



Iraq

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Country Reports on Human Rights Practices - 2003

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On April 9, Coalition-led forces militarily overthrew the Ba'athist regime of Saddam Hussein in Operation Iraqi Freedom. [note 1] Under U.N. Security Council Resolutions 1483, 1500, and 1511, an Interim Administration, comprised of the Coalition Provisional Authority (CPA) and the Iraqi Governing Council, administers the country until an internationally recognized, representative government is established and assumes responsibility.

The regime's 1968 provisional Ba'athist Constitution claimed the country to be a democratic republic. However, political power 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'ath Socialist Party governed the country 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'ath Party, therefore wielded absolute decisive power. Hussein and his regime claimed 99.96 percent of the votes cast in a nondemocratic "referendum" on his presidency held in October 2002 that did not include secret ballots; 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'ath 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 2002, it admitted that state police were commonly accused of human rights violations. Members of the military and security forces committed numerous, serious human rights abuses.

The country has an estimated population of 24.7 million. The regime owned all major industries and controlled most of the highly centralized economy, which was based largely on oil production. The Iran-Iraq and Gulf wars damaged the economy, and the country was subject to U.N. sanctions from its 1990 invasion of Kuwait until the suspension of sanctions following Operation Iraqi Freedom. Although the economy suffered from the regime's channeling resources to large military and internal security forces and to key supporters, the U.N.'s Oil-for-Food Program beginning in 1996 helped improve the standard of living for the average citizen.

Ethnically and linguistically the country's 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, Sabean Mandeans, and Baha'i. Civil uprisings have occurred in various areas over the past 3 decades, 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 opposed or even questioned it. The regime also systematically forced the removal of ethnic minorities under its admitted 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 Government. The regime continued to summarily execute alleged political opponents and leaders of the Shi'a religious community. Persons were executed arbitrarily because of their association with an opposition group or as part of a continuing effort to reduce prison populations. Until its fall, 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. Mass graves related to five major atrocities were identified by year's end. More remained to be investigated. The number of those buried in the graves

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already discovered was difficult to estimate, but many observers believed that the total will reach 300,000.

Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions were extremely poor and frequently life-threatening. The regime at times 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.

Until April 9, 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. Violence and discrimination against women occurred. 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. Child labor persisted, and there were instances of forced labor.

Since the 1991 Kurdish uprising and the regime's subsequent military withdrawal, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) controlled most areas in the northern provinces of Erbil, Duhok, and Sulaymaniah. Despite conflict from 1994-1997, a unified Assembly of PUK and KDP members convened for the first time in October 2002.

The KDP, PUK, and other opposition groups have committed human rights abuses in the past. However, prior to the fall of the regime, the PUK and KDP 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 established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, 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

The regime, in power until the fall of Baghdad on April 9, continued to commit numerous political and other extrajudicial killings, especially by executing perceived or alleged political opponents. The U.N. Special Rapporteur of the U.N. Commission on Human Rights on the situation of Human Rights in Iraq had repeatedly criticized the regime for the "sheer number of executions" taking place in the country, the number of "extra judicial executions on political grounds," and "the absence of a due process of the law." Arbitrary or summary executions were widespread.

The discovery of mass graves, considered to be unmarked sites containing at least six bodies, provided evidence of the vast dimension of the practice. Immediately following the fall of the regime and throughout the remainder of the year, mass graves were reported from sources throughout the country. By the end of the year, 275 mass graves had been reported to the CPA and 55 of these mass graves had been confirmed.

Sites have been discovered in all regions and contained members of every major religious and ethnic group in the country, as well as foreign citizens, including Iranian POWs, Kuwaitis and Saudis. Graves contained forensic evidence of atrocities, including signs of torture, decapitated or mutilated corpses, or evidence that victims had been shot in the head at close range. According to results published by the CPA, most of the graves discovered by year's end corresponded to one of five major atrocities perpetrated by the regime:

In the 1983 attack against Kurdish citizens, the regime rounded up 8,000 members of the Barzani tribe in the North and executed them in deserts at great distances from their homes.

