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Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

COUNTRY OF ORIGIN INFORMATION REPORT

IRAQ

APRIL 2006

RDS-IND
COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Scope of document

1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, 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. It includes information available up to 10 March 2006.

1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office 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.

1.03 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.

1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers 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.

1.05 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.

1.06 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.

1.07 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.

1.08 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 accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this COI Report, the Home Office 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 the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

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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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2. Geography

2.01 The Republic of Iraq is situated in the Middle East. Borders are shared with Turkey to the north, Iran to the east, Kuwait and the Persian Gulf to the south, Saudi Arabia and Jordan to the south-west and Syria to the north-west. Europa (Regional Surveys: The Middle East and North Africa, 2005) **[1a] (p460)** The Europa World Yearbook 2004, noted that between the Iraqi, Jordanian and Saudi Arabian borders is a neutral zone devised to facilitate the migrations of pastoral nomads. **[1b] (p460)**

2.02 Iraq covers an area of 438,317 sq. km. (Europa World Online, accessed on 3 August 2005) **[1c] (Iraq)** Baghdad is the country's capital city. (United States State Department (USSD) background note, last updated on August 2005) **[2c] (p1)** Europa Regional Surveys: The Middle East and North Africa, 2005 added that other principal cities include Mosul, Arbil, Kirkuk, Basra, Sulaimaniya, An-Najaf, Karbala, Hilla and Nasiriya. **[1a] (p524)**

2.03 The Central Intelligence Agency (CIA) world factbook (last updated on 10 January 2006) stated that the estimated population in July 2005 was 26,074,906, with an annual growth rate of 2.7 per cent in 2005. **[78a] (p3)** The USSD background note (last updated on August 2005) states that "Almost 75% of Iraq's population live in the flat, alluvial plain stretching southeast toward Baghdad and Basrah to the Persian Gulf." **[2c] (p2)**

2.04 Europa World Yearbook 2004, noted that politically, the country is divided into 18 Governorates. **[1b] (p2193, 2199)** The CIA world factbook (last updated on 10 January 2006) noted that the Governorates comprise of:

Al Anbar	As Sulaymaniyah	Diyala
Al Basrah	At Ta'min	Karbala'
Al Muthanna	Babil	Maysan
Al Qadisiyah	Baghdad	Ninawa
Al Najaf	Dahuk	Salah ad Din
Arbil	Dhi Qar	Wasit **[78a] (p4)**

(See also Annex B on Maps)

2.05 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. (Foreign and Commonwealth Office (FCO) country profile, last updated on 2 December 2005) **[66e] (p1)** (CIA world factbook, last updated on 10 January 2006) **[78a] (p4)** The USSD background note (last updated on August 2005) states that "Other distinct groups are Turcoman, Chaldeans, Assyrians, Persians and Armenians." **[2c] (p2)** The USSD background note added that "Arabic is the most commonly spoken language. Kurdish is spoken in the north, and English is the most commonly spoken Western language." **[2c] (p2)** (See also section 6B on Ethnic groups)

2.06 The CIA world factbook (last updated on 10 January 2006) 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] (p4)** (See also section 6A on Freedom of Religion)

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3. Economy

3.01 Iraq's economy was in a poor state following years of wars and economic sanctions. (HRW world report 2006) **[15i] (p1)** (UNHCR, October 2005) **[40f] (p2)** (Economist Intelligence Unit (EIU) 2005) **[58c] (p37)** Although the sanctions have been lifted, economic reconstruction was hampered by the instability of the security situation in the country. (HRW world report 2006) **[15i] (p1)** (EIU 2005) **[58c] (p37)**

3.02 As documented in the CIA world factbook (last updated on 10 January 2006) "Iraq's economy is dominated by the oil sector, which has traditionally provided about 95% of foreign exchange earnings." **[78a] (p6)** The FCO country profile (last updated on 2 December 2005) added that "Iraq is widely believed to have the world's second largest reserves of oil after Saudi Arabia. Its high dependency on oil makes the economy vulnerable to fluctuations in the oil price and also to sabotage attacks on the oil infrastructure." **[66e] (p6)**

3.03 The EIU country profile 2005, stated that "The oil industry, which remains the bedrock of the economy, has begun gradually to recover from the toll of war-related damage and post-war looting." **[58c] (p37)** However, the same report stated that "Frequent acts of sabotage of key economic facilities (including oil pipelines) and attacks on foreign and local civilian contractors prompted an exodus of foreign firms involved in the reconstruction and the reconstruction process has been far slower than planned." **[58c] (p43)**

3.04 The UNHCR COI report, October 2005, noted that "Despite its vast oil wealth and abundant water resources, Iraq's ranking in the UN Human Development Index dropped from 76 in 1991 to 127 in 2001." **[40f] (p2)**

3.05 The UNHCR COI report, October 2005, noted that "According to WFP, approximately 25 percent of the Iraqi population is highly dependent on the Public Distribution System (PDS) and approximately 11 percent of the households in Iraq, or roughly 2.6 million people, are poor and food-insecure despite the PDS." **[40f] (p2)**

3.06 As documented in the CIA world factbook (last updated on 10 January 2006) the main agricultural products included wheat, barley, rice, vegetables, dates, cotton, cattle, sheep and poultry. **[78a] (p7)** The USSD background note (last updated on August 2005) stated that:

"Implementation of a UN Oil-For-Food (OFF) program in December 1996 improved conditions for the average Iraqi citizen. In December 1999, Iraq was authorized to export unlimited quantities of oil through OFF to finance essential civilian needs including, among other things, food, medicine, and infrastructure repair parts. … Per capita food imports increased significantly, while medical supplies and health care services steadily improved." **[2c] (p5)**

3.07 The IMF stated in a report, dated 16 August 2005 that "The authorities and staff agreed on an updated short-term outlook, with real GDP growth in 2005 revised down to 4 per cent (from 17 per cent in the program). " **[80a] (p18)**

3.08 The FCO report (last updated on 2 December 2005) noted that "A significant step was made on 21 November 2004, when the Paris Club announced

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agreement of a deal to write off 80 percent of Iraq's debt built up by the former regime (which totalled around $120 billion)." **[66e] (p8)**

3.09 The UNHCR COI report, October 2005, noted that "While the Iraqi average national income has increased considerably since 2003, unemployment and under-employment remains high. According to the Iraq Living Conditions Survey (ILCS), 33.4 percent of youth are unemployed and 37.2 percent of high school and university graduates are jobless. A total of 33 percent of Iraqis are underemployed." **[40f] (p22)**

3.10 The report also noted that "Unemployment runs high due to general insecurity with many businesses and public offices not working regularly and reconstruction faltering, loss of employment due to De-*Ba'athification* and the disbanding of the Iraqi Army." **[40f] (p2)**

3.11 The countries currency is the Iraq Dinar (ID). There are 1,000 fils to 20 dirhams which is equal to 1 Iraqi Dinar. (Europa Regional Survey 2005) **[1a] (526)** The exchange rate on 8 March 2006 was £1 sterling to 2561.68 ID. **[55a]**

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4. History

4.01 The Amnesty International (AI) report, dated 25 July 2005, noted that:

"In early April 2003, the US-led military intervention in Iraq, which had started just days earlier on 18 March, ended the 25-year rule of Saddam Hussain and the even longer rule of the Ba'ath party. Following the fall of Baghdad on 9 April, Iraq was occupied by the US-led coalition. US forces controlled central and northern Iraq, with the exception of Kurdistan which has kept its autonomous status since 1991. United Kingdom (UK) forces controlled the south." **[28c] (p2)**

POST-SADDAM IRAQ

4.02 As documented in the Europa Regional Survey 2005, "The ousting of Saddam Hussein's government was followed by a period of civil unrest. Looting, revenge killings and destruction of property were regular occurrences." **[1a] (p497)**

4.03 The same report noted that "Following the removal of the Baathist regime by the US-led coalition in early April 2003, a Coalition Provisional Authority (CPA) was established to administer Iraq in the absence of an elected government, and to assist in the reconstruction in the country's infrastructure." **[1a] (p529)** Europa World Online (accessed on 12 August 2005) added that "UN Security Council Resolution 1483, passed on 22 May 2003, recognized the CPA as the legal occupying power in Iraq, and mandated the CPA to establish a temporary Iraqi governing authority." **[1c] (Recent History)**

4.04 An article by the *Washington Post*, dated 12 May 2003, observed that one of the first acts of the CPA was to outlaw the Ba'ath Party and demobilise the Iraqi army and security apparatus including the ministries of defence and information. The dissolution of the Ba'ath Party was announced on 11 May 2003. **[16a]**

4.05 Europa World Online (accessed 12 August 2005) noted that "On 13 July [2003] the inaugural meeting of the 25-member Iraqi Governing Council was held in Baghdad; members of the Governing Council were appointed by the CPA in direct proportion to the principal ethnic and religious groups in Iraq: 13 Shi'ite Muslims, five Sunni Muslims, five Kurds, one Assyrian Christian and one Turkoman." **[1c] (Recent History)**

4.06 A US Congress Report, January 2004, stated that "On December 13 2003, U.S. forces captured Saddam Hussein in the town of Ad Dur, nine miles south of his hometown, Tikrit, in Iraq's predominately Sunni tribal area north of Baghdad. Saddam, who had been hiding in a tiny cellar on a farm with $750,000 and a pistol, surrendered to soldiers of the Fourth Infantry Division without a fight." **[33b] (p29)**

4.07 The Institute of War and Peace Reporting (IWPR) article, dated 22 March 2004, stated that on 8 March 2004, after considerable last-minute wrangling, a 'Law of Administration for the State of Iraq for the Transitional Period', generally known as the Transitional Administrative Law (TAL), was signed. **[11j]** The Europa Regional Survey 2005 explained that the TAL acted as an interim Constitution. **[1a] (p499)** (See also section 5 on the Constitution)

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4.08 The FCO human rights report 2005, noted that "In accordance with UN Security Council Resolution (UNSCR) 1546, the CPA and the Iraqi Governing Council were dissolved on 28 June 2004. They were succeeded by a sovereign Iraqi interim government, which was established after a wide-ranging consultive process led by the UN." **[66j] (p61)**

4.09 Europa World Online (accessed on 12 August 2005) stated that Dr Ayad Allawi was appointed interim Prime Minister. **[1c] (Recent History)** The Europa Regional Survey 2005 added that "The Governing Council and Interim Cabinet were dissolved upon the formation of the new administration, which accepted the handover of sovereignty from the CPA on 28 June 2004 (two days ahead of the scheduled handover date of 30 June 2004)." **[1a] (p529)**

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ELECTIONS, JANUARY 2005

4.10 Europa World Online (accessed on 12 August 2005) noted that "In advance of the elections, more than 100,000 Iraqi police and soldiers provided tight security in an attempt to forestall insurgent attacks, and the Interim Government closed Iraq's borders and imposed a vehicle curfew; all voters were subject to searches before being allowed to enter polling stations." **[1c] (Recent History)**

4.11 The multi-party national elections were held in Iraq on 30 January 2005. (*The Guardian*, 14 February 2005) **[6v]** A total of 8,456 million Iraqis voted in the elections in 2005. (BBC, 14 February 2005) **[4o]** The BBC further reported on 13 February 2005 that "A total of 280,303 Iraqi exiles in 14 countries registered to vote – roughly one in four of those eligible to do so." **[4p]** Several news articles observed that the overall turnout across the country was 58 per cent of registered Iraq voters. **[4n] [4o] [17c]**

4.12 *The Guardian* reported on 27 January 2005 that there were 111 political parties and coalitions, with a total of 7,500 candidates represented in the election. **[6p]** (See Annex C on Political organisations) An article by the IWPR, dated 14 February 2005, reported that "Iraq's major Sunni political groups boycotted the January 30 election, after the influential Muslim Scholars' Association said a fair poll was impossible because of the continuing violence in Sunni-majority areas." **[11r]** The Economist report, dated 17 February 2005, added that many other Sunni Arabs were prevented from voting by the insurgency. **[19a] (p2)**

4.13 Turnout was particularly low in many Sunni-dominated areas following calls by clerics to boycott the election and threats of violence by insurgents. (*The Guardian* report, 14 February 2005) **[6t]** (CNN, 14 February 2005) **[17c] [6t]** An article by *The Guardian*, dated 14 February 2005, added that "Only 13,893 people – 2% of eligible voters – turned out in Anbar province, which includes the restive towns of Falluja and Ramadi." **[6v]**

4.14 The results of the election were announced on Sunday 13 February 2005 having initially been delayed. (CNN, 14 February 2005) **[17c]** Iraqi officials said that the contents of 300 ballot boxes needed recounting because of various discrepancies. (*The Guardian*, 9 February 2005) **[6f]**

4.15 The result of the Iraqi national election was a victory for the Shia United Iraqi Alliance (UIA), backed by Grand Ayatollah Ali al-Sistani, with 48 per cent of the votes cast and 140 seats in the 275-seat National Assembly. (BBC, 14 February 2005) **[4n]** (CNN, 14 February 2005) **[17c]** The Kurdistan Alliance List, led by Jalal Talabani, obtained 26 per cent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the former interim Prime Minister Ayad Allawi, was in third place with 14 per cent and 40 seats. **[4r] [6t] [6p] [17c] [11p] [37a]** (See also Annex I on the National election results)

4.16 The Kurdistan Alliance List gained the majority of the vote in Arbil with 95 per cent, Dahuk with 95 per cent, Ninawa with 38 per cent, Sulaymainyah with 92 per cent and Tamin with 59 per cent. (Psephos, accessed on 17 February 2005) **[37b]**

4.17 The DFID report, February 2005, explained that "93,000 Iraqi monitors and party agents oversaw the administration of the elections, together with 600 international monitors." **[59d] (p1)** Reports by the IWPR, dated 14 February 2005, and *The Guardian*, dated 15 February 2005, indicated many Sunnis protested that the election was flawed and unfair. **[6t] [11r]** The BBC reported, on 17 February 2005, that "Election commission spokesman Farid Ayar told al-Arabiya television that 47 complaints had been filed and most were resolved." **[4r]** On 14 February 2005, *The Guardian* reported that many world leaders welcomed the results of the election. The report continued "But the Turkish foreign ministry said in a statement that voter turnout in some regions was low and charged that there were 'unbalanced results' in several regions, including Kirkuk." **[6u]**

4.18 The UIA failed to get 50 per cent of the vote. (*The Guardian*, 14 February 2005) **[6q]** Therefore, as documented in the IWPR report (accessed on 17 February 2005) "The results mean that the Shias and the Kurds, two groups that were oppressed under Saddam Hussein, will now hold the balance of power." **[11s]**

4.19 The UNSC report, dated 7 June 2005, noted that "As a result of negotiations on the formation of the Presidency Council, Jalal Talabani was sworn in as President of Iraq on 7 April. **[38b] (p2)** Ibrahim al-Jaafari was appointed as Iraq's next interim prime minister by the country's new presidential council. (*The Guardian*, 7 April 2005) **[6o]** The UNSC report, dated 7 June 2005, added that "The Government comprises 32 ministerial and 4 deputy ministerial posts." **[38b] (p2)**

4.20 The IWPR reported that voters also elected governing councils for Iraq's 18 provinces. Those in the three Kurdish provinces (Sulaimaniyah, Arbil and Dohuk), voted for 111-member Iraqi Kurdistan National Assembly, a regional lawmaking body." **[11q]** The Human Rights Watch (HRW) statement, released 1 February 2005, noted that "The two main Kurdish political parties, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), formed a joint list for the national and Kurdish assemblies. They did, however, compete in local provincial elections and both parties complained of some threats and manipulation by the other side." **[15c]** The Kurdistan Democratic List gained the majority of votes in the Kurdistan legislative election with 90 per cent of the votes and 104 seats in the Kurdistan National Assembly. **[37c]** (See also Annex I on the Iraqi Kurdistan election results)

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4.21 The leader of the KDP, Massoud Barzani, was sworn in as the new regional president of Iraqi Kurdistan on 12 June 2005. (BBC, 14 June 2005) **[4g]**

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REFERENDUM ON THE CONSTITUTION, OCTOBER 2005

4.22 The FCO stated in a report (accessed on 8 December 2005) noted that:

"On 25 October [2005], it was announced that the Constitution was passed in the referendum held on 15 October [2005]. 78 percent of Iraqis nation-wide voted in favour in a turnout of 63 percent. There was a majority Yes vote in 15 out of the 18 Governorates; in 12 of these, the Yes vote was over 90 percent. The International Electoral Commission for Iraq said there were few irregularities and these would not materially affect the overall result." **[66n**

