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COUNTRY OF ORIGIN INFORMATION REPORT

IRAQ

10 JULY 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 24 June 2009. The 'Latest News' section contains further brief information on events and reports Date accessed from 25 June 2009 to 9 July 2009. The report was issued on 10 July 2009.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was Date accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN IRAQ FROM 25 JUNE TO 9 JULY 2009

- 9 July "Bombs in Baghdad and northern Iraq killed at least 41 people and wounded more than 80 on Thursday, police said, just over a week after U.S. troops handed security in city centers to local forces. Two suicide attacks in Tal Afar, a town 420 km (260 miles) northwest of Baghdad that is mainly home to minority Turkmen, killed 34 people and wounded 60. ... In Baghdad, seven people were killed and 20 were wounded by two bomb blasts in a market in Sadr City, a poor, Shi'ite Muslim area of the Iraqi capital. ... On Wednesday evening, two car bombs exploded within minutes of each other in Mosul, killing 14 people and wounding 33."
- Reuters: Bombings kill at least 41 in Iraq, 9 July 2009
<http://www.reuters.com/article/topNews/idUSTRE56767120090709>
 Date accessed 9 July 2009
- 6 July BBC News recorded that some gays found Saddam Hussein's dictatorship preferable to the threat of violence they face today. "Evidence from various human rights groups suggests that some gay men have been subjected to appalling violent abuse. Some Iraqis blame militias, while others point the finger at religious leaders of fueling hatred of homosexuals, though some clerics have also recently condemned the attacks on gays. "The Iraqi government and police also deny that there have been any state-sanctioned killings or torture of homosexuals in Iraq."
- BBC News: Saddam's rule 'better' for gay Iraqis, 6 July 2009
http://news.bbc.co.uk/1/hi/world/middle_east/8133639.stm
 Date accessed 6 July 2009
- 5 July "A car bomb exploded outside a police station in the northern Iraqi city of Mosul on Sunday, wounding at least 15 people, police there said. The bomb attack, which targeted the police station in Mosul's city centre ... was the most serious attack in Iraq since US soldiers withdrew from Iraqi cities and towns on June 30. ... Mosul, the capital of Iraq's Nineveh province, which is home to one of the most diverse mix of ethnic and religious groups in Iraq, remains the site of deadly, near-daily attacks. In recent weeks, there have been signs of a brewing political confrontation between Kurds and Arabs in the region around the city."
- Deutsche Presse Agentur (DPA): At least 20 Iraqis wounded in Mosul attacks, 5 July 2009 (accessed via ReliefWeb)
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MINE-7TP8HB?OpenDocument&rc=3&cc=irq>
 Date accessed 6 July 2009
- 3 July "Iraq is one of the most heavily mined countries in the world and has made little progress towards removing them. ... Iraq is estimated to have 20 million landmines and 2.66 million cluster bombs spread out over more than 1,700 square kilometres. Only 20 square kilometres have been cleared by demining organisations since Iraq signed up to the UN's Mine Ban Treaty in February 2008."

Institute for War and Peace Reporting: Basra Plagued by Mine Menace, 3 July 2009

http://www.iwpr.net/?p=icr&s=f&o=353836&apc_state=henficr353873

Date accessed 4 July 2009

- 1 July Reuters reported the number of civilians killed in Iraqi in June 2009 was 373, up from a record low of 134 in May, due to a number of deadly bombings in Baghdad and northern Iraq. The number of deaths in June 2009 was however down from the previous year; in June 2008, 448 civilians were killed.
Reuters: Number of civilians killed in Iraq jumps in June, 1 July 2009
<http://www.alertnet.org/thenews/newsdesk/L1881736.htm>
Date accessed 2 July 2009
- 30 June "US troops have withdrawn from towns and cities in Iraq, six years after the invasion, having formally handed over security duties to new Iraqi forces. ... Despite the pullback from cities and towns, due to be completed on Tuesday, US troops will still be embedded with Iraqi forces. ... Some 131,000 US troops remain in Iraq, including 12 combat brigades, and the total is not expected to drop below 128,000 until after the Iraqi national election in January."
BBC News: US soldiers leave Iraq's cities, 30 June 2009
http://news.bbc.co.uk/1/hi/world/middle_east/8125547.stm
Date accessed 30 June 2009
- 25 June "At least six people have been killed and about 40 injured in a series of bomb attacks in Iraq, officials say. At least four policemen were killed by a roadside bomb in a village near the town of Falluja, west of Baghdad. A car bomb killed at least two people at a bus terminal in a Shia district in the south of the capital. ... More than 130 people were injured in the blast in a market place in Sadr City, a predominantly Shia area of the Iraqi capital."
BBC News: Iraq rocked by more bomb attacks, 25 June 2009
http://news.bbc.co.uk/1/hi/world/middle_east/8119043.stm
Date accessed 30 June 2009

REPORTS ON IRAQ PUBLISHED OR DATE ACCESSED SINCE 25 JUNE AND 9 JULY 2009

International Crisis Group

Iraq and the Kurds: Trouble Along the Trigger Line, Middle East Report N°88, 8 July 2009

http://www.crisisgroup.org/library/documents/middle_east_north_africa/iraq_iran_gulf/88_iraq_and_the_kurds_trouble_along_the_trigger_line.pdf

Date accessed 8 July 2009

Brookings-Bern Project on Internal Displacement

Going Home? Prospects and Pitfalls for Large-Scale Return of Iraqis, 2 July 2009

http://www.brookings.edu/~media/Files/rc/papers/2009/0702_iraqi_displacement_ferris.pdf

Date accessed 5 July 2009

Minority Rights Group International (MRG)

Peoples under threat 2009, 2 July 2009

<http://www.minorityrights.org/7927/peoples-under-threat/peoples-under-threat-2009.html>

Date accessed 5 July 2009

United States Department of State

Iraq Status Report, 1 July 2009

<http://www.state.gov/documents/organization/125813.pdf>

Date accessed 5 July 2009

Background information

1. GEOGRAPHY

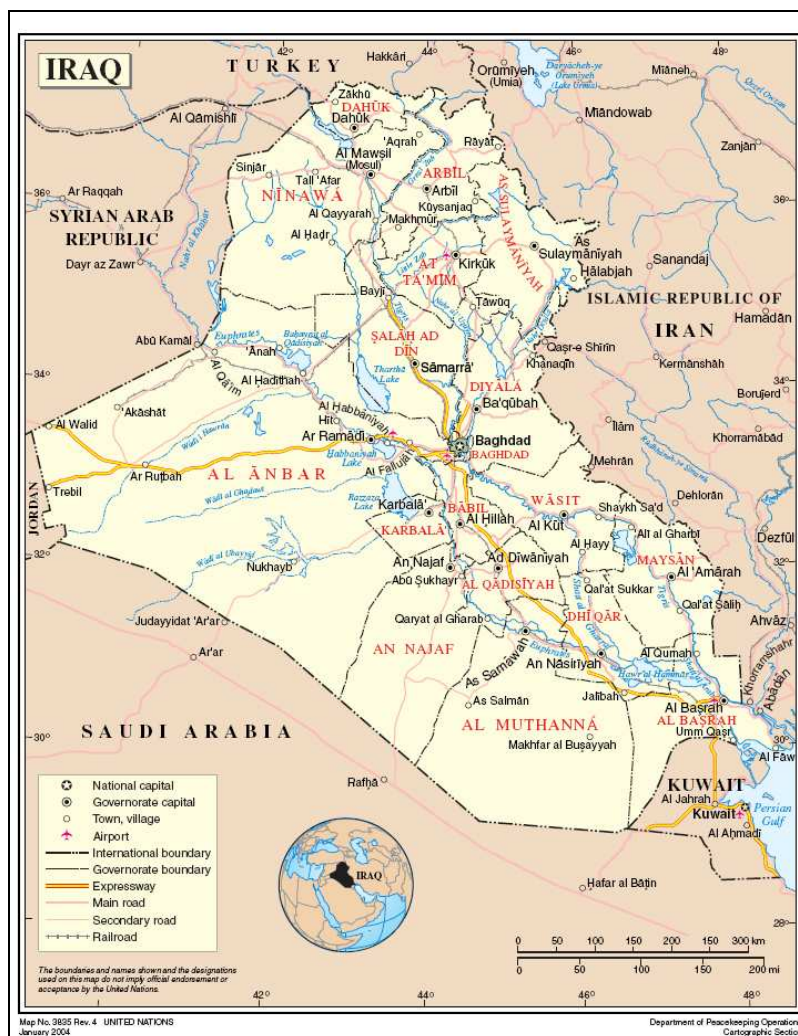
- 1.01 Iraq covers an area of 441,839 sq km. (Economist Intelligence Unit, Country Briefings, Iraq, Factsheet, 8 August 2008) [58c] Baghdad is the country's capital city. (United States State Department (USSD) Background Note: Iraq, last updated February 2008) [2k] (p1) The EIU country profile, 2008, Iraq, stated the main provinces of Iraq in terms of population were Baghdad, Nineveh, Basra and Babil. [58a] (p2)
- 1.02 Iraq's estimated population in July 2009 was 28,945,657 with an estimated annual growth rate of 2.5 per cent per year. (CIA world factbook, last updated 5 May 2009) [78a] (People) The USSD Background Note mentioned that "Almost 75% of Iraq's population live in the flat, alluvial plain stretching southeast from Baghdad and Basrah to the Persian Gulf." [2k] (p2)
- 1.03 Politically, the country is divided into 18 governorates, which are divided into 102 districts. "The Iraq governorates are al-Anbar, al-Basrah, al-Muthanna, al-Qadisiyah, an-Najaf, Arbil, as-Sulaymaniyah, at-Tamim, Babil, Baghdad, Dahuk, Dhi Qar, Diyala, Karbala, Maysan, Ninawa, Salah ad-Din and Wasit. Kurdistan is an autonomous region recognized by the Iraqi federal authorities." (Immigration and Refugee Board of Canada, Country Fact Sheet, Iraq, January 2008 January 2008) [139a] (p4, Administrative divisions)
- 1.04 Iraq's two largest ethnic groups are Arabs, which make up approximately 75-80 per cent of the population and Kurds, which make up approximately 15-20 per cent of the population. (CIA world factbook, last updated 5 May 2009) [78a] (People, Ethnic groups) Other evident ethnic groups are Turkmen, Chaldeans, Assyrians. (CIA world factbook, 5 May 2009) [78a] (People, Ethnic groups) The 2005 Constitution recognises Arabic and Kurdish (spoken in the regions with a Kurdish majority) as the two official languages of Iraq. [82a] (p2) Arabic is the official and most commonly spoken language in Iraq with over three quarters of the population speaking it. Several dialects of the language are spoken within the country which are generally understandable, but significant variations do exist. (USSD Background Note: Iraq, last updated February 2008) [2k] (p1) (Encyclopaedia Britannica, accessed 27 January 2009) [106a] The Encyclopaedia Britannica (accessed on 27 January 2009) stated that "Modern Standard Arabic – the benchmark of literacy – is taught in schools, and most Arabs and many non-Arabs, even those who lack schooling, are able to understand it." [106a] Kurdish is spoken in the north. (USSD Background Note: Iraq, last updated February 2008) [2k] (p1) The Encyclopaedia Britannica (accessed on 27 January 2009) noted that "A number of other languages are spoken by smaller ethnic groups, including Turkish, Turkmen, Azerbaijanian, and Syriac. Persian, once commonly spoken, is now seldom heard." [106a] English is the most commonly spoken Western language and is widely used in commerce. (USSD Background Note: Iraq, last updated February 2008) [2k] (p1) (Encyclopaedia Britannica, accessed 27 January 2009) [106a] "Bilingualism is fairly common, particularly among minorities who are conversant in Arabic." (Encyclopaedia Britannica, accessed 27 January 2009) [106a]
- 1.05 The CIA world factbook (5 May 2009) stated that approximately 97 per cent of the population were Muslims, of which 60–65 per cent were Shi'a and 32–37

per cent were Sunni. Approximately three per cent adhered to Christian or other religions. [78a] (People, Religions)

MAPS

Iraq and neighbouring countries

1.06 UN Cartographic Section map, of January 2004. [61a]

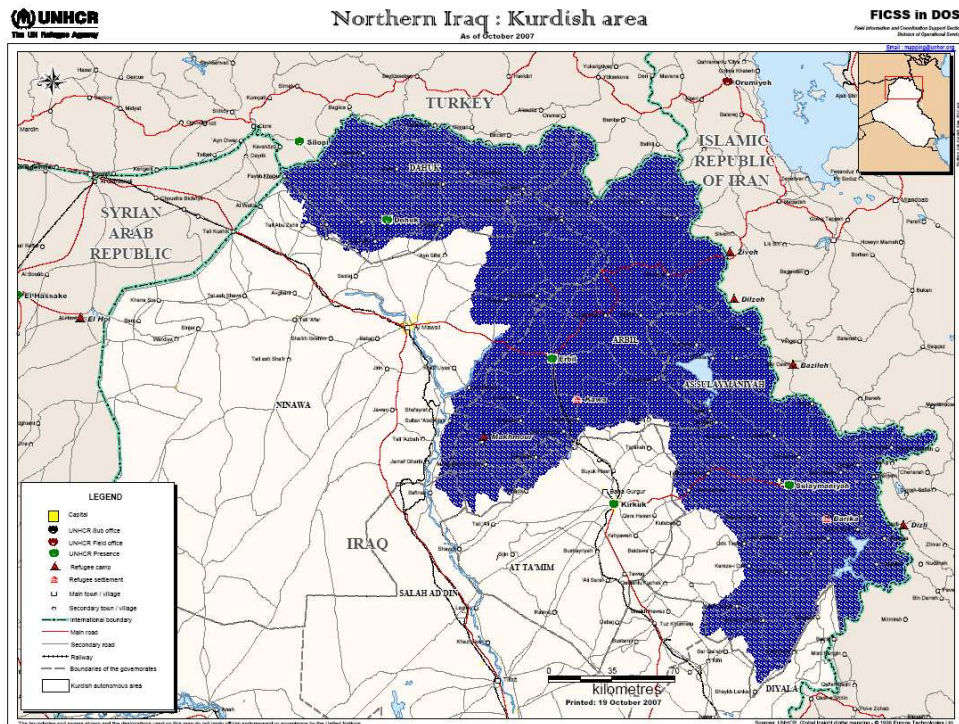


See also the following links:

http://www.iauiraq.org/maps/IAU_Iraq_Reference_A0_200903.pdf

Kurdish Regional Government (KRG) area

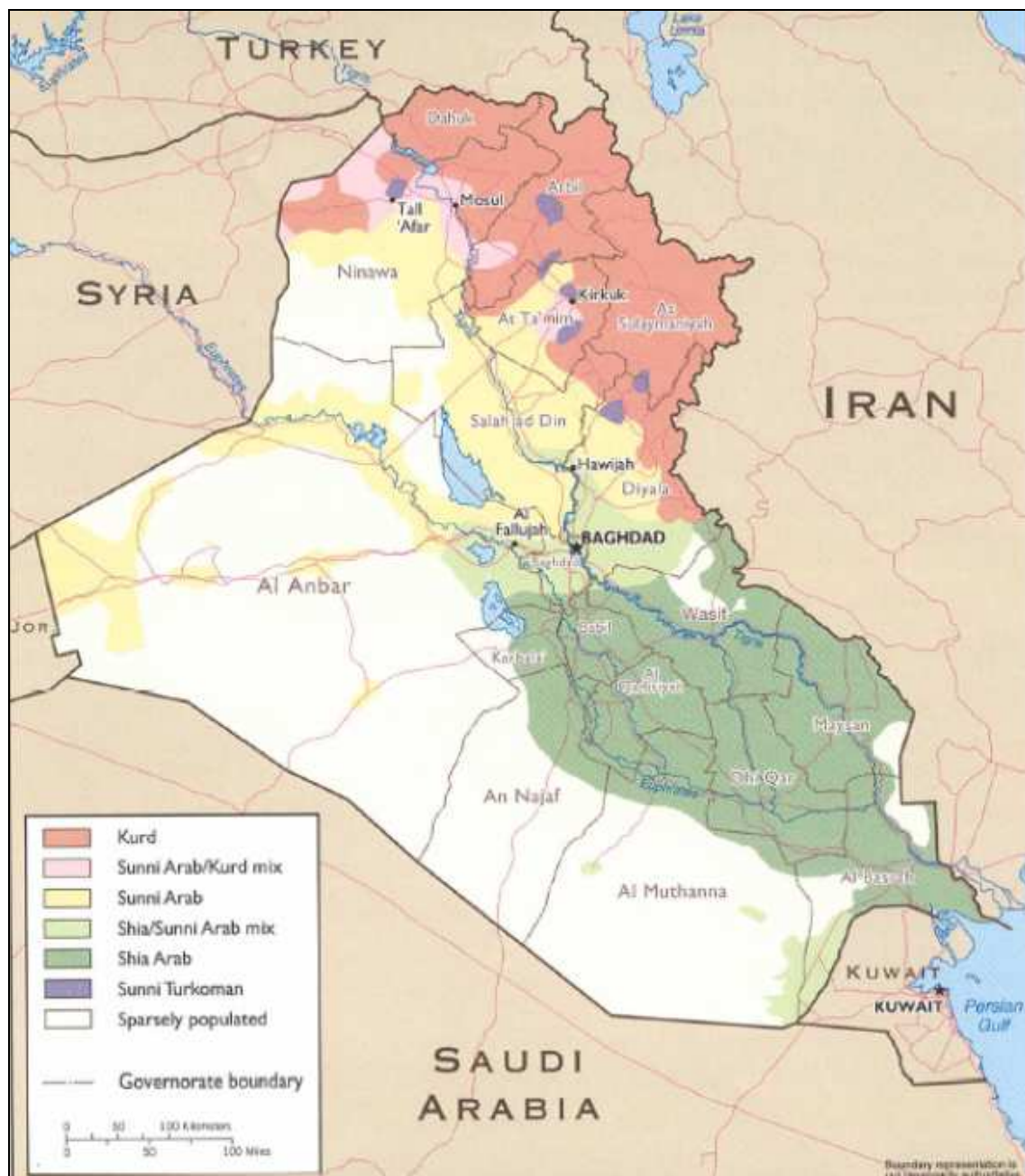
1.07 UNHCR map, of Northern Iraq: Kurdish area, modified 19 October 2007 (double click on map for larger image). [40f]



For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

Ethnic distribution

1.08 Center for Strategic and International Studies (CSIS) map, dated 22 June 2006. [63b] (p173)



For a more up to date map showing ethnicity and population (millions, by governorate), see:

[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/1196513858FB3D92C125732400281FE1/\\$File/unhcr_POP_irq070701.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/1196513858FB3D92C125732400281FE1/$File/unhcr_POP_irq070701.pdf?OpenElement)

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2. ECONOMY

- 2.01 “Iraq’s economy continues to lack revenue diversity and is vulnerable to various types of economic shocks. Oil sits at the heart of the key economic issues. Oil revenues account for 70 per cent of GDP and 95 per cent of government revenues.” (Jane’s, Iraq: Risk Assessment, Security , 7 October 2008) [14d] (p7) The Economist Intelligence Unit (EIU) country profile 2008, Iraq, noted that “Iraq is endowed with plentiful oil reserves, which BP estimates are equivalent to some 115bn barrels (the third-largest in the world)... The oil sector is by far the largest contributor to GDP, although agriculture retains an important role as the biggest employer (after the government).” [58a] (p3) Further:
- “The neglect and mismanagement generated by three and a half decades of Baathist rule also mean that there are serious structural shortcomings to overcome. The oil industry, which is the bedrock of the economy, has begun gradually to recover from the toll of war-related damage and post-war looting. However, attempts to boost and sustain exports have been held back by persistent and often organised sabotage, targeted mainly at oil export infrastructure, as well as by a lack of investment in new production.” [58a] (p20)
- 2.02 The EIU country profile 2008 also stated that: “The lifting of sanctions following the passing of UN Security Council Resolution 1483 in May 2003 allowed reconstruction efforts to begin, but serious security problems continue to hamper the rebuilding effort.” [58a] (p20) “Real GDP growth has been held back by poor security and the related problems of sustaining oil output and attracting foreign investors. However, it is likely to have picked up recently, given the decline in violence and the stepping up of oil exports.” [58a] (p3)
- 2.03 The CIA World factbook profile of Iraq, last updated 5 May 2009, reported on the International Compact with Iraq, established in May 2007. [78a] (Economy – overview) This partnership between Iraq and the national community aimed to build a framework for Iraq’s economic transformation and incorporation into the regional and global economy. (International Compact with Iraq, last updated 4 December 2007) [122]
- 2.04 As documented in the CIA world factbook (last updated on 5 May 2009) the main agricultural products included wheat, barley, rice, vegetables, dates, cotton, cattle, sheep and poultry. [78a] (Economy, Agriculture - products)
- 2.05 The EIU country profile 2008 stated that:
- “Unemployment in Iraq has climbed steadily since 2003, although accurate data are scarce. According to the IMF, unemployment was around 18.5% in 2005, but this is probably a very conservative estimate, and Iraqi official data put underemployment at around 30-50%. At the same time, skill levels in the country have been degraded by the near absence of foreign companies for two decades and by the failure under state control to introduce new production methods. This situation has been exacerbated by the outflow of many professional Iraqis to neighbouring Jordan and other Arab states, which began in the 1990s and has greatly increased since the overthrow of the regime in 2003. (Reportedly, over 50% of Iraqi doctors have fled the country since 2003).” [58a] (p25)

- 2.06 The country's currency is the Iraq Dinar (ID). There are 1,000 fils to 20 dirhams which is equal to 1 Iraqi Dinar. (Encarta, accessed 3 February 2009) [153] The exchange rate on 16 June 2009 was £1 sterling to 1,949.19 ID and US\$1 to 1,191.70 Iraqi Dinar. [55a]
- 2.07 The EIU country profile 2008 noted that:
- “[Following the removal of Saddam] Inflation was buoyed subsequently by a sharp increase in purchasing power stemming from a rise in public-sector wages, and the government's gradual removal of domestic fuel subsidies also pushed prices higher. In addition, the deteriorating security climate added to the inflationary climate, as it restricted the supply of key goods. As a result, according to the CBI, average inflation rose to 53% in 2006 (peaking at almost 65% at year-end), from around 32% in 2004-05. However, it fell back once more in 2007, to an average of 31%, as the CBI raised interest rates steeply and oversaw a sharp appreciation of the dinar in an effort to rein in import costs. This has continued into 2008, with year on year consumer price growth falling below 5% in May.” [58a]
- 2.08 Iraq still faces obstacles to economic progress because of “rampant corruption”. (EIU Country Report 2008) [58b] (p5) Transparency International's (TI) Corruption Perceptions Index, last published 25 June 2008, ranked Iraq as 178th most corrupt out of 180 countries (1 being the least corrupt and 180 the most corrupt country). [51c] (p302)
- 2.09 The United States Department of Defense (USDoD) report, December 2008, stated that:
- “The Iraqi economy as a whole continues to strengthen as security gains foster a more stable environment for sustained growth. Enabled by the improved security situation and increased oil revenues, the International Monetary Fund's latest forecasts estimate Iraq's overall GDP growth at 9% for 2008. Prudent management by the Central Bank of Iraq continues to keep inflation at moderate levels—the year-on-year core inflation rate for September 2008 was held at 12.9%. The GoI budget has grown significantly over the last three years, from \$24.4 billion in 2005 to \$72.1 billion in 2008. As of the publication of this report, the GoI has not passed its 2009 budget. It is expected to be less than in 2008 due to lower oil prices. While the GoI has demonstrated the ability to execute its operations budget, capital budget execution rates remain low, hampering national growth and limiting investment in critical infrastructure.” [105d] (pvi)
- 2.10 The International Organisation for Migration (IOM) Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin (IRRICO) report, 5 May 2009, stated:
- “The Iraqi economy is still ailing with few job opportunities especially in Central and Southern Iraq. The economy depends mainly on petrol, with about 92 % of revenue coming from this source. A lot of intrinsic sectors are still flagging, such as like agriculture, industry and tourism.
- “It is important to note that there is no official data or evaluation accessible on the labor market and the unemployment rates for the KRG-area. ...

“Estimates have been made on the unemployment rate throughout Iraq by local officials and NGOs. This is somewhere in the range of 20-68 percent. In particularly troubled areas, this rate may be even higher. According to a KRG publication, the highest estimated rate is 73 percent. Unemployment data in Iraq is difficult to record as most people take on any work they can in order to survive. According to estimates, the general unemployment rate in the KRG area lies between 40 and 50 percent and unemployment among youths aged between 16 and 20 years is now approximately 90 percent.” [3a] (p7-8)

- 2.11 The IRRICO report further mentioned that “Employment opportunities are mainly in the public sector, including with police and army, and in the private sector with cell phone companies, security corporations and private banks.

“Employment in the private sector is booming, especially in the 3NG [three northern governorates] KRG. The government is supporting the private sector by facilitating its progress. The MoLSA is informed whenever companies are in need of employees.

“The government now has a center named ‘Employment Center’, and this is for any person who is willing to apply for a job. The applicant has to fill in a form and deliver it to the Center, attaching his CV. The Center will seek for the most appropriate post in any company and informs the applicant about the vacancy.

“So far many persons have been employed through this Center, which has stated that the minimum wage for those it has referred is not less than 400 US\$, depending on the applicant's qualifications.” [3a] (p8) The report further mentioned average monthly salaries, pensions and information on unemployment assistance. [3a] (p8)

- 2.12 IRIN News reported, on 24 May 2009, that “Some 20-25 percent of Iraq’s estimated 27 million population lives below the country’s poverty line, a government survey released on 21 May has found. Though wide disparities were found between northern and southern provinces, the government said the results were better than expected. ‘Poverty is concentrated in the Iraqi rural areas more than in the urban areas in all provinces,’ said the survey...” The highest poverty rate was in the southern province of Muthana with 49 percent and the lowest in the three northern provinces administered by the Kurdistan Regional Government (KRG), at 10 percent. The survey defined poverty as living on 76,896 Iraqi dinars (about \$66) a month, or \$2.2 a day.” [18b]

- 2.13 The United Nations Security Council (UNSC) report, 2 June 2009, stated that:

“Poverty is also an ongoing issue. The Iraq Household Socio-Economic Survey, released in January 2009 by the World Bank and the Government of Iraq, confirms that 13 per cent of all Iraqis have a monthly per capita income of less than \$51; in rural areas, the rate is 26 per cent. It also underlined problems with municipal services in many areas. For example, 71 per cent of Iraqis have no municipal garbage collection, and only 12 per cent of household water connections are deemed reliable. An analysis of the country’s labour force in January showed that 450,000 young people were likely to enter the workforce in 2009, with limited employment opportunities.” [38b] (p7)

See also [Humanitarian issues](#)

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3. HISTORY

- 3.01 The EIU country profile for 2008 noted that “The Baathist regime, led by Saddam Hussein, was removed from power by a US-led military coalition in 2003. Sovereignty was handed over to an interim Iraqi government in June 2004, and Iraq’s first permanent prime minister was chosen in May 2006 (after nationwide parliamentary polls in December 2005).” [58a] (p3)

See also Former members and associates of the Ba’ath party/former regime: De-Ba’athification

JANUARY AND DECEMBER 2005 ELECTIONS

- 3.02 Following the ousting of Saddam Hussein’s government in March 2003, Iraq was ruled by a coalition government, headed by the prime minister, Nouri al-Maliki, and dominated by Shia Arab and Kurdish parties. (EIU country profile, 2008) [58a] (p3)

“The formal political process began with the appointment in July 2003 of an Iraqi Governing Council, which had limited power as Iraq was at this time governed by the Coalition Provincial Authority (CPA), headed by Paul Bremer. Sovereignty was formally transferred to an interim Iraqi government, appointed in June 2004. This was followed by a nationwide election in January 2005 to establish the Transitional National Assembly, which was tasked with drawing up a new Iraqi constitution, although most Sunni Arabs chose to boycott the poll. The new constitution was eventually passed by referendum in October 2005. For the first time since the US-led invasion, Sunni Arabs participated in significant numbers although the vast majority voted against the constitution. A general election in December 2005 completed the phased political process and resulted in the formation of the current ‘permanent’ Iraqi government, which is scheduled to hold office for a four-year term and is headed by the prime minister, Nouri al-Maliki.” [58a] (p3)

- 3.03 The EIU county profile further reported on the Transitional National Assembly (TNA), stating it “was tasked with drawing up a permanent constitution. However, the result of the election was undermined by a boycott by the Sunni Arab population. After the passage of the constitution in a controversial national referendum in October 2005, there was a second election for the 275-member unicameral Council of Representatives (parliament), which was followed by the formation of Iraq’s first ‘permanent’ government.” [58a] (p1)
- 3.04 The International Crisis Group (ICG) report ‘Iraq’s Provincial Elections: The Stakes’, Middle Eastern Report No. 82, published 27 January 2009, stated that:

“Despite a respectable nationwide turnout of 55.7 per cent of eligible voters, the elections contributed to further instability and violence. At the national level, the absence of representatives of their own community fed Sunni Arabs’ grievances and fears of exclusion (which, no doubt, were partly self-inflicted). These were compounded when the new council of representatives set about drafting a permanent constitution without them. The Bush administration sought to tempt them back into the political process by promising the constitution’s early review. While this removed their boycott of both the constitutional referendum – they voted massively against, falling a

mere 85,000 votes short of defeating it – and new parliamentary elections in late 2005, the initiative did too little to restore the political balance and came too late. This state of affairs helped catalyse the country's descent into sectarian war.” [25n] (p2)

- 3.05 The EIU country profile 2008 concurred and noted that:

“Progress with the political process was undermined, however, by the accompanying steady pick-up in violence, which since 2005 has become increasingly sectarian as ethno-religious groups struggle for power on the ground as well as in the government. This situation has been exacerbated by the activities of foreign jihadis, many of whom have been recruited by al-Qaida in Iraq. Although responsible for a minority of attacks, their choice of targets often highly sensitive civilian and religious sites (such as the destruction of the dome of the Al Askari mosque in Samarra in February 2006) has resulted in a disproportionate number of casualties and exacerbated the sectarian conflict.” [58a] (p1)

GOVERNMENT OF NATIONAL UNITY

- 3.06 The first permanent government, since the overthrow of the Saddam regime in 2003, was sworn in on 20 May 2006. (RFE/RL, 21 May 2006) [22p] The Iraqi government of national unity was formed following the general election in December 2005 and subsequent negotiations between religious and ethnic groups in Iraq. (Associated Press, 20 May 2006) [65d] The ICG report, 27 January 2009, stated that: “The national unity government that emerged from the December 2005 parliamentary elections has lacked both unity and a national agenda and has barely governed.” [25n] (p15)
- 3.07 Nouri Kamel al-Maliki (also known as Jawad al-Maliki) was named prime minister-designate by President Jalal Talabani. (IRIN, 23 April 2006) [18a] Al-Maliki was approved and inaugurated Prime Minister designate on 20 May 2006. (Associated Press, 20 May 2006) [65c]
- 3.08 Al-Maliki named, and the members of the National Assembly approved, the 37-member cabinet on 20 May 2006. (RFE/RL, 20 May 2006) [22f] The new cabinet was composed of representatives from all groups in society including Shi’a, Sunnis and Kurds. (RFE/RL, 20 May 2006) [22f] (BBC, 22 May 2006) [4a]

THE EXECUTION OF SADDAM HUSSEIN

- 3.09 Saddam Hussein was sentenced to death by the Iraqi High Tribunal (IHT) on 15 November 2006 over the torture and executions of 148 Shias from the town of Dujail in the 1980s. The appeal court of the IHT unanimously rejected the appeals of Saddam Hussein and two co-defendants, Barzan al-Tikriti and Awad al-Bandar, on 26 November 2006 and despite requests by a number of human rights organisations, Saddam Hussein was executed on 30 December 2006. (BBC, 8 January 2007) [4a] The other two co-defendants were executed on 15 January 2007. (BBC, 9 February 2007) [4i]

See also Annex A – Chronology of major events.

RECENT HISTORY

- 3.10 The trial of six former members of Saddam's regime before the Iraqi High Tribunal (IHT) concluded in June 2007, in connection with the 1988 Anfal campaign against the Kurdish population in northern Iraq. On 24 June 2007, Ali Hassan al Majid, known as 'Chemical Ali', was sentenced to death for his role and three of the five other defendants also received the death penalty. Charges of genocide, crimes against humanity and war crimes in connection with the Anfal campaign were handed down by the judge. (UNAMI 1 April-30 June 2007) [39h] (p34)
- 3.11 In October 2007, the predominantly Shia province of Karbala became the eighth province to be transferred to local control by US forces. (Guardian, 30 October 2008) [6aj] In December 2007 Britain handed over control of Basra to Iraq security forces, the last of the four provinces once patrolled by UK forces. (Reuters, 16 December 2007) [7i] Security responsibilities were formally transferred from multinational forces to the Iraqi army in September 2008 for Al-Anbar Governorate, 23 October in Babil Governorate and on 27 October in Wassit Governorate. (UNSC, 6 November 2008) [38r] (p1)
- 3.12 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, (UNHCR Guidelines) April 2009 stated:
- "The reported presence of several thousands PKK (Kurdistan Workers Party) and PJAK (Party for a Free Life in Kurdistan) fighters in remote mountain areas of Northern Iraq leads to repeated cross-border shelling campaigns by Iranian and Turkish forces, causing material damage, limited civilian casualties and, mostly temporary, displacement. Existing tensions built up in late 2007 and resulted in thousands of Turkish troops massing at the border and a series of aerial bombardments of border areas in November and December 2007. On 21 February 2008, Turkey launched a one-week ground and air offensive into Iraqi Kurdistan to target the PKK, which Turkey claims is using Northern Iraq as a launch-pad for attacks on Turkish soil. A brief standoff between the Kurdish Peshmerga and Turkish troops near Dahuk [in August 2008] did not result in an armed confrontation." [40b] (p93)
- 3.13 "On 12 January 2008 the Justice and Accountability Law was adopted by the Council of Representatives, replacing earlier debaathification policies. On 13 February the Council of Representatives passed a package of laws: the Law on Governorates not Organized into a Region, the General Amnesty Law and the 2008 Budget. This package represented a compromise between the interests of three parliamentary blocks: the Kurdistan Alliance, the United Iraqi Alliance, and Tawafuq. Efforts to persuade Tawafuq to rejoin the Cabinet are continuing as part of a wider attempt to restructure the Government." (UNSC, 22 April 2008) [38i]
- 3.14 The UNHCR Guidelines of April 2009 stated:
- "On 13 February 2008, the CoR passed simultaneously, based on compromises and concessions by all parties and across sectarian identities, the Provincial Powers Law, the Amnesty Law and the 2008 national budget. The Provincial Powers Law sets forth the relationship between the central government and the governorates. A recent campaign in Basrah to establish an autonomous region in the southern governorate did not garner the support required to hold a popular referendum." [40b] (p64)

- 3.15 The US Department of Defense (USDoD) 'Measuring Stability and Security in Iraq', March 2009, observed that:

"The Provincial Powers Law (PPL) ... will take effect with the seating of new provincial councils in March [2009], following the January 31, 2009 provincial elections. Implementation of the PPL will transfer additional authority from the central government to the provincial councils. Provincial councils will be granted specific powers over the approval of provincial budgets, the nomination and dismissal of senior provincial officials, authority over non-federal security forces, and a formal means to remove corrupt officials. Additionally, the PPL grants local and sub-district councils oversight of administration, budget, and other issues within their jurisdiction. However, the PPL mandates the creation of a Higher Board for the Provinces to coordinate administration across Iraqi provinces." [103a] (p2-3)

See also Provincial elections of 31 January 2009

- 3.16 The UNHCR Guidelines of April 2009 noted that:

"Another notable development during 2008 was the return of the IAF [Iraqi (Sunni) Accordance Front), the largest Sunni faction, to the cabinet of PM Al-Maliki after almost one year of absence. On 19 July 2008, the CoR [Council of Representatives] approved the appointment of six of their parliamentary members as ministers, in addition to four members of the United Iraqi Alliance (UIA) to replace Sadrist ministers who had also resigned in 2007. The IAF cited the release of Sunni prisoners under the new Amnesty Law as well as military operations against Shi'ite militias as the reasons for their return." [40b] (p66)

- 3.17 On 14 May 2008, BBC News reported that "More than a thousand people have been killed and 2,500 others injured, mainly civilians, in fighting between government forces and Shia militias in Baghdad and southern Iraq over the past seven weeks." [4db] The article also noted that although a truce to end fighting had been called on 11 May, this was dependent on Shia Mehdi Army militia and government forces fulfilling a number of obligations within a four-day period. [4db] On 28 August 2008, BBC News reported that Moqtada Sadr, leader of the Mehdi Army, had indefinitely extended a ceasefire being observed by members of his militia, although Sadr did not say whether his 60,000-strong militia would disarm. [4dj]

See also Sunni Arab insurgents; Shi'a militia; Annex D – Current insurgent/militia groups.

- 3.18 The UNAMI report, covering 1 July-31 December 2008, stated that:

"Following approval by the Iraqi Council of Representatives on 17 August, the three-member Iraqi presidency ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). A day later, an official of the Ministry of Human Rights called upon governmental and judicial authorities to protect prisoners and to prosecute those who abuse and torture prisoners and detainees. This essential and very positive step should be followed by depositing the ratified instrument before the UN Secretary-General and a thorough review of the existing legislation to

harmonize it and bring it in line with the CAT and by the training of law enforcement officials for which UNAMI stands ready to assist.” [39b] (p21)

3.19 The same report further observed:

“The adoption of the Electoral Law on 26 September paved the way for Governorate Council elections to take place on 31 January 2009. Following protests by minority groups and intensive debates in the Parliament, an amendment granting reserved seats for Christians, Shabak, Yazidis and Sabeen-Mandean in Baghdad, Ninawa and Basra was finally approved on 3 November. Although Christian groups complained that the number of seats was not representative of their size, UNAMI HRO [Human Rights Office] believes that the amendment to the law was a significant step in favour of the recognition of the special status of minorities in accordance with article 125 of the Constitution. Additionally, the final version of the law did not include a quota of at least one quarter of the seats being reserved for women. It is the first time since 2004 that this requirement was not part of the electoral legal framework. Women’s groups and female members of parliament protested the absence of a quota, which is contrary to the 31 July 2008 Iraqi Supreme Court interpretation of the electoral law to the effect that a 25% quota for women is mandatory.” [39b] (p20)

Provincial elections of 31 January 2009

3.20 The UNHCR Guidelines of April 2009 recorded that:

“On 31 January 2009, provincial elections were held in 14 out of Iraq’s 18 governorates. The passing of the Provincial Election Law was marred by incidents of violence. The Provincial Powers Law included a deadline for holding provincial elections by 1 October 2008. A first draft law, which included the contentious issue of power-sharing in Kirkuk, was adopted by the CoR on 22 July 2008 against the will of Kurdish lawmakers who boycotted the session. The draft law was subsequently vetoed by the Presidency Council due to a lack of consensus over power-sharing in Kirkuk. Two months later, on 24 September 2008, the Provincial Elections Law was finally adopted, paving the way for holding provincial elections in 14 out of Iraq’s 18 Governorates by latest by 31 January 2009. In order to pass the law and make elections possible in 14 central and southern governorates, the Governorate of Kirkuk, the key sticking point in the negotiations, was excluded from the 31 January 2009 elections. Instead, a committee comprised of seven representatives from the different ethnic-religious communities was tasked to submit a report to the CoR by 31 March 2009, on, inter alia, a power-sharing mechanism for Kirkuk. However, in late March 2009 the committee announced the postponement of their recommendations until the end of July 2009 due to a lack of compromise.” [40b] (p67-8)

3.21 The UNSC report, 20 February 2009, stated that:

“Iraq took a significant step forward with the provincial elections held on 31 January 2009 in 14 out of Iraq’s 18 governorates, marking the successful culmination of months of political activity and security preparations, as well as extensive technical and logistical electoral preparations undertaken by the Independent High Electoral Commission. Electoral procedures appear to have been widely followed and the voter turnout, estimated at 51 per cent

was encouraging, in particular among the Sunni population, which had largely boycotted the previous provincial elections in January 2005. Another positive development was the implementation of a robust national security plan throughout the electoral period, allowing Iraqis to cast their vote with confidence. The period was generally marked with very low levels of violence, especially on the actual day of the elections when hardly any incidents were reported (compared to over 80 serious security incidents on the election day in January 2005). This highlighted the increasing improvement in the capability of the Iraqi Security Forces over recent months. However, in the weeks prior to the elections, some disturbing acts of violence were committed, including the assassination of five candidates, attacks against some Iraqi dignitaries and political activists, and reported acts of intimidation of staff of the Electoral Commission.” [38a] (p1)

3.22 The FCO report, 27 March 2009, noted that:

“The BEO [British Embassy Office] Erbil stated that regional elections in the KR, for the KNA, were scheduled to be held on 19 May 2009 but it was widely believed that the election date would be postponed. On 25 March 2009 the KNA passed the necessary legislation to allow the Electoral High Commission to make the arrangements for the elections to take place but at the time of compiling this report the date of the election had not been announced. The 1992 election law stipulates a sixty day period between the passage of enabling legislation for an election and the election being held...

“Mala Bakhtiar, PUK stated that the next regional elections in the KR are scheduled to be held on 19 May 2009 but they may have to be postponed for up to 45 days to allow technical arrangements to be finalised. The exact date of the election will be determined by the Iraqi Electoral High Commission in Baghdad.” [66d] (p7-8)

3.23 The UNHCR Guidelines of April 2009 stated that:

“In most governorates, no single party won a majority enough to rule on its own. An exception is Basrah, where the State of Law list won 57% of the seats (although it received only 37% of the votes). In Baghdad and Wassit, the list won a near majority (49% of the seats in Baghdad and 46% of the seats in Wassit). Across the Shi’ite-majority governorates, the State of Law list is in the lead, followed by either ISCI or the Sadrist competing for the second biggest number of seats. This fact makes it necessary to forge power-sharing alliances.” [40b] (p72)

3.24 The UNSC report, 2 June 2009, further commented that:

“The formal release of governorate election results by the Independent High Electoral Commission on 26 March [2009] set in motion the process of the formation of provincial councils in the 14 governorates where elections took place on 31 January 2009, including the selection of all governors and deputies for each province. In the central governorates, larger majorities were won, which made it easier for alliances to be forged and the allocation of senior posts to be concluded more quickly. In some southern governorates, the vote was split, making it more difficult for the newly elected Council members to reach a consensus.” [38b] (p2)

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4. RECENT DEVELOPMENTS

4.01 “As of November 2008, 13 of Iraq’s 18 provinces have successfully transitioned to Provincial Iraqi Control (PIC). Security responsibility for Babil Province was handed over to the GoI on October 23, 2008, and Wasit Province transitioned to PIC on October 29, 2008.” (USDoD, December 2008) [105d] (p29) US soldiers are due to pull out of Iraq on 30 June, handing control back to Iraqi security forces, with a small number expected to remain to train and advise Iraqi security forces. (Reuters, 24 June 2009) [7c]

4.02 The EIU country report, published December 2008, stated that “The US-Iraq Status of Forces Agreement (SOFA) was formally approved by Iraq’s presidency council on December 4th, having secured majority support from parliamentarians on November 27th. The approval came barely three weeks before the UN mandate for multinational forces expires, and will provide a legal cover for US troops operating in Iraq until at least July 2010 and possibly until the end of 2011.” [58b] (p9) The SOFA came into force on 1 January 2009 after its ratification by the Iraqi CoR on 25 November 2008 and approval by the three-member Presidency Council on 4 December 2008. (UNHCR, April 2009) [40b] (p73)

“The SOFA provides for the withdrawal of US troops from Iraqi cities, towns and villages by 30 June 2009 (at which time the ISF shall assume responsibility in each governorate) and ends overall US presence by 31 December 2011. As part of the SOFA, the US troops’ operations will be largely put under Iraqi control. US troops will no longer be allowed to make arrests or search homes without a court order. Under the SOFA, the US also has to either release or hand over to Iraqi custody the 15,800 detainees currently in US detention. Reportedly, the transfer of detainees is to commence as of February 2009. The SOFA allows for amendments if both parties agree to them; this has been interpreted as a possibility to extend the US forces’ presence beyond 2011, if both sides wish.” [40b] (p74)

4.03 The UNHCR Guidelines of April 2009, stated that “Relations between the KRG and the central government worsened over the past year over the extent of the Kurdistan Region’s autonomy and the distribution of power and resources between the two. The most contentious issue is the yet unresolved status of the so-called ‘disputed areas’.” [40b] (p75) “A process foreseen in Article 140 of the Iraqi Constitution to reverse the previous ‘Arabization’ policy and decide in a popular referendum the status of the so-called ‘disputed areas’ has remained stalled as two deadlines were missed.” [40b] (p79)

4.04 The UNSC report, 2 June 2009, recorded that:

“... the recent spike in indiscriminate and violent mass attacks continues to cause unacceptably high civilian casualties, demonstrating that important security challenges remain. A new wave of suicide bombings took place, culminating in a coordinated series of four bomb blasts across Iraq on 23 March that resulted in at least 32 people dead and scores wounded. There were nearly 20 suicide bombings in April, with 355 Iraqis killed, making it the deadliest month in 2009, according to Iraqi officials. More than 80 Iranian pilgrims were also reportedly killed during the same month. On 20 May, a car bomb in north-west Baghdad killed 40 people and injured more than 70,

followed the next day by a series of bombings in Baghdad and Kirkuk that killed at least 23 people and injured many more.” [38b] (p2)

See also [Security situation](#)

- 4.05 On 17 June 2009, the Institute for War and Peace Reporting stated that elections were due to be held in the KRG area on 25 July 2009. [11a]

See also [Provincial elections of 31 January 2009](#)

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5. CONSTITUTION

- 5.01 The Freedom House 'Freedom in the World – 2008: Iraq', June 2008 recorded that a U.S.-led military coalition invaded Iraq in March 2003, captured Baghdad less than three weeks later, and established a Coalition Provisional Authority (CPA) to administer the country. In March 2004, the IGC adopted a Transitional Administrative Law (TAL) to serve as the country's interim constitution. In June, after weeks of UN-mediated negotiations among the main political groups, the CPA transferred sovereignty to an Iraqi Interim Government (IIG), headed by Prime Minister Iyad Allawi.

"Many articles of the constitution pertaining to internationally recognized political rights and civil liberties depended on subsequent legislation for clarification and enforcement. The charter also stipulated that the Federal Supreme Court should include an unspecified number of 'experts in Islamic jurisprudence' alongside civil judges. The draft constitution was approved by a popular referendum in October 2005, though two Sunni Arab provinces voted overwhelmingly against it. Under a compromise brokered as a concession to Sunni demands before the referendum, the first elected parliament would form a Constitutional Review Committee to determine whether the document should be amended. The committee was created by parliament in September 2006, but as of the end of 2007, it has been unable to produce any concrete recommendations." [70g] (p1)

"Under the constitution, the president and two vice presidents are elected by parliament and must appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are to be held every four years. The prime minister is charged with forming a cabinet and running the executive functions of the state. The parliament consists of a 275-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Political parties representing a wide range of viewpoints are allowed to organize and campaign without legal restrictions, but the Baath party is officially banned." [70g] (p1)

- 5.02 Also mentioned as being protected by the constitution included freedom of expression and religion; rights to freedom of assembly and association, the right to form and join professional associations and unions. In practice, although in some instances these rights were respected, sectarian violence and fear of violent reprisals meant the rights of some groups were impeded, including those of religious minorities and women. (Freedom in the World – 2008: Iraq', 2008) [70g] (p1)

For a translated version of the full Iraqi Constitution see:

http://www.uniraq.org/documents/iraqi_constitution.pdf

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6.1 POLITICAL SYSTEM

- 6.01 According to Article 1 of the Constitution “The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.” [82a] (p2) The Constitution stipulates that “The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions.” It also stated that “Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution.” [82a] (p3) The minimum voting age is 18. (CIA, 5 May 2009) [78a]
- 6.02 The Constitution stipulates that the executive branch should consist of a president, a prime minister and a governing body, namely the Council of Ministers. [33a] (p16)
- 6.03 The UN Security Council (UNSC) report of 28 July 2008, further stated:
- “During the reporting period, the Independent High Electoral Commission reached a number of operational milestones, most importantly solidifying a field structure needed to administer election activities throughout the country. In late May [2008], the Commission appointed the eight remaining directors of the governorate election offices following a UNAMI-led selection process conducted by a panel of international experts. In addition, the Commission, with UNAMI support, selected and trained nearly 8,000 staff to provide voter registration services at 564 centres nationwide. Additional activities of the Commission included consultations with Iraqi civil society to encourage the registration of political entities and coalitions.... More than 500 political party entities and coalitions have registered with the Commission to participate in the governorate council elections. The Commission, assisted by UNAMI, also developed a comprehensive public outreach strategy to inform Iraqis about voter registration and elections.” [38q] (p6)
- 6.04 The UNSC report, 6 November 2008, commented that:
- “Following intense negotiations, the Council of Representatives adopted the provincial election law on 24 September [2008] and the Presidency Council ratified the measure on 7 October. The law was amended on 3 November to include provisions for minority representation in Baghdad, Basra and Ninawa. Provincial council elections are now scheduled to take place in early 2009 in 14 of the 18 governorates in Iraq.” [38r] (p2)
- “The provincial election law stipulates special arrangements for Kirkuk Governorate, whereby a committee comprised of seven representatives (two Members of Parliament each from Kirkuk’s Arab, Turkmen and Kurdish components and one Christian representative) is to submit a consensus report to the Council of Representatives by 31 March 2009...” [38r] (p3)
- 6.05 The USDoD report, March 2009, mentioned legislation passed and stated that:
- “The most significant accomplishments this reporting period were the Government of Iraq’s (GoI) ratification of the SFA [Strategic Framework

Agreement] and a SA [Security Agreement] with the United States on December 4, 2008, the successful transfer of security authority from Coalition forces to the GoI [Government of Iraq] on January 1, 2009, as the Chapter VII mandate for the Multi-National Forces-Iraq (MNF-I), contained in UN Security Council Resolution (UNSCR) 1790, expired, the successful conduct of provincial elections in 14 of Iraq's 18 provinces on January 31, 2009, and the passage of the 2009 Iraqi Budget on March 5, 2009. ...

"The dispute over the Provincial Elections Law (PEL), the debates on the SFA and the SA, and the Article 140 debate dominated the legislative agenda through the end of 2008. Additionally, the resignation of Speaker Mashhadani in December 2008 and the lack of a replacement speaker affected the CoR's ability to pass outstanding legislation from the 2008 legislative calendar, specifically the 2009 Iraqi Budget, which was passed on March 5, 2009. Legislative priorities this period include setting a date for the district and sub-district elections and concluding the report on provincial elections in Kirkuk based on recommendations from a CoR-appointed commission (Article 23 Committee). Additionally, Article 140 of the Iraqi Constitution regarding internally disputed boundaries, along with the Hydrocarbon Laws and a Census Law, remain under discussion." [103a] (p1-2)

See also [Recent developments](#)

POLITICAL SYSTEM IN THE KRG AREA

- 6.06 Article 117(1) of the Iraqi Constitution stipulates that "This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region." [82a] (p34) Article 141 of the Constitution stated that:
- "Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution." [82a] (p41)
- 6.07 Article 121 of the Iraqi constitution states the Kurdistan National Assembly (KNA) have the right to amend the application of Iraq-wide legislation that falls outside the federal authorities' exclusive powers. (KRG, 10 September 2008) [105d]
- 6.08 The *International Herald Tribune* reported, on 15 July 2008, that there were protests in July 2008 at the proposed provincial election law by Kurds in an attempt to postpone the provincial council vote in Kirkuk until a constitutionally mandated referendum is held on whether Kirkuk should remain under Baghdad's administration or join the semiautonomous Kurdish regional government. Under the Iraqi Constitution, the Kirkuk referendum was scheduled to take place by the end of last year. [126c] The IOM report, 1 February 2009, stated that elections were taking place in 14 out of 18 governorates, excluding the KRG governorates and Kirkuk. [111t] (p10) See [Provincial elections of 31 January 2009](#) for further information on elections in the KRG area.

Kurdistan Regional Government

- 6.09 The Kurdistan Regional Government is recognised as the official government of the territories that were administered by that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. (International Crisis Group (ICG), 'Oil for Soil: Towards a Grand Bargain on Iraq and the Kurds', Middle East Report No. 80, 28 October 2008) [25I] (p6) A KRG fact sheet, 10 September 2008, stated that:

"The Kurdistan Region is a federated region in Iraq. Its main institutions are the Kurdistan Regional Government, the Kurdistan Region Presidency, and the Kurdistan National Assembly (parliament). As stipulated in Iraq's federal constitution, Kurdistan's institutions exercise legislative and executive authority in many areas, including allocating the Regional budget, policing and security, education and health policies, natural resources management and infrastructure development." [105d] (p1)

"The capital and seat of the Kurdistan Regional Government is Erbil, a city known locally as Hawler... The Kurdistan Regional Government exercises executive power according to the Kurdistan Region's laws as enacted by the democratically elected Kurdistan National Assembly. The current government, led by Prime Minister Nechirvan Barzani, assumed office on 7 May 2006. Iraq's Constitution recognises the Kurdistan Regional Government, the Kurdistan National Assembly and the Peshmerga guard as the legitimate regional forces." [105c]

- 6.10 The FCO report, 27 March 2009, noted that "The BEO [British Embassy Office] Erbil stated that the KRG is a power-sharing coalition comprising the two largest political parties in the KR, the KDP and the PUK, which hold an equal number of seats in the Kurdistan National Assembly (KNA), the Kurdistan parliament, with smaller parties also represented. The KDP has greater influence in the Dohuk and Erbil Governorates and the PUK in Sulaymaniyah Governorate.

"... under the power-sharing agreement between the KDP and PUK all KRG Ministries should have merged but separate Interior, Finance and Peshmerga (Kurdish security forces) Ministries still operate in Erbil and Sulaymaniyah, controlled respectively by the KDP and the PUK. The BEO Erbil stated that the KRG receives 17% of Iraq's oil revenue. The money is apportioned to the two Finance Ministries, in Erbil (run by the KDP) and Sulaymaniyah (run by the PUK)." [66d] (p7)

- 6.11 The UNHCR 'Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', April 2009, stated that "Relations between the KRG and the Central Government have soured over the last year over the extent of the Kurdistan Region's autonomy and the distribution of power and resources between the two entities." [40b] (p132)

"The unresolved status of the disputed internal boundaries remains an issue of major contention and is the principal reason for increasing tensions between the KRG and the central government as well as within Kurdish-Shi'ite alliance. A process foreseen in Article 140 of the Iraqi Constitution to reverse the previous 'Arabization' policy and decide in a popular referendum the status of the so-called 'disputed areas' has remained stalled as two deadlines were missed." [40b] (p78)

See also [Recent Developments](#)

Kurdistan National Assembly

- 6.12 The Kurdistan National Assembly (KNA) is the Kurdistan Region's democratically elected parliament. (KRG, 10 September 2008) [105d] (p2)
 "Elections for a 275-seat Transitional National Assembly (TNA), along with simultaneous elections for provincial governments and the KRG, were held in January 2005." (Freedom House, Freedom in the World – 2008: Iraq , 2 July 2008) [70g] (p2)
- 6.13 Elections for the KNA were supposed to be held at least every four calendar years. (KRG, 10 September 2008) [105d] (p2) The KRG fact sheet, 10 September 2008, further stated that:
- "Currently women hold 29 seats, making up 27% of the Assembly. The legal requirement is that at least 25% of the parliamentarians must be women. The KNA is lead by the Speaker, Mr Adnan Mufti, who is assisted in his duties by the Deputy Speaker, Dr Kamal Kirkuki. In the current parliament elected in January 2005, the members represent 14 different political parties, including Turkmen, Assyrian and Chaldean parties, and one member is independent. Three members of the KNA are Yezidis belonging to different political parties." [105d] (p2)
- 6.14 The Freedom House report stated: "In the 111-seat Kurdistan National Assembly, the PUK and KDP each have 38 seats while the KIU has 9. The remainder are distributed among the smaller Alliance parties, which are fully or partially funded by the two main parties." [70g] (p2)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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Human.Rights

7. INTRODUCTION

- 7.01 The UNSC report of 20 February 2009 stated that "... less visible grave and systematic human rights violations continue and their elimination requires political will, resources and long-term commitment. Three examples of such challenges are cases of reported ill-treatment and torture of detainees by some Iraqi law enforcement authorities, inadequate efforts to bring to justice perpetrators of past and current human rights abuses and cases of disregard for women's rights." The UNSC report however noted the passing of a law by the Council of Representatives on 16 November 2008 to establish an Independent High Commission for Human Rights. [38a] (p10)

See also Torture by the security forces; Arrest and detention – legal rights; Prison conditions; Women.

- 7.02 UNAMI's report covering 1 July-31 December 2008 provided details of incidents targeting specific groups. [39q] (p10-11) The UNSC report also noted that "Targeted killings or other types of attacks against journalists, educators, parliamentarians, humanitarian workers, judges, lawyers and members of minorities remained a worrying feature of the situation in Iraq." [38a] (p10)

See also Perceived collaborators and 'soft targets'.

- 7.03 The UNSC report of 28 July 2008 noted that "The human rights situation in Iraq remains serious, although violations were less widely reported. Despite improved security conditions in Baghdad, Amarah and Mosul after operations against armed militias, UNAMI remained concerned about the physical safety and legal protection of hundreds of suspects arrested, as well as detention conditions and lack of due process following detention. Those apparently rounded up as suspects included a number of children." [38q] (p7) The UNSC report of 6 November 2008 further noted that:

"Overall, the improvements in the security environment in recent months have proved positive with respect to human rights in Iraq, but continued violations pose serious concerns for Iraqi civilians and remain a priority of the United Nations. A significant decrease in violent, high-visibility, high-casualty attacks by militias or criminal gangs was witnessed during the current reporting period. Nonetheless, grave and systematic human rights violations remain constant, but are less visible and less widely reported ... The broader situation regarding women's rights and conditions has also shown no significant overall improvement and alleged suicides and suspected 'honour crimes' continue to be reported with alarming regularity." [38r] (p11)

- 7.04 The Amnesty International (AI) Report 2009 (covering the period 1 January – 31 December 2008) commented that:

"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." [28f] (p2)

See also [Security situation](#); [Arrest and detention](#); [Women](#); [Abuses by non-state armed groups](#);

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8. SECURITY SITUATION

8.01 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, April 2009 stated that “As compared with the situation in 2006 and the first three-quarters of 2007, when Iraq saw widespread sectarian violence coupled with a violent Sunni insurgency, intra-Shi’ite fighting, gross human rights violations and a general breakdown of law and order, parts of Central and Southern Iraq have seen significant stabilization since late 2007 and in 2008.” [40b] (p12) The paper summarised the developments as follows:

- “Relative overall security improvements and significant reduction of civilian casualties and new displacement, in particular in the Southern Governorates and some of the Central Governorates;
- Virtual halt of open Sunni-Shi’ite violence;
- Main actors of violence (i.e. Al-Qa’eda in Iraq [AQI] and Jaish Al-Mahdi [JAM] or Mahdi Army)/‘Special Groups’) have either largely moved or been pushed out of urban areas, were seriously weakened or are lying low;
- Through a number of successive military operations targeting Sunni and Shi’ite extremist groups, the Iraqi Government with the support of the Multi-National Forces in Iraq (MNF-I) has asserted more authority over its territory, although local control is not necessarily exerted by the government-controlled Iraqi Security Forces (ISF), but often by local groups and individuals that ally themselves to varying degrees with the central Government (Sol, tribal leaders, militia groups, political parties);
- Largely violence-free provincial elections in January 2009;
- Limited, yet increasing return of persons displaced inside and, to a lesser extent, outside the country.” [40b] (p12-13)

See also Sectarian violence; Security forces; Abuses by non-government armed forces.

8.02 The same UNHCR report also stated that:

“... despite the fact that overall security has improved, armed groups remain lethal and suicide attacks and car bombs directed against the MNF-I/ISF and Awakening Movements as well as civilians (often areas attracting crowds such as markets, bus stations, restaurants, places and areas of religious significance or worship, police stations, and recruitment centres) in addition to targeted assassinations and kidnappings continue to occur on a regular basis, claiming lives and causing new displacement.” [40b] (p13)

8.03 The UNSC report, 20 February 2009, stated that “In recent months, Iraq witnessed gradual stabilization and further improvements in security conditions, with a lower number of violent, high-visibility, mass-casualty attacks by militias, insurgents and criminal gangs. Nonetheless, indiscriminate attacks by roadside, car or suicide bombs were almost a daily occurrence. A particularly troubling aspect was the frequent use of women, and occasionally even children, as suicide bombers.” [38a] (p10) On 4 February 2009, BBC News reported that: “In 2007 there were eight suicide attacks by women; in 2008 there were 32, the US military says... Insurgents use female bombers

because they can hide explosives under their robes and are less likely to be searched by male guards at security checkpoints.” [4dt]

8.04 The UNHCR Guidelines of April 2009, recorded that:

“An analysis of incidents recorded in 2008 indicates that most of the killings take place in Iraq’s three major cities Baghdad, Mosul and Basrah. Attacks also occur in the other still violent central governorates of Diyala, Kirkuk and Salah Al-Din, and, to a lesser extent in the South (Babel, Wassit). The majority of the victims was [sic] shot by gunmen, sometimes after having been kidnapped and tortured. Typically, they were targeted in their classroom/office or on their way to and from work. Educational facilities, courthouses and hospitals also continued to be targeted in 2008.” [40b] (p183)

8.05 The UNSC report of 6 November 2008 further mentioned the decrease in security incidents, although reported an increase in threats against leaders of religious minorities, particularly Christians, and the targeted assassination of journalists, political activists, public officials and pilgrims still remained a grave concern. [38r] (p1)

8.06 The FCO human rights report for 2008, released 26 March 2009, stated that:

“As security improves, Iraq has continued to emerge as a functioning democracy, with diverse political representation and a respect for human rights enshrined in its constitution. Iraqis are arguably freer now than at any time in the country’s history. However it is undeniable that significant challenges do still remain, particularly relating to detention, women’s rights, consolidating progress on rule of law and the protection of minorities throughout Iraq....

“Real advances have been made in reducing violence across Iraq with the lowest levels for extremist attacks since 2003 being recorded in 2008, down 85 per cent from 2007. Significantly this is being achieved largely by Iraq’s own security authorities, with Coalition (including UK) help and support.” [66e] (p1)

8.07 The UNSC report of 28 July 2008 noted that “Nationally, the number of violent incidents recorded declined during the reporting period to 40 to 50 attacks a day, excluding areas of declared military operations. The impact has been particularly notable in Baghdad, where much of the day-to-day fighting has now subsided.” [38q] (p13) This decrease has been attributed to the increase in Iraqi force capability, the Mahdi army ceasefire and the take over of the Sons of Iraq forces (Awakening Councils) by the Iraqi government. (UNSC, 6 November 2008) [38r] (p1)

See also Awakening Councils; Shi’a militia; Multi-National Forces (MNF).

8.08 The IOM report, published November 2008, also noted that “Overall, returns are continuing at a slow but significant rate, while displacement is still slowed nationwide, limited to isolated events such as the recent displacement of Christian families in Mosul.” [111i] (p1) The IOM report of June 2009 stated that the improved security situation and increased access had in some cases revealed the humanitarian needs of IDP groups, such as access to proper care, diet and environment. [111b] (p1)

See also Christians; Internally Displaced People

- 8.09 The UNAMI report, for the period 1 January - 30 June 2008, stated that:

“Attacks were also perpetrated with impunity by armed groups targeting government officials, religious figures, state employees, law enforcement personnel and a number of professional groups including academics, journalists, lawyers and judges. Additionally, religious and ethnic minorities and other vulnerable groups were deliberately targeted, as were women including in cases involving so-called ‘honour crimes’. Numerous other incidents involving intimidation, threats, kidnappings, abduction of individuals from their homes, torture and killing took place throughout the country.” [39q] (p6)

See also Perceived collaborators and ‘soft targets’

- 8.10 The UNAMI report, for the period 1 July - 30 December 2008, observed:

“The second half of 2008 was marked by the continuation of suicide attacks, either body-borne or vehicular, by male and female attackers; widespread use of roadside bombs and improvised explosive devices (IEDs); and indiscriminate shelling and shooting of civilians. Together, roadside bombs, IEDs and suicide attacks accounted for the largest number of civilian casualties in Iraq. Additionally, the reporting period saw the increased use of adhesive bombs or magnetic bombs that can be quickly planted on a car’s undercarriage without the knowledge of those in the vehicle and then detonated remotely.” [39b] (p9)

- 8.11 The Medecins Sans Frontières/Doctors without Borders (MSF) report ‘Top Ten Humanitarian Crises of 2008’, noted that “There has been some improvement of security in Iraq in the past 18 months. Overall levels of violence have reduced and a changing political environment has emerged. Despite these changes, the situation in Iraq is uncertain and many people are still living under the threat of violence.” [151a] (p2)

- 8.12 The United States Department of Defense (USDOD) report, December 2008, stated that “Many factors have contributed to an environment of enhanced security and political progress, including increasingly capable Iraqi Security Forces (ISF) aided by the Sons of Iraq (Sol), Coalition forces’ continuing support to the ISF, the demonstrated will of the Government of Iraq (GoI) to counter extremists, and the rejection of terrorists by the Iraqi people.” [103d] (piii)

See also Iraqi security forces

- 8.13 The UNSC report, 2 June 2009, recorded that “... armed opposition groups, Al-Qaida and other extremist elements continue to demonstrate the intent and capability to conduct major attacks against Government officials, security forces and the local population. Although there has been a demonstrable reduction in insurgent activity across the country in the past 12 months, there are still armed groups determined to incite sectarian violence and undermine public confidence in the Government’s capability to provide effective security.” [38b] (p12)

CIVILIAN DEATHS AND CASUALTIES

- 8.14 The U.S. Department of State, 'Country Report on Human Rights Practices 2008, Iraq, released 26 February 2009 (USSD report 2008) noted that: "According to Multinational Force-Iraq (MNF-I), civilian deaths from violence during the year fell 72 percent to approximately 15 per day; Iraqi Security Forces (ISF) deaths from violence fell by 57 percent to five per day, compared to the previous year." [2o] (p1) The UNHCR Guidelines of April 2009, stated that:

"The decline in civilian casualties observed as of the third quarter of 2007 has largely continued in 2008, with the notable exception for the months of March and April 2008 when military operations in Basrah and Sadr City resulted in intense clashes between the ISF/MNF-I and Shi'ite militias, claiming the lives of many civilians. Figures dropped again as of May 2008, when a ceasefire agreement was concluded between the Iraqi Government and JAM (Jaiysh al-Mahdi (Mehdi Army)). Overall, Iraq Body Count (IBC) recorded between 8,315 and 9,028 civilian deaths in 2008 or 25 deaths per day, a substantial drop in comparison with the preceding two years and the lowest number of civilian deaths since the fall of the former regime in 2003.

...

"As a result of sharply declined sectarian violence, the most notable reduction in violence has been observed in Baghdad, which in 2008 accounted for 32% of the total civilian deaths compared to 54% in 2006/2007. ...