In the 1988 Anfal campaign, as many as 182,000 persons disappeared. Most of the men were separated from their families and were executed in deserts in the west and southwest of the country. The remains of some of their wives and children have also been found in mass graves. Chemical attacks against Kurdish villages from 1986 to 1988, including the Halabja attack, when the Air Force dropped sarin, VX and tabun chemical agents on the civilian population, killing 5,000 people immediately and causing long-term medical problems, related deaths, and birth defects among the children of thousands more.

The 1991 massacre after the Shi'a uprising at the end of the gulf war killed tens of thousands of Shi'a in such regions as Basra and Al-Hillah.

The 1991 massacre of Kurds targeted civilians and soldiers who fought for autonomy in the North after the gulf war.

At or near prisons or military establishments, opponents and critics of the regime from all religious and ethnic groups were also executed and buried in mass graves

These crimes have acquired a measure of notoriety and salience. However, thousands of other citizens, including Marsh Arabs, Shi'a citizens in the 1970s and 1980s, and students involved in uprisings in Najaf in 1999 may also be in as-yet undiscovered mass graves.

There have also been mass extrajudicial executions of prisoners. In a prison cleansing campaign between 1997 and 1999 approximately 2,500 prisoners were executed. In October 2001, 23 political prisoners were executed at Abu Ghraib prison.

The list of offenses with mandatory death penalties grew substantially in the last years of the regime and included minor offenses such as smuggling cars and spare parts. More significantly, the Special Rapporteur has noted that mere membership in certain political parties was punishable by death, and that fear of death for any act or expression of dissent was pervasive. There were recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'ath Party. The Special Rapporteur also noted that even the "suggestion that someone was not a supporter of the President carried the prospect of the death penalty." In response to the Special Rapporteur's request for information concerning those executed in 2000 and 2001, the regime responded that the number was 249 – for the crimes of homicide, drug-related offenses and immoral offenses. The Special Rapporteur commented that compliance with his request was "limited."

Apart from the mass graves, the regime practiced a policy of selective elimination of prominent Shi'a clerics and their followers suspected of disloyalty to the Government. Regime agents publicly targeted family members of defectors and dissidents for torture and killing (see Section 1.f.). Regime security forces killed numerous political prisoners, minority group members, criminal suspects, and others during attempted apprehension or while in custody.

Land mines continued to kill civilians. Approximately 7 million landmines left over from the Iran/Iraq war remained in place in the North. 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.

In February 2002, the Minister of Justice specifically informed the Special Rapporteur that prostitution was not punishable by death under the law and claimed that no one had been sentenced to death for prostitution in the country in many years. However, in the past, security forces used allegations of prostitution to intimidate opponents of the regime. Security forces allegedly beheaded at least 130 women between June 2000 and April 2001, and an additional number of men suspected of facilitating such activities in October 2000. 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 (see Section 5).

b. Disappearance

There is a substantial overlap between the victims of arbitrary and unlawful killings reported in the previous Section and the "disappeared" in this Section. Those who disappeared frequently belonged to groups whose corpses were unearthed in mass graves.

Until the regime's fall, there continued to be widespread reports of disappearances. The regime did nothing to address accusations of previously reported disappearances. A large number of citizens remain unaccounted for.

Local human rights associations, international human rights, representatives of the CPA, U.N. officials, the U.N. Special Rapporteur, representatives of the Governing Council, the Interim Authority's Human Rights Ministry, and the regional human rights ministries in Irbil and Sulimaniyah have all provided estimates on the number of missing persons in the country. By the end of the year, it was widely believed among all of these organizations that the regime had executed as many as 300,000 civilians, and probably more. Several of these organizations held the view that as many as 1.3 million persons were missing as a result of wars, executions, and defection.

