community (see Section 2.c.). The regime did not respond to the Special Rapporteur's letter.

Regime agents publicly targeted family members of defectors and dissidents for torture and killing (see Section 1.f.). This continued an alleged pattern of torture of relatives of dissidents. For example, in 2001 the regime reportedly tortured to death the mother of three Iraqi defectors for her children's opposition activities. In 2000 regime agents reportedly killed Safiyah Hassan, who allegedly publicly criticized the regime for killing her husband and two sons, Hussein and Saddam Kamal. Her husband and sons had been senior regime officials; however, the brothers defected to Jordan in 1996. The regime offered the men immunity if they returned to the country; however, upon their return, regime agents killed them and their father.

Regime security forces conducted numerous killings of political prisoners, minority group members, criminal suspects, and others during attempted apprehension or while in custody. Opposition groups and defectors continued to provide detailed accounts, including the names of hundreds of persons killed, of summary prison executions carried out for the apparent purpose of reducing prison overcrowding. In September 2001, the regime executed 28 political prisoners in Abu Ghurayb prison as a part of its prison cleansing campaign. During 2000 the Special Rapporteur received reports referring to a prison cleansing execution campaign taking place in Abu Ghurayb, Radwaniyah, and other prisons. A former officer from the Mukhabarat (Intelligence Service) reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to "clean out" the country's prisons. The regime's motive for such high numbers of summary executions, estimated at more than 4,000 since 1997, may also be linked to reported efforts to intimidate the population.

In a much-publicized move, the regime announced 48 hours in advance a surprise amnesty, which included political prisoners and army deserters in October. Those released were mainly held in Abu Ghurayb prison. Press reports reflected evidence that some prisoners were summarily executed in anticipation of the release. Also, many families expecting the release of relatives in this amnesty reportedly discovered that they had been executed in captivity without trial. The regime made no effort to investigate current or past cases, answer

accusations about summary executions, or identify and punish perpetrators during the year.

Among many other examples of killings in custody, HRW reported that the regime hanged 'Abd al-Waheed al-Rifa'i in March 2001 after 2 years in detention without trial. Relatives reported his body bore marks of torture when they collected it from the General Security Directorate in Baghdad. Reports of deaths in custody due to poor prison conditions and official negligence continued (see Section 1.c.). In addition, many people who were displaced forcibly still lived in tent camps under harsh conditions, which also resulted in many deaths (see Sections 2.d. and 5).

Reports of deaths of civilians caused by landmines continued. Approximately 7 million landmines left over from the Iran-Iraq war remain in place in northern Iraq. PUK representatives reported that the population living in the region under its control suffered approximately 250 casualties per month from exploded mines. Many of these victims died. Despite repeated requests, the regime refused to provide maps of known mine fields to facilitate their removal (see Section 1.g.).

There were many notable cases of regime extrajudicial killings that remained outstanding. As in previous years, the regime continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and HRW concluded that the regime's policies against the Kurds raised questions of crimes against humanity and violations of the 1948 Genocide Convention.

In February the Minister of Justice specifically informed the Special Rapporteur that prostitution is not punishable by death under the law and claimed that no one had been sentenced to death for prostitution in many years. However, security forces allegedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities in October 2001. Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, which included three doctors and one medical assistant.

Politically motivated killings by opposition groups and rebel/insurgent/terrorist groups continued. Political killings and terrorist actions continued in the Kurd-controlled north of the country. For example, numerous press reports in November and December outlined several battles in the northeast between PUK forces and fighters of Ansar al-Islam (AAI), an Islamic extremist group. Such fighting continued a pattern of violence in that area. In 2001 assailants assassinated the governor of Erbil, Fransu Hariri. PUK and KDP investigators blamed Islamic groups such as AAI for the killing. In 2000 unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July 2000, unknown assailants killed parliamentary deputy Osman Hassan. Also in July 2000, PUK forces reportedly killed a number of members of the Iraqi Communist Workers Party (ICWP), and KDP forces killed several members of the Iraqi Turkmen Front (ITF). Neither the PUK nor the KDP released information regarding investigations into the killings. Political killings and terrorist actions continued in ethnically Shi'a southern provinces. In January IP reported three assailants attacked Major Kadhém al-Zaidi, a senior Mukhabarat officer notorious for his use of torture, near Basra. This continued a pattern of retaliatory violence in the south of the country. For example, in 2001 the Supreme Council for the Islamic Revolution in Iraq (SCIRI) reported that its members killed Raed Khidir, a Ba'th Party official in the south.

Killings due to societal violence were also reported. For example, Assyrian and Chaldean press reported in August that a Catholic nun was slain in Baghdad by alleged Muslim extremists (see Section 2.c.).

#### b. Disappearance

There continued to be widespread reports of disappearances throughout the year. The regime did nothing to address accusations regarding previously reported disappearances. A large number of presumed disappeared citizens remained unaccounted for.

Hundreds were still missing in the aftermath of the brief military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported prison cleansing campaign (see Section 1.a.). The missing were primarily from the Kurd minority but included members of the Assyrian, Turkmen, and Yazidi communities.

The regime continued to ignore the more than 16,000 documented disappearance cases conveyed to it in 1994 and 1995 by the U.N. Special Rapporteur. Despite several well-publicized exchanges with Kuwait, Saudi Arabia, and Iran, the regime effectively ignored requests from those Governments to account for those who disappeared during Iraq's 1990-91 occupation of Kuwait, and regarding prisoners of war captured in the 1980-

88 Iran-Iraq war. The regime failed to return, and did little to account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The regime denied having any knowledge of the others and claimed that any relevant records were lost in the aftermath of the Gulf War, although it subsequently claimed to have provided such records to Kuwait in October. Iran reported that the regime still had not accounted for 5,000 Iranian prisoners of war (POWs) missing since the Iran-Iraq War. The Governments of Kuwait, Saudi Arabia, and Iran repeated calls for more dialog on this subject.