"Despite the fact that civilian casualty rates have decreased significantly in comparison with the enormously high casualty figures of 2006 and 2007, there remains a high level of violence in parts of the country and, in the words of the UN Secretary-General, '(...) civilian casualties as a result of violence remain unacceptably high (...)'." [40b] (p136-7)

- 8.15 BBC News reported, on 28 December 2008, that the number of civilians killed by violence in Iraq fell by two-thirds in 2008. 5,714 people were killed in 2008 compared to 16,252 in 2007. "The non-governmental organisation Iraq Body Count also said the number of deaths was down by two-thirds, but put the figure between 8,315 and 9,028." [4do] The 2009 Human Rights Watch (HRW) report, covering the events of 2008, also noted that "Civilians remained the targets of attacks by Sunni and Shia armed groups across the country, though the number of such attacks fell after the US and Iraqi security offensive ('surge') in 2007." [15a] (p1)

- 8.16 The UNAMI report, for the period 1 July - 31 December 2008, stated that:

"During the second half of 2008, despite significant improvements in security conditions, the indiscriminate killing of civilians continued. According to the Ministry of Health, a total of 6,787 persons were killed and 20,178 injured in 2008 as a result of ongoing violence. The most affected provinces were Baghdad and Ninawa. UNAMI reiterates that the systematic and widespread attacks against the civilian population are tantamount to crimes against humanity and violate the laws and customs of war, and their perpetrators should be prosecuted." [39b] (p8) UNAMI's report also provided charts showing Ministry of Health statistics of persons killed in 2008 by governorates. [39b] (p8)

- 8.17 BBC News recorded, on 1 May 2009, that "Iraq's government says that 355 Iraqis were killed in April, making it the bloodiest month so far this year. The bulk of the deaths came from a number of big explosions, and the death count did not include at least 80 Iranian pilgrims killed in Iraq.... The casualties are nowhere near the 2006-07 levels when the insurgency and sectarian strife were at their peak." The figures were mainly because of several very big bomb attacks, including four in the space of just two days, in which at least 150 people were killed." [4c]
- 8.18 On 31 May 2009, Reuters recorded that "The number of Iraqi civilians killed fell sharply in May to its lowest since the 2003 invasion, according to figures from Iraq's Health Ministry released on Sunday. The death toll of 134 was slightly under January's record low. It was also less than half the 290 civilians killed in April, when a spate of bombings caused carnage in Baghdad and northern Iraq." [7a]

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SECURITY IN CENTRAL AND WESTERN IRAQ

- 8.19 The UNHCR Guidelines of April 2009 noted that "In some areas of the Central Governorates, where Kurds dominate the administration and the local security forces, attacks on Kurdish party officials (KDP, PUK and other aligned parties) as well as members of the Kurdish armed forces (*Peshmerga*) and security (*Asayish*) are common. [40b] (p161)

See also Perceived collaborators and 'soft targets'

- 8.20 The USDoD report, March 2009, recorded that:
- "Coalition, Iraqi Army, Iraqi Police, and tribal initiatives continue to make significant progress in the western region of Iraq against the capabilities and operations of AQI. Significant discoveries of caches, combined with key member arrests, have resulted in difficulties for AQI to carry out large-scale operations, as well as regain a foothold in the area. AQI in the West continues infrequent attacks in an effort to discredit ISF and the political process. AQI's attacks in the region focus on destabilizing security gains to intimidate and influence the local populace." [103d] (p26)

Baghdad

- 8.21 In 2007, Baghdad's sectarian war gradually ground to a crawl following the U.S.-led surge, a ceasefire declared by Muqtada Sadr and the emergence of U.S.- sponsored, neighbourhood-based 'concerned local citizens' groups, as well as anti-AQI awakening councils (also known as 'Sons of Iraq')." (ICG, 'Iraq's Provincial Elections: The Stakes', Middle Eastern Report No. 82, 27 January 2009) [25n] (p7) The UNHCR Guidelines of April 2009 stated that:
- "Violence levels in Baghdad have significantly fallen since the last quarter of 2007 as a result of several factors, including the 'freeze' of JAM activities, the 'surge' forces deployed by the MNF-I, the establishment of the Sol in many Sunni-dominated neighbourhoods and improved ISF capabilities. The sources of instability in Baghdad continue to be Shi'ite militia groups,

including JAM and a range of splinter and 'Special Groups', and a persistent, albeit weakened, presence of predominantly Sunni insurgents, including AQI and other groups, often loosely affiliated with AQI. The targets of armed groups are, in particular, members of the ISF/MNF-I and the Sol as well as government and party officials. They also continue to target civilians, often in populated places such as markets, mosques, bus stations or restaurants. Shi'ite and Sunni extremists also share responsibility for indirect fire attacks against the International Zone (IZ), the Baghdad International Airport (BIAP) and MNF-I bases around the city." [40b] (p98)

See also Awakening Councils

- 8.22 The UNSC paper of 6 November 2008 mentioned that five major vehicle and suicide bombings occurred against Shia mosques and markets during the Eid al Fitr period (28 September-3 October) at the end of Ramadan. [38r] (p13) BBC News reported, on 10 November 2008, on a triple-bomb attack in Baghdad stating that "Although there has been a big drop-off in violence, attacks still happen every day across Baghdad - just at a lower rate than before ... No-one is clear who is behind these attacks, but the continuing violence is a reflection of the fact that there has been no peace agreement or real reconciliation between Iraq's different factions." [4dm]
- 8.23 Under-vehicle explosive devices ('sticky bombs') were regularly used in Baghdad. (Institute for War and Peace Reporting (IWPR), 9 January 2008) [11ac] (UNHCR, April 2009) [40b] (p100) "Initially used mainly to target Iraqi security personnel, mid and low-ranking government officials and public servants, these devices increasingly being used against civilians." (UNHCR, April 2009) [40b] (p100)
- 8.24 On 11 February 2009, IRIN News reported on the improvement in security in Baghdad, stating that "For many, life is slowly beginning to return to normal in Baghdad six years after the US-led invasion." A local man commented that "A few years ago I was not able to open my restaurant more than six hours a day due to the security situation, but now we serve clients 15 hours a day." Another stated it was now fine to go out at night. [18da]
- 8.25 The USDoD report, March 2009, stated that:
- "It is currently assessed that most violent activity within the Baghdad Security Districts is conducted by either AQI or Shi'a militia elements. AAH [Asa'ib Al-Haq] and KH [Ketaib Hezbollah], among other insurgent and militant groups, continue to maintain cells in Baghdad but have had a difficult time conducting operations. The difficult operating environment has caused many operatives to stay in Iran or discontinue activities in Baghdad. However, neither of these groups has given up on Baghdad, and both continue attempts to reestablish networks despite recent arrests. These and other insurgent and militant groups continue low-level operations, and caches continue to be discovered." [103a] (p25)
- "During this reporting period [September-December 2008], security-incident levels in Baghdad decreased to a level last seen in the beginning of 2004... The data indicate that the overall level of violence has decreased, but hostile actors appear to be focusing attacks on the civilian population and are being more discriminate in how they conduct attacks." [103a] (p22)

- 8.26 The UNHCR Guidelines of April 2009 also recorded that where Baghdad has once been an ethnically mixed city it was now a mix of “rival ethnic and religious enclaves whose residents rarely intersect outside their gated communities.” [40b] (p92)

See also Sectarian Violence

- 8.27 The IOM report of June 2009 stated that “ISF [Iraqi Security Forces] security measures have tightened over the course of the month due to an increase in violent acts such as car bombs, improvised explosive devices (IEDs), kidnapping and assassination. Some interviewed families displaced from Baghdad to other governorates have recently expressed hesitance to return in relation to the uncertain security situation in Baghdad.” [111b] (p5)

See also Internally displaced people (IDPs)

- 8.28 The UNSC report, 2 June 2009, commented that “In Baghdad, security restrictions appear to be easing, with many temporary concrete walls being removed from urban areas as part of the broader normalization process.” [38b] (p12)

Baghdad – Green Zone (International Zone)

- 8.29 The UNSC report of 14 January 2008 noted that “Within the International Zone, United Nations personnel are obliged to comply with curfew and movement restrictions. These security procedures and other mitigating measures exist to minimize the risk from indirect fire, abduction and the threat of attack by improvised explosive devices. All staff members now have accommodations with overhead protection to enhance security during indirect fire.” [38f] (p12)
- 8.30 The Center for Strategic and International Studies (CSIS) report, ‘How Soon Is Safe? Iraqi Force Development and ‘Conditions-Based’ Us Withdrawals’, published on 20 April 2009, stated that “Partly in response to the ISF offensive in Basra, JAM forces began launching rocket attacks on the Green Zone in Baghdad from Sadr City. This prompted a Coalition led offensive to secure Sadr City.” [63c] (p33) The UNSC report of 28 July 2008, recorded the number of indirect fire attacks on the green zone had dropped to only one in June 2008, compared with 50 strikes in April and May 2008. “Widespread military control measures and restraint urged by the Sadrist bloc are the key factors responsible for this dramatic drop in attacks on the International Zone and other locations.” [38q] (p13)
- 8.31 The UNSC report, 6 November 2008, stated that “there were four indirect fire attacks on the International Zone during the reporting period, each of low volume with no significant casualties.” [38r] (p13)

Al-Anbar

- 8.32 The UNHCR Guidelines of April 2009 stated that “Al-Anbar is Iraq’s largest governorate and has a predominantly tribal-oriented society that is almost entirely Sunni Arab.” [40b] (p95)

- 8.33 The UNSC report, 6 November 2008, noted that the transfer of Al-Anbar had “proceeded smoothly, without a significant rise in hostilities.” [38r] (p13) The IOM report of December 2008 stated that:

“Responsibility for security was handed over from MNF-I to local authorities in Anbar on the 1 September, which represented a milestone in the improvement of the governorate’s security. However, violent incidents such as Improvised Explosive Device (IED) and suicide explosions, well as militia attacks, have continued, with Ramadi and Falluja being the most volatile areas in governorate. Recently there were battles between Anbar authorities and Al Qaeda in Falluja, marking resurgence of this type of fighting. Strict checkpoints are in place throughout the governorate.” [111r] (p8)

- 8.34 The USDoD report, December 2008, stated that:

“The security situation in the West remains mostly stable... During this reporting period [Sept-Dec 2008], the average number of executed attacks in Anbar Province remained constant compared to the last reporting period [May-August 2008], with an average of 1.5 incidents per day during the last reporting period. The combined efforts of ISF, Sol, and Coalition forces continue to hinder AQI’s ability to obtain resources or operate effectively in population centers, forcing AQI to operate in and conduct attacks from remote locations in the province.” [103d] (p23) The subsequent USDoD report of March 2009 recorded that:

“Since the previous report, attacks in Anbar Province decreased from an average of 1.5 incidents per day to fewer than one per day. Over the same period [January-March], the number of HPAs [High Profile Attacks] decreased to about two per month, as did the number of attacks targeting ISF within the city of Fallujah. This may be due to increased focus on the area by AQI or renewed attempts by remaining Sunni insurgents to pressure tribes and groups who have politically reconciled. Many elements of the Sunni insurgency seem to have made a general transition into either the political realm or the Sol, or have ceased attacks on the ISF.” [103a] (p26)

- 8.35 The UNSC report of 20 February 2009 recorded that:

“Since the Iraqi Security Forces took responsibility for security in Al Anbar Governorate last September, they have been able to maintain a reasonably secure environment. Ramadi and the western reaches of the province are stable, but indications suggest Al-Qaida in Iraq is attempting a resurgence in Fallujah. In that city there has been a preponderance of large-scale suicide attacks, most frequently directed at security forces. It is in Fallujah that hostile groups were thought most likely to launch a direct attack on the provincial election process.” [38a] (p13)

- 8.36 The UNHCR’s Guidelines of April 2009, commented that “Since 2007, however, security improvements have been significant, as overall levels of violence have sharply decreased. A lingering AQI presence in Al-Anbar nevertheless remains that is capable of targeted assassinations and mass casualty attacks by suicide and car bombs, and some suggest that as part of security operations in the Ninewa Governorate some AQI members may have moved (or moved back) into Al-Anbar.” [40b] (p95) “In Al-Anbar Governorate, political rivalry between Sunni political parties and tribal groupings/parties has

also resulted in targeted attacks on their representatives and offices.” [40b] (p161)

- 8.37 The IOM report of June 2009 stated that “Anbar has seen increased security problems in the last reporting period [May 2009]. Fallujah remains unstable, sometimes spilling into the surrounding districts of Amiriya and Karma. Attacks appear to be directed specifically towards police and military personnel, taking the form of magnetic and car bombs. A curfew is enforced across the governorate from midnight to 4.30am.

“Iraqi Security Forces (ISF) are increasing presence in Anbar, in response to a number of security incidents and also in preparation for a planned handover of operations between the Multinational Forces in Iraq (MNF-I) and ISF, scheduled for the end of June.” [111b] (p3)

- 8.38 The UNSC report, 2 June 2009, noted that “ Insurgent activity in Anbar province is still concentrated along the Ramadi-Fallujah corridor, with isolated incidents reported in the vicinity of Al-Qaim (border area) and Hit. Ramadi itself remains reasonably stable, but vehicle and suicide bombers have been consistently targeting Iraqi Security Forces and Awakening Council leaders in and around Fallujah.” [38b] (p13)

Diyala

- 8.39 The UNSC report of 6 November 2008 recorded that:

“On 29 July, the Government of Iraq launched ‘Operation Heralds of Prosperity’ against insurgent elements in Diyala Governorate. The operation turned into a standoff between Iraqi security forces and Kurdish forces in the north-eastern district of Khanaqin. On 20 August [2008], Prime Minister Nuri Kamel al-Maliki formed a committee led by the Minister of the Interior, Jawad al-Bolani, to investigate events in Diyala. A new agreement on a separation of forces in and around Khanaqin town was subsequently achieved on 5 September [2008] and the situation remains tense but stable.” [38r] (p1-2)

- 8.40 The UNSC report, 6 November 2008, stated “... a pattern of the use of female suicide bombers has been noted in Diyala Governorate.” [38r] (p13) The IOM December 2008 report also commented that a “disproportionate number of female suicide bombers” was observed in Diyala. [111r] (p8) BBC News reported, on 4 February 2009, that this was thought to be due to Sunni militants from the Ansar al-Sunnah group operating in Diyala province, “one of the last remaining centres of Sunni insurgency”. [4dt]

- 8.41 The IOM December 2008 report further stated that: “[a] source of tension in Diyala is the potential for confrontation between Kurdish Peshmerga forces and the ISF over control of some sub-districts bordering Sulaymaniyah and currently under de facto administration of the Kurdish Regional Government (KRG).” [111r] (p8-9) The IOM February 2009 report commented that:

“Although the current security situation in Diyala can be seen as relatively improved, during the past month police made many arrests and weapons seizures, and they diffused many attacks. The security situation was tense and unstable. A curfew was briefly imposed on three neighborhoods in

Ba'quba, and movement was restricted throughout the reporting period. The situation remains stable in Khanaqin and Baladrooz districts." [111t] (p9)

- 8.42 The UNSC report, 20 February 2009, stated that "Tensions between the Iraqi Security Forces and Kurdish Peshmerga forces in northern Diyala and Ninawa have subsided, but may not be fully resolved until the broader underlying political issues affecting these areas are addressed." [38a] (p13)

See also Security forces in KRG area; Iraqi Security forces

- 8.43 The UNHCR Guidelines of April 2009, stated that "Despite massive military crackdowns, Diyala remains volatile and continues to see car bombs and suicide bombings, at times carried out by women, often targeting members of the ISF/MNF-I and Sol, but also civilians." [40b] (p103)
- 8.44 The IOM report, June 2009, stated that "The security situation in Diyala had been improving, and return continues to certain areas of the governorate. However, at the end of April, a series of bombings displaced approximately 50 IDP families, some to Khanaqin district, in Diyala's northeast, while others crossed the border into Kalar district, Sulaymaniyah governorate. Some locations remain inaccessible due to insurgent activities and bombings." [111b] (p8)
- 8.45 The UNSC report of 2 June 2009 recorded that "In Baqubah, insurgents still pose a significant challenge to security forces both in the city and in surrounding rural areas, with even the Provincial Council complex remaining vulnerable, as was demonstrated when a suicide bomber circumvented all security measures to attack a visiting United States delegation." [38b] (p13)

Salah-Al-Din

- 8.46 The population of Salah al-Din is mostly Arab, although there are significant Turkmen and Kurdish minorities. (IOM, December 2008) [111n] (p2) The UNHCR Guidelines of April 2009 stated that:

"Between 2004 and 2007, Salah Al-Din was one of the strongholds of AQI and other insurgent groups. With the establishment of the Sol, made up of tribal members as well as former insurgent fighters, these groups have been weakened and the overall number of attacks has decreased in 2008. However, the security situation remains unstable as insurgents continue to have a presence in parts of the Governorate. They engage in battles with the ISF/MNF-I and Sol and launch regular attacks on them. In addition, insurgents are still capable of launching attacks against civilians, including sectarian attacks targeting minority Arab and Turkmen Shi'ites." [40b] (p117)

- 8.47 A security assessment of Salah al-Din by the IOM, December 2008, noted that "While a steady number of security incidents such as suicide bombings, shelling, and other attacks, continue to occur, security is relatively stable in Salah al-Din. Militias are losing prevalence in the area, and security was transferred from MNF-I to the ISF several months ago. There are still minor security operations ongoing in some of the major cities, and these can be restrictive of daily movements." [111n] (p7) The IOM further reported, in June 2009, that: "Security is generally stable in Salah al-Din. MNF-I have concluded a handover of security to ISF in three districts – Tikrit, Baiji and Al

Daur. There have nonetheless been targeted attacks on ISF members and police, in Tikrit and Samarra districts respectively.” [111b] (p19)

- 8.48 The UNCHR Guidelines of April 2009 recorded that “Salah Al-Din continues to see shootings, kidnappings and targeted assassinations of security officials, tribal leaders/Sol and government and party officials.” The report also noted that security in the governorate’s capital of Samarra had been tightened, with numerous ISF/Awakening Council-operated checkpoints being set up, and that local markets had reopened and the local administration had started to operate again. [40b] (p117)

SECURITY IN SOUTHERN IRAQ

- 8.49 The UNSC report of 6 November 2008, stated “The Government of Iraq is now in charge of security throughout the country’s mostly Shiite south. Conditions in other parts of the south are largely unchanged. Indirect fire attacks against Basra air station have diminished in frequency and volume. Joint military operations in Maysan Governorate have netted large quantities of smuggled weapons and munitions that were probably destined for use in Baghdad or Basra. Eid al Fitr celebrations in Karbala and Najaf passed without any major hostile incidents. The governorate elections will be ardently contested and the potential for significant violence remains.” [38r] (p13)
- 8.50 The USDoD report, December 2008, noted that “Violence is down [in southern Iraq], and the GoI is firmly in control. Life is returning to normal, children are attending school, and the shops and markets are thriving.” [103d] (p25)
- 8.51 The UNSC report, 20 February 2009, stated that “In the southern provinces there has been little shift in the prevailing security environment. There have been no major military operations, although an ongoing operation to interdict weapons smugglers in Maysan Province has led to sustained attacks against Iraqi Security Forces and the multinational force. The provincial elections prompted some politically motivated violence, mostly in the form of targeted assassinations against rival candidates. [38a] (p13)
- 8.52 The UNHCR’s Guidelines of April 2009, commented that “In mainly the Southern Governorates, several officials and clerics affiliated with Muqtada Al-Sadr, ISCI or Grand Ayatollah Ali Al-Sistani have been targeted for assassination or kidnapping.” [40b] (p160-1)

See also Perceived collaborators and ‘soft targets’

- 8.53 The same UNHCR’s document stated that:

“The situation in [Diwaniyah, Muthanna and Thi-Qar Governorates of the Lower South appears to be relatively stable, and there have been no major security incidents in 2008. Given that the MNF-I presence in these governorates is limited, car bombs, roadside bombs and grenade attacks are infrequent and usually specifically targeted at MNF-I convoys or the major MNF-I base at Tallil Air Station southwest of Nassariyah.

“The capitals of the three Governorates (Diwaniyah, Samawa and Nassariyah) have all seen occasional outbreaks of violence in the past, mostly clashes among the two Shi’ite rivals, the JAM and the Badr

Organization affiliated with ISCI, that usually ended after MNF-I intervention.” [40b] (p124)

- 8.54 The UNSC report, 2 June 2009, commented that “Incident levels remained low across southern Iraq, with the exception of two suicide attacks on pilgrims travelling to Karbala in February [2009], and two car bomb attacks in the northern area of Al-Hillah, one of which targeted and killed members of the Sons of Iraq as they queued to receive their salaries from a Ministry of the Interior office.” [38b] (p13)

Basrah

- 8.55 The UNHCR Guidelines of April 2009, stated that:

“Until spring 2007, Basrah was a battleground for Shi’ite militias including JAM [Jaish Al-Mahdi (Mahdi Army)], Fadhila, Thar Allah, the Badr Organization and other exclusively tribal formations, all vying for power and resources. Kidnappings and assassinations were common occurrences. On 25 March 2008, the ISF launched a massive military operation (‘Charge of the Knights’) to root out ‘outlaws’ and ‘re-impose law’. The operation in Basrah ended partly due to US military support and partly due to the Sadrist leadership calling for an end to militia resistance. A truce was brokered in Iran on 31 March 2008. The Iraqi Army launched widespread clearing operations and declared full control of Basrah City centre on 24 April 2008. In the aftermath, the Iraqi Government dismissed 1,300 soldiers and policemen who deserted or refused to fight during the operation.” [40b] (p122)

See also Shi’a militia

- 8.56 The IOM report, December 2008, stated that:

“The security situation in Basrah has improved over the last six months, following a military operation led by the Prime Minister to rid Basrah of terrorist elements. Periodic searches for weapons caches, a high security presence in the governorate and frequent checkpoints have managed to lessen the effects of any disruptive forces in the area, and everyday security for IDPs in the governorate has since stabilized. However, there are still sporadic reports of kidnappings, murders and violence.” [111p] (p6)

The IOM February 2009 report further stated that security was relatively stable during January 2009. [111t] (p7)

See also Internally displaced people.

- 8.57 The USSD report for 2008 stated that “Women's NGOs reported that during the beginning of the year [2008] warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. Several sources suggested the restrictions against women significantly decreased since the March ISF operations in Basrah.” [2o] (p29)

See also Women, social and economic rights

- 8.58 The UNCHR Guidelines of April 2009, reported on the security situation in Basra and stated that:

“On the surface, the situation has significantly stabilized as a result of the military offensive and the extensive presence of the Iraq Army. The grip Shi’ite extremist groups held on the local population seems to have eased and ‘Un-Islamic’ behaviour is no longer systematically punished with death, though occasional incidents continue to occur. The local police is known to be heavily infiltrated by militias despite some purges. Reviving the economy and reducing high unemployment are also seen as key to achieve lasting security as militias find it easy to attract young, unemployed and disillusioned men. Despite the allocation of funds for reconstruction and humanitarian aid in Basrah by the PM, spending has been slow. These delays coupled with rising intra-Shi’ite tensions among ISCI and Dawa, ‘create favorable conditions for an increase in violence.’

“Despite the fact that overall levels of violence have decreased after the military operation in 2008 and the continued heavy presence of the IA, targeted, often politically motivated killings, in particular of security officials, local government or party officials, religious and tribal leaders as well as professionals continue to occur.” [40b] (p122-3)

See also Security forces, Infiltration

- 8.59 The UNSC report of 2 June 2009 commented that “Continuing security operations in Basra and other major population centres have netted a large number of suspected militants and uncovered significant weapons caches across the region.” [38b] (p13)

Babil (Babel/Babylon)

- 8.60 The multinational forces handed over control of Babil governorate to the Iraq government on 23 October 2008. (UNSC, 6 November 2008) [38r] (p13) The UNHCR’s Guidelines of April 2009 stated that:

“Given its mixed Sunni-Shi’ite population, Babel has seen extensive sectarian killings and insurgent activities between 2005 and 2007, in particular in the so-called ‘Triangle of Death’ south of Baghdad, which contains the towns of Yousifiyah, Mahmoudiyah, Iskandariyah, Musayyib and Latifiyah. As a result of extensive military operations in the governorate, the establishment of mainly Sunni Sol [Sons of Iraq (Awakening Councils)] and the ‘freeze’ of JAM [Jaish Al-Mahdi (Mahdi Army)] activities since 2007, levels of violence, in particular sectarian violence, have fallen significantly. According to the MNF-I, the number of attacks in Babel has decreased by 80% from an average of 20 per week in 2007. While security has improved in the governorate, Lt. Gen. Lloyd Austin, the second in command of the US Army in Iraq, cautioned that ‘while the enemies of Iraq are own, they are not necessarily defeated.’

“Due to the Governorate’s less homogenous population, ongoing power struggles between Shi’ite parties and militias and the proximity to Baghdad that allows Sunni insurgents to stage occasional attacks, the security situation in Babel, in particular its northern parts, remains tenuous.” [40b] (p119-121)

- 8.61 The IOM’s report of 1 December 2008 noted that “Security in Babylon is relatively stable with the exclusion of the northern areas of the governorate, where already-existing tensions drastically increased after the Al-Haswa

mosque bombing in late March 2008. In particular the Askandariya and Jurf Al-Sakher areas of Al-Musayab district, as well as Jebela area of Al-Mahawil district and Haswa have seen high tension, frequent arrests, bombings, military clashes, and curfews." [111q] (p6) The IOM report, June 2009, further stated that "The security situation in Babylon is stable. ISF are increasing the number of checkpoints in the governorate in response to an increase in violence in neighbouring Baghdad." [111b] (p4)

Wasit

- 8.62 UNHCR's Guidelines of April 2009 reported that "Wassit is a rural desert region that borders Iran and therefore also has a level of violence associated with smuggling operations. Militants moving between Baghdad and Basrah also use the remote areas of Wassit to transit undetected." [40b] (p129)
- 8.63 The multinational forces handed over control of Wassit governorate to the Iraq government on 29 October 2008. (UNSC, 6 November 2008) [38r] (p13)
- 8.64 The UNHCR Guidelines of April 2009 stated that "Targeted assassinations and kidnappings of security officials and civilians continue to occur. Occasionally, local government and party officials, tribal and religious leaders as well as professionals have been targeted for assassination." [40b] (p130-1) IOM's report of June 2009 commented that security was stable in Wassit. [111b] (p22)

Qadissiya

- 8.65 In July 2008 multi-national forces transferred control of security in Qadissiya to Iraqi forces. (IOM December 2008) [111m] (p7) The IOM June 2009 report noted security remained stable in Qadissiya. [111b] (p17)

Missan

- 8.66 IOM's December 2008 report stated that "Security in Missan governorate is currently stable following the MNF-I/IF security operation which took place in June, mostly in and around the provincial capital, Amara. Movement around the governorate is now unhindered, though there continue to be checkpoints and occasional searches for wanted militants, particularly in the cities." [111m] (p7)

See also [Freedom of Movement](#)

Kerbala and Najaf

- 8.67 The UNHCR's Guidelines of April 2009 stated that:
- "Kerbala and Najef are tightly controlled by the ISF and, therefore, outbreaks of violence are relatively rare. Both governorates are sites of great significance to Shi'ite Islam and their holy shrines attract thousands of pilgrims for various religious festivities each year.
- "... some insurgent groups still succeed in launching mass-casualty attacks against crowds of religious pilgrims. On 12 February 2009, a roadside bomb killed eight pilgrims and wounded 46 near the revered shrine of Imam Hussein in central Kerbala during the *Arba'een* religious rite." [40b] (p125)

8.68 IOM's December 2008 report noted that:

"In Kerbala security at the beginning of the year had destabilized with the spread of scattered acts of violence, frequent robberies, and clashes between Moqtada al-Sadr's Jaish al-Mehdi and the MNFI/IF. Police and government security forces have declared several short periods of curfew in the previous months, and they have established many checkpoints throughout the area, severely restricting movement in the governorate, affecting IDP monitors. Travel along some roads, such as those to Ain Al-Tamur and Al-Hindiya districts, remains dangerous. Local security forces, in cooperation with national defense forces, are conducting ongoing search-and-arrest campaigns throughout the governorate in an attempt to quell the insurgent presence. However, recently security is improving. Security in Najaf remains stable." [111q] (p6)

See also [Freedom of Movement](#)

8.69 The IOM June 2009 report noted that security remained stable in both Kerbala and Najaf. [111b] (p11, 15)

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SECURITY IN KIRKUK AND MOSUL

8.70 The USDoD report, published December 2008, stated that "AQI and Sunni insurgent groups such as Jaysh al-Islam and the Naqshabandi Army remain active in the North, particularly in Ninewa and Tamim Provinces... Due to recent degradation of AQI networks across Iraq, Ninewa Province is increasingly central to the group's continued viability. Specifically, Mosul continues to be a logistical, financial, and operational hub for AQI in the North and in other provinces." [103d] (p24-25)

See also [Sunni Arab insurgents](#)

8.71 The UNSC report, 20 February 2009, recorded that "In Ba'qubah and Mosul, security forces continue to wage daily battles against a persistent insurgent element. Ninawa witnessed the least improvement in terms of the overall security environment, with violent incidents still numbering in the range of 300 to 400 per month." [38a] (p13)

8.72 The USDoD report, March 2009, commented that:

"Although trending down in the last few months, violence in northern and central Iraq remains an issue, particularly in Ninewa, where AQI remains focused on retaining an urban foothold and is actively targeting the ISF, local government leaders, and Coalition forces. Consistent with past tactics, techniques, and procedures, AQI continues to employ VBIEDs [Suicide Vehicle-Borne Improvised Explosive Device] and suicide attacks to degrade security gains and improve its freedom of movement." [103a] (p36)

8.73 The UNHCR's Guidelines of April 2009, stated that "In 'disputed areas' of Ninewa, Kirkuk, Diyala and Salah Al-Din Governorates, targeted attacks on political, tribal and religious figures, including acts of intimidation,

assassination and attacks on party offices, may be politically motivated.” [40b] (p161)

Kirkuk (Tameen governorate)

8.74 The UNHCR Guidelines of April 2009 stated that:

“Most violence in the governorate is linked to the yet unresolved administrative status of Kirkuk and related power struggles between the various Arab, Kurdish and Turkmen actors. Security conditions in Kirkuk Governorate, and in particular in Kirkuk City, tend to worsen during political events related to the status of Kirkuk as armed groups aim at influencing political decisions. For example, during intense negotiations over a provincial elections law in summer 2008, a suicide attack on demonstrating Kurds resulted in an outbreak of intercommunal violence, in which more than 25 people were killed and over 200 injured. Conversely, tensions and sporadic violence can complicate future status negotiations. With the postponing of provincial elections in Kirkuk, the security situation has somewhat stabilized. However, simmering inter-communal tensions are prone to erupt into new violence ahead of decisions to be taken in relation to Kirkuk’s unresolved status. Some observers note that tensions among ethnic groups over the unresolved status of Kirkuk could turn into another civil war. Insurgent groups such as AQI also aim at stirring inter-communal violence by attacking proponents of ethnic/religious groups. Furthermore, it has been reported that community groups in Kirkuk are arming themselves in preparation for future clashes.” [40b] (p106)

See also [Recent developments](#)

8.75 The IOM report, November 2008, stated that “The border crossing [from Kirkuk] to Sulaymaniyah governorate has become even more difficult, and all Arabs must have a sponsor in order to enter.” [111i] (p12) The IOM’s December 2008 report noted that:

“Security in Kirkuk governorate, generally problematic, has deteriorated during the second half of the year, as political and ethnic tensions over control of the governorate grow. Occurrences of assassinations, kidnappings, attacks, and explosions have all increased. Much of the violence is ethnically motivated, and there have been reports of sexual abuse and murders as well.” [111n] (p7)

See also [Freedom of movement](#)

8.76 The IOM February 2009 report further noted “Kirkuk continues to be one of the most unstable areas in the country, as security incidents and inter-ethnic tensions continue in the form of kidnappings, murders, arrests, suicide bombings, and attacks.” [111t] (p11-12) The UNHCR Guidelines of April 2009, stated there were “regular roadside bombings, shootings, and occasional car bombs and suicide attacks.... There are also targeted kidnappings and assassinations, including of security officials, tribal leaders/Sol, government officials and employees, (mostly Kurdish) party officials, members of minority groups, and other professionals. Dead bodies continue to be found occasionally in Kirkuk Governorate.” [40b] (p107-9)

8.77 The UNSC report of 2 June 2009 stated that:

"In the disputed city of Kirkuk and the surrounding areas, there have been persistent low-level attacks against Iraqi and United States military forces by local armed groups. Particular attention has been paid to the potential increase in intercommunal friction, as well as to the risk of escalating tensions between the Iraqi Security Forces and Kurdish Peshmerga forces stationed in the disputed areas of Kirkuk Governorate and northern Diyala." [38b] (p13)

- 8.78 On 21 June 2009, Reuters reported on a suicide truck bomb detonated in Kirkuk killing 73 people which was "Iraq's deadliest bomb in more than a year". [7b]

Mosul (Ninewa/Nineva governorate)

- 8.79 The UNHCR's Guidelines of April 2009 stated that:

"Ninewa Governorate has a very diverse population of mostly Arabs, Kurds and Turkmen in addition to various religious and ethnic minority groups. Its demographic make-up and the fact that large parts of the governorate are contested between the KRG and the Central Government, make it a breeding ground for extremist groups seeking to destabilize the country. After AQI was forced out of most urban areas of Al-Anbar, Diyala and Baghdad Governorates, Mosul City, where the large majority of the population is living, has become its last urban stronghold. Unlike other Sunni-dominated governorates, where Awakening Councils/Sol substantially helped to confront AQI and other insurgent groups, there is only a limited presence of some 2,700 Sol [Sons of Iraq/Awakening Councils] in the Southern parts of Ninewa. The main reason for the lack of Sol presence in other parts of Ninewa is the Kurdish opposition to the establishment of Arab tribal councils. Some Arabs consider the *Peshmerga* to be an occupying force, a sentiment that AQI and other Sunni insurgent groups try to exploit." [40b] (p110)

See also Sunni Arab insurgents

- 8.80 The UNSC report of 6 November 2008 stated the security environment remained "particularly challenging" in Mosul, noting: "... the frequency of attacks in Mosul continued to mount in recent weeks and the Prime Minister sent further reinforcements to Mosul." [38r] (p1) The UNHCR Guidelines of April 2009 stated that "After the displacement of over 10,000 of Mosul's Christians in September and October 2008, a massive ISF presence has been deployed into Mosul City ('Operation Mother of Two Springs 2'). Nevertheless, mass-casualty attacks, kidnappings and targeted assassinations continue to occur on an almost daily basis." [40b] (p111) The IOM December 2008 report noted that "Although some of these Christians have returned and violence has calmed, many are still too fearful to return, and security remains extremely tense and volatile, particularly in Mosul city." [111o] (p2)

See also Christians.

- 8.81 The IOM February 2009 report further stated that "While the security situation in many parts of Ninewa is relatively stable, Mosul continues to be troubled as tensions grow among members of its diverse communities. Bombings, kidnappings, and murders along with attacks against police and military locations continued in the weeks preceding the elections. There is a heavy

military presence in the city.” [111t] (p15)

- 8.82 The UNHCR Guidelines of April 2009 also stated there were continued attacks on Ninewa’s religious minorities, and that the ongoing presence of Sunni extremist groups in the governorate of Ninewa meant instability remained high. Further:
- “In addition to suicide and IED attacks on the ISF/MNF-I, Ninewa continues to see significant numbers of targeted assassinations and kidnappings of security officials, local government officials and employees, party officials and offices (in particular from the KDP/PUK, the IIP and the Iraqi Communist Party), religious figures and tribal leaders/Sol, members of religious minorities as well as professionals and journalists.” [40b] (p114-5)
- 8.83 The UNSC report of 2 June 2009 commented that:
- “Iraqi and United States forces launched a new series of joint offensives aimed at Al-Qaida and other militants across Ninawa province. To date, military operations have generally not been as effective in reducing insurgent influence in this area as they have in other provinces. Mosul recorded a weekly average of six to seven mass casualty events per month, including car bombs and suicide-vest attacks, as well as targeted killings of tribal and political leaders.” [38b] (p13)

SECURITY IN THE KRG (KURDISTAN REGIONAL GOVERNMENT) AREA

- 8.84 The AI report of 14 April 2009 stated that “The Kurdistan Region of Iraq, unlike the rest of the country, has generally been stable since the 2003 US-led invasion. It has witnessed growing prosperity and an expansion of civil society, including the establishment of numerous non-governmental organizations (NGOs) active in the promotion and protection of human rights.” [28b] (p5)
- 8.85 The IOM December 2008 report further noted that:
- “Security in all three governorates has been relatively stable over the last six months. However, the fear that conflicts in neighbouring Ninewa and Diyala could spread has had security forces on alert. In August [2008], the stationing of Peshmerga forces in northern Diyala and a potential stand-off with Iraqi Army forces in that area raised tensions. Periodic cross-border shelling from Iran and Turkey causes alarm, although no new displacement has been reported, as families in those areas had previously fled, due to prior shelling incidents.” [111o] (p6)
- 8.86 The IOM December 2008 report also commented that “Nonetheless, the KRG’s relative stability compared to the rest of the country has made in an attractive destination for families displaced from the south and center, regardless of ethnicity or religion.” [111o] (p2)

See also [IDPs in the KRG area](#)

- 8.87 The USDoD report, March 2009, noted that:
- “The KRG remains the safest and most stable region of Iraq, although isolated acts of terrorism occasionally occur. The relatively homogenous

Kurdish population and the presence of the Kurdish security forces mitigate the threat of AQI or other terrorist attacks in the North and reduce ethnic tensions that plague other cities in Iraq. Turkey and Iran continue to attack Kurdish terrorist groups along their borders with the KRG. These attacks have been conducted against sparsely populated areas in the mountains and have not led to significant numbers of refugees or collateral damage.” [103a] (p28)

See also Security forces in the KRG.

- 8.88 The IOM June 2009 report stated that security remained stable in Dahuk, Erbil and Sulaymaniyah. [111b] (p8, 10, 20) The report further mentioned that “Sulaymaniyah is generally a stable governorate, albeit some regions close to the border suffer occasional cross-border shelling from Iran and temporary displacement for those who live along the border. These attacks against Kurdish militant groups have escalated recently, with an air-attack from Iran reported on the 3rd of May.” [111b] (p20)
- 8.89 The UNSC report of 20 February 2009 commented that:
- “In the northern provinces of the Kurdish regional government, the security environment remained stable. Turkey has reportedly withdrawn a significant number of ground forces from the border areas of Dahuk and Arbil, but sporadic aerial bombardment continues. Most often these attacks do not hit populated areas. A similar scenario exists along the external border of Sulaymaniyah, where artillery fire from the Islamic Republic of Iran is periodically aimed at Kurdish Workers Party operations. Again, this activity rarely causes casualties, but it has displaced some rural communities.” [38a] (p13)
- 8.90 The FCO report, 27 March 2009, stated that “The BEO [British Embassy Office] Erbil stated that the overall security situation across the KR [Kurdistan Region] remains good, with only occasional isolated insurgent incidents recorded. The Interior Ministry in Erbil had been attacked with a truck bomb in 2007 and the Asayeesh (security force) post outside the Palace Hotel in Sulaymaniyah had been attacked in 2008....“The BEO [British Embassy Office] Erbil stated that the final status of the cities of Mosul and Kirkuk, which have large ethnic Kurdish populations, has yet to be determined but violence rarely spills over from them to the KR, despite their proximity.” [66d] (p2)
- 8.91 The UNHCR Guidelines of April 2009, stated that “In the three Northern Governorates, there is relatively greater religious and ethnic tolerance, and non-Muslims and members of non-Kurdish ethnic groups are generally respected. Nonetheless, there are reports of arbitrary detention and ill-treatment of suspected political opponents by the authorities.” [40b] (p25)
- “There is anticipation that the conflict prevailing in the other parts of the country, in particular in neighbouring Kirkuk, Ninewa and Diyala Governorates where the Sunni insurgency has not yet been defeated, might spill over. Accordingly, the local authorities employ strict security measures, including on the admission of persons not originating from the area. The KRG’s ambitions to expand its areas of control in the so-called ‘disputed areas’ in the Governorates of Kirkuk, Ninewa, Salah Al-Din and Diyala on the basis of Article 140 of the Constitution are met with opposition by the Arab and Turkmen communities in the concerned areas, but also the central

Government has made it clear that it will not tolerate the Kurdish security forces' presence outside the Kurdistan Region. In some areas of the Central Governorates, where Kurdish parties already exert de facto full or partial control (e.g. Kirkuk, Khanaqeen), attacks on party and security offices and representatives are common." [40b] (p132)

- 8.92 The UNSC report of 2 June 2009 recorded that "Overall, Kurdistan regional government areas remained stable, thereby allowing a more expansive programme of outreach activities by UNAMI and the United Nations country team. However, there is still a threat of militant elements infiltrating from other regions [such as bordering disputed areas, such as Mosul and Kirkuk]." [38b] (p13)

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

PERCEIVED COLLABORATORS AND 'SOFT TARGETS'

- 8.93 The UNHCR Guidelines of April 2009, stated that "While overall levels of violence, and particularly sectarian killings and high-casualty bombings, have decreased since mid-2007, targeted attacks against professionals are still a very common occurrence. While no official statistics are available, different sources show that professionals have been and continue to be targeted in significant numbers." [40b] (p180) UNAMI's report covering 1 January-30 June 2008 provided details of incidents targeting specific groups in all governorates of Iraq, [39q] (p8-10) as did UNHCR's April 2009 paper. [40b] (p197-250) UNAMI's report of the subsequent period (1 July-30 December 2008) also noted that the trend of targeting police and military personnel, Awakening council members, religious and tribal leaders, judges and lawyers, government officials, civil servants and members of the government and Council of Representatives (CoR) continued. [39b] (p10)
- 8.94 The AI annual report 2009, published 28 May 2009, mentioned that women, human rights defenders, judges, medical doctors and other professionals were targeted by armed groups. [28f] (p3)
- 8.95 The UNSC report of 28 July 2008 noted that "Numerous instances of abduction were reported, followed by ransom demands or killings, as were assassinations of targeted individuals, among them public officials. Journalists, educators, medical doctors, judges and lawyers remained prime targets for armed militia and criminal gangs." [38q] (p11) The UNSC report, 6 November 2008, stated that "... armed opposition groups still have the capacity to launch attacks and, in particular, continue to target the Iraqi security forces and prominent individuals... Targeted assassinations of journalists, political activists, public officials and pilgrims remain a deeply worrying feature of the security picture." [38r] (p11)

See also Journalists and other media workers; Doctors and health care workers

- 8.96 The UNAMI report for the period 1 January-30 June 2008 stated that "Police and military personnel remained prime targets of armed groups. Checkpoints, and police and army patrols in Baghdad, Diyala, Anbar and Nineveh were targeted by car and suicide bombers and high explosives detonated from a distance.... Government officials, parliamentarians and civil servant continued

to be targeted, kidnapped and assassinated, including members of their families and bodyguards ... The Awakening Councils, formed with the MNF-I support to combat Al-Qaeda in Anbar, Salahaldin, Baghdad and Dyala governorates, became target of armed groups' attacks." [39q] (p8,9)

See also Awakening councils (Sons of Iraq)

8.97 The USSD report for 2008 stated that:

"According to the MOHR [Ministry of Human Rights], 340 university professors and 446 students were killed between 2005 and 2007 by insurgents and militias. In 2007, the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003. On August 26, the inspector general's office in the MOH stated that 650 of the 8,000 doctors who fled the country since 2003 returned to their jobs in July and August. On September 1, the minister of higher education reported that he recently received 150 applications from academics who want to return to the country. Following the successful military operations in Basrah, academics have started returning to their positions in the universities. Universities in Baghdad reported that professors have returned to their jobs following the improvement in security." [2o] (p11)

8.98 The UNHCR's Guidelines of April 2009, noted groups at risk included Iraqis affiliated with political parties engaged in power struggles: "In 2008, several political figures and tribal/religious affiliates were assassinated." [40b] (p160) The report also stated that:

"Various armed groups are held responsible for targeting persons involved in the Iraqi Government and Administration at the federal and local levels, members of their families and bodyguards. The perpetrators and their motives are multi-layered. While certain acts may be motivated to delegitimize the Iraqi Government and spread fear, other attacks seem to clearly target government officials, be it for their belonging to a certain political party or their involvement in certain political affairs. As seen in the past, extremist groups are also stepping up their efforts ahead of sensitive political events such as elections or during negotiations of legislative projects....

"Since 2008, there has been a noted increase in assassinations of government officials and government-affiliated party officials by the use of 'sticky bombs' attached under vehicles as well as guns equipped with silencers." [40b] (p161-2)

8.99 The UNHCR Guidelines of April 2009 also stated that:

"In 2008 and early 2009, there have been several targeted attacks on high-ranking government officials, including members of the CoR [Council of Representatives], (deputy) ministers, other senior ministry officials and advisors to the PM. At the local level, governors, deputy governors, local mayors and members of provincial and municipal councils have been targeted. There are also many attacks on government employees, including by targeting their private or office vehicles, and government buildings. Family members, drivers and bodyguards, in particular of senior government officials,

are also at risk of being killed or wounded in attacks or, in some case [sic], have been targeted deliberately.” [40b] (p162-4)

“Iraqis openly criticizing or perceived to be opposing armed groups or political parties are at risk of being threatened, kidnapped or killed. This is in particularly [sic] true for tribal/religious leaders, journalists, human rights activists or other professionals that express their dissatisfaction with local parties or armed groups, refuse cooperation, allege their involvement in violence, corruption or sectarianism or engage in reconciliation efforts.” [40b] (p165)

8.100 The UNHCR Guidelines of April 2009 commented that:

“...civilians employed or otherwise affiliated with the MNF-I are at risk of being targeted by non-state actors. In areas where security has improved over the last year, the risks to persons affiliated with the MNF-I have diminished to some extent, but are still considerable given the continued influence of extremist groups. In areas where AQI and other insurgent groups continue to be present, in particular in Ninewa and Diyala Governorates, the risk of being targeted remains much higher. The risk is particularly high for persons working as interpreters for the MNF-I given their exposure and possible involvement in military activities, e.g. arrests, raids or interrogation of insurgent or militia members. Reportedly, some 300 interpreters have been killed in Iraq since 2003. There is also a heightened risk of attack in areas with a high concentration of foreign personnel such as the IZ or military compounds, particularly at checkpoints approaching these facilities and when travelling in military convoys ...

“In addition, there are reports that the improved security makes it easier for people to settle old scores, i.e. to take revenge by killing persons, e.g. interpreters, that are held responsible for the arrest or killing of family members by the MNF-I.

“Iraqi nationals employed by foreign companies are at risk of being attacked when outside a secure compound such as the IZ [International Zone] or a military base.” [40b] (p169)

8.101 The UNHCR report also stated that “Other groups perceived as having supported or received preferential treatment by the former regime have also been targeted by Shi’ite militias, e. g. Palestinian, Ahwazi and Syrian refugees, Roma (Kawliyah) as well as professionals such as professors, teachers and artists, whose careers were (seemingly) advanced by membership in the Ba’ath Party.” [40b] (p171)

8.102 The UNHCR Guidelines of April 2009, commented that “... professionals such as academics, judges and lawyers, doctors and other medical personnel as well as athletes have been a prime target for various extremist groups.” [40b] (p179) The UNHCR report also noted that in spite of incentives offered to coax these professionals back only a limited number had returned, blaming ongoing insecurity, political uncertainty, a lack of services. [40b] (p184-5)

See also Security situation, southern Iraq; Security situation, Kirkuk and Mosul; Abuses by non-governmental armed groups; Awakening councils; ISF as targets for insurgents; Former members and associates of the Baath

party/former regime; Human rights institutions, organisations and activists;
Judges and Lawyers; Doctors and other health care workers

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9. CRIME

CRIMINAL GANGS

9.01 Jane's Sentinel, updated on 7 October 2008, stated:

"For over a decade before the war, almost all crime, both domestic and involving transnational smuggling, was government-sanctioned and involved narrow fraternities of criminals. The new pattern of crime in Iraq has seen the emergence of a broadening criminal class. In addition to released criminals and former security personnel, high unemployment and inflation combine to create an ideal environment for corruption and the dangerous recourse to employment by criminal groups. The economy as a whole now suffers under other forms of extortion. Iraqis now receive incomes that are an order of magnitude better than their pre-war stipends and many businesses are now being taxed over a dozen times a day by 'mafia' groups, suggesting that they are amassing significant economic power bases." [14d] (p15)

9.02 A report by the Institute for War and Peace Reporting (IWPR), 27 March 2008, also commented that Basra "... had become a 'hotbed for gangs and outlaws who were committing crimes against people like women and professors'." [11y] The ICG report, 27 January 2009, commented that criminality in Basra had receded somewhat since 2006. [25n] (p8)

See also Security in southern Iraq.

9.03 The UNHCR report of April 2009 stated that some Shi'a militia groups were involved in criminal activities – see also Shi'a militia. [40b] (p90)

KIDNAPPING/HOSTAGE TAKING

9.04 The UN Security Council report of 28 July 2008, stated: "Numerous instances of abduction were reported, followed by ransom demands or killings ... " [38q] (p7) Jane's Sentinel, last updated 7 October 2008, reported that "Iraqi police officers have noted that under Saddam Hussein, abductions made up one per cent of their cases, while the phenomenon currently accounts for 70 per cent of reported crime." [14d] (p14)

9.05 The USSD report for 2008 recorded that "During the year kidnappings and disappearances remained a severe problem; many individuals disappeared and incidents of child kidnapping increased in the latter half of the year. Unlike in the previous year, the majority of the reported cases were not sectarian related... Police believed that the great majority of cases were unreported." The report further mentioned that kidnappings were often conducted for ransom, and that religious minorities and politicians were often the target of kidnappings. Few kidnappings by members of the security forces' staff were reported – see Security forces, infiltration for further information. [2o] (p3)

9.06 The Amnesty International report, 'Carnage and Despair – Iraq five years on' published in March 2008, commented that "Some people perceived to be wealthy, including children, have been kidnapped by armed gangs for ransom. Once ransoms have been paid, those held have generally been released." [28o] (p6)

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10. SECURITY FORCES

- 10.01 The USSD report for 2008 noted that the Ministry of Interior (MoI) was responsible for “providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies...”

“The MOI security forces included several components: the 280,000-member Iraqi Police Service deployed in police stations; the 41,000-member National Police, overwhelmingly Shia and organized into commandos and public order police; the 40,000-member Border Enforcement Police, as well as the 83,000 Facilities Protection Service security guards employed at MOI direction at individual ministries. The MOI was responsible for approximately 500,000 employees, nearly 10 percent of the country's male labor force.” [20] (p8)

- 10.02 The 2009 HRW report, covering the events of 2008, stated that “Iraq's military launched offensives against insurgent and militia forces in various parts of the country. The government launched military operations with US military backing against loyalists of Muqtada al-Sadr in Basra and Baghdad in April and May.” [15a] (p1)

See also [Shi'a militia](#); [Sectarian violence](#)

- 10.03 The FCO human rights report for 2008, released 26 March 2009, stated that the improvement in the overall security situation was partly due to “the improved capacity and effectiveness of the Iraqi security forces and the formation of the 'Sons of Iraq' – the mainly Sunni groups who have rejected Al Qaida's nihilism and driven it from many of its strongholds. The number of Iraqi units capable of conducting independent counter insurgency operations is increasing steadily.... With the improvements in security, Coalition troops have been handing responsibility for security back to Iraqis. At the time of going to print, 13 of Iraq's 18 Provinces have now transferred to Iraqi security control. The latest to transfer was the former Al Qaida stronghold of Anbar – the first majority-Sunni province to come back under Iraqi control.” [66e] (p1)

IRAQI SECURITY FORCES (ISF)

- 10.04 The Long War Journal, last updated 31 May 2008, reported that both the Ministry of Interior (MOI) and Ministry of Defence (MOD) shared responsibility for the ISF. The MOI oversaw the Iraqi Police, National Police and the Department of Border Enforcement. The MOD was in charge of the Air Force, Navy, Iraqi Support Command (ISC), the Iraqi Training and Doctrine Command, Iraqi Corps of Engineers and Ground Forces. [137a] (Page 1: ISF Organisation)
- 10.05 The USSD report for 2008 stated that “The inability of the overwhelmingly Shia ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement was a problem. However, the GOI's commitment to assume payment for approximately 94,000 ‘Sons of Iraq’ neighborhood security forces, largely Sunni tribesmen and former insurgents, with a commitment to integrate 20 percent of them in to the ISF, was a positive development.” [20] (p8)

See also [Awakening Councils](#)

- 10.06 The USDoD report, March 2009, stated that "Iraq's Security Forces (ISF) currently number approximately 615,000 forces in the Ministry of Interior (MoI), Ministry of Defense (MoD), and the Iraqi National Counter-Terrorism Force (INCTF)." [103a] (p32)
- 10.07 The Congressional Research Service (CRS) report, 2 March 2009, commented there was evidence of maturation and grown [sic] of the ISF in 2008, and although there were signs of progress many ISF units remained ethnically unbalanced and penetrated by militias. The ISF were also severely underequipped and depended on donations of surplus equipment from coalition members. [156a] (p40-41) The UNSC report of 2 June 2009 however stated that "Officials of the Government of Iraq indicate that the capability of the Iraqi Security Forces is sufficient to take over from the departing multinational force." [38b] (p12)
- 10.08 The Center for Strategic and International Studies (CSIS) report, published on 20 April 2009, on Iraqi force development, noted "ISF capabilities are steadily improving and Iraqi forces are experiencing growing success in combat, but they still have serious flaws and face major uncertainties.... There are still grave problems in the quality and unity of the ISF, which are compounded by Iraq's sectarian and political divisions and slow programs towards political accommodation." [63c] (pvi,x)
- "Sunni-Shi'ite tensions remain a serious issue within the ISF. Some Sunni members of the ISF fear the increasing power of Prime Minister Maliki, while some Shi'ite personnel fear that too many former Baathists are being integrated in to the ISF. These problems are compounded by the uncertain future of the Sons of Iraq and efforts to increase the Sunni share of the ISF, the challenges Iraq still faces in eliminating the sectarian character of some elements like the National Police, the sectarian and ethnic divisions within the regular police, and the continued existence of various Shi'ite militias and paramilitary elements." [63c] (pxi)
- 10.09 The UNHCR Guidelines of April 2009, stated that "While the ISF's capabilities are growing, they continue to be a major target of armed attacks, are prone to infiltration and corruption and lack leadership, training, equipment and personnel." [40b] (p156) The report also commented that MoI and MoI budget constraints further affected the ISF's development. [40b] (p83)

Training

- 10.10 The USDoD report, March 2009, stated that Basic Recruit Training (BRT) was completed by entry-level Ministry of Interior (MoI) recruits. "The MoI training base is currently capable of training more than 88,000 Shurta [non-commissioned entry-level police men and women] per year. In addition, 5,600 resident and 9,720 non-resident officers can be trained annually, with a total student capacity of nearly 25,000 students at any given time.

"The Iraqi BPC [Baghdad Police College] instructor cadre train all basic officer and commissioner tasks, provide a basic Shurta curriculum for all MoI forces, and continue to take on an increasing proportion of the specialized and advanced course loads. MNSTC-I advisors and International Police Advisors (IPA) continue to assist by providing advice, overwatch, and quality control assistance in each of these courses. Coalition advisors assist the

Mol TQI [Training Qualification Institute] in a continuous review of BRT and officer curricula to ensure the course standards are consistent with internationally acceptable practices and that courses meet the dynamic needs of the field.” [103a] (p39)

Infiltration

- 10.11 The AI report, ‘Blood at the crossroads: Making the case for a global arms trade treaty’, published on 17 September 2008, stated:

“A severe shortage of translators to monitor and screen who was applying for posts within these various units [Iraqi National Guard, Iraqi army, Iraqi police, Iraqi border police and Iraqi facilities protection force] meant that there was effectively no accountability in place to ensure who was being armed. Those working on weapons distribution alleged that some military equipment was ending up on the illicit arms markets or in the hands of armed groups who had infiltrated the Iraqi police force and were using such weapons in armed attacks both against other armed groups and UK forces, carrying out indiscriminate attacks, resulting in killings of civilians and other serious human rights abuses.” [28q] (p56)

- 10.12 The USSD report for 2008 recorded that “MOI security force effectiveness, particularly the National Police, was seriously compromised, although less frequently than the previous year, by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity.” The USSD report mentioned an internal criminal court system established to investigate and and punish abuse and corruption – see also [Avenues of complaint](#). [2o] (p9)
- 10.13 The CSIS report, published 20 April 2009, noted that “JAM [Jaish al-Mahdi army], ISCI/Badr, Daawa, Kurdish groups, Fadilah, Sunni Awakening groups, and a host of smaller groups all vie for control of the various parts of the ISF. In many areas, such as Basra and much of southern Iraq, the Coalition had effectively ceded control of security and local government to these parties.” [63c] (pviii)
- 10.14 The UNHCR Guidelines of April 2009, mentioned that the ISF in al-Anbar had been infiltrated by insurgents groups; a suicide attack on an Awakening Council and the MNF-I meeting in June 2008 was claimed by Al-Qaeda as an attack carried out by their members. [40b] (p97) The report also noted that the local police in Basra was “heavily infiltrated by militias despite some purges.” [40b] (p122)

See also [Security situation, Al-Anbar](#); [Basra](#)

Iraqi police

- 10.15 Jane’s Sentinel, updated on 24 September 2008, stated that “Since April 2006, the Iraqi police, who come under the control of the Ministry of the Interior, have been divided into two main elements, the Iraqi Police Service (IPS) and the Iraqi National Police (INP). The IPS and the INP come under the control of the National Command Centre in Baghdad, which also controls the Department of Border Enforcement (DBE) and the Facilities Protection Service (FPS)...[the] IPS is composed of patrol police, traffic police, the personnel who man police stations and the Iraqi Highway Patrol. The latter was merged with provincial police departments. The Highway Patrol was set

up in late 2004, and has the role of providing law enforcement and security along Iraq's highways and major roadways.... The paramilitary capabilities of the police service has been enhanced by the development of Company Special Weapons and Tactics (CSWAT) units. By summer 2008 there were 30 such units operating in Iraq's provinces." [14f] (p1) "At the local level, the IPS is part of the problem as often as it is part of the solution due to its local recruitment by factional leaders in provincial governance." (Jane's, 7 October 2008) [14d] (p7)

- 10.16 The UNAMI report, covering the period 1 January - 31 June 2008, listed details of attacks, including car and suicide bombings, targeting policemen or police facilities. [39q] (p6)

See also ISF as targets for insurgents

- 10.17 The CSIS report, 20 April 2009, stated that:

"Progress in developing the IP remains extremely uncertain... There has been little useful official reporting on the progress of the Iraqi Police Force ... Official reporting on the manning, equipping, and training of the IP still present problems. Senior MNF-I officers have reported that 88,000 locally hired police or 'shurta' [non-commissioned entry-level police men and women] are currently serving, but have only received a bare minimum of 80 hours of training. These local police, along with those personnel hired through normal channels but still awaiting training, combine to form a huge backlog of approximately 160,000 men awaiting police training.

"Both media and US government reports show that the regular police also have many shortfalls in virtually every aspect of their performance, and are sometimes a source of serious sectarian and ethnic abuses." [63c] (pvii)

- 10.18 The UNSC report, 2 June 2009, recorded that police recruitment had been frozen due to declining oil revenues. [38b] (p1)

Iraqi Police Service

- 10.19 The USDoS report, March 2009, noted:

"The IPS consists of all provincial police forces (station, patrol, traffic, and special units) assigned to the 18 Iraqi provinces. The Director General of Police (DGoP) for each province oversees operations and sustainment of more than 1,300 police stations across Iraq. The IPS directs policy and strategic planning and has technical control over the training, vetting, and hiring of Shurta [non-commissioned entry-level police men and women] and officers. Other significant departments and directorates within the IPS are the Criminal Evidence Directorate, SWAT/Emergency Response Unit, and the General Directorate of Crime Affairs." [103a] (p40)

As of 30 November 2008 there were: 334,739 (authorised); 309,965 (assigned); 219,342 (trained) Iraqi Police Service personnel. (US Bureau of Near Eastern Affairs, 28 January 2009) [154b] (p29)

- 10.20 Jane's Sentinel, last updated on 7 October 2008, stated that:

"Development of the IPS has been slow, though not for lack of recruits. Despite the deaths of over 2,000 policemen and police recruits and ongoing

concerns about payment, the IPS is not short of volunteers. In fact, tribal sheikhs and community leaders place a high premium on getting their tribal members into the IPS, thereby inserting them into prized long-term government jobs and positions of influence in the community. The critical problem remains ensuring adequate training for the force.” [14d] (p15)

- 10.21 The USDoD report, March 2009, further stated that “The Mol’s ability to address basic equipping shortfalls remains a concern ... Training challenges, with equipment shortfalls, while improving, also remain a concern.” [103a] (p40-1)
- 10.22 The CSIS report, published 20 April 2009, stated “Local and Provincial governments recruit forces on an ad-hoc basis, with little oversight from Baghdad ... The MoD and Mol do not accurately track which personnel are trained as part of U.S.-funded programs, so this number is not reported.” [63c] (p25)
- 10.23 Jane’s Sentinel, updated on 7 October 2008, stated that “The Highway Patrol’s mission ... includes responding to incidents involving insurgents and terrorists as well as car bombs and attacks on convoys. There had been a particular requirement for such a force to protect the 700 km road between Baghdad and the Jordanian border.” [14e] (p2)
- 10.24 The US Bureau of Near Eastern Affairs reported, on 28 January 2009, that “490 new Iraqi Policewomen graduated from the Baghdad Police College during a ceremony January 26... The women received training in checkpoint security, police operations, and Iraqi law and will serve throughout the nation with Iraqi Police, Border Police and other directorates.” [154b] (p28)
- 10.25 The FCO human rights report for 2008, released March 2009, stated that: “There are now around 400,000 Iraqi Police Service (IPS) officers nationwide. The IPS has made significant progress in its capability to maintain public order, investigate crimes and arrest suspects.” [66d] (p1)

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National Police (NP)

- 10.26 The Council on Foreign Relations (CFR) report, published on 27 March 2008, noted that the National Police were stationed primarily in Baghdad and were tasked with responding to insurgent violence, terrorist strikes and public unrest. [8j] (p2) The USDoD report, March 2009, stated that:

“Depending on funding, the NP will expand with the completion of the 3rd Division units in the northern region, and begin generation of the 4th Division HQs and subordinate units in the southern region. Additionally, the NP has assumed three new security force missions. The new special security unit missions are the Central Bank of ISF, Embassy Protection Force, and the Antiquities/Ruins Security Force. With the planned addition of these units, the 2009 authorization for the NP has increased to over 60,000 members. The NP had 43,000 personnel assigned as of January 2009 and will continue to recruit and train to meet the generation of the new 3rd and 4th Division units.” [103a] (p41)
- 10.27 Jane’s Sentinel reported, on 7 October 2008, that “National Police units have been fairly successfully ‘re-blued’ (vetted and reorganised) so that they do not

present a sectarian risk to one social faction or another, and so that they are an additional mobile reserve for the government.” [14d] (p7)

- 10.28 The USSD report for 2008, commented that the 41,000-member National Police were overwhelmingly Shi'a and organised into commandos, public order, and mechanized police. The report went on to note that: “MOI security force effectiveness, particularly the National Police, was seriously compromised, although less frequently than the previous year, by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity.” [2o] (p9)

- 10.29 The CSIS report, 20 April 2009, stated that “The reform of the National Police is a priority effort for MNF-I, but the NP continues to be seen by many Iraqis as a sectarian institution.

“By early 2008, Sunnis made up 40% of the NP officer corps. At the brigade level, the NP is about 30 percent Sunni, and 70 percent Shi'ite. The Battalion level is 20/80 percent Sunni /Shi'ite. ...

“The notorious ‘Wolf Brigade,’ which operates near Doura, has continued to face allegations of aiding the Shiite militias in driving out Sunnis. In response to continuing problems in the unit, NP chief Maj. Gen Hussein Awadi fired the brigade commander, re-assigned roughly half its members, and brought in Sunni officers.” [63i] (p128-129)

- 10.30 The USDoD report, December 2008, commented that “Despite progress, the NP continues to suffer from infrastructure problems, including a lack of adequate housing, unit headquarters, maintenance facilities, motor pools, and warehouse storage.” [103d] (p39)

“The NP continues to improve the effectiveness of its units. ... The Italian Carabinieri continue to train, advise, and assist with the professionalization of the NP, incrementally increasing NP training from 400 to 600, then to 900 police students every six weeks beginning in February 2009.” [103a] (p34)

- 10.31 The UNHCR Guidelines of April 2009, stated that:

“The National Police, which acted as a largely Shi'ite force and was deeply implicated in sectarian violence, has undergone considerable reforms, including vetting, training and purges since 2007, reducing Shi'ite dominance and incidents of abuse. However, it reportedly continues to be seen as a largely sectarian institution by many Iraqis and the process of turning the National Police into a truly non-sectarian organization has not yet been completed.” [40b] (p83-4)

- 10.32 The Long War Journal Iraqi Security Forces Order of Battle (OOB), last updated 30 April 2009, mentioned that under the Standardized Iraqi National Police Division there was a Special Troops Battalion, a Quick Reaction Battalion and four National Police Brigades, each with a Brigade Special Troops Battalion and three National Police Battalions. [137c] (p3) The National Police Command Headquarters (operational headquarters) was located in Baghdad, the NP Basic Training Academy in Numaniyah and the NP Academy in Al Amarah. [137b] (p1)

Border Enforcement

10.33 Jane's Sentinel, last updated on 7 October 2008, reported that the "[Iraq Border Police] suffers from the same flaws of corruption and overstretch as the police service. IBP personnel have been drawn away from points of entry and denial points along Iraq's land border to assist with the counter-insurgency ..." [14d] (p15)

10.34 The UNDoD report, March 2009, stated that:

"The DBE and Ports of Entry Directorate (PoED) continue in their respective responsibilities to protect Iraq's 3,650 kilometers of international borders and 28 air, land, and sea ports of entry to prevent smuggling, sabotage, and infiltration activities. These organizations continue to enforce compliance with international treaties and protocols, with respect to international agreements and boundaries. The PoED is responsible for administration and security of 13 land ports of entry throughout Iraq, as well as ports of entry in six international airports and four seaports. There are an additional five ports of entry in the Kurdish Region that are not recognized or managed by the GoI.

"The DBE is divided into five regions, 13 brigades, and 52 battalions, as well as the Coastal Border Guard, which is assigned to Region 4 at Basrah. ... There is no current plan for additional force generation by the DBE, which is authorized 45,000 personnel with more than 40,000 currently assigned. ... The PoED is authorized 2,500 personnel and is fully staffed at this time." [103a] (p41-2)

Facilities Protection Service (FPS)

10.35 The USDoD report, March 2009, observed that:

"The FPS is responsible for the protection of critical infrastructure throughout Iraq, including government buildings, mosques and religious sites, hospitals, schools and colleges, dams, highways, and bridges. Under CPA Order 27, FPS forces were decentralized within each ministry and province. If the FPS Reform Law is passed by the CoR, the GoI will consolidate all FPS within the MoI except those FPS forces currently detailed to the MoO and MoE, as well as the HJC. The law still lingers between the CoM and the CoR. The FPS Directorate is spread across three divisions providing oversight of 28 ministry facilities and various other facilities in 14 provinces.

"The MoI FPS numbers just over 16,000 employees. Another 110,000 FPS employees work in other ministries and approximately 89,000 of these are expected to meet MoI hiring criteria and transfer to the MoI when consolidation occurs." [103a] (p42-43)

10.36 The CSIS report, published 20 April 2009, commented that:

"The Facilities Protection Services (FPS) are still a loosely trained group of units controlled by various ministries. The Facilities Protection Services Reform Law provides GOI authority to consolidate the FPS under MoI authority. However, DoD reports that this law has yet to be passed, as it 'still lingers between the COM [Council of Ministers] and COR [Council of Representatives].' It may take years for the MoI to fully absorb the elements

of the FPS, although 16,324 FPS personnel have already been authorized by the Mol.” [63c] (p133)

Iraqi armed forces

10.37 The Iraqi Armed Forces, or Joint forces, fell under the control of the Ministry of Defence (MOD). (Long War Journal, 31 May 2008) [137a] (ISF Organisation) (CFR, 27 March 2008) [8j] (p2) These Joint Forces under MOD control consisted of the Air Force, Navy, Iraqi Support Command (ISC), the Iraqi Training and Doctrine Command, Iraqi Corps of Engineers and Ground Forces. [137a] (Page 1: ISF Organisation) As of 31 October 2008, USDoD figures stated there were 235,606 trained army personnel, 2,843 Air Force and 1,494 Navy staff members. [103d] (p31) The USDoD report of March 2009 further stated that:

“The IA currently has 13 infantry divisions and one mechanized division organized under the IGFC. Ground forces include 201 fully generated and trained IA battalions and 55 IA brigades with a force generation focus on enabler units to complete the divisional force structure. Of the 201 battalions, 179 comprise the IGFC [Iraqi Ground Forces Command] combatant battalions. The other 25 battalions make up the Iraqi Infrastructure Battalion (5), the Presidential Brigade (5), the Baghdad Brigade (1), and the Independent Security Force battalions (13). Of the 55 brigades, 53 comprise the IGFC combatant brigades. The remaining two belong to the Presidential Brigade and Baghdad Brigade, respectively.” [103a] (p47)

10.38 A report by the CFR, published on 27 March 2008, stated “The original Iraqi Army, with roughly nine-hundred thousand soldiers and security personnel, was disbanded (PDF) by the U.S.-led Coalition Provisional Authority in May 2003 and replaced with U.S.-trained fighters.” [8j] (p2)

10.39 A report by Refugees International, published on 15 April 2008, commented that “All the Iraqi sectarian forces are compromised by sectarianism but the Iraqi Army is the least mistrusted of the various official bodies.” [119c] (p15)

10.40 The USSD report for 2008 noted that “The army, under direction of the MOD, also played a part in providing domestic security. In an effort to strengthen IA [Iraqi Army] leadership, the government began a recall effort to attract former IA officers and NCOs [noncommissioned officers] to return to service.” [2o] (p8)

10.41 The CSIS report of 20 April 2009 stated that “The regular Iraqi Armed Forces seem to be gradually becoming a more national force, with fewer highly Kurdish and Shi’ite elements, and reducing problems with Sunni officers. This progress, however, is slow and uncertain, and largely affects the regular military...” [63i] (pvii)

10.42 The report also noted there were desertion problems among the IA during fighting in Basra, March 2008, when IA personnel deserted and some even defected to the enemy’s side, Jaish al-Mahdi army. [63i] (p14)

10.43 The USDoD report, March 2009, commented that:

“In October 2008, the IA suspended Basic Combat Training (BCT) after it surpassed its mandated manpower authorization. Approximately 73,000

Iraqi soldiers completed BCT in 2008. To maintain and improve institutional training capacity, MNSTC-I [Multi-National Security Transition Command – Iraq] has shifted its focus to professionalizing the force. This effort emphasizes enhancing special skills, enabler units, unit-level, and recurring training to develop depth and improve the quality of individual soldier skills. The on-going Warfighter Exercise (WFX) training program is indicative of continued improvement in training capacity and capability at the Divisional, Regional, and Combat Training Centers. Since the program began in June 2008, four battalions have completed this training. These exercises are now scheduled and conducted by the IA with the Coalition prepared to support, as necessary. The MOSQ [Military Occupational Skill Qualification] courses for maintenance, transportation, signal, supply, administration, weapons armorer, military police, and medical personnel are other examples of continued progress. More than 14,400 soldiers have completed training in one of these eight different courses.” [103a] (p48) For additional information on the Iraqi Air Force and Navy see the USDoD report. [103a] (p50-55)

For further information on the organisation of the army see the Long War Journal Iraqi Security Forces Order of Battle (OOB).

Iraqi National Counter-Terrorism Forces (INCTF)

10.44 Global Security reported, in March 2008, on the “Transition of the Iraqi Special Operations Forces (ISOF) Brigade command and control from Coalition forces to the Iraqis at the Counter- Terrorism Bureau (CTB) and Counter-Terrorism Command (CTC) ...” The report continued to note that first ISOF Brigade, currently organised [sic] under the CTC, had been formed, equipped and received initial trainees. [83d] As of 31 October 2008, there were 4,564 trained ISOF personnel. (USDoD, December 2008) [103d] (p31)

10.45 The USDoD report, March 2009, stated that:

“The Iraqi National Counter-Terrorism Force (INCTF) is headed by the ministerial-level Counter-Terrorism Bureau (CTB) and includes the Counter-Terrorism Command (CTC) and the ISOF Brigade. Under Prime Minister Directive 61, signed in April 2007, the INCTF is independent of both the MoD and MoI. A bill still awaits CoR approval to establish the CTB as a separate ministry, formalizing a ministerial-level position for the CTB Director.” [103d] (p53)

Awakening Councils (Sons of Iraq)

10.46 The CRS report, 2 March 2009, stated that “The Sunni Iraqi turn against AQ-I was begun by tribal figures calling themselves the ‘Awakening’ (As Sahawa) or ‘Salvation Council’ movement ...

“In concert with the 2007 ‘troop surge,’ U.S. commanders took advantage of this Awakening trend by turning over informal security responsibility to about 92,000 former militants now called ‘Sons of Iraq’ (SOI), in exchange for an end to their anti-U.S. operations. (About 80% are Sunni and 20% are anti-extremist Shiites, according to the U.S. military.) These fighters were first recruited in Anbar by the various Awakening and Salvation Council leaders. Other urban, nontribal insurgents from such groups as the 1920 Revolution Brigades later joined the trend and decided to cooperate with the United States. They were given some U.S. CERP [Commanders Emergency

Response Program] funds and entered into information-sharing arrangements with U.S. forces – policies that were controversial because of the potential of the Sunni Iraqis to potentially resume fighting U.S. forces and Iraqi Shiites. ... These fighters have been targeted by AQ-I and some Iraqi Sunni insurgents as collaborators.” [156a] (p30)

10.47 The USSD report for 2008 stated that “At the end of the year, SOI transition was ongoing in Baghdad Province, with preparations underway for transition elsewhere in the country. The targeting of members of the SOI for arrest in connection with previous insurgent or Ba'athist activity hampered effectiveness.” [2o] (p8)

10.48 The UNSC report of 6 November 2008, recorded that

“The process of integrating the approximately 100,000 members of the Sons of Iraq into government structures commenced on 1 October [2008] when 54,000 fighters in the Baghdad area came under Iraqi supervision. The Government assumed responsibility for the salaries of group members on 1 November. Over time, the Government plans to find jobs for members in the army, police or elsewhere in the public sector. Their satisfactory incorporation into government organs and civilian life will be a key determinant in consolidating security and stability gains in Iraq as State security forces take on increasing responsibility and improve their capacities across the country.” [38r] (p2)

10.49 The USDoD report, December 2008, stated that “Currently, 92,000 Sol continue to play a significant role in bringing stability to Iraq. More than 22,000 former Sol have already transitioned to the ISF, other ministries, or other non-security education, training, and jobs programs since 2006.” [103d] (piv)

10.50 There were reports that as of March 2009, the Iraqi government recruited over 600 women to join the Daughters of Iraq (DOI), a female counterpart to the Sol community recruited because of the increase in female suicide bombings, carried out primarily in Diyala, Baghdad, and Anbar. (USDoD, March 2009) [103a] (p21) The UNHCR Guidelines of April 2009, stated that:

“Given the increase in suicide bombings by women, some 1,000 women have been recruited by the MNF-I in various governorates in a programme called ‘Daughters of Iraq’. These women are trained to search other females at security checkpoints and entrances to government facilities, thereby expanding the capabilities of the Sol, which for cultural reasons cannot search suspect females. In addition, the programme provides much-needed income to Iraqi women with few chances for employment.” [40b] (p89)

See also Women; Security situation

10.51 The same UNHCR document recorded that:

“Since tribal leaders and members of the Awakening Councils/Sol have turned against the insurgency, AQI and other insurgent groups started a systematic campaign against them. Tribal leaders and members of the Awakening Councils/Sol are considered ‘traitors’ for their alliance with the MNF-I or, after the transfer of responsibility, the Iraqi Government, and have been targeted by roadside bombs and suicide attacks as well as targeted

kidnappings and killings. Family members are often caught up in such attacks.” [40b] (p169)

See also Perceived collaborators and ‘soft targets’; Abuses by non-governmental armed groups; Sunni Arab insurgents.