The majority of the disappearance cases known to the Special Rapporteur were persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. Human Rights Watch (HRW) estimated the total at between 70,000 and 150,000, and AI at more than 100,000. During the year, the two regional Human Rights Ministers claimed that 182,000 Kurds were executed during the Anfal Campaign. 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 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry. Subsequently, there were large-scale killings of Shi'a in the South at the end of the gulf war.

Hundreds were still missing in the aftermath of the brief Iraqi military occupation of Erbil in 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the 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.

Despite several well-publicized exchanges with Kuwait, Saudi Arabia, and Iran, the regime ignored requests from those governments to account for those who had 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 were resolved. In the past, 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 2002.

After the fall of the former regime, officials from the CPA, working with Iraqis, the Human Rights Ministry, the Ministry of Foreign Affairs and the International Committee of the Red Cross (ICRC) through the Tripartite Commission process, have closed 45 cases of Kuwaiti and Saudi Arabian missing persons whose corpses were found in mass graves and confirmed through DNA testing.

Numerous credible reports have alleged the existence of special prison wards that hold individuals whose whereabouts, status, and fate were not disclosed (see Section 1.c.).

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 because of their ethnic origin (see Sections 1.d. and 1.f.).

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

The 1968 Constitution expressly prohibited torture; however, the security services routinely and systematically tortured detainees. 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 often reported to host governments in a variety of countries instances of torture, and displayed scars and mutilations to substantiate their claims. Since the fall of the former regime, Iraqis have repeatedly and consistently reported to the CPA, human rights organizations, and the international media that they suffered from these types of torture.

Arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. Cruel and unusual punishments prescribed by the law, including amputations and branding. In 2000, the authorities introduced tongue amputation as a punishment for persons who criticized Saddam Hussein or his family. Soldiers had their ears cut off as punishment for desertion. An "X" was branded on their foreheads so that citizens would not think that they were wounded war veterans. In February 2002, the Minister of the Interior admitted the existence of this practice, but claimed "it had now definitively ceased." Since the fall of the regime, Iraqis with amputated hands, tongues, and ears have presented themselves to CPA authorities confirming these reports of torture and seeking assistance.

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 claimed in January 2002 that an Iraqi child under her care in Yemen bearing the marks of needle scars on its wrists and forearms had been injected with an agent that caused severe mental retardation in retaliation for the father's suspected opposition to the regime.

Beyond the use of torture, the regime systematically employed cruel, inhuman, and degrading treatment of people for political purposes. 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. One former female prisoner reported to the CPA that she suffered repeated rape, including with metal objects, and burning of her breasts while in the custody of the former regime. She showed significant scarring. Former Mukhabarat (Intelligence Service) member Khalid Al-Janabi reported in 2001 that its 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 their 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 February 2002, the Minister of Labor and Social Affairs admitted to the Special Rapporteur that its prison system was overcrowded. The regime granted a much-publicized amnesty in October 2002 to all prisoners except those accused of spying for the United States or Israel. 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 which released many hardened criminals into the population.

Certain prisons were infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly have 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 prisoner of war (POW) facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). Since the fall of the former regime, the CPA has received numerous and consistent complaints of torture during interrogations in secret detention centers immediately following arrest and prior to transfer to prisons. Many of these individuals also claimed that they were tortured in the prisons after their transfer. Al-Radwaniyah has been consistently reported as a site of mass executions, and hundreds of Iraqis have reported that they believed there is a mass grave somewhere in the immediate vicinity of the prison.

The regime did not permit international monitoring of prisons; however, in 2002 the Special Rapporteur visited prisons and noted that the Abu Ghurayb prison's conditions "were appalling."