The majority of the 16,496 cases known to the Special Rapporteur were persons of Kurdish origin who disappeared during the 1988 Anfal campaign. In February the International Alliance for Justice/Coalition for Justice in Iraq (AIJ/CJI) and the British Broadcasting Company (BBC) reported the discovery of a fourth mass grave holding the executed bodies of six ethnic Kurds believed killed during the Anfal campaign, providing further evidence of the fate of the disappeared Kurds. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. Human Rights Watch estimated the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of disappearance cases known to the Special Rapporteur consisted of Shi'a who were reported to have disappeared in the late 1970s and early 1980s as their families were expelled to Iran due to their alleged Persian ancestry.

In 2001 AI reported that the regime has the world's worst record for numbers of persons who disappeared and remained unaccounted for. Numerous credible reports alleged the existence of special prison wards that held individuals whose whereabouts, status, and fate was not disclosed (see Section 1.c.).

In 1997 and 1999, AI documented the repeated failure by the regime to respond to requests for information about persons who disappeared. The report detailed numerous unresolved cases dating from the early 1980s through the mid-1990s. The report concluded that few victims became targets of the regime because of any crime they had committed; rather, they were arrested and held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested because of their family's link to a political opponent or simply because of their ethnic origin (see Sections 1.d. and 1.f.).

The Special Rapporteur and several human rights groups continued to request that the regime provide information about the 1991 arrest of the late Grand Ayatollah Abdullah Quasi Al-Koei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the regime refused to respond to queries regarding their status. Similarly, AI identified a number of Ayatollah Sadden al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remained unknown. In its November 1999 report, AI identified eight aides of al-Sadr who disappeared.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the regime continued to hold thousands of other citizens in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

In October press reports indicated that prisoners released in the prisoner amnesty, and families of prisoners that failed to appear after the release, alleged that numerous political prisoners remained incarcerated or had been secretly executed in prison. This event appeared to confirm the reported pattern of disappearances and secret executions alleged by human rights groups. The regime did not acknowledge conducting abductions, and has not initiated any investigations into alleged disappearances, nor attempted to bring perpetrators to justice.

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

The Constitution expressly prohibits torture; however, the security services routinely and systematically tortured detainees throughout the year. According to former prisoners, torture techniques included branding, electric shock administered to the genitals and other areas, beating, removal of fingernails, amputation without anesthesia, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping of acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture was often apparent when security forces returned the mutilated bodies of torture victims to their families. There were persistent reports that families were made to pay for the cost of executions of loved ones. Refugees who arrived in Europe often reported instances of torture to receiving governments and displayed scars and mutilations to substantiate their claims. In August 2001, AI released a report entitled "Iraq: Systematic Torture of Political Prisoners," which detailed the systematic and routine use of torture against suspected political opponents and, occasionally, other prisoners.

The Special Rapporteur continued to receive reports that arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur expressed concern about cruel and unusual punishments prescribed by the law, including amputations and branding. In 2000 the authorities reportedly introduced tongue amputation as a punishment for persons who criticized Saddam Hussein or his family. In February regime authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein in the city of Diwaniya. As on previous occasions, authorities reportedly performed the amputation in front of a large crowd. Similar tongue amputations reportedly occurred in the city of Hilla during 2001. The regime never acknowledged such reports, conducted any investigation, nor took action against those who amputated prisoners' tongues. The Special Rapporteur received numerous reports of soldiers having their ears cut off as punishment for desertion. The Minister of the Interior admitted the existence of this practice, but claimed, in February, that "it had now definitively ceased."

There were numerous allegations of politically motivated torture and reports of torture against family members, including the children, of suspected critics of the regime. For instance, a Health Coordinator for the refugee health program in Yemen alleged in January that an Iraqi child under her care, bearing the marks of needle scars on its wrists and forearms, had reportedly been injected with an agent that caused severe mental retardation in retaliation for the father's suspected opposition to the regime. The U.K.-based Independent newspaper reported in March that the regime had begun publicly to threaten torture against family members of prominent exiled oppositionists and dissidents in an effort to curtail their political activities (see Section 1.f.). These reports continued a pattern of alleged systematic use of torture by the regime for political or other nationalist reasons. For example, the regime routinely tortured national soccer team players for poor performance. In May 2001, Saad Keis Naoman, a soccer player who defected to Europe, alleged that he and his teammates were beaten and humiliated at the order of Uday Saddam Hussein. In 2000 three soccer players, who played for a team that lost an October game in the Asian Cup quarterfinals, reportedly were whipped and detained for 3 days. Sharar Haydar Mohamad al-Hadithi, a former soccer player, stated in August 1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. In 1997 members of the national soccer team reportedly were beaten and tortured on Uday's orders because of poor play in a World Cup qualifying match.

Beyond the use of torture, the regime systematically employed cruel, inhuman, and degrading treatment of people for political purposes. For example, the BBC reported in June that the regime forbids parents from burying the bodies of deceased children for an extended period of time (reportedly up to 3 or 4 months) so that they can be amassed for burial after propaganda parades and nationalist ceremonies.

Human rights organizations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted and threatened sexual assault against officials, opposition members, and their families, in order to blackmail them into compliance (see Section 1.f.). This continued an alleged pattern of the regime's systematic use of rape for political purposes. Former Mukhabarat member Khalid Al-Janabi reported in 2001 that a Mukhabarat unit, the Technical Operations Directorate, used rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure future cooperation (see Section 1.f.). The security forces allegedly also raped women who were captured during the Anfal campaign in the 1980s and during the 1990 occupation of Kuwait. The regime never acknowledged these reports, conducted any investigation, nor took action against those who committed the rapes.