Security agencies

- 10.52 The CSIS report, published on 20 April 2009, stated that “Iraq’s national-level intelligence apparatus remains divided between a CIA-supported ‘official’ agency (the Iraqi National Intelligence Service or INIS) and a Shi’ite-run agency (under the auspices of the Minister of State for National Security (MSNSA), Shirwan al-Waely)....

“Iraq’s intelligence capability continues to mature, and its many diverse intelligence institutions improved their initial operating capabilities during the course of 2008. MoD’s Joint Headquarters M2 (Intelligence) and the Directorate General for Intelligence and Security (DGIS) are operational, providing intelligence support to ISF. Likewise, MoI’s National Information and Investigation Agency (NIIA) has filled its ranks and markedly improved its operations at the provincial level. The Counterterrorist Command G2 is the least mature intelligence element, but has taken great strides in improving support to Iraqi Special Operations Forces.” [63c] (pxi)

- 10.53 Jane’s Sentinel, updated on 24 September 2008, reported that “The INIS was formally established in April 2004 ... It operates under the Interior Ministry of the Iraqi government.” [14f] (p3)

ISF as targets for insurgents

- 10.54 The UNAMI report, covering 1 January - 31 June 2008, stated that “Police and military personnel remained prime targets of armed groups. Checkpoints, and police and army patrols in Baghdad, Diyala, Anbar and Nineveh were targeted by car and suicide bombers and high explosives detonated from a distance.” [39q] (p8)

- 10.55 The Brookings Institute Iraq Index report, published on 4 June 2009, provided figures of the numbers of Iraqi military and police killed monthly (although not the source of attack). The report stated that 30 Iraqi military and police were killed in May 2009. [88d] (p6)

- 10.56 The UNHCR Guidelines of April 2009 noted that:

“Members of the ISF are a major target for various armed groups and have been singled out for mass-casualty attacks (roadside bombs, suicide attacks), assassinations, and kidnappings. According to IBC [Iraq Body Count], the Iraqi Police in particular presents ‘a relatively ‘soft’ occupation-associated target by comparison to well-armed and better protected foreign troops.’ The Iraqi Coalition Casualty Count recorded on the basis of media reports that 8,916 members of the ISF have been killed since 2003. As with civilian casualties, monthly casualty rates have dropped significantly since the latter part of 2007, with an exceptional spike again during the military offensives in spring 2008 in Basrah, Sadr City and Missan. However, dozens of ISF continue to be killed every month, particularly in the Central Governorates. An analysis of recent attacks shows that a large number of ISF die in targeted

attacks, at times when off-duty. Family members, guards and drivers of security officials are also at risk of being killed or wounded in attacks, which at times take place in their immediate vicinity, e.g. their homes or private vehicles.” [40b] (p165)

See also Perceived collaborators and ‘soft targets’; Awakening Councils

Torture by the security forces

10.57 The 2005 Constitution stipulates that “All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.” [82a] (p12) However, a report by AI published in March 2008, commented that “In the past five years Iraqi security forces have committed gross human rights violations, including killings of civilians and torture and other ill-treatment.” [28o] (p18) The UNHCR Guidelines of April 2009 observed that “In a positive move, Iraq ratified on 17 August 2008 the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). On 16 November 2008, the CoR approved the establishment of an Independent High Commission for Human Rights as mandated in the Iraqi Constitution (Article 102) to promote and protect human rights.” [40b] (p140)

10.58 The USSD report for 2008 noted that:

“Numerous and serious reports of torture and abuse were leveled at MOI’s Kadhamiya National Police detention facility and the MOD/MOJ Harithiya facility in Baghdad. As in previous years, reports of abuse at the point of arrest and during the investigation period, particularly by MOI’s National Police forces and MOD’s battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. In 2007, former detainees in MOI and MOD facilities reported that they suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and in some cases, gunshot wounds...

“There were other indications that disciplinary action was taken against security forces accused of human rights abuses. From 2006 to June, the MOI Internal Affairs, which has a staff of approximately 2000, investigated and convicted 218 lower-level officers of human rights violations. According to MOI Internal Affairs, many officers accused of major violations are arrested and fired although when there is a lack of evidence, the officers are only transferred. During the year the MOI Human Rights office, with a staff of 50 investigators, opened 42 investigations into human rights abuse cases and sent 28 cases to court for further investigation. At year’s end 19 officers were being investigated. Several suspects have been convicted and sentenced, including high-ranking officials.” [2o] (p6)

10.59 There was little judicial follow-up in older torture cases and officials accused of abusing detainees were generally not prosecuted. (USSD 2008) [2o] (p6) (UNHCR, April 2009) [40b] (p139) The UNHCR Guidelines of April 2009 further commented that “The Iraqi law enforcement agencies continue to heavily rely on confessions rather than forensic evidence. In other cases, torture may be

used to take revenge, e.g. if a person is accused of having killed a policeman, or as a means of extortion.” [40b] (p139)

10.60 The HRW World Report 2009, covering events of 2008, stated that:

“Reports of widespread torture and other abuse of detainees in detention facilities run by Iraq’s defense and interior ministries and police continue to emerge. Detainees interviewed by Human Rights Watch at Iraq’s Central Criminal Court in May recounted abuse by police and military personnel in initial detention; the United Nations Assistance Mission for Iraq (UNAMI) previously reported widespread allegations of abuse in pretrial detention. Iraq’s presidency council in August [2008] ratified parliament’s approval for Iraq to become a party to the UN Convention against Torture.” [15a] (p2)

10.61 The FCO human rights report for 2008, released on 26 March 2009, mentioned that “Anecdotal reports of physical abuse of detainees in Mol facilities to extract confessions remain of some concern. The Ministry of Human Rights has expressed its similar concern towards the treatment of detainees in Mol facilities.” [66e] (p5)

10.62 The UNHCR Guidelines of April 2009, stated that:

“Actual or suspected members or supporters of Sunni insurgent groups such as AQI, or Ansar Al-Sunna as well as Shi’ite militias (e.g. JAM or “Special Groups) are at risk of arbitrary arrest, often under violent circumstances, and may face ill-treatment and human rights violations at the hands of the ISF. Individuals suspected of ‘terrorist’ or ‘militia’ links are often held incommunicado under precarious physical conditions and without access to a defence council. They are held without charge or trial for prolonged periods of time, in some cases several years.” [40b] (p167)

See also Perceived collaborators and ‘soft targets’; Abuses by non-government armed forces; Arrest and detention – legal rights

Extra-judicial killings by the security forces

10.63 The Amnesty International report ‘Carnage and Despair – Iraq five years on’, published in March 2008, noted that “Iraqi security forces, in particular special forces under the control of the Ministry of the Interior, are reported to have extrajudicially executed dozens of people. Some members of these forces have reportedly continued to maintain close links with Shi’a militia groups, in particular the Badr Organization. In fact, many members of these special forces were recruited from the militia. Allegations of Iraqi security forces’ involvement in sectarian killings continue.” [28o] (p8)

See also Infiltration.

10.64 The CSIS report, published on 28 May 2008, also commented that, during violence in Basra in March 2008, it was alleged that killings were carried out by gunmen in police cars. [63i] (p9)

10.65 The UNAMI report for the period 1 July - 31 December 2008 listed incidents in which civilians were killed or injured in MNF air strikes and ground attacks, [39q] (p13)

AVENUES OF COMPLAINT

10.66 The USSD report for 2008 stated that:

“Unlike the previous year, there were new mechanisms to investigate and punish abuse and corruption, unproven. On April 17 [2008], the MOI established an internal criminal court system to try crimes committed by MOI officials, and the first cases were heard in July. There are five regional courts in: Erbil, Mosul, Baghdad, Hillah, and Basrah. All have conducted trials. There is a cassation court to hear appeals in Baghdad. By year's end, the five regional courts had reviewed 1,315 cases, returned 655 cases for further investigation, completed 314 cases, and have 346 cases pending. The officials convicted ranged from officers to police. In November, the court had convicted and sentenced 69 officials to jail and fined one official. In December, the court convicted and sentenced three officials to between five and 15 years, two officials to one to five years, and 91 officials to less than a year in jail, and fined one official.” [20] (p9)

SECURITY FORCES IN THE KRG AREA

10.67 The CFR report, published 27 March 2008, stated the Peshmerga consisted of around one-hundred thousand fighters. [8j] (p2) The FCO report, 27 March 2009, stated that:

“The BEO Erbil stated that the KR is policed and secured effectively by a combination of the Peshmerga (the Kurdish military force that is technically part of the Iraqi armed forces), local police and the Asayeesh security force. The KRG maintains an effective border (the ‘green line’) between the KR and the rest of Iraq and controls entry into the KR to keep insurgent and terrorist elements out of the KR.” [66d] (p2)

10.68 In a letter of 30 April 2009 to COI Service, Professor Stansfield of the Institute of Arab and Islamic Studies, University of Exeter, stated that:

“Commonly and mistakenly assumed to be the intelligence service of the KDP and PUK, the *asayeesh* is in fact the secret security organization of the KRG, and is more analogous to the *mukhabarat* organizations in Arab states. ... it would be almost unheard of for a non-PUK and non-KDP member to be employed in the *asayeesh*, which makes the division between it and the *Parastin/Zanyari* often more academic than practical. However, structurally they are separate and tasked with different roles, with the *asayeesh* more concerned with internal security issues (though this now takes on an anti-terrorist role) and the parties’ security organizations focusing more on regime and party security. The dividing line is, however, tenuous.” [110] (p2-3)

10.69 The USSD report for 2008 noted that:

“The KRG maintained its own regional security forces as set forth in the constitution. Pending further progress on implementing the Unification Plan for the KRG, the two main parties of the Kurdish region maintained MOI Peshmerga units as regional guards outside the control of the KRG, internal security units (Asayish), and intelligence units. KRG security forces and intelligence services were involved in the detention of suspects in KRG-

controlled areas. The variety of borders and areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts.

"The KRG functioned with two party-based Ministries of Interior. The PUK Party controlled the Ministry with oversight of the province of Sulaymaniyah, and the KDP controlled the Ministry with oversight of the provinces of Erbil and Dohuk. KRG officials stated that unification of the party-based Ministries of Interior was their goal but missed two self-announced deadlines for doing so during the year." [20] (p9)

- 10.70 The Amnesty International (AI) report, 14 April 2009, stated that "The Asayish is the official security agency in the Kurdistan Region....

"On 20 November 2004 a new law, Law 46 of 2004, was approved by the Kurdistan Parliament. The law sets out the purpose and role of the *Asayish* forces in the whole Kurdistan Region ... The agency does not fall under any ministry, but reports directly to the presidency of the KRG. The agency enjoys financial and administrative independence and has its own budget (Article 2, 3). It is headed by a senior official with the rank of minister, who is appointed by the President of the KRG and reports to him directly (Article 4). The law does not include any provision about disciplinary procedures if a member of the *Asayish* commits a crime." [28b] (p9)

- 10.71 There were reports in August 2008 of a stand off between members of the Peshmerga and Iraqi security forces in the disputed area of Khanaqin, Diyala province. (IOM, November 2008) [111] (p2) The USDoD report, December 2008, also reported on the incident in Khanaqin and further stated that:

"The Peshmerga are well equipped and trained, and they remain dedicated to the security of the KRG region. Nevertheless, occasional attacks do occur in the region. Furthermore, the presence of Peshmerga forces in parts of some non-KRG provinces (e.g., Khanaqin in Diyala) has increased tensions between the GoI and the KRG and between Arabs and Kurds, hampering political cooperation." [103d] (p26)

- 10.72 The CSIS report stated that "The Kurdish police force, and its Peshmerga militia, often operate independently of the Iraqi Ministries and beyond MNSTC-I's [Multi-National Security Transition Command – Iraq] advisory effort. There are two Army divisions that are effectively Kurdish, and two more Kurdish divisions being formed out of the Peshmerga. [63c] (pxi)
- 10.73 The UNCHR Guidelines of April 2009, recorded that "The Kurdish *Asayish*'s practice to arrest and transfer Arabs and Turkmen from Mosul and Kirkuk to prisons inside the Kurdistan Region, which had first been reported by the Washington Post in June 2005, has largely been stopped since summer 2008. However, some Arabs and Turkmen arrested previously continue to be held by the *Asayish* inside the Kurdistan Region pending investigation." [40b] (p167)

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

Torture by security forces in the KRG area

10.74 The USSD report for 2008 noted:

“Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police reportedly threatened and sexually abused detainees, including juveniles, and also committed acts of torture, including beatings and use of drills.” [20] (p6)

See also Prison and detention facilities in the KRG area

10.75 The AI report ‘Hope and Fear – Human Rights in the Kurdistan Region of Iraq’, 14 April 2009, commented that:

“Allegations of serious human rights violations, including torture and other ill-treatment, have been made against both Asayish entities, and Amnesty International delegates received further such allegations when they visited the Kurdistan Region of Iraq in mid-2008. However, the KRG authorities have failed to establish prompt, impartial and independent investigations into such allegations, as international human rights standards require, and the agency appears to operate in a climate of impunity.

“... the Parastin or Dezgay Zanyari, have [both] committed serious human rights abuses in the secret detention facilities that they run. They are also reported to have threatened journalists, writers and academics who have spoken out against alleged corruption within the KDP and PUK.” [28b] (p9-10)

10.76 The FCO report, 27 March 2009, noted that the “... ICRC stated that there was no particular pattern to incidents of abuse or mistreatment of detainees and such cases that occurred were usually localised. Mistreatment included the use of beatings to extract confessions and psychological abuse such as isolation.” [66d] (p4)

10.77 The FCO report further mentioned that “... UNAMI stated that the law enforcement authorities employ torture in KRG but this falls short of extra-judicial killing. Young men were most at risk of being detained arbitrarily by the police.” [66d] (p5)

10.78 The UNHCR Guidelines of April 2009 stated that:

“Actual or suspected members or supporters of Islamist armed groups such as Ansar Al-Islam may be at risk of ill-treatment and human rights violations at the hands of the Kurdish security forces. Individuals suspected of ‘terrorist’ links are often held incommunicado for prolonged periods of time, in some cases for several years, without charge or trial by the Kurdish parties’ security and intelligence services. Many are arrested under violent circumstances and on the basis of vague accusations.” [40b] (p168)

See also Perceived collaborators and ‘soft targets’; Abuses by non-governmental armed groups

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

MULTI-NATIONAL FORCES (MNF)

- 10.79 “The presence of the multinational force in Iraq is currently authorized by the Security Council at the request of the Government of Iraq, and, as stated in resolutions 1546 (2004), 1637 (2005) and 1723 (2006), the Council will review the mandate at the request of the Government. The Governments of Iraq and of the United States are currently holding bilateral discussions with regard to the conclusion of a status-of-forces agreement.” (UNSC, 6 November 2008) [38r] (p13)
- 10.80 The HRW World Report 2009, covering the events of 2008, noted that “Stepped-up military operations by the US-led Multinational Forces (MNF) during the security offensive led to an increase in civilian casualties. UN officials reported that MNF airstrikes between March and May killed 88 civilians and called for investigations into the deaths.” [15a] (p1)
- 10.81 Jane’s Sentinel, last updated on 7 October 2008, stated that “Counter-terrorism operations are, albeit to a lessening extent, still reliant on the MNF, which will remain at 15 brigades until the end of 2008.” [14d] (p6) Jane’s further noted that “It was estimated that in mid-2008 that [sic] in excess of 171,600 coalition troops were deployed in Iraq.” [14f] (p5)
- 10.82 On 30 March 2009, BBC News reported on the withdrawal of British troops from Iraq: “Most will leave by 31 May, the official date set for the end of combat operations, with only about 400 remaining after that... Under the current agreement with the Iraqi government, the bulk of British forces have to leave Iraq by the end of July.” [2b] (p1)
- 10.83 The Congressional Research Service report, 2 March 2009, stated that:
- “On February 27, 2009, President Obama clarified U.S. plans to draw down U.S. troops in line with his stated policy and the U.S.-Iraq SOFA [U.S.-Iraq status of forces agreement]. He announced that all U.S. combat troops (about 100,000) would depart in 19 months —by August 31, 2009,—leaving a ‘residual presence’ of about 35,000–50,000 primarily to train and advise the ISF and to perform counter-terrorism missions against AQ-I [Al-Qaeda in Iraq]. They would remain there until the end of 2011 at which time the SOFA requires all U.S. forces to be out of Iraq.” [156a] (p39)
- 10.84 The UNAMI report for the period 1 July - 31 December 2008 recorded that “During the reporting period, several US soldiers were subject to court-martial proceedings under US law on suspicion of having committed crimes while stationed in Iraq as part of MNF-I.” The report went on to list examples of this. [40b] (p12-3)
- 10.85 The UNSC report of 2 June 2009 noted that: “In line with the Bilateral security agreement, the ongoing transition of security responsibilities from the United States military to the Iraqi Security Forces continues. The United States military has begun to withdraw from a number of bases and joint security stations across the country, and the Iraqi Security Forces are increasingly taking over more domestic security responsibilities.” [38b] (p12)

Extra-judicial killings by the MNF

- 10.86 A report by AI, published in March 2008, commented that “US military officials often blame armed groups, in particular al-Qa’ida, for causing civilian killings by US forces. They accuse the groups of deliberately launching attacks against Iraqi and MNF forces from inhabited civilian areas, so that civilians are likely to be killed or injured when the MNF returns fire.” [28o] (p7) The report lists examples of civilian killings by MNF forces. [28o] (p7-8)
- 10.87 UNAMI’s report covering 1 January - 30 June 2008, listed incidents in which civilians were killed or injured in MNF air strikes and ground attacks, [39q] (p13) as did its 1 July - 31 December 2008 report. [39b] (p11-12) The 2009 HRW report, covering the events of 2008, also noted that “Military operations by the MNF continued against insurgents throughout the country, and continued also to cause civilian casualties.” [15a] (p1)

PRIVATE SECURITY COMPANIES

- 10.88 The AI report of March 2008 commented that: “Foreign armed guards employed by private military and security firms have killed dozens of civilians. Such firms have been immune from prosecution thanks to Order 17 issued in 2004 by Paul Bremer, former head of the CPA.” [28o] (p9)
- 10.89 The UNAMI human rights report for the period 1 January-30 June 2008 stated that:
- “The United States Government declared to have taken numerous steps to strengthen oversight and accountability over the operations of contractors. The U.S. Departments of State and Defense signed a Memorandum of Agreement on December 5, 2007, that improved coordination and communication between the U.S. embassy and MNF-I regarding rules for the use of force, movement coordination and control, and incident reporting and investigations.” [39q] (p12)
- 10.90 The UNAMI report covering 1 July-31 December 2008 further stated that “In the United States, former employees of Blackwater Worldwide were charged in December in connection with the killing of 17 civilians in Nisour Square in Baghdad on 16 September 2007. ... The date of the trial has not been set...More than one year after the incident, on 31 August, an official from the US Embassy in Baghdad met the relatives of a 75 year-old Iraqi man shot dead by employees of Blackwater Worldwide in August 2007, for allegedly moving too close to a convoy protected by Blackwater. The official stated that the case has been brought to the attention of the US Department of Justice.” [39b] (p11)

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11. MILITARY SERVICE

- 11.01 The Child Soldiers report for 2007, published on 21 May 2008, commented that: "In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres." [42a] (p1)
- 11.02 The CSIS report, published 20 April 2009, commented on the high desertion rate from the ISF; there were reports that hundreds, possibly thousands, of soldiers defected from the Iraqi Army and Iraqi Police during fighting in Basra in March 2008, with some soldiers even changing sides to the Mahdi army. [63c] (p30)

See also [Security in Southern Iraq: Basrah](#).

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12. ABUSES BY NON-GOVERNMENT ARMED FORCES

12.01 The UNHCR Guidelines of April 2009 stated that:

“As a result of various factors, extremist groups have either changed their alliances, have been weakened or are lying low. Sectarian violence between the Shi’ite and Sunni communities, which accounted for a majority of the civilian casualties and was a main factor leading to the large-scale displacement of Iraqis in mainly 2006 and parts of 2007, has virtually halted, although extremist groups continue to aim at reigniting the violence. ... Armed groups are still capable of launching attacks aimed at disrupting the security environment, but the intensity of hostilities and the impact on the civilian population has decreased in many parts of Iraq.” [40b] (p12)

See also [Sectarian violence](#)

12.02 On 3 February 2008, IRIN news reported that militant groups were increasingly resorting to using women as suicide bombers. “The pressure on these militant groups forces them to come up with other methods to penetrate stiffened security measures, such as involving women in fighting, which is a religious taboo.” [18cg]

See also [Violence against women: Security Situation, Diyala](#)

12.03 Jane’s Sentinel, last updated on 7 October 2008, reported that:

“The Iraqi government and MNF operate a tiered approach to armed groups within Iraq. Formalised militias associated with large sectarian factions (SCIRI, KDP and PUK) are not subject to any form of government control and, indeed, represent the most reliable paramilitary forces available to the central government. A second tier of threat actors, such as local Sunni Arab militias and the Jaish al-Mahdi militia, are subject to paramilitary treatment when they undertake anti-coalition and anti-government activities and are subject to close observation at all times.... The third class of threat actors includes Iranian-backed Shia 'special groups', the hard core of Sunni Baathist insurgent factions and all militant Islamist terrorists. The Iraqi government and MNF believe that these types of adversary can only be dealt with using paramilitary tools.” [14d] (p6)

12.04 A report by Refugees International, published in April 2008, noted Iraqi civilians became increasingly dependent on non-state actors, who filled the vacuum created by the Iraqi government’s inability to respond to their needs. Insurgent groups, such as the Mahdi Army or Sunni militias, provided an array of humanitarian services to displaced persons, such as security, food and shelter. [119c] (p2)

See also [Internally displaced persons](#)

12.05 Jane’s Sentinel, 7 October 2008, stated that:

“There is a strong argument that demilitarisation and demobilisation of militias is happening from the bottom-up. Strong recruitment of a continually enlarged Iraqi Army is sucking many militia elements - Shia and Sunni - into government jobs, with the prospect that over time these forces will become

enmeshed in the system. CLCs [concerned local citizens (awakening councils)] have been partially paid by the Iraqi government as a line item in the Ministry of Interior budget since the beginning of 2008, drawing further militiamen into government employ, either temporarily or permanently.” [14d] (p5)

See also Awakening councils

- 12.06 The AI Report 2009, Iraq (covering 2008), published 28 May 2009, stated that:

“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.” [28f] (p2, **Abuses by armed groups**)

- 12.07 The USDoD report, December 2008, stated that:

“The strength of the insurgency continues to decline. Many former insurgent leaders have been neutralized or are now participating in dialogue with representatives of the GoI and joining the political process. Sunni resistance groups have greatly reduced operations in the past year, as many members have joined Sol formations or decided to participate in disarmament, demobilization, and reintegration (DDR) programs. Many of the Sadrists are also seeking amnesty and integration and leaving Iranian supported groups, such as Jaysh al- Mahdi (JAM) and its associated organizations. Al Qaeda in Iraq (AQI) is increasingly isolated from the populace. Both Sunni and Shi'a extremist groups, though weakened, are still capable of conducting attacks.” [103d] (piii)

- 12.08 The UNHCR report, April 2009, stated that “AQI and other insurgent groups continue to target Sunni Arabs involved in the political process, in particular members of the Iraqi Islamic Party (IIP), which they consider ‘traitors’ and ‘collaborators’.” [40b] (p166)

See also Perceived collaborators and ‘soft targets’

SUNNI ARAB INSURGENTS

- 12.09 Jane's Sentinel Country Risk Assessment of Iraq, updated on 31 October 2008, reported that:

“All the Sunni insurgent groups share the common goal of forcing US-led forces to withdraw from Iraq. While the 'infidel occupation' may be the primary driving force behind the insurgency, there is also widespread Sunni opposition to a 'regime change' programme that will install a more representative government dominated by Shia and Kurdish parties. While

the insurgents can be broadly divided into nationalists, Islamists and foreign Jihadists, these ideological shades blur into one another.” [14g] (p2)

- 12.10 Jane’s Sentinel Country Risk Assessment of Iraq, updated on 31 October 2008, reported further on Sunni insurgent groups, stating that:

“A multitude of insurgent groups have claimed attacks in Iraq since the US-led invasion in March 2003. It is extremely hard to verify the existence of many of these groups, since some groups probably use a variety of names to give an inflated impression of the strength of the insurgency or to distance themselves from activities that might cost them popular support. Identifiable groups include Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia), Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), Jaish Ansar al-Sunna (Army of the Traditions’ Supporters), Ansar al-Islam, Islamic Army of Iraq, Mujahideen Army, Jaish Muhammad, National Front for the Liberation of Iraq, Mukawama al-Iraqiyya al-Islamiyya (Iraqi Islamic Resistance - 1920 Revolution Brigades), Al-Awdah (The Return), 11 September Revolutionary Group, and the Serpent’s Head Movement New Baath Party.” [14g] (p2)

- 12.11 A report by ICG (International Crisis Group), published on 30 April 2008, commented on a rift between AQI [al Qaeda Iraq] and the bulk of the Sunni insurgency, due to the excessive brutality of AQI’s methods [25j] (p16) The ICG report also commented on the Islamic Army, describing it as “... one of the largest and most effective insurgent groups.” The report continued to note that “... many [members] have opted for cooperation with the U.S., while its more militant elements have splintered and taken on new names in different locations (such al-Furqan in Mada’in and Fatah al-Mubin in Mosul). Smaller groups adopted various paths; the 1920 Revolution Brigades and Jami’ struck deals with the U.S., whereas Asa’ib al-Iraq al-Jihadiya and Jaysh al-Fatihin reportedly have not, denouncing all forms of collaboration.” [25j] (p18)

See also Annex D – Current insurgent/militia groups.

- 12.12 The USDoD report, December 2008, stated that:

“AQI’s attack network is under considerable pressure and its capabilities have been significantly degraded by Coalition forces, ISF, and Sol security, policing, and border security operations... However, while AQI has lost numerous key leaders in the past several months, it retains limited freedom of movement in rural and some urban areas, as well as the ability and intent to carry out limited high profile attacks within key urban centers, such as Baghdad and Mosul.” [103d] (p18)

“Low-level Sunni insurgent activity persists in Baghdad; however, due to ISF, Sol, and Coalition force operations, Sunni insurgents have limited freedom of movement and reduced support from the local populace. This has minimized their ability to conduct operations...

“During this reporting period, AQI attempted to reconstitute its severely degraded cells around Baghdad, primarily in the northwest and southeast portions of the Baghdad Security Districts. [Multinational force-led] Operations in Diyala have likely contributed to some of this increase of activity, as AQI members fled Iraqi and Coalition forces...

“AQI continues efforts to regain footholds in the Euphrates River Valley, and the Syria-Iraq border region continues to appear critical to AQI’s external support network...”

“AQI targets ethnic and religious minorities to highlight the Iraqi Government’s inability to provide security for those groups and increase instability. Likely a result of upcoming elections and Article 140 determinations, AQI is currently focused on exacerbating tensions between Arabs and Kurds in the North, though it may target other minorities as opportunities arise.” [103d] (p23-24)

See also Security in central Iraq; Security in Kirkuk and Mosul

- 12.13 The UNHCR Guidelines of April 2009, agreed, and stated that “The Sunni-dominated insurgency has been considerably weakened as a result of the establishment of mostly tribal-based ‘Sons of Iraq’ (SoI) and continuous military operations in its strongholds of the Central Governorates.” [103d] (p12)

See also Annex D – Current insurgent/militia groups for further information about Sunni Arab insurgent groups.

Torture by Sunni Arab insurgents

- 12.14 The AI report ‘Carnage and Despair – Iraq five years on’, published in March 2008, stated that:

“Some of the armed groups, in particular al-Qa’ida, have also carried out numerous attacks, such as bombings and suicide attacks, in heavily crowded areas, including markets, checkpoints or in places where people queue to buy food or petrol. The intention has been to kill as many civilians as possible. In recent months, al-Qa’ida has reportedly recruited women as volunteer suicide bombers and is said to be recruiting children and training them in secret camps in Iraq.

“Many of those killed were abducted from their homes or in the streets by the armed groups. Days later their bodies were found in a street or had been taken to morgues by the police. The bodies invariably bore marks of torture, including the use of electric shocks and drills. Some Iraqi newspapers carry daily reports of the discovery of unidentified bodies, most mutilated, and daily incidents of killings by armed groups.” [28o] (p5-6)

See also Mental health

- 12.15 The ICG report, published on 30 April 2008, commented that “... al-Qaeda in Iraq’s crude and vicious tactics... [which] had long alienated many more seasoned insurgents, were seen as ever more unnecessary and even counterproductive.” [25j] (p5)
- 12.16 The USDoD report, December 2008, stated that “AQI has shifted its tactics to include using suicide vests and female recruits to carry out high-profile attacks. Recently, one third of suicide bombers have been reported as female.” [103d] (p18) The USSD country report on terrorism for 2008 stated that “AQI and its Sunni extremist partners also increasingly used Iraqi nationals and females as suicide bombers.” [2b] (p4-5)

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SHI'A MILITIA

- 12.17 The UNHCR Guidelines of April 2009 stated that "Shi'ite armed groups, which engaged in sectarian killings and intra-Shi'ite power struggles, continue to largely adhere to a ceasefire, have been weakened or relocated." [40b] (p12)
 The report further stated that:

"Since 2004, Muqtada Al-Sadr and his JAM [Jaish Al-Mahdi (Mahdi Army)] played a pivotal role in defining the security and political environment in Baghdad and the Southern Governorates. Al-Sadr, who enjoys wide popular support among the young and impoverished Shi'ite population, has pursued his goals with military and, as of 2006, political means as well. ...

"Since August 2007, Al-Sadr has imposed a series of unilateral ceasefires on the splintering JAM in order to regain control and enhance its distorted reputation. The unilateral ceasefires, which by and large have been honoured by the mainstream JAM, are widely considered a crucial factor in Iraq's improved security as specific types of violence associated with the JAM have noticeably declined, in particular sectarian killings. In addition, formerly open intra-Shi'ite violence has subsided to a large extent, although targeted assassinations of political rivals continue. Military operations and arrest campaigns in Basrah, Baghdad (Sadr City) and Missan have further weakened the JAM in its major strongholds.

"A number of JAM breakaway factions as well as allegedly Iranian-supported 'Special Groups' continue to confront the ISF/MNF-I and seek to destabilize the security environment irrespective of Al-Sadr's instructions. While these groups have reportedly been weakened during the recent crackdowns in their strongholds in Baghdad and the Southern Governorates, resulting in numerous deaths and arrests, many of their leaders are said to have fled to neighbouring Iran where they regroup, retrain and rearm themselves with the intent of returning to Iraq. Reports of arrests and discoveries of weapons caches in mainly Southern Governorates as well as a number of attacks in recent months seem to indicate that militiamen have indeed returned and maintain the ability to disrupt the security environment. Some of these groups are reportedly also involved in criminal activities." [40b] (p90-1)

- 12.18 Jane's Sentinel, last updated on 7 October 2008, noted that "In the Shia community, the key armed bodies include the militant wing of the Supreme Iraqi Islamic Council or SIIC (formerly the Supreme Council for Islamic Resistance in Iraq or SCIRI), the Badr Organisation and Moqtada al-Sadr's Jaish al-Mahdi. It is increasingly difficult to characterise Shia militias as unitary blocs, particularly in the case of the loose confederation of militias that owe their spiritual allegiance to the martyred Mohammed Sadiq al-Sadr, the father of Moqtada al-Sadr." [14d] (p4)
- 12.19 The CSIS report of 23 July 2008 commented on the "JAM [Jaish al-Mahdi] influence over the IP and elements of the IA" which was exposed during fighting in Basra in March 2008 between the JAM and ISF, which saw many members of the ISF defecting to the JAM. [63k] (p9)

- 12.20 The CSIS report, published 20 April 2009, commented on fighting in Basra during May 2008 and stated that:

“[Basra] and indeed much of southern Iraq, had fallen under the de-facto control of local and feuding rival elements of the major Shi’ite parties, their militias or local elements in the police and security forces, and various criminal gangs which often could not be separated from political parties and militias. Conflicts over the oil facilities, port operations, and smuggling routes often turned violent.

“... They have these overlapping spheres of gangsterism and politics, militias and legitimate businesses, and legitimate politics. The areas of control of each faction were well-defined: ‘Fadhila controls the electricity sector and shares power with the Mahdi at the ports; Dawa and Fadhila have a strong grip in the lucrative southern oil operations, and a different branch of Dawa – the one to which Mr. Maliki belongs – holds sway at the Basra airport.’ The Fadhila party also controlled the dockworker’s union. The rampant corruption of Fadhila, combined with the decrepit state of Um Qasr’s infrastructure, made the port extremely inefficient. ...

“Basra was divided up among Shi’ite party mafias, each of which had its own form of extortion and corruption. They sometimes fought and feuded, but had a crude modus vivendi at the expense of the rest of the nation.

“... many elements of the JAM have been guilty of sectarian cleansing, and that the Sadr movement in general is hostile to the US and is seeking to enhance Moqtada al-Sadr’s political power. There is also no doubt that the rogue elements in the JAM were violent extortionists who continued acts of violence in spite of the ceasefire, and that some had ties to Iran and Iranian training and support.” [63c] (p24-26)

- 12.21 The USDoD report, December 2008, stated that Iraqi and multinational forces disrupted the operations of the Jaysh al-Mahdi (JAM) and Special Groups (SG), including Asa’ib Ahl Al-Haq (AAH). “Operations since April 2008 in Basrah, Baghdad, Maysan, and Diyala Provinces have displaced JAM and SG, causing their leadership to flee to Iran. Both JAM and AAH are training in Iran and have begun to attempt to re-infiltrate Iraq and conduct operations. However, reporting indicates that JAM, SG, and AAH are having difficulties returning due to Iraqi and Coalition operations.” [103d] (p18)

See also Annex D – Current insurgent/militia groups

- 12.22 The UNHCR Guidelines of April 2009 recorded that:

“A number of JAM [Jaish Al-Mahdi (Mahdi Army)] breakaway factions as well as allegedly Iranian-supported ‘Special Groups’ continue to confront the ISF/MNF-I and seek to destabilize the security environment irrespective of Al-Sadr’s instructions. While these groups have reportedly been weakened during the recent crackdowns in their strongholds in Baghdad and the Southern Governorates, resulting in numerous deaths and arrests, many of their leaders are said to have fled to neighbouring Iran where they regroup, retrain and rearm themselves with the intent of returning to Iraq. Reports of arrests and discoveries of weapons caches in mainly Southern Governorates as well as a number of attacks in recent months seem to indicate that militiamen have indeed returned and maintain the ability to

disrupt the security environment. Some of these groups are reportedly also involved in criminal activities.” [40b] (p90)

Torture by Shi’a militia

- 12.23 The AI report, published in March 2008, commented that “Shi’a militia groups belonging to Shi’a political parties, continue to kidnap, torture and kill civilians.” [28o] (p1) “There have also been persistent accusations that Shiite militias, including JAM [Jaysh al-Mahdi/Mehdi army] and the Badr organization, were involved in some of the attacks on the SOI [Sons of Iraq].” (CSIS, 23 July 2008) [63k] (p38)
- 12.24 The IGC report, published on 7 February 2008, noted that the Mahdi Army carried out assassinations of Sunnis, seizing personal belongings victims; it was reported this was a highly lucrative business for many Mahdi members. Following the killing, detention or absconding of many veteran Mahdi Army leaders, younger less experienced militants were drafted in to fill their places. These new recruits were hungry for power and money and more willing to shed blood for their cause. Other Shiites complained they indiscriminately targeted civilians; several missiles intended for Sunni districts hit schools instead. [25i] (p6)

NON-GOVERNMENT ARMED FORCES IN THE KRG AREA

- 12.25 The UNHCR Guidelines of April 2009 stated that:

“Radical Islamic militants, offshoots from *Ansar Al-Islam*, a home-grown indigenous Kurdish Islamist Movement, that seek to transform Iraq into an Islamic state based on a rigid Salafi ideology, reportedly have a limited presence in the Kurdistan Region, mainly in Sulaymaniyah Governorate near the Iraqi-Iranian border. The group was attacked by Coalition and Kurdish forces during the 2003 invasion for reportedly providing a safe haven to AQI. While Ansar Al-Islam (and its offshoot Ansar Al-Sunna) is mainly active in some areas of the Central Governorates, it is also accused of involvement in several (suicide) attacks in the Kurdistan Region in recent years, mainly directed against PUK and KDP officials as well as attacks on border guards on the Iraqi-Iranian border. Ansar Al-Islam at least temporarily cooperated with AQI and both groups are held responsible for a number of attacks in the Region since 2003. Threats from AQI and Ansar Al-Islam have prompted the KRG authorities to implement increased security measures, including by constructing a tunnel and security barricades segregating Erbil from Kirkuk and Ninewa Governorates and the deployment of 1,000 Peshmerga soldiers to the border with Iran in an attempt to stop possible infiltrations.” [40b] (p133)

See also [Annex D – Current insurgent/militia groups; Political system in the KRG area](#)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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13. JUDICIARY

- 13.01 Article 19 (1) of the Constitution stipulates that “The judiciary is independent and no power is above the judiciary except the law.” [82a] (p7) The USSD report for 2008 observed that:

“Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements caused fear of retribution, impairing judicial independence in virtually all provinces. The MOI agreed to supplement security for judges.” [2o] (p11)

ORGANISATION

- 13.02 The Canadian IRB report on Iraq, published in January 2008, stated “The Iraqi legal system is made up of the Higher Juridical Council, the Supreme Federal Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other federal courts.” [139a] (p4, Judicial System) The Freedom House ‘Freedom in the World 2008’, Iraq, recorded that “The Higher Judicial Council (HJC)—headed by the chief judge of the Federal Supreme Court and composed of Iraq’s 17 chief appellate judges and several judges from the Federal Court of Cassation—has administrative authority over the court system.” [70g] (p6-7)

- 13.03 The USSD report for 2008 concurred and reported:

“The judiciary at all levels -- investigative, trial, appellate, and supreme -- is managed and supervised by the Higher Judicial Council (HJC), an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation, and the appeals courts. Representatives of the Office of the Public Defender, a judicial oversight board (that hears charges of misconduct by judges), and regional judicial councils also sit on the HJC. Unlike the formal courts, the HJC does not investigate and adjudicate cases involving criminal conduct or civil claims...

“The judicial system includes civil courts that address domestic, family, labor, employment, contract, and real and personal property claims. Challenges to the judgments rendered in these civil proceedings are first taken to the appeals courts of the provinces in which the trial courts sit; after that, secondary appeals may be made to the Court of Cassation.

“In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the federal government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government throughout the country. The Presidency Council appointed the nine members of the Federal Supreme Court.” [2o] (p12)

- 13.04 The USDoD report, December 2008, stated that:

"Individual judges continue to live in the first functioning Rule of Law Complex (RoLC) in Rusafa. The Ramadi RoLC is scheduled to open in December 2008. The traveling judge program sends judges from Baghdad to hear cases in areas where local judges are not able to do so because of threats and intimidation. A new class of judges recently graduated bringing the total number of HJC judges and prosecutors to approximately 1,225. Of this number, however, only approximately 300 are serving as investigative judges." [103d] (p4)

Iraqi High Tribunal (IHT)

13.05 The UNHCR Guidelines of April 2009 stated that:

"The Iraqi High Tribunal, set up to try the most senior members of the former regime, sentenced several former high-ranking party, army, security and government officials to death for their involvement in the killing of Shi'ites in the town of Dujail in 1983, the Anfal campaigns in 1988, the suppression of popular uprisings in Southern Iraq in 1991, the killing and displacing of Shi'ite Muslims in 1999 and the killings of dozens of merchants in 1992." [40b] (p142)

See also Perceived collaborators and 'soft targets'

13.06 The HRW 2009 report stated that:

"In May the Iraqi High Tribunal (IHT) began trying former foreign minister and deputy prime minister Tariq Aziz, along with seven other defendants, for the former government's execution of merchants accused of profiteering while Iraq was under sanctions in 1992. Previous trials in the IHT, including that of former president Saddam Hussein for crimes against humanity, were marred by failure to disclose key evidence, government conduct undermining the independence and impartiality of the court, and violations of defendants' right to confront witnesses." [15a] (p3)

Central Criminal Court of Iraq (CCCI)

13.07 The CCCI was founded by the US-led Coalition Provisional Authority (CPA) in 2003 to hear cases involving serious criminal offences, such as terrorism, organized crime, acts of sabotage, governmental corruption, and sectarian or ethnic violence. (HRW, 14 December 2008) [15x] (p1) Further:

"While the jurisdiction of the CCCI is concurrent with local criminal courts, the CCCI has nationwide discretionary investigative and trial jurisdiction 'over any and all criminal violations.'...

"The court has two separate branches in Baghdad. The Karkh branch is located adjacent to the International Zone ('Green Zone')... This branch of the court hears cases of detainees held by Iraq's Ministries of Justice and Interior, and also a select number of cases of detainees held by the MNF and referred to the CCCI for criminal prosecution under Iraqi law. The Rusafa branch of the court is located within the heavily fortified 'Rule of Law' judicial complex in eastern Baghdad. The Rusafa branch only hears cases of detainees held by Iraqi authorities." [15x] (p11)

13.08 The USSD report for 2008 commented that “Investigative judges rarely referred security force officials to the Central Criminal Court of Iraq because of Section 136 (b) of the Criminal Procedure Code, which stipulates that such referrals are possible only with the permission of the minister responsible for the suspect. Permission was only given during the year for lower-level officials.” [20] (p10)

13.09 The CSIS report, published 20 April 2009, stated:

“In many areas, the criminal justice system is thoroughly dominated by local, tribal, religious or sectarian interests, and in some areas criminal justice is effectively nonexistent ...

“Judges and witnesses feared assassination, with 35 judges, lawyers, and judicial employees being assassinated in the past 3 years. In response, most provincial judges sent major terrorists cases to the main criminal court in Baghdad. The Rusafa criminal court in Baghdad is located in a secure ‘Rule of Law Complex,’ wherein court facilities, and employees, are protected from attacks and intimidation. 6 other secure complexes are either proposed or being built, in Ramadi, Hillah, Basrah, Baqubah, Tikrit, and Mosul.” [63c] (p135)

See also Perceived collaborators and ‘soft targets’

13.10 The HRW report on Iraq’s CCCI, published 14 December 2008, stated that:

“...[the CCCI] commands greater resources and broader authority than any other Iraqi criminal justice institution. Its mandate encompasses the critical task of coping with security related criminal cases under the framework of Iraqi law, including the country’s constitution and penal code. The CPA decree that established the court cites the importance of ‘development of a judicial system in Iraq that warrants the trust, confidence and respect of the Iraqi people.’ Far from serving as a model criminal justice institution, the court has failed to provide basic assurances of fairness, undermining the concept of a national justice system serving the rule of law.”

13.11 The HRW report also stated that “...[the CCCI] is seriously failing to meet international standards of due process and fair trials. Defendants often endure long periods of pretrial detention without judicial review, and are not able to pursue a meaningful defense or challenge evidence against them. Abuse in detention, typically with the aim of extracting confessions, appears common, thus tainting court proceedings in those cases.” [15x] (p1)

INDEPENDENCE

13.12 Article 88 of the 2005 Constitution stated “Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice.” [82a] (p26) Further, as noted by Europa, date accessed 29 January 2009, that “Following the ousting of the Baath regime, the judicial system was subject to a process of review and de-Baathification.” [1a] (Iraq: Juicial System)

13.13 Several sources, reported that the judiciary and judges were subject to political influence and pressure. (USSD 2008) [20] (p11) (Freedom House,

2008) [70g] (p5) The FCO Human Rights Report for 2008 (published in March 2009) stated that “There have been some encouraging signs of growing independence in the Iraqi judiciary. ... The justice system does however still lack capacity in some areas, including a shortage of trained judges, and vulnerability to political and sectarian pressure.” [66e] (Justice system and death penalty)

- 13.14 The CSIS report, published 20 April 2009, noted the criminal justice and courts system were unable to support the police. The report noted further that “The establishment of reliable and impartial courts has been extremely slow, which has seriously harmed the development of effective MoI forces at the local level. The same is true of detention facilities and basic legal services. There is little official reporting on Iraq’s jails, the availability of defendants to find counsel, the status of due process, and the role of religious and tribal courts.” [63c] (p154-5)

See also Iraqi Police; Religious and tribal law.

FAIR TRIAL

- 13.15 The USDoD report, December 2008, stated that:

“Establishing a solid foundation for the rule of law continues to face a number of demanding challenges. Intimidation continues to hinder administration of an effective criminal justice system and is the most immediate threat to advancing the rule of law in Iraq. To combat this threat, the Higher Judicial Council (HJC) has hired additional guards to increase protection for judges and provides transportation for judges who try cases away from their home districts. The Ministry of Interior is also developing a Judicial Protective Service to assist the HJC in providing better protection for Iraqi judges. In addition, courts handling the most serious violent crimes continue to be overwhelmed. The number of criminal cases and the lack of timely and complete investigations, combined with poor court administration and judicial intimidation, hamper the ability of investigative courts to process cases in a fair and timely manner. Despite these challenges, Iraq’s judicial capacity continues to grow.” [105d] (pv)

- 13.16 The UNHCR Guidelines of April 2009 commented that:

“Despite some progress in expanding and reforming Iraq’s judiciary and law enforcement agencies, Iraq continues to suffer from significant deficiencies to impose the rule of law.... The judiciary lacks sufficient numbers of judicial staff, in particular investigative judges, experience and basic equipment is prone to outside influence and corruption and generally enjoys little public confidence.” Furthermore “... the criminal justice and courts system is unable to support the police, provide defendants the procedural and substantive due process provided for by law, and provide for suitable jails and detainment facilities.” [40b] (p156)

- 13.17 On the subject of threats, attacks and intimidation, UNHCR’s Guidelines of April 2009 stated that:

“Judges and lawyers have also been and continue to be targeted ... According to the US Embassy in Baghdad, 38 Iraqi judges and six family members have been assassinated since 2003. In addition, 99 other judicial employees have

been targeted since June 2004. According to Abdul Sata Bayrkdar, the speaker of Iraq's Highest Judicial Council, 'There is no judge in Iraq that hasn't been threatened.' In addition to the judges and judicial employees killed, Bayrkdar accounted for approximately 87 persons kidnapped or killed as a result of their family member's judicial profession." [40b] (p182-3)

See also Perceived collaborators and 'soft targets'

JUDICIARY IN THE KRG AREA

13.18 The USSD report for 2008 stated that:

"The constitution provides for an independent judiciary in all regions. In November 2007, the KRG passed the Judicial Power Law of 2007, which attempted to create a more independent judiciary. The Kurdish Judicial Council (KJC), which had been part of the KRG executive branch's MOJ, became legally independent and took responsibility for the creation of its own budget, human resource management, and reporting. The KRG MOJ no longer has direct operational control over the judiciary, the KRG Ministry of Finance relinquished control of the KJC's budget, and the chief justice was appointed by other judges and not by the executive branch. The executive's influence has been important in politically sensitive cases such as freedom of speech and the press." [2o] (p8)

13.19 The FCO report, 27 March 2009, stated that:

"The BEO [British Embassy Office] Erbil met the KRG Justice Minister, Faruq Jamil Sadiq, in March 2009. The Minister stated that the judiciary had now been fully separated from the executive and had established its own independent administration, appointments and professional development system.

"... [the] ICRC stated that until now the judiciary had not been properly independent of the executive. It is hoped that a constitutional review being undertaken currently by the KRG will establish full independence of the judiciary. Other problems with the current system of justice in the KR include a lack of professional expertise amongst practitioners and a complex and inefficient bureaucracy. The KRG has acknowledged that the system is not perfect and does appear serious in its commitment to bring about improvements.

"Khanim Latif of the NGO Asuda, which campaigns to end violence against women, stated that there is no legal aid system in the KR. US Provincial Reconstruction Teams have focussed on making the rule of law a priority in the KR and a major focus in their work has been to help poorer people access legal assistance.

"... Asuda stated that female lawyers and judges operate within the legal system in the KR but in many cases people feel that a male lawyer is needed to ensure that a legal case is taken seriously." [66b] (p5-6)

13.20 In an interview, posted on the KRG website on 11 February 2009, Dr Yousif Mohammad Aziz, Minister for Human Rights for KRG, stated:

“One of the biggest problems we face is the judicial system. The courts, judges and general prosecutors need to be reformed and some violations of human rights are even caused by the judicial system. At the celebration the 60th anniversary of the Universal Declaration of Human Rights, Prime Minister Barzani said that in 2009 more steps should be taken to improve the rule of law.” [150h]

13.21 The KRG reported, on 12 December 2007, that:

“...the General Directorate for Identification of Criminal Evidence, supervises all evidence in Kurdistan Region and assists several Iraqi cities like Kirkuk, Mosul, Diyala, and sometimes Baghdad with its handling of evidence. The directorate boasts very skillful staff who received training in and outside Iraq, and several modern labs and equipment provided by the American Civilian Police Assistance Training Team (CPATT) ... which is based in Erbil city...

“[the] directorate is a technical establishment that investigates various types of criminal evidence, helping all security units and courts in the Kurdistan Region and other units that need to identify criminals...

“[the] directorate specialises in fingerprints, weapons, homicides, drugs, and forgery of passports, documents, handwriting, contracts, and university and school certificates.” [150g]

13.22 The FCO report, 27 March 2009, stated that:

“The BEO [British Embassy Office] Erbil met the KRG Justice Minister, Faruq Jamil Sadiq, in March 2009. The Minister stated that the judiciary had now been fully separated from the executive and had established its own independent administration, appointments and professional development system.

“... [the] ICRC stated that until now the judiciary had not been properly independent of the executive. It is hoped that a constitutional review being undertaken currently by the KRG will establish full independence of the judiciary. Other problems with the current system of justice in the KR include a lack of professional expertise amongst practitioners and a complex and inefficient bureaucracy. The KRG has acknowledged that the system is not perfect and does appear serious in its commitment to bring about improvements.” [66b] (p5)

13.23 Amnesty International, in their report of 14 April 2009, commented on the lack of independence of the judiciary in the KRG administered area and judicial subordination to the requirements of the Asayish. The report mentioned that “a judge who wrote a newspaper article in which he criticized Asayish interference in the judicial process was subsequently threatened by a senior Asayish official that he should desist from such comments or face adverse repercussions.” [28b] (p25)

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

RELIGIOUS AND TRIBAL LAW

13.24 Article 2 of the Constitution stipulates that Islam "... is a foundation source of legislation" and that "No law may be enacted that contradicts the established provisions of Islam." [82a] The Minority Rights Group (MRG) report, April 2008, commented that minority groups were concerned for their protection under the constitution; which refers to Islam as a "basic source of legislation in its Article 2", and also to the reference that "no law could be introduced in Iraq that contradicted the rules of Islam, as it could be used to repress minority rights and forbid conversion from Islam to other religions." [121d] (p5)

13.25 A National report on the status of human development 2008 by the Government of Iraq, 31 December 2008, noted that:

"Article 41 states that 'Iraqis are free to abide by their personal status according to their religion, beliefs, doctrines or choices...', which has also raised concerns. It is feared that such provisions may allow for different interpretations of the Islamic Sharia, resulting in barriers to legal equality, especially in matters of civil code, such as marriage and divorce. Varying interpretations could set up different practices in different provinces, or between rural and urban populations and between members of different religions." [135a] (p152)

13.26 The UNHCR report, August 2007, recorded that:

"Since the adoption of the Personal Status Law (Law No. 188 of 1959), it, and subsequent amendments, govern the manner in which courts settle disputes in marriage, divorce, child custody, inheritance, endowments and other similar matters. It applies to both Sunnis and Shi'ites and is considered one of the most progressive personal status laws in the Middle East in terms of women's rights. Where, however, the Personal Status Law does not make explicit provision for a situation, Shari'a law is applicable. It may then be applied differently to members of the two communities as they follow different schools of jurisprudence. [Non-Muslims were allowed to keep their separate systems. Their family matters are adjudicated by the Personal Matters Court, which seeks advice from the relevant religious authorities. ...

"The role of Islam and Shari'a law vis-à-vis the more secular 1959 Personal Status Law was a major issue in the drafting of the Constitution and continues to be highly contentious because enabling legislation is required for Article 41 of the Constitution (requiring that Iraqis be free in matters of personal status according to their religions, sects, beliefs or choices). It remains unclear whether the Personal Status Law will be modified or cancelled altogether, leaving different sects to apply their own sets of laws and interpretation as was done before 1959. Certainly, any such decision will strongly affect the lives of Iraqis as it regulates relationships within families. Particular concerns are thereby expressed with regard to women, LGBT and minority rights." (UNHCR, August 2007) [40j] (p31-32)

13.27 The UNHCR Guidelines of April 2009 further stated that:

"Overall, Iraq largely remains a conservative and tribal-based society where social freedoms of the individual, and even more so of girls and women, are limited by the family's 'honour' and tribal and religious customs. The number of so-called 'honour killings' carried out against family members (most often women) by other family members for perceived or actual behaviour or

attitude which is seen to have dishonoured their family, tribe or community, continues to be prevalent in all parts of Iraq.” [40b] (p193)

See also Women; Honour killings

- 13.28 The UNHCR December 2007 report on Framework for Conflict-Sensitive Programming in Iraq, published April 2008, also stated that:

“Traditional forms of conflict management and restorative justice are deeply rooted in Iraqi heritage. These mechanisms are a result of longstanding interactions between the different communities and act as a safety valve to reduce tensions and provide stability and peace within the community.

“One such traditional mechanism is called ‘Al-Fasil’ (or ‘Tribal Arbitration’). ‘Al-Fasil’ originates from Bedouin culture and it is practiced, or at least accepted, by all of Iraq’s different ethnic and religious groups and in all of Iraq’s Governorates. The Iraqi Law on Criminal Proceedings leaves space for the use of tribal justice or other forms of extrajudicial procedures and cases are referred to governmental courts when tribal arbitration is unable to reach a verdict.

“‘Al-Fasil’ deals with a variety of legal issues including, but not limited to, murder, theft, honour crimes, land disputes, as well as other types of inter-tribal conflict. The process of ‘Al-Fasil’ involves consulting the leader, or ‘sheikh’, of the clan or tribe... ‘Al-Fasil’ however, can contradict national laws as well as certain precepts of Islam and international human rights law. The outcome, for example, might result in the killing of the alleged offender and/or of members of his/her tribe. This practice goes by the name of ‘Al-Th’aar’ (vendetta) and may lead to conflict escalation. Also traditional conflict resolution involving women or girls may result in serious violations of their human rights, e.g., when a girl is given into marriage as compensation. [40s] (p17)

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14. ARREST AND DETENTION – LEGAL RIGHTS

14.01 The Iraqi Constitution stipulates that all Iraqis are equal before the law. Every person has the right to life, security and liberty except in accordance with law. [82a] (p5) The USSD report for 2008 commented that “Lengthy detention periods without judicial action were a systemic problem.” [2o] (p10) The UNSC report of 6 November 2008 further stated that “Overall, slow bureaucratic procedures, insufficient resources and the absence of effective accountability measures delay the processing of detainee cases and result in a lack of due process.” [38r] (p12)

14.02 The AI report of March 2008 noted that:

“[CPA Memorandum No.3] provides that anyone who is interned for more than 72 hours is entitled to have the decision to intern them reviewed within seven days and thereafter at intervals of no more than six months. These procedures deprive detainees of human rights guaranteed in international human rights norms. There is no time limit for the detention of security detainees, who also have no right to challenge the lawfulness of their detention before a court.” [28o] (p12)

14.03 The USSD report for 2008 noted that:

“The constitution prohibits ‘unlawful detention’ and mandates that preliminary investigative documents be submitted to an investigative judge within 24 hours from time of arrest, a period which can be extended only by one day. For offenses punishable by death, the defendant can be detained for as long as necessary to complete the judicial process. Under a state of emergency, the Prime Minister has the authority under ‘extreme exigent circumstances’ to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April 2007, although there were no reliable statistics available on such incidents.” [2o] (p10)

The law also required that detention facilities held women and juveniles separately from men; this was generally upheld, although there were some reported cases where women or juveniles were held with men. [2o] (p7)

14.04 The USSD report for 2008 noted that: “In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention.” [2o] (p10)

14.05 The USSD report for 2008 also commented that “In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place.” [2o] (p10)

14.06 The UNAMI report, 1 July - 31 December 2008, commented on the General Amnesty Law, passed on 27 February 2008, and stated that:

“The law covers those Iraqi and non-Iraqi nationals who have been convicted of offences under the Iraqi Criminal Code. The General Amnesty Law does not provide amnesty for all offences and it has various exceptions. For example, persons sentenced for crimes resulting in death or permanent disability, premeditated murder, manslaughter, abduction, aggravated theft, rape, incest, forgery of Iraqi or foreign currency and official documents, drug offences, and the smuggling of antiquities are not eligible for consideration for amnesty. Those eligible for consideration include persons who have not been sentenced but who have been held in detention for more than six months without referral to an investigative judge or more than one year without referral to a competent court.

“To implement the General Amnesty Law, a committee has been established in each jurisdiction to review cases. Detainees or prisoners eligible for amnesty, or their relatives, can submit an application to have their cases reviewed and have the right of appeal to a competent court. The High Judiciary Council reports that, as of 31 December 2008, there were 127,431 cases, representing persons currently detained or at large, eligible for consideration under the law and 30,879 cases, representing persons ineligible due to the nature of their crimes.” [39b] (p22-3)

14.07 The UNAMI report further stated that:

“To date, while there are large numbers of detainees and prisoners eligible for amnesty, the actual application of the General Amnesty Law in practice remains limited. Since coming into force in February 2008, the number of eligible persons released under the law remains extremely small. Despite 127,431 cases of persons being eligible, according to some estimates received by UNAMI as of October 2008 only 2,000 detainees and convicted prisoners have been released since the law came into force.” [39b] (p23)

14.08 The 2009 HRW report, covering events of 2008, further noted that the amnesty law had done little to ease the overcrowding of detainees. [15a] (p1) The USDoD report, March 2009, stated that:

“...the large number of petitions granted is misleading because it reflects the number of petitions granted amnesty rather than the number of individuals requesting amnesty (in many cases, individuals filed multiple petitions). A large number of Iraqis who were granted amnesty were on bail, parole, or facing warrants. The total number of Iraqis granted amnesty reached 23,500; approximately 6,300 of these have been released from detention.” [103a] (p3) The previous USDoD report, December 2008, recorded that:

“Release from custody for those granted amnesty has proceeded slowly due to political, logistical, and reintegration difficulties, as well as a lack of inter-ministerial cooperation. In various engagements with Ministry of Justice (MoJ), Ministry of Interior (MoI), and HJC officials, all have expressed concern that the law provides amnesty to terrorists. In addition, the existence of fraudulent orders has caused the MoJ to implement redundant authentication procedures to verify authenticity of orders.” [103d] (p3)

14.09 The Justice Network for Prisoners (JNP) combined voluntarily, non-governmental, non-profit and independent organizations, and worked in the

field of human rights and monitoring prisoners and detainees' rights in Iraq, with a reference to the international and national standards. [152]

ARREST AND DETENTION IN THE KRG AREA

14.10 "The KRG 2006 Anti-Terrorism Law, which forms the legal basis for many arrests, has been extended into mid-2010. Meanwhile, claims by detainees of insufficient legal assistance and of inordinate delays in investigations and trial proceedings were frequent." (UNAMI, 1 July - 31 December 2008) [39b] (p26) The UNHCR Guidelines of April 2009 stated that "In the Kurdistan Region, individuals continue to be held for prolonged periods of time, mostly on the basis of vague accusations (usually on suspicion of involvement in terror-related incidents)." [40b] (p138)

14.11 The USSD report for 2008 noted that:

"There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees' family members were not allowed to know their location or visit them. Reportedly police across the country continued to use coerced confessions and abuse as methods of investigation." [2o] (p10)

14.12 The UNAMI report, covering 1 July - 31 December 2008, recorded the number of detainees in the KRG area to be 2,707, as of December 2008. [39b] (p22) The UNAMI report, 1 January - 30 June 2008, documented cases of detainees "held at Asayish detention facilities in Erbil, [out of whom] 38 had been held for up to four years without referral to an investigative judge, charge or transfer to court..." and added:

"Asayish Gishti officials maintained that these detentions were legal and reviewed by the court every six months. However, one judge informed UNAMI in March that he had no oversight over detainees who are not introduced before him, and that the responsibility for ensuring legality of detention lies with judicial investigators. The KRG authorities also failed to respond to UNAMI's earlier requests to process cases of detainees who remain in detention for over seven years without charges or trials. The Human Rights Committee of the Kurdistan National Assembly (KNA), which is mandated to review detention facilities, registered 140 cases of persons detained longer than 2 years without charges at Asayish detention facilities." [39q] (p25)

See also [Prison conditions in the KRG area](#).

14.13 The FCO report, 27 March 2009, stated that:

"... suspects could be held for 24 hours before a court order was required to detain them longer. Police are required to notify the courts that they are holding somebody within 24 hours of detaining them. Courts will determine how long a person can be held for investigation by the police before they are placed on trial. There is a special department in the police responsible for cases held up to six months.

“... [the] Forensic/Investigations Advisor to the Iraqi Police, based at the BEO [British Embassy Office], stated that the arrest rate was high in the KR as people could be held on suspicion of a crime. Police can hold a person for up to 24 hours before a court order to detain them longer was required from a court. Suspects can be held for lengthy periods without charges being brought against them or without being brought to trial.” [66d] (p2-3)

14.14 The FCO report further mentioned that:

“... UNAMI stated that there were concerns about the impunity of law enforcement forces, mistreatment of people held in custody and unlawful use of detention in the KR. UNAMI is aware of cases of people who have been held in detention for over a year, in some cases as much as six or seven years. UNAMI has heard allegations that there are people held in detention secretly but the KRG denies this.

“... [the] ICRC stated that anti-terrorist legislation enacted in 2003 gave the authorities greater opportunities to detain people on suspicion for lengthy periods without charge or trial and without access to legal representation. There have been allegations that false confessions have been made in anti-terrorist cases. Investigation of cases of people held for protracted periods in detention was a major part of ICRC's work in the KR. The KRG was serious in its commitment to improve detention conditions. Legal provisions and safeguards were in place governing rules of detention but these were not always applied properly.” [66d] (p3-4)

14.15 The AI report, 14 April 2009, stated that although the KRG had released over 3,000 detainees in response to AI's August 2008 memorandum on human rights concerns, hundreds of prisoners were still being held without charge or trial. “The head of the Asayish Gishti in Erbil informed Amnesty International at the end of May 2008 that there were then 670 political detainees being held without charge or trial.” [28b] (p11)

14.16 The Amnesty International (AI) report, 14 April 2009, commented that “Amnesty International received information from a number of sentenced prisoners indicating that their trials had not met international fair trial standards ... Detainees commonly were denied access to lawyers in the early stages of their detention, when they were usually held incommunicado, and were interrogated by the Asayish.” [28b] (p25)

ARREST AND DETENTION BY THE MNF

14.17 Amnesty International, in their March 2008 report, stated that:

“The MNF says UN Security Council Resolution 1546, passed in June 2004, authorizes it to detain people in Iraq. The Resolution provides for ‘internment where this is necessary for imperative reasons of security’. In addition, internment policies are governed by CPA Memorandum No.3 (revised) of June 2004, which sets out the process of arrest and detention of criminal suspects as well as procedures relating to ‘security internees’ held by the MNF after June 2004. The Memorandum provides that anyone who is interned for more than 72 hours is entitled to have the decision to intern them reviewed within seven days and thereafter at intervals of no more than six months. These procedures deprive detainees of human rights guaranteed in international human rights norms. There is no time limit for the detention of

security detainees, who also have no right to challenge the lawfulness of their detention before a court.” [28o] (p12)

- 14.18 The UNSC report of 6 November 2008 stated that “United States forces continue to release detainees in an effort to reduce the number of people held in their detention facilities. UNAMI welcomes these releases, but reiterates that international human rights law applies to the remaining detainees, the vast majority of whom have not been charged and afforded due process. As of 3 October [2007], the number of detainees in United States facilities in Iraq was down to 17,965 (from 24,514 at the end of 2007).” [38r] (p12)

- 14.19 The 2009 HRW report, covering the events of 2008, also stated that:

“As of early October 2008 the US military said it was holding about 17,000 detainees in Iraq; the previous month it said it had released approximately 13,000 since the beginning of 2008. Reviews of cases were limited to administrative hearings that fall short of internationally recognized due process norms. MNF officials estimated in May that no more than a tenth of detainees would be referred for criminal proceedings in Iraqi courts.” [15a] (p2)

See also Juvenile prisoners for number of juvenile detainees held in MNF custody.