4.23 An IWPR article, dated 15 November 2005, stated that "Dozens of policemen and government employees in Sulaimaniyah province have been reprimanded, fired or imprisoned for not voting in the constitutional referendum. … Kurdish officials and a police chief admitted they punished government employees for not voting, saying they had a democratic duty to go to the polls." **[11x]** (See Annex I on the Referendum results)

ELECTION, DECEMBER 2005

4.24 The general elections were held in Iraq on 15 December 2005 to elect the first permanent government and parliament (Council of Representatives) since the US-led invasion. (BBC, 20 January 2006) **[4i]** (UNSC, 3 March 2006) **[38e] (p1)**

4.25 The UNSC report, dated 3 March 2006, noted that "Under the new electoral law, parties were to present separate lists of candidates for each governorate instead of a single national list as required during the previous election. The lists were subjected to close scrutiny by the De-Baathification Commission as required by the electoral law. As a result, about 200 candidates were disqualified from the election as they did not meet the requirements of the De-Baathification regulations." **[38e] (p2)**

4.26 The report further mentioned that:

"Numerous safeguards were established to ensure a fair, genuine and transparent electoral exercise and to discourage attempts at fraud. The Electoral Commission deployed pre-election and post-election auditors as well as field monitors. Audit teams, which included members of the International Electoral Assistance Team, visited Erbil, Kirkuk, Ninewa, Baghdad, Hilla and Babil. Field monitors were deployed in most governorates to assess the implementation and conduct of operations on polling day. In addition, the Electoral Commission accredited over 270,000 political entity agents and more than 130,000 observers, including 949 accredited by international entities and institutions. Accredited observers were able to observe all stages of the electoral process, including the 'special voting' on 12 December 2005 for detainees, hospital patients and members of the security forces. More than

3,000 political entity agents and observers were accredited to observe and monitor the out-of-country voting which took place in 15 countries from 13 to 15 December." **[38e] (p2)**

4.27 The UNSC report, dated 3 March 2006, noted that "Overall, election day was calm and no major incidents were reported." **[38e] (p1)**

4.28 *Al-Jazeera* reported, on 15 December 2005, that voter turnout was high. **[84a]** The UNSC report, dated 3 March 2006, stated that 12,194,133 valid votes were cast or over 75 percent of the population. **[37d]**

4.29 The BBC reported, on 15 December 2005, that "Sunni Arabs, who boycotted the last election in January [2006], appear to have participated in large numbers, even in insurgent strongholds." **[4av]** The UNSC report, dated 3 March 2006, mentioned that "Several Sunni Arab and tribal leaders encouraged local populations to support the electoral process and in some areas provided protection to polling centres." **[38e] (p2)**

4.30 The election resulted in 12 political entities and coalitions, representing a broad political, ethnic and religious spectrum, winning seats in the Council of Representatives. (UNSC, 3 March 2006) **[38e] (p3)** Several articles noted that the Shi'ite-led United Alliance (UIA) won 128 seats in the 275-member parliament, compared to 146 in the January election. The Kurdistan Coalition won 53 seats, comapred to 75 last time, and the Sunni-led Iraqi Accordance Front won 44 seats. **[22k] [11y] [85a] [6ah]** (See also Annex I on the National elections results, December 2005)

4.31 The Psephos report (accessed 2 February 2006) stated that the Kurdistan Coalition gained the majority of the vote in Arbil with 94.7 percent, Dahuk with 90.3 percent, Sulaymainyah with 87.2 percent and Kirkuk (At-Tamin) with 53.4 percent. **[37d]**

4.32 *The Associated Press (AP)* mentioned in a report, dated 20 January 2006, that:

"Sunnis fared better – and Kurds poorer – because of a change in the election law between the two national elections last year. In the January 2005 balloting, seats were allocated based on the percentage of votes that tickets won nationwide. In the December vote, candidates competed for seats by district. This meant that Sunnis were all but guaranteed seats from predominately Sunni areas." **[65f]**

4.33 *The Guardian* stated in an article, dated 21 January 2006, that "The poll results were delayed for several weeks after some parties complained of fraud and mounted street protests. They were incensed at preliminary figures that gave the Shia list 58% of the vote in Baghdad, although Shia are thought to number only 40% of the capital's population. The protests fizzled out after international monitors were asked to review the election commission's work." **[6ah]**

4.34 The Institute of War and Peace Reporting (IWPR) noted, on 26 January 2006:

"Forty-three parties and political movements formed a group called the Maram Movement that opposed the election results, claiming the United Iraqi Alliance, which currently holds 146 seats in parliament, was guilty of electoral fraud.

This Country of Origin Information Report contains the most up-to-date publicly available information as at 10 March 2006. Older source material has been included where it contains relevant information not available in more recent documents.

However, Maram said its members would participate in politics even if they did not trust the results or Iraq's leading party." **[11y]**

4.35 The group formed to "…protest against intimidation, ballot stuffing, over-registration, improper apportionment of seats to governorates and other election-related practices and to lodge complaints against the Electoral Commission." **[38e] (p3)**

4.36 The International Mission for Iraqi Elections (IMIE) report, dated 19 January 2006, stated that:

"Some 2000 complaints were submitted, alleging a wide range of electoral violations and irregularities that include ballot box stuffing and theft; tally sheet tampering; intimidation; violence; voter list deficiencies; shortages of ballots; multiple voting; improper conduct of the police and Iraqi National Guard; voting by security forces who had previously voted on the special voting day; campaigning within polling centers; and non-observance of the silent day. Many of the complaints deemed most serious by the IECI [Independent Electoral Commission of Iraq] were properly investigated and judiciously resolved. Where IECI staff were found to have violated elections law, the Board applied sanctions to its staff, including fines and dismissal." **[86a] (p4)**

4.37 The same report noted that:

"Violations of the law led the IECI to cancel the vote in 227 out of some 30,000 polling stations. This has left void a great number of fraudulent ballots, but has simultaneously annulled the ballots of many Iraqis who had cast their ballots in a proper manner. Cancelling ballot boxes without a new election being called in the affected area is particularly regrettable in an electoral system of list proportional representation where the number of votes required to win or lose a seat may vary from governorate to governorate as well as from a given seat to another seat." **[86a] (p4)**

4.38 The UNSC report, dated 3 March 2006, mentioned that:

"In conclusion, the election was conducted transparently and credibly. It was an inclusive exercise that succeeded in incorporating all of Iraq's numerous communities and political parties. The fact that it generally met international standards is not a small achievement, given that the election took place against the backdrop of an ambitious timetable and a very challenging political and security environment." **[38e] (p3)**

4.39 An article by AP, dated 20 January 2006, stated that:

"The parliament will elect a new president within 30 days after it convenes. The new president then has 15 days to name a prime minister-designate, who will then have 30 days to name the members of his Cabinet.

If the parliament fails to approve by absolute majority the prime minister and his new government, the president will have to designate a new prime minister.

Under the new constitution ratified last October, parliament can approve a new prime minister and Cabinet by only an absolute majority of its members.

However, the president and two vice presidents must win the votes of two-thirds of parliament members." **[65g]**

4.40 The BBC noted, on 24 February 2006, that "It [The Sunni alliance] has also announced its withdrawal from negotiations to form a coalition government …" **[14ax]**

4.41 Iraq's parliament had postponed its first session since the election amid arguments over who should take the posts of prime minister, president and speaker. **[4bd]**

4.42 At the time of writing, it was evident that the country remained instable due to the security situation. (See also section 6A on the Security situation)

(See also Annex A on Chronology of major events)

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5. State structures

THE CONSTITUTION

5.01 As documented by numerous reports, on 9 April 2003 Saddam Hussein's regime collapsed and the US established the Coalition Provisional Authority (CPA) to run the country. **[1b] (p2189) [4i] (p4)** On the 8 March 2003 the CPA signed the Transitional Administrative Law (TAL), which was to act as the Supreme Law of Iraq, during the transitional period. **[1c] (The Constitution) [4m] [54a] (p1)**

5.02 Europa World Online (accessed on 12 March 2006) mentioned that "The basic tenets of the Law were to: define the structures of a transitional government and procedures for electing members of the Transitional National Assembly; guarantee basic rights for all Iraqis, including freedom of speech and the press; and respect the Islamic identity of the Iraqi majority, and guarantee religious plurality." **[1c] (The Constitution)** The FCO human rights report 2005 added that "There is provision for a national commission for human rights and an ombudsman." **[66j] (p61)**

5.03 The TAL will expire once a government is elected under a permanent constitution. (IWPR, 22 March 2004) **[11j]**

5.04 On 10 May 2005, a Constiutional Drafting Committee was set up by the Transitional National Assembly (TNA) to draft a constitution by 15 August 2005. (Europa World Online, accesed 12 March 2006) **[1c] (The Constitution)** (UNSC, 7 June 2005) **[38b] (p2)** The deadline was extended twice and the draft constitution was presented to the TNA on 28 August 2005 without a vote. However, an agreement could not be reached on a number of important issues. (RFE/RL, 29 August 2005) **[22a] (p1) (**UNSC, 7 December 2005) **[38d] (p2)**

5.05 The UNSC report, dated 7 December 2005 noted that a further amended text was presented to the TNA on 18 Septmber 2005. "Following further negotiations, additional amendments were agreed upon and read out in the Assembly without a vote on 12 October [2005]." **[38d] (p3)**

5.06 The FCO report (accessed on 21 November 2005) stated that the Constitution was passed on 25 October 2005 after it was approved in a referendum held on 15 October 2005. **[66n]**

5.07 Article 144 of the constitution states "This Constitution shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette and the seating of the government that is formed pursuant to this constitution." **[82a] 9p42)** The UNSC report, dated 3 March 2006, added that "The people of Iraq approved the Constitution in the referendum of 15 October 2005. The text of the Constitution was published in the Official Gazette on 28 December 2005. Negotiations on government formation are fully under way." **[38e] (p3-4)**

5.08 The FCO, in a letter dated 8 March 2006, stated that "Although this represents agreement on the text, the constitution mandates the need for 62 laws to regulate basic constitutional principles and the establishment of 21 institutions and organisations. As a result the Council of Representatives (new parliament) will be required to draw up legislation to enact the Constitution." **[66o]**

5.09 The same letter noted that "As well as the legislation required the Council of Representatives will be tasked to carry out a review of the Constitution. …" **[66o]** Article 142(1) of the Constitution stipulates that:

"The Council of Representatives shall form at the beginning of its work a committee from its members representing the principal components of the Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution, and the committee shall be dissolved after a decision is made regarding its proposals." **[82a] (p42)**

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CITIZENSHIP AND NATIONALITY

5.10 Article 18 (2) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

5.11 Article 11 (A) of the TAL confirmed that "Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State." **[51a]** Article 11 (B) states that "No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted." **[51a]** Article 11 (D) stipulates that "Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship." **[51a]**

5.12 There are an estimated 350,000 stateless persons in Iraq. (UNHCR COI, October 2005) **[40f] (p24)** The report added that "In Iraq, there are three groups of stateless or de facto stateless persons whose status and specific needs require attention: the Faili Kurds, the Bidouns and children of mixed marriages." **[40f] (p30)** It 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." **[40f] (p30)**

5.13 The report further noted that:

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"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." **[40f] (p138)**

5.14 An article by IRIN news, dated 12 December 2005, reported that "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." **[18ak]**

5.15 Article 11 (E) of the TAL stipulates that "Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annuled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi." **[51a]**

5.16 However, 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." **[40f] (p138)**

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POLITICAL SYSTEM

5.17 According to Article 1 of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, "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)**

5.18 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." "Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution." **[82a] (p3)**

5.19 The US State Department (USSD) report on human rights practices in countries for the year 2005, published on 8 March 2006, notes that "The TAL provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal suffrage." **(2h] (p15)**

5.20 The first democratic multi-party elections took place on 30 January 2005 to form Iraq's 275-member Transitional National Assembly (TNA). (FCO, 11 May 2005) **[66l]**

5.21 The interim parliament met on 3 April 2005 and elected Dr Hajem al-Hassani, a Sunni Arab, as Speaker and Dr Hussein al-Shahristani, a Shia Muslim and Aref Taifour, a Kurd, as Deputy Speakers. (BBC, 3 April 2005) **[4ao]**

5.22 The Iraqi parliament voted to appoint a new Iraqi Presidency Council on 6 April 2005. The Kurdish leader, Jalal Talabani, was elected President. Ghazi Al Yawer, a Sunni Arab tribal leader, and Adil Abdul Mehdi, a Shia and former Finance Minister, were elected as Vice-Presidents on 7 April 2005. (*The Guardian*, 6 April 2005) **[6m]**

5.23 The UNSC report, dated 7 June 2005, noted that "On 28 April 2005, the Transitional National Assembly endorsed the Transitional Government under the premiership of Ibrahim Ja'afari." **[38b] (p2)** Ibrahim Jaafari, a shi'a, was the spokesman for the Islamic Daawa Party and the preferred candidate of the United Iraqi Alliance (UIA). (BBC, 7 April 2005) **[4ac]**

5.24 The President is the Head of State. (FCO, 2 December 2005) **[66e] (p1)** However, the Economist report, dated 10 December 2004, explained that "The prime minister enjoys executive authority in the government, while the positions of president and vice-president are largely ceremonial." **[19b]**

5.25 Europa World Online (accessed on 3 August 2005) noted that "A new Council of Ministers was approved by the TNA on 28 April [2005] and sworn in on 3 May [2005]." **[1c] (The Government)** (See also Annex D on Prominent people: past and present, The cabinet)

5.26 Elections for a permanent parliament (Council of Representatives) were held on 15 December 2005. (UNSC, 3 March 2006) **[38e] (p1)** Several articles reported that the Shi'ite-led United Alliance (UIA) hold 128 seats in the 275-member parliament. The Kurdistan Coalition hold 53 seats and the Sunni-led Iraqi Accordance Front hold 44 seats. The Iraqi National List hold 25 seats, the Sunni-dominated National Iraqi Dialogue Front hold 11, the Islamic Union of Kurdistan hold 5 seats, and the Liberation and Reconciliation Gathering hold 3 seats. The Progressives List hold 2 seats and the Al-Rafedeen List, the Iraqi Turkoman Front, the Mithal al-Aloosi List for the Iraqi Nation and Al Ezediah Movement for Progress and Reform hold 1 seat each. **[22k] [11y] [38e] (p3) [85a] [6ah]** (See also section 4 on History and Annex I of Election results, December 2005)

5.27 The UNSC report, dated 3 March 2006 noted that:

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"… the Council of Representatives has to be convened by the current President within 15 days from the date of the ratification of the election results, or, if an extension is required, no later than 30 days after such certification. At its first meeting, the Council of Representatives shall elect its Speaker and the two Deputy Speakers. "**[38e] (p4)**

5.28 The Council of Representatives then have to elect a president and two vice-presidents (Presidency Council) within 30 days. The Council of Representatives then has to elect the Prime Minister within 15 days who in turn has to name the members of his Cabinet, collectively known as the Council of Ministers. (BBC, 16 December 2005) **[4be]** (UNSC, 3 March 2006) **[38e] (p4)**

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POLITICAL SYSTEM IN THE KURDISH REGIONAL GOVERNMENT (KRG) AREA

5.29 Article 117(1) of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

5.30 Article 141 of the Constitution states 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)**

5.31 The UNHCR COI report, October 2005, stated that:

"The TAL recognizes the KRG as the legitimate government in the Kurdish region, which covers the Governorates of Dohuk, Erbil, Sulaymaniyah and parts of the Governorates of Kirkuk, Diyala and Ninewa. The competencies of the KRG include all the functions it exercised prior to the deposition of the former regime, with the exception of those issues which fall within the exclusive competence of the Federal Government as specified in the TAL. In particular, the KRG has the right to control its police forces and internal security and to impose taxes and fees." **[40f] (p12-13)**

5.32 Elections were held on 30 January 2005 to elect the 111-seat Kurdistan National Assembly (KNA), as well as the TNA. (Peyamner, 14 February 2005) **[29a]** UNHCR COI, October 2005 **[40f] (p13)**

5.33 The HRW statement released 1 February 2005, noted that the KDP and PUK formed a coalition for the national and Kurdish assemblies. **[15c]** As documented in the Psephos report (accessed on 17 February 2005) the Kurdistan Democratic List gained the majority of votes in the Kurdistan legislative election with 90 per cent of the votes and 104 seats in the Kurdistan National Assembly.