Prison conditions were extremely poor and life threatening. There reportedly were numerous official, semi-official, and private prisons throughout the country. Overcrowding was a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post at that time, and the regime-owned daily newspaper Babel reiterated the regime's longstanding claim that it held virtually no prisoners. However, in February the Minister of Labor and Social Affairs admitted to the Special Rapporteur that the prison system was overcrowded. It remained unclear to what extent the mass executions committed pursuant to the prison cleansing campaign reduced overcrowding prior to the October prisoner amnesty (see Section 1.a.). It also remained unclear how many prisoners were actually released in the amnesty. Press reports indicated that the chief focus of the prison amnesty was Abu Ghurayb prison, and that other facilities held many political prisoners. Many families of prisoners who did not appear in the amnesty alleged that their relatives were either killed in custody or remained secreted in other facilities.

Certain prisons were infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly had torture chambers. Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. There were numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly was the site of torture and a number of

disappearances. The Al-Radwaniyah detention center was a former POW facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.).

In March the regime released the body of a prominent executed dissident. The family alleged that the body bore obvious marks of torture from his incarceration (see Section 1.a.). This continued an alleged pattern of systematic abuse of prisoners by the regime. For example, in 2000 the Special Rapporteur reported receiving information about two detention facilities in which prisoners were locked in metal boxes the size of coffins that reportedly were opened for only 30 minutes each day. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party (CHR/ICP) stated that the complex included torture and execution chambers. A section reportedly was reserved for prisoners in a "frozen" state—whose status, fate, or whereabouts were not disclosed (see Section 1.b.). In 2000 the Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January 2000 as a result of torture and poor prison conditions. ICP reported that three prisoners were killed in a prison in Ashar in the southern province of Basra in March when a guard who was in the process of beating a number of prisoners fired a gun at prisoners who tried to defend themselves. Another prisoner injured in the incident reportedly later died of his wounds (see Section 1.g.).

In the past, the regime had not permitted visits by human rights observers, but did allow the Special Rapporteur to inspect briefly several prisons during his February visit. The Special Rapporteur observed that sections of the Abu Ghurayb facility that he visited kept prisoners in "conditions that were almost appalling." The regime claimed that prisons were open to inspections from the ICRC in accordance with standard modalities, but the ICRC had stated that it had only been given intermittent access to facilities such as Abu Ghurayb prison, and that access was only to well-known, better-kept facilities for foreign nationals.

Iraqi Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the ICRC and other international observers. According to the ICRC, regular and consistent improvement in conditions was observed on its weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly denied access to ICRC officials to those facilities. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution and the legal code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999 AI report, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in the last few years because of suspected opposition activities or because they were related to persons sought by the authorities. Those arrested often were taken away by plainclothes security agents, who offered no explanation and produced no warrant to the person or family members (see Section 1.f.). The authorities frequently denied detainees legal representation and visits by family members. In most cases, family members did not know the whereabouts of detainees and did not make inquiries for fear of reprisal. Many persons were taken away in front of family members, who heard nothing further until days, months, or years later, when they were told to retrieve the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Section 1.f.).

IP reported in March that the regime had arbitrarily arrested 50 Kurds in a new mass detention in Khanaqin as part of its ethnic cleansing campaign in Kurdish areas under its control. The report alleged that Ba'thist agents subsequently confiscated 40 private residences as part of this effort. This continued an alleged pattern of arbitrary arrest for political aims. For example, in 2001 the regime initiated an arrest and detention campaign involving thousands of individuals who initially had volunteered to serve in the newly formed Al-Quds militia force, but who had not shown up for training.

Mass arbitrary arrests and detentions often occurred in areas in which antiregime leaflets were distributed. In June 2001, the CJI reported that the regime arrested dozens of lawyers and jurists for distributing oppositionist leaflets that reportedly indicated the authors' intent to expose the regime's violations of human rights. Security forces arrested hundreds of persons in al-Najaf, Karbala, and in the Shi'a section of Baghdad following an anonymous distribution of antiregime leaflets in 2000. Many other arrests had no apparent basis. In September 2001, the regime arrested and expelled six U.N. humanitarian workers and refused to provide any evidence as a basis for its actions (see Section 1.g.).

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also

remained in detention.

The regime reportedly targeted the Shi'a community for arbitrary arrest and other abuses. In February 1999, the Special Rapporteur reported that security authorities detained and questioned Grand Ayatollah Ali al-Sisstani in the city of Najaf without a warrant on several occasions. This continued an alleged pattern of the regime's use of arbitrary arrest and detention to persecute the Shi'a population. For example, in May 2001, the regime reportedly executed two Shi'a clerics, Abdulsattar Abed-lbrahim al-Mausawi and Ahmad al-Hashemi, for claiming that the regime was involved in the killing of a Shi'a cleric in 1999 and the killings of four engineers from the Electricity Board. In the weeks preceding the February 1999 killing of Ayatollah Sadeq al-Sadr and two of his sons, many of al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (see Sections 1.a., 1.b., and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following Sadr's killing (see Section 1.g.).

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison (see Section 1.c.). According to a report received by the Special Rapporteur in 1998, such persons had been detained without charge for close to 2 decades in extremely harsh conditions. The report stated that many of the detainees were used as subjects in the country's secret, outlawed experimental chemical and biological weapons programs.

