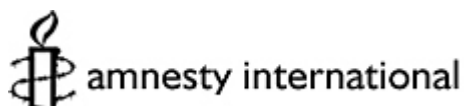


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Amnesty International Report 2009 - Iraq

Head of state: Jalal Talabani
Head of government: Nuri al-Maliki
Death penalty: retentionist
Population: 29.5 million
Life expectancy: 57.7 years
Under-5 mortality (m/f): 105/98 per 1,000
Adult literacy: 74.1 per cent

The year saw a marked reduction in violence, but all sides to the continuing conflict committed gross human rights abuses. Thousand of civilians, including children, were killed or injured, mostly in suicide and other bomb attacks carried out by armed groups opposed to the government and the US-led Multinational Force (MNF). Civilians were also killed by MNF and Iraqi government forces. The MNF and the Iraqi authorities both held thousands of detainees; most were held without charge or trial, some for up to five years. Government security forces, including prison guards, were reported to have committed torture, including rape, and unlawful killings. The authorities made extensive use of the death penalty. More than 4 million Iraqis were displaced; 2 million were refugees abroad and others were internally displaced within Iraq. The Kurdistan region remained less affected by the conflict but there were continuing reports of abuses by the security forces and violence against women.

Background

Shi'a religious leader Moqtada al-Sadr announced a six-month extension to the ceasefire by the Mahdi Army in February, which was then extended indefinitely in August.

In October the Iraqi authorities assumed responsibility for funding the Sunni-dominated Awakening Councils, formed with the assistance of the US military to fight against the armed opposition group, al-Qa'ida in Iraq.

In November parliament approved the Status of Forces Agreement (SOFA) between the Iraqi and US governments, to take effect after the UN mandate providing for the presence of US troops in Iraq expired on 31 December 2008. Under the SOFA, US troops are to pull back from urban areas before July 2009, withdraw completely from Iraq by the end of 2011, obtain Iraqi government permission for military operations that they

mount, and hand over to Iraqi custody all detainees that they hold. The Iraqi authorities will have jurisdiction over US soldiers and civilians who commit "grave premeditated felonies" outside agreed facilities and "duty status", although the US authorities will determine when these conditions apply. Contractors employed by the US Department of Defense will lose their immunity from prosecution in Iraq but the SOFA is silent on other contractors, such as private military and security contractors employed by the US State Department who have been accused of unlawful killings of civilians and other serious abuses.

The humanitarian situation remained alarming. According to the UN, at least 4 million Iraqis still did not have enough food, around 40 per cent of the population did not have access to clean drinking water, and 30 per cent did not have access to adequate health care services. The education system was near collapse with schools and universities lacking essential materials such as books, and teachers and students terrorized by violence. Many schools were bombed. The unemployment rate remained extremely high at 50 per cent or even higher.

In August, Iraq ratified the UN Convention against Torture and in November parliament passed a law establishing a High Commission for Human Rights.

Abuses by armed groups

Armed groups fighting against the government and US-led forces committed numerous gross human rights abuses, as did militia groups affiliated to Shi'a religious groups and political parties represented in the Iraqi parliament. The abuses included kidnapping, torture and murder. The groups also carried out bombings and other indiscriminate attacks against civilians, causing numerous deaths and injuries. Many attacks were apparently carried out by al-Qa'ida in Iraq. Those targeted for kidnapping or killing included members of religious and ethnic minorities, such as Christians and Palestinians; members of professional associations, such as doctors, lawyers and journalists; and women.

- On 1 February at least 99 civilians, including children, were killed when two women suicide bombers blew themselves up at crowded markets in Baghdad.
- On 23 February Shihab al-Tamimi, a journalist and head of the Iraqi Journalists' Syndicate, was fatally shot by armed men in Baghdad's al-Waziriya district. He had been a strong critic of sectarian violence.
- On 14 August suicide bombers killed at least 19 Shi'a pilgrims in Iskandariya who were making their way to Karbala for a religious festival.
- At least 28 people, including five children, were killed on 10 November, and some 70 others were injured, in bomb attacks in al-Adhamiya, a Sunni district of Baghdad.

Death penalty

At least 275 men and 10 women were sentenced to death. There were at least 34 executions, including at least three carried out in the Kurdistan region (see below). The true totals may have been higher. Most death sentences were passed by the Central Criminal Court of Iraq, whose procedures do not satisfy international standards for fair trial. Defendants complained that "confessions" used as evidence against them had been obtained under torture or other duress. The courts failed adequately to investigate such complaints.