The Kurdistan Islamic Group in Iraq came second with 4.9 per cent of the vote and 6 seats in the Kurdistan National Assembly while the Kurdistan Toilers Party gained 1.2 per cent and one seat. **[37c]** (See also Annex I on the Iraqi Kurdistan election results) The BBC stated, on 14 June 2005 that Massoud Barzani was sworn in as the new regional president of Iraqi Kurdistan on 12 June 2005. **[4g]**

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JUDICIARY

5.34 Article 19 (1) of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, stipulates that "The judiciary is independent and no power is above the judiciary except the law." **[82a] (p7)**

5.35 As stated under Article 43(A) of the TAL, dated 8 March 2004, "The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the accused pursuant to law, without interference from the legislative or executive authorities." **[51a] (p13)** Despite these guarantees, several sources reported that the judiciary and judges were subject to political influence. (USSD, 2005) **[2h] (p7)** (Freedom House, 2005) **[70b] (p309)** (Dutch country report, December 2004) **[71c] (p47)**

5.36 The joint British/Danish fact-finding mission report, October 2004, nevertheless, mentioned that "In general the courts were functioning without interference from the politicians." **[30c] (p14)**

5.37 The UNHCR guidance, October 2005, stated that "The reform process is in its infancy however, and the ongoing insecurity is taking a toll on the process. High numbers of arrests are overstretching the justice system, a problem further exacerbated by the lack of trained staff. Corruption also remains a problem in the judiciary." **[40g] (p7)**

5.38 The UNHCR COI report, October 2005, noted that "… there is still a long way to go to build a functioning legal system, to ensure enforcement of law in compliance with international human rights standards, to educate Iraqis, and in particular the ISF, judges and prosecutors, to respect each individual's rights and freedoms and to promote reconciliation after years of suppression by the former regime." **[40f] (p131)**

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JUDICIAL SYSTEM

5.39 A new judicial system was formed during the interim period (Europa Regional Survey) **[1a] (p532)** The USSD report 2005, noted that "The courts are geographically organized into 17 appellate districts." **[2h] (p7)**

5.40 The Iraqi court system is divided into Criminal Courts (made up of Investigative Courts, the Misdemeanour Court, the Felony Court and the Juvenile Court), Civil Courts (made up of the Magistrate's Courts, Courts of First Instance, Personal Status Courts and the Personal Matters Court), Courts of Appeal, the Central Criminal Court of Iraq (CCCI), Court of Cassation (Iraq's highest court) and the Federal Supreme Court (to be established according to Article 44 of the TAL). (UNHCR COI, October 2005) **[40f] (p122)** Cases in juvenile courts are heard by a three-member panel comprising, a judge, a lawyer and a social worker. (FCO human rights report 2005) **[66j] (p64)**

5.41 The UNHCR COI report, October 2005, noted that "In addition, there exist separate Labour Courts (both in the KRG-administered areas and in the rest of Iraq). Soldiers are tried by Military Courts unless the Ministry of Defence permits that a case be adjudicated by the regular courts." **[40f] (p123)**

5.42 The same report mentioned that:

"In criminal cases, Iraq employs the 'inquisitorial system' in which a judicial investigator (in cooperation with the police) questions witnesses, gathers evidence and surveys the crime scene. Based on the judicial investigator's report, an investigative judge decides whether to open a formal investigation, issues arrest warrants and orders the continued custody of suspects. The judge must refer the case to the competent court if sufficient evidence has been gathered. The judge tries the case on behalf of the government; there is no jury." **[40f] (p123)**

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JUDICIARY IN THE KRG AREA

5.43 The Iraqi Kurdistan National Assembly (IKNA) website explained that "Judicial authority in the region is organized according to a special law of judicial authority and according to that law, it is independent and is subjected to no other authority except that of law. No one has the power to interfere with the judiciary sovereignty and the decision of the courts can be applied to all natural or juristic personalities related to the government." **[32a]**

5.44 An article by RFE/RL, dated 15 September 2004, "'The judicial system is in place, democracy is in place, there is a parliament in Iraqi Kurdistan, and a judge is free to make rulings in accord with his own convictions and without external pressure.'" **[22b]**

5.45 The UNHCR COI, dated October 2005 stated that:

"In Northern Iraq, the judicial system underwent a number of changes after the area obtained a status of *de facto* autonomy in 1991. Given the split of the three Northern Governorates into two separate administrations in the mid 1990s (Erbil and Dohuk on one hand and Sulaymaniyah on the other hand), two distinct judicial systems with different laws have emerged. Separate Cassation Courts have been established in both the PUK-controlled area (located in

Sulaymaniyah) as well as in the KDP-controlled area (located in Erbil). Although before 1991 there was one Court of Appeal for the Northern areas located in Erbil, the division of the two administrations made it necessary to establish a separate Court of Appeal in Sulaymaniyah." **[40f] (p123)**

5.46 The report also mentioned that:

"In the Governorates of Erbil and Dohuk, civil matters such as marriage and divorce, heritage, alimony and child custody are dealt with by the Civil Courts. These courts usually apply the *Personal Status Law* (Law No. 188 of 1959, as amended in the area), though they may refer to Sharia law (Shafiite School of jurisprudence), if a legal question is not addressed by the law. For other religious groups, their own laws will be applied, if available. In the Governorate of Sulaymaniyah, the Civil Courts apply the Sharia law (Shafiite or Hanafi School) in personal status matters, while the *Personal Status Law* is applied only to non-Muslims (in addition to their own laws). The TAL provides that courts in the KRG-administered area continue to function and to issue final decisions, unless they conflict with the TAL or any federal law." **[40f] (p123)**

5.47 It further stated that "In KRG-administered areas, members of the Peshmerga are tried by special Peshmerga Courts." **[40f] (p123)**

5.48 An article by RFE/RL, dated 15 September 2004, reported that the situation faced by judges in northern Iraq was normal by most standards of the profession. It described the situation worst in central and southern Iraq. **[22b]**

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RELIGIOUS AND TRIBAL LAW

5.49 Europa World Online (accessed on 9 August 2005) stated that "A Shari`a Court is established wherever there is a First Instance Court; the Muslim judge of the First Instance Court may be a Qadhi to the Shari`a Court if a special Qadhi has not been appointed thereto. The Shari`a Court considers matters of personal status and religious matters in accordance with the provisions of the law supplement to the Civil and Commercial Proceedings Law." **[1c] (Judicial System)** Tribal leaders in Iraq most commonly use Shari'a law to settle disputes. (USSD 2005) **[2h] (p7)** (IRIN, 22 October 2004) **[18m]**

5.50 The UNHCR background paper, dated 1 October 2005, noted that "Increasingly, Iraqis are resorting to extra-judicial conflict resolution and protection mechanisms such as tribal law. Members of religious minorities often do not have access to such traditional mechanisms, as they do not necessarily belonging to a tribal grouping." **[40e] (p2)**

5.51 The UNHCR COI report, October 2005, stated that "Because Iraq is a largely tribal society with at least three-quarters of the Iraqi people belonging to one of the country's 150 tribes, people often rely on community leaders to resolve disputes instead of going to court." **[40f] (p123)**

5.52 The *Law Criminal Proceedings* on allows for the use of tribal justice or other forms of extrajudicial procedures (for example, religious courts) in the areas of "Offences giving rise exclusively to a private right of action"; "Conciliation prior

to verdict leading to the suspension of legal action"; and "Subsequent pardon on request of the victim." (UNHCR COI, October 2005) **[40f] (p123)**

5.53 The same report noted that "These provisions also continue to be applicable in the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah. In addition, cases where conciliation or pardon is not permitted (e.g. murder) are at times referred to tribal justice in breach of the Law on Criminal Proceedings." **[40f] (p123-124)**

5.54 The report further stated that "With the new Iraqi authorities failing to establish the rule of law, the tribes have gained increased power and relevance in the daily lives of ordinary Iraqis. Many people prefer to rely on tribal leaders to resolve disputes rather than going to court. In Northern Iraq, the ruling parties actively support the tribes in return for political loyalty." **[40f] (p124)** The British/Danish fact-finding mission, October 2004, however, was informed that in the south tribes deal with problems in the traditional way but in the north there is more reliance on the court system. " **[30c] (p17)**

5.55 The UNHCR COI report, October 2005, mentioned that:

"Issues usually dealt with by tribal courts are marriage/divorce cases, property, pasture or water disputes and so-called blood disputes that involve the killing of a tribal member by another tribe. Though tribal court decisions are not legally binding, most involved adhere to them since exclusion from the tribe could be the consequence of not obeying such a decision.

"The tribal justice system is based on values such as honour and shame, forgiveness and compensation. In many instances, tribes may not accept the decision of a regular court and instead seek the decision of a tribal court. In the case of blood disputes, the punishment of the perpetrator by a court may actually not solve the case as, according to tribal rules, only the payment of compensation or revenge killing can restore justice. Another reason why people may prefer to resort to tribal justice is the failure of regular courts to resolve disputes in a timely and effective manner.

"Whereas tribal justice is a system commonly-used in dealing with inter-tribal feuds, it has also provided justification for killings of US soldiers and suspected collaborators. … Tribal justice is also seen as sanctioning 'honour killings', forced marriages and other forms of tribal customs, seriously violating the rights of women and girls. While most cases are resolved through the payment of money, other forms of compensation such as arranged marriages are used, although to a lesser extent. This practice is known as 'exchange-for-blood marriage', in which one or two women of a tribe are given to the male relatives of another tribe as compensation for the killing of one of that tribe's members." **[40f] (p124)**

5.56 The British/Danish fact-finding mission, October 2004, report noted that Moqtada al Sadr has his own courts and prisons. **[30c] (p17)** The Dutch country report, December 2004, added that "Torture is allegedly used here." **[71c] (p47)**

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JUDGES

5.57 Article 88 of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, states "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)**

5.58 As noted in the Europa Regional Survey 2005, "Following the ousting of the Baaath regime, the judicial system was subject to a process of review and De-Baathification. **[1a] (p532)**

5.59 A Judicial Review Committee (which had equal numbers of Iraqi and CPA members) has carried out the vetting of judges and prosecutors for past corruption, links to the Ba'ath party or Saddam regime and involvement in atrocities. (UNHCR guidance note, October 2005) **[40g] (p6)** FCO, accessed 8 August 2005) **[66k]**

5.60 The FCO stated that "Approximately 180 judges were removed and replaced with new appointments or re-appointments of persons improperly removed by the former regime. Judicial salaries have also been increased to reduce the temptation to accept bribes." **[66k]**

5.61 The Council of Judges was also reintroduced to "investigate allegations of professional misconduct and incompetence" of members of the judiciary and public prosecuters. (UNHCR COI, October 2005) **[40f] (p125)** (UNHCR guidance note, October 2005) **[40g] (p6)** "It further appoints, promotes and transfers judges and prosecutors." (UNHCR COI, October 2005) **[40f] (p125)**

5.62 A report by DFID, October 2004, observed that:

"Since February, 216 judges, prosecutors, lawyers and justice department officials have trained in International Human Rights Law; and 50 judges, prosecutors and lawyers have trained in International Humanitarian Law. Participation has been diverse: male and female judges, prosecutors and lawyers have been chosen from all areas of Iraq and from all parts of the community. A number of participants have been trained as trainers, so that the benefits of the training can be disseminated to others in Iraq." **[59b] (p2)**

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THE SUPREME IRAQI CRIMINAL TRIBUNAL (FORMERLY, THE ISF)

5.63 The HRW world report 2006 stated that "The Statute of the Iraqi Special Tribunal, established in December 2003 to try members of the former Iraqi government for genocide, crimes against humanity and war crimes, was amended and adopted by Iraq's Transitional National Assembly in October 2005, one week before the first trial was scheduled to begin on October 19. The Assembly renamed the tribunal the 'Supreme Iraqi Criminal Tribunal' (SICT)." **[15i] (p2)**

5.64 Saddam Hussein and seven other former Iraqi officials have been on trial before the Tribunal since 19 October 2005, charged with the execution of 148

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civilians in the town of al-Dujail in 1982. (HRW, 10 February 2006) **[15k] (p1)** "The Iraqi Government said it plans to bring only 12 charges against the former leader out of a possible 500 of which he is accused, saying it would be 'more than enough to give him the maximum sentence applicable'." **[40f] (p127-128)**

5.65 Although the Tribunal declared that it would respect the International law on human rights, several human rights groups, as well as Saddam Hussein's legal team, have questioned whether it fully complies with a number of the standards, including the right to a fair trial and the right to sufficient access to legal counsel. (Council on Foreign Relations (CFR), 30 August 2005) **[8d] (p2)** (HRW world report 2006) **[15i] (p3)** (UNHCR COI, October 2005) **[40f] (p127)**

5.66 The Tribunal has also been accussed being subject to political influence and therefore lacking independence and impartiality. (HRW world report 2006) **[15i] (p3)** The Chief Judge Rizgar Mohammed Amin resigned from the position in January 2006 citing political pressure as the reason. (REF/RL, 24 January 2006) **[22o]** (*The Daily Telegraph*, 16 January 2006) **[48d]** (Al-Jazeera, 18 January 2006) **[84b]**

5.67 Since the opening of the court case, two members of the defence team were assassinated. (HRW world report 2006) **[15i] (p3)** In January 2006, after four defence lawyers (for Barzan al-Tikriti, Saddam Hussein, Taha Yassin Ramadan and Awad al-Bandar) walked out in protest, the court appointed four new lawyers from the Iraq Higher Tribunal. The defantants have rejected the replacement counsel. (HRW, February 2006) **[15k] (p1)** (UNSC, 3 March 2006) **[38e] (p12)**

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CENTRAL CRIMINAL COURT OF IRAQ (CCCI)

5.68 The Dutch country report, December 2004, stated that "A Central Criminal Court of Iraq has been active in Baghdad since August 2003. This court has representations in various other cities." **[71c] (p26)** The FCO human rights report 2005 added that the Central Criminal Court dealt with the most serious crimes. **[66j] (p64)** The same report noted that "Any court may refer cases to it. Alternatively, it can take the initiative and take over proceedings from any other court." **[66j] (p64)**

5.69 The UNHCR COI report, October 2005, noted that

"The CCCI is meant to help crack down on criminals undermining Iraq's security and stability. CPA Administrator Bremer told a news conference that 'one of the main reasons for my establishing this court is so that we can try people, in particular senior Ba'athists ... who may have committed crimes against the Coalition, who are trying to destabilize the situation here, and so we can do it rather quickly'. The CCCI's jurisdiction involves nationwide investigative and trial jurisdiction over felonies such as terrorism, organized crime, governmental corruption, acts intended to destabilize democratic institutions or processes and violence based on race, nationality, ethnicity or religion. The CCCI also hears cases where a determination is made that a criminal defendant may not be able to obtain a fair trial in a local court." **[40f] (p126)**

5.70 The same report noted that "The CCCI comprises an Investigative Court and a Felony Court. Appeals are made to the Court of Cassation. Any criminal court in Iraq may refer a case to the CCCI. Alternatively, the CCCI can also decide at its own discretion to take jurisdiction of a case. The TAL reaffirms the existence of the CCCI." **[40f] (p126)**

5.71 It further stated that "By the end of June 2005, the CCCI had identified more than 1,700 detainees for prosecution." **[40f] (p155)**

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LEGAL RIGHTS/DETENTION

5.72 Article 19 of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, provides for the right to a fair legal trial and the right to defence and a lawyer appointed by the court. It also states that "The accussed is innocent until proven guilty… ." **[82a] (p7-8)**

5.73 Article 12 of the TAL stipulates that all persons are equal before the law and the courts and "No one may be deprived of his life or liberty, except in accordance with legal procedures." **[51a] (p4)**

5.74 Articles 15(D) and 15(F) respectively state that "All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay." and "The right to a fair, speedy, and open trial shall be guaranteed." **[51a] (p5)**

5.75 Article 15(E) of the TAL states that:

"The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. At the time a person is arrested, he must be notified of these rights." **[51a] (p5)**

5.76 The UNHCR COI report, October 2005 stated that:

"CPA Memorandum No. 3 amended the 1971 Iraqi *Law on Criminal Proceedings*, introducing new procedural rights such as the right to be silent, the right to legal counsel, the right against self-incrimination, the right to be informed of these rights and the exclusion of evidence obtained by torture. There are no provisions in the Memorandum that address the consequences of violation of those rights however, except in the case of coerced confessions." **[40f] (p151)**

5.77 The USSD report 2005 mentioned that "Criminal detainees generally were informed of the charges against them, although sometimes with delay." **[2h] (p7)** The UNHCR COI report, October 2005, nevertheless stated that "…a significant

number of detainees are not informed of the charges brought against them and are denied the right to have their case reviewed by a competent judge in a timely manner." **[40f] (p156)**

5.78 The UNHCR COI report, October 2005, stated that:

"Human Rights Organisations raise a number of questions as to the fairness of trials conducted by the IST, including the fact that the *Statute* lacks important pre-trial guarantees such as the right to be informed of the charges, the right to remain silent or the right to be questioned in the presence of a lawyer. Furthermore, there are no guarantees against the use of confessions extracted under torture and the requirement that guilt be proven beyond a reasonable doubt." **[40f] (p156)**