Although no statistics were available, observers estimated the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

In recent years the regime made several efforts to improve its standing with human rights groups and the U.N. Special Rapporteur by declaring prisoner, deserter, and exilee amnesties, most recently in October (see Section 1.c.). In June 1999, in another example, the regime announced a general amnesty for citizens who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (see Section 2.d.). No citizens were known to have returned to the country based upon this amnesty, and an estimated 2 to 3 million self-exiled citizens reportedly remained fearful of returning to the country. For the most part, these declared amnesties have been dismissed as public relations gestures and merely corroborated allegations that the regime arbitrarily arrested and detained many citizens. Past reporting also indicated that it was very difficult or expensive for prisoners to obtain release once incarcerated. In May 2001, the press reported that the authorities released 3,000 prisoners who paid bribes to prison officials to have their prison terms cut. One former prisoner said his family paid approximately \$3,125 (5 million Iraqi dinars) for him to be released after serving 7 years of his original 15-year sentence.

The PUK and the KDP reportedly held some political prisoners and detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March 2000, the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (see Section 1.g.). In 2001 PUK and KDP officials reported that all remaining PUK and KDP political prisoners and detainees had been exchanged per the agreement.

#### e. Denial of Fair Public Trial

The judiciary was not independent, and there was no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes the rule of law. Numerous laws facilitate continued repression, and the regime used extrajudicial methods to extract confessions or coerce cooperation.

There are parallel judicial systems: The regular courts, which try common criminal offenses; and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court. Special security courts reportedly have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often held defendants incommunicado and did not permit contact with lawyers (see Section 1.d.). The courts admitted confessions extracted by torture, which often served as the basis for conviction (see Section 1.c.). Many cases appeared to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or predilections.

The Minister of Justice admitted the existence of the special security courts in February but claimed that they were staffed with judges from the regular judiciary, and that trials in such courts were conducted with all the rights and procedures of the normal civil courts. This prompted the Special Rapporteur to conclude that if this were true, such courts were unnecessary. There were no Shari'a (Islamic law) courts; however, regular courts were empowered to administer Shari'a in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts in theory provide for many protections; however, the regime often assigned to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at regime expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The regime shielded certain groups from prosecution for alleged crimes. For example, a 1990 decree granted immunity to men who committed "honor crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behavior or alleged sexual misconduct (see Section 5). A 1992 decree granted immunity from prosecution to members of the Ba'th Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicated that this decree had been applied to prevent trials or punishment of regime officials.

It was difficult to estimate the number of political prisoners, because the regime rarely acknowledged arrests or imprisonments, and families were afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in the past few years originally were held as political prisoners.

Both the PUK- and the KDP-controlled local administrations maintained separate judicial systems. They used the Iraqi legal code. Both come under a separate Supreme Court of Cassation. During the year, PUK and KDP officials reported that the PUK and KDP had exchanged all political prisoners and detainees in accordance with a 1999 agreement. However, the PUK and the KDP reportedly continued to hold some political prisoners and detainees (see Section 1.d.).

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

The regime frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defined security offenses so broadly that authorities effectively were exempt from the legal requirement to obtain search warrants, and searches without warrants were commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The regime periodically jammed news broadcasts from outside the country, including those of opposition groups (see Section 2.a.). The security services and the Ba'th Party maintained pervasive networks of informers to deter dissident activity and instill fear in the public.

The authorities continued systematically to detain, abuse, and kill family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., 1.d., and 1.g.). In January for example, AIJ/CJI reported that the regime publicly threatened on Iraqi satellite TV to systematically rape the female relatives of Faiq Sheikh Ali, a prominent dissident and journalist residing abroad, in retaliation for his criticism of the regime on a political talk show. This continued an alleged pattern of the regime's systematic interference with privacy for political reasons. For example, in May 2001, the authorities reportedly tortured to death the mother of three defectors because of her children's opposition activities. In June 2000, a former general reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the regime. In November 1999, the regime expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

The regime continued its Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from regime-controlled areas. According to press reports and opposition sources, the regime forcibly displaced hundreds of families. In March the Los Angeles Times reported that the regime extended its Arabization efforts to include the placement of Arab names on headstones in cemeteries in non-Arab communities. In April the regime issued a new decree to all hospitals and bureaus registering births and deaths prohibiting the registration of Christian names. As in previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches (see Sections 2.d. and 5). Regime officials also took hostage members of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5). Authorities demolished the houses and detained and executed family members of Shi'a who protested regime actions (see Sections 1.d. and 1.g.).

The Special Rapporteur noted that guilt by association was facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, conscripts were required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted. Relatives who did not report deserters could lose their ration cards for purchasing regime-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq

reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons training camps (see Section 5).

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities. Others were publicly threatened on satellite television with rape or torture if their relatives failed to cease political activities (see Section 2.a.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The authorities continued to detain, abuse, and kill family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., and 1.f.). The regime had continued a campaign of intimidation directed at U.N. and nongovernmental organization (NGO) relief workers. In February 2001, the Foreign Minister threatened to cut official ties to U.N. workers supervising oil-for-food program distribution in northern Iraq, and to revoke their visas and deport them. In September 2001, the regime expelled six U.N. humanitarian relief workers without providing any explanation.

The regime continued to Arabize certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 1.d., 1.f., 2.d., and 5).

Landmines in the north, mostly planted by the regime before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq and Gulf Wars; however, the army failed to clear them before it abandoned the area. Kurdish officials estimated that at least 7 million landmines remained in place in Kurdish-controlled areas. Landmines also were a problem along the Iraq-Iran border throughout the central and southern areas in the country. There was no information regarding civilian casualties or the regime's efforts, if any, to clear old mine fields in areas under the central regime's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, landmines killed more than 3,000 persons in the three northern provinces since the 1991 uprising. PUK officials estimated that mine casualties in its area of control occurred at a rate of approximately 250 per month. The Special Rapporteur repeatedly reminded the regime of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various NGOs continued efforts to remove landmines from the area and increase awareness of mines among local residents. PUK officials stated that the regime repeatedly rebuffed requests to provide maps of known minefields. In December 1998, the regime declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 2001, Kurdish sources accused the regime of exploding a bomb near an NGO working on mine clearing in the north. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen.