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15. PRISON CONDITIONS

- 15.01 The UNSC report of 6 November 2008 noted that “The condition of detainees across the country, including in the region of Kurdistan, remains of concern... Pretrial detainees in particular are subject to violence during the investigation phase.” [38r] (p12) The UNAMI report, covering 1 January - 30 June 2008, recorded that “Detainees interviewed by UNAMI at Ministry of Interior facilities regularly claimed to have been beaten or otherwise ill-treated, particularly upon arrest or while undergoing initial interrogation, most commonly to extract confessions from them. In some cases, the detainees presented traces on their bodies consistent with the beating or torture alleged.” [39q] (p24)
- 15.02 HRW and AI reported in their 2008 reports, that according to UN officials, prisoners had been hung by their limbs, subjected to electric shock treatment, forced to sit on sharp objects and subjected to burns. [15v] (p2) [28j] (p5) The USSD report for 2008 stated that “In August [2008], the MOHR [Ministry of Human Rights] reported that electricity and cold water, which leave few physical traces, were the most commonly used torture methods.” [2o] (p6)
- 15.03 The USSD report 2008 stated:
- “Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate Ministries: MOJ, MOI, MOD, and MOLSA for juvenile detention...
- “At year's end there were 10 MOJ prisons and six pretrial detention facilities. The total number of MOI detention facilities was estimated to be six National Police facilities and 294 Iraqi Police facilities. Including police holding stations, there were estimated to be more than 1,200 official MOI detention locations. The MOD operated 51 Iraqi Army (IA) pretrial detention centers for detainees captured during military raids and operations. Additionally, there were reports of unofficial detention centers throughout the country. Continued detention beyond the date of ordered release and unlawful releases, as well as targeting and kidnapping of Sunni Arab detainees, were reported.” [2o] (p6-7)
- 15.04 The UNSC report of 6 November 2008, noted that “The [UNAMI] Human Rights Office has continued to visit detention facilities and prisons to monitor the situation of detainees held by the Ministries of the Interior, Justice, Defence and Labour and Social Affairs. Many have been deprived of their liberty for months or even years, often under precarious physical conditions, without access to defence counsel or being formally charged with a crime, or being brought before a judge.” [38r] (p12)
- 15.05 The UNSC report, 6 November 2008, stated that “As of 3 October [2008], the number of detainees in United States facilities in Iraq was down to 17,965 (from 24,514 at the end of 2007). The number in Iraqi detention facilities is reported to be 27,366. Persons held in Iraqi custody include a steady flow of individuals who are released by United States forces only to be rearrested by Iraqi authorities, in some cases without sufficient evidence.” [38r] (p12) The UNHCR Guidelines of April 2009 noted that by January 2009 there were 35,000 detainees in Iraqi prison and detention facilities. [40b] (p137) The UNSC report of 2 June 2009 further commented that there were no reliable statistics on prisoners in Iraq due to the “lack of accurate and transparent reporting on the implementation of the amnesty law by the authorities of Iraq.” [38b] (p11)

See also Multinational forces in Iraq

- 15.06 UNAMI stated, in its 1 July - 31 December 2008 report, that “UNAMI ... continued to receive reports of prolonged periods of detention without charge or access to legal counsel and the use of torture or physical abuse against detainees to extract confessions. During interviews conducted by UNAMI/HRO in a number of Iraqi run detention facilities, many detainees have complained of being physically abused by the police.” [39b] (p25)

IRAQI-RUN PRISONS AND DETENTION FACILITIES

- 15.07 The USSD report for 2008 noted that:

“The ICS [Iraqi Correctional Services] internal affairs department monitored abuse or violations of international standards for human rights in prisons. Increased allegations of harassment and abuse have resulted in the disciplining of ICS officers in some cases. On August 12, according to the deputy minister of justice, there were allegations that 19 Iraqi correction officers (ICO) physically abused detainees being transferred to Kadhamiya Maximum Security Prison. The deputy minister investigated and determined 16 were innocent; the other three were transferred to prisons in Samawah, Nasiriyah, and Hillah, with the possibility of future criminal prosecutions. In August, the MOHR reported that 14 deaths of detainees under investigation in 2007 were pending at year's end. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard.” [2o] (p7)

- 15.08 The USSD report for 2008 stated that “Numerous and serious reports of torture and abuse were leveled at MOI's Kadhamiya National Police detention facility and the MOD/MOJ Harithiya facility in Baghdad.” [2o] (p6) The UNHCR report, April 2009, commented that:

“According to an October 2008 report by *The Independent*, hundreds of prisoners have been summarily executed in the high-security detention centre in Kadhemiyah in Baghdad since 2003. Reportedly, those hanged are mostly alleged insurgents as well as common criminals and there are no public records of the killings.” [40b] (p143)

- 15.09 The USSD report for 2008 further stated that “Kadhamiya Female Prison, an ICS [Iraqi Correctional Services] facility, was reportedly infiltrated by JAM [Jaish Al-Mahdi (Mahdi Army)] and operated as a brothel at night. On August 22 [2008], the acting minister of justice acted to rectify the problem by relocating the inmates (174 females and 17 children) to a new female prison at the Rusafa Rule of Law Complex.” [2o] (p7)

- 15.10 The UNAMI report covering 1 January - 30 June 2008 stated that:

“The Iraqi authorities remained hard pressed to handle the detainee population given the general security conditions in the country, the lack of capacity and resources, slow bureaucratic procedures and degrading infrastructure. Ministerial directives for the handling of detainees from arrest through the investigation and trial processes, as well as treatment and conditions of detention are slow to implement and remain partially or totally ignored in many detention centres. UNAMI is monitoring and assessing the

implementation of these directives, which would afford greater protection of due process rights for persons deprived of their liberties.” [39q] (p24)

15.11 The HRW World Report 2009, covering the events of 2008, noted that:

“The number of detainees in Iraqi government custody (excluding the northern Kurdish region) stood at approximately 24,000 in August [2008], according to a Human Rights Ministry official. Judicial authorities reported in August over 100,000 approved amnesty applications but as of September diplomats tracking amnesty implementation estimated releases stood at only 5,000-8,000; estimates from Iraqi officials in October suggested a lower figure.” [15a] (p2)

15.12 The UNSC report of 6 November 2008 stated that “The number in Iraqi detention facilities is reported to be 27,366. Persons held in Iraqi custody include a steady flow of individuals who are released by United States forces only to be rearrested by Iraqi authorities, in some cases without sufficient evidence.” [38r] (p12) The UNAMI report, 1 July - 31 December 2008, stated that as of December 2008, the number of detainees under Iraqi authorities stood at 26,249. [39b] (p22)

15.13 The UNSC report, 6 November 2008, stated that upon conducting a visit to the central prison of Fallujah, the UNAMI Human Rights Office discovered that over 400 prisoners were being held in pre-trial detention in poor conditions, many for more than one year. [38r] (p12) UNAMI further commented, in their 1 July - 31 December 2008 report, that the detention facility in Fallujah was “seriously overcrowded”. [39b] (p25) BBC News also reported, on 25 November 2008, that Baghdad’s Rasafa facility was seriously over crowded and prisoners were experiencing poor living conditions. [4dn]

15.14 The USDoD report, December 2008, commented that:

“The quality of Iraqi detention facilities and detainee treatment continues to vary. MoI and Ministry of Defense (MoD) forces rely on confessions, often coerced, as a substitute for physical evidence when investigating criminal cases. Coerced confessions also account for the majority of detainee maltreatment reports. By contrast, MoJ facilities are generally staffed with Iraqi corrections officers who are not involved in case investigation. MoJ facilities usually provide adequate life support; however, many of them are overcrowded and receive inadequate healthcare support. Five new prisons, funded by the International Narcotics and Law Enforcement (INL), are scheduled to open over the next six months, increasing prison capacity by more than 6,500 beds.” [103d] (p4)

15.15 The FCO human rights report for 2008 stated that “There have been documented (through UN reports) and well publicised allegations of cases of deliberate abuse in Iraqi prisons, and widespread reports of overcrowding. ... The Iraqi Ministry of Justice has taken forward an initiative to speed up processing of paperwork, introducing rehabilitation and vocational training and addressing overcrowding in detention centres.” [66e] (Justice system and death penalty)

15.16 UNAMI further commented that “During the reporting period, UNAMI conducted visits to the al-Harithiya prison in Baghdad, to the al-Jazeera police station in Ramadi and the detention facility at the Central police station in

Fallujah.” The report mentioned that cells in al-Jazeera police station “looked new, were cleaned and equipped with functioning air conditioning”. [39b] (p25-6)

15.17 The UNSC report, 20 February 2009, noted that:

“... the overall situation of detainees under Iraqi custody across the country, including in the Kurdistan region, remains of great concern. Many detainees have been deprived of their liberty for months or even years, often in poor conditions, without access to defence counsel or without being formally charged with a crime or brought before a judge. The continuing allegations of torture and illtreatment of inmates by Iraqi law enforcement personnel remains a particular cause for concern. Pre-trial detainees in particular are subject to violence during the investigation phase to extort confessions.” The report also mentioned that Iraq had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [38a] (p11)

15.18 The UNHCR report, April 2009, commented that:

“Overcrowding in Iraqi detention facilities remains a major concern in many facilities. For example, the Khamees detention centre in Diyala has a capacity for 200 inmates but currently houses more than 450 in unsanitary conditions. The building of five new prisons for over 6,500 prisoners and detainees in the coming six months, which are funded by the US Government, is expected to at least partially alleviate the problem of post-trial overcrowding in the future. Inmates often have inadequate access to healthcare and suffer from inadequate sanitation and hygiene conditions.” [40b] (p140)

Prisons and detention facilities in the KRG area

15.19 The USSD report for 2008 noted that: “During the year local and international human rights organizations and the MOHR continued to report torture and abuse... in KRG security forces' detention facilities.” [2o] (p5-6) The UNHCR Guidelines of April 2009, stated that:

“Despite some improvements, overcrowding and lack of basic hygiene and sanitation remain a concern in some detention facilities in the Kurdistan Region.” [40b] (p140)

“In the Kurdistan Region, in particular, persons arrested on suspicion of involvement in terror-related incidents have been ‘routinely singled out for violent treatment amounting to torture during investigations’ by security and intelligence officials. UNAMI HRO also continues to receive reports of abusive treatment of detainees, particularly those held by the Asayish, in order to extract information or confessions.” [40b] (p139-140)

15.20 The USSD report for 2007 noted that “On April 10 [2007], the Kurdistan National Assembly passed the General Amnesty Law No. 4 for the Kurdistan region and on July 1 published it in the official *Kurdistan Gazette*. Pursuant to this law, the KRG formed committees in each governorate (Erbil, Dohuk, and Sulaymaniyah) that were headed by judges to review detainee cases and recommend releases. The law provided a one-time amnesty applicable to cases predating the passage of the law and was not applicable to detainees accused of terror-related offences. Although the law was implemented,

statistics on the number of individuals released were unavailable as of year's end." [21] (p8) The USSD report for 2008 further noted that "The KRG minister of human rights reported on December 16 [2008] that over 660 of the approximately 4000 detainees had been amnestied." [20] (p11)

15.21 The USSD report for 2008 stated that:

"... the KRG Ministry of Labor and Social Welfare (MOLSW) operated prisons in the KRG, and the KRG MOI operated pretrial detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities as well...Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight internal security pretrial detention facilities." [20] (p6-7)

15.22 UNAMI, in their report covering 1 January - 30 June 2008, commented on progress made during the reporting period to reviewing detainee cases and releases and noted the numbers of detainees released from Asayish facilities in the KRG. The UNAMI report also stated that Asayish officials were preparing to transfer 50 Arab detainees to authorities outside the KRG region. [39q] (p25-26) UNAMI's subsequent report, for the period 1 July - 31 December 2008, stated that:

"UNAMI/HRO continues to document serious violations of the rights of suspects and those deprived of their liberties by the KRG authorities. These include claims of beatings during interrogation, torture by electric shocks, forced confessions, secret detention facilities, and a lack of medical attention. Abuse is often committed by masked men or while detainees are blindfolded. In general, detainees fear the interrogators and investigative personnel more than prison guards ...

"In more positive developments, UNAMI noticed that several detention facilities were being renovated.... UNAMI also notes that all mid- and high-level Government officials addressed expressed a general commitment to human rights without acknowledging the existence of human rights violations in the KRG. UNAMI also notes with appreciation that a committee on detention conditions headed by the KRG Prime Minister lobbies for greater respect for human rights." [39b] (p27)

15.23 The FCO report, 27 March 2009, recorded that KRG authorities allowed UNAMI and the International Committee of the Red Cross (ICRC) access to prisons in the region.

"... ICRC stated that the central Iraqi Government runs one prison in the KR, Fort Suse near Sulaymaniyah, with capacity for up to 3,000 prisoners. The prison had previously been used by Multinational Forces in Iraq. The KRG had built a new prison in Sulaymaniyah Governorate but it has not opened yet.

"... ICRC stated that prisoners had full access to medical treatment in prisons. The main problem with the provision of medical treatment was a lack of any overall health strategy or standard operating procedures.

“General Rzgar Ali Aziz, Chief of Police in Sulaymaniyah stated that women are always accommodated separately from men in prisons and police stations.” [66d] (p19)

15.24 The AI report, 14 April 2009, noted that:

“Amnesty International has received numerous reports of torture and other ill-treatment of political suspects in prisons and detention centres under the control of the Asayish and other security agencies throughout the Kurdistan Region of Iraq. Methods reported to Amnesty International include: the application of electric shocks to different parts of the body; beatings with fists and with a cable and/or metal or wooden baton; suspension by the wrists or ankles; beating on the soles of the feet (falaqa); sleep deprivation; and kicking. In a few cases, detainees are alleged to have died as a result. [28b] (p25)

See also Arrest and detention in the KRG area; Torture by security forces in the KRG area

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

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MNF-RUN PRISONS AND DETENTION FACILITIES

15.25 The UNHCR COI report, October 2005, stated “On the basis of UN Security Council Resolution 1546, the MNF are authorized to intern persons on compelling security grounds.” [40c] (p54)

15.26 The AI report, published in March 2008, stated that:

“Despite the US authorities’ introduction of various measures to safeguard detainees following the shocking Abu Ghraib prison scandal, torture and other ill-treatment by members of the MNF continue to be reported, albeit on a lesser scale than before 2004. Former detainees held in Camp Bucca, where conditions are extremely harsh, have said that they were tortured and otherwise ill-treated by US guards. US guards apparently used stun guns, among other things, and detainees were exposed to long periods of extreme heat and cold. An eye witness told Amnesty International that in November 2005 a US guard at Camp Bucca used a stun gun against two detainees while they were being transferred in a vehicle to a medical appointment within the detention facility, shocking one on the arm and the other on his abdomen.” [28o] (p14)

15.27 The UNAMI report, 1 January - 30 June 2008, noted that “UNAMI remained concerned about the internment of suspects in MNF-I custody for prolonged periods without judicial review of their cases, and administrative review procedures that do not fulfil the requirement to grant detainees due process in accordance with internationally recognized norms. The US Government states that due process ‘is a human rights concept generally associated with criminal arrests and trials’ and does not apply to security detentions under MNF-I authority in Iraq, based in part on its own interpretation of the nature of the conflict .” [39q] (p24) UNAMI’s report covering 1 July - 31 December 2008,

reported that Camp Bucca, which held the majority of MNF-I detainees, was “old, the cells are too small and the generator does not provide sufficient power.

“During the reporting period, there was a substantial decrease in the number of detainees held in MNF-I custody. From a peak of 23,229 in July, by the end of December, the number had fallen to 15,058. However, detainees have remained in custody for prolonged periods without judicial review of their cases.

“Following the security agreement signed by the Iraqi and US governments on 17 November 2008, MNF-I will no longer be authorized to detain suspects in Iraq after 1 January 2009, unless specifically requested by an Iraqi decision issued in accordance with Iraqi law.” [39b] (p26)

15.28 The UNSC report, 20 February 2009, mentioned that:

“United States forces continue to release detainees in an effort to reduce the detention population. The original plan to transfer all United States detainees to Iraqi custody by 1 January 2009 had to be abandoned owing to a lack of space in Iraqi detention facilities and the inability of the Iraqi judicial system to process thousands of cases. Instead, the Iraqi authorities will review 1,500 cases per month while the United States forces retain physical custody of the detainees. Detainees for whom an Iraqi judge issues no arrest warrant will be released 30 days after the submission of the case file to the Iraqi authorities. As at 17 December 2008, the number of detainees in United States facilities in Iraq had dropped to 15,600 adult males and 58 minors.” [38a] (p11)

15.29 The AI report 2009 stated that “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.” [28f] (p3)

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16. DEATH PENALTY

16.01 UNHCR's Eligibility Guidelines paper of August 2007 recorded:

"By Order No. 7, the CPA amended the Iraqi Penal Code, repealing a number of provisions introduced by the Ba'athist regime that listed acts detrimental to the political goals of the state as crimes, and suspended the death penalty. However, Order No. 3 of 2004 of the Interim Iraqi Government (IIG), passed on 8 August 2004, reintroduced the death penalty and provides for capital punishment for certain crimes affecting internal state security, public safety, attacks on means of transportation, premeditated murder, drug trafficking, and abduction." [40j] (p33)

16.02 The UNHCR Guidelines of April 2009 stated that:

"The death penalty is extensively used and reportedly on the rise in Iraq. According to AI, nearly 130 people currently face imminent execution in Iraq, a figure that was confirmed by the Iraqi Supreme Judicial Council. AI reported at least 285 persons sentenced to death and 34 executions in 2008. In 2007, it documented at least 199 men and women sentenced to death and at least 33 prisoners were executed, while in 2006 it reported at least 65 persons executed, including two women. Persons sentenced to death were exempted from the limited amnesty granted under the Amnesty Law of 13 February 2008. Most death sentences were passed by the Central Criminal Court of Iraq (CCCI) following proceedings which failed to meet international fair trial standards. In particular, defendants alleged that the court used confessions extracted under torture as evidence against them and that they did not have adequate legal representation." [40b] (p142)

16.03 Hands off Cain, accessed 22 June 2009, observed that "According to Iraqi law a death sentence must be approved by the government, the President and the two Vice-Presidents." The report noted the method of execution to be "hanging and shooting". [97a] (p1)

16.04 UNAMI, in their report covering 1 July - 31 December 2008, stated that:

"From 1 July to 31 December [2008], the Central Criminal Court of Iraq [CCCI] and other criminal courts in the country have issued 192 death sentences. It is not known whether these sentences will be implemented as no death sentence has been executed in Iraq since February 2007 according the High Judiciary Council. However, according to Amnesty International web site, there were 34 executions in the year 2008. UNAMI/HRO was unable to attend CCCI proceedings during the reporting period due to the new security measures introduced which restricted access to the Court." [39b] (p22)

16.05 In their report of 24 March 2009, AI recorded that at least 34 executions were carried out in Iraq during 2008, and at least 285 individuals had been sentenced to death. These sentences were handed down mostly by the Central Criminal Court of Iraq or the Supreme Iraqi Criminal Tribunal. [28e] (p17)

DEATH PENALTY IN THE KRG AREA

- 16.06 Hands off Cain reported that on 29 May 2008, "... the autonomous northern Iraqi region of Kurdistan's justice minister, Faruq Jamil, told campaign group Amnesty International he wants to abolish the death penalty, according to an unnamed ministry source... The Kurdistan region's human rights minister, Shirwan Aziz is currently working on a bill to limit the application of the death penalty together with a commission from the regional parliament and several international organisations." [97a] (p2-3)
- 16.07 The UNAMI report, 1 January - 30 June 2008, stated that:
- "Between January and March 2008, courts in Kurdistan sentenced four persons to the death penalty for murder. KRG authorities executed three persons convicted of murder and terror related offences. According to the KRG Ministry of Human Rights, 34 prisoners are on death row in Erbil Central Prison as of June 2008.
- "The KRG has, however, made some progress to restrict the number of offences for which the death penalty may be imposed. On 1 July 2008, the KRG Ministry of Human Rights organized a conference in Erbil to review the KRG policy and practices on capital punishment and legislative offences attracting mandatory death penalty, including provisions of the KRG Anti-terror Law. Participants in the conference recommended that eight Anti-Terror Law offences attracting the death penalty be amended." [39q] (p27-28)
- 16.08 The FCO report, 27 March 2009, noted that "Alexander Elliott, Forensic/Investigations Advisor stated that the death penalty was given for the most serious crimes in the KR, although at a very much lower level than in the rest of Iraq. There were a small number of executions by hanging in the KR every few months, made by order of judges. Cases of execution were not publicised." [66d] (p7)
- 16.09 The Amnesty International (AI) report, 14 April 2009, stated that "Amnesty International was told by the KRG that as of June 2008 there were 33 people on death row in Erbil and about 47 in Sulaimaniya. With the four death sentences passed on 6 November 2008, this means that there are at least 84 people on death row, including some women. No execution has been carried out recently in Sulaimaniya or other areas where the PUK is predominant, apparently because of the PUK leadership's opposition to the death penalty. All death sentences have to be ratified by the President of the KRG before executions are carried out." [28d] (p29)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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17. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

17.01 The USSD report for 2008 recorded that:

“The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April 2007, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency, the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.” [20] (p18)

17.02 The USSD report for 2008 further stated that “The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba’ath Party.” [20] (p18)

17.03 The UNHCR Guidelines of April 2009 reported that “Iraqis openly criticizing or perceived to be opposing... political parties are at risk of being threatened, kidnapped or killed. This is in particularly [sic] true for tribal/religious leaders, journalists, human rights activists or other professionals that express their dissatisfaction with local parties or armed groups, refuse cooperation, allege their involvement in violence, corruption or sectarianism or engage in reconciliation efforts.” [40b] (p165)

Freedom of political expression in the KRG area

17.04 The USSD report 2008 stated that “Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK reportedly prevented the government employment of non-party citizens.” [20] (p23)

17.05 The FCO report, 27 March 2009, noted that:

“Mala Bakhtiar, PUK Politburo Member and Supervisor of PUK's Foreign Affairs Office in Sulaymaniyah stated that the KR has been an excellent example of democracy building in the Middle East but the process was still evolving. The internal conflict between the PUK and KDP in the 1990s had held back progress. Even after nearly twenty years of independent politics in the KR today all political parties active in the KR were still learning how democracy works and how to co-operate constructively with parties that hold differing views. The younger generation in the KR has no problems politically. The KR enjoys full freedom of expression and is not a police state.” [66d] (p8)

- 17.06 The AI report of 14 April 2009 stated that “Political opponents of the Kurdish authorities are subject to arrest, and sometimes torture, by the Asayish, the KRG security forces.” [28b] (p20)
- 17.07 The UNHCR Guidelines of April 2009 reported that “In the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk as well as in areas under *de facto* control of the Kurdish parties, criticism of the ruling PUK and KDP can result in intimidation, beatings, arrest and detention and extra-judicial killings. Journalists are particularly at risk.” [40b] (p167)

See also The media and journalists in the KRG area

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 17.08 The Constitution provides for “Freedom of assembly and peaceful demonstration, and this shall be regulated by law.” It also stipulates that “The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.” It adds that “It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it.” (The Constitution of Iraq) [82a] (p12)
- 17.09 The Freedom House ‘Freedom in the World’ report 2008, Iraq, noted that:
- “Domestic and international nongovernmental organizations are able to operate without legal restrictions, though security constraints limit their activities in many regions. The lack of a legal framework and registration system for nongovernmental organizations also hinders their ability to function and attract donor funds. Peaceful demonstrations occurred frequently during 2007 without interference from coalition or Iraqi forces, except when they were in violation of curfews. Gatherings or rallies that violated anti-Baath strictures were considered illegal.” [70g] (p6)
- 17.10 The USSD report for 2008 stated that:
- “The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April 2007, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency, the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.” [2o] (p17-18)

Freedom of association and assembly in the KRG area

- 17.11 The USSD report for 2008 noted that “there were reports of abusive KRG practices against protesters... Unlike in 2007, there were reports that KRG

security forces killed or detained protesters when demonstrations protested government acts.” [20] (p17-18)

- 17.12 The USSD report for 2008 also stated that “Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk.” [20] (p18)
- 17.13 The IOM December 2008 report commented that “On the 29th, 30th and 31st of July [2008], IDPs in all three governorates organized peaceful protests against the provincial law implemented by the Iraqi Parliament to delay elections in Kirkuk. More than 100,000 people gathered across the three governorates to protest this motion.” [1110] (p6)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 17.14 The UNHCR Guidelines of April 2009 stated that:

“Various armed groups are held responsible for targeting persons involved in the Iraqi Government and Administration at the federal and local levels, members of their families and bodyguards. The perpetrators and their motives are multi-layered. While certain acts may be motivated to delegitimize the Iraqi Government and spread fear, other attacks seem to clearly target government officials, be it for their belonging to a certain political party or their involvement in certain political affairs. As seen in the past, extremist groups are also stepping up their efforts ahead of sensitive political events such as elections or during negotiations of legislative projects.” [40b] (p161)

[See also Perceived collaborators and ‘soft’ targets](#)

Former members and associates of the Ba’ath party/former regime

- 17.15 Article 135 (5) of the Constitution stipulates that “Mere membership in the dissolved Ba’ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba’athification and the directives issued according to it.” (The Constitution of Iraq) [82a] (p39)
- 17.16 Jane’s Sentinel Country Risk Assessment of Security in Iraq, updated 18 February 2008, stated that: “...it is clear that irreconcilable Baathist former regime elements (FRE) have played a key role in fomenting and facilitating anti-Coalition and anti-government activities in Sunni areas of Iraq... The objectives of [the FRE] are increasingly mercenary, though FRE elements are clearly committed to the expulsion of foreign and also Shia and Kurdish security forces from core Sunni triangle areas.

“Since mid-2007, former Baathists have been re-integrated into national structures, particularly the Iraqi Army, the National Police and the Emergency Reaction Units at provincial levels. This is gradually splintering the moderate former Baathists from the irreconcilables. The passage of the Accountability and Justice Law in Iraq’s parliament on 11 January 2008 ... may allow some more junior insurgents to be reintegrated, although this

process informally began well before the law's passage and might even be upset by stirring up the issue of de-Baathification once again." [14d] (p2)

See also Sunni Arab insurgents.

De-Ba'athification

17.17 The UNHCR guidance note, October 2005, stated:

"CPA Order No. 1, De-Ba'athification of Iraqi Society, was signed and went into effect on 5 May 2003. Under this Order, the Ba'ath Party was dissolved and senior party members (those in the upper tier, including members of the Regional Command, Branches, Sections and Groups) were officially removed from their positions and banned from any future employment in the public sector. In addition, they were evaluated for criminal conduct or threat to the security of the Coalition." [40a] (p15-16)

17.18 The UNHCR Guidelines of April 2009 stated that:

"Members of the former Ba'ath Party and the former regime may further face discrimination on the basis of their affiliation with the former regime. The Justice and Accountability Law of January 2008, which was aimed at (partly) reversing the effects of the previous 'De-Ba'athification' process, under which approximately 150,000 former Ba'athists, mostly Sunni Arabs, were excluded from government employment and pensions, is not yet being implemented, depriving many former Ba'athists and members of the former regime from government employment or pensions entitled under the law. There have also been reports that the Shi'ite-dominated Government is discriminating against former Ba'athists in public sector employment. Further, it cannot be ruled out that previous Ba'ath Party affiliation may increase the risk of a detainee to be subjected to unfair treatment or abuse if held in a Shi'ite dominated detention facility." [40b] (p171)

17.19 The USDoD report, March 2009, stated that:

"The Council of Ministers (CoM) has yet to nominate the individuals to head the new De-Ba'athification Commission, leaving the original Coalition Provisional Authority-appointed commission in place, but with no authority. Even with universal agreement that the law needs to be amended, neither the CoM nor the CoR has made any effort to introduce the necessary legislation. Without this legislative attention, some Sunni groups have accused the Shi'adominated government of appointing former Ba'athists who are deemed politically reliable, while denying positions to those who are eligible but not politically acceptable." [103a] (p2)

Reprisals against Ba'ath party members

17.20 The UNHCR Guidelines of April 2009, recorded that:

"Since the fall of that regime, and in particular since the elections in 2005, when Shi'ite parties came to power, these persons [former Ba'athists] have been the subject to systematic attacks, mainly by Shi'ite militias. For various reasons, targeted attacks against former members and associates of the Ba'ath Party and the former regime also appear to have lessened to a large extent. One possible reason is that a large number of former Ba'athists and

associates of the former regime have already fled Iraq since 2003 while those remaining have often been able to align themselves with the current parties in power and/or have been reemployed into the public sector or the ISF. Another reason is that Shi'ite militias have been lying low or were weakened after military operations in 2008. While members of the former Ba'ath Party and regime are no longer systematically targeted, they may still fall victim in individual cases, for example as a result of personal revenge of former victims or their families against perpetrators of detention, torture or other violations of human rights. While some killings of former Ba'athists or members of the former regime have been documented in the media in 2008 and 2009, mainly in the Central Governorates, other cases may go unreported, not the least because the exact motivation behind an attack may not always be known. Today, many former Ba'athists have found a new identity in the Iraqi society as politicians, professionals or tribal leaders.”
[40b] (p170-1)

See also [Perceived collaborators and 'soft targets'](#)

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18. FREEDOM OF SPEECH AND MEDIA

18.01 Article 38 (a) of the Constitution provides for the "Freedom of expression using all means." Article 38 (b) provides for the "Freedom of press, printing, advertisement, media and publication." (The Constitution of Iraq) [82a] (p12) However, a report by the Committee to Protect Journalists (CPJ), published 30 April 2008, stated "Iraq became the world's most dangerous country for the press after the 2003 U.S. invasion led to armed conflict and sectarian strife." [26j] (p2)

18.02 The USSD report for 2008 stated that:

"The constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years for any person who publicly insults the COR, the government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.

"The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of persecution. There was widespread self-censorship.

"The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party or for 'alterations to Iraq's borders by violent means.'" [2o] (p15)

NEWSPAPERS, RADIO AND TELEVISION

18.03 There were over a hundred daily and weekly publications in Iraq and dozens of radio and television stations. (USSD, 2008) [2o] (p15) (BBC, Country Profile on Iraq (accessed 4 February 2009) [4dc] National, regional and local stations broadcasting in Arabic, Kurdish (two dialects), Turkmen and Syriac were nearly all privately owned, but were strongly influenced by ethnic or political groups. (USSD, 2008) [2o] (p15) Freedom House's 'Freedom of the press' 2008, Iraq stated that "The popularity of foreign satellite television, previously banned under Saddam Hussein except in the northern Kurdish regions where it was legalized in 1991, has increased immensely since the 2003 invasion. Around one-third of all Iraqi families now own satellite dishes." [70f] (p4)

18.04 The BBC Country Profile on Iraq (accessed 4 February 2009) noted the following newspapers were in circulation in Iraq:

- "Al-Sabah - sponsored by state-run Iraqi Media Network;
- Al-Zaman - private London-based daily, printed in Baghdad and Basra; English-language pages;
- Al-Mada - Baghdad, private daily;
- Al-Mashriq - Baghdad, private daily;
- Al-Dustur - Baghdad, private daily;
- Al-Manarah - Basra, private daily." [4dc]

- 18.05 The USSD report 2008 noted: "Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem." [2o] (p15) The BBC country profile for Iraq (accessed 4 February 2009), concurred, stating "Private media outlets are often linked to the political, ethnic or religious groups..." [4dc]
- 18.06 The USSD report for 2008 reported incidents where the government acted to restrict freedom of expression. "The government's 2007 closure of the Baghdad office of the Dubai-based independent Al-Sharqiya satellite television channel continued, although the channel's informal office in the KRG continued to operate." [2o] (p15)

OTHER FORMS OF MEDIA

- 18.07 The Freedom House 'Freedom of the Press' 2008, Iraq noted that "Internet use was severely limited during the Saddam Hussein era, but many internet cafés have opened up since 2003. There are no direct government restrictions on internet access, but owing to the security situation, power failures, and lack of infrastructure, the number of private internet users remains small even by regional standards. [70f] (p4)
- 18.08 The USSD report for 2008 stated that:
- "There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally low for direct access due to a lack of infrastructure in homes. However, the prevalence of internet cafes contributed to extensive usage among Iraqi youth. According to International Telecommunications 2007 data, there were an estimated 14,900 subscribers and 275,000 users." [2o] (p17)
- 18.09 The Brookings Institute Iraq Index, last updated 4 June 2009, reported there were around 820,000 internet subscribers as of April 2009. [88d] (p46)

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JOURNALISTS AND OTHER MEDIA WORKERS

- 18.10 The Committee to Protect Journalists (CPJ) stated, on 18 December 2008, that "For the sixth consecutive year, Iraq was the deadliest country in the world for the press, the Committee to Protect Journalists found in its end-of-year analysis. The 11 deaths recorded in Iraq in 2008, while a sharp drop from prior years, remained among the highest annual tolls in CPJ history." [26n] (p1) The Reporters sans Frontières (RSF) World Report 2009 noted that "Over the past 18 months, Reporters without Borders [sic] has recorded a reduction in violence against journalists. However, the death of two reporters in a suicide attack in March 2009 shows that the dangers still persist." [20b] (p1)
- 18.11 As of 22 June 2009, CPJ recorded that 3 journalists had been killed since the beginning of the year [26b] and RSF reported that 225 journalists and media assistants had been killed since the start of fighting in Iraq in March 2003, two were still missing and 14 had been kidnapped. [20] The USSD report for 2008,

UNHCR April 2009 and UNAMI January-June 2008 papers all provided examples of such incidents. [2o] (p16-17) [40b] (p185-190) [39q] (p18)

- 18.12 The USSD report for 2008 also recorded that: "Media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was used actively against media workers." [2o] (p17)
- 18.13 The UNAMI report, covering 1 July - 31 December 2008, stated that "Journalists and media workers continue to be one of the most vulnerable professional groups in Iraq and are the target of armed groups. During the reporting period, UNAMI continued to receive reports of intimidation, harassment, arrest and killing and injuring of media professionals." The report further mentioned instances where journalists and media workers were targeted by non-governmental forces and also by law-enforcement personnel. [39b] (p18-9)
- 18.14 The UNHCR Guidelines of April 2009 stated that:

"Despite certain security improvements, the targeting of journalists and other media workers continues unabated. ... [Journalists] have been targeted for investigating controversial political or other sensitive issues, including corruption or insurgent/militia activities....

"There are also regular reports about journalists subjected to harassment by the ISF and the MNF-I for alleged links with armed groups, including unlawful searches, confiscation of computers and other personal belongings, arbitrary arrest and prolonged detention without being charged. ... Some journalists have also been killed by MNF-I. There have also been reports of journalists being harassed, beaten and otherwise mistreated by the ISF." [40b] (p185-7)

See also Perceived collaborators and 'soft targets'

- 18.15 The RSF World Report 2009 stated that "After years of impunity, the Iraqi authorities in 2008 set up a special police unit responsible for investigating murders of journalists and even providing armed protection for journalists requesting it. They also established a telephone hotline for journalists at risk." [20b] (p1)

The Media and journalists in the KRG area

- 18.16 The Amnesty International report, 14 April 2009, stated that "In the past few years many media outlets, including satellite television stations, radio stations and newspapers and other publications, have emerged in the Kurdistan Region of Iraq. The majority are financially supported by the KRG. Some belong to the main political parties, the KDP and PUK, but even small political parties such as al-Jama'a al-Islamiya have their own TV stations and newspapers. Despite the increase in freedom of expression, however, the majority of the media outlets follow the official line and avoid criticizing the KRG, the Asayish, the intelligence agencies and the two main political parties." [28b] (p42)

- 18.17 A report by AI, published March 2008, commented that “Journalists [in the KRG] are muzzled and often risk arrest and torture in their daily work.” [28o] (p20) The UNSC report, 20 February 2009, stated that “In the Kurdistan region, journalists were still subject to violent attacks, threats and lawsuits despite the entry into force of a liberal journalism law.” [38a] (p11)
- 18.18 UNAMI’s report covering 1 January-31 June 2008 recorded that:
- “UNAMI continued to receive reports of intimidation and/or arrests of media professionals in the Kurdistan region, in particular those who had reported on issues of public interest. Officials have also filed several criminal defamation complaints against journalists. During the same period of time, KRG human rights authorities have declared to work at improving the situation of journalists.
- “Many newspapers continue to practice self-censorship, and independent journalists are dissuaded by their editors from reporting misconduct by influential politicians, particularly if the politicians were linked to powerful tribes. It is also alleged that in Sulaimaniya, newspaper vendors have been discouraged from distributing independent publications.” [29q] (p19, 21)
- 18.19 The RSF 2008 report noted that “Physical attacks on journalists increased even in Kurdistan, which is fairly safe for the media... Iraqi journalists face new restrictions imposed by the authorities, including a ban in May 2007 on filming the sites of bomb attacks and another in November on going to the Kandil mountains, near the Iraqi-Turkish border, to talk to Kurdish PKK rebels.” [20j] (p155)
- 18.20 The UNAMI, 1 July - 31 December 2008 report, noted:
- “ On 22 September, the Kurdistan National Assembly passed a new journalism law. It was ratified on 11 October by Kurdistan Region President Massoud Barzani and entered into force on 20 October 2008. Under the new law, which has partially decriminalised journalism offences, journalists can be fined, but no longer imprisoned. Newspapers cannot be confiscated or suspended. The vague demand that freedom of the press and the work of journalists must not violate ‘public order and morality’ has also been removed. Journalists are still prohibited from compromising the ‘security of the nation,’ a wording which is similar to the previously used ‘security of the region,’ but which should prevent the prosecutions of media workers for any activities deemed to be anti-Kurdish. Compulsory membership in the Kurdistan Union of Journalists was also abolished. However, journalists have expressed to UNAMI concern that the fines stipulated by such a law could be potentially crippling: one to five million Iraqi dinars (US \$820 to 4,200) for any journalist who violates the journalism law, as well as fines of five to ten million Iraqi dinars (US\$ 4,200 to 8,400) for newspapers that publish news that compromise security, spread fear, hatred, animosity, undermine religious beliefs, interfere with individual privacy or contain libel and slander.” [39b] (p19)
- The UNAMI report however recorded that there were reports judges were ignoring the new legislation. [39b] (p20)
- 18.21 The UNSC report of 6 November 2008 stated that “The situation with regard to journalists and its implications for media independence and freedom was highlighted when a list of journalists who have been threatened because of

their critical views of Kurdistan Regional Government policy was recently publicized.” [38r] (p11)

18.22 The FCO report, 27 March 2009, noted that:

“Farhad Awni, General Secretary of the Kurdish Journalists' Syndicate (KJS), founded in 1998, stated that there had been freedom of the media in the KR since 1991, when the KR established its autonomy from Saddam Hussein's Iraq. Prior to 1991 Kurdish newspapers had to operate underground. KR laws prohibit censorship of the media, protect sources of information and seizure of newspapers' assets. On many levels the KR has been ahead of most countries in the Middle East in its level of media freedom but there are still some difficulties faced by journalists that threaten their independence.

“... UNAMI stated that the media in the KR exercises self-censorship. Some subjects are taboo, particularly allegations of corruption in the KRG and powerful political families. The Kurdistan Journalists Syndicate is able to publicise incidents of harassment of journalists and is effective in protecting their rights. ...

“Farhad Awni, KJS stated that there are cases of interference in the freedom of the media from KRG Ministries, politicians, the police and the courts. Journalists and newspapers risk heavy fines for alleged defamation and alleged criticism of religions. Journalists have also experienced detention and there have been cases of mistreatment by the police of detained journalists. In such cases the KJS has been able to intervene and secure their release from custody. The KJS publishes a report every six months listing cases of violations of media freedom and any incidents of violence against journalists.” [66d] (p18)

18.23 The AI report, 14 April 2009, commented that “Recently, the nascent independent press, especially newspapers such as *Hawlati* and *Awene*, have shown themselves more willing to criticize KRG policies and raise other issues. Among such issues are human rights violations by the Asayish, alleged corruption, nepotism and lack of transparency in KRG ministries and within the two main political parties, and the extent of their influence on all aspects of life in the Kurdistan Region.” [28p] (p42)

18.24 The UNHCR April 2009 paper stated that journalists and writers in the KRG area may be at risk of being targeted by Islamist groups, and gave an example of such a case. [40b] (p189)

See also Perceived collaborators and 'soft targets'

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

19.01 “International aid workers were pulled out of Iraq virtually en masse in 2003 and 2004 as insurgents targeted any foreigners dedicated to the country’s reconstruction.” International aid workers were forced to relocate to neighbouring countries, such as Jordan. (Daily Telegraph, 24 November 2007) [48h]

19.02 The UNHCR Guidelines of April 2009 commented that:

“Despite the fact that UN agencies and international NGOs are slowly strengthening their international presence in Iraq, parallel to the relative security improvements, 1068 aid workers and human rights activists continue to be at risk of targeted violence, including kidnappings and killings. ...

“Many UN and NGO workers and human rights activists are forced to disguise their employment, even within their families, out of fear. In most areas of Iraq, the UN remains dependent on the MNF-I to provide protection for its facilities and the facilitation of staff movements. This physical proximity to the MNF-I may be erroneously perceived as a lack of neutrality or support for the perceived ‘occupiers’ or ‘invaders’. Like journalists, human rights workers are at additional risk because they typically criticize powerful and abusive structures or individuals. In addition, individual staff members remain at heightened risk of being kidnapped for the perceived financial value to be gained through ransom of a UN or NGO person.” [40b] (p190-1)

See also Perceived collaborators and ‘soft targets’

19.03 The USSD report for 2008 noted that:

“The government’s cooperation with NGOs and with the UN and its agencies on human rights issues was minimal, generally citing varied security restrictions. On May 4 [2008], the government signed an agreement with the ICRC, granting it legal status and permanent representation in the country. ICRC also has increased access to visit detainees at central government detention facilities due to verbal agreements it has with several ministries that grant it unrestricted access to all detention facilities. A prime ministerial order declared that only ICRC and MOHR had unrestricted access to all detention facilities in the country except those run by the KRG. ICRC had a separate agreement with the KRG for unrestricted access to KRG detention facilities.

“All nongovernmental investigations of alleged human rights violations, such as access to prison and detention facilities, continued to be highly restricted. The government attributed restrictions to the security situation and its policy of allowing only MOHR and ICRC unrestricted access to detention facilities. The government generally did not permit detention center or prison visits by NGOs. However, the MOHR did meet with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations.

“During the year activity and advocacy by the country’s relatively new NGOs remained weak overall. At the end of the year more than 6,000 NGOs were registered, although according to the director of the NGO Office, only approximately 1,800 were operational, including 235 human rights NGOs

and 181 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern.

"The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. Only one office in the country, located in Baghdad, accepted registrations for NGOs. Unlike the previous year, NGOs did not have their assets frozen arbitrarily by the government, according to two well-established NGOs...

"During the year, unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur.

"Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs." [2o] (p26-27)

- 19.04 The UNSC report of 28 July 2008 stated that "Twenty-three Iraqi and international non-governmental organization projects were funded in the first half of 2008 by the Expanded Humanitarian Response Fund for Iraq, with grants of up to \$400,000 to deliver emergency relief assistance to the most vulnerable Iraqis or those most affected by conflict. To date, 24 per cent of the \$20 million requested (\$4.8 million) has been contributed." [38q] (p10)

See also Humanitarian Issues.

- 19.05 Amnesty International reported, on 11 March 2009, that "numerous NGOs have been established since the US-led invasion in 2003. Many of them focus on the empowerment of women in Iraq and cover a wide range of activities, including health care, income-generating projects, education, vocational training, legal assistance and protection of women at risk." [28s] (p60)

See also Women

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS IN THE KRG AREA

- 19.06 The Internal Displacement Monitoring Centre (IDMC) report, published 29 December 2008, stated that "Since 2004 international staff of most INGOs have relocated to KRG and neighbouring countries, and run the operations directly through national staff or in partnership with national NGOs." [50b] (p20)
- 19.07 The USSD report for 2008 commented that "The Kurdish areas, which have been largely autonomous since 1991, were able to develop a stronger NGO community, although many Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs." [2o] (p27)
- 19.08 The FCO report, 27 March 2009, stated that:

"George Mansour, KRG Minister for Civil Society Affairs stated that the KRG worked closely with NGOs to develop and strengthen the civil society sector in the KR. The Ministry's main aim was to help organise, not interfere with,

NGOs and civil society organisations (CSOs) and the Ministry enjoys good working relations with NGOs and civil society organisations.

“Minister Mansour stated that the law governing the licensing of NGOs and CSOs was passed by the KNA in 2001. Applications for licences for NGOs and CSOs are handled by the Interior Ministry. The Ministry of Civil Society Affairs can recommend and support licences for NGOs and CSOs to the Interior Ministry. To date all requests for licences have been granted...

“... ICRC stated that KR security agencies keep a close watch on the activities of local and international NGOs and community organisations although there is no direct interference in their work. Telephones are routinely tapped and NGO staff have been aware of being followed discretely by people assumed to be from the KRG security agencies.” [66d] (p19)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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20. CORRUPTION

20.01 The Iraqi government ratified the United Nations Convention against Corruption in April 2008. (UNSC, 6 November 2008) [38r] (p8) The USSD report for 2008 however commented that there was corruption within the government, security services, and courts. [2o] (p1,9,11) The AI report, published on 16 March 2008, commented that corruption, along with poor security and violence, had slowed Iraq's reconstruction after the 2003 invasion. [28o] (p1) Transparency International's report, published on 25 June 2008, which ranked Iraq as 178th most corrupt out of 180 countries, stated that corruption in Iraq was "one of the main obstacles to progress in the reconstruction process." [51c] (p180)

20.02 The AI report, published on 17 September 2008, stated:

"Very serious failures have occurred in the effective management of huge quantities of weapons and munitions supplied to Iraq since 2003... This mismanagement and the resulting diversion of arms have also exacerbated the high levels of armed violence and human rights abuse in large parts of Iraq. This has been compounded by the large scale of corruption within the Iraqi MoD involving millions of missing US dollars from funds allocated to defence contracts and the failure of the US government to ensure accountability and oversight." [28q] (p42-3)

20.03 The USSD report for 2008 further stated that:

"The law provides criminal penalties for official corruption; however, large-scale corruption pervaded the government, and public perception of government corruption continued to be high. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the 'de-Ba'athification' process to further political and personal agendas.

"Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role, partly due to a lack of effective legislation, as well as lack of political will to eliminate widespread corruption. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency." [2o] (p24)

20.04 The USSD report for 2008 noted that:

"The COI [Commission of Integrity, formerly the Commission on Public Integrity], formed in 2004, is the government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The COI, with a staff of 1,285, which reports to the commissioner of integrity and legislature, has the authority to refer cases for criminal prosecution. Since its establishment, the COI sent to trial only 300 of more than 4,000 cases under investigation and 143 persons were convicted on corruption charges...

"Political parties subjected the COI to a number of high-level attempts to influence prosecutions. Members of the legislature also reportedly attempted to pressure the court on numerous occasions.

“There were allegations that during the year, government authorities along party lines avoided pursuing prosecutions of document fraud and misrepresentation of credentials.” [2o] (p24-26)

- 20.05 The UNCHR Guidelines of April 2009 further stated that “The Iraqi Government has made little progress in holding accountable government officials for corruption or involvement in sectarian violence.” [40b] (p157)
- 20.06 The USSD report also mentioned that “Both the COI and the inspection system remained vulnerable during the year. There was widespread intimidation, but there were fewer killings and attacks than the previous year against COI employees, inspection personnel, witnesses, and family members involved with COI cases.” [2o] (p24)

See also Perceived collaborators and ‘soft targets’

- 20.07 On 25 May 2009, RFE/RL reported on the resignation of the trade minister, Abd al-Falah al-Sudani, over allegations of corruption connected to the Iraq’s food import program. [22b] The *Independent* reported, on 2 June 2009, on the arrest of al-Sudani, and stated he “appeared in court yesterday on charges of corruption at the Trade Ministry which imports and distributes some \$5bn (£3bn) worth of food aid rations. His arrest was reportedly ordered by the Iraqi Prime Minister Nouri al-Maliki who has pledged to clamp down on corruption.” [85b]

- 20.08 The *Independent* further reported, on 29 May 2009, on the corruption scandal and stated that:

“Corruption at the Trade Ministry is an important issue in Iraq because the ministry is in charge of the food rationing system on which 60 per cent of Iraqis depend. Officials at the ministry, which spends billions of dollars buying rice, sugar, flour and other items, are notorious among Iraqis for importing food that is unfit for human consumption, for which they charge the state the full international price.

“The scandal first erupted in April when police, entering the Trade Ministry in Baghdad to arrest 10 senior officials accused of corruption and embezzlement, were greeted with gunfire by the ministry’s own guards.” [85a]

- 20.09 RFE/RL reported, on 30 May 2009, that:

“An anticorruption bill recently submitted to the Iraqi parliament for approval has been amended to also combat graft and nepotism following Trade Minister Abdul Falah al-Sudani’s resignation, RFE/RL’s Radio Free Iraq (RFI) reports.... Judge Abdul-Rahim al-Ugaily, the head of the anticorruption commission, told RFI on May 28 that the anticorruption bill drafted by the commission and currently debated in parliament meets UN anticorruption standards ... Al-Ugaily said that 396 people -- including five senior officials -- have been convicted of dishonest acts since the commission was set up in 2004. He underlined that the commission’s work is of great importance to an ongoing campaign involving the security forces and the Prime Minister’s Office in which 69 suspects have been arrested in May, including 33 detained on May 24 on arrest warrants issued against them by the judiciary.” [22c]

CORRUPTION IN THE KRG AREA

20.10 The USSD report of 2008 noted that:

“On August 25 [2008], the KRG established a corruption committee, comprised of seven KRG ministries, to review the level of corruption and make recommendations on how to prevent corruption. KRG Minister of Planning Othman Shwani headed the committee. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures.

“Local business organizations in the KRG complained that the KRG did not publicly tender contracts in sufficient time to allow local business owners to compete, and that political and personal favoritism determined the results....

“There were reports that various government ministries employed a substantial, but undetermined number of nonexistent ‘ghost’ employees with multiple records and duplicate salaries. During the year in the KRG there were roughly one million employees on the government payroll out of a total population of approximately three million.” [20] (p26)

20.11 The FCO report, 27 March 2009, noted that:

“Nawshiran Mustafa [a former deputy leader of the PUK and PUK Politburo member and now an independent politician] stated that the KR public was dissatisfied with the present political structures dominated by the governing PUK and KDP-led coalition. The main concerns are corruption and a lack of transparency in KRG budgets. The KRG receives 17% of Iraq's oil revenue, which to date amounts to US\$25 billion, but the public do not feel that there is much evidence of this money being invested in infrastructure and public services. Budgets are not published and there is a feeling that much of the money allocated from Baghdad is expropriated by corrupt KRG politicians. Declared support for the two main parties is needed to secure employment in the KR public sector. The private sector is dominated by businesses affiliated to the two main parties. KRG overseas offices are run by family members and friends of the leaders of the KDP and the PUK.” [66d] (p8)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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21. FREEDOM OF RELIGION

- 21.01 Article 2 of the Constitution stipulates that Islam is the official state religion and that no law may be enacted to contradict Islam. Article 2(2) states that the Constitution "... guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabaeans." (The Constitution of Iraq) [82a] (p2) Article 41 of the Constitution stipulates that "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law." Article 42 states "Each individual shall have the freedom of thought, conscience, and belief." (The Constitution of Iraq) [82a] (p12)
- 21.02 The USSD International Religious Freedom 2008, published on 19 September 2008, stated that "At the end of the reporting period, national identity cards continued to note the holder's religion; however, passports do not." [2n] (p3) The report further mentioned that "Since 2003 the Government has generally not engaged in the persecution of any religious group, calling instead for tolerance and acceptance of all religious minorities." Although the government generally respected these rights in practice, insurgents and militias often did not. [2n] (p1)
- 21.03 Insurgents and criminal gangs were reported to have harassed, intimidated, kidnapped and at times killed members of specific religious groups, particularly Shi'as, Kurds and Christians. Insurgents and criminal gangs also targeted the places of worship of religious groups. (USSD International Religious Freedom report 2008) [2n] (p3-7) The UNHCR Guidelines of April 2009 commented on various targeted assassinations of religious groups. [40b] (p171-179)
- 21.04 The USSD International Religious Freedom report 2008 noted that "Despite the tenuous security environment and the Government's preoccupation with fighting the insurgency and rebuilding the country's infrastructure, the Government took some positive steps with respect to religious freedom during the reporting period." [2n] (p7)
- 21.05 The USSD report for 2008 noted that "Sectarian attacks appeared to decline during the reporting period. All groups continued to report receiving death threat letters demanding they leave their homes. The government took action to restrain and punish violence and discrimination, such as focusing military operations in areas with heavy militia activity and providing more security for groups facing sectarian threats." [2o] (p19)
- 21.06 The USSD report for 2008 also stated that:
- "There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.
- "Religious groups are required to register with the government. The requirements include having at least 500 followers. Unlike previous years, non-Muslims did not report that the government disregarded their religious holidays. On December 20, the MOI sponsored a public Christmas event in Baghdad, which was well attended by Christians and Muslims." [2o] (p18)

See also [Christians](#); [Sectarian violence](#)

- 21.07 The UNHCR Guidelines of April 2009 reported that religious minority groups inhabited some of the 'disputed areas' sought by the KRG to be incorporated into the Kurdistan region, such as the towns and villages in the Ninewa Plains and Sinjar District. [40b] (p112)

See also Security situation; Kirkuk and Mosul

- 21.08 The UNHCR Guidelines of April 2009 also recorded that:

"In the current climate of religious intolerance, the conversion of a Muslim to Christianity would result in ostracism as leaving Islam is unacceptable in many communities and families. In certain cases, there is a risk that the convert might be killed by his/her own family members, who consider themselves disgraced by the person's conversion. According to Shari'a Law, a Muslim who converts to Christianity is considered an apostate and the punishment can be execution. Although not forbidden by law, Iraq does not recognize conversions from Islam to Christianity or to other religions. Converts have no legal means to register their change in religious status. Iraq's Personal Status Law (Law No. 188 of 1959) denies converts any inheritance rights. Furthermore, Muslims who convert to Christianity may, in practice, be subject to other forms of severe discrimination, as their family/community may force their spouses into divorce or confiscate their properties. In addition they are reportedly often harassed by government officials and police. It is highly unlikely that a crime committed against a convert, be it by his/her family or by Islamist groups, would be properly investigated and prosecuted in the Central and Southern Governorates." [40b] (p175)

- 21.09 The UNHCR report also commented that:

"Since 2003, inhabitants in areas under control of Sunni and Shi'ite extremist groups have been increasingly pressured to follow strict Islamic rules and were otherwise intimidated or even killed. Liquor, music or barber shops were regularly attacked as were persons considered to be dressing or behaving in an 'un-Islamic' way. Numerous singers, musicians and other artists fled the country in recent years. This happened, for example, in Basrah, where Shi'ite extremists had been terrorizing the population. Recent security developments in some areas of Iraq resulted in the re-establishment of a certain amount of freedom for the civilian population and strict Islamic rules appear to have been eased. However, there continue to be occasional attacks on music stores, hairdresser saloons and alcohol shops in areas where extremist groups still have a presence, in particular in Mosul, Baghdad Kirkuk and Basrah." [40b] (p171-2)

See also Perceived collaborators and 'soft targets'

MIXED MARRIAGES

- 21.10 A report by AI, published March 2008, stated "The sectarian violence has forced some women to marry within their own sect. In some cases women have been forced by their relatives to divorce because their husband is from a different sect." [28o] (p17)

SECTARIAN VIOLENCE

- 21.11 The Congressional Research Service paper, 2 March 2009, stated that “The severe phase of sectarian violence was set off by the February 22, 2006, AQ-I bombing of the Askariya Shiite mosque in Samarra, which set off a wave of Shiite militia attacks on Sunnis in the first days after the mosque bombing.” [156a] (p33) The USSD report for 2008 stated that “Religious-based violence between Shia and Sunni Arabs continued to decline since mid-2007. The reduction in sectarian violence enabled Shia pilgrims to travel to Samarra and visit the remains of the Al-Askariya Shrine.” [2o] (p19)
- 21.12 The IGC report, published 7 February 2008, stated that in Baghdad, sectarian fighting gradually came to an end by mid-2007. [25i] (p8) UNHCR’s Guidelines of April 2009 reported this was due to factors “including the turning of tribal and former insurgent groups’ against AQI, repeated JAM ceasefires, the surge of 30,000 US troops and their enhanced presence in Baghdad’s streets and, arguably, the de facto segregation of formerly mixed due to sectarian cleansing.” [40b] (p91) Other sources also suggested that this decrease in fighting reflected the completion of sectarian cleansing in different areas. (IGC, 7 February 2008) [25i] (p8) (Jane’s, 18 February 2008) [14c] (p1) This phenomenon occurred in Baghdad, which used to be a predominantly Sunni city in 2003 but subsequently became a Shi’ite-majority city. [40b] (p92)
- 21.13 Insurgents reportedly attacked mosques and Sunni and Shi’a towns and neighbourhoods. They were also responsible for killing Sunni and Shi’a clerics, religious leaders and civilians of both sects. (USSD International Religious Freedom report 2008) [2n] (p4-7)
- 21.14 On 26 March 2008, BBC News reported that intra-Shi’ite fighting between rival armed groups, including the Mehdi Army, had broken out in Basra, with at least 30 people being killed in the violence. The fighting was also reported to have spread to Baghdad’s Sadr City, where Mehdi Army fighters ordered Iraqi police and soldiers to leave the district. The article also reported that the Mehdi Army ceasefire had come under strain during previous weeks as the US and Iraqi army detained members of the militia. [4cw] Reuters listed the main forces responsible for the violence as the Mehdi Army (Sadr Movement); the Supreme Islamic Iraqi Council (SIIC); the Fadhila Party, a small Shi’ite Islamist party believed to have influence in the region and in the Southern Oil Company, responsible for supplying funds to the government; the Iraqi security forces and British forces. (Reuters Factbox: Main players in Iraq’s Basra, 25 March 2008) [7e]
- 21.15 The UNSC report of 20 February 2009 stated that:
- “The major religious event of the period, the Ashura commemoration of the death of Imam Hussein, was marred by violent attacks on pilgrims travelling to Baghdad and Karbala in the first week of January. Two mass-casualty attacks at the Imam Moussa al-Hussein Shrine in Baghdad in the lead-up to Ashura claimed the lives of over 50 pilgrims, with dozens of others killed or injured in roadside bombings or armed assaults in the same period.” [38a] (p12)
- 21.16 The UNHCR Guidelines of April 2009 recorded that:
- “Despite a drastic reduction in sectarian violence between Sunnis and Shi’ites, there continue to be reports of attacks on Sunnis living in Shi’ite-

dominated areas and Shi'ites living in Sunni-dominated areas. Commonly, this type of violence is committed by extremist groups stirring sectarian strife. Sunnis and Shi'ites displaced from formerly mixed areas or areas in which they used to be a minority most frequently choose to return to areas in which their sect now constitutes a majority. According to UNAMI HRO [Human Rights Office], the small Sunni community in Basrah continues to be targeted with intimidation and property damage to forcibly evict them, kidnappings and assassinations. UNAMI HRO received a report of 15 cases of kidnapping and the killing of 12 Sunnis in Basrah. However, latest reports indicate that Sunnis are increasingly returning to Basrah." [40b] (p178)

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Shi'a Muslims

- 21.17 The USSD country report on Terrorism for 2008, published 30 April 2009, stated that:

"On April 19, in published comments in response to the operations, Muqtada al-Sadr threatened to wage 'open war until liberation' against the Iraqi government unless it agreed to stop targeting Mahdi Army members. Attacks by Mahdi Army members increased in Baghdad's Sadr City neighborhood after Sadr's statement. However, Iraqi Foreign Minister Hoshiyar Zebari vowed, in response, that the Iraqi government would continue to pursue militias. Although attacks by militants have since sharply decreased, Shia militant groups' ties to Iran remained a challenge and threat to Iraq's long term stability." [2b] (p5)

- 21.18 There were further reports of attacks on Shia shrines in 2008 and 2009; on 29 November 2008, BBC News reported that a suicide bomber killed nine people in an attack on a Shia shrine in Musayib, south of Baghdad. [4dr] On 4 January 2009, BBC News reported that a female suicide bomber had killed at least 25 Shia pilgrims near a shrine in Baghdad. [4dq]

Sunni Muslims

- 21.19 The USSD International Religious Freedom report for 2008 commented that "Sunnis form the majority in the west, center, and the north of the country." [2n] (p1)

"Sunni Muslims also continued to claim general discrimination during the reporting period, alleging that it was due to an ongoing campaign of revenge by the Shi'a majority for the Sunnis' presumed favored status and abuses of Shi'a under the former regime, and also because of the public's perception that the insurgency was composed primarily of Sunni extremists and former regime elements with whom the majority of the Sunni population supposedly sympathized. While some within the Sunni community supported and even assisted the insurgency, many Sunnis strongly denounced the insurgency." [2n] (p7)

Wahhabi branch of the Islam

- 21.20 The USSD International Religious Freedom report 2008 noted "... a 2001 resolution prohibits the Wahhabi branch of Islam. While provisions on freedom of religion in the new Constitution may supersede these laws, no

court challenges have been brought to have [it] invalidated, and no legislation has been proposed to repeal [it].” [2n] (p3)

Baha'i faith

- 21.21 The USSD International Religious Freedom report 2008 recorded “Law No. 105 of 1970 prohibits the Baha'i faith.” “While provisions on freedom of religion in the new Constitution may supersede [Law No. 105 of 1970], no court challenges have been brought to have [it] invalidated, and no legislation has been proposed to repeal [it]. (USSD International Religious Freedom report 2008) [2n] (p3)

“Law No. 105 of 1970 prohibits the Baha'i faith in Iraq, although this runs counter to constitutional guarantees relating to the freedom of religion. Based on this law and other regulations, the Government of Iraq continues with discriminatory practices against the Baha'i. In 1975, the Directorate of Civil Affairs issued Decision No. 358 providing that civil status records, which contain all information relevant to the civil status of Iraqi persons such as birth, marriage, divorce, etc, can no longer indicate ‘Baha'i’ as religion. Instead, one of the three Abrahamic religions, i.e. Islam, Christianity or Judaism, had to be indicated.” (UNHCR, August 2007) [40j] (p82)

See also Citizenship and nationality

- 21.22 The USSD report for 2008 noted that “Since the MOI's April 2007 cancellation of its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, six or seven Baha'is have been issued identity cards. There were reported implementation problems, limiting the numbers of Baha'is who received the identification cards.” [2o] (p19)
- 21.23 The Brookings report, December 2008, stated that Baha'i had few rights and were not recognised as citizens. [88e] (p13) UNHCR's Guidelines of April 2009 reported that:

“Despite some improvements as regards the legal situation of the Baha'i in Iraq, members of this small religious community continue to face administrative discrimination due to their not yet fully clarified legal situation and bureaucratic ignorance or idleness. In addition, they are potentially at risk of persecution at the hands of extremist groups, who may consider them ‘infidels’ and/or supporters of Israel.” [40b] (p178)

NON-MUSLIM RELIGIOUS GROUPS

- 21.24 Members of non-Muslim religious groups were targeted for not adhering to strict Islamic law. (USSD International Religious Freedom report 2008) [2n] (p5) For instance, there were reports of stores that provided unIslamic goods, such as alcohol, which were bombed, looted and defaced. Women and girls were threatened, attacked and sometimes killed for not wearing the hijab or for dressing in ‘western-style’ clothing. (USSD International Religious Freedom report 2008) [2n] (p5)
- 21.24 The USSD International Religious Freedom report 2008 noted that “Non-Muslims, particularly Christians and Yazidis, complained of being isolated by the Muslim majority because of their religious differences. Many non-Muslims

continued to complain they were disenfranchised, marginalized, and not adequately represented.” [2n] (p7)

21.25 Further: “The combination of discriminatory hiring practices by members of the majority Muslim population, attacks against non-Muslim businesses, corruption, and the overall lack of rule of law, also had a detrimental economic impact on the non-Muslim community and contributed to the departure of significant numbers of non-Muslims from the country. (USSD International Religious Freedom report 2008) [2n] (p7)

21.26 It was reported by the UNSC that in the lead up to provincial elections on disputed territories, the rights and security of minority groups in these regions (Ninawa, Tamin and Diyala) was of concern. Further: “Reports have also been received of minority groups being forced to identify themselves as either Arabs or Kurds and prohibited from using their own languages, which is contrary to the Iraqi Constitution, which protects minority rights.” (UNSC, 6 November 2008) [38r] (p11)

See also [Recent developments](#).

21.27 The USSD report for 2008 noted that: “Religious groups are required to register with the government. The requirements include having at least 500 followers. Unlike previous years, non-Muslims did not report that the government disregarded their religious holidays. On December 20 [2008], the MOI sponsored a public Christmas event in Baghdad, which was well attended by Christians and Muslims.” [2o] (p18)

21.28 The UNHCR Guidelines of April 2009 stated that:

“Political and religious extremism after the fall of the former regime has had a particularly harsh effect on minority groups, which commonly do not have strong political or tribal networks and represent soft targets for radical elements that consider them as ‘infidels’ or supporters of the Iraqi Government and/or the MNF-I and pressure them to conform to strict interpretations of Islamic rules in terms of their dress, social patterns and occupations. Minority groups such as Yazidis, Shabak and Kaka’i, who are often identified as ethnic ‘Kurds’, have also been targeted based on their (perceived) Kurdish ethnicity. ...

“Since 2003, members of religious and ethnic minorities have become regular victims of discrimination, harassment and serious human rights violations, with incidents ranging from intimidation and threats to the destruction of property, kidnapping, rape, forced conversion and murder. As a result of sustained attacks on minority groups, their numbers have dwindled significantly since the fall of the former regime in 2003. According to UNAMI HRO, members of minority groups continue to be attacked with ‘total impunity’ and the US Commission on International Religious Freedom said that Iraq’s leaders were tolerating attacks on religious minorities. Criminal groups have also singled out members of certain religious minorities given their particularly vulnerable status and/or their perceived wealth. ...

“[UNAMI HRO] further said that it had received reports that members of minority groups were allegedly forced to identify themselves as Kurdish or Arab in order to obtain access to education or health services.” [2o] (p171-3)

See also [Perceived collaborators and 'soft targets'](#); [Ethnic groups](#)

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Non-Muslims in the KRG area

21.29 The USSD International Religious Freedom report 2008 noted that:

“There were allegations that the Kurdistan Regional Government (KRG) engaged in discriminatory behavior against religious minorities. Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. Assyrian Christians alleged that the Kurdistan Democratic Party (KDP)-dominated judiciary continued to discriminate routinely against non-Muslims and failed to enforce judgments in their favor. Despite such allegations, many non-Muslims fled to the north from the more volatile areas in the middle and southern parts of the country, where pressures to conform publicly to narrow interpretations of Islamic tenets were greater. In May 2008 IOM estimated there were 58,600 internally displaced persons in the Ninewa Plain.” [2n] (p4)

See also [Christians](#).

21.30 The USSD report of 2008 recorded that: “Members of religious minorities continued to flee to the KRG to escape targeted violence, particularly against Christians. In October, violence against Christians in Mosul prompted over 2,000 families to flee to safe-havens in remote parts of Ninewa Province and the KRG. By year's end more than half the families had returned to their home.

“During the year, there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land.” [2o] (p18-19)

21.31 The UNHCR's Guidelines of April 2009 reported that “In the three Northern Governorates of Dahuk, Erbil and Sulaymaniyah, the rights of religious minorities are generally respected and they can worship freely without interference by the Kurdish authorities. A significant number of members of religious minorities, in particular Christians, have sought refuge in the region. The general population does not tolerate a Muslim's conversion to Christianity and, accordingly, law enforcement organs may be unwilling to interfere and provide protection to a convert at risk.” [40b] (p179)

See also [Christians in the KRG](#)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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Christians

- 21.32 The Minority Rights Group (MRG) report of 2008 stated “Iraq’s Christian minorities, from the ancient communities of Chaldo-Assyrians and Syriac-speaking Orthodox Christians to the Armenians who fled to Iraq from the Ottoman Empire early in the twentieth century [sic], are now all under severe threat.” [121c] (p152) The USSD International Religious Freedom report for 2006 stated that:

“The Chaldean and Assyrian Christians are descendants of the earliest Christian communities, and they share a similar cultural and linguistic background. Both communities speak the same ancient language (Syriac); however, they are considered by many to be distinct ethnic groups. Chaldeans recognize the primacy of the Roman Catholic Pope, while the Assyrians, who are not Catholic, do not. While some Chaldeans and Assyrians considered themselves Arab, the majority, as well as the Government, considered both groups as ethnically distinct from Arabs and Kurds.” [2f] (p2)

- 21.33 The Brookings Institute report, published 30 December 2008, stated there were 6-800,000 Christians remaining in Iraq. [88e] (p8) The USSD report on International Religious Freedom 2008, recorded that:

“Reported estimates of the Christian population in 2003 range from 800,000 to 1.2 million. Current population estimates range from 550,000 to 800,000. Approximately two-thirds of Christians in the country are Chaldeans (an eastern rite of the Catholic Church), nearly one-third are Assyrians (Church of the East), and the remainder are Syriacs (Eastern Orthodox), Armenians (Roman Catholic and Eastern Orthodox), Anglicans, and other Protestants. Most Assyrian Christians are found in the north, and most Syriac Christians are split between Baghdad, Kirkuk, and the Ninewa province. It is estimated that as much as 50 percent of the country’s Christian population live in Baghdad, and between 30 and 40 percent live in the north, with the largest Christian communities there located in and around Mosul, Erbil, Dohuk, and Kirkuk. The Archbishop of the Armenian Diocese reported that 15,000 to 16,000 Armenian Christians remained in the country, primarily in the cities of Baghdad, Basrah, Kirkuk, and Mosul. It was reported that evangelical Christians number between 5,000 and 6,000. They can be found in the northern part of the country, as well as in Baghdad. A very small number reside in Basrah.” [2n] (p1)

- 21.34 The USSD International Religious Freedom report 2008 detailed kidnappings and assassinations of Christian, Syriac Orthodox and Assyrian Orthodox religious leaders by terrorist groups. [2n] (p7) The UNAMI Human Rights report for the period 1 January-30 June 2008 stated that:

“UNAMI HRO had received 17 reports of attacks and kidnappings against Chaldo-Assyrians (Christians) throughout Iraq, which resulted in at least ten assassinations. Nine incidents occurred in Mosul, and the rest were registered in Basra, Baghdad and Kirkuk.” The report mentioned the murder of Archbishop Paulos Faraj Rahho of the Chaldean Church of Mosul in February 2008. [39q] (p17)

“Accounts of attacks against Christian sites have been registered; on 6 January [2008], seven churches and monasteries in Mosul and Baghdad were attacked during Orthodox Christmas celebrations and in January, St.

Maskinta's church, which also is orphanage for girls, was damaged by explosion." [39q] (p17)

- 21.35 The UNSC report, 6 November 2008, stated that "Starting in August [2007], attempts at intimidation against Christians in Mosul were reported with a dramatic increase in violence in the first two weeks of October 2008. Over 2,200 families, more than 10,000 individuals, have reportedly fled their homes and most have sought temporary shelter in the Ninawa plains, leading my Special Representative to publicly express concern and strongly condemn the killing of civilians on 12 October. The development comes at a very sensitive time, and against a backdrop of heightened political tensions regarding the unresolved issues of minority representation in the provincial elections and disputed internal boundaries." [2n] (p1)
- 21.36 The IOM, in their report of 1 November 2008, commented on Christians fleeing violence in Mosul, and stated that "The majority left to safer parts of Ninewa, while some also fled to Dahuk, Erbil, and Kirkuk governorates. Iraqi Security Forces have been deployed to secure the area, after which the murders and displacement have significantly decreased." [111k] (p2)
- "Christian leaders stated in press reports that 500 families left the Doura District [Baghdad] between April and May 2007, and the United Nations High Commission for Refugees (UNHCR) reportedly counted at least 100 families fleeing Doura. Due to the improved security situation this reporting period, a number of Christian families returned to their Doura homes." (USSD International Religious Freedom Report 2008) [2n] (p6)
- 21.37 The UNHCR Guidelines of April 2009, stated that "Given the Iraqi Government's commitment to provide protection to Mosul's Christians and somewhat improved security conditions, a number of displaced Christians decided to return to their homes; however, many are still too fearful to return." [40b] (p173-4)
- 21.38 UNAMI's report covering 1 July-31 December 2008 stated that "Towards the end of 2008, some 80% of the displaced Christians returned to their homes in and around Mosul." [39b] (p16)
- 21.39 Christian women also faced increasing pressure to adhere to strict Islamic dress codes and to cover their hair with a veil. (RFE/RL, 17 April 2008) [22y] (USSD International Religious Freedom 2008) [2n] (p5) (Minority Rights Group, 6 March 2008) [121c] (p151) (Brookings Institute, December 2008) [88e] (p12)
- 21.40 RFL/RE reported, on 17 April 2008, that al-Sadr's militia, the Mahdi Army had been one of the main perpetrator of violence against Christians in Iraq. [22y] The Brookings Institute report of 30 December 2008 also noted that al-Qaeda in Iraq had demanded protection money from Christian families. [88e] (p12)

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Christians in the KRG area

- 21.41 The USSD report for 2008 stated that "In October [2008], violence against Christians in Mosul prompted over 2,000 families to flee to safe-havens in

remote parts of Ninewa Province and the KRG. By year's [2008] end more than half the families had returned to their home." [2o] (p18-19)

- 21.42 The IOM December 2008 report commented that at the end of the reporting period (June-December 2008) Erbil was host to around 150 Christian families who had recently been displaced from Mosul into Ainkawa district, Erbil. [111o] (p7)

- 21.43 The Immigration and Refugee Board of Canada (IRB) reported, on 15 January 2009, that:

"The Kurdistan region has been a destination for internally-displaced Christians. According to Prime Minister Nechirvan Barzani of the Kurdistan Regional Government (KRG), 20,000 Christian families have settled in the Dohuk and Erbil governorates since 2003. This number could not be corroborated among the sources consulted by the Research Directorate. KRG Prime Minister Barzani has stated that Christians are welcome in the Kurdistan region and that the government is assisting Christians with employment, rebuilding 100 villages and helping families by providing monthly stipends.

"However, some Iraqi Christians in the Kurdistan region have complained of a lack of employment and opportunities... the cost of living is high and the monthly stipend (approximately 80 US dollars) lasts only about four days; there are also shortages of kerosene, water, electricity and accommodations.

"According to the Chaldean Culture Society, only Christians with sponsors are able to settle in the Kurdistan region. The US International Freedom of Religion Report 2008 and the IWPR report that the KRG has confiscated the property of Christians and that there are allegations of discrimination against non-Muslims." [139b] (p4-5)

- 21.44 The FCO report, 27 March 2009, noted that:

"George Mansour, KRG Minister for Civil Society Affairs, stated that the position of Christians in the KR was good. Christians enjoy full freedom of worship in the KR. Christians are represented in the KRG and the Kurdish National Assembly (KNA), the KRG's parliament. There are currently two Ministers in the KRG who are Christians; Minister Mansour and the Tourism Minister. The KRG's previous Finance Minister was a Christian. Christians are well represented in the KNA, with four seats reserved for Christians. This quota will be increased to five. There is also a seat reserved for a representative of the Armenian Orthodox community.

"Minister Mansour stated that there are no difficulties for Christians in the KR in day-to-day life. There is no discrimination in employment against Christians. The main obstacle to securing employment in the KR can be political affiliation rather than religion or ethnicity. The two main parties, the KDP and the PUK, are not religious based organisations." [66d] (p10)

- 21.45 Regarding employment prospects, a Brookings Institute report, published 30 December 2008, noted "there are reports that Christians cannot get jobs unless they join the Kurdish Democratic Party of KRG President Massoud Barzani." [88e] (p13)

21.46 The FCO report, 27 March 2009, noted that:

“Minister Mansour and Rawand Polis Georgis, Director for Relations and Organisations' Affairs in the Ministry of Civil Society Affairs, stated that most large cities and towns in the KR had Christian areas. In Erbil for example the Ainkawa area is predominantly Christian. Non-Christians would not face any difficulties living in mainly Christian districts and Christians are able to live without difficulty in mainly Muslim districts. There are Christian newspapers in the KR and a Christian television station in Erbil.