5.79 The same report noted that "The TV show Terrorism in the Grip of Justice has been criticized of undermining detainees' rights to be considered innocent until guilt has been proven in a fair trial." **[40f] (p156)**

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ARREST AND DETENTION

5.80 Article 19 (12):a of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, stipulates that "Unlawful detention shall be prohibited." **[82a] (p7-8)**

5.81 Article 15(C) of the TAL states that "No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs." **[51a] (p5)** The HRW report, January 2005, added that all person have the right to challenge the legality of arrest or detention without delay. **[15g] (p22)** The USSD report, however, stated that "In practice, the authorities in many cases did not observe these provisions." **[2h] (p6)**

5.82 The HRW report, January 2005, mentioned that:

"Following the transfer of sovereignty on June 28, 2004 under Security Council resolution no. 1546, the so-called Multinational Force-Iraq (essentially U.S. forces and its allies) have maintained responsibility for the apprehension and detention of captured insurgents and other security detainees, including 'high value detainees' such as Saddam Hussein and former government officials and foreign terror suspects. The Iraqi Interim Government has assumed responsibility for the detention and prosecution of common criminal suspects and insurgents apprehended by Iraqi security forces." **[15g] (p1)**

5.83 The UNHCR COI, October 2005, report stated that "Under the 1971 *Law on Criminal Proceedings*, as amended by the CPA, an individual suspected of a crime may be arrested only on a judicial warrant except when the police observe a crime taking place or have reasonable grounds to suspect such acts." **[40f] (p150)** In spite of this, several reports noted that individuals were often arrested without warrants. (USSD 2005) **[2h] (p7)** (HRW, January 2005) **[15g] (p35)** (UNHCR COI, October 2005) **[40f] (p151&152)**

5.84 The vast majority of people arrested and detained in Iraq were those with suspected involvement with insurgents, those suspected of 'anti-coalition activities' and common criminals arrested during mass arrests. Most of the detainees were arrested during public demonstrations, armed clashes, security sweeps and house raids. (USSD 2005) **[2h] (p7)** (HRW, January 2005) **[15g] (p26-27)** (AI annual report 2005) **[28f] (p2)** (UNHCR COI, October 2005) **[40f] (p152)**

5.85 Several sources reported that arrests were often violent. (HRW, January 2005) **[15g] (p4)** (AI annual report 2005) **[28f] (p2&26-27)** (UNHCR COI, October 2005) **[40f] (p152)** (Dutch Country report, December 2004) **[71c] (p50-51)** The HRW report, January 2005, stated that "Many persons reported being beaten at the time of their arrest and being very tightly bound in handcuffs or tightly blindfolded." **[15g] (p4)** The Dutch country report, December 2004, added that "Detainees, security personnel or bystanders were often killed as arrests were being made." **[71c] (p50-51)**

5.86 The UNHCR COI report, October 2005, nevertheless, noted that "Perpetrators of such violations generally go unpunished. Though there are a number of mechanisms to bring such persons to justice, be they through administrative or legal proceedings, in practice detainees subjected to unlawful arrest and detention or torture and ill-treatment have little chance for redress." **[40f] (p153)**

5.87 Despite having no authority to arrest, it has been reported that the Iraqi National Intelligence Service (INIS) is arresting and detaining persons within Major Crimes Directorate's detention facility in Al-Amiriyah, Baghdad." (UNHCR COI, October 2005) **[40f] (p152)**

5.88 The USSD report 2005 noted that "… police frequently arrested and held in detention without the necessary judicial approval individuals who had not been accused of any crime." **[2h] (p7)**

5.89 The UNHCR COI report, October 2005, stated that "Though the law provides that after a detainee's appearance in court he/she should be transferred to a detention facility under the authority of the ICS to await trial, those being held by one of the Ministry of Interior's agencies are in practice often returned to that same authority." **[40f] (p152)**

5.90 The 1971 *Law on Criminal Proceedings* (as amended by the CPA) requires that detainees must be brought before an investigating judge within 24 hours. (HRW, January 2005) **[15g] (p4)** (AI, June 2004) **[28a] (p2-3)** (AI annual report 2005) **[28f] (p2&26-27)** (UNHCR COI, October 2005) **[40f] (p150)** The investigative judge can increase the period of detention by a maximum of 15 days following each review. The total period of detention, however, must not exceed six months. Authorisation for further periods of detention must then be obtained from the relevant criminal court. (HRW, January 2005) **[15g] (p20)** (AI annual report 2005) **[28f] (p2&26-27)** (UNHCR COI, October 2005) **[40f] (p150)**

5.91 'Security internees' can be held for longer periods of time. (AI annual report 2005) **[28f] (p2)** (AI, 6 March 2006) **[28i] (p9)** (UNHCR COI, October 2005) **[40f] (p151)**

5.92 Despite these guarantees detainees were often held for prolonged periods of time without charge before seeing an investigative judge. (HRW, January 2005) **[15g] (p4)** (UNHCR COI, October 2005) **[40f] (p151)**

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5.93 The UNHCR COI report, October 2005, noted that "Most are released after weeks or months without ever being charged or having their detention reviewed by a judge." **[40f] (p152)**

5.94 The AI report, dated 6 March 2006, noted that:

"Between August 2004 and November 2005 an administrative review board (the Combined Review and Release Board), composed of representatives of the MNF and the Iraqi government, examined the files of almost 22,000 internees and recommended about 12,000 for release and another 10,000 for continued detention. The vast majority of 'security internees' - that is those individuals held in connection with the on-going armed conflict who are considered by the MNF to be a threat to security - have never been tried." **[28i] (p6)**

5.95 Cases that face criminal charges are referred to the CCCI for prosecution. (UNHCR COI, October 2005) **[40f] (p155)** The MNF, stated that by the end of November 2005, the CCCI had tried 1,301 alleged insurgents. **[28i] (p6)** The UNSC report, dated 7 June 2005, added that "Despite the release of some detainees, their number continues to grow." **[38b] (p13)**

5.96 The HRW report, January 2005, noted that "One of the most common complaints made by detainees was of police officials threatening them with indefinite detention if they failed to pay them sums of money." **[15g] (p5)**

5.97 Detainees were often denied access to lawyers and family members in pre-trial detention. (HRW, January 2005) **[15g] (p5)** (UNHCR COI, October 2005) **[40f] (p151&152)** HRW were told by detainees and visiting relatives that, as exception, access to lawyers and family members was granted to those willing to pay bribes or those with high-profile connections. However, "The organization was unable to find any instances where either legal counsel or relatives of detainees were able to gain access – even through illicit means – to other detention facilities under Ministry of Interior jurisdiction, notably those located within the ministry's compound." (HRW, January 2005) **[15g] (p5-6)**

5.98 According to the USSD report "Police often failed to notify family members of the arrest or location of detention." **[2h] (p7)** An newly established Prisoners' Association for Justice (PAJ) provide legal assistance to detainees and help to families to relocate relatives who have been arrested. **[18ag]**

5.99 The HRW report, January 2005, also noted that "Conditions of pre-trial detention are poor." **[15g] (p4)** The UNHCR COI report, October 2005, noted that "Though investigative judges have the authority to undertake inspection visits in detention facilities, this is rarely the case given the current security situation and the large caseload." **[40f] (p152)**

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ARREST AND DETENTION IN THE KRG AREA

5.100 The UNHCR COI report, October 2005, continued:

"In the KRG-administered areas, cases of arbitrary arrest and detention without trial have been reported. In particular persons held by the security/intelligence agencies are at risk of detention without judicial review in accordance with the Law on Criminal Proceedings and are often held for prolonged periods of time." **[40f] (p154)**

5.101 An article by *The Washington Post*, dated 15 June 2005, reported that Kurdish forces, with backing from the US military, have allegedly secretly transferred Arab and Turkmen detainees from the Kirkuk province to prisons in Erbil and Sulaymaniyah. "…'extra-judicial detentions' were part of a 'concerted and widespread initiative' by Kurdish political parties 'to exercise authority in Kirkuk in an increasingly provocative manner.'" **[16g] (p1)** The article added that "The transfers occurred 'without authority of local courts or the knowledge of Ministries of Interior or Defense in Baghdad,'…" **[16g] (p2)**

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ARREST AND DETENTION BY THE MNF

5.102 The CPA Memorandum Number three provides for criminal detainees to be handed over to the Iraqi authorities as soon as "reasonably practicable". Nevertheless, the MNF can hold criminal detainees for security or capacity reasons at the request of the Iraqi authorities. (UNHCR COI, October 2005) **[40f] (p151)**

5.103 The memorandum states that criminal suspects held by the MNF have the right to remain silent, to consult a lawyer, to be "promptly informed" of the charges being brought against them and to be brought before a judicial authority no later than 90 day after first being detained. (AI annual report 2005) **[28f] (p2)** (UNHCR COI, October 2005) **[40f] (p151)**

5.104 The memorandum also stipulates that for 'Security internees', held in accordance with UNSC Resolution 1546, "internment will be reviewed no later than seven days after induction into the MNF internment facility after which the detention is to be periodically reviewed no later than six months from the date of induction into the internment facility." (UNHCR COI, October 2005) **[40f] (p151)** 'Security internees' can be held for up to 18 months, (12 months for juveniles), which can be extended further in special cases." (AI annual report 2005) **[28f]** (AI, 6 March 2006) **(p2) [28i] (p9)** (UNHCR COI, October 2005) **[40f] (p151)** held in accordance with UN Security Council Resolution 1546

5.105 The AI report, dated 6 March 2006, added that 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. The Memorandum also states that the 'operation, condition and standards of any internment facility established by the MNF shall be in accordance with Section IV of the Fourth Geneva Convention'." **[28i] (p7)**

5.106 Reports suggest that the MNF use extreme force against perceived suspects during house raids and arrests. MNF often destroyed or confiscated property,

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including large sums of money and jewellery. (AI, 25 July 2005) **[28c] (p4)** (UNHCR COI, October 2005) **[40f] (p154)** According to the Dutch country report, December 2004, MNF soldiers have been accused of murdering civilians during arrests. **[71c] (p50-51)**

5.107 The US military enters all the details of the detainee on a central database, ncluding theis name, date and place of arrest, place of detention and charges. (UNHCR COI, October 2005) **[40f] (p151 & 155)** However, The UNHCR COI report, October 2005, noted that "Their arrest is not registered in the central database. Accordingly, families are often not aware of their whereabouts and human rights organisations cannot monitor their treatment." **[40f] (p154)**

5.108 The AI report, dated 6 March 2006, noted that "Since the invasion of Iraq in March 2003 tens of thousands of people have been detained by foreign forces, mainly the US forces, without being charged or tried and without the right to challenge their detention before a judicial body." **[28i] (p6)**

5.109 The report also mentioned that "… among the nearly 13,900 detainees held by the MNF there were some 3,800 who had by then been held for more than one year and more than 200 who had been held for more than two years." **[28i] (p10)** A number of 'high value' internees were relesased without charge or trial in December 2005. (AI, 6 March 2006) **[28i] (p14)**

5.110 According to the *Detainee visitation rules and guidelines* issued by the US military in July 2005, security internees are not entitled to receive visits during the first 60 days of internment, including visits from legal counsel or family members. After the first 60 days of internment, internees are entitled to four visits per month by close family members or legal counsel. (AI, 6 March 2006) **[28i] (p11-12)** (UNHCR COI, October 2005) **[40f] (p151)**

5.111 The AI report, dated 6 March 2006, stated that "However, relatives have frequently reported that they were not able to conduct visits, because the detention facility was located far away and travelling long distances in Iraq is unsafe." **[28i] (p12)** The report added that "It appears that visits of security detainees by legal counsel are extremely rare. The main reason for this seems to be the belief that it is futile to seek legal counsel when the detainee will not be brought before a court of law. Former internees and lawyers alike have told Amnesty International they did not believe that a lawyer could have significantly furthered the case of a security internee." **[28i] (p12)** The report further added that "According to a former detainee at Camp Cropper, visits by relatives are generally only allowed once every three months. **[28i] (p14)**

5.112 The UNHCR COI report, October 2005, mentioned that:

"Referring to the large numbers of detainees held by the MNF in Iraq, UN Secretary General Kofi Annan said that 'one of the major human rights challenges remains the detention of thousands of persons without due process'. He mentioned that 'prolonged detention without access to lawyers and courts is prohibited under international law including during states of emergency'. The US rejected the accusations saying that all prisoners had access to due legal process and their rights under the Geneva Conventions." **[40f] (p154)**

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DEATH PENALTY

5.113 Capital punishment was suspended on 10 June 2003 by Coalition Provisional Order Number 7. **[31a]** The Iraqi government announced the reintroduction of the death penalty on 8 August 2004. Government offigials argued that it would act as a deterent which in turn would help enforce the rule of law in Iraq and ease the violence. (*The Guardian*, 9 August 2004) **[6r]** (AI annual report 2005) **[28f] (p5)**

5.114 The HRW report, January 2005, noted that the death penalty was reintroduced for a number of offences, which included "… certain crimes affecting internal state security, public safety, premeditated murder, and drug trafficking. It also introduced the death penalty for abduction." **[15g] (p17)** Government officials stated that implementation would be "very limited and only in exceptional cases." (HRW, January 2005) **[15g] (p17)**

5.115 In October 2005, the Iraqi TNA approves a new law which extended the use of the death penalty to include "those who commit... terror acts" and for "those who provoke, plan, finance and all those who enable terrorists to commit these crimes". (AP, 4 October 2005) **[65h]**

5.116 The Dutch country report, December 2004, added that "The death penalty can only be carried out after the judgement has been upheld by the Presidential Council and the Prime Minister." **[71c] (p53)** However, according to the UNHCR COI report, October 2005, President Talabani was opposed to the death penalty and allegedly did not authorise any death sentences. His his two vice-presidents, nonetheless, can sign the death sentences. **[40f] (p142)**

5.117 Three members of Ansar Al-Sunna were hanged on 1 September 2005, after being sentenced to death on 22 May [2005] by a criminal court in Al-Kut for kidnapping, rape and murdering policemen. (AI, 1 January 2006) **[28g]** (AI, 1 January 2006) **[28i]** (UNHCR COI, October 2005) **[40f] (p142)**

5.118 Following that the Iraqi authorities sentenced 13 people to death for taking part in the insurgency. The 13, who were hanged ion 9 March 2006, were the first to be executed for terrorist activities. (BBC, 9 March 2006) **[4bc]**

5.119 During 2005, at least 50 people were sentenced to death in Iraq. (UNHCR COI, October 2005) **[40f] (p142)**

5.120 The UNHCR COI report, October 2005, noted that "In the areas governed by the KRG, it is expected that the death penalty will also be imposed based on the Iraqi Penal Code. Nechirvan Barzani, the Prime Minister of the KRG in Erbil, announced that, provided a court issues a death penalty, it would be implemented on 'a large number of terrorists' that were arrested in Erbil." **[40f] (p142)**

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INTERNAL SECURITY ORGANISATIONS

IRAQ SECURITY FORCES (ISF)

5.121 The armed forces and security organisations that operated under the Saddam regime were dissolved 23 May 2003. (Europa World Online, 9 August 2005) **[1c] (Defence) (EIU 2005) [58c] (p23)** The Ministry of Interior and the Ministry of Defence now share responsibility for deomestic security. (UNHCR COI, October 2005) **[40f] (p46)**

5.122 The UNHCR COI report, October 2005 stated that "By the end of July 2005 Iraq has more than 173,900 security forces, including 94,800 forces under the control of the Ministry of Interior (this number includes unauthorized absences personnel) and 79,100 under the control of the Ministry of Defence (this number does not include unauthorized absences personnel). The stated goal is to have 272,566 ISF members." **[40f] (p47)**

5.123 Although there has been an increase in the number of ISF, most lack adequate training to deal with the security situation, in particular the insurgents. Therefore, the ISF are unable to protect Iraqi's, combat insurgents and provide security. (AI, 25 July 2005) **[28c] (p3)** (UNHCR COI, October 2005) **[40f] (p47)** (EIU 2005) **[58b] (p19-20)**

5.124 The UNHCR COI report, October 2005, nevertheless, noted that "The ISF's ability to fight the insurgency continues to grow and several areas have come under ISF responsibility such as the Adhamiya neighbourhood and Haifa Street in Baghdad and parts of Mosul. … However, other units continue to struggle with high rates of desertion, a lack of motivation to fight, corruption, and false activity and manpower reports." **[40f] (p48)**