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

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the legal code explicitly prohibited arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur received numerous 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 1999 AI report, "Iraq: Victims of Systematic Repression," many thousands of persons were arrested arbitrarily in the last few years of the regime 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.). Since the fall of the former regime, Iraqis have consistently reported to the CPA and national human rights institutions that the former regime arrested them for their political or religious beliefs, ethnic background or disloyalty. Specific allegations have included arrest for membership in the Communist party, refusal to join the Ba'ath party, marriage to or association with foreigners, and being of Shi'a, Kurd, Jewish, Chaldean Christian, Turkmen, Yazidi, or Assyrian background.

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remained in detention. 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. The PUK and the KDP reportedly hold some political prisoners and detainees in the north of the country.

e. Denial of Fair Public Trial

Under the former regime, the judiciary was not independent, and there was no check on the President's power to override any court decision. Numerous laws facilitated continued repression, and the regime used extrajudicial methods to extract confessions or coerce cooperation. Historically, during the constitutional monarchy, a Council of Judges administered the judiciary independently of the executive branch of Government. The Ba'th party abolished the Council of Judges and placed the regular courts within the Ministry of Justice.

There were two parallel judicial systems. The regular courts under the Ministry of Justice dealt with the civil courts, courts of personal status and criminal courts. In addition to the Court of Appeal, there was the Court of Cassation or Supreme Court, which was the highest court. The many special courts and tribunals affiliated with, and supervised by, parts of the executive other than the Ministry of Justice operated independently of the regular judicial system. For example, the national security courts tried all cases related to the internal and external security of the state but also could try criminal cases.

National security courts had jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. Military officers or civil servants with no legal training headed these tribunals, which heard 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; defendants could appeal to the President for clemency. The Minister of Justice, in February 2002, claimed that they were staffed with judges from the regular judiciary, and trials in such courts were conducted with all the rights and procedures of the normal civil courts. This assertion prompted the Special Rapporteur to conclude that if this were true, such courts were unnecessary.

At the fall of the regime, there were approximately 860 Iraqi judges and prosecutors. A number were not corrupt, connected to the security court or to high levels of the Ba'ath Party. Although far from a model of fairness, the judiciary was not significantly involved in the worst abuses of the prior regime. Pervasive human rights abuses existed in the regular judicial system, such as the use of tortured confessions. However, the ordinary courts in the Ministry of Justice were marginalized due to the regime's mistrust of many of the regular judges.

Bribery was a chronic problem in the judiciary, as was political influence. The regime intervened in the ordinary judicial system when a person of influence was arrested for the commission of an offense that was prosecuted in the Ministry of Justice Courts or where the victim of the crime had regime ties. However, judges, at times, demonstrated great courage. In one well-known case, the regime removed nine judges from the Supreme Court when the facts made the death penalty inapplicable and they refused to impose the death penalty in a murder case in which the victim was associated with the regime. In another instance, a judge was imprisoned when he authored an opinion declaring that a decision of the RCC was unconstitutional. In another case, the regime refused to appoint an entire class of judges after 2 years of study at the Judicial Institute because they did not clap after a speech by Ali Hassan Al-Majid, Saddam Hussein's cousin who organized the gas killings of the Kurds in 1986.

Procedures in the regular courts in theory provided 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 were public, and defendants were entitled to counsel, at regime expense in the case of indigents. Defense lawyers had the right to review the charges and evidence brought against their clients. There was no jury system; panels of three judges tried cases. Defendants had 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'ath Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree was applied to prevent trials or punishment of regime officials.

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

The 1968 Constitution prohibited such practices; however, the regime frequently infringed on citizens' 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'ath Party maintained pervasive networks of informers to deter dissident activity and instill fear in the public.

The authorities systematically detained, abused, and killed family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., 1.d., and 1.g.).

The regime pursued an 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. Since the fall of the regime, citizens throughout the country have reported histories of forced expulsion from their homes and relocation by the former regime. It is currently estimated that hundreds of thousands of citizens were forcibly displaced, although actual numbers are unknown. Large numbers of these forced relocations occurred in Kirkuk, Sinjar, throughout the southern Shi'a region, especially in the marshlands and Basra.