Regime attacks on Shi'a worshippers continued an alleged pattern of the use of excessive force for internal political reasons. For example, following the February 1999 killing of Ayatollah Mohammad Sadeq al-Sadr and his sons (see Section 1.a.), hundreds of persons were reportedly killed in military assaults on protesters in Shi'a areas of Baghdad, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra. While a funeral for al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Regime security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons. In 2000 authorities continued to target alleged supporters of al-Sadr. Security officials reportedly executed 36 religious students who had been arrested after al-Sadr's killing. In 1999 and 2000, as a reprisal for the disturbances following al-Sadr's killing, the regime expelled approximately 4,000 Shi'a families from Baghdad. Numerous Shi'a who fled the country in 1999 and 2000 told HRW that security forces interrogated, detained, and tortured them.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking. HRW and other organizations worked with various agencies to bring a genocide case at the International Court of Justice against the regime for its conduct of the Anfal campaign against the Kurds in 1988.

During the year, no hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress has been made toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDPs) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented (see Section 1.d.). However, in 2001 the two main Kurdish

parties reported some progress toward full implementation of the Washington Agreement, including the return of 3,000 IDPs displaced since the 1995-96 fighting, improved movement between the Kurdish-controlled areas, and the exchange of all prisoners. The unified Assembly was convened for the first time in October.

Press reports indicated that the PUK and AAI fought several minor battles resulting in a few deaths during the reporting period. Although minor compared to past events, this continued a pattern of violence in the Kurdish North. For example, in 2001 armed hostilities that resulted in deaths were reported between the PUK and Islamic groups, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. In July 2000, the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the ICWP reportedly refused to move. PUK security forces subsequently killed at least six ICWP members and arrested several others at an ICWP office in Sulaymaniah. PUK forces also killed several ICWP members who were inside a car. In connection with this dispute, the PUK closed the ICWP-affiliated Independent Women's Organization and the Women's Protection Center in July 2000 and detained temporarily 12 women who had been staying at an abused women's shelter within the Center. The PUK announced that it would investigate the security forces' actions; however, no information was available by year's end.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press "in compliance with the revolutionary, national, and progressive trend;" however, in practice the regime did not permit freedom of speech or of the press and did not tolerate political dissent in areas under its control. In November 2000, the U.N. General Assembly again criticized the regime's "suppression of freedom of thought, expression, information, association, and assembly." The Special Rapporteur stated in October 1999 that citizens lived "in a climate of fear," in which whatever they said or did, particularly in the area of politics, involved "the risk of arrest and interrogation by the police or military intelligence." He noted that "the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty."

There were numerous reports throughout the year of regime interference in the freedom of speech. For example, in February the World Association of Newspapers (WAN) condemned the regime's attempt to muzzle prominent dissident journalist Faiq Sheikh Ali (see Section 1.f.) and expressed concern that another prominent journalist received death threats during the year for his contact with members of the opposition. This continued a pattern of alleged regime interference in the freedom of speech. In June 2001, the Human Rights Alliance reported that the regime had killed more than 500 journalists and intellectuals over the previous decade.

The regime, the Ba'th Party, or persons close to Saddam Hussein owned all print and broadcast media and operated them as propaganda outlets. They generally did not report opposing points of view that were expressed either domestically or abroad. A 2002 Freedom House report rated press freedom in the country at 96 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high regime officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'th Party. In February 2001, opposition press reported that the regime added the penalty of cutting out the tongue of anyone who ridiculed the President. There were several reports during the year that this penalty was imposed (see Section 1.c.).

The Ministry of Culture and Information periodically held meetings at which it issued general guidelines for the press. Foreign journalists must work from offices located within the ministry building and were accompanied everywhere they go by ministry officers, who reportedly restricted their movements and made it impossible for them to interact freely with citizens.

According to the Special Rapporteur, journalists were under continuous pressure to join the Ba'th Party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to local sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (see Section 6.a.). Each reporter must inform a security officer regarding the nature of news intended for the foreign media, and intelligence officers screen broadcasts before airing. In October the regime attempted to expel foreign journalists who reported on the spontaneous demonstrations of family members of disappeared prisoners that erupted after they failed to appear in the prison amnesty. This continued a pattern of interference in the freedom of the press. For example, in September 1999, Hashem Hasan, a journalist and Baghdad University professor, was arrested after declining

an appointment as editor of one of Uday Hussein's publications. The Paris-based Reporters Without Borders (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts still remained unknown at year's end (see Section 1.b.).

The regime regularly jammed foreign news broadcasts (see Section 1.f.). Satellite dishes, modems, and fax machines were banned, although some restrictions reportedly were lifted in 1999. Regime-controlled areas had only two land-based television channels, the official Iraq Television, and Youth TV, owned by Uday Saddam Hussein. In 2001 Uday Hussein reportedly assumed control of the satellite television service. According to press reports, Internet service was available but highly restricted by the regime. Reportedly only 500 computers had links to the web within regime-controlled areas, and these access points were subject to close oversight from regime censors. Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sent textbooks with proregime propaganda to Kurdish regions; however, Kurds routinely removed propaganda items from such textbooks.

The regime did not respect academic freedom and exercised strict control over academic publications and foreign travel by academics. University employees were hired and fired depending on their support for the regime.

In the north, many independent newspapers appeared over the past 8 years, as did opposition radio and television broadcasts. The absence of central authority permitted significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists were influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services were available. Although the rival Kurdish parties in the north, the PUK and KDP, stated that full press freedom was allowed in areas under their respective control, in practice neither effectively permitted distribution of the opposing group's newspapers and other literature.