5.125 The UNHCR COI report, October 2005, noted that:

> "Despite an intimidation campaign driven by insurgents to stop Iraqis from joining the ISF, recruitment has not been a problem and recruits continue to approach recruitment centres in large numbers. While recruits are driven by various motivations, the need for employment appears to be a major factor driving Iraqis to join the ISF, in particular because salaries for the police and army are considerably higher than the average wage." **[40f] (p48)**

5.126 The ISF are predominantly made up of Shi'as and Kurds. (AI, 25 July 2005) **[28c] (p9)** (UNHCR COI, October 2005) **[40f] (p49)** The UNHCR COI report, October 2005, noted that a number of ISF do not trust the Sunni population and were hostile towards Sunni Arabs. "At the same time, there are concerns that Kurdish and Shiite members of the ISF remain primarily loyal to their political parties and militias." **[40f] (p49)**

5.127 The same report mentioned that:

> "So far, efforts to integrate Sunnis into the ISF have met with limited success and Sunni desertion rates are particularly high. It is also reported that insurgents have infiltrated the ISF [and police], in particular in the 'Sunni triangle'. … Furthermore, the police have accepted recruits with criminal records. Only systematic vetting mechanisms could prevent this; however, the need for a large force to fight the insurgency has led to the recruitment of persons whose background was insufficiently checked. In addition, members of

the ISF often feel more loyal to their closely-knit families and tribes than to the Iraqi Government. This is a major cause of the leaks of sensitive information that can seriously undermine any counter-insurgency offensive." **[40f] (p49)**

5.128 The UNHCR guidance note, October 2005, noted that:

"Despite efforts to reform and rebuild the ISF, they are not yet capable of independently fighting the insurgency and rely heavily on the presence of the Multinational Forces (MNF). The MNF have committed to not withdraw from Iraq before the ISF are able to 'stand on their own feet'. While re-establishing security remains a priority for the Iraqi authorities, tangible improvements in security will likely require much more time and further political initiatives." **[40g] (p2)**

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IRAQI POLICE

5.129 The UNHCR COI report, October 2005, noted that "The Iraqi Police were the only security institution to remain intact after the overthrow of the former regime. However, widespread looting seriously affected police infrastructure with police stations destroyed and police vehicles, weapons and equipment stolen. **[40f] (p50)**

5.130 There were approximately 63,000 fully trained Iraq police in July 2005. (CNN, 25 July 2005) **[17d] (p1)** (CSIS, 3 February 2006) **[63f] (p75)** The joint British/Danish fact-finding mission report, October 2004, stated that "UN sources in Amman advised that the police force was not effective enough to provide security to ordinary Iraqis." **[30c] (p11)**

5.131 The UNHCR COI report, October 2005, stated that "The regular Iraqi Police are tasked with law enforcement duties and provides basic police services. However, they were also being used to fight the insurgency from the early beginning, a task the police were not often adequately trained and equipped for. The police have been particularly hard hit by insurgent attacks which in many instances led to high numbers of policemen deserting their posts. …" **[40f] (p50)**

5.132 The USSD report 2005 stated that "Members of sectarian militias dominated police units to varying degrees and in different parts of the country. Two Shi'a groups, the Badr Organization (*Al-Badr Mujahideen*, formerly the Badr Corps), and the Army of the Mahdi (*Jaish al-Mahdi*), were active within the Ministry of the Interior's (MOI) security forces, principally the police." **[2h] (p2)** The CSIS report, dated 3 February 2006 noted that "… the men from the Bader (sic) Organization tended to go into the MOI special security units and those from the Mehdi Army tended to join the police, but there were no rigid divisions." **[63f] (p75)**

5.133 The UNHCR COI report, October 2005, mentioned that

"As the Iraqi Police were never been (Sic) dissolved, they still largely consist of personnel that served under the former regime and are thought to [be] corrupt. Given the deteriorating security situation, new police officers were quickly trained and deployed, meaning that new recruits were hired without proper

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background checks and vetting procedures were not implemented. Many recruits were later found to be unsuitable for the job and several thousand had to be disciplined or dismissed for corruption, human rights violations or criminal offences." **[40f] (p50)**

5.134 The UNHCR COI report, October 2005, noted that:

"The Ministry of Interior's Special Police Forces include the Public Order battalions, the Mechanized Police Brigade (a paramilitary counterinsurgency police unit that deploys to high risk areas using light armoured personnel carriers), the Special Police Commando Battalions and the Emergency Response Unit (a specialized paramilitary police unit responsible for high-risk search, arrest and hostage-rescue and crisis response operations). By mid June 2005, 21 battalions were operational, out of which 10 were rated 'partially capable' or 'fully capable'." **[40f] (p51)**

5.135 The same report noted that:

"The Special Police Commando Battalions were set-up by the Ministry of Interior in August 2004 and consist of highly-vetted officers and rank-and-file servicemen that can be quickly deployed in counter operations. While the commandos have gained 'high praise for their aggressiveness, effectiveness, and discipline' for their operations in hotspots such as Mosul, Ramadi, Baghdad and Samarra, the force remains controversial after the emergence of allegations of excessive use of force, torture and summary executions have emerged." **[40f] (p52)**

5.136 The UNHCR COI report, October 2005, stated that:

"The Special Police Commando Battalions are made up mainly of members of the former regime's Special Forces, the Security Directorate and the Republican Guards … By July 2005, the Special Police Commando had reached over 8,000 members. It will ultimately be comprised of six full battalions. One of the best known units is the so-called Wolf … and is made up of roughly 2,000 fighters, mostly young men from Shiite Sadr City. Despite the fact that the Wolf Brigade is under the control of the Iraqi Ministry of Interior and fights alongside with MNF/ISF, it operates very autonomously. Sunni leaders accuse them of killing Sunnis, including clerics, and their aggressive methods and treatment of detainees are highly controversial." **[40f] (p52)**

5.137 The CFR report, dated 9 June 2005, stated that:

"The most feared and effective commando unit in Iraq, experts say. Formed last October by a former three-star Shiite general and SCIRI member who goes by the nom de guerre Abu Walid, the Wolf Brigade is composed of roughly 2,000 fighters, mostly young, poor Shiites from Sadr City. Members of the group reportedly earn as much as 700,000 Iraqi dinars, or $400, per month, a large sum in Iraqi terms. They dress in garb-olive uniform and red beret-redolent of Saddam Hussein's elite guard; their logo is a menacing-looking wolf." **[8a] (p2)**

5.138 The UNHCR COI report, October 2005, added that:

"Special Police Commandos that fight at the forefront against the insurgency have become notorious not only for their efficiency but also for serious human

rights violations which have been documented by numerous reliable sources and have the potential of increasing sectarian tensions. The various militias, mainly the Shiite Badr Brigade and the Mehdi Army as well as the Kurdish Peshmerga have become a major factor in providing security. While they have partly been included in the ISF, their members' loyalty to and control by the Central Government is questionable." **[40f] (p2)**

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IRAQI HIGHWAY PATROL

5.139 The UNHCR COI report, October 2005, stated that:

"The police force is complimented by the Iraqi Highway Patrol, which is in charge of providing law enforcement and security along the highways and major roadways. This is a challenging task as Iraqi highways are the scene of frequent roadside bombs, highway robbery and carjacking involving military convoys, trucks and normal cars. By July 2005, the Iraqi Highway Patrol had about 1,400 members trained and on duty. By July 2006, it should reach its total strength of 6,300 personnel. **[40f] (p50)**

BORDER ENFORCEMENT

5.140 The UNHCR COI report, October 2005, stated that:

"The Department for Border Enforcement was established by CPA Order No. 26 and is tasked to 'monitor and control the movement of persons and goods to, from, and across the borders from Iraq'. It is authorized to assume the following functions: border police, customs police, customs inspections, immigration inspections, border port of entry facilities protection, detention and deportation, coastal patrol, airport immigrations and customs processing, passport issuance and inspections and other nationality and civil affairs functions. … By July 2005, more than 15,500 members had been trained. The Department for Border Enforcement is expected to reach its full strength by August 2006 with a total of 28,360 members. Border control remains weak and Iraq suffers a high level of infiltration by insurgents groups from neighbouring countries. … According to the US Department of Defense, the effectiveness of the Border Police cadre officers and the chain of command is generally moderate to low." **[40f] (p51)**

FACILITIES PROTECTION SERVICE AND THE DIGNITARY PROTECTION SERVICE

5.141 The Facilities Protection Service and the Dignitary Protection Service also fall under the authority of the Ministry of Interior. **[40f] (p51)**

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IRAQI ARMED FORCES

5.142 The Iraq Armed Forces consists of the Iraqi Army (includeing the Iraqi Special Operations Forces, the Iraqi Intervention Forces and the former National

Guard), the Iraqi Navy (former Iraqi Coastal Defence Force), Iraqi Air Force (former Iraqi Army Air Corps)." (UNHCR COI, October 2005) **[40f] (p56)** (CIA world factbook, 10 January 2006) **[78a] (p10)**

5.143 The UNHCR COI report, October 2005, stated that "No person that was a member of the Ba'ath Party's upper ranks was allowed to join the New Iraqi Army, except with permission of the CPA." **[40f] (p55)**

5.144 The same report mentioned that "Over the past two years, the Iraqi Army has undergone a number of changes in its structure in order to better suit it to conditions on the ground. Currently all forces are assisting in putting down the insurgency in tandem with the MNF or combat advisors." **[40f] (p56)**

5.145 According to the EIU report 2005, there are an estimated 25,000 to 30,000 troops in regular forces of the Iraqi Army, who specifically focus on counter-insurgency operations. **[58b] (p20)** The same report noted that "A large portion of the National Guard, who are currently supposed to be in the process of being merged with the regular army are militias working under their respective Shia or Kurdish organisations." **[58b] (p20)**

5.146 The UNHCR COI report, October 2005, stated that "By mid June 2005 the Iraqi Armed Forces consisted of 81 battalions, out of which more than 60 army combat battalions were able to perform some role as 'partially capable' forces and more than 20 combat battalions were 'capable'." **[40f] (p56)**

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SECURITY AGENCIES

5.147 The UNHCR COI report, October 2005, mentioned that a number of State security and intellignce agencies also operated in Iraq, such as the Iraqi National Intelligence Service (INIS); the General Security Directorate; the Major Crimes Directorate and Criminal Intelligence Directorate; and the Directorate of Ministry Security and Welfare and the Internal Affairs Directorate. **[40f] (p57-58)**

SECURITY ORGINSATIONS IN THE KRG AREA

5.148 The UNHCR COI report, October 2005, noted that:

"In the three Northern Governorates of Sulaymaniyah, Erbil and Dohuk, the provision of security – including law enforcement and basic police functions – is the responsibility of the local police and the Peshmerga (the militia of the Kurdish parties) as the TAL provides for the KRG to 'retain regional control over police forces and internal security'. The Kurdish leaders have repeatedly excluded the possibility of deployment of Iraqi police or army in the Kurdish region." **[40f] (p49)**

5.149 The same report noted that:

"In the KDP-administered areas (Governorates of Erbil and Dohuk) the *Asayish* deals with domestic political and security-related matters. The head of the *Asayish* is Ismat Argushee and its headquarters is in Erbil. The *Parastin* is the

KDP's intelligence-gathering arm and concerned with both internal and external threats to Kurdish security. The *Parastin* is lead by Masrour Barzani, son of the KRG President and KDP-leader Massoud Barzani, and is located in Salaheddin. The *Asayish* is under the supervision of the *Parastin* while the latter and (sic) is said to stand outside governmental control." **[40f] (p59)**

5.150 The report also stated that:

"In the Governorate of Sulaymaniyah, the *Asayish* is charge of domestic security and the *Dazgay Zaniary* is the PUK's intelligence agency.

"The Kurdish intelligence apparatus played a significant role in arresting wanted persons from the former regime. All of these agencies deal with political or security-related cases and maintain their own detention centres. There are reports of the use of torture and the violation of rights of due process by the security and intelligence agencies in all areas of Northern Iraq." **[40f] (p59)**

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MULTI-NATIONAL FORCES IN IRAQ (MNF-I)

5.151 The DFID advised, on 2 July 2004, that:

"Iraqis control Iraq's security forces. The Multi-National Force in Iraq (MNFI) is there at the request of the Iraqi Government, under a mandate set out in UN Security Council Resolution 1546. The MNFI's principal roles are: helping to maintain security; protecting the UN; and helping to develop Iraq's own security capacity." **[59a] (p1)**

5.152 The UNHCR COI report, October 2005, noted that In July 2005, a total of 158,000 foreign troops were stationed in Iraq. **[40f] (p45)** The Dutch country report, December 2004, noted that "In addition to the US (about 138,000 troops) and the UK (about 8000 troops), thirty countries take part in the MNF." **[71c] (p22)**

5.153 The HRW world report 2006 mentioned that:

"The mandate of the MNF-I, under Security Council resolution 1546, adopted in June 2004, was scheduled for review in December 2005. The United Kingdom remains the key military and political partner to the United States in the MNF-I, retaining approximately … deployed primarily in the south-eastern governorates. Other countries with a military presence in Iraq include Poland, Italy, Ukraine, Denmark, Romania and Japan, totaling some 12,700 troops." **[15i] (p3)**

5.154 An article by the BBC dated 12 April 2005, the Associated Press dated 5 November 2004 and the Global Security.org report (accessed on 9 August 2005) noted that a number of countries have expressed their intention to pull their troops out of Iraq during 2005. **[4an] [65c] [73b] (p1)** (See also section 6A on the Security forces)

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PRIVATE SECURITY COMPANIES

5.155 The UNHCR COI report, October 2005, noted that "Tens of thousands of private security personnel supplement the military forces and provide military functions such as protecting government officials and diplomats, guarding oil pipelines and reconstruction projects, training the ISF, and working on consultancy and technical support." **[40f] (p45)**

5.156 The same report noted that "In short, private security contractors have little or no legal accountability, making them especially feared and unpopular with the Iraqi population. Private security contractors were allegedly involved in the Abu Ghraib prison scandal, where they were involved in interrogating prisoners, although to date no criminal charges have been brought against the contractors." **[40f] (p45)**

5.157 The report also mentioned that "Estimates of the number of foreign private security personnel operating in Iraq range from 15,000 - 20,000 making them the second largest foreign force in Iraq." **[40f] (p45-46)**

5.158 The same report noted that "Given their vague status, private security contractors are often found on the front lines. A considerable number of private security contractors have been kidnapped and killed by insurgents, who consider them on par with foreign troops. There have also been reports of private security contractors being killed, arrested and tortured by the MNF." **[40f] (p46)**

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PRISONS AND PRISON CONDITIONS

5.159 The UNHCR COI report, October 2005, noted that:

"Iraq's prison system is twofold. One the one hand, detainees are held by the Iraqi authorities (including the Kurdish authorities); on the other hand the MNF is authorized by UN Security Council Resolution 1546 to carry out activities 'necessary to counter ongoing security threats posed by forces seeking to influence Iraq's political future through violence', including the 'internment' of members of these forces 'where it is necessary for imperative reasons of security'. Persons arrested by the MNF should therefore, as a rule, be transferred to the Iraqi prison system. On an exceptional basis, provided there are 'imperative reasons for security', a person could also remain detained by the MNF." **[40f] (p52)**

5.160 The USSD report 2005 stated that "There were reportedly approximately 450 official detention centers; some were operated by the MOI, and some by the MOD. Additionally, there were reports of many unofficial detention centers throughout the country." **[2h] (p4)**

5.161 The Dutch report on Iraq dated June 2004 stated that "CPA Order 10 transferred the management of detention and prison facilities to the Ministry of Justice." **[71b]** The UNHCR COI report, October 2005, noted that:

*"CPA Memorandum No. 2*1023 sets out basic standards for the operation of all detention and prison facilities, including conditions of detention, medical services, discipline and punishment, complaints by prisoners and inspection of facilities. However, these standards only apply to the prison system that falls under the authority of the Iraqi Ministry of Justice." **[40f] (p151)**

5.162 The regulations state that male and female prisoners and detainees should be held separately. They also protect the right to food and drink, educational facilities and working conditions, as well as the right to receive visits, the right to complain and the tight to practise a faith. (Dutch country report, December 2004) **[71b]**

5.163 However, the regulations only apply to prisons under the control of the Ministry of Justice. They do not apply to prisons under the control of the Ministry of Interior or the MNF. (UNHCR COI, October 2005) **[40f] (p53 & 151)**

5.164 Nevertheless, according to IRIN news, on 20 February 2006, "Beside common allegations of mistreatment and abuse, conditions inside many Iraqi prisons are reportedly sub-standard." **[18ag]** Overcrowding, poor hygiene, lack of medical care, inadequate buildings, juveniles held with adult detainees, and torture were some of the problems reported. (HRW, January 2005) **[15g] (p42)** (UNHCR COI, October 2005) **[40f] (p153)**