- In April a senior Interior Ministry official stated that 28 people from Basra had been executed in Baghdad after being convicted of multiple murders and

kidnappings.

In December Iraq voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

Trials of former officials

The Supreme Iraqi Criminal Tribunal (SICT) continued to try former senior officials, Ba'ath party members, military officers and others associated with the former presidency of Saddam Hussain. Trials have been marred by political interference undermining the independence and impartiality of the tribunal. It was reported in September that the Iraq government had engineered the dismissal of one of the judges who had tried former President Saddam Hussain shortly before the year-long trial ended in 2006, replacing the judge with one considered more likely to support the imposition of the death penalty.

- On 2 December, the SICT imposed death sentences on 'Ali Hassan al-Majid and 'Abdul Ghani 'Abdul Ghafour, both senior officials under Saddam Hussain, after convicting them of involvement in thousands of killings during the 1991 uprising in southern Iraq. Ten other defendants received prison sentences ranging from 15 years to life, and three were acquitted. 'Ali Hassan al-Majid and two of those who received prison terms had already been sentenced to death after a previous trial in 2007; in February, the Presidential Council approved the death sentence on 'Ali Hassan al-Majid but was reported to have ruled that the other two should not be executed as they were serving military officers and following orders at the time the crimes were committed. All three were still in US military custody at the end of the year.

Abuses by private military and security contractors

Employees of foreign security firms remained immune from prosecution for crimes committed in Iraq. The government proposed legislation in October 2007 to revoke this immunity but it was not passed by parliament. In April the US authorities renewed the US company Blackwater's contract to guard US diplomats despite the controversy caused by the killing of Iraqi civilians by Blackwater security guards in September 2007.

- On 15 January, five schoolchildren were killed when they were struck by a security contractor's car in a convoy accompanying a senior Iraqi judicial official in al-Salihiya, Baghdad. The convoy was reported to have failed to stop at a checkpoint, prompting a gun battle between private security guards and police.
- On 7 December, five Blackwater security guards were charged in the USA with killing 14 Iraqi civilians and wounding 18 others in September 2007.

Arbitrary arrests and detentions

Thousands of people continued to be detained without charge or trial. US forces of the MNF held some 15,500 detainees, mostly without charge or trial, at Camp Bucca, near Basra; Camp Cropper, near Baghdad airport; and other locations. Some had been held for five years. The Iraqi authorities were reported to be holding at least 26,000 detainees, many without charge or trial. Some were believed to be held incommunicado in secret detention facilities.

Releases

An Amnesty Law came into effect on 27 February and it was expected that most uncharged detainees and those suspected of lesser offences would be freed. Several

thousand detainees were released by the MNF and the Iraqi authorities during 2008, far fewer than the 23,000 that the Supreme Judicial Council recommended should be freed.

Human rights violations by Iraqi security forces

Government forces committed gross human rights violations, including torture and extrajudicial executions. Prison guards and security forces were reported to have tortured and otherwise ill-treated detainees, including juveniles. Methods alleged included beating with cables and hosepipes, prolonged suspension by the limbs, electric shock torture, breaking of limbs, removal of toenails with pliers, and piercing the body with drills. Detainees held by Interior Ministry officials were particularly at risk of torture.

- Male juveniles were reported to have been physically and sexually assaulted by guards at the Tobchi juvenile detention facility in West Baghdad. US investigators found clear evidence that two Sunni juveniles had been killed by prison guards at the beginning of 2008.
- Allegations of rape and other torture were made by male juveniles held in al-Karkh juvenile prison in Baghdad.

Human rights violations by the Multinational Force

US forces committed serious human rights violations, including unlawful killings of civilians and arbitrary arrests. Several US soldiers were tried before military tribunals in the USA for crimes committed in Iraq; those convicted mostly received lenient sentences not commensurate with the gravity of the crimes.

- On 4 February a missile fired from a US helicopter killed nine Iraqi civilians, including a child, and injured three others. The missile was reported to have been fired by mistake at a crowd near a military checkpoint manned by government supporters and MNF troops. The US military stated that the incident was under investigation.
- On 19 September, three women and five men from one family were killed by a US air strike in the village of al-Dawr near Tikrit. The US authorities confirmed the attack, stating that four of those killed were "terrorist suspects".
- Michael C. Behenna, a US soldier accused of shooting dead 'Ali Mansour Mohammad, a detainee, on 16 May near Beiji, north of Baghdad, was charged with premeditated murder. Michael Behenna was alleged to have detained 'Ali Mansour Mohammad 11 days earlier and assaulted him.
- Christopher Shore, a US soldier accused of killing an unarmed Iraqi man in June 2007 near Tikrit, was acquitted of murder by a US military tribunal in February but sentenced to 120 days' imprisonment for aggravated assault. This was later reduced to assault, a misdemeanour, and 70 days' imprisonment.