The Internet was available widely through Internet cafes in major urban centers in Kurdish-controlled areas. In regime-operated Internet cafes, users only were permitted to view Web sites provided by the Ministry of Culture and Information. The regional authorities did not try to limit access to preapproved web sites; however, they often monitored web usage by individuals.

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

The Constitution provides for freedom of assembly; however, the regime restricted this right in practice. Citizens may not assemble legally other than to express support for the regime, which regularly orchestrated crowds to demonstrate support for it and its policies through financial incentives for those who participated and threats of violence against those who did not. According to press reports, several spontaneous demonstrations arising in the wake of the October prison amnesty were forcibly dispersed (see Sections 1.a. and 1.b.).

The Constitution provides for freedom of association; however, the regime restricted this right in practice. The regime controlled the establishment of political parties, regulated their internal affairs, and monitored their activities. New political parties must be based in Baghdad and were prohibited from having any ethnic or religious character. The political magazine Alef-Be, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which included the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'th Party to power. Several parties were outlawed specifically, and membership in them was a capital offense (see Section 3). The law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In the Kurdish-controlled north, numerous political parties and social and cultural organizations existed. The KDP- and PUK-controlled administrations imposed restrictions on some political parties and groups they considered security risks, or that refused to register as political parties or to participate in local elections. The PUK and KDP have forced political parties that violate these rules to shut down. Neither the KDP nor PUK allowed the other group to open party offices in territory under its control; however, they did allow other political parties to operate in those territories and included them in their administrations.

#### c. Freedom of Religion

The Constitution provides for freedom of religion provided that it does not violate "morality and public order"; however, the regime severely limited freedom of religion in practice. Islam is the official state religion. The Ministry of Endowments and Religious Affairs monitored places of worship, appointed the clergy, approved the building and repair of all places of worship, and approved the publication of all religious literature.

More than 95 percent of the population is Muslim. The (predominantly Arab) Shi'a constitute a 60 to 65 percent majority, while Sunni make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkmen). The remaining approximately 5 percent consist of Christians—Chaldeans (Roman Catholic), Assyrians (Church of the East), Syriac (Eastern Orthodox), and Yazidis (Armenian Orthodox), and a small number of Jews and Sabeen Mandaeanes.

The regime 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" (see Section 3).

Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the regime since independence in 1932. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi'a and Sunni Arabs are not distinct ethnically. Shi'a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the army in the 1980-88 Iran-Iraq War. 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.

The regime has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a population (see Sections 1.a., 1.d., and 1.g.). Despite nominal legal protection of religious equality, the regime severely repressed the Shi'a clergy and those who follow the Shi'a faith. Forces from the Mukhabarat, General Security (Amin Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, and interfered with Shi'a religious education. Security agents reportedly were stationed at all major Shi'a mosques and shrines and searched, harassed, and arbitrarily arrested worshipers.

The following regime restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on regime-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 regime; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising that listed thousands of forbidden Shi'a religious writings.

In June 1999, several Shi'a opposition groups reported that the regime instituted a program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly were checked on entry to a mosque and were printed with a notice of severe penalties for those who attempt to pray at an unauthorized location.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. In 2000 Al reported that the regime deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970s and early 1980s, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were the principal targets for deportation. After the 1991 popular uprising, the regime relaxed some restrictions on Shi'a attending the schools. However, the revival of the schools appeared to have exceeded greatly the regime's expectations and led to an intensified crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon regime-provided material that attacked fundamentalist trends.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslims who wished to make the Hajj to Mecca and Medina and of both Iraqi and non-Iraqi Muslim pilgrims who traveled to holy sites within the country (see Section 2.d.). For example, in 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the regime rejected this offer. In 1999 the Sanctions Committee offered to disburse funds to cover Hajj-related expenses via a neutral third party; the regime again rejected the offer. Following the December 1999 passage of U.N. Security Council Resolution 1284, the Sanctions Committee again sought to devise a protocol to facilitate payment to individuals making the journey. The Sanctions Committee proposed to issue \$250 in cash and \$1,750 in traveler's 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. The regime again declined and, consequently, no Iraqi pilgrims were able to take advantage of the available funds or, in 2000, of the permitted flights. The regime continued to insist that these funds would be accepted only if they were paid in cash to the regime-controlled central bank, not to the Hajj pilgrims.

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 travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The regime for several decades interfered with these Ashura commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between pilgrims on one side and Ba'th Party members and security forces enforcing the ban on the other. In 2000 security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.). During the year, there were no reports of violence during the pilgrimage; however, the regime reportedly imposed travel restrictions.

The regime also sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the regime engaged in various abuses against the country's estimated 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (see Section 2.d.). Most Assyrians lived in the northern provinces, and the regime often accused them of collaborating with Iraqi Kurds. Military forces destroyed numerous Assyrian churches during the 1988 Anfal campaign and reportedly tortured and executed many Assyrians.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years. Kurdish groups often referred to Assyrians as Kurdish Christians. Christians reported several ritual killings of Christian clergy by unknown assailants, which they claimed were perpetrated by Muslim extremists. Press and Christian opposition groups reported that an Assyrian nun was killed in an apparent emulation of Muslim ritual slaughter in July (see Section 1.a.). These reports continued an alleged pattern of violence and persecution directed against Christian and other religious minorities throughout the country.

The regime imposed repressive measures on Yazidis (see Section 5).

Although few Jews remained in the country, regime officials frequently made anti-Semitic statements.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The regime restricted movement within the country of citizens and foreigners. Police checkpoints were common on major roads and highways. Persons who entered sensitive border areas and numerous designated security zones were subject to arrest.

The regime required citizens to obtain specific regime authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens were required to post collateral, which was refundable upon their return. There were restrictions on the amount of currency that may be taken out of the country. Women were not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), canceled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In an apparent effort to convince citizens living abroad to return to the country, the regime radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (see Section 1.d.). In October 1999, Justice Minister Shabib al-Maliki announced that authorities might seize assets belonging to citizens living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor citizens inside the country who received money from relatives living abroad.