5.165 Although prison conditions often do not meet international standards, they have reportedly improved considerably. (IRIN, 6 July 2004) **[18s]** (UNHCR COI, October 2005) **[40f] (p153)** For example, a new prison called Al-Mina was built in Basra to ease overcrowding at the nearby al-Ma'aqal jail. Al-Mina prison, which has a total capacity for 600 inmates, has running water, electrical and sewage facilities. (IRIN, 6 July 2004) **[18s]**

5.166 The AI report dated, 6 March 2006, noted that "As indicated earlier, CPA Memorandum No 3 in principle grants the ICRC access to MNF-held detainees at locations throughout the country. In practice, however, the ICRC has been able to visit only a limited number of larger detention facilities, mostly due to security considerations." **[28i] (p12)**

5.167 The report added that "… in many locations of detention under MNF control, no independent body is currently able to monitor the treatment of detainees held by the MNF." **[28i] (p12)**

5.168 Nevertheless, reports stated thaht the ICRC regularly visited prisons and detention facilities that were run by both the Iraqi authorities and the MNF. The visits are made in order to "monitor conditions of detention and treatment of detainees." UNHCR COI, October 2005) **[40f] (p53 & 153)** (ICRC, 2004) **[43a]** (ICRC, 31 December 2004) **[43b]**

5.169 The AI report dated 6 March 2006 "According to the UK authorities, the ICRC has 'full and unrestricted access' to its detention facilities in Iraq and the ICRC has described conditions of internment as 'generally good'." **[28i] (p12**) It also

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mentioned that "The Iraqi Human Rights Ministry is conducting periodic visits to detention facilities under the control of the MNF." **[28i] (p12)**

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IRAQI RUN PRISONS AND DETENTION FACILITIES

5.170 The UNHCR COI report, October 2005, stated that "The Iraqi Correctional Service (ICS), which falls under the authority of the Ministry of Justice, is in charge of providing prison security and ensuring the welfare and security of prisoners and detainees." **[40f] (p53)** The USSD report 2005 noted that "In the government's official civilian penal system, the ICS prisons, conditions significantly improved during the year. Most ICS facilities met most international penal standards, although none met all. However, other detention systems existed about which little was known." **[2h] (p5)**

5.171 The same report noted that:

"In addition to the official prisons, the Ministry of Interior (in particular the Major Crimes Directorate, the Criminal Intelligence Directorate, the Directorate of Ministry Security and Welfare and the Internal Affairs Directorate) runs a number of unofficial detention facilities outside the control of the Ministry of Justice. There have been numerous reports on serious human rights violations in these facilities, including the widespread use of torture." **[40f] (p53)**

5.172 The HRW report, January 2005, added that "Detainees reported receiving little or no food or water for several days at a stretch, and being held in severely overcrowded cells with no room for lying down to sleep, without air conditioning, and in unhygienic conditions." **[15g] (p4)** (See also section 6A on Torture and ill-treatment)

5.173 The USSD report 2005 mentioned that "Throughout the year ICS officials implemented procedures for the screening of all persons taken into ICS custody from the police, courts, or any other entity as soon as reasonably possible for injuries or signs of abuse. Medical staff examined and documented the results in the person's medical record." **[2h] (p5)**

5.174 The prison population at April 2004 was approximately 15,000, including pre-trial detainees, of which 7,000 were in the custody of the Ministry of Justice. (International Centre for Prison Studies, 4 February 2006) **[45a]** The USSD report 2005 added that "Overall detainee numbers increased due to mass arrests carried out during security and military operations. … ICS operated 11 prisons and pretrial detention facilities, and Kurdish authorities operated 7. Renovation and construction on an additional 3 facilities, totaling 4,200 beds, continued at year's end." **[2h] (p5)**

5.175 The HRW report, January 2005 explained that the law provides for the right of child detainees to be held separately from adults and that "in areas where separate detention facilities are not available, measures must be taken to prevent children from mixing with adult detainees." **[15g] (p62)** However, "Human Rights Watch continues to receive reports of children being held together with adults in detention facilities under the jurisdiction of the Ministry of Interior. The

children include both criminal suspects and others suspected of having taken part in clashes against government forces ….” **[15g] (p62)** (See also section 5 on Arrest and detention)

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PRISONS IN THE KRG AREA

5.176 The UNHCR COI report, October 2005, noted that:

“In Northern Iraq with its two distinct judicial systems, there are separate prison and detention facilties in the KDP-administered area and the PUK-administered area.

“The regular prisons in the Governorates of Erbil and Dohuk are under the oversight of the Ministry of Justice and administered by the Ministry of Interior. The main regular prison is called Mohata, located in Erbil, and has separate sections for men and women. In the Governorate of Sulaymaniyah, the prison and detention centres are under the authority of the Ministry of Interior and are run by the police forces. The major prison complex is called Ma’askar Salam and is located west of Sulaymaniyah. In both areas, there are distinct institutions for juvenile offenders.” **[40f] (p53-54)**

5.177 The report also mentioned that:

“In addition, the Kurdish security (Asayish) and intelligence (KDP: Parastin, PUK: Dazgay Zaniary) agencies run special detention facilties which are not under the control of the authorities but rather of political parties (the KDP and PUK respectively). These detention facilties (mainly known are the Akre Prison, run by the Asayish and the Salaheddin Prison run by the Parastin in the Governorate of Erbil as well as the Dazgay Zaniary Prison in Qalachwalan, with others in secret locations) hold political and security cases (e.g. suspected members of Islamic groups, PKK members and critics of the ruling parties). It is reported that the rules of due process are systematically violated in these unofficial detention facilities. Human rights organizations and the ICRC have access to the Akre, the Mohata and the Ma’askar Salam prisons, while detention facilities run by the Parastin and the Dazgay Zaniary are apparently off limits to international observers.” **[40f] (p53-54)** (See also section 6A of Torture and ill-treatment in the KRG area)

5.178 The USSD report 2005 noted that “Standards in the KRG facilities were similar to ICS standards.” **[2h] (p5)** However, Kurdish forces, in the knowledge of the US military, reportedly illegally transferred Arab and Turkmen detainees to prisons in the KRG area. (*The Washington Post*, 15 June 2005) **[16g] (p1)** The USSD report 2005 added that the prisones were allegedly moved because of a lack of jail space in the Kirkuk Province. **[2h] (p3)**

5.179 The *Washington Post* stated in an article, dated 20 August 2005, that “Widespread abductions have instilled fear across northern Iraq and led families on a desperate search for relatives who disappear into a maze of prisons in Kurdistan, the semiautonomous region controlled by the two Kurdish parties.” **[16f] (p3)**

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5.180 The same article noted that "'The Kurds are holding detainees at prisons in Irbil, Sulaymaniyah, Dahuk, Akrah and Shaklawa, according to human rights activists, political leaders and released detainees." **[16f] (p4)** (See also section 5 on Arrest and detention in the KRG area)

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MNF-RUN PRISONS AND DETENTION FACILITIES

5.181 The UNHCR COI report, October 2005, stated that "On the basis of UN Security Council Resolution 1546, the MNF are authorized to intern persons on compelling security grounds." **[40f] (p54)** The MNF were holding more than 14,000 security detainees distributed over the four main US controlled prisons. (RFE/RL, 16 February 2006) **[22l]** (AI, 6 March 2006) **[28i] (p6-7)**

5.182 The UNHCR COI report, October 2005, reported that many of the detainees held by the US military were held for "… prolonged periods of time and without judicial review of their detention …." **[40f] (p54)** The report added that most of the 'security detainees' held by the US military were Sunnis. **[40f] (p54-55)** The AI report, dated 6 March 2006, stated that "Most 'security internees' are held at four detention facilities under US control… ." **[28i] (p6)**

5.183 The US detentions centres are 'Camp Bucca' in the southern city of Umm Qasr (7,365 detainees), 'Camp Redemption' at Abu Ghraib Prison (4,710 detainees) and 'Camp Cropper' near Baghdad's International Airport, (138 'high-value' detainees) and Fort Suse (1,176 detainees. (AI, 6 March 2006) **[28i] (p6-7)** (UNHCR COI, October 2005) **[40f] (p54-55)**

5.184 The AI report, dated 6 March 2006 stated that "In addition, US forces hold detainees temporarily in various brigade and division internment facilities throughout the country. A small number of 'security internees' are held in the custody of UK forces at the detention facility of Shu'aiba Camp, near Basra. According to the UK's Foreign and Commonwealth Office, at the end of October 2005, the UK forces held 33 security internees, none of whom were women or children, in their detention facility at al-Shu'aiba." **[28i] (p6)**

5.185 The UNHCR COI report mentioned that "…the high number of detainees has overcrowded facilities and delayed the reviewing process, seriously undermining detainees' rights of due process. … Crowded conditions and more difficult inmates also increase the risk of prison violence. Camp Bucca and Abu Ghraib have experienced several prison riots." **[40f] (p54-55)**

5.186 Despite this, the FCO human rights report 2005 noted that "Detainees are made as comfortable as possible. They are free to practice their religion, have three hot meals a day, access to recreation areas and medical facilities are available. Detention facilities are open to ICRC and Iraqi Ministry of Human Rights inspection." **[66j] (p63)** (See also section 6A of Torture and ill-treatment by the MNF)

5.187 The *Washington Post* stated, on 21 January 2005 that:

"Soldiers who guard detainees now work under strict guidelines. … The military has also overhauled all of its detention facilities since the scandal, which highlighted the poor living conditions of both the detainees and the soldiers. Prisoners at Abu Ghraib now live in heated tents with electricity and have access to showers and to cold water in the summer. They also have extensive medical and dental care." **[16e]**

5.188 The FCO human rights report 2005 stated that "There are no dedicated UK or US detention facilities for women or juveniles. Women and juveniles at US detention facilities are segregated from adult males unless they are members of the same family." **[66j] (p63)** "The UK does not hold any women or individuals under the age of 18." **[66j] (p63)**

5.189 The AI report, dated 6 March 2006, mentioned that:

"At the end of September 2005 there were about 200 juveniles held by the MNF who were scheduled to be transferred shortly to the jurisdiction of the Iraqi Ministry of Labour and Social Affairs. The newspaper *al-Sharq al-Awsat* reported in December 2005 that the Iraqi Judicial Council had appointed a judge to deal specifically with cases of detained juveniles held by the MNF." **[28i] (p14)**

5.190 The same report noted that "The US has held an unknown number of persons detained in Iraq without any contact with the outside world in violation of international standards. These so called 'ghost detainees' were largely hidden to prevent the ICRC from visiting them." **[28i] (p13)** The UNHCR COI report, October 2005, noted that "US Defense Secretary Donald Rumsfeld admitted in 2004 that he had ordered the secret detention of a senior Ansar Al-Islam member without listing him in the database." **[40f] (p155)**

5.191 The report continued:

"The practice of holding detainees in secret, with no contact with the outside world, places the person outside the protection of the law, denying them important safeguards and leaving them vulnerable to torture and ill-treatment. They have no access to lawyers, families or doctors. They are often kept in prolonged arbitrary detention without charge or trial. They are unable to challenge their arrest or detention, whose lawfulness is not assessed by any judge or similar authority. Their treatment and conditions are not monitored by any independent body, national or international. The secrecy of their detention allows the concealment of any further human rights violations they suffer, including torture or ill-treatment, and allows governments to evade accountability." **[28i] (p13)**

5.192 The same report noted that "There are indications that persons detained in Iraq have secretly been transferred outside Iraq for interrogation by the CIA." **[28i] (p13)** "… as part of their cooperation with Iraqi government forces, the MNF continued to hand over some of those whom its forces detained into the custody of Iraqi forces, despite the obvious risks to which this must expose such prisoners." **[28i] (p3)** (See also section 5 on Arrest and detention by the MNF)

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MILITARY SERVICE

5.193 The Europa regional survey 2005 stated that "Prior to the commencement of the US-led campaign to oust the regime of Saddam Hussain in March 2003, military service was compulsory for all men at the age of 18 years." **[1a] (p537)** However, the, noted that the CPA order specified that the minimum age of recruitment was 18 and that recruitment was voluntary. (Coalition to Stop the Use of Child Soldiers, 2004) **[42a]** (Dutch country report, December 2004.) **[71c] (p56)**

5.194 The Dutch country report, December 2004, stated that "After joining the armed forces, recruits must abandon any political activity and refrain from making any political statements. There are recruitment offices in almost all Iraqi towns and cities and Iraqis can enlist there for the new Iraqi army." **[71c] (p56)**

5.195 There were reports of desertion and absentees from the ISF following an increase in insurgent attacks targeting the ISF. (UNHCR COI report October 2005) **[40f] (p48)** (*The Daily Telegraph*, 25 April 2005) **[48a]** (Dutch country report, December 2004) **[71c] (p56)**

5.196 The UNHCR COI report, October 2005, stated that:

> "US Deputy Defence Secretary Paul Wolfowitz told Congress on 3 February 2005 that Iraqi units, on average, have absentee rates of about 40 percent. In several instances, ISF members fled their units, e.g. in Fallujah or Mosul in November 2004, making it necessary to rebuild forces from scratch. Absentee and desertion rates remain at a high level, though they are significantly lower (below 10 percent) among the Special Police Commandos." **[40f] (p48)**

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MEDICAL SERVICES

5.197 Article 31(1) of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

5.198 Under-investment and poor management in health, coupled with years of conflict and sanctions, has contributed to the deteriation of the health care system. (World Health Organisation (WHO), June 2005) **[23b] (p12)** (UNHCR COI, October 2005) **[40f] (p100-101)** Medicine for Peace (MFP), 7 February 2006) **[90a] (p5-7)** A News24 article, dated 20 February 2005, dscribes the situation in Baghdad's hospitals as "nearing breaking point". **[52b]** (EIU 2005) **[58c] (p30-31)**

5.199 The health care system in Iraq continued to encounter a shoratage of staff, equipment and medicines as well as a sporadic electricity and water supply.

(Dahr Jamail, June 2005) **[12a] (p3)** (IRIN, 20 February 2005) **[18n] (p2)** (UNHCR COI, October 2005) **[40f] (p100-101)** News24, 20 February 2005) **[52b]** The UNHCR COI report, October 2005, noted that "According to the Ministry of Health, all hospital buildings and almost 90 percent of health centres require repair or total reconstruction." **[40f] (p102)** (EIU 2005) **[58c] (p30-31)**

5.200 The UNCHR COI report, October 2005, stated that "Accordingly, maternal and infant mortality and malnutrition continue to be major problems (nearly a quarter of Iraq's children suffer from chronic malnutrition. Certain previously well-controlled illnesses such as diarrhoea, acute respiratory infections and typhoid have recurred, and malaria, cholera and leishmaniasis are endemic in several parts of the country." **[40f] (p100)**

5.201 The UHNCR COI report stated that "Hospitals usually support both in-patient and out-patient pharmacies and provide medicine free of charge or at minimal cost." **[40f] (p103)** However, its availability was limited by the lack of resources and general country situation. (IRIN, 25 February 2006) **[18n] (p2)** (UNHCR COI, October 2005) **[40f] (p100-101)** (MFP, 7 February 2006) **[90a] (p5-7)**

5.202 The UNHCR COI report, October 2005, stated that "Consequently, patients are requested to buy medicines from pharmacies outside the hospital where costs are generally high. In a country where the economy is still reeling from war and years of sanctions, the prices of medicine are too high for many Iraqis, in particular when it comes to chronic diseases or special treatment." **[40f] (p103)** The health care system lacks specialist treatment such as such as dialysis, adult and paediatric medical oncology and radiation oncology. **[90a] (p10)**

5.203 The MFP survey of Baghdad hospitals showed that "Specific essential disposable medical supplies, including sterile needles, i.v. tubing, cannulas, and --in hospitals with active surgical services-- sterile gloves, masks, antiseptics and soap, are in short supply in a number of hospitals." **[90a] (p13)** An IRIN news article, dated 15 February 2005, also noted that "… simple medications such as pain killers and antibiotics are unavailable…" **[18n] (p2)**

5.204 The UNHCR COI report, October 2005, stated that "Stolen and smuggled medicine usually finds its way to the black market where it is sold cheaper than in private pharmacies, but may have negative affects on people's health as it is often sold without prescription, may be expired or may have been wrongly stored." **[40f] (p104)**

5.205 The same report added that "In the South, shortages of medicines such as antibiotics, intravenous painkillers, fluids and syringes continue to be a matter of concern. A shortage of medicine is also a major concern in the Northern Governorates." **[40f] (p104)**

5.206 The report also mentioned that "Hepatitis C is very common, and according to the WHO no vaccine is currently available while treatment remains too expensive for most people in developing countries. Tuberculosis, another airborne disease, has been on the increase in the Governorate of Missan after it had been largely under control for more than 50 years." **[40f] (p100-101)**