“Minister Mansour and Rawand Polis Georgis stated that people in mixed religious relationships could face very real difficulties in the KR. All marriages in the KR are religious and it is not possible to have a legal mixed marriage. People very rarely form relationships outside their religion and those that do are likely to face ostracism from their families and communities.

“[The] UNHCR stated that the position of Christians in the KR was generally good. In addition to KR-resident Christians the KR hosted Christian IDPs from other parts of Iraq and looked after them well. Many of the Christian IDPs were from Kirkuk and Mosul, disputed areas close to the KR, but there were also Christian IDPs from other parts of Iraq.

“... the German Consulate, Erbil stated that Christians faced no difficulties in Erbil. The mainly Christian district of Ainkawa in Erbil has several churches, which operate without any difficulties. There are also stores and restaurants openly selling alcohol in Ainkawa that trade without any difficulties from either the authorities or non-Christian members of the community.” [66d] (p10)

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

Sabean Mandaean

21.47 The Minority Rights Group (MRG) report, published 6 March 2008, stated “The Mandaean-Sabeans are an ancient people whose faith dates back to pre-Christian times... The Mandaean faith is centred around John the Baptist.” [121c] (p152)

21.48 The UNHCR August 2007 report recorded that “The traditional centres of the Sabaeen-Mandaeans are in Southern Iraq, in the marsh districts and on the lower reaches of the Euphrates and Tigris rivers, including the towns of Amarah, Nassriyah and Basrah and at the junction of the two rivers at Qurnah, Qal'at Saleh, Halfayah and Suq Ash-Shuyukh. Communities of varying size are found in the centre and north of Iraq, including in Baghdad, Al-Kut, Diwaniyah, Fallujah, Kirkuk and Mosul. According to Sabaeen-Mandaean sources, the largest communities are located in Baghdad and Basrah.” [40j] (p68)

21.49 The MRG report further of 2008 noted that “Today, it is estimated that only 5,000 Mandaeans remain in Iraq, mostly in Baghdad, and in the area around Basra.

“Since the US-led invasion of Iraq in 2003, Mandaeans have been the specific targets of violence. Mandaean women and children have been kidnapped and forcibly converted to Islam by rape, circumcision, physical beatings and even burning by bonfire. The community has suffered the looting and destruction of their homes and businesses ...

“Mandaeans do not have the protection of tribal structures, and their pacifism means they will not turn to violence, even in self-defence. Thus they are among the most vulnerable communities in Iraq. They daily face the harrowing dilemma: convert, leave or die.” [121c] (p152)

21.50 The MRG 2008 report commented that for most Mandaeans, relocation to the KRG was not an option, as few had family or community ties in the area. [121c] (p152)

21.51 The USSD International Religious Freedom report 2008 recorded: “The Sabean-Mandaean community continued to decline; according to Sabean-Mandaean leaders, 3,500 to 5,000 remained in the country, down from an estimated 5,000 to 7,000 in the previous reporting period.... leaders reported that their community continued to be targeted. They reported forced conversions, hijab wearing by Sabean-Mandaean women, and kidnappings for ransom. While ransom payments secured the release of some victims, other victims, despite the payment, were killed or remained missing. They also reported that Islamic extremists threatened many Sabean-Mandaeans.” [2n] (p2, p6)

21.52 UNAMI's report for the period 1 January - 30 June 2008 stated that:

“Sabean Mandeans... have been cited in several religious edicts calling for the extermination of the non-believers, which were published on web-sites. The Mandaean Human Rights Group (MHRG) recorded 42 killings, including of women and children, 46 kidnappings, 10 reported threats and 21 attacks between January 2007 and February 2008. MHRG reported that since 2003 more than 80% of the Mandaean community has fled Iraq: 10,000 Mandeans have fled to Syria, 3000 to Jordan and some to Yemen and Egypt. Currently there are some 5,000 Sabean Mandeans in Kurdistan where many families have found shelter after being expelled from Baghdad, Basra and Baquba.” [39q] (p17)

21.53 The UNHCR Guidelines of April 2009 stated that “The fact that Mandaeans generally have no tribal networks and live scattered in small groups, further increases their vulnerability. In addition, non-violence is a basic tenet of their religion. ... It was also reported that Islamic extremists threatened, kidnapped and killed Mandaeans for refusing to convert to Islam.” [40b] (p176-7)

Yazidis

21.54 The USSD International Religious Freedom report 2006 stated “The Yazidi are a religious group with ancient origins that encompass several different religious traditions comprising elements of Zoroastrianism, Manicheism, Islam, Christianity, Judaism, and Gnostic beliefs and traditions. Yazidi do not intermarry with outsiders or accept converts.” Yazidi were defined by the former regime as Arabs, however, some Yazidi considered themselves to be Kurds, while others considered themselves to be religiously and ethnically distinct from Muslim Kurds. [2f] (p2)

21.55 The USSD report for 2008 recorded that “Yezidi leaders reported that most of the country's 500,000 to 600,000 Yezidis resided in the north, near Dohuk and Mosul.” [2n] (p2)

21.56 UNHCR's August 2007 Eligibility Guidelines paper noted:

“It is disputed, even among the community itself as well as among Kurds, whether they are ethnically Kurds or form a distinct ethnic group. Most Yazidis speak *Kurmanji*, a Kurdish dialect....

“Only about ten percent of the Yazidis live in the Kurdish-administered areas, mainly in the Governorate of Dahuk, whereas the majority lives in so-called ‘disputed areas’ in the Governorate of Ninewa, in particular in the areas of *Jebel Sinjar* and Shekhan, which have been subjected to the former regimes’ *Arabization* campaigns.” [40j] (p76)

21.57 The UNHCR August 2007 report stated:

“The Yazidi religion is closed to outsiders as Yazidis do not intermarry, not even Kurds, nor do they accept converts. Accordingly, important parts of the Yazidi religious rituals have never been seen by outsiders and are, therefore, unknown. The Yazidis have never been regarded as ‘People of the Book’, also because most Yazidi religious texts have been passed on exclusively by oral tradition. Rather there are sources that consider them a break-away from Islam, which would then render them ‘apostates’, punishable by death according to Islamic jurisprudence.” [40j] (p76-77)

21.58 The UNAMI Human Rights report for the period 1 January - 30 June 2008 noted that attacks on Yezidis were recorded in Nineveh and during the first half of 2008 at least five Yezidis were murdered in Sinjar. [39q] (p17) The UNAMI report covering 1 July - 31 December 2008 stated that:

“Yazidi communities in Sinjar, Ninawa, continued reporting to UNAMI that they were the targets of threats and attacks by Islamic extremist groups. On 14 December, seven members of a Yezidi family in Sinjar were assassinated. It has also been reported to UNAMI that over 50 Yezidis have been arrested and prevented from conducting peaceful political activities by Peshmerga forces in December. UNAMI has also received complaints that members of the Yezidi community in Ninawa have been forced to collect their food aid in Dohuk, therefore reducing the statistical presence of Yezidis in the area.” [39q] (p16-7)

21.59 IWPR further reported, on 12 January 2009, that although Yazidis had better job opportunities than they did under Saddam, they were now more exposed to insurgents’ attacks. [11ab] IWPR reported that:

“Northern Iraq boasts the biggest Yazidi community, though followers of the ancient faith can be across Turkey, Syria, Iran, Armenia, Georgia and Russia. The Yazidis of Sinjar speak Kurdish in the same Kermanji dialect as the one used by Kurds in Syria and parts of Turkey...

“Yezidi Kurds make up the majority of Sinjar district’s 340,000 people... Young Yazidi men are increasingly finding work as border guards and as employees of the police and Iraqi Kurdish forces, known as peshmerga.

They are also taking up jobs in restaurants and hotels in the Kurdistan region. Most of the Yazidis in Sinjar remain extremely poor. Wheat and barley crops are their main source of income. [11ab]

- 21.60 The UNHCR Guidelines of April 2009 recorded attacks on Yazidis and stated that "In recent years, the Yazidis' most important ritual, the annual pilgrimage to the holy shrine in Lalish (Cejna Cemayya), has not been held or only with restrictions due to ongoing threats and attacks." [40b] (p177)

"Iraq's Yazidis, who are often considered 'infidels' and 'devil worshippers' by Islamic extremists, have been targeted since 2003 with 'killings, kidnappings, intimidations, and public campaigns to convert or kill them, as well as political and economic trespasses,' usually committed with impunity. In addition, they have been targeted for their (perceived) ethnic identity as Kurds as well as their (perceived) support for the US invasion and foreign presence in Iraq." [40b] (p1767)

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Kaka'i

- 21.61 UNHCR's August 2007 paper stated:

"The Kaka'i are a distinct religious group that mainly reside in the areas of Kirkuk (mainly Tareeq Baghdad, Garranata, Wahid Athar, Hay Al-Wasitty, Eskin and Shorja as well as in the District of Daqooq), Mosul (Kalaki Yasin Agha area) and Khanaqin (mainly Mirkhas and Kandizard areas) in the Governorate of Diyala, but also in villages in the Kurdistan Region close to the Iranian border. Kaka'i can also be found in major cities such as Baghdad, Sulaymaniyah and Erbil." [40j] (p82)

- 21.62 It also recorded that "Most are ethnic Kurds, but speak their own language called Macho (alternate names are Hawramani, Old Gurani)."

"Since the fall of the former regime, the Kaka'i living in the areas under central government administration have come under pressure by religious extremists who consider them 'infidels'. UNHCR has received information of threats, kidnappings and assassinations of Kaka'i, mainly in Kirkuk. UNHCR was informed that Muslim religious leaders in Kirkuk asked people not to purchase anything from 'infidel' Kaka'i shop owners. In addition, Kaka'i might be targeted on the basis of their Kurdish ethnicity. UNHCR received information that in Mosul, the Kaka'i no longer dare to reveal their identity as Kaka'i.

"It is believed that most Kaka'i have been displaced since the fall of the former regime. For example, in the end of November 2006, *Hewler Post*, a bi-weekly paper issued in Erbil, reported that 100 Kaka'i Kurds fled from the Urouba quarter in downtown Kirkuk after having received threats from 'terrorists'.⁴¹⁹ UNHCR has received information that some 250-300 Kaka'i families from Baghdad were displaced to Khanaqin." (UNHCR, August 2007) [40j] (p84)

- 21.63 The UNHCR's Guidelines of April 2009 reported that Kaka'i were still targeted by Islamic extremists for being un-Islamic and were perceived as supporters of foreign occupying forces or the Iraqi administration. [40b] (p26)

Jews

- 21.64 The USSD International Religious Freedom report 2008 noted that "[The] law specifically precludes Jews from regaining citizenship in the event it is ever withdrawn." [2n] (p3)
- 21.65 The USSD report for 2008 stated: "The country's Jewish population was virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. A 2006 citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship." [2o] (p20)
- 21.66 An article in the *New York Times* published 1 June 2008, also reported that there were only seven or eight remaining Jews in Baghdad. [24i] The UNHCR's Guidelines of April 2009 reported that:

"By 2008, the number of Jews in Iraq has reportedly dwindled to less than ten, mostly elderly persons. Given the ongoing climate of religious intolerance and extremism, these Jews in Iraq continue to be at risk of harassment, discrimination and persecution for mainly religious reasons. Their material existence is threatened due to the lack of support networks and they are prevented from exercising their religious rites publically. The remaining Jews might also be suspected of links to Israel, with which Iraq continues to be in a state of war. Anti-Zionist feelings are prevalent. Finally, they may also be targeted on account of their advanced education and professions such as doctors or goldsmiths." [40b] (p179)

See also Perceived collaborators and 'soft targets'

Shabaks

- 21.67 UNHCR's August 2007 paper recorded "According to the Encyclopaedia of the Orient, the Shabak are both 'a people and a religion. The Shabaks live in the region of Mosul, Iraq, and are united in culture and language, but they cover more than one ethnic group and among them there is more than one religion.' The Encyclopaedia further explains that a large part of the Shabak is ethnically related to the Kurds and the Turkmen and subgroups of the Shabak include the Gergari, Bajalan, Hariri and Mosul. Though some identify the Shabak as Kurds, they have their own values, traditions and dresses and consider themselves as a distinct ethnic group." [40j] (p56)
- 21.68 The USSD International Religious Freedom report 2008 noted "Shabak leaders stated there are 200,000 to 500,000 Shabaks, who reside mainly in the north near Mosul." [2n] (p2)
- 21.69 UNHCR's August 2007 paper reported: "Like other religious minorities, the Shabak have come under increasing pressure from Islamic extremists. The fact that the Shabak primarily adhere to the Shi'ite branch of Islam makes them a target for Sunni Islamists. Others may look at them as 'infidels' altogether given that they adhere to a distinct form of Islam. Possibly, they may also be targetted [sic] based on their (perceived) Kurdish ethnicity."

(UNHCR, August 2007) [40j] (p56) The UNSC report of 6 November 2008 commented on the assassination of prominent Shabak leader, Mullah Abbas Khadhim, in Ninawa in July 2008; noting that no persons had been brought to justice for his killing. [38r] (p11)

21.70 The MRG report for 2008, commented on the harassment of the Shabaks by Kurdish militants, stating "In the interests of extending land claims in the northern Nineweh governorate, these Kurds assert that, despite Shabaks' distinct ethnic language and recognition as an ethnic group, Shabaks are really Kurds. Additionally, the majority of Shabak who are Shia have been targeted by Sunni militants." [121c] (p154) On 3 July 2008, IRIN News reported that a report by Iraq's Ministry of Human Rights, covering the period 2003-2007, had found the Shabak minority in Ninewa, northern Iraq, had suffered the highest number of deaths of the ethnic communities, with 529 fatalities and 3,078 families (about 16,000 individuals) displaced. [18co]

21.71 The UNAMI report covering 1 January - 30 June 2008 stated that nine attacks on Shabaks were recorded in Nineveh, mostly in Mosul, with five of these being fatalities. [39q] (p17) UNAMI's subsequent report, 1 July-31 December 2008, stated that "Members of the Shabak minority continued to be targeted in Ninawa." The report mentioned that several prominent Shabak leaders had been assassinated during the reporting period.

"Shabak groups reported that over 750 Shabaks have been assassinated by armed groups since 2004. UNAMI received several reports alleging verbal abuse and harassment of the Shabak by Peshmerga forces for their presumed lack of loyalty to Kurdistan and for insulting Kurdish leadership. ... Intimidation allegations increased as the provincial elections approached: UNAMI received reports of threats by armed groups to kill anyone who voted for the Shabak, and against the KDP, candidate Hussein Abbas." [39b] (p16)

21.72 The UNHCR Guidelines of April 2009 further stated that "In May 2008, it was reported that the 'Islamic State in Iraq', which is dominated by AQI, distributed leaflets in Ninewa Governorate ordering the Shabak to leave the governorate immediately." [40b] (p175-6)

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22. ETHNIC GROUPS

- 22.01 The USSD report 2008 mentioned that discrimination against ethnic minorities was a problem, and further recorded that:

“Ethnically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions. [20] (p31-32)

- 22.02 The Brookings Institute report, published 30 December 2008, stated that:

“Kurds and Sunni Arabs (other than Kurds) each made up around 20 percent of Iraq's population in 2003, thus making them numerical minorities in the country. However, their situation is considerably different than that of the estimated ten percent of Iraq's population which is made up of smaller minority communities, including religious minorities such as Armenian, Syriac, and Chaldo-Assyrian Christians; Baha'is; Jews; Mandaean; and Yazidis as well as ethnic minorities such as Farsi Kurds, Palestinians, Shabaks, and Turkomen. Most of these groups have long histories of living in Iraq and most (though not all) enjoyed a degree of protection as minorities under the Saddam Hussein regime.”

The Iraqi Ministry of Displacement and Migration in Iraq estimates that nearly half of the minority communities have left the country. UNHCR estimates that 30% of Iraqi refugees seeking sanctuary in Jordan, Syria and elsewhere are from minority groups. [88e] (p9,12)

See also [Freedom of Religion](#)

- 22.03 The UNAMI report, covering 1 July–31 December 2008, stated that “As efforts on the different political processes related to the governorate council elections and the resolution of the status of disputed territories increased in the second half of 2008, the situation of some minorities deteriorated. UNAMI remains concerned about the attempts to dilute the identity of minorities by forcing them to be identified either as Arab or Kurd and about the impunity of those responsible for abuses against minorities.” [39b] (p15-6)

See also [Recent developments](#)

- 22.04 The UNHCR Guidelines of April 2009 reported that ethnic minority groups inhabited some of the ‘disputed areas’ sought by the KRG to be incorporated into the Kurdistan region such as the towns and villages in the Ninewa Plains and Sinjar District. [40b] (p112) The report also noted that “Shabak, Turkmen and Farsi Kurds, who primarily adhere to the Shi'ite branch of Islam, have been targeted by Sunni Islamists on the basis of their sectarian identity.” [40b] (p172)

ARABS

- 22.05 The CIA world factbook (last updated on 5 May 2009) stated that Arabs made up 75 to 80 per cent of the population of Iraq and were situated across most of the country. [78a] (People, Ethnic groups)
- 22.06 The MRG report, published March 2008, stated that “In April [2007] the central government approved an incentive package for Sunni Arabs forcibly settled in Kirkuk under Saddam Hussein to return to their original homelands in the south. According to an Iraq minister, by October 2007, around 1,000 Sunni Arab families had accepted approximately US \$15,000 payment to leave their Kirkuk homes.” [121c] (p153-4)
- 22.07 “Reportedly, some Sunni Arabs accuse the Shi’ite-dominated government of a discriminatory approach when reinstituting former Ba’athists into their former employment.” (UNHCR, April 2009) [40b] (p64) UNHCR’s Guidelines of April 2009 further recorded that Arabs in Kirkuk had complained of intimidation, harassment, arbitrary arrests and demographic manipulation at the hands of Kurds who dominate the Governorate’s political and security institutions. [40b] (p106)

KURDS

- 22.08 The Brookings Institute paper, published 30 December 2008, stated that:

“While clearly a persecuted minority under the Saddam Hussein regime, the position of the Kurds has changed over the past five years. They participated actively in drafting the constitution which allowed them to include certain key issues into this document, such as Article 140 which provides for a referendum in Kirkuk. They have benefited from proportional representation and have 53 representatives in Parliament (out of a total of 230 seats allocated to the provinces) and the President of Iraq, Jalal Talabani, is a Kurd. They have consolidated their control of the Kurdistan Regional Government (KRG), in part through encouraging the return of Kurds from other part of the country, but also through the development of a strong military force, the Pesh Merga, and by consolidating Kurdish control of government services. The three provinces making up the KRG – Erbil, Sulaymaniyah and Dohuk – have emerged as an area of relative calm and stability in Iraq...

“Very few Kurds have sought refuge in neighboring countries since 2003; those who have felt unsafe in other parts of Iraq have tended to move to the KRG region. UNHCR-Syria’s figures, for example, suggest that there are very few Kurdish Iraqi refugees in Syria.” [88e] (p10-11)

- 22.09 The UNHCR report of August 2007, stated that:

“Kurds have also been perceived as supporters of the ‘foreign occupation,’ given their staunch support of the US-led invasion in 2003 and presence in the country, full involvement in the political process, political efforts to achieve federalism in Iraq (viewed by many Sunni Arabs as a precursor to the break-up of Iraq), and reported relations with Israel. This has resulted in a number of attacks on Kurdish political and military representatives, offices of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and Kurdish civilians.” [40j] (p12)

- 22.10 The same UNHCR report further noted that “Turkmen, Arab, Christian and Shabak parties claim harassment and forced assimilation by Kurdish militias in Kirkuk and other mixed areas such as villages in the Ninewa Plain, with the aim of incorporating these areas into the Region of Kurdistan.” [40j] (p12)

Faili Kurds

- 22.11 The MRG report of 2007 recorded:

“The Faili Kurds are Shia Muslims by religion (Kurds are predominately Sunni) and have lived in Iraq since the days of the Ottoman Empire. They inhabit the land along the Iran/Iraq border in the Zagros Mountains, as well as parts of Baghdad....

“Under the Ba’ath regime, they were specifically targeted, stripped of their Iraqi citizenship and a huge number of them expelled to Iran on the charge that their Shia faith made them ‘Iranian’. According to the UNHCR, at the beginning of 2003, there were more than 200 000 Iraqi refugees in Iran, 1,300 living in Azna, of whom 65 per cent are Faili Kurds. Many of them are under 20 years of age, were born in the camp and have known no other home.” [121a] (p15)

See also Citizenship and nationality

- 22.12 The MRG report for 2008, commented that “Faili, who are Shia Kurds [sic], also face threats on sectarian grounds.” The report noted an incident in July 2007 where a truck bomb exploded outside a café patronised by Faili in Amirli, killing 105 people. [121c] (p154)
- 22.13 The UNHCR Guidelines of April 2009 stated that religious groups including “Faili Kurds, who primarily adhere to the Shi’ite branch of Islam, may be targeted by Sunni Islamists on the basis of their sectarian identity.” [40b] (p26)

TURKMENS

- 22.14 The Brookings Institute report, published 30 December 2008, reported that in 2003 there were around 800,000 Turkomans living in Iraq, whereas in February 2007 approximately 200,000 were thought to remain in Iraq. [88e] (p9)
- 22.15 The IGC report, published 13 November 2008, stated that “Turkomans are descendents of Ottoman Empire-era soldiers, traders and civil servants. A predominantly urban population, they are distributed over a number of former garrison towns situated along prominent trade arteries in northern Iraq stretching from the Syrian to the Iranian border, including such major ones as Tel Afar, Mosul, Kirkuk, Tuz Khurmatu, Kifri, Khanaqin and Mandali.” [88e] (p9)
- 22.16 The MRG report, published March 2008, commented that Turkomans living in Kirkuk had been targeted by Kurdish forces, including through abduction and torture campaigns. The report further noted that “Turkomans view Kirkuk as historically theirs. Out of its opposition to the Kurds gaining control of Kirkuk and the likewise-disputed oil-town of Mosul, Turkey has provided backing for Turkoman militias that are confronting Kurdish forces. Apart from the

competition for land, Turkomans have been targeted on sectarian grounds, with women being particularly vulnerable.” [121c] (p154)

- 22.17 The UNAMI Human Rights report for the period 1 January-30 June 2008, recorded the killings of two Turkman leaders involved in the reconciliation process between tribes in Mosul in June 2008. [39q] (p17) UNAMI’s subsequent report, covering 1 July - 31 December 2008, stated that:

“UNAMI also received complaints from the Turkmen community that they continue to be denied the right to use their own language in Ninawa and reported restrictions to their freedom of movement by Peshmerga forces. Tensions between Kurdish and Turkmen communities remain high in Kirkuk. A suicide bombing and a mortar attack that took place at a Kurdish protest rally on 28 July escalated into deadly inter-ethnic clashes between armed Kurdish rioters, who blamed the Turkmen community for the attack on the rally, and armed guards protecting Turkmen facilities. Some 25 persons were killed and 180 injured and several buildings were attacked and burned.” [39b] (p16)

- 22.18 UNHCR’s Guidelines of April 2009 recorded that Turkmen in Kirkuk had complained of intimidation, harassment, arbitrary arrests and demographic manipulation at the hands of Kurds who dominate the Governorate’s political and security institutions. [40b] (p106) The report also recorded that many ethnic Turkmen lived in Tal Afar, Ninewa’s second city after Mosul, and that they were often targeted in attacks on public places, such as mosques, restaurants and markets, in an attempt to reignite sectarian violence. [40b] (p111)

ASSYRIANS AND CHALDEANS

- 22.19 Of Iraq’s Christians (estimated at 550,000- 800,000), about two thirds are Chaldeans, nearly one third are estimated to be Assyrians and the remainder are Syriacs, Armenians, Anglicans and other Protestants. (USSD Religious Freedom report 2008) [2n] (p1-2) Chaldeans, Assyrians and Armenians considered themselves as both religious and ethnic minorities. The UNHCR guidance note, October 2005, stated that “Given the fact that they are Christians, Assyrians and Chaldeans are largely considered to be supporters of the US due to their religion and their general political tendency to ally themselves with the West.” [40a] (p12)
- 22.20 The UNHCR Guidelines of April 2009, recorded that allegations of election violations in the Ninewa Plains were made by the Assyrian Democratic Movement (ADM) and the Assyria Council of Europe (ACE): “Reportedly, violence, threats and other means of pressure prevented thousands of Assyrians from participating in the elections.” [40b] (p71)

See also Provincial elections of 31 January 2009

ROMA

- 22.21 The UNHCR report, August 2007, stated:

“The Roma, or Kawliyah, originate from India, but have been living in Iraq for hundreds of years. They are a distinct ethnic group with their own language, traditions and culture, although they have never been recognized as such in Iraq. Roma usually adopt the dominant religion of the host country while

preserving aspects of their particular belief systems. In Iraq, they usually adhere to Islam, either the Sunni or Shi'a branch. The Kawliyah used to live a nomadic life, were not registered and did not have any documentation.

"There are no official statistics on the number of Roma in Iraq. It is estimated that some 10,000 individuals lived in the Baghdad area before the fall of the former regime. Today, Kawliyah tribal leaders say that there are more than 60,000 in the whole country, with some 11,000 in the Governorate of Qadissiyah. The Dom Research Center provides a figure of 50,000.

"The Kawliyah community in Iraq has been subjected to persecution for a variety of reasons.... They are collectively reputed as alcohol sellers and prostitutes, both considered 'un-Islamic'. Furthermore, there have been cases in which Kawliyah offered shelter to women at risk of 'honour killings', thereby further contributing to their negative image in Iraqi society." [40j] (p93-4)

- 22.22 The UNHCR Guidelines of April 2009 reported that Roma (Kawliyah) individuals had been targeted by Shi'ite militias, due to them being perceived as having supported or received preferential treatment by the former Ba'athist government. [40b] (p171)

TRIBES/CLANS

- 22.23 An article in *Middle East Times*, published 9 June 2008, stated that:

"Iraq has over 100 tribes, some of whose roots trace back 1,000 years. While modernization and urbanization have eroded tribal affiliations, tribal loyalties remain a bedrock of Iraqi society. Indeed, tribal affinities may matter as much as national, ethnic or religious identities. "Tribal influences in Iraq have a greater longer-term effect than religion in many parts of the country. The Iraqi tribes, with tens of thousands of members, are based on lineage. They are concentrated in parts of Iraq, yet branch across to Syria, Jordan, Lebanon and the Gulf region, including the United Arab Emirates." [141a]

- 22.34 The ICG report of 30 April 2008, stated that:

"The insurgency – whether nationalist or Islamist – undoubtedly has been severely weakened by the tribes' return to prominence [since ousting of Saddam in 2003]. Thanks to the tribes' extensive knowledge of the local population and environment, they can exercise far more control than could the U.S. military on its own; in turn, their alliance with the U.S. makes it difficult for them to countenance any form of resistance." [25j] (p11)

"For tribal leaders who had been forced into exile due to confrontation with al-Qaeda in Iraq or the insurgency, this presented a unique chance for a comeback. It also offered them the opportunity to reap substantial financial rewards, whether by diverting funds the U.S. channelled through them (principally salaries for their armed volunteers) or by ensuring they benefited from reconstruction projects." [25j] (p12)

ETHNIC GROUPS IN THE KRG AREA

22.25 The majority of the population of the KRG area is Kurdish, although Assyrian Christians, a smaller number of Chaldean Christians, Yazidis, Turkmen, Armenians and Arabs also reside there. (Jane's, 6 March 2008) [14e] (p22)

22.26 The USSD 2008 report stated that:

"There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem (Kirkuk) frequently charged that Kurdish security forces targeted Arabs and Turkmen." [2o] (p32)

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 23.01 The UNHCR Guidelines of April 2009 recorded that “While homosexuality is not prohibited by Iraqi law, it is a strict taboo and considered to be against Islam.” [40b] (p193)

TREATMENT BY AND ATTITUDES OF STATE AUTHORITIES

- 24.02 The UNHCR Guidelines of April 2009 stated that:

“The Iraqi Government does not consider the killings of LGBT Iraqis a priority and a Ministry of Justice judge interviewed by Newsweek told the reporter not to waste time on an issue that he considered being ‘very rare’. Generally, there is little tolerance towards homosexuality in Iraqi society and many Iraqis, including high-level officials, deny that homosexuality even exists in Iraq. Accordingly, those who commit acts of violence against homosexuals and others often do so with impunity.” [40b] (p194)

SOCIETAL TREATMENT AND ATTITUDES

- 23.03 The UNHCR Guidelines of April 2009 commented that:

“Since 2003, Iraq’s largely marginalized and vulnerable lesbian, gay, bisexual and transgender (LGBT) community has frequently been targeted for attacks in an environment of impunity. In the Central and Southern Governorates, LGBT Iraqis continue to face threats, torture and extra-judicial killings at the hands of ‘state and non-state actors,’ including their own families, which consider them as violating the family’s ‘honour’. Iraqi LGBT, an Iraqi NGO based in London, accounted for more than 480 Iraqi gay men killed by Shi’ite militias since 2003, among them 17 LGBT activists.” [40b] (p193-4)

- 23.04 On 11 March 2008, 365gay.com reported on the closure of three safe houses in November 2007, in southern Iraq, including one in Basra, due to lack of funds. These shelters were operated by Iraqi LGBT, a London based-group. [72d]

- 23.05 On 26 August 2008, Newsweek reported that militiamen from the Mahdi Army had conducted visits to houses in the Doura neighbourhood of Baghdad, looking for individuals they suspected to be homosexual. [148a]

- 23.06 *The Guardian* reported, on 25 September 2008, that:

“The ‘improved’ security situation in Iraq is not benefiting all Iraqis, especially not those who are gay. Islamist death squads are engaged in a homophobic killing spree with the active encouragement of leading Muslim clerics, such as Moqtada al-Sadr ... The death squads of the Badr organisation and the Mahdi army are targeting gays and lesbians, according to UN reports, in a systematic campaign of sexual cleansing. They proudly boast of their success, claiming that they have already exterminated all ‘perverts and sodomites’ in many of the major cities.” [6ai]

- 23.07 The 2009 HRW report, covering events of 2008, stated that “Lesbian, gay, bisexual, and transgender people are also vulnerable to attacks from state and non-state actors.” [15a] (p3)
- 23.08 The FCO human rights report for 2008 stated that “We have received reports of violence committed against individuals because of their sexual orientation.” [66e] (Other vulnerable groups) The USSD report for 2008 stated:

“There were continued reports of societal discrimination and reported violence against individuals based on sexual orientation.

“Since 2003, the Iraqi Lesbian, Gay, Bisexual and Transgender Organization stated that 430 gay men have been killed because of their sexual orientation. The international NGO provided shelter for an estimated 40 men between 14 and 28 in several Baghdad safe houses. During the year there were reports of discrimination and violence against homosexual men and women, mostly by militias. On September 25, a coordinator of the NGO was killed in Baghdad by militia members, according to press reports. There were no government statistics on discrimination or on government programs protecting such groups, and requests by news agencies for information have been largely ignored.” [2o] (p32)

- 23.09 On 9 April 2009, Amnesty International reported that:

“Over the last few weeks at least 25 boys and men are reported to have been killed in Baghdad because they were, or were perceived to be, gay. The killings are said to have been carried out by armed Shi’a militiamen as well as by members of the tribes and families of the victims. Certain religious leaders, especially in al-Sadr City neighbourhood, are also reported in recent weeks to have urged their followers to take action to eradicate homosexuality in Iraqi society, in terms which appear effectively to constitute at least an implicit, if not explicit, incitement to violence against members of the gay community.” The article mentioned that two bodies had pieces of paper bearing the inscription ‘pervert’. [28a]

- 23.10 The UNHCR Guidelines of April 2009 stated that:

The latest killing reportedly took place in Baghdad’s Sadr City on 2 April 2009, when two gays were allegedly killed by relatives in order to cleanse the family’s “honour”. Also, Iraqi Police said that on 25 March 2009, they had found the dead bodies of four more gays in Sadr City, each bearing a sign reading ‘pervert’ or ‘puppie’ in Arabic on their chests, both derogatory words used to refer to homosexuals. Reportedly, Shi’ite clerics in Sadr City had recently urged a crackdown on the perceived spread of homosexuality. Also reported in the media was the 25 September 2008 killing of a leading gay activist in a barber shop in Baghdad. He was one of the organizers of safe houses for gays and lesbians in Baghdad and co-ordinator of Iraqi LGBT. Reports speak about “a systematic campaign of sexual cleansing”. Iraqi LGBT currently runs two safe houses in Baghdad to provide a level of physical protection to a limited number of LGBT Iraqis; however, the men and women lack any prospects as mediation with their families is generally impossible and protection by the Iraqi authorities is not available.” [40b] (p194)

‘Honour’ killings

- 23.10 Homosexuality is also considered culturally unacceptable within Kurdish society and therefore goes on behind closed doors. (FCO letter, 6 December 2006) [66n]

“The Ministry of Human Rights reports that ‘honour killings’ are common when family members are believed to be gay, and a Baghdad-based lawyers’ association reported fifteen cases of ‘honour killings’ of homosexuals in Baghdad over the previous two years alone. Ibrahim Daud, a family lawyer in Baghdad who has been involved in nearly 65 cases of honour killings involving gay men, said, ‘killing for honour has been a common practice for years, and a short prison sentence for the killer is common.’” (UNHCR, August 2007) [40j] (p126)

Lesbian, gay, bisexual and transgender persons in the KRG

- 23.11 On 8 December 2008, RSF reported that Adel Hussein, a Doctor and freelance journalist, had been released from prison in Erbil under a pardon granted by the president of the Kurdistan region of Iraq. The article stated that “Hussein had been in prison since 24 November, when he was found guilty of offending public decency under article 403 of the criminal code for writing an article about homosexuality for the independent Kurdish-language weekly Hawlati.” [20o]

See also [Freedom of Speech](#)

- 23.12 The FCO report, 27 March 2009, stated that “Hewa Jaff, Director of Foreign Affairs, Sulaymaniyah Governorate stated that gay men in the KR would usually be able to live freely and not face any difficulties if they kept a low profile. Gays are generally tolerated in the KR in local communities and would not usually experience any difficulties with law enforcement agencies.” [66d] (p17) On the contrary, the UNHCR Guidelines of April 2009 report of April 2009 recorded that

“In the Kurdistan Region, homosexuality is also considered a taboo and in contradiction with religious and social mores. Overt homosexual relations are not possible to entertain, and homosexual persons would have to hide their sexual orientation. Persons known or suspected to be homosexual would face significant social pressure and be shunned. They would also face difficulties to find employment in the private sector. Individuals may be at risk of ‘honour killings’ at the hands of their families. Generally, the authorities would not provide efficient protection given that homosexuality is considered unlawful by religion and customs.” [40b] (p194)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

Further information about LGBT issues in Iraq is available in the UK Lesbian & Gay Immigration Group (UKLGIG) sources update of 6 May 2009, which the COI Service can provide on request.

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DISABILITY

- 24.01 Article 32 of the Constitution stipulates that “The State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law.” [82a] (p10-11)
- 24.02 The 2008 Landmine Monitor (LM) report commented on assistance for victims of landmines, stating that “The government of Iraq is unable to cope with the needs of persons with disabilities because of the huge demand for and the scarcity of services. Many persons with disabilities are only cared for within the family network and 90% of them live below the local poverty line. The IHSCO RE [Iraqi Health and Social Care Organization Risk Education] assessment found that only 4% of survivors interviewed had received assistance.” [98c] (p15,14)
- 24.03 A report by Medact, published in 2008, noted that: “People with learning disabilities receive little specialist help.” [10b] (p10)

See also [Children](#); [Education](#)

- 24.04 The USSD report 2008 stated that:

“The law prohibits discrimination in employment, education, access to health care, and other state services against persons with physical disabilities. The government enforced the law in the government sector but not in the private sector.

“MOLSA operated several institutions for the education of children and young adults with disabilities. MOLSA also operated workshops and associations to provide employment opportunities to persons with mental disabilities.

“As of October, 17 institutes operated in Baghdad and the non-KRG provinces outside of the KRG for persons with mental and psychological disabilities and housed approximately 1,100 persons. Additionally, there were 34 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The government, through the Prime Minister's Office and Ministry of Health, provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.” [2o] (p31)

- 24.05 The ICRC report for 2008, published 27 May 2009, stated that:

“The number of disabled people continued to rise. The eight physical rehabilitation centres supported by the ICRC and the ICRC's centre in Erbil were the only structures providing such services in the country.

“Three ICRC-supported crutch production units in Baghdad, Basra and Erbil significantly increased their output. Ongoing training programmes improved the technical skills of prosthetic/orthotic staff, physiotherapists and wheelchair technicians. Ideas on how to improve physical rehabilitation services in Iraq were shared during a nationwide workshop facilitated by the

ICRC.” The ICRC report also gave figures of patients receiving ICRC-supported physical rehabilitation at various centres in Iraq. [43a] (p345-6)

“A new physical rehabilitation centre was constructed in Falluja (Anbar province), and support was maintained to eight other such centres countrywide.” [43a] (p343)

24.06 The IRRICO report, 5 May 2009, stated that:

“... the government has approved a program proposed by the MoLSA [Ministry of Labor and Social Affairs] named Social Safety Network. While the Ministry has engaged in certain activities, such as some process listing persons, families, and vulnerable individuals, the scheme has not been implemented yet, pending finalization of the budget.

“This program aims to support handicapped people, vulnerable persons, female heads of households and widows. These will be paid monthly salaries not less than 150,000 Iraqi Dinars, depending on the number of children, age, and children in school, among other criteria.” [3a] (p9)

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25. WOMEN

OVERVIEW

25.01 A report by AI, published 1 March 2009, stated that “Iraq has ratified international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights, that oblige the authorities to take immediate steps to ensure women’s equality and protect in practice the human rights of women and girls.” [28r] (p7) The UNSC report, of 6 November 2008, however recorded that “The broader situation regarding women’s rights and conditions has also shown no significant overall improvement ...” [38r] (p11)

25.02 The USSD report for 2008 stated that:

“The constitution provides for equal treatment before the law without discrimination based on gender; however, in practice, discrimination existed, and enforcement of equal treatment was uneven.

“The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. Women’s rights activists continued to be targeted by militant groups. On December 18, Nahla Hussain, the leader of the women’s league of the Kurdish Communist Party, was killed by gunmen in Kirkuk. The MOHR reported in its annual Victims of Terrorism report that 580 women were killed and 1,940 wounded in various acts of violence during the year.” [20] (p27-28)

25.03 The UNAMI human rights report, for 1 January-30 June 2008, noted that “Cases involving violence against women continue to be reported in various parts of the country, including in Baghdad.” [39q] (p15) UNAMI’s report for 1 July-31 December 2008 stated that:

“Research conducted by UNAMI/HRO [Human Rights Office] on the situation of women indicates that gender based violence continued to claim the lives of many women, most of which remains unreported. The sensitivity of Iraqi communities to issues concerning women is such that families are frequently not reporting to the authorities incidents of violence against women. The vast majority of Iraqi women still face at least one form of domestic violence on a regular basis. In a statement on 25 November 2008, the United Nations Special Rapporteur on Violence against Women declared that ‘Iraqi women have seen their rights eroded in all areas of life’. The declaration explained that ‘Women are victims of rape, sex trafficking, forced and early marriages, murder, and abduction for sectarian or criminal reasons; many are driven or forced into prostitution [...] To escape the cycle of violence many women turn to suicide, sending a clear message of despair to their society.’ UNAMI remains concerned by the threats and harassment women are facing regarding their dressing mode. Access to education for women is less protected than for men, 26.8% of Iraqi women have no education, compared to 14.6% for men. A large percentage of Iraqi women, 86.79% are not working outside their home.” [39b] (p13)

25.04 The UNHCR Guidelines of April 2009 stated that “Women in Iraq are victims of societal, legal and economic discrimination, abductions and killings for political, sectarian or criminal reasons, rape, forced displacement, domestic

violence, including 'honour killings' and other harmful traditional practices, (sex) trafficking, prostitution and forced recruitment by armed groups." [40b] (p144)

"While women fall victim to a range of human rights violations, those with specific profiles are specifically targeted on account of their (perceived) political, sectarian or social role. In particular, women perceived or actually transgressing traditional roles and/or exposed in society have been subjected to intimidation and targeted attacks, including murder, at the hands of mainly non-state actors, including party militias, insurgents, Islamic extremists as well as their own family or community. This may include women engaged in politics, professionals, civil society activists or women that transgress social or religious mores." [40b] (p195)

LEGAL RIGHTS

25.05 The UNHCR Guidelines of April 2009 recorded that "Although the Iraqi Constitution provides for gender equality and female political representation is guaranteed at both the national and the provincial level, a number of Iraqi laws continue to discriminate against women." [40b] (p145)

25.06 The UNAMI report, covering 1 January - 30 June 2008, stated that "...courts continue to practice leniency in honour-related crimes, despite recent assurances from KRG officials of greater commitment to investigate and prosecute." Further: "...there is a tentative support from some religious figures regarding possible amendments to the 1959 Personal Status Law, aiming to restrict the practice of polygamy and to seek a more equitable role for women in marriage and society. However, the passage of more progressive laws through Parliament remains fraught with difficulties." [39q] (p15)

25.07 The Women for Women Institute Iraq report for 2008 noted that:

"Another complicating factor directly tied to women's legal rights and status is that when a husband is kidnapped or a woman is divorced, she does not have the right to register her children, which means they cannot attend school. By some estimates, there are currently 2 million widows in Iraq and 6 million orphans, which in a country of 27 million people is nearly a third of the population. Unless this situation is remedied, the country will be faced with a generation of uneducated children." [130] (p25)

See also [Education](#); [Children](#)

25.08 The FCO report, 27 March 2009, noted that "... Asuda [women's NGO] stated that in Iraqi law men and women are officially equal but in the case of divorce a woman seeking the divorce will often have to give up her rights to property and in some cases rights to custody of or access to her children to win the divorce." [66d] (p6)

25.09 The FCO report further mentioned that:

"Nawshiran Mustafa, an independent politician in Sulaymaniyah stated that while women have equality under the law in the KR the position of women varies according to location. In remote rural areas women can be disadvantaged in traditional legal systems and can be discouraged from seeking legal redress for grievances. There have been isolated cases in

remote rural areas of women being given as compensation to settle disputes.” [66d] (p12)

See also Womens's rights in the KRG area

POLITICAL RIGHTS

25.10 A report by AI, 11 March 2009, recorded that:

“Many Iraqi women human rights defenders who are employed by or affiliated to NGOs offering support and assistance to women are also involved in advocacy work for women's rights. The creation of formal networks as well as ad hoc alliances of Iraqi women's organizations has contributed to strengthening women's voices in the political process. In 2004 Iraqi women's rights activists successfully lobbied the US-headed Coalition Provisional Authority to introduce a minimum quota for women members of the Iraqi National Assembly. The minimum quota of 25 per cent for women parliamentarians was later incorporated into the Iraqi Constitution of 2005 (Article 49). However, many women's rights defenders are concerned that the Constitution reopened the debate about a review of the Personal Status Law (Article 47) which they fear will lead to greater influence of religious authorities in personal status matters, including marriage, divorce and inheritance.” [28s] (p60-1)

25.11 UNAMI reported, on 16 July 2008, that “UNAMI is encouraged by the continued inclusion of protections in the draft law that provides quotas and mechanisms for women's inclusion on party lists. This will ensure Iraqi women are given the opportunity to serve on governorate councils.” [39o] The ICG report, 27 January 2009, on provincial elections scheduled for January 2009, further stated that “Women are assured seats via a quota system: regardless of votes collected by their candidates, parties are enjoined to give every third seat to a female candidate on their list, although the share of seats that will ultimately be filled by women in each council will depend on the distribution of votes among parties.” [25n] (p11)

25.12 UNHCR's Guidelines of April 2009 reported that the Minister of State for Women's Affairs had resigned in February 2009, complaining that she was unable to do anything to address the needs of women following the cut of her budget and lack of power. [40b] (p145)

SOCIAL AND ECONOMIC RIGHTS

25.13 The USSD report for 2008 further stated that “Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported pressure to wear veils. Women were targeted for undertaking normal activities, such as driving a car, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam.” [2o] (p29)

25.14 The USSD International Religious Freedom report of 2008 stated that “Women and girls were often threatened for refusing to wear the hijab, for dressing in Western-style clothing, or for failing to adhere sufficiently to strict interpretations of conservative Islamic norms governing public behavior.

Numerous women, including Christians, reported opting to wear the hijab for security purposes after being harassed for not doing so.” The USSD report further noted that Basrah police reported that 40 women were murdered in 2007 for not covering their heads and conforming to a conservative Muslim style of dress, regardless of their religion. [2n] (p5) The USSD report for 2008 also noted that women continued to be targeted by Islamic extremists for wearing Western-style clothing or not covering their heads while in public. [2o] (p29)

See also Security situation, Basra; Christians.

- 25.15 The USSD International Religious Freedom report of 2008 also noted “Students generally were not prohibited from practicing elements of their faith in school; however, during the reporting period, there were some schools and other public places where non-Muslim minorities and secular Arabs were forced to adhere to conservative Islamic practices. This occurred less frequently than in previous reporting periods.” [2n] (p3)
- 25.16 The Women for Women International Iraq report for 2008 stated that: “When asked about the availability of jobs in Iraq, 68.3% of respondents described the availability of jobs as bad; and 70.5% of respondents indicated that their families were unable to earn an income that pays for the necessities of daily life.” [130] (p22)
- 25.17 The UNAMI Human Rights report, covering 1 January - 30 June 2008, commented that:
- “UNAMI also received reports of instances where women faced harassments or threats at checkpoints for similar reasons. Female students at universities reported increasing pressure on them by their families to conform to a more conservative style of dress and behaviour in order to avoid harassment by guards of university campuses affiliated with various militias. Where female students failed to comply, retaliatory measures outside the university grounds were reported against them. Certain areas formerly controlled by radical elements have witnessed a lessening of such pressures on women and girls since it came under the control of Iraqi Security Forces or the Awakening Councils. This includes the ability to move more freely, report to work or attend educational activities.” [39q] (p15)
- 25.18 The USSD report for 2008 recorded that “The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.” [2o] (p29) The problem was compounded by the fact that, according to UNAMI, “70,000 [women] have been widowed in the past 4-5 years.” (UNAMI, 9 March 2008) [39p]
- 25.19 The USSD report for 2008 also noted that “Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.
- “The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal

cash stipend from the ministry; however, the budget for this assistance did not meet the need.” [2o] (p29)

See also Domestic Violence

25.20 The AI report of 1 March 2009 stated that:

“Girls in Iraq remain less likely than boys to obtain a school education – in particular beyond primary school – and other qualifications, and so are less likely to fulfil their potential in all areas of employment. This is in part a result of girls’ and women’s lack of safety and security in education and work environments. Disparities in access to education and the labour market, as well as other factors that restrict women’s choices, increase their vulnerability to violence by men. Disempowered and subordinated, women become dependent, often trapped and unable to escape abusive relationships.” [2o] (p29)

See also Children, education

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VIOLENCE AGAINST WOMEN

25.21 The Constitution states that “All forms of violence and abuse in the family, school, and society shall be prohibited.” [82a] (p10) However AI reported, on 1 March 2009, that:

“Many men who commit violent crimes against women are never brought to justice because the authorities are unwilling to carry out proper investigations and punish the perpetrators. Six years after the overthrow of former President Saddam Hussein, Iraqi legislators have yet to amend legislation that effectively condones, even facilitates, violence against women and girls.

“The Penal Code, for example, provides that a convicted murderer who pleads in mitigation that he killed with ‘honourable motives’ may face just six months in prison. It also effectively allows husbands to use violence against their wives. The ‘exercise of a legal right’ to exemption from criminal liability is permitted for: ‘Disciplining a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by Islamic law (Shari’a), by law or by custom.’” [28r] (p4-5)

25.22 UNAMI’s report for the period 1 January - 30 June 2008 also noted that “Cases involving violence against women continue to be reported in various parts of the country, including in Baghdad.” [39q] (p15)

25.23 The UN Security Council report of 28 July 2008 stated that “A database containing more than 400 published reports revealed more than 21,000 cases in Iraq over the past five years. Given the severe and often fatal consequences for victims who report acts of sexual violence, the analysis indicates that only a fraction of the incidents are known.” [38q] (p8) The UNAMI report for the period 1 January-30 June 2008 noted a decision made on 12 May 2008 by the KRG Prime Minister to reorganise the existing Directorates

to Combat Violence against Women into a single body to facilitate the centralisation of data analysis. [39q] (p16)

25.24 The 2009 HRW report, covering events of 2008, stated that “Violence against women and girls in Iraq continues to be a serious problem, with members of insurgent groups and militias, soldiers, and police among the perpetrators. Even in high-profile cases involving police or security forces, prosecutions are rare.” [15a] (p3) The UNAMI report for the period 1 January - 30 June 2008 concurred, and stated that “Although reporting incidents involving violence against women to the authorities is a significant step forward, investigators and judges are often hampered by insufficient reliable evidence and the reluctance of witnesses, who are often family members, to testify.” [39q] (p16)

25.25 The 2009 HRW report, further stated that “Insurgent groups operating in Basra and Baghdad have specifically targeted women who are politicians, civil servants, journalists, and women’s rights activists. They have also attacked women on the street for what they consider ‘immoral’ or ‘un-Islamic’ behavior including not wearing a headscarf. The threat of these attacks keeps many Iraqi women at home.” [15a] (p3) The UNHCR Guidelines of April 2009 also noted that:

“Iraqi women face violence at the hands of a range of actors, including party militias, insurgents, Islamic extremists, members of law enforcement agencies, their families and community. ... Women also fall victims to the disproportionate use of force by members of the ISF and the MNF-I. With the rise in religious extremism since 2003, both Muslim women and women of other religious groups have increasingly been pressured to conform to strict Islamic dress and morality codes. In areas that are no longer under the control of insurgents or Shi’ite militias a certain amount of freedom has been re-established that allows women and girls to move more freely, pursue their work or attend school. However, in many parts of Iraq, pressures remain high on women to conform to conservative attire and behaviour.” [40b] (p144)

25.26 Amnesty International reported, on 1 March 2009, that “Women and girls have borne the brunt of the violence that has permeated so much of Iraqi society in recent years. Many have been targeted by Islamist armed groups in connection with their profession – as politicians, journalists or civil servants – or because of their religious affiliation or ethnic origin. Members of minority groups appear to be particular vulnerable.” [28r] (p3) AI further noted that “Women who have taken the lead in confronting violence against women and promoting women’s rights have become targets themselves. Members of Islamist armed groups have threatened, targeted and killed women political leaders and women’s rights activists.” [28r] (p7)

25.27 The UNSC report of 2 June 2009 stated that “Violence against women remained one of the key unaddressed problems throughout Iraq. Honour-related killings and other forms of violence against women continued to be reported as accidents, attempts at suicide or suicide.” [38b] (p11)

Domestic violence

25.28 The UNHCR Guidelines of April 2009 stated that domestic violence against women was on the rise in Iraq. [40b] (p145) The USSD report for 2008 stated that “There are no specific laws that concern domestic violence. Under the Penal Code, a husband is legally entitled to punish his wife ‘within certain

limits prescribed by law or custom.' Existing laws were widely unenforced, including those on domestic violence." "During the year, NGOs reported that domestic violence against women increased, although no reliable statistics existed. On June 23, the NGO Iraqi Women's Network reported that violence against women increased in the first half of the year." [20] (p28)

- 25.29 The UNAMI report for the period 1 January-30 June 2008 commented that, "In the Kurdistan Region, UNAMI continued to receive reports of violent killings, domestic violence and burning of women." [39q] (p15)

"Official statistics provided by the Erbil-based Directorate to Combat Violence against Women showed that 145 cases of women victims of violence were registered in January and February [2008], including using women as compensation in disputes and domestic violence. A higher incidence of such cases in rural areas in Erbil and Dohuk continued to be recorded." (UNAMI, 1 January-30 June 2008)." [39q] (p16)

- 25.30 MADRE reported, on 4 December 2007, that, along with the Organization of Women's Freedom in Iraq (OWFI), it "supports women in Iraq by creating a safe network of women's shelters, serving as an Underground Railroad to help these women escape honor killings." [143b] (p1) The USSD report for 2008 recorded that

"Private shelters for women exist; however, space was limited. Information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the government. On May 11, armed gunmen attacked the women's shelter Asuda, a Sulaimaniyah-based women's NGO that provided shelter for victims of violence and abuse, seriously wounding one of the shelter's residents. Asuda had worked since 2000 to highlight the plight of female victims of violence, domestic abuse, and tribal honor killings."

[20] (p28-29) AI also recorded that Iraqi authorities did not provide shelters for women, those that did exist clandestinely and were managed by NGOs. (AI, 1 March 2009) [28r] (p5)

- 25.31 UNHCR, in their Guidelines of April 2009, further stated that "In the Central Governorates, there are no official shelters, although some women's organizations provide victims with temporary shelter. Such arrangements are, however, not to be considered as a form of effective protection given the lack of prospects for the women in the shelter, the shelter's unclear legal and financial status in addition to the general intolerance vis-à-vis such institutions and associated security risks." [40b] (p159)

- 25.32 Women for Women International, an international NGO with operational programs in Baghdad, in their report published 3 March 2008, stated "The collective advocacy of NGOs and community groups has amplified the voices of women and achieved some hard-fought measures of success." [130] (p31) The report noted some of the NGOs that helped collect data for the survey detailed in the report, including The Unified Women's League in Baghdad, Asuda for Combating Violence Against Women, Al-Majed Women's League and Turkmen Women's Association. [130] (p16)

- 25.33 The IFHS, published 9 January 2008, reported it was the first national survey in Iraq to investigate domestic violence, and stated that "Collection of data on

domestic violence is challenging due to a culture of silence that surrounds the topic ... Overall, 21.2% of women experience physical violence. There are few differences in the percentage by age, education or residence, although there are marked differences between Kurdistan and the South/Centre. 22.7% of women report at least one form of physical abuse in the South/Centre in contrast with less than half of this percentage, 10.9%, in Kurdistan.” [23d] (p24-25)

25.34 The USSD report for 2008 commented that:

“Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice.” [2o] (p28)

Sexual violence and abuse

25.35 The USSD report for 2008 noted that “The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years’ imprisonment on perpetrators. It was difficult to estimate the incidence of rape or the effectiveness of government enforcement of the law; however, there were many allegations of rape at police stations during the initial detention of prisoners.” [2o] (p28)

25.36 There were reports that the Iraqi security forces committed acts of rape against women and girls. (AI, March 2008) [28o] (p17) AI reported, on 1 March 2009, that:

“Acts of sexual violence against women in Iraq are severely under-reported, not least because of the victims’ fear of reprisal, and reported incidents are not systematically recorded. However, the majority of women who responded to a survey conducted through networks of Iraqi women organizations and published by Women for Women International in 2008 said that violence against women was rising. Many women are trapped indoors as they fear the risks of stepping out of their homes.” [28r] (p3)

25.37 The UNHCR Guidelines of April 2009 stated that “An alleged female recruiter for Ansar Al-Sunna in Diyala, who was arrested in January 2009, reportedly confessed to the use of organized rape as a way of recruiting female suicide bombers by convincing them that martyrdom was the only way to escape the shame.” [40b] (p151)

See also Security situation, Diyala

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‘Honour’ killings/crime

25.38 “Gender-based violence, murders, suicides, so-called ‘accidents’ and other suspected ‘honour crimes’ also continued to be documented in the region of Kurdistan.” (UNSC, 28 July 2008) [38q] (p7-8) ‘Honour crimes’ continued to be reported with “alarming regularity”, the most recent UNSC report noted.

(UNSC, 6 November 2008) [38r] (p11) The UNHCR Guidelines of April 2009 stated that:

“So-called ‘honour killings’, i.e. murders committed by a family member to protect the family’s honour, are reportedly also on the rise. Many women and girls, and, to a lesser extent, men and boys, are at risk of death if they are accused of behaviour believed to have brought shame on the family, such as loss of virginity (even by rape), infidelity, a demand for divorce or a refusal of marriage. Women can be killed based solely on suspicions or rumours without the opportunity to defend themselves. The Iraqi Penal Code (Law No. 111 of 1969) contains provisions that allow lenient punishments for ‘honour killings’ on the grounds of provocation or if the accused had ‘honourable motives’. The punishment is between 6 to 12 months imprisonment. Article 409 further provides that if a person surprises his wife or a female relative committing adultery and kills/injures one or both immediately, the punishment will not exceed three years. The law does not provide any guidance as to what ‘honourable motives’ are and therefore leaves the door open for wide interpretation and abuse.” [40b] (p145-6)

- 25.39 On 13 December 2007, *the Guardian* also reported that “The Iraqi penal code prescribes leniency for those who commit such crimes for ‘honourable motives’, enabling some of the men involved to get off with no more than a fine. The Kurdish authorities ... have removed these provisions for leniency from the code - but the killings continue to mount.” [6af] (p1)

See also Women in the KRG area

- 25.40 On 9 February 2008, BBC News reported on the trend of self-immolation; “since the fall of Saddam Hussein there has been an alarming trend - hundreds of women have died after setting themselves on fire.” [4ca]
- 25.41 A report by AI, published in March 2008, stated that “Women are apparently being killed in ‘honour crimes’ in increasing numbers.” [28o] (p3) AI reported on the case of a 17-year-old Yezidi girl, Du’a Khalil Aswad, who was stoned to death in front of a large crowd for an ‘honour’ crime near Mosul by a group of Yezidi men, including relatives. [28o] (p18)

See also Yazidis.

- 25.42 *The Independent* reported on 28 April 2008, that “Despite the outrage, recent calls by the Kurdish MP Narmin Osman to outlaw honour killings have been blocked by fundamentalists.” The article also detailed incidents of ‘honour killings’, including the murder of a 19-year-old girl by her own in-laws, for having an unknown number on her mobile phone; and the stabbing to death of a 17-year old girl by her father, for becoming infatuated with a British soldier serving in Southern Iraq. [85e]
- 25.43 The UNAMI human rights report of 1 January - 30 June 2008 noted “A great number of murders, alleged suicides and other suspected ‘honour crimes’ were reported from the Region of Kurdistan.” The report stated that:

Statistics vary on the prevalence and scale of these cases and details are often unattainable. Official statistics provided to UNAMI showed that between January and June 2008, 56 women have been murdered and 150 have been burned in the Kurdistan region... Official data transmitted to

UNAMI in April, showed that 136 women had died from unnatural causes in the first quarter of 2008 in the three Northern Governorates, as compared with 118 deaths in the first quarter of 2007...

"Police have initiated investigations into the majority of these cases. The media and KRG official departments released conflicting reports and assessments of the situation of women in the region. However, some officials and civil society organizations believe that there has been a steady increase in the first half of 2008, and that the KRG authorities' claims of a decline in violence cannot be substantiated." [39q] (p15-16)

25.44 The USSD report for 2008 stated that:

"Honor killings' were a serious problem. Legislation in force permits 'honor' considerations to mitigate sentences. During the first three months of the year before ISF operations in Basrah, 35 women were killed. From April to December [2008] 37 women were killed, including six honor killings and nine killings from domestic violence. On December 19 [2008], the Basrah Police spokesman reported that honor killings had dropped 90 percent during the year compared to 2007 due to the improved security situation." [2o] (p28)

25.45 The UNHCR Guidelines of April 2009 recorded that:

"Women in all parts of Iraq may be at risk of "honour killing" at the hands of their families for perceived shameful behaviour. 'Honour killings' are most frequently committed with impunity given the high level of social acceptance vis-à-vis this type of crimes, including among law enforcement officials. On the rare occasions where perpetrators are arrested and charged, they are given lenient punishments. As a result, women and girls are reluctant to even report sexual attacks for fear of being ostracized or even killed by their family." [40b] (p195)

See also [Sexual violence and abuse](#)

25.46 The UNHCR Guidelines of April 2009 further commented that "In the case of women at risk of 'honour killings', women shelters established by NGOs or the local authorities in the Kurdistan Region are not to be considered as providing effective protection to potential victims. While they offer physical protection, social, legal and psychological counselling to women at risk, they cannot generally offer any longer-term solutions to the women affected." [40b] (p195)

Female Genital Mutilation (FGM)

25.47 The USSD report for 2008 stated that "Female genital mutilation (FGM) is not illegal and was reported in the rural areas of the Kurdish region. The government offered no substantive assistance for victims of FGM." [2o] (p29)

25.48 On 4 January 2008, an article by *Time* reported that legislation criminalising FGM received its first reading on 3 December 2007 and had been signed by 68 out of 120 deputies in the Iraqi Kurdish parliament. The article reported that "[a] breakthrough came in 2005 when WADI, a German non-governmental organization, published the results of a survey of 39 villages in the German region, east of Kirkuk." The survey showed that the practice was

widespread, with over 60% of women interviewed had undergone the surgery, and revealed the practice was being performed in secrecy. [124a]

25.49 The UNHCR Guidelines of April 2009 stated that:

“In the Kurdish areas of Iraq, the harmful practice of FGM continues to be reported, which UNICEF regards as ‘one of the most persistent, pervasive and silently endured human rights violations.’ Though no national estimates are available, most recent statistics from by German NGO WADI revealed that over 60% of women in mostly rural areas of the Kurdistan Region have been mutilated. However, the practice can also be found in urban areas. According to Susan Faqi Rasheed, President of the Erbil branch of the Kurdistan Women’s Union, as many as a third of the young girls have been circumcised in the Kurdistan Region’s capital. Surveys showed that the practice, which is encouraged by some clerics, is prevalent among Kurds, Arabs and Turkmen. Since 2007, human rights and women activists, physicians, and lawyers have been campaigning to ban FGM (‘Stop FGM in Kurdistan’), thereby breaking a strict taboo. In a recent breakthrough, a draft law that would criminalize FGM was submitted to the KNA. It is hoped that the KNA will debate the draft law during its new legislative term in 2009; however, women’s advocates believe that senior Kurdish leaders will be reluctant ‘to draw international public attention to the little-noticed tradition.’ In addition, campaigners say that in addition to a legal ban of FGM, a wide range of other measures such as assistance to victims and awareness-raising campaigns, are required to eradicate the practice that is ‘deeply rooted in society and tradition’ and for which ‘Islam is used as justification’.” [40b] (p146-7)

See also Women’s rights in the KRG area

Forced marriage and Mut’a (temporary marriage)

25.50 The USSD report for 2008 stated that “Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.” [20] (p30) The AI report, 1 March 2009, recorded that:

“Iraqi women human rights defenders say that many abused wives were forced to marry – often as a teenager without obtaining the judicial approval formally required under Iraqi law for a marriage of anyone aged between 15 and 18. Marriages of girls younger than 15 are illegal, but they continue to be conducted in private or religious ceremonies without those responsible being held to account.” [28r] (p6)

See also Children

25.51 The UNHCR Guidelines of April 2009 stated that “Women and girls are further at risk of specific types of violence perpetrated against them on the basis of conservative and traditional norms, including early/forced marriages and, in mostly rural areas of the Kurdistan Region, FGM.” [40b] (p196) The report also stated that:

“Furthermore, women and girls in Iraq may be exposed to other harmful traditional practices such as forced and/or early marriage, including exchanging of women between families for purposes of marriage, and marriages between young women with much older men. The right of men and women to enter into marriage only if they freely and fully consent is not

enshrined in the Constitution. It does provide, however, that the State must protect childhood and prohibits all forms of violence and abuse in the family. In addition, Iraq is party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of Discrimination Against Women (CEDAW), both of which guarantee the right to marry at one's free will. Under Iraq's Personal Status Law (Law No. 188 of 1959), which governs the manner in which courts settle disputes in marriage, divorce, child custody, inheritance, endowments and other similar matters, forced marriage is prohibited and punishable by up to three years' imprisonment. The legal age for marriage is 18. However, a 1979-amendment to the Personal Status Law lowered the minimum age for marriage to 15 years when there is consent of the parents, an adult brother or an adult married sister. Despite these legal provisions, many women and young girls are forced to marry and risk enduring violence if they reject their families' choice, including 'honour killings'. Marriages of girls below the age of 15 are done according to religious customs and are not legally recognized. The Iraq Family Health Survey 2006-2007 revealed that 9.4% of the girls were married at the age of 15.

"In rural areas of Northern Iraq, a practice called Jin bi Jin, meaning 'a woman for a woman', can be a form of forced marriage as it involves the exchange of women between two families where no bride price is paid. Similar practices can also be found in other areas of Iraq. Another custom, known as 'exchange-for-blood marriage', involves giving a girl or woman in marriage to another family as compensation for a killing." [40b] (p148-9)

See also Women in the KRG area

PROSTITUTION

- 25.52 UNHCR's Guidelines of April 2009 stated that female internally displaced persons (IDPs) risked being forced into prostitution. [40b] (p150)

See also IDPs

- 25.53 Reports noted that female refugees had been forced into prostitution in their host countries. (ICG, 10 July 2008) [25k] (p25) (AI, 15 June 2008) [28p] (p3, 11)
- 25.54 The USSD report for 2008 stated that "Prostitution is illegal. During the year, reports of prostitution increased. According to the NGO Organization for Women's Freedom in Iraq, some women have resorted to prostitution in order to provide for their children. On June 15, the Kurdish Lvin magazine published a detailed report on police involvement in a major Kirkuk prostitution ring, which routinely bribed government officials with prostitutes. The woman who ran the network asserted that there are over 200 brothels in Kirkuk. The author of the Lvin article, Soran Hama, was killed on July 21. The case remained unsolved at year's end." [2o] (p29)

SINGLE WOMEN

- 25.55 The UNAMI report, of 1 January - 30 June 2008, noted:

"There is increasing concern about the situation and rights of widows and women abandoned by their husbands. UNAMI has received reports highlighting the social and economic difficulties faced by women particularly

to access the labour market. This situation impacts on their children who dropout of school at an early stage as they are forced to work. The situation is more acute for internally displaced women who face problems to receive aid, shelter or health care.” [39q] (p15)

- 25.56 IRIN News reported, on 1 January 2009, that “After the US-led invasion in 2003, an Iraqi social welfare programme was created. It provides widows, divorced women, orphans, disabled people and the unemployed with a monthly allowance of 50,000-75,000 Iraqi dinars (US\$50-70). However, many aid experts say the money is insufficient.” The article however further noted that:

“Iraqi widows, especially internally displaced widows in camps, are having a tough time... ‘We have reports that some... are being harassed and blackmailed by government officials...’ al-Shihan [head of Baghdad’s Displacement Committee] told IRIN... Citing figures and estimates from government bodies and NGOs, al-Shihan said Iraq had about one million widows, including those whose husbands had died of natural causes, but a further breakdown was not available. [18cz]

- 25.57 The UNHCR’s Guidelines of April 2009 stated that “Single women face further difficulties to access employment as for cultural reasons they are often depending on their family/tribe to support them economically.” [40b] (p57)

WOMEN’S RIGHTS IN THE KRG AREA

- 25.58 The USSD report for 2008 stated that:

“Honor killings were also widespread in the Kurdish region. The KRG minister of human rights reported on December 16 [2008] that the KRG does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The KRG MOHR reported that between January and August [2008], 77 women were killed in honor killings. During this period, 211 women were burn victims. According to the Erbil hospital, 154 women were killed in Erbil between January and November. On April 2, three persons accused of an honor killing in Sulaymaniyah were arrested by the Asayish, according to press reports, but were later released. The suspects reportedly fled the country. The KRG reported that there were 528 honor killings in 2007; civil society observers and UNAMI in its human rights report considered the number to err on the low side. During the year, there were anecdotal reports from an NGO that between 200 and 250 women self-immolate in the region each year.” [2o] (p28)

- 25.59 These figures were corroborated by UNAMI’s human rights report, 1 July - 31 December 2008, who reported that:

“The number and pattern of incidents of gender-based violence [in the KRG area], recorded in the second half of 2008, remained comparable to that of the first half of the year. UNAMI has reported 139 cases of gender based violence in the last six months of 2008 in five governorates in northern Iraq. Out of the total number, 77 women were seriously burned, 26 were victims of murder or attempted murder and 25 were cases of questionable suicide. The total number of women killed as result of gender based violence

documented by the KRG Ministry of Human Rights for the year 2008 has slightly decreased to 163 from 166 in 2007.” [39b] (p13)

See also 'Honour Killings'

25.60 The USSD report for 2008 further mentioned that:

“On May 13, two days after a shooting at a women's shelter, the KRG Violence Against Women Commission, which is under the direct supervision of the prime minister and deputy prime minister, created monitoring boards to ensure that the region's existing laws to protect women are upheld and enforced by the courts. The commission also recommended that 'komalayati' bodies, or traditional panels led by village elders to reconcile disputes, no longer play a role in deciding legal cases. The monitoring boards are reportedly underfunded, and members lack appropriate training. Komalayati boards still play a role. In October and November [2008], five murder cases were resolved by these boards.” [2a] (p28)

25.61 The UNAMI report, 1 January - 30 June 2008, commented on the situation of women in the KRG area of Iraq, and stated that “reports of violent killings, domestic violence and burning of women” were recorded. The report stated:

“On 12 May, Nechirvan Barzani, KRG Prime Minister chaired a second meeting of the Commission on Violence against Women, which decided to reorganize the existing Directorates to Combat Violence against Women into a single body to facilitate the centralization of data analysis. ...

“However, at the time of writing this report, no specific measures have been initiated by the KRG authorities.” [39q] (p15) UNAMI's subsequent report for 1 July-31 December 2008 stated that:

“... the KRG Minister of Human Rights established on 29 October 2008 committees on violence against women in the three governorates of the Kurdistan region. These committees have held their initial meetings, with the participation of ministerial officials, police officers, forensic specialists and prosecutors. The committees admitted that the investigation of crimes against women was still being hampered by a lack of skills, training equipment and awareness. Two committees recommended that specialized courts should be created for gender-based violence cases or that at least specially trained judges should handle such cases. Such specialized courts or victims/witness units within specialized courts should provide protective measures and security arrangements, counselling and other appropriate assistance during the investigation and the trial phases and during any subsequent period of time when safety of the victims or witnesses so requires.” [39b] (p14)

25.62 The UNAMI report, 1 July - 31 December 2008, further stated that:

“UNAMI/HRO has been alerted by local advocates for women's rights in the KRG of the frequency of the so-called 'honour killings' and cases of female self-immolation in the Kurdish region, despite efforts from the KRG to raise public awareness regarding violence against women. In cases reported to UNAMI, women have been attacked, wounded and left to die and the death characterised as 'accidental' by family members.” The report went on to mention examples of this. [39b] (p14)

“The practice of female genital mutilation (FGM) remains underreported in the KRG. The KRG Ministry of Women Affairs, the women’s committee in the Kurdish National Assembly, and international and national human rights organizations have been collecting information and advocating for a decision on the amendment of the criminal code to make FGM a crime. To date, no clear decision has been made by the government and the Kurdish National Assembly. Women’s rights groups in the KRG are campaigning to change the perception that FGM is harmless and required under Islam. Despite these efforts, the latest statistics collected by the German organization WADI during the last three months of 2008 showed that 98% of women living in 54 villages in Rania and Qalat Dazei districts in the area of Bishdar in the Sulaimania governorate have undergone FGM.” [39b] (p14)

See also Domestic violence; ‘Honour’ killings/crime; Female genital mutilation

25.63 The Amnesty International (AI) report, 14 April 2009, stated that:

“Over the past decade lobbying and campaigning by women human rights defenders in the Kurdistan Region of Iraq have achieved some important improvements concerning protection for women from violence and women’s legal status. Since the late 1990s shelters for women at risk have been established by women’s organizations and, more recently, also by the authorities. Further, women’s organizations are involved in many activities contributing to strengthening women’s role in society – including education, vocational training, income-generating projects, legal assistance, awareness and advocacy work.” [28p] (p31) The report further commented that:

“In recent years, the Kurdistan Parliament has addressed violence against women. It has established specialized bodies tasked with monitoring and preventing violence against women – including at the police and at inter-ministerial level. Law 14 of 2002 amended the Iraqi Penal Code in order to prevent inappropriately lenient sentences against perpetrators of crimes against women who claimed they had acted with ‘honourable motives.’ In October 2008 the Kurdistan Parliament passed Law 15 of 2008 amending the Personal Status Law enhancing women’s rights. These amendments included restrictions on polygamy, but many Kurdish women’s rights activists keep calling for a total ban as they see the retention of discriminatory laws on polygamy as a capitulation to religious interests.

