



IRAQ (26)

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IRAQ AND IRAQI KURDISTAN

Human Rights Developments

The government of Iraq continued to engage in a broad range of gross human rights abuses, including mass arrests, summary executions, extrajudicial executions with no pretense of due process, and "disappearances." Armed Kurdish political parties and Iraqi security forces continued to be implicated in abuses in the portions of northern Iraq under Kurdish control. In May, Turkey launched a major military campaign against bases of the Workers Party of Kurdistan (PKK, see chapter on Turkey) in northern Iraq, adding to the large numbers displaced by ongoing fighting among armed Kurdish political parties in that region. Iranian airstrikes against an Iraqi-based Iranian opposition group reportedly resulted in civilian injuries.

The United Nations maintained its economic sanctions against Iraq, now in their eighth year. The implementation of U.N. Resolution 986 allowed Iraq to sell limited amounts of oil and use the revenues to purchase goods to meet humanitarian needs. These goods began arriving in March, but malnutrition and shortages of medicines and spare parts for sanitary infrastructure continued to cause hardship among the Iraqi people.

Human Rights Developments in Government-Controlled Iraq

Opposition groups in exile reported mass arrests and summary executions, many in conjunction with the December 12, 1996 attempted assassination of President Saddam Hussein's son Uday. For example, the Tehran-based Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the Amman-based Iraqi National Accord (INA) both reported arrests of between 600 and 2000 people in the period immediately after the assassination attempt. The London-based Worker Communist Party of Iraq reported mass executions during February and March of 250 prisoners with life sentences or suspended death sentences at Abu Ghraib prison. These and similar reports were difficult to verify due to Iraq's tight controls on travel, free expression and contacts with foreigners (see below).

Press freedom and freedom of expression and belief remained severely constrained. Iraq's main media outlets were government-owned, and foreign newspapers and magazines were banned. In April the government increased the punishments for ownership of satellite dishes, which have been banned since 1994. The new penalties reportedly included the confiscation of all household furniture, a 1 million dinar fine (approximately U.S. \$660 at black market rates), and imprisonment. As in previous years, the government interfered with Shi'a religious observances in Karbala. In June Iraqi forces set up roadblocks outside the city, turning back some Shi'a pilgrims making the annual walk to the tomb of Imam Husayn. Some Shi'a opposition groups also reported clashes between pilgrims and security forces resulting in many arrests.

Despite repeated inquiries by the U.N. Working Group on Enforced or Involuntary Disappearances, the Iraqi government failed to clarify the fate of over 16,000 individuals reported "disappeared" in Iraq. These cases are in addition to those of over 600 persons reported "disappeared" during the Iraqi invasion of Kuwait.

Kurdish and Turkomen families reportedly continued to be forced to leave the economically and strategically important Kirkuk and Khanaqin areas as part of what observers have described as a policy of Arabization in these areas. It is impossible to verify exact numbers, but U.N. sources involved in food distribution in northern Iraq said at least 500 families displaced from their homes during the first six months of 1997 had registered in areas under their supervision. Those displaced suffered delays in

obtaining ration, because they had to re-register in a new district. Some were reportedly unwilling to do for fear of undermining their claim to residence in their home districts.

The U.N. Security Council kept in place economic sanctions against Iraq, which were originally imposed in response to Iraq's 1990 invasion of Kuwait. The sanctions block all Iraqi exports, freeze Iraqi assets abroad, and thereby constrain Iraq's ability to pay for goods to meet the population's basic needs, which are excepted on humanitarian grounds from the prohibition of exports to Iraq. The sanctions have contributed since 1990 to a massive public health crisis marked by malnutrition and increasing levels of infant mortality. Resolution 687 (1991) conditioned the lifting of this embargo on a determination by the Security Council that the Iraqi government had complied with demands made in that resolution, including the destruction of its chemical, biological, and nuclear weapons programs and the payment of reparations to Kuwait. In late October Iraq ordered U.S. members of the U.N. Special Commission's arms inspection team to leave the country, and barred other U.S. team members from entering Iraq.