5.207 The MFP survey noted that "Most medical and surgical sub-specialty services are available in the health care system in Baghdad, but a number have serious deficiencies. There are inadequate surgical support services (insufficient

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anesthesia, competent anesthetists, operating room nurses, and shortages of antibiotics for surgical procedures) …" **[90a] (p4)**

5.208 The same survey reported that most hospitals were unclean and unhygienic and lacked an infection control programme. **[90a] (p13)** However, an article by IRIN news, dated 4 February 2005, reported that the health system was improving in southern Iraq. **[18o]**

5.209 The UNHCR COI report, October 2005, stated that "Continuing insecurity and lawlessness constrain access to health facilities, and fighting causes large numbers of casualties and destroys or damages of health infrastructure, overwhelming the already strained system. The MNF have been accused of hindering medical care in areas of combat." **[40f] (p101)**

5.210 According to the Iraq Living Conditions Survey (ILCS) 2004, access to health care differs greatly between urnan and rural areas. Whereas "… 95 percent of the Iraqi population has less than 60 minutes travel time to the nearest hospital, and 89 percent lives less than 30 minutes from the closest health care centre. … In rural areas, 14 percent must travel more than one hour to get to the nearest hospital, and 36 percent must travel more than half an hour to get to the nearest health centre or physician." **[81a] (p90)**

5.211 A report by Dahr Jamail dated June 2005 noted that "International aid has been in short supply due primarily to the horrendous security situation in Iraq. After the UN headquarters was bombed in Baghdad in August 2003, killing 20 people, aid agencies and non-governmental organizations either reduced their staffing or pulled out entirely." **[12a] (p4)** IRIN news reported, on 15 February 2005, that "…many foreign companies which started working in hospitals had pulled out and new equipment promised had not reached them." **[18n] (p2)**

5.212 The WHO report, June 2005, noted that:

"The Private Health sector is strong powerful and has the capacity to supplement the weakness of the public sector especially in curative services. A high number of private clinics are distributed nationwide. In addition there are private hospitals run by specialists mostly located in Baghdad and to a lesser extent in the centers of provinces. Those clinics, in addition to its curative duties, handle a system of distribution of drugs to patients with a long list of chronic diseases through subsidized prices." **[23b] (p15)**

5.213 Doctors in Iraq have faced pressure to emigrate, targeted harassment, violent attacks, abductions and even assinations. (IWPR, 12 July 2005) **[11n]** (HRW world report 2006) **[15i] (p2)** (HRW, 3 October 2005) **[15j] (p91)** (AI, 25 July 2005) **[28c] (p12)** (UNHCR COI, October 2005) **[40f] (p15)** The HRW report, dated 3 October 2005, stated that "According to a study by the Iraqi Ministry of Health concluded in April 2005, criminal gangs have abducted between 160 and 300 Iraqi doctors since April 2003, and killed more than twenty-five." **[15j] (p18)** (See also section 6B on Perceived collaborators to the MNF and/or Iraqi authorities)

5.214 Dahr Jamail's report, dated June 2005, noted that Iraq also has to cope with a brain-drain with doctors emigrating to other countries. **[12a] (p26)** The HRW report, dated 3 October 2005, noted that "Nearly 1,000 doctors have fled the country, with an average of thirty more following each month." **[15j] (p18)** The same report stated that "To stem the outflow, the ministry broadcast a public

service announcement on television in spring 2005, with a message that said: 'Dear Citizens, please do not kill doctors—you may need them one day.' In May 2005, the Interior Ministry gave doctors the right to carry a weapon for self-defense." **[15j] (p91)**

5.215 An article by IRIN news, dated 4 February 2005, reported that the health system was improving in southern Iraq. "According to medical staff in the area, the working environment has been improved and conditions are now better than during the Saddam regime. **[18o]**

5.216 A report by the WHO, dated 18 July 2005, stated that since 2004, in collaboration with the Ministry of Health, WHO "…has offered public health training to more than 5000 professionals, supported polio vaccination campaigns for some 5 million children and is rehabilitating over 300 health care facilities in Iraq." **[23d] (p1)**

5.217 The FCO stated in a letter, dated 10 October 2005, that "Healthcare spending in Iraq is up more then 30 times on pre-war level. Over 5 million children have received life saving vaccinations. Over 140 healthcare facilities have been completed and one major hospital is under construction. 240 hospitals and 1,200 primary health centres in Iraq are functioning while 20 more hospitals being rehabilitated." **[66m] (p2)**

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MENTAL HEALTH CARE

5.218 As stated by an Iraqi medical student in a report by Medact dated 26 July 2005 "The mental health service is the worst service in the healthcare system in Iraq." **[10a] (p5)** An article in, reported that the number of people suffering with mental health illnesses in Baghdad has risen since the war started. (*The Daily Telegraph*, 24 January 2006) **[48c]** *The Daily Telegraph* mentioned on 24 January 2006, that "There are no official figures for the total number being treated for mental health problems in Iraq today but a study by one expert concluded that as many as 90 per cent of Iraqis were suffering from a mental health condition." **[48c]**

5.219 The MFP report, dated 7 February 2005 stated that "The absence of acute psychiatric services, and consulting services in all hospitals surveyed, and the general lack of knowledge of psychiatric aspects of medical illness is a serious problem in a society that has endured years of political oppression, and suffers from high levels of poverty and violence." **[90a] (p4)**

5.220 There is a lack of qualified professionals within the mental health care system. (UNHCR COI, October 2005) **[40f] (p104)** A report by the Substance Abuse and Mental Health Services Administration (SAMHSA), dated January/February 2005, stated that "An initial tally of mental health staff in Iraq – a country with a population of roughly 25 million – produced just 154 psychiatrists, 20 clinical psychologists (of whom only 3 had appropriate training), 25 social workers (none of whom were trained in mental health), and 45 nurses (also not properly trained in mental health)." **[9a] (p2)**

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5.221 The UNHCR COI report, October 2005, stated that "The Ministry of Health reported that there are about nine psychiatric clinics (both specialized psychiatric hospitals as well as psychiatric units in general hospitals) and two psychiatric units in the two Teaching Hospitals in Baghdad. **[40f] (p104-105)** The MFP report, dated 7 February 2005 mentioned that "Clinical psychiatry is centered at two institutions: the old city asylum, Al Rashad, and a small hospital for acute patients, Ibn Rushd. Both buildings are old, worn structures that were extensively looted in April 2003. Ibn Rushd underwent considerable reconstruction." **[90a] (p11)** Psychiatric services can also be found in other governorates of Iraq. (UNHCR COI, October 2005) **[40f] (p104-105)**

5.222 There is a lack of drugs to treat the most severe case of mental health illnesses, therefore services in the psychiatric clinics are often "…basic and involve only physical treatment (pharmacotherapy and ECT)." (UNHCR COI, October 2005) **[40f] (p104-105)** (*The Daily Telegraph*, 24 January 2006) **[48c]** There were reports that no food or medicine was given to patients at Baghdad's only remaining psychiatric hospital, Ibn al-Rushud. (BBC. 12 August 2005) **[4e]**

5.223 The UNHCR COI report, October 2005, noted that "Psychological and psycho-social support and counselling are rarely available … "**[40f] (p105)** The SAMHSA report, dated May/June 2005, noted that "The intense stigma attached to mental disorders and the lack of rehabilitation and government support make families reluctant to take back patients even once they've stabilized. Some of the psychiatrists at the hospital are ashamed to admit where they work." **[9b] (p1)**

5.224 The BBC article, dated 12 August 2005, added that "A national commission for mental health services has been appointed, and is working with Britain's Royal College of Psychiatrists. Training programmes are being organised, and small numbers of future mental health practitioners are being trained in Jordan and the UK." **[4e]**

5.225 A number of mental health care units are being construted or improved as provided for in by the Iraqi Ministry of Health's Mental Health Programme. **[23c] (p3)** The UNHCR COI report, October 2005, also noted hat "There are efforts by the Ministry of Health to expand such services, e.g. by training school teachers to identify children that show psycho-social disturbances. In Dohuk, a psychosocial centre for traumatized children is run by an NGO. In addition, there are private psychiatric services for both physical and psychological therapies." **[40f] (p104-105)**

5.226 The same report noted that "For women suffering from domestic violence, women's shelters in Erbil, Sulaymaniyah, Kirkuk and Baghdad offer psychological counselling, however, their capacities are limited and access to these centres may in practice be restricted for a number of social and familiar reasons." **[40f] (p104-105)** However, Dr Majid al-Yassiri, chairman of the London-based Centre for Psychosocial Services in Iraq, stated that female patients were subjected to rape. (BBC, 12 August 2005) **[4e]**

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HIV/AIDS

5.227 Reports suggest that Iraq has 72 people registered as living with HIV/AIDS. (IRIN, 20 July 2005) **[18aa] (p1)** (UNHCR COI, October 2005) **[40f] (p103)** Though further reports indicate that there has been an increase in the number of registered cases over the last few months. (IRIN, 19 January 2006) **[18ad]** IRIN news stated, on 19 January 2005, that "… the real figure could be higher as many people may not come forward to seek help due to their fear of discrimination. The disease remains a taboo subject in Iraq." **[18aa] (p1)**

5.228 HIV/AIDS patients receive free medication at the AIDS Research Centre in Baghdad, yet officials from the centre have reported a shortage of treatment because the Ministry of Health has failed to replenish their stocks for months. (IRIN, 7 April 2005) **[18y] (p1)** (IRIN, 19 January 2006) **[18ad]** (UNHCR COI, October 2005) **[40f] (p103)**

5.229 Patients under treatment also receive anti-retro viral treatment, supplied by the Minisry of Health through support from the WHO), as well as information and US $50 monthly for extra expenses. (IRIN, 20 July 2005) **[18aa] (p1)** (IRIN, 19 January 2006) **[18ad]** In spite of this medical staff claim that this is not enough to cover the cost of the medicines. (IRIN, 7 April 2005) **[18y] (p1)** (UNHCR COI, October 2005) **[40f] (p103)** The IRIN news article, dated 20 July 2005, mentioned that "The MoH also gives an extra $200 per person for general expenses approximately three times a year." (IRIN, 7 April 2005) **[18y] (p1)** (UNHCR COI, October 2005) **[40f] (p103)**

5.230 The 2004 update of the joint report by UNAIDS, UNICEF and WHO noted that:

> "The system of reporting and screening of HIV was tightly monitored by the health authorities. HIV screening was performed at border checkpoints for both Iraqis and non-Iraqis entering the country. Gypsies, who are involved in [the] entertainment business, are also considered to be at potential risk and were tested. Other groups who were tested included STD patients, prostitutes (arrested by the authorities), night club workers, blood recipients, prisoners, patients with TB, patients with hepatitis B or C, sex contacts of AIDS patients, blood donors, pregnant women, health workers and couples before marriage." **[27b] (p2)**

5.231 An article by IRIN news, dated 19 January 2006, stated that "By law, every person who enters Iraq must be tested for HIV. If this is not possible, enterants have a week to receive free testing at any of the ARC's 17 laboratories located throughout the country. Anyone who does not comply can be subject to deportation. … more than 15 foreigners who tested possitive for the HIV virus have been deported so far." **[18ad]**

5.232 The same article noted that "The Iraqi Organisation for Sexual Health and Sexually Transmitted Diseases (IOSH & STD), local NGO, has already launched programmes aimed at educating young people through the media. The organisation has also presented lectures explaining the importance of prevention from an Islamic perspective." **[18ad]** It also stated that "The government is taking the trend seriously. This is reflected by the fact that many Iraqi Sharia courts require medical reports proving that both parties are HIV negative before marriage certificates can be presented." **[18ad]**

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PEOPLE WITH DISABILITIES

5.233 Article 32 of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

5.234 The USSD report 2005 added that ""The law prohibits discrimination against persons with physical disabilities. The government enforced the law in the government but not in the private sector." **[2h] (p20)** The same report noted that "…there were 33 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes." **[2h] (p20)**

5.235 Nevertheless, the UNHCR COI report, October 2005, noted that:

> "In addition to the general dire state of the health system, rehabilitation and reintegration of persons with disabilities, including mine victims, is hampered by the following factors: shortage of raw materials for prosthetic and orthotic manufacturing workshops, a lack of rehabilitation equipment and aids such as wheelchairs and crutches, a lack of transport to existing facilities, a lack of psychosocial support programmes, insufficient knowledge, training and skill among rehabilitation specialists and a lack of vocational training programmes and income generation opportunities." **[40f] (p74)**

5.236 The USSD report 2005 noted that "MOLSA [Ministry of Labor and Social Affairs] operated several institutions for the education of children and young adults with disabilities." **[2h] (p20)** The same report stated that "The government provided benefits for many thousands of veterans with disabilities, many of whom supplemented their benefits with some employment." **[2h] (p20)**

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EDUCATIONAL SYSTEM

5.237 Article 34 of the Consitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

5.238 The USSD report 2005 stated that "The net enrollment of primary school-aged children was 79 percent--83 percent for boys and 74 percent for girls. The percentage of children enrolled in primary schools was much lower in rural areas, particularly for girls, whose enrollment was approximately 60 percent. Overall enrollment in school of those ages 6 to 24 is 55 percent." **[2h] (p19)**

5.239 An IRIN article, dated 20 May 2005, stated that "It is estimated that half of children do not go on to secondary school. In rural areas the numbers are even higher. Up to half of girls never attend school, according to the Ministry of Education (MoE)." **[18d]**

5.240 The ILCS 2004 noted that "The youth (aged 15-24) literacy rate in Iraq is 74 percent, and the adult literacy rate is 65 percent. … The gender gap in literacy is also large, with only 56 percent of women being literate compared to 74 percent of men." **[81a] (p91)**

5.241 The quality of education is Iraq has deteriated since 2003. (IRIN, 15 October 2005) **[18n]** (IRIN, 22 June 2005) **[18u]** (IRIN, 10 August 2005) **[18x] (p1)** (UNICEF, 15 October 2004) **[27a]** UNHCR COI, October 2005) **[40f] (p106)** School buildings were in a poor state with inadequate repair work, as well as a lack of books, computers, desks, chairs and even classrooms. (IRIN, 15 October 2005) **[18n]** UNICEF, 15 October 2004) **[27a]** The UNHCR COI report, October 2005, added that:

"… one-third of all primary schools in Iraq lack a water supply, almost one-fourth have no electricity and almost half are without sanitation facilities. It further reveals that out of 11,368 school buildings, only 1,271 sustained no damage, whereas 529 were completely destroyed and more than 9,500 need minor or major rehabilitation. In the Northern Governorates of Dohuk, Erbil and Sulaymaniyah, there are no schools that do not need rehabilitation and Sulaymaniyah has the highest rate of completely destroyed school buildings (171 out of 1,381 school buildings)." **[40f] (p106)**

5.242 The same report added that "Iraq has 2,753 secondary schools, of which 36 are completely destroyed and 2,408 need minor or major rehabilitation. Again, the three Northern Governorates as well as the Governorate of Najaf do not have one school building that does not require rehabilitation. Half of the school buildings have no functioning latrines, one fifth has no electricity and sufficient water is available in only half of them." **[40f] (p106)**

5.243 IRIN news further noted, on 10 August 2005, that "A deteriorating security situation in Iraq has caused parents to fear for students going to school, and also increased teachers' concern for their own safety… ." **[18x] (p1)** IRIN also noted, on 5 March 2006, that "… 64 children were killed and 57 injured in a total of 417 attacks on educational institutions since November 2005. Additionally, more than 47 youngsters were kidnapped on their way to or from school for the same period." **[18aj]**

5.244 A number of teachers and professors have fled Iraq following the conflict. (IRIN, 22 June 2005) **[18u]** Teachers and professors have been targeted by insurgents and have faced daily threats, violenct attacks, kidnapping and a number have also been killed. (HRW, 3 October 2005) **[15j] (p91)** (IRIN, 22 June 2005) **[18u]** (IRIN, 5 March 2006) **[18aj]** An IRIN news article, dated 5 March 2006, stated that "… 311 teachers and government employees had been killed and another 158 wounded in attacks." **[18aj]** (See also section 6B on Perceived collaborators to the MNF and/or Iraqi authorities)

5.245 The UNHCR COI report, October 2005, noted that "In an effort to improve the education system and encourage academics to return to Iraq, the Ministry of

Higher Education has announced that salaries of university lecturers will be increased by July 2005." **[40f] (p107-108)**