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 has 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.

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

The authorities detained, abused, and killed family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., and 1.f.). The regime directed a campaign of intimidation at U.N. and nongovernmental organization (NGO) relief workers. In 2001, the Foreign Minister threatened to cut official ties to U.N. workers supervising Oil-for-Food Program distribution in the North, and to revoke their visas and deport them. In 2001, the regime expelled six U.N. humanitarian relief workers without 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 estimate that at least 7 million landmines remain in place in Kurdish-controlled areas. Landmines also are a problem along the Iraq-Iran border throughout the central and southern areas in the country. There is 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 have killed more than 3,000 persons in the three northern provinces since the 1991 uprising. PUK officials have estimated that mine casualties in its area of control occur 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 have stated that the regime repeatedly refused requests to provide maps of known minefields (see Section 1.a.).

The regime continued to attack Shi'a worshippers (see Section 1.a.). For example, following the 1999 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons, security forces reportedly killed and tortured hundreds of alleged supporters of Al-Sadr. 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.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking. The remains of Kuwaiti and Saudi citizens captured during the gulf war were discovered in mass graves in during the year, and showed evidence of summary execution.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The 1968 Constitution provided 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.

The regime, the Ba'ath 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. Several statutes and decrees suppressed freedom of speech and of the press.

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

According to the Special Rapporteur, citizen journalists were under continuous pressure to join the Ba'ath party and had to follow the mandates of the Iraqi Union of Journalists, headed by the President's son, Uday Hussein.

The regime regularly jammed foreign news broadcasts (see Section 1.f.). Availability of satellite dishes, modems, and fax machines was highly restricted. Regime-controlled areas had two terrestrial television channels, the official Iraq Television, and Youth TV, owned by Uday Hussein, who also controlled 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 closely censored. Books could be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sent textbooks with pro-regime propaganda to Kurdish regions, which the Kurds routinely removed.

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

b. Freedom of Peaceful Assembly and Association

The 1968 Constitution provided for freedom of assembly; however, the regime restricted this right in practice. Citizens could not assemble legally other than to express support for the regime, which regularly orchestrated crowds to demonstrate support for the regime and its policies through financial incentives for those who participated and threats of violence against those who did not.

The Constitution provided 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 had to be based in Baghdad and were prohibited from having any ethnic or religious character. A 1999 law stipulated that new parties had to "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'ath party to power. Several parties were outlawed, and membership in them was a capital offense (see Section 3). The law prescribed the death penalty for anyone "infiltrating" the Ba'ath Party.

c. Freedom of Religion

The Constitution provided 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 Armenian Orthodox--Yazidis, and a small number of Jews and Sabean Mandaean.

The regime did not recognize political organizations formed by Shi'a Muslims or Assyrian Christians. There were religious qualifications for government office.

Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively controlled the Government since independence in 1932. Sunni Arabs were 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'ath 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 regime targeted Shi'a Arabs in the south for particular discrimination and abuse.

For decades, the regime 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'ath Party killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, and interfered with Shi'a religious education. Security agents were stationed at all major Shi'a mosques and shrines and searched, harassed, and arbitrarily arrested worshippers.

The following regime restrictions on religious rights remained in effect until April: 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.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the last several years of the regime, particularly in the internationally renowned Shi'a academic center of Najaf. In 2000, AI reported that the regime systematically deported 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 appears to have exceeded greatly the regime's expectations, and led to an increased 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 Iraqi Muslims who wished to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims who traveled to holy sites within the country (see Section 2.d.).

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 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 2000, security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.).

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

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 live 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.

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 could not make more than two trips abroad annually. Before traveling abroad, citizens were required to post collateral, which was refundable only upon their return. Women were not permitted to travel outside the country alone; male relatives had to escort them (see Section 5).