Security Council resolution 986 (1995) allowed the sale of U.S.\$2 billion in oil during a 180-day period, but implementation did not begin until December 1996. Resolution 986 allowed Iraq to use \$1.3 billion of the oil proceeds to purchase humanitarian supplies, including \$260 million in supplies for Kurdish-controlled northern Iraq, which was administered separately. Although the sale of Iraqi oil proceeded relatively smoothly, the purchase and distribution inside Iraq of the humanitarian goods were delayed by disputes over distribution plans, monitoring, and processing of contracts. The first shipments did not begin to reach Iraq until March and the first shipment of medical supplies did not arrive until May. Iraq suspended oil exports from mid-June to mid-August in protest of the ongoing delays. The Iraqi government increased ration amounts for some foodstuffs after the arrival of food shipments. However, with only a small number of U.N. monitors allowed into Iraq it was difficult to determine if distribution was equitable, and whether the quantities of humanitarian supplies reaching the Iraqi people were sufficient to produce significant health improvements. After a week-long visit to Iraq in May, Yasushi Akashi, the head of the U.N. Department of Humanitarian Affairs, said that he and his team of experts saw "clear evidence of prevailing humanitarian suffering which is unmistakable." Resolution 986 was renewed for an additional six-month period in June 1997.

In September Iranian planes bombed bases of the People's Mojahedine Organization, an Iranian opposition group based in Iraq. The group reported that bombs destroyed Mojahedine buildings in Koi and Jabula in southern Iraq, and injured civilians in residential areas of Jabula.

Human Rights Developments in Iraqi Kurdistan

Iraq continued to station ground forces along the border of the Kurdish-controlled region created in the north of the country. The region was located within the "no-fly zone" imposed on Iraq in the aftermath of the Gulf War and Iraq's brutal suppression of an uprising by Kurds and Shiites in March 1991. The zone's airspace was policed by the U.S. and the U.K. from Turkish bases. Iraqi military forces briefly returned to the region in 1996 at the invitation of Kurdish Democratic Party (KDP) forces in fighting against rival Patriotic Union of Kurdistan (PUK) forces and they reportedly engaged in arbitrary arrests and executions of dozens of opponents of the Iraqi government and the KDP at that time. Although Iraq quickly withdrew its uniformed forces after the 1996 invasion, it is reported to have significantly expanded its security presence in areas under KDP control, and in late 1996 the U.S. conducted a mass evacuation of Kurdish and Iraqi personnel who had been employed by the U.S. or U.S. funded humanitarian agencies because of fear for their safety. In January Iraq announced a month-long amnesty for "Iraqis who committed the crime of giving information or communicating with foreign sides," which may have been intended to apply to the thousands who had been in contact with foreigners prior to August 1996. In previous government amnesties individuals who turned themselves in were later arrested and in some cases executed.

Despite ongoing efforts by the U.S., Turkey and Iran to broker a cease-fire, fighting among rival Kurdish political parties continued throughout the year, with clashes between the KDP and the PUK causing significant displacement of civilians. Both parties have been implicated in a wide array of abuses, including arbitrary arrest of suspected political opponents, torture and ill-treatment of detainees, evictions of supporters of rival parties, and extrajudicial executions of dissident political activists. The KDP alleged PUK responsibility for the assassination of its officials Sirwan Nawrofi (January), and Moudiddin Rahim (March), and the attempted assassination of KDP governor of Irbil Francisco Hariri (February). The PUK denied the charges, and alleged the KDP arbitrarily detained its civilian supporters and indiscriminately shelled civilian areas. In April the two parties reportedly exchanged 131 prisoners of war as part of an agreement signed in October 1996.

In May thousands of Turkish forces launched a major offensive against the Workers Party of Kurdistan (PKK), which had bases in northern Iraq. Turkey had launched similar invasions in previous years. The KDP's forces supported the Turkish offensive and some reports linked the KDP to executions of PKK members and civilian supporters, especially in Irbil. On June 15 Turkey announced a partial troop withdrawal, but then launched a second major incursion in late September. In October the PUK alleged that Turkish air and artillery support for KDP attacks on PUK positions resulted in civilian casualties. According to journalists, both the KDP and Turkey have restricted access to the border region since the beginning of the invasion.