“Other positive steps taken include the Draft Law on Violence in the Family, which was drafted by the Kurdistan Parliament’s Women’s Committee and aims to improve protection of women and children. Among other issues, the draft law proposes to facilitate judicial procedures against perpetrators and envisages improved protection measures for victims or persons at risk. ...

“Violence against women by family members spans the spectrum from depriving women of economic necessities through verbal and psychological violence, to beatings, sexual violence and killings. Many acts of violence apparently have some social sanction, including ‘crimes of honour’, forced marriage, including early marriage, ‘Jin be Jin’ (a practice involving the barter of women to avoid paying dowries and other marriage expenses) and female genital mutilation. Husbands, brothers, fathers and sons are responsible for most of these abuses - sometimes acting on the orders of family councils, gatherings of family or clan elders.” [28p] (p31-32)

See also [Forced marriage and Mut'a \(temporary marriage\)](#)

25.64 The UNHCR Guidelines of April 2009 recorded that:

“While women shelters in the Kurdistan Region can provide temporary protection from domestic violence to some women, including those at risk of ‘honour killings’, longer term solutions are often not available. Mediation between the women and their families aims at enabling the women’s return, but this may not always be possible and there have been cases of fathers assuring their daughters that they have forgiven them, only to murder them once they are back in the family home. Some families may agree to spare the life of their daughter but may subject her to other types of violence, including, for example, forced marriage with the rapist, which, by Iraqi law, results in the closing of all related criminal proceedings. Therefore, in some cases there are no alternatives other than remaining in the protection centre or finding solutions outside Iraq.” [40b] (p195)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

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26. CHILDREN

OVERVIEW

26.01 The USSD report for 2008 noted that “The government in general was committed to children’s rights and welfare, although non-citizen children were denied government benefits. They had to pay for services that were otherwise free, such as public schools, health services, and, except for several hundred Palestinian families, were not eligible for the national food rationing program.” [2o] (p29)

See also [Foreign refugees](#)

26.02 The IDP Working Group members report, published 28 March 2008, further commented that due to the high number of IDP children, incidents of early marriage amongst Iraqi girls, drug abuse and prostitution have all increased. Children were also reported to have displayed symptoms of psychological trauma in unstable areas. [135] (p18)

See also [Internally Displaced People \(IDPs\)](#).

26.03 The UNICEF humanitarian action report for Iraq, published 25 June 2008, noted that Iraq ranked as the 41st worst country in a global survey of under-five mortality rates and 34th worst concerning infant mortality rates. [27g] (p130) The UNSC report, 20 February 2009, noted the maternal death rate in Iraq was 84 deaths per 100,000 live births. [38a] (p10)

26.04 The UNAMI report, covering 1 January - 30 June 2008, recorded that:

“In April, the UN Special Representative of the Secretary-General for Children in Armed Conflicts... highlighted widespread violations of children rights, including more than 1,000 children facing legal processes and those held by MNF-I, child recruitment into armed militia groups, and in general diminished access to essential services including safe water, education and health care. She recommended the creation of a high-level, inter-ministerial body to establish appropriate child protection policies, particularly for the Iraqi judicial process. She also called for the creation of a monitoring and reporting mechanism inside Iraq to gather more data on grave human rights abuses affecting children such as child recruitment.” [38q] (p18)

Basic Legal Information

26.05 The OHCHR reported that Iraq ratified the Convention on the Rights of the Child on 15 June 1994. [146a] (p3) The report, last updated on 2 July 2008 further stated that “The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect to article 14, paragraph 1, concerning the child’s freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the *Islamic Shariah*.” [146a] (p11)

26.06 The age of consent in Iraq for male-female sex was 18. (Avert, accessed 23 June 2009) [147]

For further information on age of marriage see [Women; Forced marriage and Mut’a \(temporary marriage\)](#)

26.07 The Child Soldiers global report of 2008 stated that:

"In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres." [42a] (p179)

26.08 "Under the Iraqi Child Welfare Law, children between the ages of 9 and 18 are considered juveniles, and can be arrested and detained for both criminal offenses and for status offenses such as being homeless or begging. The law states that those accused of criminal offenses must be held separately from adults. Upon arrest, children must be transferred immediately to the custody of juvenile police forces. The law also stipulates that the questioning of children be undertaken by a specialized juvenile investigative judge. If an investigative judge deems the evidence sufficient for referral of a juvenile case, the judge is then directed to transfer the child for psychological examination. The law sets no limit on how long a child can be held pending trial, age determination, or the court ordered psychological examination." (HRW, 14 December 2008) [24x] (p25)

LEGAL RIGHTS

26.09 Article 29 (3) of the Constitution stipulates that "Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection." [82a] (p10) In spite of this, the USSD report for 2008 stated that "Despite laws against child labor, children often worked illegally on farms or in street commerce." [2o] (p30)

26.10 The UNHCR Guidelines of April 2009 further stated that:

"Iraq is a signatory to the Convention on the Rights of the Child and ILO Convention 182 on the Worst Forms of Child Labour. The Iraqi Constitution prohibits economic exploitation of children in all its forms as well as forced labour and slavery. The Iraqi Labour Law (Law No. 71 of 1987 as amended by CPA Order No. 89) provides for a minimum working age of 15 and lists types of work that children below the age of 16 are not allowed to perform as it is 'likely to harm their health, safety and morals.' However, the Ministry of Labour and Social Affairs (MoLSA), which is responsible for overseeing labour inspections, is unable to fulfill its obligations under the law in enforcing child labour laws and removing children from exploitive labour situations for lack of inspectors and resources. Child labour is prevalent in Iraq and reportedly on the rise due to increasing poverty. In 2006, 12.4% of the children aged between 5 and 14 years have been engaged in child labour. Many children are selling items on the streets or are begging. In urban areas, children also work in automobile shops and on construction sites, often in hazardous conditions. In rural areas, children are engaged in seasonal manual labour. There are reports of children working in the sex industry and drug trade. Child labour is also common among IDPs and returnees. IDP and returnee monitoring by UNHCR revealed that at least 16% of the IDP children, 4% of the IDP returnee children and 41% of the refugee returnee

children were engaged in some kind of labour, including as porters, rubbish collectors or in the agricultural sector. The need to work in order to support the family was also cited as a major reason for non-attendance at school.” [40b] (p154-5)

- 26.11 The FCO report, 27 March 2009, recorded “... UNICEF noted some incidence of child labour but believed that the phenomenon has been declining with economic growth and greater prosperity in the KR in the last few years.

“Dr Yousif Aziz (Dr Shwan), KRG Minister for Human Rights stated that there was a problem in some parts of the KR with the use of child labour but he did not believe the problem to be on a large scale. The Ministry of Human Rights works closely with the Ministry of Social Affairs and NGOs to resolve the problem of child labour. The Ministry of Social Affairs is able to provide funding to enable children who are found working to return to school.” [66d] (p16)

VIOLENCE AGAINST CHILDREN

- 26.12 The UNSC report of 28 July 2008 stated that:

“The continuing conflict and resulting psycho-social impact of violence and deprivation on millions of Iraqi children is of tremendous concern. Violations against children are being committed on a large scale and include child recruitment, attacks on schools and hospitals, killing and maiming by indiscriminate attacks and lack of humanitarian access due to insecure conditions.” [38q] (p8)

- 26.13 The UNAMI report for 1 July - 31 December 2008 commented that:

“Despite the improvement in the security conditions, the promotion, protection and respect of children’s rights remain a major challenge in Iraq. Children and young adults are exposed to a wide range of grave violations including death and injury from sectarian violence, military operations and unexploded ordnances and other remnants of war. Iraq has experienced attacks on areas where children and young adults congregate, including schools. Media, police and military sources and NGOs have reported limited but increasing use of children and young adults by a range of non-state armed groups, including as suicide bombers. Abduction of children and young adults has also been reported, usually for ransom or similar criminal motives. Gender-based violence is affecting women, children and young adults. Increasing reports show that women and children are becoming victims of sexual violence, forced marriages, ‘honour crimes’ and trafficking. The difficult access to essential social services for children and young adults is also widely reported. Detention of children and young people also remains a major concern.” [39b] (p15)

- 26.14 The UNHCR Guidelines of April 2009 stated that:

“Children and adolescents continue to be killed and injured in violence in Iraq. It is estimated that tens of thousands of children have lost a parent to violence and/or have been internally displaced. Children living near one of the 4,000 identified areas contaminated with mines and unexploded ordnances are at constant risk of being killed or maimed. A high number of

Iraqi children suffer from severe psychological trauma and domestic violence against children is reported to be on the rise. Many children lack access to education, health care and clean water. Among IDP children in all areas of Iraq, indications of economic and social vulnerability have been found, including child labour, begging in the streets, children not attending school, child heads of household and early marriages. IDP protection monitoring revealed that physical and mental abuse of children, in particular girls, is rife due to high unemployment and economic hardship.” [40b] (p151-2)

See also Internally displaced people (IDPs)

26.15 The USSD report for 2008 commented that:

“In April, the UN Special Representative of the Secretary-General for Children in Armed Conflict issued a report that highlighted widespread child recruitment into armed militia groups throughout the country. There were numerous reports of children being used to fight government forces during military operations in Sadr City in March and April. The MOHR reported in its annual Victims of Terrorism report that 376 children were killed and 1,594 wounded from various acts of terrorism during the year.” [2o] (p30)

26.16 The Child Soldiers global report 2008 noted that “The two main child recruiters were al-Qaeda in Iraq and Jaysh al-Mahdi (Army of the Mahdi), according to research conducted by an Iraqi NGO. These groups reportedly used money to entice children into the group. [42a] (p179)

26.17 The UNHCR Guidelines of April 2009 stated that:

“While statistics are hard to come by, anecdotal evidence and a number of confirmed cases suggest that the problem of children associated with armed groups is significant and has rapidly escalated after the Samarra bombings in 2006. It has been reported that hundreds of them, some as young as ten years, have been used in varying tasks, including scouting, spying, planting roadside bombs, videotaping attacks and more traditional combat roles. Especially troubling are reports of use of children, including mentally handicapped children, by AQI and associated groups as suicide bombers. Other groups that have allegedly recruited children are the Awakening Councils and JAM [Jaish Al-Mahdi (Mahdi Army)]. The ISF is not known to use children under the age of 18 years. Some families have become destitute and cannot provide for the barest necessities for their children, due to poverty and/or the absence of a head of household to provide protection. Many children are also not able to attend school due to poverty or insecurity and have little or no access to basic care. Children join armed groups for various reasons, one of which is the strong economic incentive.” [40b] (p153-154)

See also Abuses by non-governmental armed forces.

CHILDCARE AND PROTECTION

26.18 The USSD report for 2008 stated that NGOs had seen an increasing number of street children since mid-2007. “MOLSA operated 19 orphanages for older children in Baghdad and the provinces, housing a total of 392 children, and 40 orphanages for young children, housing approximately 2,000 children.

"In June 2007, an orphanage in Baghdad was discovered to be housing 24 severely malnourished boys from three to 15 years-old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment (six had cholera) and moved to another orphanage. Arrest warrants were issued for three employees of the orphanage, all of whom remained at large at year's end." [2o] (p30)

26.19 The FCO report, 27 March 2009, stated that:

"...UNICEF stated that children from very poor families might be encountered as street children. IDP children, whose families have moved to the KR from elsewhere in Iraq, may also be seen on the streets. This problem has begun to decline as families are returning to their homes as the security situation improves across Iraq. UNICEF is working with the KRG Ministry of Social Affairs to address the issue of street children." [66d] (p16)

26.20 The FCO report also mentioned that "... UNICEF stated that the KRG runs three orphanages, in Erbil, Sulaymaniyah and Dohuk. A new orphanage had recently opened in Erbil, part-funded by the United States and run by the Ministry of Labour and Social Affairs. The facility is large with good facilities. [It also provided accommodation for elderly men, but in a separate facility to the children's home.]

"... UNICEF stated that while UNICEF does not generally support the use of institutional care for children it has worked in the KR with existing orphanages to help support children to access schools and accelerated learning programmes." [66d] (p17)

EDUCATION

26.21 Article 34 of the Constitution provides for the right to free education to all Iraqis. In order to prevent illiteracy the Constitution states that primary education is mandatory. [82a] (p10-11) The Christian Science Monitor, on 9 July 2008, stated

"In the 1970s and '80s, Iraq's public and higher-education systems were the pride of the Arab world. The impact of international sanctions in the 1990s ushered in a period of decline that was worsened by the disruption and sectarian conflict that followed the US-led invasion in 2003." [34d]

26.22 The USSD report for 2008 stated that:

"Free primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. According to the Ministry of Education, total elementary school enrollment during the 2007-2008 school year was 4.33 million students, an increase from 4.15 million during the 2006-2007 school year.

"According to information from the Central Organization for Statistics and Information Technology in the Ministry of Planning, literacy (15 to 45 years-old) was 65 percent. There was an increase in the number of illiterate children between the ages of six to 11 who are not in school due to security, poverty, and homelessness. NGOs and international organizations noted increasing numbers of street children since mid-2007." [2o] (p29-30)

- 26.23 The UNSC report of 6 November 2008, stated that “Across parts of Al-Anbar, Babil and Basra, fewer than 60 per cent of children aged 6 to 11 had regularly attended school in the past two school months. In many of these governorates, over 30 per cent of primary schools operate two or more shifts per day.” [38r] (p11)
- 26.24 A survey of 1,513 Iraqi women, reported by Women for Women Institute on 3 March 2008 noted that “76.2% of respondents said that girls in their families are not allowed to attend school, and 56.7% of respondents said that girls’ ability to attend school has gotten worse over the last four years. According to Women for Women International-Iraq staff, the primary reasons for this are poverty and insecurity.” [130] (p8)
- 26.25 On 23 May 2008, UNICEF reported that violence in Sadr City had damaged more than 29 schools, with some being destroyed completely and parents opting to keep their children for security reasons, despite the declaration of a ceasefire in the area. The article noted that UNICEF was working to help rebuild schools and provide new school supplies. [27e] Further to this the UNSC report of 28 July 2008, commented that work was underway to repair 14 out of 22 damaged schools in Sadr City, Baghdad. [38q] (p11)
- 26.26 The UNAMI report, 1 January - 31 June 2008, stated that children may be forced to drop out of school at an early stage and work if either of their parents died as a result of the social and economic difficulties faced by the widowed parent. [39q] (p15)
- 26.27 The UNSC report, published on 6 November 2008, recorded that “UNICEF has also successfully completed the training of 664 teachers, head teachers and supervisors in child-centred and active learning methods, 18,000 teachers in psycho-social support and 210 teachers in northern Iraq addressing the needs of children with disabilities.” [38p] (p9)
- 26.28 The IRRICO report, 5 May 2009, noted information on access to primary and high schools in Iraq, including in the KRG area, and differences between private and public schools. The report stated that “So far there is no special education available for vulnerable cases in Baghdad and southern Iraq. In the KRG, there are special schools for people with special needs and some of those schools include vocational training centres to help make them self-sufficient.” [3a] (p7)

See also [Disability](#)

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HEALTH AND WELFARE

- 26.29 Jane’s Sentinel, last updated 18 February 2008, reported that around 95% of Iraqi children had received key immunisations under the Ministry of Health’s national disease surveillance and response system. [14d] (p9) The UNSC paper of 28 July 2008, reported that “WHO and UNICEF supported a vaccination drive for 239,000 children ... [had] contained a measles outbreak.” [38q] (p11) UNICEF further reported, on 4 November 2008, that the Iraqi Government had delivered vaccinations to around 5 million under five-year-olds. [27j] However, the UNSC report of 6 November 2008, commented

that “In poor subdistricts of Baghdad, as few as 18 per cent of children aged 1 to 5 years were found to be immunized against measles.” [38r] (p11)

- 26.30 Doctors for Iraq, in their March 2008 newsletter, commented that “A study carried out by the Ministry of Health in Iraq showed the total number of children born with neonatal anomalies from 2001 to 2006 reached almost 13129. Data from 2007 shows that 1919 children were registered as born with anomalies. According to the study the governorate of Naynawa had one of the highest rates of cases of neonatal anomalies wit [sic] 411 cases, followed by Baghdad with 372 and Basra came third with 300 children with neonatal anomalies.” [136a] (p11)

See also Medical issues.

- 26.31 A report by UNICEF, published 14 February 2008, stated that “Instability also took a growing toll on children’s behaviour. A report by the WHO in March 2007 said that 30% of Iraqi children were showing classic signs of anxiety and distress: including bedwetting, poor concentration and violence.” [27h] (p10)

See also Mental Health.

- 26.32 The WHO situation update on Diarrhoea and Cholera in Iraq, 21 December 2008, recorded that of the 925 laboratory-confirmed cases of cholera to date, 47% of the cases had been found in children below the age of five. [23g] (p1)

See also Medical issues; Health Issues.

- 27.33 UNICEF reported, on 16 May 2009, that “... one million doses of measles vaccines arrived by plane into Baghdad. The vaccines will be used by the Ministry of Health, WHO, and UNICEF in an emergency vaccination campaign to prevent the spread of a major measles outbreak in the country.” Around 835,000 under-five children were due to be vaccinated with the supply.

“The current number of cases in Iraq is nearly three times more than in all of 2008. Since the beginning of the year, over 22,000 children have been infected with around 1,000 cases continuing to be recorded every week. At the end of March ninety-three children had perished. The rise is due to the increasing low immunity of the population that has resulted from reduced coverage of routine vaccinations from 2005-2008 due to insecurity.” [27a]

JUVENILE PRISONERS

- 26.34 The USSD report for 2008 stated that:

“MOLSA's [Ministry of Labour and Social Affairs] juvenile facilities lacked adequate resources and space and did not adequately support rehabilitative programs. On July 13, international media reported that two Sunni juveniles were killed in the facility, but these allegations were unsubstantiated by investigations. There have been other allegations of torture but no confirmed cases. There were no reports by juvenile detainees of abuse or torture cases in MOLSA facilities. According to MOLSA officials, children were often abused and tortured during interrogation while detained by MOI and MOD security forces, particularly by National Police, before their transfer to MOLSA facilities. ...

“A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MOI and MOD personnel and adult prisoners. Additionally pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.” [20] (p7)

- 26.35 The UNSC report of 28 July 2008, stated that “Approximately 1,500 children are known to be held in detention facilities for alleged association with armed groups and in centres where they are mixed with adults.” [38q] (p8) Of the 1,500 reported by UNSC, an estimated 513 children were being held by the MNF as “imperative threats to security ...As of February 2008, the reported average length of detention for children was more than 130 days, and some children have been detained for more than a year without charge or trial, in violation of the Coalition Provisional Authority memorandum on criminal procedures.” (HRW, 21 May 2008) [15w] HRW further commented, in its World Report 2009, covering the events of 2008, that:

“The number of children in MNF custody dropped during 2008 from a high of nearly 900 in December 2007 to approximately 170 as of mid-September 2008. The sharp decrease appears to reflect faster MNF processing of children's cases, transfers to Iraqi custody for trial, and a shift from arrests by the MNF to arrests by Iraqi forces. Juvenile detainees in MNF custody continue to lack access to independent legal counsel to challenge detention.” [15a] (p2)

- 26.36 The UNAMI report, covering 1 July - 31 December 2008, stated that “The situation of children under MNF-I detention is no longer at crisis level, as detainee figures dropped from 874 on 8 December 2007 to approximately 500 in mid-May 2008, and then further to 50 by the end of December 2008.” [39b] (p15)

- 26.37 The HRW report also stated that “The United Nations Children's Fund (UNICEF) in August reported some easing of overcrowding at al-Tobchi juvenile detention facility-where detainees had told UNAMI of sexual abuse in custody in 2007-following the release of hundreds of detainees under the amnesty.” [15a] (p2)

- 27.38 The UNAMI report, covering 1 July-31 December 2008, stated that:

“The Iraqi juvenile justice system continues to be characterized by the lack of community based actions to prevent juvenile crime. Lack of alternatives to the formal justice system (including appropriate diversion mechanisms) and an almost automatic tendency to remand juvenile suspects into custody pending trial remained constant. By the end of 2008 there were 1017 children in detention and reformatories out of which 368 (360 boys, 8 girls) were in pre-trial detention and 556 (531 boys, and 25 girls) as convicts in reformatories. Correction facilities holding children in Iraq are critically overcrowded, their infrastructure has been neglected over the years and minimum standards of hygiene not being observed, leading frequently to the spreading of contagious diseases.

“According to UNICEF, children and adolescents in contact with Iraqi security forces have been, and continue to be, exposed to physical and mental abuse, particularly upon arrest and during the early stages of investigation. The Iraqi criminal justice system places an overwhelming

weight on confessions, thus detained children are almost inevitably subjected to threats, ill-treatment and torture by investigators with the aim of obtaining a confession. Children are likely to spend lengthy periods in pre-trial detention in violation of the provisions of the Convention on the Rights of the Child and other relevant standards. Key actors, service providers and institutions lack knowledge of modern juvenile justice procedures. The social support systems are inadequate, obsolete and under-funded.” [39b] (p15)

26.39 The UNHCR Guidelines of April 2009 recorded that:

“HRW reported that in Iraqi detention facilities, children are at times held together with adult detainees. Overcrowding and mistreatment of children and adolescents has been reported in Iraqi detention centres. On the basis of the SOFA, detainees must be transferred to Iraqi custody or be released. Children transferred to Iraqi custody are at risk of abuse and poor conditions of confinement. In July 2008, Knight Ridder reported that US investigators probing allegations of torture at the Iraqi-run Tobchi Juvenile detention facility for boys in Baghdad found evidence of torture and abuse of children and adolescents, including the extrajudicial killings of two Sunni children while in detention. A recent visit to Al-Karrada Female Juvenile Detention Centre in Baghdad, which is currently hosting 14 girls between the age of 14 and 17, found the centre to be in better condition than Tobchi. By January 2009, all but one of the juveniles held by the MNF-I have been transferred to Iraqi custody.” [40b] (p152-3)

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27, TRAFFICKING

27.01 The UNHCR Guidelines of April 2009 stated that:

“The Iraqi Constitution prohibits trafficking in women or children. However, there is evidence that traffickers are exploiting the unstable situation in Iraq and have built up child trafficking networks inside and outside the country. According to CATCH (Conference Against Trafficking of Children), child trafficking is increasing in Iraq due to extreme political chaos, poverty and war, although it is not known to what extent and reliable information is difficult to come by. ...

“According to CATCH, thousands of young Iraqi women and girls are engaged in prostitution in Syria and Yemen ‘under conditions constituting severe forms of trafficking in persons’. It also said that orphans, including at least 5,000 in Baghdad alone, were particularly vulnerable to many forms of exploitation and abuse. According to CATCH, there is currently no anti-trafficking training for law enforcement officials and relevant laws are not enforced. There are also only a few NGOs or international organizations working specifically on trafficking issues.” [40b] (p155)

27.02 The USSD Trafficking in Persons report of June 2009 stated that:

“Iraq is both a source and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Iraqi women and girls, some as young as 11 years old, are trafficked within the country and abroad to Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran, and possibly Yemen, for forced prostitution and sexual exploitation within households in these countries.” [2c] (p162)

“The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In particular, despite the serious security challenges facing the government, it is committed to enacting comprehensive anti-human trafficking legislation, which it began to draft during the past year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws or identifying and protecting victims of trafficking.” [2c] (p163)

27.03 The FCO report, 27 March 2009, stated:

“Soran Qadir Saeed, NPA [Norwegian People's Aid] stated that there were cases of women being trafficked to, from or through the KR [Kurdistan Region]. Trafficking was a recent phenomenon in the KR. The women were exploited either for labour or sexual purposes. Some women from the KR had been trafficked to Syria and Turkey and there were cases of women from Syria and the Philippines being trafficked to the KR and working in private houses operating as brothels. The people traffickers involved are also trafficking drugs.” [66d] (p13)

See also [Women](#)

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28. MEDICAL ISSUES

28.01 Article 31(1) of the Constitution stipulates that “Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions.” Article 31(2) states that “Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law.” [82a] (p10)

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.02 The IRRICO report, 5 May 2009, stated that “The health system [in Iraq] has private and public sectors. Because of the attention paid by the government and international organizations to developing this system, the differences between the two sectors are not great. “No public health insurance system is available in the country. Only those that work for special companies and organizations have access to health insurance schemes.” [3a] (p3)

28.03 The IRRICO report further stated that “Treatment in the public sector can be obtained as follows:

- “The patient needs to visit the nearest clinic to be examined by the doctors there. In clinics available in most neighbourhoods, towns and villages simple cases can be treated. For more complicated cases patients are usually referred to specialized hospitals where doctors with different specialities examine patients during working days (Saturday to Thursday), from 8am to 1pm.
- Treatment in private sector is usually a choice for those who want special care and can afford it. Specialized doctors who work in hospitals during regular working hours usually have their own private clinics, which they open it in the afternoon. These do not have specific working hours or days, though the majority of them do not open on Fridays, with fewer clinics also being closed on Thursdays. There are also private clinics for taking MRIs, x-rays, and ultrasound examinations.
- There are private hospitals for those who cannot wait for appointments for surgery. In private hospitals surgery can be performed immediately. In public hospitals patients have to wait for a long time for surgery with waiting times sometimes exceeding months.” [3a] (p3)

28.04 The IOM report of 1 April 2008, commented that in the Anbar province: “Hospitals are functioning normally... and a number of health centres are being rehabilitated or constructed. Seven health centres have been constructed in Fallujah and construction of the Fallujah General Hospital is ongoing. Hospitals are generally able to cover normally required medicines and treatments, but there is a shortage of medicines for chronic disease.” [111e] (p3)

28.05 The MSF Annual report for 2008 stated that “The Iraqi government has made recent efforts to develop health services, but there are still enormous gaps and thousands of Iraqis receive either no or insufficient medical care. This situation results from years of neglect of health services—particularly for primary health care—and the loss of medical staff who have fled Iraq out of fear of assassination or abduction.” [151a] (p4)

- 28.06 The UNSC report, 20 February 2009, stated that “WHO and the United Nations Children’s Fund (UNICEF) also supported the Ministry of Health to implement polio national immunization days in October and November 2008. The campaigns reached nearly 5 million children under the age of five. Iraq has now been polio-free for eight consecutive years.” [38a] (p9)

See also [Humanitarian Issues, health issues](#)

- 28.07 The ICRC’s annual report for 2008, published 27 May 2009, further stated that “The number of weapon-wounded remained high, and medical facilities continued to be overstretched.” The report further listed assistance provided by ICRC to hospitals in Iraq. [43a] (p345) The ICRC also stated, on 29 October 2008, that health care was expensive and although health services were more readily available in larger cities in Iraq, persons from rural areas may have to travel. [43g]
- 28.08 The WHO Bulletin, 11 May 2008, reported that WHO had helped fund biomedical engineering training to enable staff to operate x-ray machines and had also supported the rehabilitation of a repair shop for x-ray machines in Baghdad. [23e] (p1)
- 28.09 On 1 July 2008, the Institute for War and Peace Reporting (IWPR) reported on equipment shortages in Kirkuk hospital, stating “Iraqi health officials do authorise supplies of equipment and medicine – but bureaucracy, corruption and instability means that little of it ever reaches the hospital.” [11z]

See also [Corruption](#)

- 28.10 The IRRICO report, 5 May 2009, stated that:

“Most kinds of medication are available in Iraq, but not necessarily in public hospitals. Public hospitals have medications bought by the government and the patients cannot have chosen medicines from different manufacturers, as is the case in private hospitals and pharmacies.

“Medicines prescribed by doctors in private clinics or private hospitals can be bought from private pharmacies only. A wide range of medicines made by different manufacturers are available, ranging from Swiss, Indian and those manufactured in Iraq.

“There is a shortage of cancer medicines in Iraq. These can be received from specialized cancer hospitals which are government-run. Waiting times for medication are known to be months, and in some cases even years. As a solution, patients usually buy those medicines from other countries, mainly Jordan, where those drugs are available in private pharmacies.” [3a] (p3)

- 28.11 The IRRICO report, 5 May 2009, further noted that “For vulnerable cases public hospitals usually do not charge for medication and they note on the receipts that it concerns a vulnerable case. In this way, the finance department of the hospital will not charge the patient. “People who are suffering from chronic diseases have a Medical Card; they receive their medications every month free of charge from a nearby clinic, usually located in the same district.” [3a] (p4)

- 28.12 The IRRICO report, 5 May 2009, recorded that:

“Psycho-social support is available in public hospitals (departments in some hospitals in the main cities) and in private clinics where the same psychiatrists in public hospitals are working.

“Cases needing urgent treatment and hospitalization for a short time (acute cases) depend on public hospitals (psychiatric departments), available in Suleimanya, Dahuk and Erbil. For these admissions, the treatment period should not exceed one month and in most cases it is allowed for the doctor to hospitalize the patient for only two weeks.

“For cases with a longer term or permanent need of hospitalization, the government has established rehabilitation centres (for female cases only), like Soz Rehabilitation centre in Tasluja – Sulaimaniyah. The government is planning to open more centres.

“Most of the current psychotropic drugs are available in Suleimanya; some of these are generic.” [3a] (p3-4)

Doctors and health care workers

- 28.13 The Iraqi medical services had to deal with a shortage of staff as doctors and nurses emigrated en masse. (Medact, 23 January 2008) [10b] (p2) (ICRC, 15 March 2008) [43d] (p8) (Doctors for Iraq, March 2008) [136a] (p4) The Iraq Doctors' Syndicate, the official medics' register, estimated that 1,500 medical professionals (doctors, nurses, dentists and pharmacists) had fled Iraq in 2006 alone [136a] (p2) and that the Ministry of Health had lost more than 720 physicians, many of whom were assassinated. [136a] (p4) By September 2008, it was reported that over 800 physicians had returned to Iraq during 2008. (USDoS, December 2008) [103d] (p16) (BBC, 20 November 2008) [4dl]
- 28.14 On 27 June 2008, Reuters News reported that “more than 400 Iraqi doctors had come back this year, encouraged by a drop in violence and better wages.” The article further noted “The security is much better but the doctors still get threats from criminal gangs.” [7f]
- 28.15 On 17 October 2008, the Independent reported that the Iraqi government had passed a law permitting Iraq doctors to carry guns for personal protection. [85f]
- 28.16 The UNAMI report, covering 1 July - 31 December 2008, stated that doctors continued to be targeted in indiscriminate attacks. [39b] (p2)
- 28.17 The UNHCR Guidelines of April 2009 stated that:
- “The number of doctors and other medical personnel that have been kidnapped and/or killed since 2003 goes into the thousands and continued also in 2008. Many more have left their jobs or fled the country altogether. Some doctors in Baghdad have been virtually shut out from their clinics as they are located in a neighbourhood that is under control of another sect. Those that continue to work in places like Baghdad, speak of conditions comparable to house arrest as they often live on the hospital premises.” [40b] (p181-2)

See also Perceived collaborators and 'soft targets'.

MEDICAL ISSUES IN THE KRG AREA

- 28.18 On 5 December 2007, the KRG announced the opening of the Erbil Cardiac Centre; “the largest and best equipped heart surgery hospital in Iraq ... It has a staff of 300 medical professionals, and both pediatric and geriatric care units.” [150a]
- 28.19 The WHO reported, on 28 January 2009, that “Psychosocial and mental health services for people in Iraq with focus on northern governorates are being strengthened through a new project endorsed by the World Health Organization (WHO) and Iraqi authorities and funded by The Netherlands. This two-year project... aims to improve and strengthen the quality of social and mental health care services by rebuilding psychiatric infrastructure to care for Iraqis, particularly women suffering from mental disorders and substance abuse.” [23h]

See also [Mental Health](#)

- 28.20 The FCO report, 27 March 2009, stated that:

“Dr Khalid Ali Abdullah, Director General of the Department of Health in Erbil Governorate stated that there are 16 hospitals in the Erbil Governorate serving a population of around 1.5 million. Eight are in Erbil city and eight are in rural locations. There are a further 200 health centres and clinics. There are around 15,000 staff and they dealt with two million patient visits in 2008, including over 14,000 emergency surgery cases. There are an additional eight private hospitals but access to these is dependant on ability to pay fees.

“... the KR has a large number of medical facilities, in both the public and private sectors in major cities and towns. Smaller towns have community clinics, which can cover minor illnesses and offer a range of basic medical services including infant vaccinations. Such clinics will often be manned by physicians' assistants rather than qualified doctors. The level of service can be inconsistent between different locations. A new emergency hospital is being built in Dohuk, financed by the World Health Organisation (WHO). A new emergency hospital is also under construction in Erbil.

“[The] ICRC stated that medical facilities in the KR were often of a low standard. Although there are sufficient funds to invest in the public health sector the KRG lacks a clear strategy to develop the sector effectively. The ICRC works with the KRG to train health workers and enjoys a good and open dialogue with KRG Ministries. The ICRC has assisted 22 hospitals across Iraq and has built new facilities such as a cardiac clinic in Kirkuk. A key focus for the ICRC is basic hygiene in health facilities and the KRG is investing resources to improve standards...

“Dr Khalid Ali Abdullah, Director General of the Department of Health in Erbil Governorate stated that medical treatment is almost free in the KR. A patient is currently required to pay a fee of 1,000 Iraqi Dinar (around US\$1) for a consultation and emergency treatment is free...

“Dr Khalid Ali Abdullah stated that the KR currently does not have a 999-style emergency medical service. Patients are usually taken to hospitals in

private vehicles. There are plans to introduce a paramedic style ambulance service in the KR with ambulances stationed on main roads. There are a number of facilities, funded by the WHO and South Korean air programmes, in Erbil and wider KR. ...

"... Frontier Medical stated that dental and optical services are available to a high standard and provided by both the public and private sectors. Public sector facilities charge fees for dental and optical services. Dental services are available to a high standard but the level of service would depend on an individual's ability to pay the fees. Optical services such as laser treatment are available in the KR. The KR does not have a universal eyecare programme. Some KR hospitals have eye clinics.

"... Frontier Medical stated that in clinics that he had visited the children received a full series of routine vaccinations. Japan had provided funding for the child vaccination programme in the KR." [66d] (p20-22)

- 28.21 The FCO report, 27 March 2009, also noted: "NPA [Norwegian People's Aid] stated that hygiene standards in KR hospitals and health facilities were poor. Water supply and sewerage systems were maintained badly. [66d] (p23)

See also Humanitarian issues

- 28.22 The FCO report, 27 March 2009, recorded that:

"... Frontier Medical stated that pharmaceuticals are supplied centrally by the Iraqi Government from Baghdad to KR medical facilities. The central supply is supplemented at local level in the KR from local budgets. Stephen Bushe has noted that some hospital and clinic administrators in the KR have expressed a belief that KR medical facilities are disadvantaged in relation to the rest of Iraq in terms of pharmaceutical supply. It is claimed that supplies can arrive late and pharmaceuticals supplied to the KR are often sourced in India or Egypt rather than Jordan or Europe and are believed to be of inferior quality and more likely to be counterfeit. All hospitals have pharmacies and all cities and towns have private pharmacies stocking a wide range of medicines.

"... Frontier Medical stated that general and emergency hospitals in the KR are equipped, run and deliver services to a reasonable standard and, while not to Western standards, are adequate for people's needs. Hospital administration varies in quality and can often appear chaotic. Hospitals that Steve Bushe had visited in the KR had gynaecological and surgical departments, accident and emergency and x-ray facilities and offered outpatients services. Demand for all services was high and medical facilities can be overcrowded." [66d] (p21)

- 28.23 The FCO report, 27 March 2009, mentioned "... Frontier Medical stated that doctors in the KR were trained and performed to a high standard. Most Iraqi (including KR) doctors have been trained to Western standards, either overseas or in Iraq, which follows a UK-based curriculum." [66d] (p21)

See also Doctors and health care workers

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 21 May 2009.

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 28.24 The UNAIDS report, 'Muslims responding to AIDS', published January 2007, stated:

"The reported number of HIV/AIDS cases to health authorities in Iraq is very low, with 150 cumulative HIV cases reported at the end of 2000, and a total of 124 cases reported at the end of 2001. The majority of HIV infection has been reported among young men with hemophilia through infected blood products, and the mode of transmission among reported AIDS cases is 86.1% via blood products, 9.3% heterosexual, and 4.6% mother to child transmission (MTCT).... The health authorities believe that these figures now largely underestimate the current situation because of limited health facilities and ability to cope with STD care and prevention." [132a] (p126)

- 28.25 The WHO Epidemiological Fact Sheet on HIV and AIDS for Iraq, published October 2008, showed there was no data on persons living with HIV and AIDS in Iraq, nor on individuals receiving antiretroviral therapy, although the paper indicated that most recent statistics from 2005 suggest less than 100 people to be receiving treatment. [23a]

- 28.26 On 14 January 2009, IRIN News stated that "To be HIV-positive in Iraq means social isolation - and even death at the hands of religious extremists who believe the virus is proof that an HIV-positive person must have engaged in indecent acts. Iraq has a very low HIV prevalence rate: only 44 people are HIV-positive, according to Ihsan Jaafar, who heads the Health Ministry's public health directorate, responsible for combating HIV/AIDS."

"The virus first came to Iraq in 1985 via contaminated blood imported from a French company. It was detected the following year in scores of people suffering from haemophilia, a hereditary blood disorder, said Wadah Hamed, the head of Iraq's AIDS Research Centre.

"Some 482 cases have been detected since 1986. Of these, 272 were Iraqis and the rest foreigners. Today only 44 are still alive, he said. [18cx]

- 28.27 IRIN further stated that:

"Patients get the equivalent of about US\$85 per month from the government, as well as a clothing allowance. Those infected in 1985 are paid an extra \$200 monthly.... They get free monthly check-ups; their partners are examined every three months, and other family members are checked every six months. Baghdad has at least 11 medical centres for this purpose and there is also one such centre in each province...

"In cooperation with the World Health Organization (WHO), the ministry prescribes combination therapy involving three antiretroviral drugs free of charge.

"Tentatively, the ministry is launching a campaign to raise awareness about HIV/AIDS, coordinating with local media outlets, distributing posters and

holding workshops. Awareness programmes have also been included in the curricula of secondary schools, and a hotline has been set up to enable people to get advice.

“The Iraqi health and security authorities have no data on HIV-positive persons killed by gunmen.” [18cx]

28.28 The FCO report, 27 March 2009, noted:

“... Frontier Medical stated that HIV/AIDS is acknowledged as a condition by the KRG and there is no general taboo regarding the condition, although reported numbers of cases are extremely low. Steve Bushe had not identified any dedicated facilities in KR for treating HIV/AIDS patients. There is no reliable local source of anti-retroviral drugs for HIV and all stocks would need to be imported and would need to be privately financed. A main concern for HIV/AIDS patients in the KR would be the generally poor level of hygiene in medical facilities, which would heighten the risk of infection for people with weakened immune systems. Business visitors to the KR are required to produce a certificate confirming that they are HIV free to obtain a visa for more than six months.” [66d] (p22)

See also [Medical issues in the KRG area](#)

MENTAL HEALTH

28.29 The WHO report, 28 January 2009, stated that “While mental health services have long been present in Baghdad, northern areas of the country have been without psychiatric inpatient facilities... An assessment found that some 182,000 people had been affected, predominantly women, who faced rape, psychological abuse, and physical and mental torture.” [23h]

See also [Medical Issues in the KRG area](#).

28.30 BBC News reported, on 21 May 2009, that “Iraqi psychiatrists say the war and violence has taken a real toll on mental health of the entire nation, and that the number of mental disorders is on the rise across the country. ‘Demand for psychiatric treatment will rise, as the nation digests and comes to terms with what has happened over the last years,’ says Dr Emad Abdulrazoy, National Adviser for Mental Health at the Ministry of Health.” The article reported on al-Rashad in Baghdad, Iraq’s only mental healthcare institution. [4d]

28.31 The USSD Bureau of Near Eastern Affairs, on 27 May 2009, further commented that “At the al-Rashad, Iraq’s only mental institution, approximately 1,200 patients are cared for by seven doctors; the country itself only has 70 psychiatrists. The majority of the patients at al-Rashad suffers from chronic schizophrenia and, although nearly half [the] doctors say [they] could live at home, stigma and the violence has kept the patients hospitalized.” [154c] (p14)

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29. HUMANITARIAN ISSUES

29.01 The USDoS report, December 2008, stated that:

“The lack of essential services has now replaced security as the most important concern in the minds of most Iraqis, many of whom are not satisfied with the quality or availability of food, clean water, electricity, sewage services, and healthcare. Unemployment and underemployment remain high, further contributing to the dissatisfaction of those seeing little or no improvement in their personal economic situations. While the GoI [Government of Iraq] has made important gains in developing economic capacity, much additional effort will be required to translate these gains into tangible quality-of-life improvements.” [103d] (pvi)

29.02 On 2 April 2008, International Medical Corps (IMC) reported that “Recent fighting and subsequent curfews in several major Iraqi cities have led to food shortages, disruption of health services, and above normal gaps in water and electricity supplies.” [144a] The UNSC report, published 6 November 2008, stated that Iraq is experiencing one of the most serious droughts in 10 years. Low rainfall in the winter 2007/08 has caused severe water shortages across northern Iraq, with no available alternatives. [38r] (p9) IRIN News further recorded, on 28 April 2009 that droughts, high levels of salinity and desertification had badly affected crops. [18d]

29.03 Refugees International, in their report published 15 April 2008, commented that “Returnees also have a hard time renewing their PDS cards. Although most government bias seems to be in favor of Shiites, aid groups note that in provinces that are in the hands of Sunnis, such as Salahedin governorate, Shiite areas face a sectarian bias against them from local officials and receive an inferior quality of help.” [119c] (p6)

29.04 The Women for Women Institute’s report for 2008 recorded the results of a survey of 1,513 Iraqi women and noted that:

“According to respondents, one of the biggest problems in Iraq is the availability of affordable housing, especially in central Iraq, Basrah and the south more generally. ... 65.3% of respondents described their freedom to live where they wished without fear of persecution as quite bad or very bad, and 58.4% thought it would be worse in a year.

“Beyond actual housing, many of the necessities of daily life are simply not available or priced out of reach. Food is one example: the price of tomatoes has quadrupled and the price of bread has quintupled. Everything is being imported. Most farmers in Iraq have been forced to abandon their farms because water, electricity, gasoline and basic agricultural inputs like seeds and fertilizer are either too expensive or altogether unavailable.” [130] (p25)

29.05 IMC reported, on 2 April 2008, that following fighting and curfews in major Iraq cities, they had provided “assistance to 2,000 families in Sadr City, a poor district in Baghdad, where fighting was especially fierce and citizens were cut off from assistance during the curfew. IMC is distributing one month’s worth of food to the families - including rice, cooking oil, sugar, beans, and flour - and is also delivering 100,000 liters of water in Sadr City.” [144a]

- 29.06 On 17 July 2008, WHO reported on the return of international WHO staff to Iraq, adding that "Foreign WHO staff based in Iraq were withdrawn after the August 2003 terrorist attack on the UN headquarters in Baghdad. But the recently improved security situation in the country, plus the UN support of Iraq's International Compact initiative, led WHO to re-establish its permanent international presence last month." [23f] The UN also reported that their assistance mission for Iraq (UNAMI) was looking to expand its presence in Iraq. (UNSC, 6 November 2008) [38r] (p13)
- 29.07 The UNSC report, published on 6 November 2008, stated that:
- "New national survey data now being finalized by WFP suggest that access to social services in Iraq, including electricity supply, has improved from its lowest levels in 2005 and 2006. Initial analysis suggests that food insecurity has also fallen to a quarter of 2005 levels. However, UNICEF humanitarian assessments in August and September confirmed that State services are still struggling in the most vulnerable parts of Iraq. Access to safe drinking water has fallen to as low as 31 per cent in the poorest subdistricts, and access to sanitation services to 35 per cent." [38r] (p11)
- 29.08 The UNSC report, 20 February 2009, stated that "Recent assessments conducted in Babil, Qadissiyah and Basrah reveal that only 31 per cent of households report reliable access to safe drinking water during Iraq's ongoing drought conditions. In those same communities, less than 35 percent of all surveyed households have functional sanitary systems." [38a] (p9-10)
- 29.09 UNHCR's Guidelines of April 2009 reported that:
- "... access to food is limited due to families' lack of income or difficulties to access markets due to insecurity, curfews, checkpoints, road and neighbourhood closures or military operations. In response to the priority of food needs of IDPs, WFP [World Food Programme] launched in January 2008 an emergency operation to provide complimentary food rations to up to 750,000 food-insecure post-2006 IDPs, who have crossed governorate boundaries and cannot access their PDS rations. The food assistance will phase out once the PDS meets the needs of these people." [40b] (p48)
- "Water and sewage systems in Iraq are generally poorly functioning and dilapidated. UNHCR Protection Monitoring showed that in areas where water networks/sewage systems exist or connect to areas, they are either overstretched or deficient. Lack of sufficient potable water for drinking and cooking was reported to be most common among IDPs and has been reported in all parts of Iraq." [40b] (p49)
- 29.10 The ICRC's annual report for 2008, published 27 May 2009, stated that "Water, sewerage and electrical power infrastructure remained vastly inadequate to meet the needs of the population." [43a] (p345)
- 29.11 The IOM report, June 2009, recorded that "IDP families are living in uncertain circumstances, sometimes occupying land or property illegally and connecting to nearby water or electrical networks without permission. Returnee families are coming home to destroyed property and infrastructure; in some cases they need assistance simply to repossess their occupied properties." [111b]

(p1) The IOM report gave further information on access to facilities such as healthcare and water. [111b]

See also Internally Displaced Persons.

29.12 On 19 May 2009, IRIN News recorded that:

"Iraq's state-run food rationing system is crumbling and corruption in high places could be partly to blame. A new survey by the Ministry of Planning and Development Cooperation of 120,000 families which had qualified for state food handouts in 15 of Iraq's 18 provinces, found that 18 percent of families had not received the nine-item food ration for 13 months; 31.5 percent for 7-12 months; 14.5 percent for 4-6 months; 22 percent for 2-3 months and 14.5 percent for one month. The survey also revealed concerns about the quality of food items: 16 percent of the surveyed families said the ration items in April were bad, 45 percent said they acceptable, while 29 percent said they were good. ...

"Iraq's food rationing system, known as the Public Distribution System (PDS), was set up in 1995 as part of the UN's oil-for-food programme following Iraq's invasion of Kuwait 17 years ago. However, it has been crumbling since the US-led invasion of Iraq in 2003 due to insecurity, poor management and corruption. Monthly PDS parcels are supposed to contain rice (3kg per person); sugar (2kg per person); cooking oil (1.25kg or one litre per person); flour (9kg per person); milk for adults (250g per person); tea (200g per person); beans (250g per person); children's milk (1.8kg per child); soap (250g per person); detergents (500g per person); and tomato paste (500g per person)." [18c]

29.13 The UNSC report, 2 June 2009, stated that:

"Persistent environmental hazards are also resulting in humanitarian and development challenges. Iraq is facing another year of drought after low winter rainfall in many areas, which threatens its environment and agriculture. Dwindling natural water sources are compounding the problem. The Deputy Minister of Water Resources noted this quarter that only 32 per cent of the country's water is locally sourced, leaving Iraq greatly dependent on its neighbours. The flow of the Tigris and Euphrates rivers in Iraq is diminishing, with the reduction in water quantity also affecting water quality. Agriculture and power production are also affected, with projects to irrigate large tracts of farmland and build additional power stations under threat because of water shortages. The Ministry of Agriculture reported in March [2009] that Iraq is using only 50 per cent of its arable land owing to lack of irrigation and poor soil quality." [38b] (p9)

See also Economy

Health issues

29.14 The UNSC report of 6 November 2008 stated that:

"During August, a number of cholera cases were reported and the disease remains endemic in Iraq, with outbreaks common in the summer months. Although the caseload in 2008 was below the annual average, 27 districts in 10 governorates were affected and seven people died. Three of the deaths

were reported in Babil, the most affected governorate with 222 confirmed cases. WHO and UNICEF, working with non-governmental partners, assisting the Government at the central and local levels in containing the outbreak through surveillance, technical assistance for cholera testing, water tankering, provision of household water purification kits, public information drives and medical supplies....

“A cholera preparedness plan that was revised and adopted by the Ministry of Health has been activated. The United Nations water and sanitation sector outcome team has increased its support to Iraqi efforts to rehabilitate water and sewerage infrastructure, which lie at the heart of the issue in central and southern Iraq (Basra, Kerbala and Muthana and Suleimaniya).”
[38r] (p8)

- 29.15 UNICEF reported, on 19 January 2009, that “The cholera outbreak of 2008 is considered to have subsided as the gradual decrease in new cases has now reduced to zero cases by mid December. Since cholera is endemic in Iraq, however, cases are expected to be reported sporadically, and monitoring of the situation continues. Up to and including week 49 of 2008, a total of 925 cases of cholera were confirmed, the vast majority of those occurring between weeks 33 to 41. 47% of cases were of children below five years of age. There were a total of 11 deaths (representing a fatality rate of less than 1.2%), 36% of which were children under five.” [27h] (p2) The UNSC report, 20 February 2009, further recorded that “Cholera cases (an outbreak was first reported during the last quarter of 2008) were reported at a declining rate during the period under review. The Ministry of Health and the World Health Organization (WHO) confirmed a total of 925 cholera cases and 11 deaths as at 21 December 2008.” [38a] (p9)
- 29.16 The FCO report, 27 March 2009, mentioned that “... Frontier Medical stated that in addition to a significant outbreak of cholera in 2007/08, small localised outbreaks occur in the KR, usually caused by poor hygiene and sanitation. Hepatitis A and B are prevalent and poor hygiene standards in medical facilities can place patients at some risk of contracting hepatitis but numbers of deaths are low. Infant mortality levels are high in the KR, with dehydration from diarrhoea being the main cause of death.” [66d] (p23)

See also Medical Issues.

LANDMINES, UNEXPLODED ORDNANCE (UXO AND DEPLETED URANIUM (DU))

- 29.17 The International Campaign to Ban Landmines (ICBL) report, published on 21 November 2008, recorded that “The Republic of Iraq acceded to the Mine Ban Treaty on 15 August 2007, becoming a State Party on 1 February 2008. Iraq’s treaty deadline for destruction of all stockpiled antipersonnel mines is 1 February 2012, and its deadline for destruction of all antipersonnel mines in mined areas under its jurisdiction or control is 1 February 2018.” [98c] (p2)
- 29.18 The ICBL report further noted that “Iraqi government and Coalition forces continue to find antipersonnel mines in arms caches across the country. From February to April 2008, Coalition soldiers discovered weapons caches that included at least 13 mines. It was reported in July 2008 that during ‘Operation Peace’ (which began in May 2008) in the Sadr City district of Baghdad, the Iraqi Army had recovered 230 weapons caches, including 120 antivehicle mines and one antipersonnel mine. [98c] (p3)

See also [Security in Baghdad](#); [Shi'a militia](#).

- 29.19 IRIN News recorded, on 8 June 2009, that “According to the Environment Ministry, there are some 25 million landmines in Iraq and more than 25 million UXO pieces, including cluster bombs.

“Three companies are working with Iraq’s Environment Ministry in mine clearance operations and 17 others are expected to have their licenses ‘within days’, she added. Iraq must be declared free of landmines by 2018, she said, in reference to the country’s obligations after signing in 2007 the Ottawa Convention banning anti-personnel mines.

“Since 1980, Iraq has endured three major wars: the Iran-Iraq war from 1980-88, the first Gulf War in 1991 and the US-led invasion that toppled Saddam Hussein in 2003. All have had a part in making Iraq one of the most heavily mined countries in the world.” [18c]

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30. FREEDOM OF MOVEMENT

- 30.01 Article 44 (1) of the Constitution stipulates that “Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq.” [82a] (p13) The EIU country profile 2008, noted that Iraq has a 39,000km road network, although only 2,000km of this was motorway. Many roads and bridges were damaged during the US-led war by insurgents in an attempt to paralyse the country, although much of this damage was subsequently repaired. [58a] (p17)
- 30.02 The FCO also stated, in a letter of 27 August 2008, that:
- “Road travel around Iraq remains dangerous, and there continues to be fatal roadside bombings throughout Iraq – the exception being the autonomous Kurdish Region where the threat posed by roadside bombs is low. There is also a substantial criminal threat from car jacking, kidnapping and robbery. Illegal road blocks and false check points are common place throughout Iraq, from which violent attacks have often been mounted. The dangers of travelling by road vary according to the ethnicity or tribal bias of the area being transited; even a legitimate road block/checkpoint could be problematic due to the ethnicity of those manning it differing from that of the travellers.” [66q]
- 30.03 In July 2004 the Iraqi Interim Government (IIG) passed the Order for Safeguarding National Security allowing the Prime Minister to declare a state of emergency in any part of Iraq suffering ongoing violence for up to 60 days at a time. (UNHCR COI, October 2005) [40c] (p17) Under the emergency laws and subject to judicial review, the Prime Minister has the power to restrict freedom of movement by imposing curfews or cordoning off certain areas. In several cities and towns curfews were place, restricting people’s freedom of movement, mainly during the night. (UNHCR COI, October 2005) [40c] (p139) In its paper of August 2007, UNHCR reported that “Curfews exist in all areas of Central and Southern Iraq (23:00 to 06:00), and may be lengthened at short notice. In Baghdad the current curfew is from 22:00 to 05:00.” [40j] (p154)
- 30.04 A report by International News Safety Institute (INSI), published 29 May 2009, stated that “All of Iraq’s roads remain potentially dangerous. There is an increased risk while in the vicinity of vehicle checkpoints and security forces where there is a higher likelihood of terrorist attacks or clashes between militants and the authorities. Areas where vehicles are overlooked (such as around bridges) or are forced to slow down (for example at traffic control measures or even just bends in the road) are also potentially hazardous.” [142b] (p3) The INSI report commented on the safety of travel on specific roads in Iraq. [142b]
- 30.05 The IDP working group report, published 28 March 2008, commented that “Freedom of movement is facing serious limitations in Iraq: six governorates are still restricting physical access. Although it is difficult to prevent Iraqis from moving from one governorate to another, authorities at checkpoints will not allow a family through if it is clear that they are planning on settling in the governorate (e.g. they travel with their furniture). Eight other governorates are imposing measures which constrain registration.” [135] (p19)
- 30.06 Entry into the cities of Kirkuk governorate is highly restricted by checkpoints. (IOM, December 2008) [111n] (p2)

30.07 The EIU report for 2008 stated that “Al Najaf Airport, which was previously a military base, has been transformed into an international airport, with the first civilian flights commencing in July 2008... Baghdad airport was returned to Iraqi control in August 2004. Iraqi Airways has joined Royal Jordanian on its pre-war Baghdad-Amman route... Incoming aircraft, however, remain at significant risk of attack.” [58a] (p18)

30.08 A UNHCR report on Iraqi refugees in Syria, Jordan and Lebanon, January 2009, stated that:

“In October 2007, Syria imposed a requirement permitting only certain categories of Iraqis to obtain visas... this restriction marked the first time that Syria had imposed a visa requirement on a fellow Arab state... In November 2005, following the multiple suicide bombings in Amman, Jordan introduced tighter entry requirements, in particular for single males. In May 2008, Jordan extended visa requirements to the entire Iraqi community. These requirements necessitate applying for visas in Iraq before travelling or through Jordanian diplomatic missions abroad.

“As is the case with Syria and Jordan, Lebanon requires Iraqis to have visas to enter the country, but does not issue them at the border with Syria, thus forcing many Iraqis to enter Lebanon illegally.” [40d] (p19)

See also Iraqi refugees in neighbouring countries

30.09 The UNHCR Guidelines of April 2009 stated that:

“Travel by road within the Central and Southern Governorates has become fairly safe in many areas, but all roads remain potentially dangerous. Roadside bombings, robbery and carjacking remain a daily occurrence mainly in the population centres. The main routes from Baghdad to the North, i.e. the Baghdad Western North route from Baghdad through the Governorates of Salah Al-Din and Ninewa and further North to Dahuk as well as the Baghdad Eastern North route from Baghdad through the Governorate of Diyala up to Kirkuk, see daily roadside bombings. In the South, there is a high risk of attacks on most routes in the Governorates of Babel and Wassit, especially in the districts lying closest to Baghdad. Travelling prior or during religious festivities also involves a heightened risk as armed groups aim at launching mass casualty attacks on Shi’ite pilgrims. Military operations among armed groups and the ISF/MNF-I continue mainly in the Central Governorates. Travelling is often delayed by ISF/MNF-I checkpoints and convoys, which also increases the risk of being targeted by armed groups or criminals or being caught in armed clashes. Moving near official government convoys is particularly dangerous as they are a frequent target of armed groups, including by roadside bombs and ‘sticky bombs’ attached under vehicles. Reportedly there has been a rise in the deployment of false vehicle checkpoints from which violent attacks have been mounted. Grenades and explosives have been thrown into vehicles from overpasses, particularly in crowded areas. Areas where vehicles are overlooked (e.g. around bridges) or are forced to slow down (e.g. traffic control measures, bends in the road) are also potentially hazardous. Movement may further be limited by curfews and vehicle bans, which can be enforced at short notice (e.g. around religious holidays or elections). Travel by air from Baghdad International Airport has also relatively improved. Though there have been

no recent attacks on civilian aircraft, the potential threat still exists.” [40b] (p45)

30.10 The IRRICO report, 5 May 2009, stated that:

“The transportation system in the Middle and South of Iraq mainly depends on land transport (cars, buses, and vans). No public transportation exists although there are some train lines between Baghdad and Basra; however these are not yet effective and reliable enough. A project has been adopted by the Baghdad Municipality to establish a metro in Baghdad. This metro will serve a huge number of people every day as its line will pass through many of Baghdad's districts. The project schemes have been finalized and they are ready for implementation, which will be done by some of the big international companies (according to the official statements). Lately, the air transportation system has become more effective. The airports in Baghdad, Erbil, Suleimanya and Basra were reopened. A new airport was established in Najaf, with another one to be set up in Karbala province. People tend to prefer air transportation because it is more secure than travelling by land.

“The cost of land transportation between cities is about 21 US\$ (16 Euro) for buses or vans, while the air fares are about 100 US \$ (76 Euro).” [3a] (p11)

Access to the KRG area

30.11 On 7 February 2008, BBC News reported that: “Security at the checkpoint to the Kurdish territory is strict. Soldiers from the Peshmerga, the Kurdish fighting force, stop cars and people who try to enter from the neighbouring districts. Few are allowed in.” [4cm]

30.12 The INSI report, 3 July 2008, stated that “There remains a risk of military action by Turkish and Iranian forces on the border with Iraqi Kurdistan, but this is unlikely to specifically implicate road travel, although there is a risk of delays and traffic queues around border crossing points such as around ad-Durna in ad-Dahuk province (which leads on to Cizre in Turkey).” [142a] (p3)

30.13 Concerning entry to the KRG, the IDP working group report, published 28 March 2008, commented that “Single men not originating from the Governorate of Dahuk need a sponsor to enter the governorate and register. Arabs and Kurds from disputed areas have reportedly faced difficulties in registering in the Governorate. Persons from Arabized areas claimed by the Patriotic Union of Kurdistan (PUK), i.e. Kirkuk and Khanaqin (in the Governorate of Diyala) are generally denied entry to the Governorate of Sulaymaniyah for political and demographic reasons, unless they wish to come for a visit only.” [135] (p19)

30.14 The UNHCR, in its rapid needs assessments (RNAs) of the three northern governorates, September 2008, noted the difference in entry requirements for IDPs. In its Sulaymaniyah report, it noted that “Admission into the Governorate is generally not restricted and does not require a sponsor.... However, persons from arabized areas claimed by the PUK, i.e. Kirkuk and Khanaqeen in the Governorate of Diyala, are generally denied entry to the Governorate for political and demographic reasons, unless they wish to come for a visit only. In that case, they are allowed entry but are not able to bring their belongings or a large amount of luggage with them ... Persons arriving

in Sulaymaniyah by airplane do not face any entry restrictions (however, this requires that the person has the necessary financial means).” [40p] (p11-12)
 The report also noted that “Persons not originating from one the three Northern Governorates of Dahuk, Erbil and Sulaymaniyah generally must have a sponsor, who accompanies them to the Directorate of Security (Asayish), in order to legally remain in the Governorate ... Persons originating from Kirkuk or Khanaqeen, including Kurds, Arabs, Turkmen and members of other ethnic or religious groups, are not able to stay for demographic and political reasons.” [40p] (p12)

30.15 The UNHCR RNA report for Dahuk noted that “Persons originating from the three Northern Governorates can enter the Governorate of Dahuk without any restrictions. Also, families not originating from one of the three Northern Governorates are allowed to enter without restrictions, while single men not originating from one of the three Northern Governorates need to have a sponsor for security reasons. The sponsor has to present him/herself at the entry checkpoint and provide his or her Civil ID Card, phone number and address. The IDP has to fill out a card at the entry checkpoint and will then be allowed to enter the Governorate. Single males without a sponsor are generally denied entry into the Governorate.” [40q] (p13-14) The report further commented that “All IDPs not originating from the three Northern Governorates have to approach the Residency Section in the Security Department to obtain a permit to stay.” [40q] (p14)

30.16 The UNHCR RNA report for Erbil stated that “Persons not originating from one of the three Northern Governorates require a sponsor in order to be admitted to the Governorate of Erbil. This may prove difficult for persons with no family or other links. The sponsor must present him/herself at the entry checkpoint and provide personal details. IDPs must fill out a card at the entry checkpoint to enter the Governorate. IDPs without a sponsor are denied entry.” [40r] (p15)

30.17 The IOM December 2008 report noted that:

“The borders of the KRG are closely patrolled, and IDP entry into Dahuk, Erbil and Sulaymaniyah is closely controlled. IDPs who do not originate from the KRG must first obtain sponsorship from residents within the KRG before they are permitted to enter. They are forbidden from bringing furniture with them. Once inside the KRG, IDPs must go through a complex bureaucratic process in order to gain a temporary residency permit, involving visits to the Residency Office, the Security Office, and the Department of Displacement and Migration. IDPs must provide their original residency card, original family PDS card, and a letter from the local mayor in order to confirm their new address in displacement. Temporary residency must be renewed every three months for families, although this period is even shorter (one month) for individuals who are displaced. Failure to register or renew residency renders their presence in the KRG illegal.” [111o] (p2)

See also Internally displaced people (IDPs).

30.18 The EIU country profile for 2008 stated that “The KRG has been seeking to encourage foreign airlines to fly into Irbil, and, in a major coup, in December 2006, Austrian Airlines began flying weekly services to the northern Iraqi city. In addition, direct flights from Istanbul in Turkey to Irbil and Suleimaniyah in the KRG run three times a week, as do flights from Jordan. In an indicator of

the KRG's ambition, a new terminal, large enough to process 2.75m passengers a year, is being built alongside the existing airport at Irbil." [58a] (p18)

30.19 The FCO report, 27 March 2009, noted that:

"Dana Ahmed Majed, Governor of Sulaymaniyah stated that residency requirements in the KR were in accordance with Iraqi law. The KR hosted 64,000 IDPs from other parts of Iraq, which demonstrated that there is freedom of movement to and residence in the KR.

"Khanim Latif, Asuda stated that people wishing to move to the KR from other parts of Iraq had to register with the Asayeesh to secure legal residence.

"The BEO [British Embassy Office] Erbil understood that for people from other parts of Iraq to obtain legal residence in the KR if they had no prior connection to the KR it had been necessary for many years to have a sponsor in the KR but the Iraqi Government has pressed for this requirement to be dropped recently. It is usual for non-KR residents entering the KR to undergo many security checks to qualify for residence.

"Abdullah Ali Muhammad, Asayeesh Security Director, Erbil stated that people being returned to the KR from countries such as the UK require only the prior permission of the KR Interior Ministry to return to and reside in the KR.

"Abdullah Ali Muhammad stated that Iraqi citizens from other parts of Iraq are free to reside in the KR under normal Iraqi law. One form of identification is required to confirm a person's identity. If police staffing checkpoints on the boundary of the KR are satisfied with a person's identity they are granted permission to enter the KR for ten days, after which they need to register at one of eighteen centres across the KR, where they can apply to stay longer. At present there are over 13,000 families from outside the KR residing in Erbil. The aim of the checks is to keep terrorists out of the KR." [66d] (p23)

See also Internally displaced people (IDPs).

30.20 The UNHCR's Guidelines of April 2009 stated that:

"Travelling to the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk continues to be fraught with risks. In particular the main routes from Baghdad to the North, i.e. the Baghdad Western North route from Baghdad through the Governorates of Salah Al-Din and Ninewa and further North to Dahuk as well as the Baghdad Eastern North route from Baghdad through the Governorate of Diyala up to Kirkuk, see daily roadside bombings. Urban areas such as Ba'quba, Tikrit, Mosul and Kirkuk are particularly prone to security incidents. The roads from Kirkuk to Erbil and Sulaymaniyah are guarded by the Kurdish *Peshmerga* and are considered safe. The roads from Mosul to Dahuk and Erbil outside Kurdish control are considered unsafe. There are regular flights operated by Iraqi Airways from Baghdad and Basrah to Erbil and Sulaymaniyah. A one-way ticket from Baghdad to Erbil or Sulaymaniyah costs US \$85 US \$175 from Basrah to Erbil and Sulaymaniyah, an amount that cannot be borne by many for economic reasons. Travelling from Baghdad to Erbil or Sulaymaniyah by air is

considered fairly safe and there have been no recent security incidents involving civilian aircraft.

“In order to access the three Northern Governorates from other parts of Iraq, all Iraqis, including Kurds, must go through checkpoints at the unofficial borders (the so-called ‘green line’) between the central part of the country and the KRG-administered area. Other areas along the unofficial border have been heavily mined in the past decade and are regularly patrolled by Kurdish *Peshmerga*. Such conditions make it nearly impossible for persons to cross into the three Northern Governorates through the countryside without endangering themselves. Therefore, entry through the few major roads and their checkpoints is, practically, the only option available.” [40b] (p52)

- 30.21 The IRRICO report, 5 May 2009, stated that “In the Northern part of Iraq, taxis and buses are the main methods of transport between different cities, towns and villages.” The report also listed taxi prices between some main cities in the KRG. [3a] (p11)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

DOCUMENTATION FOR TRAVEL WITHIN IRAQ

- 30.22 “In Iraq, five key documents are necessary to access public services: PDS [Public Distribution System] identification cards, and certificates of nationality, birth, marriage, and death. These are interlinked, as birth certificates are necessary for nationality certificates, which are necessary for PDS cards. PDS cards, in turn, are required for voter registration. Access to marriage and death certificates is necessary for widows to access their legal rights, including to property and inheritance.” (Brookings, June 2009) [88a] (p20)
- 30.23 Documents available to Iraqis included the Residence Address Card, which certifies the holder’s address. Iraqis could also obtain a one-time document certifying a person’s residence from the local mayor (mukhtar) instead of the Residence Address Card. In the KRG area, only one-time documents certifying a person’s residence are available. (UNHCR COI, October 2005) [40c] (p132)
- 30.24 The food ration card, which allows its holder to obtain the monthly food ration, is issued by the Ministry of Trade and is also widely accepted as an identification document. In the KRG area, the food ration card is issued by the Directorate of Food/Ministry of Trade (Governorate of Sulaymaniyah) and the General Company for the Trade of Food Items/Ministry of Finance and Economy (Governorates of Erbil and Dohuk). (UNHCR COI, October 2005) [40c] (p132)
- 30.25 The UNHCR COI report, October 2005, recorded that:
- “Birth certificates are usually obtained in public hospitals or health centres. A Death certificates are issued by public hospitals indicating the time, date and reasons of the death. Deaths occurring outside a hospital need to be approved by the Civil Status Court. Birth or death certificates were required to add or remove a person from the food ration card. In the KRG area, birth/death certificates need to be sent to the Directorate of Food (Governorate of Sulaymaniyah) and the General Company for the Trade of

Food (Governorates of Erbil and Dohuk) for (de)registration of a person.”
[40c] (p132)

30.26 The UNHCR assessment, August 2006, stated:

“The nationality certificate and civil ID card are the most urgently needed forms of documentation for returning refugees as they restore the right to access all entitlements of Iraqi citizenship. Returnees still carrying old Iraqi documentation are able to renew documents easily. For those without these documents, further investigation into records must be carried out to prove entitlement. A non-Iraqi (e.g. Iranian) spouse of a returnee can apply for all the documents listed below except the civil ID card and the nationality certificate, which he/she may qualify for after legally remaining in Iraq for five years according to current Iraqi Nationality Law.” [40e] (p20)

30.27 Civil ID cards are still believed to be in use in Iraq; the UNHCR RNA report for Dahuk mentioned these cards are required for IDP relocation for the governorate. [40q] (p14)

30.28 The UNHCR Guidelines of April 2009 recorded that:

“Despite a directive issued by the central Government in 2007 to lift restrictions on IDPs’ registration by MoDM, the responsible government body for registering IDPs in all 15 southern and central Governorates, restrictions continue to exist in several governorates, including the requirement to originate from a ‘hot area’ or face a direct threat to one’s life, to have a sponsor from the area of relocation and/or to provide proof that one originates from the area of relocation. In addition, the registration process is often bureaucratic as IDP families are required to produce a range of documents including Public Distribution System (PDS) card, nationality certificate and photograph of the head of household, civil ID card for all family members, housing card from the place of origin and a letter of approval from the local mayor (mukhtar), the city council and/or the police.” [40b] (p46)

See also Internally displaced people (IDPs).

30.29 The FCO report, 27 March 2009, stated that:

“Abdullah Ali Muhammad stated that the issuing of national identity cards is under the authority of the central Iraqi Government not the KRG. After the fall of the Saddam Hussein regime in 2003 the KRG had started to issue its own identity cards but had returned the responsibility to the central Iraqi Government after it had been restored in 2004. KR residents arriving in the KR from elsewhere in Iraq can send a scanned copy of their identity card in advance to the KRG Interior Ministry to facilitate their passage through airport immigration or road checkpoints.