A November 1999 law provides for additional penalties for citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In 2000 the director of the Real Estate Registration Department stated that pursuant to the decree, the regime confiscated the property of a number of persons.

The regime restricted foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogated all media employees, journalists, and writers upon their return from foreign travel.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslim citizens who wished to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in the country (see Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) were required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance included, but were not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The regime prevented many citizens who also held citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimated that there were more than 500,000 IDPs remaining in the 3 northern provinces (Erbil, Dohuk, and Sulaymaniah), most of whom fled regime-controlled areas in early 1991 during the uprising that followed the Gulf War. Yazidi Kurds reported in November that they were subjected to forced concentration in the vicinity of Dohuk over the last few years. The regime continued its Arabization policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers viewed the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area.

Non-Arab citizens were forced either to change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern provinces. Persons may avoid expulsion if they relinquish their Kurdish, Turkmen, Chaldean, or Assyrian identity and register as Arabs. Persons who refused to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

The Revolutionary Command Council mandated that new housing and employment be created for Arab residents who had been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly was prohibited. Non-Arabs may not sell their homes, except to Arabs, nor register or inherit property. Authorities estimated that since 1991, more than 100,000 persons were displaced as part of the Arabization program.

According to numerous deportees in the north, the regime generally used a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demanded that a family change its ethnicity from Kurdish or Turkmen to Arab. Subsequently, security officials frequently arrested the head of household and informed the other family members that the person would be imprisoned until they agreed to settle elsewhere in the country. Such families frequently chose to move to the north; family members must sign a form that states that the departure was voluntary and they were not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The regime frequently transferred the families' houses to Arab Ba'th Party members.

Those expelled were not permitted to return. The Special Rapporteur reported in 1999 that citizens who provided employment, food, or shelter to returning or newly arriving Kurds were subject to arrest. The regime denied that it expelled non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remained abroad. Apart from those suspected of sympathizing with Iran, most fled after the regime's suppression of the civil uprising of 1991; others were Kurds who fled during the Anfal campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, repatriated themselves in northern areas outside regime control.

The regime did not cooperate with the UNHCR, did not provide first asylum, and did not respect the rights of refugees.

Approximately 12,000 Turkish Kurds who fled civil strife in southeastern Turkey remained in northern areas controlled by the regime in Baghdad. The UNHCR was treating such displaced persons as refugees until it reached an official determination of their status.

During the year, the KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons each side had expelled as a result of intra-Kurdish fighting in the three northern provinces. In June the first 70 families were returned. In April 2000, the UNHCR noted that displaced persons still were living in tents or in open, unheated buildings (see Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. Some sources indicated that KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. The KDP denied that the blockade or village raids occurred.

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

Citizens did not have the right to change their government. The President wielded power over all instruments of control. Most important officials either were members of Saddam Hussein's family or were family allies from his hometown of Tikrit. Although the regime took steps to look more like a democracy, the political process still was controlled firmly by the regime. The October so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It did not include voter privacy, and many credible reports indicated that voters feared reprisal if they cast a dissenting vote. The regime claimed a 100 percent yes vote out of 16 million votes cast. In a similar "referendum" in 1995, a total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Elections for the National Assembly were held in March 2000; 220 of the 250 parliamentary seats were contested and presidential appointees filled the 30 remaining seats. Out of the 250 seats, members of the Ba'th Party reportedly won 165 seats, independents won 55, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates. Saddam Hussein's son Uday was elected to the National Assembly with 99.9 percent of the vote.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who were estimated to constitute approximately 8 percent of the population. The political system is dominated by the Party, which governed through the Revolutionary Command Council. President Saddam Hussein heads the council. The RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations were illegal and severely suppressed. Membership in certain political parties was punishable by death. In October 2000, security forces reportedly executed eight persons on charges of forming an opposition organization (see Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law was used to prohibit parties that did not support the President and the regime. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new Constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an insufficient number of members.

The regime did not recognize the various political groupings and parties that have been formed by Shi'a, Kurds, Assyrians, Turkmen, or other communities. These political groups continued to attract support despite their illegal status.

The law provides for the election of women and minorities to the National Assembly; however, they had only token representation.

In the north, all central regime functions have been performed by local administrators, mainly Kurds, since the regime withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local regime administrators were elected in 1992. The parliament last met in May 1995. The two major Kurdish parties in de facto control of the north, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures have been greatly delayed. The PUK and KDP convened the united Assembly in October for the first time. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP reportedly required membership lists from ethnic minority political parties. The regime also imposed additional restrictions on some political parties (see Section 2.b.).

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged

## Violations of Human Rights

The regime did not permit the establishment of independent human rights organizations. Citizens established several human rights groups abroad and in northern areas not under regime control. Monitors from most foreign and international human rights groups were not allowed in the country. However, the regime allowed several international humanitarian and aid organizations to operate in the country.

During the year for the first time since 1992, the regime allowed the U.N. Special Rapporteur to pay a 4-day, strictly controlled visit to the country, but the regime responded only partially or not at all to his requests for information.

In November the U.N. Commission on Human Rights and the U.N. General Assembly issued a report that noted "with dismay" the lack of improvement in the situation of human rights in the country. The report strongly condemned the "systematic, widespread, and extremely grave violations of human rights" and of international humanitarian law by the regime, which it stated resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The report called on the Government to fulfill its obligations under international human rights treaties.

The regime operated an official human rights group that routinely denied allegations of abuses.

### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the regime systematically violated these rights.