Fighting among Kurdish parties and between Turkish and Kurdish forces aggravated an already serious problem of internally displaced people. The U.N. Center for Human Settlement estimated that "more than one third of the population [of the three northern governorates] . . . are internally displaced persons," of whom over 500,000 are in need of assistance. Many have been expelled from their homes in northern Iraq because of presumed support for rival Kurdish parties, while others fled north after Iraq expelled them from their homes in the Kirkuk and Khanaqin areas (see above). The U.N. High Commission for Refugees' decision in January to close the Altroush camp on the Iraqi/Turkish border uprooted once again that camp's population of approximately 14,000 Turkish Kurdish refugees.

The Right to Monitor

No human rights organizations functioned in government-controlled Iraq. The August 1996 return of Iraqi security forces to portions of northern Iraq under KDP control resulted in the closure of the few small, predominantly Kurdish human rights organizations that had functioned in northern Iraq, as activists either fled the region or were unable to work openly out of fear of retaliation by Iraqi security agents.

The government continued to refuse to grant a visa to the U.N. special rapporteur on Iraq, and to reject repeated requests by the U.N. Commission on Human Rights to station human rights monitors on its territory. Iraq allowed U.N. monitors access to northern and government-controlled Iraq, but they were few in numbers and their mandate was strictly limited to observing and reporting on the implementation of Resolution 986 (1995). Iraq imposed severe penalties for unauthorized contact with foreigners, adding to a climate of fear that discouraged citizens from reporting abuses to international human rights organizations or foreign reporters.

In February Iraq announced that it was willing to allow the International Committee of the Red Cross (ICRC) to visit political prisoners in Iraq, but as of early November agreement on such visits had not been reached.

The Role of the

International Community

European Union

The European Union (E.U.) is the largest provider of humanitarian assistance to Iraq. European Commissioner for Humanitarian Affairs, Fisheries and Consumer Policy Emma Bonino said in August that she had returned from her trip to Iraq "with a number of doubts" about the embargo, noting that "we have still not found the most effective way of combating a dictatorship." While Bonino said that she did not "feel able to say the suffering of the population today is due to the embargo" alone, she described the humanitarian situation she observed as "serious, especially in the center and south of the country." "The food aspect [of Resolution 986] is being fulfilled in Kurdistan as well as in Iraq. However the medicine side of the contract has been delayed significantly," and the sanitation infrastructure program "has not yet begun," she said.

In July the European Parliament adopted a joint resolution demanding an immediate withdrawal of Turkish troops from northern Iraq and calling upon the PUK and KDP to resolve their differences in a peaceful fashion.

United States

The U.S., in conjunction with Turkey and the U.K., continued to police a "no-fly" zone in northern Iraq, while maintaining a similar zone in southern Iraq in conjunction with the U.K. and Saudi Arabia. France ended its participation in policing the northern no-fly zone in December 1996. The northern zone was designed to provide its predominantly Kurdish population with protection from Iraqi air attacks and to discourage Iraqi ground attacks. However, it did not prevent Turkish ground and air strikes against PKK bases in northern Iraq.

Turkey supplied bases for the "no-fly" zone patrols, and the U.S. worked closely with Turkey in efforts to negotiate a cease-fire between the KDP and the PUK, sending U.S. diplomats into northern Iraq via Turkey for meetings with KDP and PUK leaders. The U.S. declined to express reservations regarding Turkey's invasion of northern Iraq, with State Department spokesman Nicholas Burns saying on June 12, "Turkey's an ally, and we have no reason to question the need for an incursion across the border." The U.S. did condemn Iran's September airstrike against Mojibineh bases in southern Iraq, and State Department spokesman James Rubin said the U.S. would take "whatever action necessary" to prevent both Iraqi and Iranian entry into the no-fly zone.

The U.S. continued to strongly support U.N. sanctions against Iraq and to deny any responsibility for the humanitarian costs of the embargo. In September Under Secretary of State Thomas Pickering denied allegations by Iraq and some Security Council members that the U.S. was delaying delivery of humanitarian goods, saying "It is the Iraqi regime which continues to bear the

responsibility for the suffering of its people. It is the Iraqi regime which cynically causes delays in the distribution of humanitarian goods by refusing to sell oil for two months."

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