The law provided for additional penalties for citizens who attempted to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" could be imposed on anyone who attempted to leave illegally. Similar penalties were given to anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors.

The regime restricted foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogate 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 non-citizen Muslim pilgrims to holy sites in the country (see Section 2.c.).

Non-Arab citizens were forced to either change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern provinces. Persons could avoid expulsion if they relinquished their Kurdish, Turkmen, Chaldean, or Assyrian identity and registered as Arabs. Persons who refused to relinquish their identity had their assets expropriated and their ration cards withdrawn prior to being deported. Those expelled were not permitted to return. Citizens who provided employment, food, or shelter to returning or newly arriving Kurds were also subject to arrest.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of 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 are 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 of regime control.

The regime did not provide asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, did not cooperate with the UNHCR, and did not respect the rights of refugees.

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

Under the regime, citizens did not have the right to change their government. The President wielded power over all instruments of government. Most important officials either were members of Saddam Hussein's family or were family allies from his hometown of Tikrit.

There were strict qualifications for parliamentary candidates; by law the candidates for the National Assembly had to 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'ath reportedly won 165 seats, independents won 55, and the President appointed 30 Ba'ath party members to represent the northern provinces. According to the Special Rapporteur, the Ba'ath Party allegedly instructed a number of its members to run as nominally independent candidates. Uday Hussein was elected to the National Assembly by 99.9 percent of the vote.

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

Opposition political organizations were illegal and severely suppressed. Membership in certain political parties was punishable by death.

The regime did not recognize the various political groupings and parties that were formed by Shi'a Muslims, 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, representation was token.

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. Monitors from most foreign and international human rights groups were not allowed in the country.

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 1968 Constitution and the legal system provided 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 is 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. Under the Constitution, spousal violence constituted grounds for divorce and could be prosecuted; however, suits brought on such charges reportedly were rare. Under a 1990 law, men who committed honor crimes could receive immunity from prosecution (see Section 1.e.).

Law prohibited rape; however, security forces routinely raped family members of persons in the opposition as punishment (see section 1.c). Prostitution is illegal. The regime denied claims that it beheaded women accused of prostitution (see Section 1.a.).

Children

No information was available regarding whether the regime enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the regime's continued disregard for the rights and welfare of children.

The regime's management of the U.N. 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 in 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."

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. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the course. 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 the regime's 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 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 have 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, defined 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. In areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.

The Constitution did 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 was evidence that the regime compelled this re-identification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report describe 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 of Iranian origin were required to carry special identification and often are precluded from desirable employment; the regime deported hundreds of thousands of citizens of Iranian origin.

Section 6 Worker Rights

a. The Right of Association

The regime controlled all trade unions. 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 was linked to the Ba'ath 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.

The Labor Law restricted the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike include penal sanctions. No strike has been reported during the past 2 decades.

The IGFTU was 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 regime did not recognize the right to bargain collectively. The regime set 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 did not protect workers from anti-union discrimination, an omission that was criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO). The Labor Law also restricted the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike included penal sanctions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor; however, the Penal Code mandated 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 were prevented from terminating their employment and returning to their native countries because of regime-imposed penal sanctions on persons who did so. There is no information available regarding forced and bonded labor by children under the former regime.

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

The regime prohibited the employment of children under the age of 14, 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 stipulated that employees between the ages of 14 and 18 should work fewer hours per week than adults. Each year the regime enrolled 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 regime minimum wages. Most workers in urban areas worked a 6-day, 48-hour workweek. The head of each ministry set hours for regime employees. Working hours for agricultural workers varied according to individual employer-employee agreements.

f. Trafficking in Persons

There was no information available regarding whether the law prohibited trafficking in persons, or whether persons were trafficked to, from, or within the country.

1. This report draws to a large extent on non-U.S. Government sources. The Coalition Provisional Authority has furnished additional information. This 2003 report covers the human rights record of the regime of Saddam Hussein until its fall on April 9.