#### Women

Domestic violence against women occurred but little was known about its extent. Such abuse customarily was addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published. Spousal violence constitutes grounds for divorce and may be prosecuted; however, suits brought on such charges reportedly were rare. Under a 1990 law, men who committed honor crimes may receive immunity from prosecution (see Section 1.e.).

The law prohibits rape; however, security forces raped family members of persons in the opposition as a punishment (see Section 1.c). No information was available regarding the frequency or severity of rape in society.

Prostitution is illegal. The regime denied claims that it has beheaded women accused of prostitution (see Section 1.a.).

The regime stated that it was committed to equality for women, who make up approximately 20 percent of the work force. It enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It was difficult to determine the extent to which these protections were afforded in practice. Women were not allowed to travel outside the country alone (see Section 2.d.).

In April 2000, the PUK declared that immunity would not be given for honor crimes in the area under its control. Several active women's organizations operated in the Kurd-controlled regions in the north. In September 2001, the KDP began admitting women into the police academy in preparation for their integration into the police force.

#### Children

No information was available regarding whether the regime has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups collected a substantial body of evidence indicating the regime's continued disregard for the rights and welfare of children. Education for boys is compulsory through the sixth grade. Children may continue in public schools through grade 12, but children often left after grade 6 to help in family enterprises. The regime claimed that it also has enacted laws to make education for girls compulsory.

The regime's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that could have been made available to the general public, including children, were stockpiled in warehouses or diverted for the personal use of some regime officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January 2000 letter to the regime, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and petroleum sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in the country through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The regime's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the regime modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in the country that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the regime in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and central parts of the country, home to 85 percent of the population, children under 5 years old were dying at more than twice the rate that they were a decade before. In contrast mortality rates for children less than 5 years old in the Kurdish-controlled north dropped in the period between 1994 and 1999. The Special Rapporteur criticized the regime for "letting innocent people suffer while it maneuvered to get sanctions lifted." Had the regime not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

During the year, the regime held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the opposition reported that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (see Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization (see Section 1.f.).

Regime officials allegedly took children from minority groups in order to intimidate their families to leave cities and regions in which the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

#### Persons with Disabilities

No information was available regarding the regime's policy towards persons with disabilities.

#### National/Racial/Ethnic Minorities

The country's cultural and linguistic diversity was not reflected in its political and economic structure. Non-Arabs were denied equal access to employment, education, and physical security. Non-Arabs were not permitted to sell their homes except to Arabs, nor to register or inherit property. As part of its Arabization policy, the regime continued to relocate forcibly the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.). Similarly, the regime forced many Arabs to relocate to regions forcibly vacated by other groups. Both major Kurdish political parties indicated that the regime occasionally targeted Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk in order to attempt to "Arabize" the city (see Section 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (see Section 2.c.).

The regime did not permit education in languages other than Arabic and Kurdish. Thus, in areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the regime, without any historical basis, defined the Yazidis as Arabs. There is evidence that the regime compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report described special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The regime imposed the same repressive measures on Yazidis as on other groups (see Section 2.c.).

Citizens considered by the regime to be of Iranian origin must carry special identification and often were precluded from desirable employment. Over the years, the regime deported hundreds of thousands of citizens of Iranian origin.

Ethnic minorities faced some discrimination and harassment by Kurds in the north. In areas of the north under Kurdish control, classes in Syriac and Turkish were permitted in primary schools run by Assyrian or Turkmen parties, since the 1991 uprising against the regime. However, teaching of Syriac reportedly remained restricted. The Kurdish administrations also required that all school children begin learning Arabic in primary school.

Assyrians continued to fear attacks by the PKK, a Turkish-based terrorist organization that operated against indigenous Kurds in northern areas. In 2000 Assyrians reported being caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported in 2000 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. There were no reports during the year of the Kurdistan Regional Government's investigation into a series of bombings in 1998 and 1999 that many Assyrian groups believed were part of a terror campaign designed to intimidate them into leaving the north.

Ethnic Turkmen also claimed discrimination by Kurdish groups, including the required use of the Kurdistan flag in Turkmen schools and the assignment of Kurdish teachers to Turkmen schools.

## Section 6 Worker Rights

### a. The Right of Association

There were no trade unions independent of regime control, and workers rights were highly restricted. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a regime-controlled trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th Party, which used it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, had the right to join local union committees. The committees were affiliated with individual trade unions, which in turn belonged to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (see Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country. No significant developments have occurred in these cases.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991.

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

The right to bargain collectively is not recognized. The regime sets salaries for public sector workers, the majority of employed persons. Wages in the much smaller private sector were set by employers or negotiated individually with workers. Public sector workers frequently were shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, an omission that has been criticized repeatedly by the Committee of

Experts of the International Labor Organization (ILO).

The Labor Law restricts the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike include penal sanctions, such as imprisonment or detention in labor camps. No strike has been reported during the past 2 decades.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

Forced labor is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises for breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in the country have been prevented from terminating their employment and returning to their native countries because of regime-imposed penal sanctions on persons who do so. There was no information available regarding forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment

The employment of children under the age of 14 is prohibited, except in small-scale family enterprises. However, children reportedly were encouraged increasingly to work in order to help support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the regime enrolls children as young as 10 years of age in a paramilitary training program (see Section 5).

e. Acceptable Conditions of Work

There was no information available regarding minimum wages.

Most workers in urban areas worked a 6-day, 48-hour workweek. The head of each ministry sets hours for regime employees. Working hours for agricultural workers varied according to individual employer-employee agreements.

Occupational safety programs were in effect in state-run enterprises. Inspectors ostensibly inspected private establishments, but enforcement varied widely. There was no information regarding workers' ability to remove themselves from work situations that endanger their health or safety.

f. Trafficking in Persons

There was no information available regarding whether the law prohibits trafficking in persons. There were reports of persons trafficked within the country.