“Azad A Mahmoud, Regional Co-ordinator, International Organization for Migration stated that identity documents were needed to enter the KR from other parts of Iraq. On arrival at the KR border it was necessary to show proof of residence in the KR.

“The BEO [British Embassy Office] Erbil clears names of anyone being returned from the UK to the KR in advance with the KRG Interior Ministry

before finalising the return arrangements. No additional documentation is required to confirm the returnees' resident status in the KR." [66d] (p24)

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31. DISPLACED PERSONS

IRAQIS IN NEIGHBOURING COUNTRIES

31.01 A report by UNHCR on Iraqi refugees in Syria, Jordan and Lebanon, January 2009, recorded that “the UNHCR estimates that at present Syria hosts 1.2 to 1.4 million Iraqis, Jordan 500,000 to 600,000 and Lebanon 20,000 to 30,000. These countries have no specific legislation concerning refugees. As such, their policies towards Iraqi refugees have in large part been formulated on an *ad hoc* basis. Moreover, the presence of so many Iraqis on their territories has had destabilizing effects, further compromising Iraqi refugee protection.” [40d] (p1)

31.02 The Refugees International (RI) report, 11 March 2009, stated that:

“The number of displaced Iraqis remains high, both inside the country and in neighboring ones. They remain reluctant to go back due to lack of security, the creation of ethnically cleansed neighborhoods, and poor government services. ...

“Since November 2007, the Government of Iraq (GOI) has been actively encouraging the return of displaced Iraqis. Since November 2007, the Government of Iraq (GOI) has been actively encouraging the return of displaced Iraqis. However, in its strategy to encourage returns, the Government of Iraq has failed to take political, social and economic reality into consideration and examine the country’s capacity to absorb large numbers of returns. ... In Syria, Jordan, and Egypt the GOI has made buses and planes available to help refugees return to their country and has provided them with a small sum upon their return home. [119g] (p1)

31.03 The RI report further stated that only 8 % of the 250,000 returnees were from neighbouring countries. [119g] (p2)

INTERNALLY DISPLACED PEOPLE

31.04 The UNHCR Guidelines of April 2009 stated that “In 2008 and the first quarter of 2009, Iraq saw only limited displacement, often temporary, arising out of military operations in various areas of the country. There have been slow, but increasing returns of mainly IDPs.” [40b] (p12) The IOM reported that displacement caused by the bomb attack on the Al-Askari Mosque in Samara in February 2006 had since slowed, although it continued in some locations and the humanitarian situation of those already displaced is worsening. [111b] (p1)

31.05 The IOM report of 1 June 2009 estimated the number of displaced people since February 2006 to be more than 1.6 million individuals. [111b] (p1) Figures from UNHCR stated that as of March 2009 the number of displaced people since February 2006 was 1,695,899, with 1,021,962 of these IDPs having been displaced before 2003. [40g] (p2)

31.06 The UNAMI report covering 1 January - 30 June 2008 stated “At least eleven out of Iraq’s 18 governorates imposed informal and formal restrictions on IDPs entry and residence, or denied them registration as displaced persons, which prevented them from accessing public services and aid. These measures, designed to restrict entry into some governorates, areas or cities,

were motivated by reasons of security, political considerations or due to saturation of social services.” [39q] (p21)

- 31.07 The UNSC report, 20 February 2009, stated that “Returns of internally displaced persons and refugees continued over the reporting period, with nearly 40,000 returnee families registered in Iraq by the end of 2008. One of Iraq’s largest camps for internally displaced persons closed in Najaf and 300 families were provided with compensation to resettle. While the trend in returns is positive, returnees are increasingly confronted with occupied homes and damaged properties. [38a] (p9)

See also Land and property rights

- 31.08 The IRC report, 28 May 2008, commented that:

“Thousands of displaced families became heavily dependant on humanitarian aid, which had intensified the growing humanitarian crisis. According to an assessment carried out by the World Food Program in 2007, some 55 percent of the displaced families were unable to get their food rations provided under Iraq’s Public Distribution System (PDS) due to various difficulties including the transfer of their ration cards to their new place of residence.” [134a] (p2)

- 31.09 The UNHCR Guidelines of April 2009 stated that:

“In late 2007, MoDM in Baghdad launched a monthly stipend of 150,000 ID (approximately US \$120) for a six-month period to each IDP family registered with MoDM. There were significant delays in extending this programme to the Kurdistan Region and payments through DDM were only made as of late 2008. To date, nearly 32,000 IDP families in the three Northern Governorates applied for and were found eligible for the stipend. However, funds transferred from MoDM Baghdad are not sufficient, covering only 17,000 families and only for a three months period. Also, as MoDM issued a directive to no longer register new IDPs from the Centre/South... newly arriving IDPs do not qualify for the stipend. New IDPs will also not be entitled to receive the return grant of one million ID, as this is directly linked to the previous registration as an IDP by DDM. Monitoring revealed that many IDPs had not received any humanitarian assistance since in displacement.” [40b] (p58)

- 31.10 A report of 28 December 2008 by the International Displacement Monitoring Centre (IDMC) stated that:

“The humanitarian situation remains dire for displaced and non-displaced alike with inadequate access to protection, shelter, food, clean water, health and employment opportunities. Though the humanitarian crisis was recognised in March 2007 by the United Nations and the international community, the humanitarian situation still remains precarious for millions of Iraqis. Limited by insecurity and lack of humanitarian space, international efforts to assist the internally displaced have been significant yet insufficient in view of the immensity of the crisis.” [50b] (p1)

- 31.11 The IRC report, published on 28 May 2008, commented that Baghdad “has the largest number of displaced people as a result of many explosions, military operations and armed conflicts.... Sadr City, in particular, witnessed

many military operations which had escalated the displacement problem.” [134a] (p7) The IDP Working Group report, published on 24 March 2008, noted that “More than 560,000 IDPs are living in Baghdad Governorate. 40% of surveyed IDPs in Baghdad have fled due to direct threats and forced eviction from their property, while between 10% and 17% have fled due to generalized violence and fear.” [135] (p1) The IDP Working Group report also stated that secondary displacement had been reported in Baghdad. [135] (p1)

- 31.12 Other sources noted that some refugees were returning to Baghdad. The UNSC report of 6 November 2008, stated that “Some 50 per cent of the returnee totals represent families returning to Baghdad.” [38r] (p9) The IDMC report, 28 December 2008, agreed that “A small but growing number of people have returned, mainly in Baghdad.” [50b] (p1)
- 31.13 Concerning returns in other parts of Iraq, the IDP working group, March 2008, stated that “Returnees mostly return to those neighbourhoods/districts/governorates under control of members of their sect. To date, only a few families returned to areas under control of another sect. No members of minority groups (e.g. Christians, Sabaeen-Mandaeans and Yazidis) have been reported to be among the returnees.” [135] (p1) The UNAMI report, covering 1 July - 31 December 2008, stated that:

“During the second half of 2008, there has been a considerable increase in returns in comparison with the first half of 2008 with 145,920 internally displaced persons and refugees returned to their places of origin in Iraq. This increase can be attributed to several factors: the improvement of the security situation in Iraq; the introduction of Order 101 by the Prime Minister enabling returnees to regain possession of their occupied houses; the end of the summer break; and the need to enrol children in school. The overall number of returns in the year amounted to more than 221,000 persons. Internally displaced returned in much higher numbers (195,890) than refugees from neighbouring countries (25,370). Of the returns, 53% returned to Baghdad and 30% to Diyala.” [39b] (p17)

- 31.14 The IDMC report, 28 December 2008, stated:

“Though the sectarian violence and displacement abated, it left a pronounced sectarian divide, most visibly in Baghdad. The partitioning by MNF-I and ISF of certain areas of Baghdad with concrete barriers helped to reduce violence but reinforced sectarian divides. Though some barriers have since been removed, others have been erected while many neighbourhoods remain ethnically homogeneous.” [50b] (p9)

See also [Sectarian violence](#)

- 31.15 The IDP working group report, published 28 March 2008, noted “Babylon, Anbar, Basrah, Missan, Thi-Qar and Khanaquin only allow entry to IDP families who can prove that they come from a dangerous area (definition of dangerous area is not uniform) and registration to those who have a sponsor. Only IDPs able to prove that they have been threatened are allowed to register in Kirkuk. Checkpoints and curfews restrict movement of IDPs in Missan, Wassit, Baghdad and Basrah.” [135] (p20) The UNHCR Guidelines of April 2009 further mentioned that:

“As a result of a directive issued by the central Government in 2007 ordering governorates to lift restrictions on IDPs’ entry as well as the overall decrease in new displacement occurring, restrictions have largely been eased. A notable exception is Al-Anbar Governorate, which requires IDPs to have a sponsor that guarantees that the person does not pose a security risk as well as the need to provide evidence that the IDP originates from a ‘hot area’. In addition, persons seeking to relocate to the town of Fallujah (Al-Anbar) must have a special ID card issued by the ISF. In Kirkuk, Arab IDPs may reportedly be discriminated against on the basis of their ethnic belonging. Furthermore, most central and southern governorates require that IDPs coming from other governorates obtain prior approval from the local authorities in the intended place of relocation to bring along their furniture.” [40b] (p12)

See also Freedom of movement.

31.16 The IOM’s displacement report, published on 1 June 2009, gave country-wide statistics of the places of origin, religion, ethnicity, living arrangements, intentions and top priority needs of IDPs from each governorate. [111b]

31.17 The UNAMI report, covering 1 July - 31 December 2008 stated that “The main concerns of returnees continue to be the security situation, lack of income and housing as well as lack of electricity and access to services. Access to Government support, enhancing the safety to returnees and assisting with critical aid interventions are supported by UN agencies and NGOs.” [39b] (p17)

31.18 On 22 January 2009, IRIN News reported that:

“Internally displaced persons (IDPs) returning home lack decent public services and the resources with which to repair their damaged houses, local and international NGOs have said... Al-Azawi, who heads the Baghdad-based Commission for Civil Society Enterprises, an umbrella group of over 1,000 Iraqi NGOs, said: ‘Some of these families have run out of resources, and found their houses damaged and furniture looted. And they have not been given any government aid.’” [18cy]

31.19 The UNHCR Guidelines of April 2009, stated that IDPs faced problems relating to food, housing, health, education, income and employment – see UNHCR paper for further information. [40b] (p47-51)

“Groups of IDPs in the Centre and the South reported pressure to return or relocate elsewhere from local authorities, armed groups and host communities. For example, the provincial authorities of Salah Al-Din declared that all IDPs originating from Diyala must return home for security reasons.” [40b] (p45)

Map

31.20 See following hyperlink for map of IDPs and Returnees:

<http://www.unhcr.org/refworld/pdfid/4940f43e2.pdf>

IDP CAMPS

- 31.21 The IDP Working Group members report, published 28 March 2008, noted that “Less than 1% of IDPs in Iraq live in tented camps. IDPs in Iraq live in different types of group settlements, e.g. tented camps, public and private buildings, mud and reed houses camps, former military camps... The majority of the IDP population in the country is living in rental accommodation (58%).” The report went on to note that this housing was often of a low standard, due to high rents, with IDP families living in one room of a house, or even in former store rooms of mosques and shops, and sharing facilities with several other families.” [135] (p16)
- 31.22 The IOM's camp assessment report, published August 2008, stated that:
- “Although displacement has continued to slow during the first half of 2008, small numbers of internally displaced persons (IDPs) in Iraq continue to live in tent camps. Shelter is consistently ranked as a top priority need among IDPs throughout the country, and those who reside in tent camps are often the most vulnerable among a population which is already insecure and in need of humanitarian assistance.
- “Camp residents generally do not have access to basic services, cannot protect themselves against the elements or extreme weather, and are located far away from medical care, education, and other needs. These harsh conditions, combined with a cultural aversion to living without familial privacy and personal dignity, make tent camps a last resort for Iraqi IDPs. As a result, the number of camps and the size of camp populations vary periodically.” [111a] (p1)
- 31.23 The IOM February 2009 report stated that “Al Manathera camp [Najaf], formerly the largest IDP tent camp in the country, was officially closed this month. Families departing the camp were given a stipend of 4 million IQD (approximately 3443 USD) and given options for assistance with return transport, integration with the local community, or secondary displacement to another governorate.” [111t] (p14)
- 31.24 The UNHCR Guidelines of April 2009 stated that “About half of the IDPs assessed by UNHCR live in rental accommodation, often in overcrowded conditions in sub-standard properties. IDPs in some governorates are forced to pay exorbitant rental fees and others must pay a year's rent upfront. Others live with relatives or host families (23%), in collective towns or settlements (12%), in former military or tented camps (8%) or in public buildings (7%).” [40b] (p48)

IDPs IN THE KRG AREA

- 31.25 The IOM December 2008 report noted that “KRG authorities, wary of the burden that the influx of IDPs places on infrastructure and resources, have tightened restrictions on entry into the governorate. The demographic shift that displacement causes is also a sensitive issue in this region.” [111o] (p2)
- 27.26 The FCO report, 27 March 2009, stated that:
- “...UNHCR Erbil stated that many IDPs moved to the KR from other parts of Iraq. The KR has accommodated around 35,000 IDPs. The IDP population is made up of people from all communities in Iraq, including Arabs, Christians and Kurds from Mosul and Kirkuk. Nearly half of the IDPs have been located

in Dohuk Governorate, given its proximity to Mosul, which had witnessed a high level of ethnic and religious based conflict...

"[The] UNHCR stated that few IDPs in the KR are located in camps. There are only two small IDP camps in the KR, accommodating around 150 families. IDPs mainly live in private rented accommodation. IDPs are given resident status in the KR and are allowed to work, although are unlikely to gain employment in the public sector. Some IDPs with professional backgrounds can find employment in their professions. Many though come from low or unskilled backgrounds and can find it difficult to find work. IDPs are eligible for a displacement allowance from the KRG and about two thirds of the IDPs in the KR had received this.

"[The] UNHCR stated that IDP children have good access to schools in the KR, although schools in the KR are overcrowded owing to high levels of enrolment and many schools have to operate a shift system. IDPs have access to medical facilities in the KR but these are under resourced. Ration cards can be transferred from IDPs' home Governorates to the KR but this is often a lengthy process; only 12% of IDPs have been able to transfer their ration cards and the World Food Programme has had to provide supplementary assistance to IDPs in the KR.

"[The] UNHCR stated that there had been little movement of IDPs from the KR returning to their former homes within Iraq to date. Returnees receive a return allowance of one million Iraqi Dinars (£595 at March 2009 exchange rate) from the Iraqi Government. For IDPs wanting to return home road travel between the KR and other parts of Iraq is now generally safe other than to Mosul.

"Nawshiran Mustafa, an independent politician in Sulaymaniyah stated that there are still some IDPs from within the KR itself, who relocated during the internal conflict between the KDP and the PUK in the 1990s." [66d] (p10)

See also Freedom of movement in the KRG

31.27 The UNHCR Guidelines of April 2009 reported that:

"A significant number of persons from mainly the Central Governorates have found refuge in the three Northern Governorates since 2003. With recent security improvements, the flow of new arrivals has decreased significantly; however only few have yet returned to their places of origin. According to the KRG, 34,566 families (207,396 persons) have been displaced from the Centre and the South to the three Northern Governorates since 2003, the majority of whom were displaced after February 2006. The influx of IDPs has had a significant impact on the host communities, including increasing housing and rental prices, additional pressure on already strained public services and concerns about security and demographic shifts. At the same time, the three Northern Governorates have also benefited from the migration of professionals bringing with them skills and disposable incomes that boost the local economy. Unskilled IDPs have also provided cheap labour for the construction industry.

"The KRG authorities continue to implement controls on the presence of persons not originating from the Kurdistan Region. Depending on the applicant, especially his or her ethnic and political profile, he/she may not be

allowed to relocate to or take up residence in the three Northern Governorates for security, political or demographic reasons. Others may be able to enter and legalize their stay, but fear continued persecution as they may still be within reach of the actors of persecution or face undue hardship to make their living, as unemployment is high and assistance is provided to few.” [40b] (p51)

See also [Freedom of movement](#)

For further information on the KRG area of Iraq see the [COI report on the KRG area of Iraq, 21 May 2009](#).

ARABISATION AND DE-ARABISATION

31.28 The Brookings Institution report, published 3 March 2008, stated:

“During the Arabization campaigns, some 250,000 Kurds and other non-Arab minorities were displaced from this territory and replaced by Arabs from central and southern Iraq. The Operation Anfal of 1988 was an ethnic cleansing campaign in which 100,000 Kurds were killed and other hundreds of thousands were rendered homeless. The program of Arabization continued in Kirkuk until the eve of the Ba’ath regime’s toppling; throughout the 1990s, Kurds and other non-Arab Kirkukis continued to face harassment and pressure to change their ethnic identity and join the Ba’ath party. During this period, 120,000 persons were driven out of Kirkuk and other territory under Baghdad’s control.” [88c] (p1)

31.29 The UNSC report of February 2007, stated that: “...Orders Nos. 3 and 4, which were intended to commence the process of relocating Arab families that moved to Kirkuk during the ‘Arabization’ campaign of Saddam Hussein” were announced:

“The Orders, which require approval by the executive branch, offer compensation to relocated families. The announcement by the Commission was followed by demonstrations in Kirkuk by opponents of the measure, who claimed it was tantamount to forced displacement. In response, Commissioners clarified that the relocation and compensation mechanisms were strictly voluntary and that 7,000 families had reportedly registered for relocation. [38i] (p3)

31.30 The Brookings Institution report, 3 March 2008, further commented that:

“In an attempt to reverse Saddam Hussein’s Arabization campaign, the ‘normalization’ plan outlined in Iraq’s constitution will facilitate the return of Arab families to their places of origin. Those who voluntarily relocate will receive about \$16,000, but despite offers of compensation, many do not want to leave their current homes. Some settlers have established strong ties to their Kirkuk neighborhoods, through working and raising families. The official response from the Kurdish authorities is that relocation is voluntary and any family who chooses to stay will be welcome.” [88c] (p13)

Land and property rights

31.31 The Refugees International report, published on 15 April 2008, commented “A mechanism, created by the Coalition Provisional Authority in 2004 and later

endorsed by the Iraqi Transitional National Assembly, exists for the resolution of property right violations perpetrated during the Baathist period pre-dating the 2003 conflict: the Iraq Commission for the Resolution of Real Property Disputes (CRR PD)....

“Iraqis who have property claims dating after April 2003 have no other recourse today than to turn to the severely deficient Iraqi judicial system or local armed groups. The current situation in Iraq remains too violent to design and implement a large-scale effort to compensate and provide restitution to those who have lost their homes.” [119c] (p16)

31.32 The UNSC report of 6 November 2008, stated that:

“Housing in many cases has been problematic, as many of the returnees’ houses have been occupied by others or damaged. To encourage the return of displaced people, on 2 August the Government issued a directive to evict illegal occupants from private homes and government buildings across the country. Eviction started in Baghdad on 2 September [2008] following a one-month notice period and is applicable countrywide. The Government has established a reconciliation council to arbitrate property disputes and is offering a one-off payment of 1 million dinars (around \$830) to each returning family. In addition, the Government is committed to paying 1.8 million dinars (equivalent to six months’ rent) to displaced persons evicted from houses in Baghdad and unable to return to their original homes. Unfortunately, the Government continues to face challenges in the actual implementation of the assistance programme.” [38r] (p9-10)

31.33 The UNSC report, 20 February 2009, stated that:

“Orders of the Government of Iraq on property restitution (order 101) and grants for returnees (order 262) have gone some way to securing their legal rights on property restitution]... As at early November 2008, the property committee responsible for restitution of occupied properties to returnees has received 259 claims; 220 claims have been referred to the Baghdad operation centre and 209 evictions have been carried out, often by the Iraqi Security Forces.” [38a] (p9)

31.34 The IRRICO report, 5 May 2009, recorded that “Iraq is suffering from a housing crisis because since 1982 no housing projects have been implemented. Recent reports indicate that Iraq needs three million housing unit. Officials have stated that this crisis can only be solved by the private sector, as the government has no ability to build such a huge number of units.

“Housing has become one of the major problems in the Northern part of Iraq, especially after the 2003 events when lots of Iraqis left their houses in the disturbed areas and fled to the KRG seeking a secure life.

“Because of those IDPs demand on rental houses or houses for sale increased dramatically and the prices soared. In 2008, when the security situation in the rest of Iraq improved, prices decreased in the KRG (but not that much and still very expensive) and prices in the South and Middle of Iraq increased.

“The government is trying to solve these problems by using different methods, like giving housing loans up to 12000000 ID and promoting

housing investments by providing land for companies wanting to establish housing projects and modern towns.

“These efforts by the government were fruitful in terms of increasing the number of housing projects in the Northern part of Iraq but did not solve the prices as no agreement was made between the government and the construction companies regarding prices.” [3a] (p4)

- 31.35 For further information on property prices for individuals or families see the IRRICO report. [3a] (p4-5) The report stated that in order to buy a property in Iraq “The buyer should be an Iraqi, having Iraqi Nationality, an ID card and an Iraqi Civil Status ID.” The report also mentioned “The only grants available for housing are governmental housing loan, bank loans and the loans from the government to the companies to build housing compounds and modern cities. ... No special housing provisions are available for vulnerable cases.” [3a] (p5)

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32. FOREIGN REFUGEES AND OTHER NATIONALS

32.01 Article 21 (2) of the Constitution stipulated that “A law shall regulate the right of political asylum in Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.” Article 21 (3) states that “Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq.” [82a] (p8)

32.02 The USSD report for 2008 stated that:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish by year's end an effective system for providing protection to refugees. In practice, the government provided protection against ‘refoulement,’ the return of persons to a country where their lives or freedom would be threatened.” [2o] (p22)

32.03 The USCRI World Refugee Survey 2009, published on 25 June 2009, covered the issues of residency, freedom of movement, employment and access to services for refugees in Iraq, further stated that:

“A still-valid Coalition Provisional Authority order assigns the Ministry of Displacement and Migration responsibility for recognized refugees. The Permanent Committee for Refugee Affairs, established under the 1971 Refugee Act and reactivated in 2005 lacks the capacity to determine refugee status, which leaves UNHCR in charge of the procedure. The Committee disputes the status of certain refugee groups, such as the Syrian Arabs.” [44a] (p2)

“The 1971 Refugee Act provides for refugees’ right to work, and in the Kurdish areas, they can work legally under permission from the President’s office, but there is no authorization for asylum seekers. In the Kurdish governorates, refugees work in farming, trade, and construction. Refugees in Dahuk and Erbil can get work permits too, but in Sulaymaniyah, Iranian asylum seekers do not need to obtain work permits to work as laborers, shopkeepers, mechanics, and construction workers. Although technically under the 1971 Refugee Act, refugees enjoy the same labor rights as citizens, current conditions make this impossible. Refugees in central and southern Iraq have difficulty finding jobs because of their lack of documentation.

“The 1971 Refugee Act does not specifically provide for refugee property ownership, but earlier legal provisions benefit Syrian refugees. Refugees are unable to register businesses, own land, or open bank accounts, as all of these activities require Iraqi national identification documents.” [44a] (p3)

32.04 The USCRI report 2009 also noted that “Iraq hosted 41,600 registered refugees, primarily in Baghdad and the Kurdish-administered regions, as well as nearly 2,600 asylum seekers. They included Palestinians and various ethnic and ideological minorities fleeing persecution in Iran, Syria, and Turkey.” [44a] (p1)

“Refugees recognized by the former regime held Iraqi identity cards, but with its fall the new Government ordered Palestinian, Syrian, and Ahwazi

refugees to obtain residence permits from the Residence Directorate, despite being exempted from that requirement by the 1971 Refugees Act. Administrative roadblocks prevented most from renewing their cards or obtaining residence permits, but the Government began issuing identity cards to Palestinians in mid-2008, and UNHCR provides certificates to Syrians, Ahwazis and Kurds from Iran, and Sudanese refugees. Turkish refugees in Makhmour camp received identity cards in 2007. UNHCR provides asylum seekers, most of whom reside in Kurdish areas, with certificates in Arabic, English, and Kurdish.” [44a] (p2)

32.05 The USCRI report 2009 commented that “Although there are no legal restrictions on refugees’ freedom of movement or choice of residence, the general lawlessness, physical attacks, and arbitrary detention restrict refugees’ movement in southern and central Iraq ... The Government does not issue international travel documents to refugees.” [44a] (p3)

32.06 There were also reports that groups not affiliated with the government threatened Palestinians, Syrian Baathists, and Ahwazi Iranians in southern Iraq whom they felt the previous regime had favoured. (USCRI 2009) [44a] (p1) The USCRI report 2009 noted:

“Multinational forces and Iraqi Security Forces detained refugees during the year, usually on allegations of terrorism but never filing official charges. UNHCR was unable to obtain reliable information on detainees or detention conditions, but reports from UNHCR implementing partners, the Palestinian embassy, and refugee communities suggested as many as 70 Palestinians and 7 Syrian refugees remain in detention. UNHCR and the UN Mission in Iraq received reports of abuse and possible torture of detainees, which the Iraqi Government denied.” [44a] (p2)

32.07 The USSD report for 2008 also noted that “Refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals.” [20] (p22)

32.08 The IRC report, published on 28 May 2008, mentioned that the Iraq Red Crescent provided humanitarian assistance to refugees in the Sudanese camp, 370 km from the centre of Anbar governorate; the Ahwasian camp, located at the borders with Jordan; and the Al-Waleed Palestinian camp, in the Tanaf area in Anbar, which housed over 292 families. [134a] (p2) In addition to these, the IRC report noted it had set up “42 camps in 15 governorates to shelter IDP families. Two of these camps were set-up jointly with the MODM. A total of 19 camps were in Baghdad governorate. By end of 2007, most of these camps were dismantled. These camps temporarily sheltered 3,253 families in 3,674 tents.” [134a] (p4)

32.09 The UNSC report of 6 November 2008 noted that “UNAMI continued to monitor closely the situation of the People’s Mujahedin of Iran [PMOI] members who are living in the Ashraf camp in Diyala Governorate. They are still under the protection of the United States army following an agreement signed in 2004, but the Government of Iraq has expressed its intention to take full control of the camp in the near future.” [38r] (p12) The UNAMI report, covering 1 July - 31 December 2008, further commented on Camp Ashraf in Diyala and stated that:

“The situation of the estimated 3,300-3,500 residents of Camp Ashraf in Diyala remains of concern to UNAMI. On 19 October UNAMI/HRO visited

Camp Ashraf to discuss concerns expressed by PMOI leadership and to meet with camp residents. However, discussions with residents always took place in the presence of a PMOI representative. The status of the residents of Camp Ashraf and PMOI members remains undefined as the hand-over of the security of the camp from MNF-I to the Iraqi Armed Forces was scheduled to occur on 1 January 2009. The US government has consistently reassured residents that they had guarantees from the Iraqi government for the safety of Camp Ashraf's residents. MNF-I has also reaffirmed that they will monitor the situation after 1 January 2009." [39b] (p18)

- 32.10 The USCRI report 2009 stated that "Despite limited access to Al Waleed camp, through the Italian Consortium for Solidarity (ICS), UNHCR gives residents rations, non-food items, electricity, and fuel. ICRC provides water, sanitation services, and medical supplies. ICS takes seriously ill patients to a hospital every two weeks." [44a] (p3)

PALESTINIANS

- 32.11 "Approximately 34,000 stateless Palestinians have lived in Iraq since 2003. Since the beginning of U.S. military operations in Iraq, many suffered persecution at the hands of the Iraqi government and other armed groups. More than 3,000 fled to the Syrian-Iraqi border, where they live in makeshift tents in the desert with limited access to basic services." (RI, 28 January 2009) [119e]

- 32.12 The USSD report for 2008 mentioned that 15,000 Palestinians were granted refugee status, and stated that:

"According to UNHCR, there has been a reduction in general violence in central Iraq and attacks against Palestinians. There were some credible reports that police targeted Palestinians for arbitrary arrest, detention, house raids, and extortion. On May 22, police arrested 15 Palestinian refugees from Al Waleed camp. UNHCR intervened and secured the release of all detainees by May 25. The arrested refugees alleged that they were subjected to beatings, threats, and intimidation. Some of the refugees had fresh marks consistent with their claim that they were beaten with cables and burned with cigarettes. According to the refugees, they were made to confess verbally under duress that they had participated in terrorist activities. According to UNHCR hundreds of Palestinian refugees left Baghdad to seek refuge in Jordan and Syria during the year; however, there were very few numbers of Palestinians trying to flee Baghdad for Al Waleed camp. UNHCR reported that it was working with MODM to provide ID cards to the 15,000 Palestinians remaining in Iraq. MODM reported in August that it had registered 10,500 Palestinians in Baghdad and expected to provide ID cards to an estimated 3,000 Palestinians in Basrah and Ninewa." [2o] (p22)

- 32.13 On 20 November 2008, Refugees International (RI) reported that al Al Hol camp housed about 340 Palestinians, Al Tanf had a population of 940, and Al Waleed was home to 1,750 Palestinians refugees. [119d] (p2)

- 32.14 The USCRI report 2009 stated that:

"Palestinians received privileged status in Iraq under Saddam Hussein's rule, sparking resentment particularly among Iraq's armed Shiite groups.

Only about 14,500 Palestinians remained in Iraq at the end of 2008 out of some 35,000 that arrived beginning in 1948 through the 1991 Gulf War, as continued threat of targeted attacks and sectarian violence caused thousands to flee. Some 2,700 Palestinians remained stranded in poor conditions in desert camps on the Iraqi borders of both Syria and Jordan, following the refusal of the Jordanian and Syrian government to permit entry.” [44a] (p1)

- 32.15 The USCRI report 2009 recorded that “Most attacks on Palestinians during 2008 were individual shootings or abductions, as opposed to the mortar attacks on Palestinian areas common in late 2006 and early 2007.” [44a] (p1-2)

“In April, UNHCR and the Government began reregistering Palestinian refugees, and in June began issuing identity cards to those in Baghdad. Officials estimated in August that another 3,000 eligible Palestinians lived in Nineva and Basra. Approximately 250 Palestinians crossed into Syria in May after an appeal from the Palestinian Authority. A majority of the refugees had been stranded at the Iraqi-Jordanian border for about two months, but many Palestinians within Iraq and Palestinians stranded at the Iraqi-Syrian border joined the group after learning about Syria’s acceptance.” [44a] (p2)

- 32.16 As of 31 March 2009 there were 12,855 Palestinian refugees registered with UNHCR. (UNHCR, 23 June 2009) [40g] (p2)

IRANIANS

- 32.17 An article by Refugees International, published 25 February 2008, commented that Al-Tash had closed, and the 230 Iranian Kurdish refugee families (totalling 1,350 individuals) had been rehoused in Kawa Settlement, near Arbil. [119b]
- 32.18 A report by the United Nations Consolidated Appeals Project 2008, commented “The security situation and physical safety of ... Ahwazi refugees in the South deteriorated significantly and remain acute.” [138] (p35) The report further noted that “There are approximately 2,000 Ahwazis in Iraq, primarily in the southern governorates. Overall, they live in extremely poor conditions impacting their ability to access basic services and limiting freedom of movement. There are currently 113 Ahwazis at this location in a highly precarious situation.” [138] (p42)
- 32.19 The Iraqi Red Crescent report, published 27 February 2008, commented on the Ahwasian camp, and stated “This camp is located at the borders with Jordan (Traibeel area) and sheltered 300 Iranian families from Ahwaz area (at the Iraqi-Iranian border). Some of those families moved to the north of Iraq and others moved to Tash area since 1980 hoping that they will migrate to European countries. The majority of the families already migrated leaving behind 40 families. The Iraqi Red Crescent assists those families through distributing food and relief aid.” [134b] (p3)
- 32.20 The USSD report for 2008 stated that groups of Iranian Kurd refugees were generally able to integrate successfully in the KRG. “For the majority of the 11,135 Iranian Kurds registered by UNHCR as refugees in the north, local integration remained the best and most likely option.” [20] (p22) Further:

“In the Kurdish governorates, Iranian refugees possess identity cards that let them travel in the area, but need permission from the regional government to go to other parts of Iraq.” (USCRI 2009) [44a] (p3)

- 32.21 The USCRI report 2009 recorded that “U.S. troops protect the Iranian Mujahideen al-Khalq at Camp Ashraf outside Baghdad, since the U.S. Defense Secretary declared them protected persons under the Fourth Geneva Convention.” [44a] (p2) “Iranian camp residents receive food from the ICRC and an Iranian-American relief organization, which also donates medical supplies and school supplies. UNHCR helps Iranian Kurdish refugees who moved to the Kawa camp in Erbil with vocational training, and the agency provides internal roads, water, and electricity to the residents.” [44a] (p3)
- 32.22 The USCRI report 2009 also stated that “The Government declared in August that members of the People's Mojahedeen Organization of Iran, an Iranian opposition group based at Ashraf camp, were considered part of a terrorist organization and should be sent back to Iran.” [44a] (p2)
- 32.23 As of 31 March 2009 there were 10,831 Iranian refugees registered with UNHCR. (UNHCR, 23 June 2009) [40g] (p2)

SYRIANS

- 32.24 The USCRI report 2009, noted that “Syrians in Iraq included Kurds and Baathists fleeing the regime that numbered over 1,200.” [44a] (p1)
- 32.25 As of 31 March 2009 there were 535 Syrian refugees registered with UNHCR. (UNHCR, 23 June 2009) [40g] (p2)

TURKS

- 32.26 The USSD report for 2008 commented that generally refugee groups of Turkish Kurds were able to integrate successfully in the KRG. “For the 15,553 Turkish Kurds registered by UNHCR as refugees, UNHCR's strategies included voluntary repatriation and local settlement, subject to negotiations with Turkey and the Iraqi government on a Tripartite Voluntary Repatriation Agreement and a Local Settlement/Resettlement Protocol for those willing to remain and integrate.” [2o] (p22)
- 32.27 The USCRI report 2009, noted that Turkish Kurds numbered 16,120. [44a] (p3) “Turkish refugees in Makhmour refugee camp can move freely within the district, but they risk detention if they do not carry identification and authorization from camp authorities to leave the district for more than a day.” [44a] (p3)
- 32.28 As of 31 March 2009 there were 15,758 Turkish refugees registered with UNHCR. (UNHCR, 23 June 2009) [40g] (p2)

SUDANESE

- 32.29 The IRC report, published on 28 May 2008, reported that “The Iraqi Red Crescent continues to assess the needs and provide humanitarian assistance to the refugees in the ... Sudanese camp- located 370 km from the center of

Anbar governorate. Forty Sudanese families resided in the camp since three years [ago].” [134a] (p2)

- 32.30 The USCRI report 2009 stated that “Almost 100 Sudanese refugees, mostly from Darfur, living in a makeshift camp in the Iraqi desert left for Romania in December, with 42 more expected to join them in January 2009.” [44a] (p2)

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33. CITIZENSHIP AND NATIONALITY

33.01 Article 18 (2) of the constitution stipulates that “Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi.” Article 18 (3) states that “A: An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the right to demand its reinstatement. This shall be regulated by a law.” And “B: Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law.” The Constitution also provides for the right to multiple citizenship. [82a] (p6)

33.02 UNHCR's October 2005 COI report also stated that “... they are facing multiple problems linked to their status as previously stateless persons (e.g. proof of documentation of being an Iraqi national, access to PDS, right to vote). For those who were deprived of Iraqi nationality for other reasons and for whom the TAL stipulates the possibility of reacquiring Iraqi nationality, no reacquisition procedures have yet been put in place.” [40c] (p30) The report further noted:

“Stateless persons originating from the three Northern Governorates have to provide documents showing their first degree relatives' Iraqi nationality in order to recover their nationality. As it is well known that Faili Kurds have often been stripped of all documentation and may therefore not be able to present the requested documents, local authorities have established mechanisms to review such cases. In the PUK-area, a committee comprised of representatives of the Governor's Office, the Ministry of Interior and prominent Faili Kurds has been established, while in the KDP-administered areas an interview at the Ministry of Interior will be conducted. Based on these interviews, a stateless person will be reinstated with his/her nationality if Iraqi origin can be confirmed.” [40c] (p138)

33.03 An article by IRIN news, dated 12 December 2005, reported “Ever since the enactment of new regulations after the fall of Saddam Hussein, the children of Iraqi women married to foreign nationals are no longer entitled to the same rights and services offered by the government to those of full Iraqi parentage.” [18w] The UNHCR COI report, October 2005, mentioned that:

“Persons that would de jure recover their nationality because of the retroactive cancelling of Decision No. 666 have, at this stage only received Interim Civil Status Identity Cards from the Civil Status Offices after having provided proof of their former Iraqi nationality (e.g. through the presentation of old Iraqi IDs, birth registration certificates or after the authorities' checking of the nationality registries in coordination with the Nationality Directorate within the Ministry of Interior). Furthermore, because the central authorities have not been providing sufficient blank certificates to the different governorates, the issuance of these documents is delayed. Iraqis whose Iraqi nationality was withdrawn for political, religious, racial or sectarian reasons and who have, according to Article 11(d) TAL the right to reclaim their nationality, are currently not able to do so due to the lack of any procedures in this regard.” [40c] (p138)

33.04 The Refugees International report, 11 March 2009, stated that “UNHCR reports that 130,000 stateless persons are in Iraq. Children of mixed

marriages, specifically with an Iraqi mother and non-national father, face statelessness.” [119f] (p51)

See also Mixed marriages

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34. EXIT AND RETURN

- 34.01 The USSD report 2008 stated that “The MOI’s Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.
- “The constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.
- “There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced.” [2o] (p20-21)
- 34.02 The Refugees International report, published 15 April 2008, noted that “Syria and Jordan, the main safe havens for Iraqis since 2003, have now virtually closed their borders to new Iraqis.” [119c] (p12) The ICG report of 10 July 2008 agreed, stating that “host countries that earlier welcomed refugees have since sealed their borders.” [25k] (p12)
- 34.03 A report by Amnesty International, published in March 2008, stated that “the authorities in both Syria and Jordan introduced strict visa requirements on Iraqi nationals. A decree in Syria that took effect on 10 September 2007 barred Iraqi passport holders from entering the country except for business people and academics. The same month the Jordanian government said it would impose visa requirements on Iraqis entering the country, but did not say when. In reality, however, the Jordanian authorities had already introduced strict requirements for Iraqis wishing to enter the country after Iraqi suicide bombers attacked hotels in Amman at the end of 2005. For example, Iraqi men aged between 18 and 45 are frequently barred from entering the country. These new restrictions have all but cut off the last escape routes for Iraqis needing refuge from the violence in their country.” [28o] (p10)
- 34.04 The same report also noted that “On 6 February 2008, UNHCR warned that Iraqis were once again leaving Iraq for Syria in greater numbers than they were returning. According to UNHCR, in late January 2008 an average of 1,200 Iraqis fled to Syria every day compared to around 700 who returned.” [28o] (p10)
- 34.05 The CSIS report, published 20 April 2009, stated “...Iraq’s borders will always be porous. ... Iraq’s borders are too long, too remote, too rugged, and have too many long established smuggling routes and tribes dependant on smuggling to ever truly be secure. Smuggling into and out of Iraq is a problem that can be managed, but never eliminated.” [63c] (p133)
- 34.06 The IRRICO report, 5 May 2009, commented that “The main [issue] is proving Iraqi nationality when return takes place with an emergency travel document. In case of a passport type S or G no problems are known. Customs regulations were set by the Iraqi government in 1984, but modifications were made to adapt to current trade situations.” [3a] (p10)

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

34.07 The FCO report, 27 March 2009, noted that :

“Mala Bakhtiar, PUK Politburo Member and Supervisor of PUK's Foreign Affairs Office in Sulaymaniyah stated that while he understood why countries sought to remove those with no legal basis to remain the UK's policy of enforced repatriation was unpopular. The PUK has publicised the negative aspects of migrating illegally overseas to discourage people from staying overseas without legal permission.

“Mala Bakhtiar, PUK stated that returnees, whether voluntary or involuntary, faced no difficulty with the KR authorities and were welcome to return to their normal life. However, many returnees had committed all their resources to leaving the KR and when returned forcibly from overseas they returned to nothing. It was hard for returnees to find work. Mala Bakhtiar suggested that countries wishing to return people should work collaboratively with the KRG to find a solution to the problem, particularly to address the causes of migration. Countries returning people should fund projects to assist returnees with their reintegration in the KR, particularly help with employment, accommodation and educational needs. Children born or raised overseas might not speak Kurdish proficiently and would need tuition to help them integrate.

“Dana Ahmed Majed, Governor of Sulaymaniyah stated that returnees from overseas faced difficulties securing employment and accommodation. Funding for enforced returnees from the countries sending them home to the KR was insufficient. Returnees were always welcome home but there is public concern about enforced returns. Emigrants had given up everything to leave and face hardship on return. There had been a few cases of people from the KR being returned to Baghdad but they had faced difficulties in Baghdad. It was better to bring returnees directly to the KR. Sweden also enforced returns to Iraq. Other EU countries considering starting enforced returns had visited the KR recently.

“Governor Dana Ahmed Majed stated that some returnees found it hard to find work as employers were reluctant to accept them as they usually had no record of their work experience while they were overseas.

“Hewa Jaff, Director of Foreign Affairs, Sulaymaniyah Governorate, also stated that enforced returns from the UK were unpopular in the KR. He stated that countries returning people forcibly to the KR should offer to support returnees and suggested assisting returnees with professional backgrounds to secure employment.

“Nawshiran Mustafa, independent politician, former PUK Deputy Leader and Politburo member, Sulaymaniyah, did not consider that there was any stigma faced by returnees to the KR who had been removed forcibly from the countries in which they could no longer remain legally. The main challenge they face is in re-establishing themselves in the KR, particularly in gaining employment. It is difficult for returnees to secure work in the public sector, where political affiliation to the KDP or PUK is a prerequisite for recruitment and advancement....

“Dr Khalid Ali Abdullah, Director General of the Department of Health, Erbil Governorate stated that returnees from overseas would face no difficulty accessing health services in the KR.” [66d] (p24-25)

See also [Medical Issues](#)

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35. EMPLOYMENT RIGHTS

- 35.01 The Iraqi constitution provides for the right to form and join unions freely. [82a]
The UN World Food Programme report: Food Security and Vulnerability Analysis in Iraq, published 14 February 2008, commented that “Decades of conflict and economic sanctions have had serious effects on Iraqis. Their consequences have been rising unemployment, illiteracy and, for some families, the loss of wage-earners. ...

“Unemployment: is a major problem in Iraq. Human capital and skills of the poor are very low and there are serious problems for the poor to enter into the current labour market where prevailing security conditions do not necessarily make it an attractive proposition. Job creation is key to reducing vulnerability to food insecurity in Iraq. Private and public sector job creation activities could serve the dual purpose of improving infrastructure and transferring cash to Iraq's poorest households.” [145a] (p2)

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Annex A: Chronology of major events

- 1958** **14 July:** The monarchy is overthrown. The new Government consists of military and civilian members under Brigadier Abd Al-Karim Qassem. [4i]
- 1963** **February:** Qassem is ousted in a coup organised by nationalist and Ba'athist officers, who then seizes power under Abd Al-Salam Aref. [4i]
- 1968** **17 July:** A group of Ba'athist officers led by Ahmad Hasan Al-Bakr organise another coup.
30 July: Ahmad Hasan Al-Bakr made President, and Saddam Hussein is appointed Deputy President. [4i]
- 1979** **16 July:** Ahmad Hasan Al-Bakr resigns as President in favour of Saddam Hussein. At this time, real power moves away from the Ba'ath Party and almost exclusively to Saddam Hussein. [4i]
- 1980** **September:** Saddam Hussein orders Iraqi forces into western Iran, which starts the Iran/Iraq war (also at the time, called the 'Gulf War'). Around this time, Saddam also expels many Iraqis of possible Iranian extraction, mainly Shi'a, from Iraq. They are taken to the Iranian border and left. Many remain there, although some travel to other countries and claim asylum. [4i]
- 1987** **June:** The UN pass Resolution 598, which calls for a cease-fire of the Iran/Iraq war. [4i]
- 1988** **16 March:** Saddam launches the Anfal Campaign. This involves chemical bombing against the Kurds residing in the north of Iraq. Many thousands of Kurds are killed or disappear during this campaign. Halabja is the most publicised town; as many as 5,000 people were poisoned there by chemical gases. This campaign is initially set up to resettle Kurds to where they are more easily controlled. [4i]
- 20 August:** A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIIMOG). [4i]
- 1990** **2 August:** Iraq invades Kuwait and is condemned by UN Security Council (UNSC) Resolution 660 which calls for full withdrawal. [4i]
6 August: UNSC Resolution 661 imposes economic sanctions on Iraq. [4i]
- 29 November:** UNSC Resolution 678 authorises the states co-operating with Kuwait to use 'all necessary means' to uphold UNSC Resolution 660. [4i]
- 3 March:** Iraq accepts the terms of a cease-fire. [4a] [4i]
- October:** The Iraqi Government withdraws its armed forces from the north, together with police units and pro-Ba'ath employees from the governorates of Erbil, Sulyamaniya and the Dahuk areas which it had occupied.
- 1994** **29 May:** Saddam Hussein becomes Prime Minister. [4i]
- October:** An attempted coup is uncovered resulting in the execution of senior army officers.

- 1995 15 October:** Saddam Hussein wins a referendum allowing him to remain President for another seven years. [4i]
- 1996 23 October:** A cease-fire between the KDP and PUK ends the fighting for the rest of 1996.
- 1998 27 July:** The International Atomic Energy Agency (IAEA) reports that there is evidence that Iraq was concealing nuclear weapons.
- 16-20 December:** 'Operation Desert Fox' - The US and UK launch air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes. [1a] (p488 - 489) [1b] (p2185)
- 1999 January and February:** Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft causes the latter to respond in self-defence. [1a] (p489)
- December:** The UNSC adopts Resolution 1284 (1999) which creates a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body is established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. [1a] (p490) Iraq rejects the resolution. [4i]
- 2001 February:** Britain and US carry out bombing raids in an attempt to disable Iraq's air defence network. [4i]
- May:** Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party. [4i]
- 2002 October:** The British government publishes its dossier on Iraq's weapons of mass destruction.
- 16 October:** Saddam Hussein wins 100 per cent vote in a referendum ensuring him another seven years as President.
- 27 November:** UN weapons inspectors resume inspections within Iraq after a four-year absence. They are backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms. [4i] [1b] (p2188)
- 2003 March:** Chief weapons inspector Hans Blix reports that Iraq has accelerated its co-operation with the UN but says inspectors need more time to verify Iraq's compliance. [4i]
- 20 March:** American missiles hit targets in Baghdad, marking the start of a US-led campaign to topple Saddam Hussein. In the following days US and British ground troops enter Iraq from the south. [4i]
- 9 April:** US forces advance into central Baghdad. Saddam Hussein's grip on the city is broken. In the following days Kurdish fighters and US forces take control of the northern cities of Kirkuk and Mosul. There is widespread looting in the capital and other cities. [4i] [1b] (p2189)
- April:** US lists 55 most-wanted members of former regime in the form of a

deck of cards. Former deputy prime minister Tariq Aziz is taken into custody. [4i]

1 May: President Bush officially declares an end to 'major combat operations'. [1b] (p2189)

May: UNSC approves resolution backing US-led administration in Iraq and lifting of economic sanctions. US administrator abolishes Ba'ath Party and institutions of former regime. [4i]

July: Interim Governing Council (IGC) meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay are killed in gun battle in Mosul. [4i]

October: UNSC approves amended US resolution on Iraq giving new legitimacy to US-led administration but stressing early transfer of power to Iraqis. [4i]

15 November: IGC unveils accelerated timetable for transferring country to Iraqi control. [1b] (p2189)

13 December: Saddam Hussein is captured. [1b] (p2190)

2004 1 February: More than 100 people are killed in Erbil in a double suicide attack on the offices of PUK and KDP. [21c] [4i] [6s] (p14)

March: IGC agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands. [1b] (p2190)

April: US forces surround and blockade Fallujah. 100 Iraqis are reportedly killed in five days of fighting. Two members of the interim cabinet resign in protest. [1b] (p2190)

29 April: Photos, many of which were taken in Autumn 2003, released of US human rights abuses in Abu Ghraib. [18m] (p1) [6s] (p7)

28 May: The 25 members of Iraq's IGC choose Ayad Allawi, a former Ba'athist turned CIA supporter, to serve as the country's interim prime minister after the June 30 handover. [6s] (p5)

28 June: Iraq's US-led administration transfers sovereignty to the IGC in a surprise move two days ahead of the scheduled handover. Paul Bremmer, the US governor, signs over control of the country and responsibility for dealing with its escalating security troubles to the interim Prime Minister, Ayad Allawi, in Baghdad. [6s] (p3)

1 August: A series of co-ordinated explosions on churches across Baghdad and Mosul. Twelve people are killed and 40 others wounded. [3a] (p46177)

August: Ferocious fighting erupts in Najaf breaking a cease-fire agreement. [6s] (p1) Clashes also break out in Baghdad's Sadr City slum, and in the southern towns of Kut and Amara, while demonstrators in Nassiriya torch prime minister Ayad Allawi's political party office. [67a] (p1)

27 August: The 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shi'a leader. Iraqi Shi'a militants are instructed to lay down their arms and leave the Imam Ali shrine – Shi'a Islam's holiest. [4c]

8 November: The US and Iraqi forces began their offensive against the Sunni rebel city of Fallujah. [20a]

2005 30 January: The multi-party national elections are held in Iraq. [6v] The Shi'a United Iraqi Alliance (UIA) wins with 48 per cent of the votes cast and 140 seats in the 275-seat National Assembly. [4n] [17c] The Kurdistan Alliance List, led by Jalal Talabani, obtains 26 per cent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the interim Prime Minister Ayad Allawi, gains third place with 14 per cent and 40 seats. [4r] [6t]

April: Parliament selects Kurdish leader Jalal Talabani as president; Ibrahim Jaafari, a Shi'a, is named as prime minister. The formation of a new government comes amid escalating violence. [4i] A new Council of Ministers is approved by the TNA on 28 April 2005. [1c] (The Government) [6j] (p6) [38b] (p2)

May: The Iraqi government announces a huge counter-insurgency operation in Baghdad, with 40,000 troops being deployed on the streets over the next week to stop the attacks that have killed more than 650 people in the past month. [6j] (p3)

June: Massoud Barzani is sworn in as regional president of Iraqi Kurdistan. [4i]

August: Draft constitution is endorsed by Shi'a and Kurdish negotiators, but not by Sunni representatives. [4i]

14 September: Al-Zarqawi, leader of Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers), declares all-out war on the majority Shi'ite community. [18i] (p3)

15 October: Voters approve a new constitution in a national referendum. [4i] [18i] (p4)

19 October: Saddam Hussein goes on trial on charges of crimes against humanity; his supporters in the Sunni community demonstrate in the streets, demanding that US-led forces be put in the dock instead. [4i] [18i] (p4)

15 December: Iraqis vote for the first, full-term government and parliament since the US-led invasion; they had a choice of 228 registered coalitions and political entities, including the full participation of the Sunni parties. [4i] [18i] (p4) The Independent Electoral Commission of Iraq (IECI) announces a 70 percent turnout for the elections, but says 200 reported cases of fraud could delay final results. Violations in 18 polling stations countrywide are reported by IECI officials who launch an investigation. [18i] (p5)

20 December: Sunni Arab parties claim the results of the parliamentary contests are inaccurate after initial results show nearly 59 per cent of the vote going to the Shi'ite United Iraqi Alliance. Sunnis represent about 20 per cent of the Iraqi population, while Shi'ites are generally recognised as comprising about 60 per cent. [18i] (p5)

2006 20 January: Preliminary results show that the Shia-led United Iraqi Alliance emerge as the winner of December's parliamentary elections, but fail to gain an absolute majority. [4i]

22 February: A bomb attack on the al-Askari holy Shia shrine in Samarra, unleashes a wave of sectarian violence. [4i]

22 April: Nouri Kamel al-Maliki (also known as Jawad al-Maliki) is approved as prime minister ending four months of political deadlock. [18a]

8 June: Parliament elects the final three key security posts to complete the government of national unity. [38g] (p2)

14 June: Government launches a security plan for Baghdad. [38g] (p2)

25 June: Al-Maliki unveils the National Reconciliation Plan. [38g] (p2)

7 September: The US military formally transfer command of the Iraqi armed forces to the Iraqi government. [22s]

November: Saddam Hussein is found guilty of crimes against humanity and sentenced to death. [4i] Iraq and Syria restore diplomatic relations after nearly a quarter century. [4i]

30 December: Saddam Hussein is executed by hanging. [4i]

2007 January: Barzan Ibrahim - Saddam Hussein's half-brother - and Awad Hamed al-Bandar, former head of the Revolutionary Court, are executed by hanging. [4i]

February: A bomb in Baghdad's Sadriya market kills more than 130 people. It is the worst single bombing since 2003. [4i]

March: Insurgents detonate three trucks with toxic chlorine gas in Falluja and Ramadi, injuring hundreds. Former Vice-President Taha Yassin Ramadan is executed on the fourth anniversary of the US-led invasion. [4i]

12 April: A bomb blast rocks parliament, killing an MP. [4i]

18 April: Bombings in Baghdad kill nearly 200 people in the worst day of violence since a US-led security drive began in the capital in February. [4i]

May: The leader of al-Qaeda in Iraq, Abu Ayyub al-Masri, is reported killed. [4i]

August: The main Sunni Arab political bloc in Iraq, the Iraqi Accordance Front, withdraws from the cabinet, plunging the government into crisis. Truck and car bombs hit two villages of Yazidi Kurds, killing at least 250 people - the deadliest attack since 2003. Kurdish and Shia leaders form an alliance to support Prime Minister Maliki's government but fail to bring in Sunni leaders. [4i]

October - Turkish parliament gives go-ahead for military operations in Iraq in pursuit of Kurdish rebels. Turkey comes under international pressure to avoid an invasion. The number of violent civilian and military deaths continues to drop, as does the frequency of rocket attacks. Karbala, the mainly Shia province, becomes the 18th province to be transferred to local control. [4i]

December - Turkey launches an aerial raid on fighters from the Kurdish PKK movement inside Iraq. Britain hands over security of Basra province to

Iraqi forces, effectively marking the end of nearly five years of British control of southern Iraq. [4i]

2008 January - Parliament passes legislation allowing former officials from Saddam Hussein's Baath party to return to public life. [4i]

February - Suicide bombings at pet markets in Baghdad kill more than 50 people in the deadliest attacks in the capital in months. Turkish forces mount a ground offensive against Kurdish rebels in northern Iraq. [4i]

March - Unprecedented two-day visit by Iranian president, Mahmoud Ahmadinejad, to Iraq. Prime Maliki orders crackdown on militia in Basra, sparking pitched battles with Moqtada Sadr's Mehdi Army. Hundreds are killed. [4i]

April - Sadr threatens to scrap Mehdi Army truce which he declared in August 2007. US military commander in Iraq, General David Petraeus, tells Congress he plans to halt US troop withdrawals because of fragile security gains. [4i]

June - Australia ends its combat operations in Iraq. Mr Maliki pays third visit to Iran since taking office as premier. He seeks to allay Iranian fears over proposed indefinite extension of US military presence in Iraq by saying he will not allow his country to be used as a launch pad for an American attack on Iran. [4i]

July - Prime Minister Maliki for the first time raises the prospect of setting a timetable for the withdrawal of US troops as part of negotiations over a new security agreement with Washington. The main Sunni Arab bloc, the Iraqi Accordance Front, rejoins the Shia-led government almost a year after it pulled out. [4i]

September - US forces hand over control of the western province of Anbar to the Iraqi government. Once a flashpoint of the anti-US insurgency and later an al-Qaeda stronghold, Anbar is the first Sunni province to be returned to Baghdad's Shia-led government. Iraqi parliament passes provincial elections law after long debates. Issue of contested city of Kirkuk set aside so that elections can go ahead elsewhere. [4i]

October - Members of the Baghdad Awakening Council, estimated to number about 54,000, move to the Iraqi government payroll, with other members of the Sunni militia councils set to follow. The US military says al-Qaeda in Iraq's second-in-command has been killed during a raid in the northern city of Mosul, and that the group's top commander in east Baghdad has also been killed. The government sends extra police to Mosul to protect the city's Christians after a spate of killings blamed on al-Qaeda. [4i]

November - The Iraqi cabinet approves a military pact which will allow US troops to stay in Iraq until the end of 2011. Iraq's parliament is to vote on the agreement. [4i]

2009 January - Iraq takes control of security in Baghdad's fortified Green Zone and assumes more powers over foreign troops based in the country. Prime Minister Nouri Maliki welcomes the move as Iraq's "day of sovereignty".

A suicide bomber kills and wounds dozens at a feast for Sunni Arab electoral candidates and tribal leaders in the town of Yusufiyah, near Baghdad.

The new US embassy in Baghdad - one of the largest and most expensive ever built - is officially opened amid heavy security. [4i]

February - The political bloc headed by Prime Minister Nouri al-Maliki scores big wins in provincial elections. [4i]

March - US President Barack Obama announces withdrawal of most US troops by end of August 2010. Up to 50,000 of 142,000 troops now there will stay on into 2011 to advise Iraqi forces and protect US interests, leaving by end of 2011.

Three suicide attacks in a week kill 33 people at a reconciliation conference in western Baghdad, more than 30 in the east of the city at the main police academy, and ten at a cattle market in Babel.

Commander of UK forces in southern Iraq hands over to a US general, marking the beginning of Britain's official withdrawal. [4i]

April - Parliament elects Ayad al-Samarrai of Sunni Arab Alliance as speaker, filling vacancy left when Mahmoud al-Mashhadani stepped down in December 2008. The post is reserved for Sunni Arabs by agreement among political leaders. [4i]

May - Parliamentary election date set for 30 January 2010.

The Commission on Public Integrity anti-corruption watchdog issues arrest warrants for about 1,000 officials. It said at least 50 were senior figures.

Trade Minister Abdul Falah Sudani resigns and is arrested at Baghdad Airport after trying to leave the country. [4i]

June - Laith al-Khazali, an imprisoned Shia militant whose release has been demanded by the kidnappers of five British hostages, is handed over by the US military to the Iraqi authorities. [4i]

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Annex B: Political organisations

Assyrian Socialist Party

Refounded 2002. The Assyrian Socialist Party calls for the establishment of an Assyrian nation. (Europa, Date accessed 29 January 2009) [1a] (Political Organisations)

Bet-Nahrain Democratic Party (BNDP) www.bndp.net

Founded 1976 [1a] (Political Organisations) The BNDP sought the establishment of an autonomous state for Assyrians in Bet-Nahrain (Iraq). Its Secretary-General was Youash Jon Youash. [1a] (Political Organisations)

Constitutional Monarchy Movement (CMM)/Royal Constitutionality of al-Sharif Ali bin al-Hussain

Founded 1993. The CMM supported the claim to the Iraqi throne of Sharif Ali bin al-Hussain, cousin to the late King Faisal II, as constitutional monarch with an elected government. [1a] (Political Organisations)

Democratic Assyrian Movement (Zowaa) www.zowaa.org

Founded 1979. The Democratic Assyrian Movement recognised the Assyrian rights within framework of democratic national government. Its Secretary-General was Younadam Yousuf Kana. [1a] (Political Organisations)

Free Officers and Civilians Movement

Formed 1996. It was formerly known as the Free Officers' Movement. Its founder and Leader was Brigadier-General Nagib as-Salihi. [1a] (Political Organisations)

Hizb ad-Da'wa al-Islamiya (Voice of Islam Party) www.islamicdawaparty.org

Founded 1957 in Najaf; banned 1980; formerly based in Tehran, Iran, and London, re-established in Baghdad 2003; contested Jan. and Dec. 2005 elections as part of UIA coalition; predominantly Shi'ite, but with Sunni mems; advocates government centred on the principles of Islam. Gen. Sec. Nuri Kamal (Jawad) al-Maliki. [1a] (Political Organisations)

Independent Democratic Movement (IDM) (Democratic Centrist Tendency)

Founded 2003. It sought a secular and democratic government of Iraq. Its founder Adnan Pachachi returned from exile in the United Arab Emirates in 2003. [1a] (Political Organisations)

Independent National Elites and Cadres

The Independent National Elites and Cadres were apparently linked to Shi'ite cleric Muqtada as-Sadr. Its leader was Fatah esh-Sheik. [1a] (Political Organisations)

Iraqi Communist Party www.iraqcp.org

Founded 1934. It became legally recognised in July 1973 on formation of National Progressive Front. It left National Progressive Front in March 1979 and contested elections of January 2005 on People's Union list. Its first Secretary was Hamid Majid Moussa. [1a] (Political Organisations)

Iraqi Islamic Party (IIP) (al-Hizb al-Islami al-'Iraqi)

Founded 1960. The Sunni party, had affiliations with the wider Muslim Brotherhood in the Middle East. [4q] (p6-7) The IIP boycotted elections of January 2005. [1a] (Political Organisations) Although the Iraqi Islamic Party branded the elections illegitimate and refused to participate in the transitional administration, the party had been in negotiations with the veteran Sunni politician Adnan Pachachi, who wanted Sunni

groups to take part in shaping the new constitution. [4q] (p6-7) Its Secretary-General was Tareq al-Hashimi. [1a] (Political Organisations)

Iraqi List (Al-Qaimah al-Iraqiyah)

Formed prior to the January 2005 elections. [1a] (Political Organisations) The IWPR report (accessed on 27 January 2005) observed that "The Iraqi List, or Al-Qaimah al-Iraqiyah, is a bloc led by [former] Prime Minister Ayad Allawi, and put together by his National Accord Party." [11p] The Iraqi List consists of a number of political organisations, including the INA. [1a] (Political Organisations) The Iraqi List included a mixture of Sunnis and Shi'as, although most of its leading figures were Shi'as. [6p]

Iraqi National Accord (INA) www.wifaq.com

Founded 1990. [1a] (Political Organisations) The former interim Prime Minister, General Dr Ayad Allawi, was the founder and Secretary-General. [1a] (Political Organisations)

Iraqi National Alliance (INA) (at-Tahaluf al-Watani al-Iraqi)

Founded 1992. The Iraqi National Alliance was formerly based in Syria. It was opposed to sanctions and US-led invasion of Iraq and supported a constitutional multi-party government. Its leader was Abd al-Jabbar al-Qubaysi. [1a] (Political Organisations)

Iraqi National Congress (INC) www.inc.org.uk

Founded 1992 in London, United Kingdom, as a multi-party coalition supported by the US Government; following the removal of the regime of Saddam Hussain, the INC moved to Baghdad and was transformed into a distinct political party; contested Jan. 2005 elections as part of the United Iraqi Alliance (UIA), but split to form National Congress Coalition for Dec. 2005 legislative elections, at which it failed to win any seats. Leader Ahmad Chalabi. [1a] (Political Organisations)

Iraqis (Al-Iraqiyun)

Founded 2004; moderate; includes both Sunnis and Shi'ites; joined INL to contest Dec. 2005 legislative elections. Leader Sheikh Ghazi Mashal Ajil al-Yawar. [1a] (Political Organisations)

Iraqi Turkmen Front www.kerkuk.net

Founded 1995. The Iraqi Turkmen Front is a coalition of 26 coalition of Turkmen groups. It seeks autonomy for Turkmen areas in Iraq and recognition of Turkmen as one of main ethnic groups in Iraq, and supports establishment of multi-party democratic system in Iraq; contests status of Kirkuk with Kurds. Its leader was Sadettin Ergeç and the Secretary-General was Yunus Bayraktar. [1a] (Political Organisations)

Islamic Action Organization (Munazzamat al-Amal al-Islami)

Founded 1961; also known as Islamic Task Organization; Shi'ite; contested Jan. 2005 elections as mem. of UIA. [1a] (Political Organisations) Leaders Sheikh Muhammad Taqi al-Mudarrisi, Hassan Shirazi, Muhammad Hussain Shirazi. [1a] (Political Organisations)

Islamic Group of Kurdistan (Komaleh Islami)

Founded in 2001 as splinter group of the Islamic Movement of Iraqi Kurdistan (IMIK), described by Europa as moderate Islamist aligned with the PUK. Its founder and leader was Mullah Ali Bapir. [1a] (Political Organisations)

Islamic Movement in Iraq

The Islamic Movement in Iraq was a Shi'ite party and also a member of SCIRI. Its leader was Sheikh Muhammad Mahdi al-Kalisi. [1a] (Political Organisations)

Islamic Movement in Iraqi Kurdistan (IMIK) www.bzotnawa.net

Founded 1987. Its founder and leader was Sheikh Uthman Abd al-Aziz. [1a] (Political Organisations)

Jamaat as-Sadr ath-Thani (Sadr II Movement)

Founded 2003. It was a Shi'ite group that opposed the presence of US-led coalition in Iraq. Its leader was Hojatoleslam Muqtada as-Sadr. [1a] (Political Organisations)

Jund al-Imam (Soldiers of the [Twelfth] Imam)

Founded 1969. Jund al-Imam was a Shi'ite group and a member of SCIRI. Its leader was Sa'd Jawad Qandil. [1a] (Political Organisations)

Kurdistan Alliance List

Founded 2004. The Kurdistan Alliance List was a coalition of 11 parties, including the PUK, the KDP, the Kurdistan Communist Party, Kurdistan Islamic Union and Kurdistan Toilers Party. [1a] (Political Organisations)

Kurdistan Communist Party www.kurdistanccp.org

Founded 1993. The Kurdish Communist Party was a branch of the Iraqi Communist Party. Its leader was Kamal Shakir. [1a] (Political Organisations)

Kurdistan Democratic List

The Kurdistan Democratic List was a coalition list of seven parties formed to contest the elections to the Iraqi Kurdistan National Assembly in January 2005. It included the KDP, the BNDP and the Assyrian Patriotic Party. [1a] (Political Organisations)

Kurdistan Democratic Party (KDP) www.kdp.pp.se

Founded 1946. Europa World Online (accessed on 31 August 2005) noted that the KDP "seeks to protect Kurdish rights and promote Kurdish culture and interests through regional political and legislative autonomy, as part of a federative republic." Ali Abdullah was the vice President of the KDP and Masoud Barzani was the President. [1a] (Political Organisations)

Kurdistan Islamic Union www.kurdiu.org

Founded 1991. The Kurdistan Islamic Union seeks establishment of an Islamic state in Iraq which recognises the rights of Kurds. It was also a branch of the Muslim Brotherhood. Its Secretary-General was Salaheddin Bahaeddin. [1a] (Political Organisations)

Kurdistan Socialist Democratic Party (KSDP)

Founded 1994. The KSDP was a splinter group of the KDP, aligned with the PU. It joined Kurdistan Alliance List for December 2005 legislative elections. Its leader was Muhammad Haji Mahmud. [1a] (Political Organisations)

Kurdistan Toilers Party (Hizbi Zahmatkeshani Kurdistan) www.ktp.nu

Founded 1985 The Kurdistan Toilers Party advocated a federal Iraq and was closely associated with the Kurdistan Socialist Democratic Party (KSDP). Its leader was Qadir Aziz. [1a] (Political Organisations)

National Democratic Party (al-Hizb al-Watani ad-Dimuqrati)

Founded 1946. Its leaders were Nasir Kamal al-Chaderchi, Hodayb al-Hajj Mahmoud. [1a] (Political Organisations)

National Foundation Congress

Founded 2004. The National Foundation Congress was a multi-party coalition that included Nasserites, pre-Saddam Hussein era Ba'athists, Kurds, Christians, Sunnis and Shi'ites. It sought secular government of national unity and peacefully opposed the presence of the US-led coalition in Iraq. It is led by 25-member secretariat. Its General Secretary was Sheikh Jawad al-Khalisi. [1a] (Political Organisations)

National Rafidain List (Al-Rafidayn)

Founded 2004. The National Rafidain List was an Assyrian-Christian list headed by the Assyrian Democratic Movement. Its leader was Younadam Kana. [1a] (Political Organisations)

Patriotic Union of Kurdistan (PUK) www.puk.org

Founded 1975. Europa World Online (accessed on 31 August 2005) explained that the PUK "seeks to protect and promote Kurdish rights and interests through self-determination." [1a] (Political Organisations) The BBC also noted, on 6 April 2005 that:

"The party has traditionally drawn its support from among the urban population and radical elements in Kurdish society. The PUK stronghold is Sulaymaniya and the south-eastern part of Iraqi Kurdistan – with the rival Kurdistan Democratic Party, KDP, to the north and west. It commanded a militia force of more than 20,000 peshmerga fighters – making it a key military asset for its US allies." [4r]

Socialist Nasserite Party

Founded 2003. Europa World Online (accessed on 31 August 2005) mentioned that it was a merger of Iraqi Socialist Party, Vanguard Socialist Nasserite Party, Unity Socialist Party and one other party. Its leader was Mubdir al-Wayyis. [1a] (Political Organisations)

Supreme Council for the Islamic Revolution in Iraq (SCIRI) www.sciri.org

Founded 1982. SCIRI is a party that largely believes in clerical rule and seeks government based on the principle of wilayat-e-faqih (guardianship of the jurisprudent). It was based in Iran for much of the Saddam Hussein era. Its leader, Abdul Aziz al-Hakim, heads the United Iraqi Alliance. [1a] (political Organisations) [4q] (p3) The military arm of SCIRI, the Badr Organisation, formerly known as the Badr Brigade, is mainly active in Shi'a-dominated southern Iraq. [11d]

Turkmen People's Party (Turkmen Halk Partisi) <http://www.angelfire.com/tn/halk/>

Its leader was Irfan Kirkukli. [1a] (Political Organisations)

United Iraqi Alliance (UIA)

The UIA was a list of 22 mainly Shi'ite parties, that included Hizb ad-Da'wa al-Islamiya, SCIRI, the Islamic Action Organization and the INC. The UIA was apparently backed by Iraq's most senior Shi'ite cleric, Ayatollah Ali as-Sistani. Abd al-Aziz Hakim was the leader of the UIA. [1a] (Political Organisations) The BBC report, dated 31 January 2005, observed that "The list is dominated by Shia Muslims, but also includes Christians, Turkomans, Sunnis and Kurds." [4q] (p3)

United Iraqi Scholars' Group

Founded 2004. It was a pan-Iraqi coalition of 35 parties who were opposed to the presence of US-led coalition in Iraq. Its leader was Sheikh Jawad al-Khalisi. [1a] (Political Organisations)

Worker Communist Party of Iraq (WCPI) www.wpiraq.net

Founded in 1993 by Mansoor Hekmat and held its first congress in July 2004.) [77a] Political Parties of the World 2005 noted that “The WCPI is based in Kurdistan, and although the party considers Kurdish autonomy as regression into non-progressive nationalism it demands a referendum on the issue of Kurdish autonomy so that ‘the people of Kurdistan control their own destiny’. ... In 2003 it launched ferocious verbal assaults on and arranged large demonstrations against the US ‘annihilation war’ against Iraq.” [56a] (p316)

The WCPI was an illegal communist party in both the PUK and KDP controlled areas. It was opposed the Saddam regime as well as the PUK and KDP administrations. [77a]

Dr Rebwar Fatah Associates claim in a report, dated 28 November 2005, that members of the WCPI were at risk from persecution in the PUK and KDP controlled areas and as most member of the WCPI were Kurds there was a strong possibility that they were not generally safe in the rest of Iraq. [77a]

The WCPI were very critical of ‘honour killings’ as well as the Quran. They also publicly condemned Islamic beliefs replacing them with autistic and western ideas, including freedom of gender equality. This angered many Islamists. [77a]

The WCPI publish a news letter called Iraq Weekly. [77a] Its leader was Rebwar Ahmad. [77a]

ILLEGAL POLITICAL ORGANISATIONS

Ba’ath Arab Socialist Party (Hizb a-Baath al-Arabi al-Ishtiraki)

The UNHCR guidance note, October 2005, stated that “The Iraqi Ba’ath Party was founded in 1951 and had 500 members three years later. The party came to power on 8 February 1963 in a coup backed by the Army, overthrowing Brigadier Abdel Karim Qasim – who himself had overthrown the British-installed Iraqi monarchy in 1958.” [40a] (p38) The party was banned in 2003 following the US invasion of Iraq. [56a] (p312) Political Parties of the World 2005 stated that “Thereafter Ba’ath party members were excluded from participation in political life and national administration by the occupying powers, a position that proved increasingly untenable in the face of the rise of Islamist and other groups previously kept under control by the Ba’ath regime.” [56a] (p312)

The UNHCR guidance note, October 2005, noted that: “At the lowest level, (Ba’ath Party) study circles (halaqa) and cells (kheliya) held weekly meetings with a dozen or so activists from the same neighbourhood or sector. They talked about current events, or the party version of them, in line with the inclinations of the regime. Basic instructions were issued; any irregularities observed during the week were discussed with the cell leaders and written up in obligatory reports. The party’s divisions (firqa), which included all the cells within a district office or factory, occupied the next highest level, and then the sections (shu’ba) and branches (fara’) which made up urban areas or Governorates (Iraq has 18 Governorates, three of which have Kurdish majorities and are currently autonomous).