Violence against women and girls

Women were threatened and attacked for not complying with strict codes of behaviour, including dress codes, and the authorities did not afford women adequate protection against violence, including by other family members. Some women were killed apparently by male relatives whom the authorities failed to bring to justice.

- Leila Hussein was shot dead on 17 May in Basra while walking with two other women, who were injured. Her life was known to be in peril because she had

denounced and parted from her husband after he allegedly killed their teenage daughter, Rand Abd al-Qader, in March because of her friendship with a British soldier. No prosecutions for either murder were known to have been initiated.

Refugees and internally displaced people

Several million Iraqis remained displaced, including some 2 million who were refugees in Syria, Jordan and other countries. Some 2.77 million others were internally displaced within Iraq, according to UNHCR, the UN refugee agency. Hundreds of refugees returned, many with the assistance of the government; some said their return was due to improved security conditions in Iraq and others said their return was due to deteriorating living conditions in their countries of refuge.

- In October, some 13,000 Christians fled Mosul after acts of violence against the city's Christian minority. Most took refuge in nearby villages or in Dohuk, Erbil or Kirkuk, but some 400 fled to Syria. A third of those displaced were reported to have returned to Mosul by the end of 2008.

Kurdistan region

The Kurdistan region of Iraq, administered by the semi-autonomous Kurdistan Regional Government (KRG), remained much less affected by the continuing conflict than other parts of Iraq and saw several positive developments. Hundreds of political prisoners, including many who had been detained without trial for years, were released. A new press law adopted in September abolished imprisonment as a penalty for defamation. Amendments to the Personal Status Law, including restrictions on polygamy, were passed in October.

There were, however, continuing reports of human rights violations: the KRG's security police, the Asayish, operated with virtual impunity; there were new reports of arbitrary arrests; and the authorities failed to clarify the fate of victims of enforced disappearance.

Torture and other ill-treatment

Torture and other ill-treatment by the Asayish were reported.

- Melko 'Abbas Mohammad and his 60-year-old mother Akhtar Ahmad Mostafa were detained in solitary confinement for 19 days after their arrest in March as suspects in a bomb attack. While held at the Asayish Gishti prison in Sulaimaniya, Melko 'Abbas Mohammad was reported to have been tortured by being suspended by his limbs, beaten with a cable and subjected to electric shocks. He and his mother were acquitted of all charges in November by a court which ordered their release, but the Asayish continued to detain them.

Violence against women and girls

There were reports of domestic violence and burnings and killings of women, including killings by male relatives. Women human rights defenders were threatened because of their work, including by male relatives of women they were assisting. In some cases the authorities failed to identify or arrest perpetrators of violence against women.

- On 11 May, a woman being protected at the shelter run by the women's rights organization Asuda in Sulaimaniya was seriously injured when gunmen, believed to be her relatives, fired into the shelter.

Death penalty

At least nine people were sentenced to death and at least three executions took place. At least 84 people were on death row, including 33 in Erbil and 47 in Sulaimaniya. In June, the Kurdish parliament extended the application of the 2006 Anti-terrorism Law, which increased the number of capital offences, for a further two years.

- Two men were executed in April after being convicted in connection with a car bomb explosion in May 2005 in Erbil which killed 48 people.

Freedom of expression

Several journalists and writers who wrote about corruption or criticized the policies of the KRG and the two leading Kurdish political parties received death threats or faced prosecution. One journalist was murdered.

- Souran Mama Hama was shot dead on 21 July outside his parents' home in Kirkuk, effectively under the security control of the KRG, by men in a car wearing plain clothes. He had published articles critical of corruption and nepotism within the two main Kurdish political parties.
- 'Adil Hussain, a medical doctor, was sentenced to six months in prison and fined in November after an article he wrote about sex and homosexuality from a medical perspective was published in *Hawlati* newspaper. He was released on 7 December following international protests.

Amnesty International visits

Amnesty International delegates visited the Kurdistan region of Iraq in May/June.

Amnesty International reports

- Iraq: Carnage and despair: Iraq five years on (17 March 2008)
- Iraq: Suffering in silence: Iraqi refugees in Syria (12 May 2008)
- Iraq: Rhetoric and reality: The Iraqi refugee crisis (15 June 2008)
- Iraq: Al-Tanf camp: Trauma continues for Palestinians fleeing Iraq (14 April 2008)

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