“Unlike the cells, the sections and branches enjoyed considerable privileges. They were legally authorized to incarcerate suspects using extra-judicial procedures; they took over many of the traditional functions of police, especially outside Baghdad; and they ran specialized bureaus for cultural, agricultural and other matters. In each Governorate, the organizational command (qiyadat al tanzim) was the supreme

authority, alongside the traditional civil service. The Ba'ath Party duplicated, infiltrated, subverted and competed with the state apparatus.

"On top of this structure sat the regional command (quiyadat al qutr) which in theory was made up of directors democratically elected at party conventions; in reality such voting only served to confirm Saddam's nominees. The regional command's bureaus served as quasi-ministries responsible for military and cultural affairs. They also oversaw a parallel diplomatic corps, together with vast social groups, including farmers, workers and young people. Party membership was a prerequisite for military personnel, and the army was divided into cells that reported to the Ba'ath Party military bureau and monitored any dissent within the ranks. The Party's security services guaranteed loyalty and orthodoxy within the party." [40a]

The FCO on 20 September 2004 categorised the ranks of the Ba'ath party as below, from junior to senior:

"Sadiq (friend)
Mu'ayyid (supporter)
Nasir (partisan)
Nasir Mutaqaddam (Senior Partisan)
Rafiq (Comrade)
Udw Firqa (Division Leader)
Udw Shu'ba (Section Leader)
Udw Fara' (Branch Leader)" [66b]

The UNHCR guidance note, October 2005, stated that: "The basic organizational unit of the Ba'ath was the party cell or circle (halaqah). Composed of between three and seven members, cells functioned at the neighbourhood or village level, where members met to discuss and to carry out party directives. A minimum of two and a maximum of seven cells formed a party division (firqah). Divisions operated in urban quarters, larger villages, offices, factories, schools and other organizations. Division units were spread throughout the bureaucracy and the military, where they functioned as the eyes and ears of the party. Two to five divisions formed a section (shabah), which operated at the level of a large city quarter, a town or a rural district. Above the section was the branch (fira), which was composed of at least two sections and which operated at the provincial level. There were twenty-one Ba'ath Party branches in Iraq, one in each of the 18 Governorates and three in Baghdad. The union of all the branches formed the party's congress, which elected the Regional Command.

"The Regional Command was both the core of the party leadership and the top decision-making body. It had nine members who were elected for five-year terms at regional congresses of the party. Its Secretary General (also called the regional secretary) was the party's leader, and its Deputy Secretary General was second in rank and power within the party hierarchy. The members of the command were theoretically responsible to the Regional Congress that, as a rule, was to convene annually to debate and approve the party's policies and programmes. In actuality, the members to be 'elected' by the Regional Congress were chosen by Saddam Hussein and the other senior party leaders, a formality seen as essential to the legitimization of party leadership.

"Above the Regional Command was the National Command of the Ba'ath Party, the highest policy-making and coordinating council for the Ba'ath movement throughout the Arab world. The National Command consisted of representatives from all regional commands and was responsible to the National Congress, which convened

periodically. It was vested with broad powers to guide, coordinate, and supervise the general direction of the movement, especially with respect to relationships between the regional Ba'ath parties and the outside world. These powers were to be exercised through a National Secretariat that would direct policy-formulating bureaus.

"The Ba'ath Party retained much of the secret compartmentalized structure and the clandestine methods by which it, like many revolutionary parties, ensured its survival. Direction of the Party came from the Regional Command, which represented sixteen provincial units. The members of the Regional command were elected from a network of sections and cells not unlike the local communist party committees in many countries. They functioned everywhere – in the workplace, in neighbourhoods, and in all ranks of the military forces – to reinforce the party's doctrines of traditional Arab unity, nationalism, socialism and spiritual revival. Membership in the party, which numbered approximately half a million in 2002, was required of all regular officers and diplomats.

"Since its emergence from the underground and following a decade of experience in power, the Ba'ath leadership had been able to train a second elite group to operate at all levels of the bureaucracy and the military forces. These were the commissars, and they were often from peasant or lower-class village backgrounds; few of them had been abroad for university degrees and much of their training had been from the military academy." [40a] (p38-40)

The party remained banned. [56a] (p312)

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Annex C: Prominent people

MEMBERS OF IRAQ'S GOVERNMENT

Jalal Talabani (Kurd) – Kurdistan Alliance/KDP President [4a] [66a]

The EIU Country Profile 2008 reported Talabani was “Chosen by the Iraqi parliament as the president of Iraq after the January 2005 election, and selected again following the election in December of that year, Mr Talabani is also the head of one of two main Kurdish parties, the Patriotic Union of Kurdistan. His good relations with Iraq’s myriad political blocs and the country’s neighbours (including Iran) have seen him take an active mediatory role, although he is in a difficult position as head of state whenever Kurdish and Iraqi national interests conflict.” [58a] (p9)

Dr Adel Abdul Mahdi (Shi’a) – UIA/SCIRI Vice-President [4a]

The BBC noted, on 6 April 2005, that “Adel Abdul Mahdi is a francophone Islamist and free-marketeer who belongs to the Shia-led list that won a majority of seats in the Iraqi parliament. ... He fled Iraq in the 1960s after being condemned to death for his political activities, and has spent time in France, Lebanon and Iran.” [4u] The CSIS report, dated 19 June 2006, stated that “Mahdi was senior leader in SCIRI and would have become prime minister if Sadr had not opposed him. He was widely seen as a competent leader and had been effective as the former finance minister. Mahdi was a French-trained economist who had originally been a Marxist before becoming active in SCIRI and a economic pragmatist.” [63a] (p14)

Dr Tariq al-Hashemi (Sunni) – Tawafuq/IIP Vice-President [63a] (p15) [66a]

The CSIS report, dated 19 June 2006, stated that “Hashemi was new to government, but had been a successful businessman. He was the head of Iraqi Islamist Party, which had emerged as the largest Sunni Arab party in the December 15, 2005 election. He was seen as a Sunni leader who could help bring former supporters of Saddam Hussein back into the political process and split the Sunni insurgency.” [63a] (p15)

Nouri Kamel al-Maliki (aka Jawad al-Maliki) (Shi’a) – UIA/Da’awa Prime Minister [63a] (p16) [66a]

The EIU Country profile 2008 reported that Maliki was “Exiled in Iran and Syria between 1980 and 2003, the leader of al-Daawa, Mr Maliki, was viewed with more suspicion by the US administration than his predecessor, Ibrahim al-Jaafari. The internal politics of the United Iraqi Alliance and Iranian support facilitated Mr Maliki’s emergence as prime minister of Iraq in April 2006. Regarded for much of his premiership as weak and ineffectual, Mr Maliki boosted his standing in early 2008 by ordering a military crackdown on rogue Shia militias.” [58a] (p9)

Dr Baarham Salih (Kurd) – PUK Deputy Prime Minister [4a] [63a] (p16) [66a]

The CSIS report, dated 19 June 2006, stated that “A former prime minister of the autonomous Kurdish area, closely tied to President Jalal Talabani and the PUK, Salih was given special responsibility for the economy and its reconstruction.” [63a] (p16)

Dr Salaam al Zawba’i (Sunni) – Tawafuq/GCIP Deputy Prime Minister [4a]

[63a] (p16) [66a] The CSIS report, dated 19 June 2006, stated that “A new figure from the main Sunni party, the Accordance Front, the main Sunni Arab grouping. His background was more tribal than religious. He was given special responsibility for oversight of the security forces.” [63a] (p16) Europa World, when accessed on 28 May 2007, listed Dr Baarham Salih as Deputy Prime Minister. [1a] The ACCORD/UNHCR

COI report, published November 2007, listed both Barham Salih and Salam al-Zubai as Deputy Prime Ministers. [40m] (p59)

Bayan Jabr (aka Baqir Jabr al-Zubaydi) (Shi'a) – UIA/SCIRI Finance Minister [63a] (p16) [66a]

The CSIS report, dated 19 June 2006, stated that “Jabr was a senior leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the strongest component of the Shi'ite alliance. He had previously been Minister of the Interior, but had come to be seen as tolerating police death squads and giving men from the Badr Organization, SCIRI's armed wing, positions in the police. As Minister of the Interior, he had overspent his budget.” [63a] (p16-17)

Dr Hussain al Shahrstani (Shi'a) – UIA Oil Minister [63a] (p17) [66a]

The CSIS report, dated 19 June 2006, stated that “Shahrstani had a technical background, as a physicist he had been jailed and tortured when he would not work on Saddam Hussein's nuclear weapons program. He had no petroleum background, and no practical background in managing large-scale industrial systems. His political experience was as ex-deputy parliamentary speaker.” [63a] (p17)

Lt General Abdul Qadir Obeidi (Sunni) – Technocrat Defence Minister [4a] [66a]

The BBC noted, on 22 May 2006, that “Lt Gen Obeidi served in the Iraqi army under Saddam Hussein, but was demoted for opposing the 1990 invasion of Kuwait. He says that he was forced to retire in 1992 and detained two years later. He faced a military court which ordered the confiscation of his house and other assets. He insists that he has no links to any Iraqi political faction.” [4a]

Dr Hoshyar Zebari (Kurd) – KDP Foreign Affairs Minister [4a] [66a]

The BBC noted, on 22 May 2006, that “Mr Zebari was the foreign spokesman for the Kurdistan Democratic Party for more than 10 years. He frequently represented the KDP in meetings with US State Department officials throughout the 1990s. He was born in 1953 in the Kurdish town of Aqrah, but grew up in the mainly Arab city of Mosul. He is a graduate of the University of Essex in the UK. [4a]

Hashim al-Shibli (Sunni) – Iraqiya Justice Minister [4a] [66a]

Previously appointed human rights minister, he rejected the post after being approved by parliament on 8 May, saying he had not been consulted. [4a] This post was listed as vacant by Brookings Institute on 4 June 2009. [88d] (p36)

Dr. Nawal Majid Hamid al-Samarr (Sunni) – Tawafiq/IIP Minister of State for Women's Affairs [88d]

On 3 February 2009, al-Samaraie resigned from her post, saying she lacked the resources to implement her plans to help improve women's lives. (IRIN News, 11 February 2008) [18db] The USSD report for 2008 concurred, stating “The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.” [2o] (p28)

Sherwan al-Wa'ali (Shi'a) – UIA/Da'awa Tanzim Minister of State for National Security Affairs [4a] [66a]

Dr. Muhammad Munajid Ifan al-Dulaymi (Sunni) – Tawafuq Minister of State for Foreign Affairs [88d] (p36)

Dr Liwa Sumaysim (Shi'a) – UIA/Sadrist Minister of State for Tourism and Archaeology Affairs [4a] [66a] As of 28 May 2008, Europa World online listed the

Acting Minister of State for Tourism and Archaeology Affairs as Muhammad Abbas al-Oreibi. [1a]

Thamir jaraf al-Zubaydi (Shi'a) – UIA Minister of State for Civil Society [88d] (p36)

Dr Safa al-Safi (Shi'a) – UIA/Sadrism Minister of State for Council of Representatives Affairs [4a] [66a]

Muhammad Abbas al-Uraybi (Shi'a) – Iraqi National List Minister of State without Portfolio [88d] (p36)

Akram al-Hakim (Shi'a) – SIIC Minister of State for National Dialogue [88d] (p36)

Jawad Bulani (Shi'a) – UIA nominee Minister of Interior [4a] [66a]

Mrs Wijdan Mikha'il (Kurd/Christian) – Iraqiya Human Rights Minister [4a] [66a]

Karim Wahid (Shi'a) – Independent Electricity Minister [4a] [66a]

Fawzi al-Hariri (Kurd/Christian) – KDP Industry Minister [4a] [66a]

Mohammed Tawif Allawi (Shi'a) – Iraqiya Communications Minister [4a] [66a]

Latif Rashid (Kurd) – KA/PUK Water Resources Minister [4a] [66a]

Mrs Narmin Othman (Kurd) – KA/PUK Environment Minister [4a] [66a]

Mrs Bayan Diza'i (Kurd) – KA/PUK Construction and Housing Minister [4a] [66a]

Dr Khudair al-Khuza'i (Shi'a) – Da'awa Tanthim Education Minister [4a] [66a]

Salih al-Hasnawi (Shi'a) – Independent Health Minister [88d] [p36]

Dr Abd al-Falah al-Sudani (Shi'a) – Da'awa Tanthim Trade Minister [4a] [66a]

Ali al-Bahadli (Shi'a) – Independent Agriculture Minister [88d] [p36]

Mahmud Muhammad Jawad al Radi (Shi'a) – UIA/Badr Labour and Social Affairs Minister [4a] [66a]

Amir Abd al-Jabar Ismail (Shi'a) – UIA Transport Minister [88d] [p36]

Mahir Dalli Ibrahim al-Hadithi (Sunni) – Tawafiq/GCIP Culture Minister [88d] [p36]

Dr Rahid Fahmi (Sunni) – Iraqiya/Com Party Science and Technology Minister [4a] [66a]

Dr Abd al-Samad Rahman Sultan (Fayli Kurd/Shi'a) – UIA Displacement of Migration Minister [4a] [66a]

Jaim Muhammad Ja'far (Shi'a) – UIA/ITF Youths and Sports Minister [4a] [66a]

Dr. Abd Dhiyab al-Ujayli (Sunni) – Tawafuq Higher Education Minister [88d] (p36)

Riyad Ghurayyib (Shi'a) – UIA/Badr Municipalities Minister [4a] [66a]

Ali Baban (Sunni) – Unaffiliated Planning Minister [88d (p36)]**Mahmound al-Mashhadni (Sunni) – Tawafuq Speaker [63a] (p15) [66a]**

The CSIS report, dated 19 June 2006, stated that “A Sunni Islamic that Saddam’s regime had sentenced to death for secretly joining illegal Sunni Islamist groups, and who was seen as a Sunni sectarian. Selected in part to broaden the inclusion of Sunnis and lay the ground work for compromise with moderate insurgents.” [63a] (p15)

Tariq al-Hashimi

The EIU Country Profile 2008 reported al-Hashimi was “Vice-president and head of the largest Sunni Arab political party, the Iraqi Islamic Party (IIP). Although the parliamentary coalition in which the IIP participates, the Iraqi Accord Front (Tawafuq), withdrew from the government in August 2007, Mr Hashimi retained his post, and eventually played a central role in negotiating the group’s return a year later. Three of his siblings have been killed by Shia militia death squads, and he has been a vocal advocate of retaining the US military presence in Iraq until stability is secured.” [58a] (p9)

OTHER PROMINENT PEOPLE**Abdul Aziz al-Hakim**

The EIU Country Profile 2008 reported that “In 2003 Abdel-Aziz Baqr al-Hakim took over the leadership of the Supreme Council for the Islamic Revolution in Iraq (now the Islamic Supreme Council of Iraq, or ISCI) from his brother, Ayatollah Mohammed Baqr al-Hakim, who was assassinated by a car bomb in Najaf. Mr Hakim has continued to maintain strong connections with Iran, with which the ISCI is the most closely aligned of the Iraqi Shia groups. Although remaining ambitious and outspoken, he has thus far declined to take up a government position since the transfer of sovereignty. He reportedly has lung cancer, and has recently spent prolonged periods of time in Iran and the US receiving treatment.” [58a] (p9)

Abdul Majid al-Khoei

The BBC noted, on 27 August 2004, that al-Khoei was a moderate Shia leader who was killed two days after the fall of Baghdad. An arrest warrant has been issued for Moqtada Sadr for the alleged involvement in the murder. [4f] (p1-2)

Abu Musab Al-Zarqawi

The FCO on 22 October 2004, stated that, “Abu Musab Al-Zarqawi, a Jordanian-born terrorist with links to Al-Qua’eda, claims to have been behind several of the most devastating suicide bomb attacks as well as the beheading of Western hostages.” [66c] (p4) Al-Zarqawi was head of Tandhim Qa’idat al-Jihad fi Bilad al-Rafidayn (al-Qa’ida of Jihad Organization in the Land of Two Rivers), was killed during a US-led air raid while attending a meeting on 7 June 2006. [5b]

Ahmed Chalabi

The Guardian report (Date accessed on 31 August 2005) stated that “The former banker once touted in the US as a successor to Saddam Hussein and founded the Iraqi National Congress (INC) opposition party while in exile for 30 years. The INC is now part of the United Iraqi Alliance. The British educated 57-year-old was convicted of fraud in absentia in Jordan in 1992 and sentenced to 22 years in jail. He denied the charges.” [6w]

Grand Ayatollah Ali Sistani

The EIU Country Profile 2008 stated that “The most senior Shia religious figure in Iraq, Grand Ayatollah Sistani, is revered by Shia both in Iraq and elsewhere as a *marja’ al-taqlid* (source of emulation) in Islamic jurisprudence. Born in Mashad, Iran, in 1928, he ranks more highly in theological terms than any of the clerics in Iran, including the supreme leader, Ayatollah Ali Khamenei. Ayatollah Sistani, in common with Iraq’s three other living grand ayatollahs, continues to espouse a tradition that encourages scholars to interpret texts in light of necessity and political realities. Thus he and his senior colleagues have an adaptive approach to Islamic texts, which encourages scholarship and political quietism, rather than support for an overt role for clerics in the political process. However, he has wielded considerable political influence at times of major inter-Shia strife in Iraq.” [58a] (p9)

Masoud Barzani

The Guardian report (accessed on 31 August 2005) stated that “Leader of the Kurdistan Democratic party (KDP), which rules the western part of the Kurdish self-rule area from the regional capital, Irbil. Represents the more traditional, tribal elements in Kurdish society, and controls a fighting force of up to 35,000.” [6h]

Moqtada Al-Sadr

The EIU Country Profile 2008 reported that “Although the young cleric, who is in his early 30s, lacks religious credentials in the eyes of many other Shia clerics, his impressive familial lineage (he is the son and son-in-law of two of Iraq’s most famous Grand Ayatollahs (both assassinated by Saddam Hussein) and decision to remain in Iraq during the rule of Saddam Hussein have won him respect among poorer members of the Shia community. He has staunch support in the populous Shia area in Baghdad known as Sadr City, as well as in many of the southern cities, and has sought links with both Shia and Sunni Arab political forces, believing that he can eventually play a leading national role in post-occupation politics. However, the sectarian atrocities carried out by his movement’s militia, the Mahdi Army, has undermined his popularity, and he has stayed out of the public eye recently.” [58a] (p9)

On 7 March 2008, BBC News reported that “Moqtada Sadr had not been seen in public since 25 May [2007] because he [had] resumed his religious studies in a Shia seminary in Najaf. ... He has reportedly resumed his religious studies to gain the title of ayatollah. The statement comes two weeks after the cleric renewed a unilateral ceasefire his powerful Mehdi Army militia has been observing for the past six months.” [4cn] The UN Security Council report, published 28 July 2008, reported the ceasefire was still in effect. [38q] (p1)

Saddam Hussein

Former President of Iraq and commander-in-chief of military. Captured by coalition forces 13 December 2003. War crimes claims against the Iraqi leader include genocide of the Kurds, ‘ethnic cleansing’ in which tens of thousands of Kurds, Turkmen, Assyrians around the oil-rich city of Kirkuk were expelled as part of an ‘Arabisation’ programme, mass civilian executions after the Kurdish and Shi’a uprisings in 1991, and religious persecution. [4i] Saddam Hussein was sentenced to death by the Iraqi High Tribunal (IHT) on 15 November 2006 over the torture and executions of 148 Shias from the town of Dujail in the 1980s. He was subsequently executed on 30 December 2006. [5g]

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Annex D: Current insurgent/militia groups/non-state armed groups.

Ahel Al-Sunnah Al-Munasera (Supporters of the Sunni People in Iraq)

The UNHCR COI report, October 2005, mentioned that:

“This group only recently announced its establishment, stating that it is fighting ‘to defend our people in middle and south Iraq’ against what it calls Shiite aggression and ‘systematic genocide’ of the Sunnis in Iraq. It has claimed responsibility for the abduction and killing of Ali Shakir Eidan, the President of the Iraqi Karate Union, an attack on members of the Badr Brigade on the Baghdad-Basrah highway and a suicide operation targeting a Shiite shrine in southern Baghdad.” [40c] (p73)

According to Al-Jazeera News, this group claimed responsibility for a car bombing in a Baghdad market in July 2006, in which at least 62 people were killed. The Supporters of the Sunni People claimed the attack was to avenge Sunnis killed by Shia Muslims. (Al-Jazeera, 4 July 2006)

No more up to date reports could be found about this group.

Al-Awda (Return Party, Al-Awdah)

Jane’s Sentinel, last updated 18 February 2008, reported this group was one that had claimed responsibility for attacks in Iraq since the US-led invasion in March 2003. [14c] (p1)

Ansar al-Islam (Protectors of Islam) See also Ansar al-Sunna

The AI report, dated 25 July 2005, noted that Ansar al-Islam is an Islamist group reportedly linked to al-Qa’ida. [28c] (p5) An article by RFE/RL, dated 2 April 2005, stated that:

“Ansar Al-Islam is a relatively new organization in Iraq, but has roots in the Islamist movement in Kurdistan. It is an outgrowth of a group called Jund Al-Islam (Soldiers of Islam) that was formed in 2001 by splintered factions from the Islamic Movement of Kurdistan. Jund Al-Islam, later renamed Ansar Al-Islam (Supporters of Islam) initially based its activities in the villages of Biyara and Tawela, along the Iranian border northeast of Halabjah.” [22i] (p1)

The UNHCR COI report, October 2005, noted that “...at present is held responsible for continuing (suicide) attacks in Northern Iraq, mainly directed against senior PUK/KDP political and military officials.” [40c] (p66)

The RFE/RL article noted that Ansar fighters subsequently gave “credible” details about Al-Qaeda training camps in Afghanistan. “Documents obtained by ‘The New York Times’ in Al-Qaeda guesthouse in Afghanistan also pointed to an Al-Qaeda link.

“The PUK claims that dozens of Al-Qaeda fighters joined Ansar Al-Islam in Iraq after the 11 September 2001 terrorist attacks, with as many as 57 ‘Arab Afghan’ fighters entering Kurdistan via Iran that month. Dozens of other Al-Qaeda fighters came later. The PUK has dozens of Ansar fighters in custody in Al-Sulaymaniyah, many of whom admitted the group’s link to Al-Qaeda. Reports indicate, however, that the confessions may have been extracted through the PUK’s torture of detainees.” [22i] (p1)

The UNHCR COI report, October 2005, noted that “In addition, Ansar Al-Islam seems to have affiliated itself with other extremist groups and expanded its field of operation. It claims to have been involved in major attacks in other parts of Iraq, however it is not clear how large a role they play and even whether Ansar Al-Islam still exists as an organization.” [40c] (p67)

Ansar al-Sunna (Ansar al-Islam, Partisans of Islam, Protectors of Islam, Supporters of Islam, Devotees of Islam, Jaish Ansar al-Sunna, Ansar al-Sunna Army, Army of Ansar al-Sunna, Jund al-Islam, Soldiers of Islam, Protectors of the Sunna Faith, Jaish Ansar al-Sunna (Army of the Traditions' Supporters)) – See also [Ansar al-Islam](#).

The Parliament of Australia Joint Committee report of June 2007, stated that “Ansar al-Sunna was initially formed as Ansar al-Islam, a merger of several smaller Kurdish-based Sunni extremist groups within the Kurdish Autonomous Zone (KAZ) of northern Iraq in late 2001. At this stage, Ansar al-Islam focused on the defeat of the secular Kurdish leadership to establish an independent Islamic state in the KAZ.” [129] (p33)

“Ansar al-Islam evolved into Ansar al-Sunna with the formation of the group announced in an internet statement on 20 September 2003 ... Ansar al-Sunna has strong links with al-Qa'ida and historical links to Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR), a proscribed terrorist organisation also known as al-Qa'ida in Iraq. Former TQJBR leader Abu Musab al-Zarqawi operated one of the Ansar al-Islam training camps prior to the operations against the group in 2003.” [129] (p34)

“Ansar al-Sunna is organised into small, highly mobile cells. The reported leader of Ansar al-Sunna is Abu Abdullah al Hasan bin Mahmud. Members are recruited from Sunni based foreign and local sources. Ansar al-Sunna is believed to be divided into six divisions including a military and information division. The precise size of the group is unknown but estimates indicate numbers to be between 500-1000 members.” [129] (p34)

“Ansar al-Sunna's operational focus includes targeting Coalition Forces; Western interests; Iraqi security forces; Iraqi government structures; Iraqis seen as cooperating with Coalition forces; secular Kurdish officials; and increasingly sectarian Shia targets.” [129] (p34)

“Ansar al-Sunna's terrorist activities include suicide attacks, car bombs, emplaced improvised explosive devices (IEDs), kidnappings, executions, assassinations and conventional military attacks. It has also been involved in plans to conduct assassinations in Germany against Iraqi government interests.” [129] (p34-35)

According to the Canadian IRB report for Iraq, published January 2008, noted “This army claims to have at least 13 brigades made up of several dozen to several hundred members.” [139a] (4. Armed groups and other non-state actors)

Jane's Sentinel, updated 18 February 2008, stated “... the Army of the Protectors of the Sunni Traditions (Ansar Al-Sunna). Like other Sunni nationalist-religious groups, this faction is known for its principally Iraqi membership, its strong focus on the sectarian concerns of the Sunni Arabs and its blend of nationalist and radical Islamic themes and objectives. The group has demonstrated advanced terrorist capabilities, both in day-to-day insurgent attacks and devastating suicide bombings.” [14d] (p3)

The UNSC report of 28 July 2008, noted that Ansar al-Sunnah were “still present and capable of carrying out deadly attacks” in the Kirkuk region. [38q] (p13)

Jane's Sentinel updated on 31 October 2008, that as of 28 November 2007, the group had agreed to revert to using the group's original name, Ansar al-Islam. [14g] (p1-2) Further to this, "The current leader of Ansar al-Sunna is unclear. The last national-level emir identified by the group was Abu Abdullah al-Hassan bin ahmud." [14g] (p2)

See also Ansar al-Islam.

Army of the First Four Caliphs (Jaych al-Rachidin)

The Canadian IRB report for Iraq, published January 2008, commented "This army is reported to have 6 brigades made up of several dozen to several hundred members. It defines itself as an Iraqi Islamist and nationalist group." [139a] (4. Armed groups and other non-state actors)

'Asa'ib Ahl al-'Iraq (the Clans of the People of Iraq) [25c] (p3)

Badr Organisation

The UNHCR COI report, October 2005, mentioned that "The Badr Organization (previously Badr Brigades or Badr Corps) was set up by former SCIRI leader Mohammed Bakr Al-Hakim during his exile in Iran and is made up of mainly Shiite militiamen." [40c] (p60)

The Canadian IRIB fact sheet for Iraq, published January 2008, stated "In 2005, this group consisted of 8,000 to 10,000 men." [139a] (4. Armed groups and other non-state actors)

The UNHCR COI report, October 2005, noted that "Sunni politicians have raised accusations against the Badr Organization – which has restructured itself as a political organization and is represented in the TNA and ITG – of being responsible for the killing of Sunni clerics and the raiding of Sunni mosques. SCIRI and the Badr Organization refute these accusations and US officials say that there is little evidence to indicate that members of the Badr Organization have been implicated in such crimes." [40c] (p60)

The same report noted that "Since the fall of the former regime, the Badr Brigade has been accused of killing numbers of former Ba'ath party officials and members of the former security and intelligence services, making use of hit lists and benefiting from impunity. It has been reported that since the Shiites won the 30 January 2005 elections, increased attacks against former Ba'athists have taken place. At particular risk seem to be Shiites that live in predominantly Shiite or mixed Sunni-Shiite neighbourhoods. According to Misha'an Al-Jibouri, a Sunni member of the TNA, many former Shiite Ba'ath Party members were forced to seek refuge in Sunni-dominated areas in Central Iraq. Hadi Al-Amri, the leader of the Badr Brigade, denied allegations that his organization was behind attacks against former Ba'athists." [40c] (p61)

The report also noted that "...the Badr Organization's new political presence has not stopped Badr militiamen from operating openly and playing a role in providing security to Sadr City and Southern cities with provincial councils dominated by SCIRI representatives." [40c] (p61)

The UNHCR report continued “After a number of sectarian killings, tensions between Sunni leaders and the Badr Organization ran high, blaming each other for sponsoring terrorism. After the killing of Sunni Sheikh Hassan Al-Nuaimi, a prominent member of the AMS, in May 2005, AMS leader Harith Al-Dhari publicly stated that ‘the parties that are behind the campaign of killings of preachers and worshippers are ... the Badr Brigade’. The leader of the Badr Brigade, Hadi Al-Amri, denied the charges and blamed Harith Al-Dhari for supporting Abu Musab Al-Zarqawi, whose main victims are Iraq’s Shiites.” [40c] (p62)

According to the CSIS report, dated 22 June 2006, “... Sunnis feel particularly threatened by the Badr Organization many of whom have been incorporated into the special security forces.” [63b] (p254) The Congressional Research Service report, 2 March 2009, further stated that:

“Most Badr militiamen have now folded into the ISF, particularly the National Police and other police commando units. The Badr Brigades were originally recruited, trained, and equipped by Iran’s hardline force, the Revolutionary Guard, during the 1980-88 Iran-Iraq war, in which Badr guerrillas conducted forays from Iran into southern Iraq to attack Saddam regime targets. Badr fighters were recruited from the ranks of Iraqi prisoners of war held in Iran. ... This militia is led by Hadi al-Amiri (a member of the COR from the ‘Badr Organization’ of the UIA).” [156a] (p33)

Defenders of Khadamiya

The CFR report, dated 9 June 2005, noted that “This group is comprised of roughly 120 loyalists to Hussein al-Sadr, a distant relative of Muqtada al-Sadr and a Shiite cleric who ran on former Prime Minister Ayad Allawi’s ticket in the January 30 elections. The brigade was formed to guard a shrine in northern Baghdad popular among Shiites, and is one of a number of similar local forces that have emerged.” [8a] (p2)

No more up to date reports could be found about this group.

Faylaq ‘Umar

The ICG report, dated 19 December 2006 noted that “... a group that was established in late 2005 or early 2006 to retaliate against attacks on Sunnis, professes to focus its operations exclusively on SCIRI’s militia, the Badr corps, and on the Sadrist Mahdi army (Jaysh al-Mahdi).” [25e] (p7)

No more up to date reports could be found about this group.

Iman Al-Hassan Al-Basri Brigades

The UNHCR COI report, October 2005, noted that “This group has claimed responsibility for several attacks in Basrah in recent months, targeting mainly Iraqi police patrols and British intelligence. It has also claimed responsibility for the killing of Abdul Hussein Khazal, a journalist from the US-funded Al-Hurrah TV channel in Basrah. In a message posted on an Islamist website, the group said it had ‘liquidated the apostate agent Abdul Hussein Khazal’ and accused him ‘of being a member of the Badr Brigade’ and an ‘Iranian agent’.” [40c] (p71)

No more up to date reports could be found about this group.

Harakat al Muqawama al-Islamiya fil-'Iraq (the Islamic Resistance's Movement in Iraq)

The ICG reported, on 15 February 2006, that "...at some stage has been joined by Kata'ib Thawrat 'Ashrin (the 1920 Revolution Brigades), now its military wing." [25c] (p3)

No more up to date reports could be found about this group.

Al-Jabha al-Islamiya al-'Iraqiya al-Muqawima (the Islamic Front of the Iraqi Resistance)

The ICG report, dated 15 February 2006, stated that it was "... known by its initials as Jami' (mosque or gathering)." [25c] (p2) The same report noted that "According to a credible source, it could be more akin to a 'public relations organ' shared between different armed groups, rather than an armed group in itself. It issues weekly updates of claimed attacks, has a comprehensive website and publishes a lengthy, monthly magazine, Jami'. Deeply nationalistic, but with a salafi taint, its discourse counts among the more sophisticated of the groups." [25c] (p2-3)

The Canadian IRB factsheet for Iraq, published January 2008, commented "The military faction of this organization consists of the Kata'ib Salah al-Din al-Ayyubi brigades." [139a] (4. Armed groups and other non-state actors)

Jama'at Jund Al-Sahaba (Army Squad of the Companions of the Prophet Muhammad)

The UNHCR COI report, October 2005, noted that "Jama'at Jund Al-Sahaba has only recently emerged as insurgency group. In its first communiqué issued on 14 March 2005, it explained that its mission is 'to defend and protect our religion [Sunni] and stop the rising storm coming from the Shiites and invading the land of the Muslims'. The group's leader is Sheikh Abu Abbas Al-Omari, and it has claimed responsibility for a number of attacks against Iraq's Shiite Muslims" [40c] (p70)

No more up to date reports could be found about this group.

Al-Jaysh al-Islami fi al-'Iraq (the Islamic Army in Iraq) (IAI)

The UNHCR COI report, October 2005, noted that "This group has been actively organizing and carrying out attacks on foreign military and civilian targets. It has initiated a brutally violent campaign against foreigners in Iraq, specifically anyone believed to be cooperating with the US-led Coalition. It was responsible for the killing of a number of foreign hostages ... The Islamic Army in Iraq does not limit its attacks to non-Iraqis however; the group has frequently targeted Iraqis who join Iraq's police and military services or who are involved in the political process. Ahead of the elections of 30 January 2005, this group, Ansar Al-Sunna and the Army of the Mujahedeen, threatened to strike at anyone taking part in the elections which they consider 'un-Islamic'." [40c] (p70)

The ICG report, dated 15 February 2006, stated that "Thirteen brigades have claimed allegiance to this group, which also issues daily statements, runs a website (shut down in November 2005 and subsequently reactivated), and publishes al-Fursan, a monthly magazine of up to 50 pages. Again, a highly salafi discourse blends with a vigorously

patriotic tone. It is widely seen in both Iraq and the West as one of the more nationalistic of the armed groups” [25c] (p2)

Jane’s Sentinel, updated on 31 October 2008, reported that “[IAI] cannot galvanise support from a large enough constituency. Nevertheless, it remains a large and sophisticated insurgent group that is capable of conducting almost daily attacks upon US forces in Iraq. At its peak it claimed 22 major attacks per day in the period around 2005-2006. The IAI is also involved in a running confrontation with Al Qaeda in Iraq (AQI)...” Further to this, “The current leader of IAI is believed by US authorities to be Brigadier General Muhammad Abid Mahmoud Ali al-Luheibi (Abu Osama).” [14g] (p2)

The UNHCR Guidelines of April 2009 stated that “The ‘Islamic State of Iraq’ is an umbrella organization of a variety of Sunni Islamist and insurgent groups, including AQI, and was established on 15 October 2006. It is reportedly dominated by AQI and created to strengthen AQI’s credentials as an Iraqi movement. It is allegedly headed by Abu Omar Al- Baghdadi, whose existence/identity has remained a source of controversy. ISI’s aim is to establish an Islamic state in the Sunni-dominated areas of Iraq. Despite becoming relatively isolated in recent years, the group continues to claim responsibility for major suicide attacks, including a bombing that killed 28 people, mostly police recruits, on 12 March 2009 in Baghdad.” [40b] (p101)

Jaysh al-Mahdi (Imam Mahdi Army, Mahdi Army, Mehdi Army, Army of the Messiah, Al-Mahdi Army, Al-Sadr’s Groups)

The UNHCR COI report, October 2005, noted that: “The Imam Mehdi Army is the armed wing of the movement of radical Shiite cleric Muqtada Al-Sadr. ... His supporters are largely young, unemployed and often impoverished men from the Shiite urban areas and slums in Baghdad and the southern Shiite cities. The Imam Mehdi Army operates mainly in an area stretching from Basrah to Sadr City in Baghdad. Some activity has also been noted in Baqouba and Kirkuk, where Shia minorities exist among the Turkmen and the Arab populations.” [40c] (p62)

It also mentioned that “Supporters of Muqtada Al-Sadr are driven mostly by nationalist and ultra-conservative religious tendencies and demand the withdrawal of all foreign forces from Iraq. Their stated goal is to establish an Islamic state in Iraq under Islamic law.” [40c] (p62)

The ICG report, dated 11 July 2006, stated that “His newspaper regularly published lists of so-called collaborators, tacitly enjoining its readers to kill them.” [25b] (p10)

The CSIS report, dated 19 June 2006, stated that “Formed after Saddam’s overthrow in April 2003, it is loyal to Moqtada al-Sadr, who led two rebellions against US and British forces in 2004, and in 2006 threw its political weight in to al-Dawa party behind Shi’ite Prime Minister al-Jafari. The Mahdi Army is estimated to number around 10,000 core fighters, but has thousands more supporters that could be called on to fight.” [63a] (p58)

The ICG report, dated 11 July 2006, noted that “...the Sadrist movement remained a paramilitary organisation, holding military parades and hinting it could resume fighting. Unlike other militias, Jaysh al-Mahdi was highly visible, erecting checkpoints in Baghdad, enforcing social mores, patrolling neighbourhoods and engaging in social work. Armed attacks continued to be sure: the Sadrist militia killed alleged Baathists and Wahhabis, while conducting raids against coalition forces, albeit without claiming responsibility.” [25b] (p13)

The report also noted that "... Muqtada engaged in the political process, participating in the 2005 elections, and, in that context, allying with some Shiite rivals. ... in January 2005, Sadrists won 23 out of 275 parliamentary seats and performed well in local elections in Baghdad, Maysan and Basra. In December, they increased their representation to 32 seats, giving them quasi veto power within the dominant Shiite bloc over designation of the next government." [25b] (p14)

The report mentioned that "Shiites intent on undermining Muqtada's credibility refer to Muqtada-ists (Muqtada'iyin), not Sadrists. More broadly, they describe his power base as a mob-like gang of extremists, dubbing Jaysh al-Mahdi either Jaysh al-wardi (in reference to the cheap drug popular among poor Iraqis) or Jaysh Umm Raydi (in reference to a Sadr City market that is known as the 'thieves' souk')." [25b] (p17)

On 7 February 2008, International Crisis Group (ICG) also reported that the Mahdi army had redeployed to southern Iraq, away from multinational force presence in Baghdad. [25i] (p1)

Jane's Sentinel, updated on 18 February 2008, stated that "After the fall of Saddam Hussein, Muqtada al-Sadr quickly established a significant power base in Baghdad's massive Saddam City (renamed Sadr City) Shia slum, but was excluded from the new political order. He subsequently emerged as one of the most vocal opponents to the US-led Coalition and the interim authorities established after the fall of Saddam Hussein." [14c] (p2)

Jane's report continues to note that when coalition forces closed Sadr's newspaper in April 2004, he launched a widespread rebellion, taking control of a number of towns in southern Iraq. [14c] (p2) Due to large numbers of Jaish al-Mahdi casualties, a ceasefire was declared in June 2004 and again in October 2004. [14c] (p2) A disarmament programme was launched in Sadr city, which was generally successful and expanded to other parts of Iraq. [14c] (p2)

The CSIS report, published 28 May 2008, stated "There is no question that many elements of the JAM have been guilty of sectarian cleansing, and that the Sadr movement in general is hostile to the US and is seeking to enhance Muqtada al-Sadr's political power. There is also no doubt that the rogue elements in the JAM continued acts of violence in spite of the pre-invasion ceasefire, and that some had ties to Iran." [63i] (p12)

The USDoS report, December 2008, stated that "Sadr continues with the reform announced in June 2008 to transform JAM into a social and cultural movement named *al Mumahiddun*, while retaining a small residual militia capability that can target his adversaries (including Coalition forces) and support his power base. Sadr is emphasizing control over the various elements of his organization to prevent rogue elements from conducting operations while he seeks to rebuild JAM's popularity prior to provincial elections in 2009. Sadr will not allow his organization to participate directly in upcoming provincial elections but will likely endorse candidates, form political alliances with other parties, and run candidates as independents or as part of front parties. He is attempting to use *al Mumahiddun* as a provider of services to the Shi'a people." [103d] (p19)

Jaish-e-Mohammad (JeM) (Army of Mohammed, Army of the Prophet, Jaish-e-Mohammad Mujahideen E-Tanzeem, Jaish-e-Mohammed, Jaish-e-Muhammad, Jaish-e-Mtthammed, Jaish-i-Mohammad, Jaish-i-Mohammed, Jaish-i-Muhammad, Jaishi- Muhammed, Jamaat ul-Furqan (JuF), Jesh-e-Mohammadi, Khudamul Islam, Khuddam ul-Islam (Kul), Kuddam e Islami, Mohammed's

Army, National Movement for the Restoration of Pakistani Sovereignty and Army of the Prophet, Tehrik al-Furgan and Tehrik Ul-Furqaan) [129]

The UNHCR COI report, October 2005, noted that: "This organization is made up mostly of Sunni Muslims whose main aim is to liberate Iraq from foreign occupation. US Government sources report that former members of Saddam Hussein's security forces are incorporated into the organization's leadership, although it is reported to operate under the guise of an Islamist organization. In November 2004, the (then) Prime Minister Iyad Allawi announced the capture of this group's leader (Mu'ayyed Ahmed Yassin, also known as Abu Ahmad) and other members of Mohammed's Army in Fallujah. The group was reportedly responsible for some beheadings and was known to have cooperated with Al-Qaeda in Iraq. However, in an interview with IWPR, an alleged spokesperson of the group denied any connection with Al-Qaeda and denounced killings of Muslims by Muslims. It also rejected the idea that a significant number of foreign fighters are among its ranks and stated that most members are Iraqi farmers." [44f]

The HRW report, dated 3 October 2005, mentioned that: "Jyash Muhammad condemned attacks on 'innocent Muslims'. 'A Muslim must not kill a Muslim, no matter what,' a spokesman said in an interview, as he denounced the bombings at Shi'a shrines and attacks on police. At the same time, he accepted kidnapping those who 'cooperate with the occupation.' 'Kidnapping is an obligation,' he said. 'It is not prohibited by religion, if it is done to foreigners who cooperate with the occupation.'" [15j] (p30)

The UNHCR COI report, October 2005, noted that: "In early 2005 Raad Al-Doury, the new leader of Jaish Mohammed, was arrested just days after he took over from the previous chief who had been detained two months earlier in Fallujah. Members of Mohammed's Army and a possibly related organization, the Armed Vanguard of Mohammed's 2nd Army, have taken responsibility for videotaped attacks that aired on Arabic television networks. The latter group also claims responsibility for the bombing of the UN Headquarters on 19 August 2003. Jaish Mohammed warned Iraqis against aiding the MNF, saying that such persons would be attacked with the same fury that is directed against the US military. Jaish Mohammed is said to have participated in talks with US officials in June 2005." [40c] (p68-69)

The ICG report, dated 15 February 2006, noted that Jaysh Mohammed "...issues periodic communiqués and videos focusing on IED17 attacks in the Anbar governorate." [25c] (p3)

Jane's Sentinel, updated 18 February 2008, briefly mentioned that one of the identifiable insurgents groups to have emerged in Iraq since the US-led invasion in March 2003 were the Jaish Muhammad, or National Front for the Liberation of Iraq. [14c] (p1)

Jaysh al-Mujahedeen (Army of the Mujahedeen)

The UNHCR COI report, October 2005, noted that "Little is know[n] about this group. It appears to work closely with Ansar Al-Sunna and the Islamic Army as they have jointly claimed a number of attacks and issued statements warning Sunnis against participating in the political process. The Army of the Mujahedeen has also issued a statement denying any contacts with Iraqi/US officials." [40c] (p71)

The ICG report, dated 15 February 2006, stated that "This group, too, puts out weekly updates and operates a website, which was briefly shut down in December 2005." [25c] (p3)

The Canadian IRB fact sheet for Iraq, published January 2008, commented on a groups called "Mujahidin Brigades (Katq'ib al-Mujahidin)", stating "This organization of Iranian dissidents formerly supported by Saddam Hussein is based in southern Iraq. It targets Iraqi and Kurdish forces. It was founded in 2004. Its leader is Massoud Rajavi." [139a] (4. Armed groups and other non-state actors)

Jaysh al-Ta'ifa al-Mansoura (Victorious Army Group)

The UNHCR COI report 2005 mentioned that: "This previously unknown group appeared in May 2004 when it claimed responsibility for the kidnapping of two Russian electrical workers and called for the withdrawal of foreign citizens from Iraq. The group issued a number of communiqués in July 2005 claiming responsibility for the killing of Saleh Mahdy Al-Ameri, a leader in the Badr Organization, and various attacks on US military convoys." [40c] (p72)

The ICG report, dated 15 February 2006, noted that "At least three brigades are known to have pledged alliance to this group, which also issues weekly updates." [25c] (p3)

No more up to date reports could be found about this group.

Jaysh al-Rashidin (The First Four Caliphs Army)

The ICG report, dated 15 February 2006, noted that "As many as six brigades reportedly operate under its banner. The group issues regular updates on its activities and recently set up a website." [25c] (p3)

No more up to date reports could be found about this group.

Jund al-Islam (See Ansar al-Islam)

Kataeb al-Jihad al-Tawheed (the Brigades of Holy War and Unity) (aka: Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), Jamaat al-Tawhid wa'l-Jihad / Unity and Jihad Group, Tanzim Qa'idat Al-Jihad in Bilad al-Rafidayn (Organization of Jihad's Base in the Country of the Two Rivers))

The Times reported, on 17 April 2007, that this group may be linked to al-Qaeda, although its existence was doubted in the article. [5m]

Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, also mentioned an insurgent group called Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), which may be the same group. [14c] (p1)

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)

The Council on Foreign Relations report on the PKK, 19 October 2007, noted that PKK, known after their Kurdish name, Partiya Karkeren Kurdistan, were formed with Marxist-Leninist roots in 1974. [8i] (p1) They sought to create an independent Kurdish state in southeastern Turkey and parts of Kurdish-inhabited neighbouring countries. [8i] (p1) "The group turned to terrorist tactics in the mid-1980's, relying on guerrilla

warfare that included kidnappings of foreign tourists in Turkey, suicide bombings, and attacks on Turkish diplomatic offices in Europe.” (CFR, October 2007) [8i] (p2)

There has been a recent increase in violence in late 2007-early 2008, which prompted Turkey’s call for revenge. (CFR, October 2007) [8i] (p2) (BBC News, 1 November 2007) [4ch]

The PKK are regarded as a terrorist organisation by Turkey, the EU and the US. [4ch]

Jane’s Sentinel Country Risk Assessment of Iraq, updated on 31 October 2008, stated that “[The PKK] retains the ability to conduct hit-and-run attacks on targets in southeast Turkey, where the conflict has claimed approximately 1,800 lives since June 2004. As part of its two-front strategy, the PKK also conducts an urban bombing campaign in western Turkey, primarily targeting the tourism industry. The bombing campaign has claimed approximately 55 lives since June 2004, including those of seven foreigners.” [14g] (p3)

Jane’s report continued to note that in practice the PKK is run by Murat Karayilan, since the imprisonment of their president, Abdullah Öcalan, in 1999. [14g] (p3)

al-Muqawama al-’Iraqiya al-Wataniya al-Islamiya – Fayaliq Thawrat 1920 (the Iraqi National Islamic Resistance – the 1920 Revolution Brigades; Mukawama al-Iraqiyya al-Islamiyya (Iraqi Islamic Resistance - 1920 Revolution Brigades))

The AI report, dated 25 July 2005, noted that:

“This group reportedly operates in West Baghdad and in al-Anbar, Diyala and Ninawa governorates. It has distributed statements claiming responsibility for specific attacks on US targets outside mosques after Friday prayers. For example, in a statement on 19 August 2004 the group said that between 27 July and 7 August 2004 it had conducted an average of 10 operations a day which resulted in deaths of US soldiers and the destruction of military vehicles.” [28c] (p5)

This group were mentioned in Jane’s Sentinel’s report, last updated 18 February 2008. [14c] (p1)

Munazzamat Al-Alam Al-Aswad (Black Banner Organization of the Islamic Army)

The UNHCR COI report, October 2005, stated that “This radical Sunni organization is believed to be composed of mainly non-Iraqi fighters and is led by Iraqi Omar Al-Hadid. Said to have links to Al-Qaeda, this organisation was one of a number of different groups that had control over Fallujah until the US military operation there in October 2004. They are said to have imposed strict Islamic law in Fallujah, including a ban on everything from tobacco to popular music cassettes. The organization has also claimed responsibility for a number of kidnappings, including three Indians, two Kenyans and an Egyptian truck driver working for a Kuwaiti company.... Together with two other militant groups, the Mujahedeen Army and the Mutassim Bellah Brigade, it also claimed responsibility for the kidnapping of 10 Iraqis working for a US security and reconstruction company in Iraq.” [40c] (p69)

No more up to date reports could be found about this group.

Omar Brigades

A Sunni group that was set up in response to the Badr Brigades and the Madhi Army. The Omar Brigades enjoy sympathy among the population. [88b] (p13)

No more up to date reports could be found about this group.

Peshmerga ('those who face death')

The CSIS report, dated 22 June 2006, noted that "The two major Kurdish parties, the Kurdish Democratic Party (KDP) headed by Masoud Barzani and the Patriotic Union of Kurdistan, headed by Jalal Talibani, retain powerful militias, known collectively as the Peshmerga. Their current strength is difficult to estimate, and some elements are either operating in Iraqi forces or have been trained by US advisors. The Iraqi Kurds could probably assemble a force in excess of 10,000 fighters – albeit of very different levels of training and equipment." [63b] (p278)

The CFR report, dated 9 June 2005, stated that "They are a Kurdish liberation army whose name translates literally to 'those who face death.' Elements of the force, whose roots stretch back to the 1920s, fought against Saddam Hussein during the Iran-Iraq war and provided military backup during the U.S.-led coalition's ousting of Saddam Hussein in 2003. The peshmerga is now believed to comprise some 100,000 troops...." [8a] (p1)

The UNHCR COI report, October 2005, stated that "In the North, the Kurdish Peshmerga continues to control the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah; since the fall of the former regime it has also expanded its area of influence south into Kirkuk, Mosul and Diyala Governorates." [40c] (p59) The peshmerga serve as the primary security force for the KRG in the northern Iraq. (CFR, 9 June 2005) [8a] (p1) (UNHCR COI, October 2005) [40c] (p61) (CSIS, 22 June 2006) [63b] (p278)

The UNHCR COI report, October 2005, stated that "Unlike the other militias, the Peshmerga were not prohibited from existing under the TAL." [40c] (p61) The same report noted that "In June 2005, the Kurdish parties agreed to assign about 30,000 Peshmerga fighters to the National Government while the rest will come under the control of a planned unified Peshmerga Ministry in the KRG." [40c] (p61)

The CSIS report, dated 19 June 2006, stated that "A Kurdish word meaning 'those ready to die,' the Peshmerga were created in 1946 to fight for an independent Kurdish state. The forces number up to 140,000 with loyalties divided between the two main Kurdish political parties: the Kurdish Democratic Party, and the Patriotic Union of Kurdistan. About 20,000 Peshmerga had been integrated into Iraq's army by the spring of 2006, but were still largely based in the Kurdish provinces to the north." [63a] (p58)

Qatta'ab Al-Imam Al-Hussein (Imam Al-Hussein Brigades)

The UNHCR COI report, October 2005, stated that:

"This group claimed responsibility for a number of attacks in Baghdad and in the South directed against the 'occupation forces' and those persons, including Iraqi civilians, suspected of supporting them. Furthermore, it claims the assassination of a Ministry of Commerce official and member of the Badr Brigades. ... Given the group's name, which refers to one of the most venerated Shiite imams, it is assumed that this insurgency group (unlike most others) is Shiite." [40c] (p72-73)

Saraya Al-Ghadhab Al-Islami (the Islamic Anger Brigades) [25c] (p3)**Saraya Usud Al-Tawhid (the Lions of Unification Brigades) [25c] (p3)****Saraya Suyuf al-Haqq (the Swords of Justice Brigades)**

The ICG report, dated 15 February 2006, noted that “Previously unknown, this group took responsibility for the November 2005 kidnapping of four peace activists from the Christian Peacemaking Team. Its origins and affiliation remain murky, although it claims to operate under the banner of Jaysh al-Sunna wal-Jama’a, a recent offshoot of Jaysh Ansar al-Sunna.” [25c] (p3)

No more up to date reports could be found about this group.

Shura Council of Mujahideen (SCMI)

The UNHCR COI report, October 2005, noted that “This group appeared as an umbrella organisation of Iraqi resistance fighters in Fallujah prior to the US military’s assault on the city in November 2004. The US-led Coalition has posted a reward of US \$50,000 for information leading to the capture of Sheik Abdullah Al-Janabi, the Iraqi Sunni cleric who heads the Shura Council of Mujahideen.” [40c] (p72)

Jane’s Sentinel noted, on 1 August 2006, that:

“On 15 January 2006, the Mujahideen Shura Council of the Mujahideen in Iraq (SCMI) announced its establishment, stating that it represented an umbrella movement of Salafist groups that sought to confront the ‘Crusaders and their Rafidi (Shiite) and secularist followers who have seized Baghdad.’ The movement brought together six Salafist groups: Tanzim Qaedat Al-Jihad fi Bilad Al-Rafidayn; the Jaysh al-Taifa al-Mansura; Ansar al-Tawhid; Al-Ghuraba; Al-Jihad al-Islami; and Al-Ahwal. Utilising both foreigners and Iraqis, these groups have carried out a range of suicide bombings and assassinations inside Iraq. Despite a steady loss of mid-level leaders in the last year, the network continues to maintain a high operational tempo. Recruits are either streamed to suicide operations, or undertake other forms of attacks. This latter set of operatives include recruits (known as ‘executors’), who earn the status of ‘commanders’ after carrying out ten executions by slashed throat or beheading.” [14b]

Supreme Iraqi Islamic Council (SIIC)

According to Jane’s Sentinel, last updated 18 February 2008, the Supreme Iraqi Islamic Council was one of the key armed Shia groups. [14d] (p4)

Tandhim Qa’idat al-Jihad fi Bilad al-Rafidayn (al-Qa’ida of Jihad Organization in the Land of Two Rivers, Al-Qaeda in Iraq (AQI), Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia))

As stated in the AI report, dated 25 July 2005, Tandhim Qa’idat al-Jihad fi Bilad al-Rafidayn (al-Qa’ida of Jihad Organization in the Land of Two Rivers) was reportedly influenced by or linked to al-Qa’ida. [28c] (p5) The report noted that it was allegedly set up by Abu Mus’ab al-Zarqawi, a Jordanian Islamist who was sentenced to death in absentia in Jordan on 6 April 2004. [28c] (p5) The FCO stated, on 22 October 2004, that Abu Mus’ab al-Zarqawi was based in Fallujah. [66c] (p4) The AI report, dated 25 July 2005, added that “The date of Abu Mus’ab al-Zarqawi’s arrival in Iraq is not known.” [28c] (p5)

The same AI report mentioned that “This group was initially called al-Tawhid wal-Jihad (Unity and Holy War) but in October 2004 Abu Mus’ab al-Zarqawi reportedly issued a statement through the internet stating that he was changing the name to Tandhim Qa’idat al-Jihad fi Bilad al-Rafidayn.” [28c] (p5)

The ICG report, dated 15 February 2006, stated that “It claims to have fifteen brigades or battalions (Katiba, plural Kata’ib) operating under its banner, including two ‘martyrs’ brigades, of which one allegedly comprises exclusively Iraqi volunteers. Tandhim al-Qa’ida releases daily communiqués, runs two official websites (both of which were shut down as of December 2005), and publishes a short monthly magazine, Siyar A’lam Al-Shuhada’ (Biographies of Great Martyrs), as well as one that appears more erratically, Sawt al-Jihad (Voice of Jihad).” [25c] (p1-2)

The same report noted that “Known for its uncompromising and generally extreme positions, Tandhim al-Qa’ida sought throughout 2005 to remodel and ‘Iraqify’ its image. How central it is to the overall insurgency is unclear; ... As far as Crisis Group can conclude, based on a study of its communiqués, Tandhim al-Qa’ida appears to be surprisingly well-structured; it should neither be blown up into a Leviathan nor ignored as a mirage, but rather considered as one among a handful of particularly powerful groups.” [25c] (p2)

The AI report, dated 25 July 2005, stated that “In November 2004 Abu Mus’ab al-Zarqawi and his supporters were among the targets of US military attacks on Falluja. The Iraqi interim government and the US military argued that they wanted to retake Falluja because it was being controlled by insurgents, including foreigners. It turned out that of the 1,000 men reportedly arrested during the assault, only 15 were confirmed as foreign, according to General George W. Casey, Jr., the top US ground commander in Iraq. US military officials stated that many of the fighters had escaped Falluja to other predominantly Sunni Arab cities, including Mosul, before the assault.” [28c] (p5)

The group claimed responsibility for a number of attacks, often carried out by suicide bombers, against civilians as well as the ISF and MNF. (USSD, 29 April 2009) [2b] (p1) (AI, 25 July 2005) [28c] (p8-9, 12, 14) (UNHCR COI, October 2005) [40c] (p68)

The UNHCR COI report, October 2005, mentioned that “Those considered part of the ‘foreign occupation’ – such as the MNF, foreign civilians and humanitarian organizations – have been targeted by JTJ/Al-Qaeda in Iraq in the past, but their focus has now shifted to Iraqis aiming to pacify and rebuilding the country, such as the emerging ISF and those involved in the political process.” [40c] (p68)

The same report added that “Most recently, the group has claimed responsibility for the killing of several high-ranking foreign diplomats in a move to undermine the ITG’s efforts to improve its ties with other governments.” [40c] (p68)

The report also noted that “On 15 October 2004, the US State Department added Zarqawi and the JTJ to its list of Foreign Terrorist Organizations and ordered a freeze on any assets that the group might have in the US. Furthermore, Abu Musab Al-Zarqawi and JTJ have been designated and listed for international sanctions by the UN 1267 Committee for their ties to Al-Qaeda.” [40c] (p68)

Jane’s Sentinel, updated 18 February 2008, stated that “On 15 January 2006, the Mujahideen Shura Council of the Mujahideen in Iraq (SCMI) announced its establishment, stating that it represented an umbrella movement of militant Islamist

groups that sought to confront the 'Crusaders and their Rafidi (Shiite) and secularist followers who have seized Baghdad'. The movement brought together six militant Islamist groups: Tanzim Qaedayt Al-Jihad fi Bilad Al-Rafidayn; the Jaysh al-Taifa al-Mansura; Ansar al-Tawhid; Al-Ghuraba; Al-Jihad al-Islami; and Al-Ahwal. ...

"In the first quarter of 2007, AQI elements have continued to alienate the residents of Anbar province, notably resorting to setting off chlorine bombs to bring Anbar communities to heel, and are increasingly focusing their efforts on cementing their new base in the Sunni triangle areas of the Tigris valley. These comprise Baghdad and the northern provinces of Diyala and Salah al-Din, with smuggling routes principally operating in the northwest from the Rabiya border crossing with Syria to Tall Afar and from there to Mosul. ...

"The US offensive into the upper Tigris river valley since early 2007 appears to have dislodged AQI from Diyala and pushed its centre of gravity further up the Tigris to areas such as Balad, Tikrit, Kirkuk and Mosul. The organisation appears to be losing ground in all Sunni areas. ... In the latter months of 2007, AQI cadres were increasingly forced to operate out of northern Iraqi cities ... and have focused their efforts on intimidating the Sunni Awakening movements." [14d] (p3)

On 29 December 2007, BBC News reported that, according to the Iraqi Interior Ministry (MOI), "Three-quarters of al-Qaeda in Iraq has been destroyed over the last year [2007]... [although this] claim could not be independently verified." [4ci] The MOI also reported that Al-Qaeda activity was now confined to "certain places north of Baghdad." [4ci]

On 27 March 2008, CSIS reported that "The organization [AQI] transformed over the past eight months and moved from Anbar Province and the ring of towns around Baghdad to the area surrounding Mosul, further north. It continues to disrupt the country with countless bombings, kidnappings and executions ..." [63h]

See also [Sunni Arab insurgents](#).

A report by the ICG, Iraq After the Surge I: The New Sunni Landscape, published 30 April 2008, commented on AQI, stating that "While the organisation has been significantly weakened and its operational capacity severely degraded, its deep pockets, fluid structure and ideological appeal to many young Iraqis mean it will not be irrevocably vanquished." [25j] (pii)

The report also commented that "Al-Qaeda in Iraq's methods were excessively brutal, its goal being to fuel ever-intensifying sectarian strife, fear and instability. It systematically targeted Shiite civilians, killed police officers and other civil servants and even coerced Sunni civilians to the point where most were forced to flee. In no sense could this lead to victory as the more nationalist groups defined it; instead, it was a recipe for never-ending chaos and bloodshed. More importantly perhaps, al-Qaeda in Iraq's attempt to monopolise the insurgency generated a backlash from groups either squeezed out of former strongholds or facing more intense competition, including assassination of their militants." [25j] (p17)

Jane's Sentinel, last updated 7 October 2008, reported that, "As of mid-2008, Mosul is the only major urban area in which AQI continues to try to hold terrain." [14d] (p3) Jane's also reported, on 31 October 2008, that the current leader of AQI to be Abu Ayyub al-Masri, also known as Abu Hamza al-Muhajir. [14g] (p13)

Turkoman Front militia

Jane's Sentinel, updated 18 February 2008, stated that "The Turkoman Front is an ethnically based political party supported by Turkey. Its militia, with an estimated strength of 300, was established in the 1990s to safeguard the interests of Iraq's Turkish-speaking minority. It is believed that the Turkish military has played an extensive role in supporting the militia as a proxy force that could be used against Kurdish forces in northern Iraq. Turkoman gunmen have clashed with KDP forces in the important oil city of Kirkuk in northern Iraq, which both communities claim to control." [14c] (p3)

For further information about militia/insurgent groups see the following links:

National Consortium for the Study of Terrorism and Responses to Terrorism (START): Global Terrorism Database
<http://www.start.umd.edu/gtd/>

Memorial Institute for the Prevention of Terrorism (MIPT): MIPT Terrorist Information Centre
<http://library.mipt.org/uhtbin/cgiisirs.exe/TKDKJc2KGR9/0/274110006/60/502/X>

OTHER MILITIA/INSURGENT GROUPS

A US congressional research report in January 2004 said that the resistance was operating under a number of different names, which included:

al-Jabha al-Wataniya litahri al-'Iraq (the National Front for the Liberation of Iraq);

Jaysh Tahrir al-'Iraq (the Iraqi Liberation Army);

Iraq's Revolutionaries – Al Anbar's Armed Brigades;

Salafist Jihad Group (Salafi is a Sunni extremist Islamic movement);

Armed Islamic Movement for Al Qaeda - Falluja Branch

Actual linkages to Al Qaeda, if any, are not known.

Nasirite Organization [28c] (p5) [33b]

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Detachments), Usbat al-Huda (Daughter of Guidance), Wakefulness and Holy War, White Flags.” [139a] (4. Armed groups and other non-state actors)

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Annex E: Past insurgent/militia groups

This information relates to the situation prior to the fall of the Saddam regime. It should be considered in that context.

Fedayeen Saddam

The paramilitary unit responsible for security duties was also used for specific propaganda objectives. Over the years the Fedayeen Saddam became better equipped and earned a healthy wage under Iraqi standards. There were also some elite units. The Fedayeen Saddam was made up of both Sunnis and Shiites. There were several brigades of the Fedayeen Saddam in the southern towns of Najaf, Kerbala, Amara, Nasiriyah and Basra who had partially taken over the duties of the local police. [30b] (p9)

Recruitment was not performed according to the same, rigid procedures each time. In view of the fact that there were enough young men who wanted to join the unit, it seemed very unlikely that new recruits had to be forced to join the Fedayeen. An unconfirmed press report noted that they were allowed to perform summary executions. [71a] (p72)

Many young people were recruited through teachers and lecturers at schools and universities affiliated to the Ba'ath party. This occasionally involved forced recruitment, but it was possible for them to be put under pressure, for example, by a leader of their own tribe, or if they have shown that they possessed special (physical and other) capabilities. If they refused to join, they would quite possibly run the risk of being picked up and tortured. Young people sometimes fled or went into hiding to evade the Fedayeen Saddam. Early resignation from the Fedayeen Saddam was not accepted and could have attracted problems, such as arrest, intimidation or physical violence. The gravity of the problems encountered depended on the specific circumstances. Young girls and young women could join the Fedayeen Saddam; it couldn't be completely ruled out that they may have also been forced to join. [71a] (p72)

Al Quds

Initially this army unit was known as the 'Volunteer Forces of Jerusalem Day'. This army, was, according to the Ba'ath authorities, supposed to be made up of volunteers, and was used for the liberation of the Palestinian areas. It was used in particular for propaganda purposes and had little military power. The name of the army was changed in February 2001 to 'Jerusalem Liberation Army/Al Quds Army'. Although the term 'voluntary' no longer featured in the name, the authorities still considered it to be a volunteer army, which is why no formal legislation had been issued making it an offence to refuse to serve in the army. Officially no charges were brought against people who refused to join. This would have run counter to the alleged voluntary nature of the army. Nothing was recorded in Iraqi criminal law about the 'Jerusalem Liberation Army'. [71a] (p75)

Although a volunteer army in principle, in practice it appeared that people were urgently sought to enlist. In general, 'volunteers' (men aged from approximately 18 to 50) were being recruited during house calls by representatives of the Ba'ath party. Men who refused to join (and were unable to bribe the recruitment officer) might have been punished, although the lack of legislation meant that the punishment was not clearly defined. It could have included food ration restrictions, problems at work, or forced termination of studies. Those who refused also found themselves registered as disloyal to the Ba'ath government in the security service files. This could possibly

have led to (serious) problems for the relevant 'volunteer' and the members of his family at a later stage. As a result few probably refused. If you were already recorded as being disloyal, prior to the recruitment (because you came from a 'tainted' family, for example), refusal to serve in the 'Jerusalem Liberation Army' could have been considered a political act. Detention and maltreatment could have then be used. This was a rare category, however. [71a] (p75-76)

It was relatively simple to bribe the relevant recruitment officer. You were then released from the 'obligation' to put yourself forward as a 'volunteer'. Apparently Iraqis living abroad could have bought themselves free for USD 1,000 (€ 988). They would have had to pay this sum at the Iraqi embassy in the country where they were living and once they had paid, they were issued with a written declaration which could have been presented to the (military) authorities should they have entered Iraq. They were then no longer called up for Al Quds. Although the above amount was high in Iraqi terms, settlement has shown that the Iraqi authorities were accommodating towards people who did not want to serve as volunteers in this army. [71a] (p76)

Jash

Kurdish militias who were allied to Saddam Hussein's regime and operated as mercenaries outside the regular army (popularly derided as 'Jash' or 'Jahsh') were located in central Iraq, especially in and around Mosul. After the intifada in 1991, large groups of Jash deserted to the Kurdish resistance. The KDP and the PUK gave the militias a 'general pardon'. The Jash were incorporated in the existing military structures there or surrendered their weapons. As far as it is known, there was little if any meting out of retribution or settling of scores. The former members of the Jash generally experienced no problems in KAZ because they came from strong tribes, who could defend themselves (if required) in the area. [71a] (p73-74)

Initially the Jash were responsible for espionage, ensuring that no anti-Government opinions were voiced and no anti-Government activities were attempted by the local Kurdish population in the north of Central Iraq. These activities also included contacts with the KDP or the PUK. They were responsible, in conjunction with the Central Iraqi security troops, for maintaining order in the district where they were serving. [71a] (p74)

Because of the military nature of the Jash-militias and the authoritarian culture in the Ba'ath regime of central Iraq, some of these militias regularly abused their power and employed (excessive) violence. There were reports of intimidation, threats and extortion employed against the local Kurdish population. However, there were also Jash-militias who adopted a more accommodating attitude towards the local population. According to reports, the militias were no longer created purely on the basis of clan and tribal relations, unlike in the past, and members also joined on an individual basis. Privileges and financial reward could have been considered the most important motives for joining. [71a] (p74)

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Annex F: List of abbreviations

AI	Amnesty International
CCCI	Central Criminal Court of Iraq
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPA	Coalition Provisional Authority
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FFM	Fact-Finding Mission
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IECI	Independent Electoral Commission of Iraq
IED	Improvised Explosive Devices
IFRC	International Federation of Red Cross and Red Crescent Societies
IIG	Iraqi Interim Government
IMF	International Monetary Fund
INIS	Iraqi National Intelligence Service
IOM	International Organisation for Migration
IRC	Iraqi Red Crescent
ISF	Iraqi Security Forces
IST	Iraqi Special Tribunal
KDP	Kurdistan Democratic Party
KRG	Kurdish Regional Government
MNFI	Multi-National Force in Iraq (also MNF; MNF-I)
MOI	Ministry of the Interior
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NPA	Norwegian People's Aid
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OFF	(UN) Oil for Food program
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PUK	Patriotic Union of Kurdistan
RSF	Reporters sans Frontières
SICT	Supreme Iraqi Criminal Tribunal
SIIC	Supreme Islamic Iraqi Council
STD	Sexually Transmitted Disease
STC	Save The Children
TAL	Transitional Administrative Law

TB	Tuberculosis
TI	Transparency International
TNA	Transitional National Administration
UIA	United Iraqi Alliance
UN	United Nations
UNAMI	United Nations Assistance Mission to Iraq
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSCR	United Nations Security Council Resolution
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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