5.246 The UNHCR COI report, October 2005, noted that:

"Iraq has 20 universities, 47 technical colleges and 10 private institutes offering courses in information technology, administration and economy, and used to enjoy a high reputation in the Arab world. However, after years of wars and economic sanctions, Iraq's universities and institutes are suffering from neglected infrastructure and a lack of experienced professionals, equipment and laboratories." **[40f] (p107)**

5.247 Over 80 percent of Iraq's higher education facilities have been looted, burnt or damaged since the conflict began in April 2003. However, at the time of writing, only 40 percent of the infrastructure had been repaired. (IRIN, 15 January 2006) **[18ac]** (UNHCR COI, October 2005) **[40f] (p108)** In spite of this, other problems remain such as a lack of "qualified teaching staff; poorly equipped libraries and laboratories; and a fast-growing student population." (IRIN, 15 January 2006) **[18ac]**

5.248 An IRIN news article, dated 15 February 2005, stated that "As well as security, education in Iraq is one of the sectors most Iraqis want to see more improvements in." **[18n]** The same article noted that "Children's education in the country has been heavily dependant on support from the United Nations Children's Fund (UNICEF), among other aid organisations, since the last war. Last year UNICEF managed to deliver US $80 million of aid to children in Iraq – often in extremely dangerous and difficult circumstances." **[18n]**

5.249 The USSD report 2005 mentioned that "There was substantial progress in rebuilding the country's education system. The Ministry of Education produced a strategy to reorganize and restaff the ministry, rehabilitate school infrastructure, retrain teachers, and institute a national dialogue and framework for curriculum reform." **[2h] (p19)**

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6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

6.01 Several reports observed that serious human rights violations continued to occur in Iraq. (USSD 2005) **[2h] (p1)** (HRW world report 2006) **[15i] (p1)** (IGC, 27 February 2006) **[25d] (p1)** (AI, 6 March 2006) **[28i] (p91)** (UNSC, 3 March 2006) **[38e] (p10-11)** (UNHCR COI, October 2005) **[40f] (p2-3, 131 & 139)** The US State Department (USSD) report on human rights practices in countries for the year 2005, published on 8 March 2006, stated the following areas of concern:

"The following human rights problems were reported:

- pervasive climate of violence
- misappropriation of official authority by sectarian, criminal, terrorist, and insurgent groups
- arbitrary deprivation of life
- disappearances
- torture and other cruel, inhuman, or degrading treatment or punishment
- impunity
- poor conditions in pretrial detention facilities
- arbitrary arrest and detention
- denial of fair public trial
- an immature judicial system lacking capacity
- limitations on freedoms of speech, press, assembly, and association due to terrorist and militia violence
- restrictions on religious freedom
- large numbers of internally displaced persons (IDPs)
- lack of transparency and widespread corruption at all levels of government
- constraints on nongovernmental organizations (NGOs)
- discrimination against women, ethnic, and religious minorities
- limited exercise of labor rights" **[2h] (p1)**

The UNSC report, dated 3 March 2006, added that "Allegations of restrictions on freedom of movement, excessive use of force, mistreatment and theft during raids of private homes, evictions and demolitions of houses have been received by UNAMI." **[38e] (p11)**

The human rights situation continued to deteriorate during 2005 mainly due to the worsening security situation. There has been a significant increase in the number of deliberate attacks by insurgent groups on Iraqi civilians as well as counterinsurgency attacks by the MNF and the ISF. (USSD 2005) **[2h] (p2)** (HRW world report 2006) **[15i] (p1)** (IGC, 27 February 2006) **[25d] (p1)** (AI, 6 March 2006) **[28i] (p91)** (UNHCR COI, October 2005) **[40f] (p2-3, 131 & 139)**

6.02 The UNHCR COI report, October 2005, added that:

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"All sides to the conflict have been implicated in serious violations of the laws of armed conflict, including war crimes (e.g. the killing of civilians, the killing of incapacitated Iraqi combatants, the use of torture or other forms of inhuman, humiliating or degrading treatment, the use of civilian objects such as schools or hospitals for military purposes, the abduction and execution of civilians, etc.)." **[40f] (p139)**

6.03 The UNSC reported, on 3 March 2006, that "In Baghdad alone, 787 bodies were received by the Forensic Institute in December 2005, 479 of which had gunshot wounds." **[38e] (p10)** The same report stated that:

"The rule of law continues to be challenged by the existence of militias and other groups that act with impunity at both the local and regional levels. In northern Iraq, thousands of Kurdish militias (*Peshmerga*) have been recruited into Iraqi army divisions. The consolidation of local militia power in southern Iraq is resulting in systematic acts of violence against members of the Sunni community in the area." **[38e] (p10-11)**

6.04 The UNHCR guidance note, October 2005, stated that "Although many Iraqis no longer face legal obstacles to the exercise of a range of human rights and have begun to make use of their new freedoms (a fact which is reflected by the steadily growing Iraqi civil society), the precarious security situation is nevertheless a major obstacle to the full enjoyment of these rights." **[40g] (p4)**

6.05 The report continued:

"There are growing indications that state persecution (including arbitrary arrest and unlawful detention, torture and ill-treatment as well as extra-judicial executions) is taking place in Iraq, in particular by Shiite-dominated police commandos working under the authority of the Ministry of Interior who have been accused of deliberately targeting Sunnis considered to be supporting the insurgency. The Iraqi authorities have admitted such incidents, but are currently not able to stop them." **[40g] (p8)**

6.06 The UNSC report, dated 7 June 2005, stated that "At the moment, the authorities cannot ensure the full protection of the population from such acts despite the fact that the Order for Safeguarding National Security remains in force." **[38b] (p13-14)**

6.07 UNHCR COI Oct 2005 further adds:

"The IGC established the Iraqi Ministry of Human Rights in September 2003. "It was given the mandate of addressing past human rights atrocities and safeguarding the human rights and fundamental freedoms of all persons within the territory of Iraq in the future …." (UNHCR COI, October 2005) **[40f] (p129)** The same report noted that "The Kurdish administrations in the three Northern Governorates have independent Ministries of Human Rights in Erbil and Sulaymaniyah." **[40f] (p129)**

6.08 The UNHCR COI also mentioned that that the "UN Security Council Resolution 1546 includes a human rights mandate for the Special Representative of the Secretary-General and the UN Assistance Mission for Iraq (UNAMI) to: '…promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq'." **[40f] (p114)**

6.09 The UNSC report, dated 7 June 2005, stated that:

"Accounts of human rights violations continue to appear in the press, in private security reports and in reports by local human rights groups. …Effective monitoring of the human rights situation remains a challenge, particularly because the current security situation makes it difficult to obtain evidence and further investigate allegations. In most instances, however, the consistency of accounts points to clear patterns." **[38b] (p13)**

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HUMANITARIAN SITUATION

6.10 The IMF report, dated August 2005, mentioned that "There has been a marked deterioration in Iraq's human development indicators over the last twenty years." **[80a] (p5)** The joint Minitsry of Planning and Development Cooperation and UNDP report 2004, added that "In 1990, Iraq was ranked 50th on the United Nations Development Programme's Human Development Index. Ten years later, it was ranked 126th (Unicef 2003). Most Iraqi children today have lived their whole lives under sanctions and war." **[81a] (p57)**

6.11 The UNHCR COI report, October 2005, stated that "Iraq's infrastructure has suffered severe damage after years of wars, sanctions and general neglect, including a lack of investment in maintenance." **[40f] (p23)** The IMF report, dated August 2005, noted that "The coverage of public services has improved, but reliability remains a serious problem." **[80a] (p7)**

6.12 Electricity was not available to the whole population. In the north it was reasonably constant but in central Iraq it was unpredictable whereas in the south it was very inadequate. Water and sanitation facilities were also unreliable. Many important buildinds and facilities, such as schools, hospitals and places of worship, as well as infastrucure, such as airports roads and bridges, needed major reconstrrcution. (UNHCR COI, August 2004) **[40b] (p10-12)** (UNHCR COI, October 2005) **[40f] (p23)** (Joint Minitsry of Planning and Development Cooperation and UNDP report 2004) **[81a] (p15)**

6.13 The joint Minitsry of Planning and Development Cooperation and UNDP report 2004 stated that:

"Access to public services like health and education facilities is relatively good in Iraq: more than nine in ten households can reach a primary school, a secondary school, a health centre, and a place of worship within 30 minutes from their dwelling with the usual means of transportation (cars, public transportation, walking and other means). In terms of service provision, large geographical differences are found in which rural areas receive poorer access." **[81a] (p15)**

6.14 However, the same report noted that although "… services are relatively widely available, households report very low satisfaction with the educational and health system, particularly in rural areas." **[81a] (p15)**

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6.15 The UNSC report, dated 3 March 2006, mentioned that "In accordance with paragraph 7 (b) of resolution 1546 (2004), UNAMI continued to support the efforts of the Government of Iraq in the areas of reconstruction, development and humanitarian assistance. UNAMI and United Nations agencies, programmes and funds focused on strengthening management capacities in ministries, providing and coordinating basic services and restoring public infrastructure. UNAMI also maintained its leading role in donor coordination. Given the prevailing security conditions and the constraints on the number of staff deployed inside Iraq, many of the Mission's reconstruction, development and humanitarian assistance activities continue to be carried out mainly through international and national implementing partners." **[38e] (p8)**

6.16 The UNHCR COI report, October 2005, stated that "Despite these efforts, reconstruction is severely hampered by the insecurity prevailing in the country." **[40f] (p23)**

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SECURITY SITUATION

6.17 The UNSC report, dated 7 June 2005, stated that "Security risk assessments confirm that the level of threat remains high." **[38b] (p15)** The UNHCR COI report, October 2005, noted that "…the security situation in Iraq remains highly volatile." **[40f] (p14)** The UNSC report added, on 3 March 2006, that "The political transition and attempts to maintain security by the Multinational Force and Iraqi security forces have been accompanied by the development of an increasingly complex armed opposition capable of maintaining a consistently high level of violent activity across the country." **[38e] (p12)**

6.18 The UNSC report, dated 7 June 2005, stated that "High levels of violence generated by the insurgency and the accompanying response by security forces, which are often insufficiently trained, restrained and supervised, continue to result in extensive infringements of human rights in the country. The ongoing conflict has affected many innocent civilians, including women and children." **[38b] (p13)**

6.19 The ICG report, dated 27 February 2006, noted that:

"Iraq's mosaic of communities has begun to fragment along ethnic, confessional and tribal lines, bringing instability and violence to many areas, especially those with mixed populations. The most urgent of these incipient conflicts is a Sunni-Shiite schism that threatens to tear the country apart. Its most visible manifestation is a dirty war being fought between a small group of insurgents bent on fomenting sectarian strife by killing Shiites and certain government commando units carrying out reprisals against the Sunni Arab community in whose midst the insurgency continues to thrive." **[25d] (pi)**

6.20 The UNHCR COI report, October 2005, noted that:

"Parts of the insurgency have vowed to stir sectarian violence into an all-out civil war by deliberately targeting the Shiite community. It appears that Kurdish

and Shiite-dominated security forces and militias tasked with defeating the deadly insurgency, often show little respect for humanitarian and human rights law when launching attacks on insurgent hotspots or when raiding houses and arresting suspected insurgents – including civilians, thereby increasing sectarian divisions." **[40f] (p1)**

6.21 The UNSC report, dated 7 June 2005, stated that "… indiscriminate attacks against civilians continue to cause growing numbers of casualties, with the apparent intent of demonstrating the weakness and inability of the new Government to control the security situation and of exacerbating sectarian tensions." **[38b] (p15)**

6.22 Attacks have been primarily focussed on the Iraqi police and recruitment centres. (AI, 25 July 2005) **[28c] (p9)** (UNSC, 7 June 2005) **[38b] (p15)** AI stated, in a report dated 25 July 2005, that armed groups considered the Iraqi police and Iraqi National Guard as being 'traitors' or 'collaborators' with the MNF. **[28c] (p9)**

6.23 Nevertheless, armed groups also targeted alleged supporters or associates of the Iraqi Government, such as politicians and Government workers and their families, tribal or religious leaders, members of religious or ethnic minorities, journalists, doctors and lawyers as well as Iraqi's working with the MNF and foreign construction companies. (UNSC, 3 March 2006) **[38e] (p13)** (UNHCR COI, October 2005) **[40f] (p15)**

6.24 The ICG report, dated 27 February 2006, reported that there were numerous incidents where armed groups have bombed groups of worshipers, mourners in funeral processions and shoppers in mostly Shi'a towns. **[25d] (p1-2)** The same report noted that "Mass casualties occur even when no political target is involved but the attackers seek to spread fear, anger and discord (fitna) …." **[25d] (p1-2)**

6.25 Foreigners, including journalists, humanitarian workers and diplomatic staff were also increasingly targeted for attacks and kidnappings. (UNSC, 3 March 2006) **[38e] (p13)**

6.26 The AI report, dated 25 July 2005, stated that "Many of the killings of civilians were carried out in a perfidious way, with suicide bombers or others disguising themselves as civilians, or were marked by appalling brutality – as in the cases of hostages whose deaths, by being beheaded or other means, were filmed by the perpetrators and then disseminated to a wide public audience." **[28c] (p1)**

6.27 The CSIS reported, on 3 February 2006, that "MNF-I intelligence estimates that the number of insurgent attacks on coalition forces, Iraqi forces, and Iraqi civilians; and acts of sabotage; rose by 29% in 2005." **[63e] (pii)** The same report noted that "Almost 80% of civilian deaths occurred in 12 cities. Baghdad accounted for almost half of the civilian deaths during this period." The other cities included Fallujah, Nasiriya, Kerbala, Najaf, Mosul, Basra, Kirkuk, Hilla, Tikrit, Baquba and Samarra **[63e] (p45-46)**

6.28 The UNSC report, dated 3 March 2006, noted that "As for technology, the percentage of casualties and deaths caused by improvised explosive devices has increased, a trend which can be attributed to improvements in their design,

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especially in terms of their detonation and armour penetration capabilities." **[38e] (p13)**

6.29 Criminal gangs have furthermore contributed to the dire security situation. The lawlessness led to criminal gangs being involved in road ambushes, smuggling, stealing and abductions for ransom money. Baghdad particularly suffered a high rate of criminality. (HRW, 3 October 2005) **[15j] (p18)** (UNHCR COI, October 2005) **[40f] (p16)** The HRW report, dated 3 October 2005, mentioned that "Their targets are sometimes foreigners, but the majority of victims are wealthy Iraqis or those who work with foreign organizations or companies." **[15j] (p18)**

6.30 An article in *The Guardian*, dated 18 January 2006, reported that "An official assessment drawn up by the US foreign aid agency depicts the security situation in Iraq as dire, amounting to a 'social breakdown' in which criminals have 'almost free rein'." **[6ai]** The same article, nevertheless, noted that Judith Yaphe, a former CIA expert on Iraq now teaching at the National Defence University in Washington, criticised the USAid report for being 'pessimistic'. "It's a very difficult environment, but if I read this right, they are saying there is violence everywhere and I don't think this is true…" **[6ai]**

6.31 The UNSC report, dated 3 March 2006, mentioned that "Baghdad, Mosul and the western province of Al Anbar have been experiencing the worst of the destruction." **[38e] (p12)**

6.32 The UNHCR COI report, October 2005, added that:

"The security situation remains highly unstable in the Centre areas as well as the Northern Governorates of Kirkuk and Mosul and the Upper South areas of the so-called 'triangle of death', with daily security incidents including armed combat between the MNF/ISF and the insurgency, attacks on the ISF, politicians and religious leaders, Shiite civilians and public infrastructure. The situation in the three Northern Governorates of Dohuk, Erbil and Sulaymaniyah as well as in the Lower South is considerably more stable, but due to a number of mainly political factors, continues nevertheless to be unpredictable and tense." **[40f] (p2)** This was also echoed in the ICG report, dated 27 February 2006 **[25d] (p1-2)** and the UNSC report, dated 3 March 2006. **[38e] (p12)**

6.33 In July 2004 the 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 sixty days at a time. The state of emergency is renewable with the approval of the Presidency Council. (HRW, January 2005) **[15g] (p16)** (UNHCR COI, October 2005) **[40f] (p17)** The state of emergency allows the Prime Minister to restrict freedom of movement, impose curfews, declare restrictions or bans on public gatherings and powers to search property and detain suspects. (CNN, 20 January 2005) **[17b]** (UNHCR guidance note, October 2005) **[40g] (p3)**

6.34 The Order for Safeguarding National Security was first used in early November 2004 when Allawi declared a 60-day state of emergency in all areas of Iraq except those administered by the KRG (Erbil, Dahuk and Sulaymanyah). (Europa World Online, accessed 12 August 2005) **[1c] (Recent History)** (UNSC, 8 December 2004) **[38c] (p1-2)** (UNHCR COI, October 2005**) [40f] (p17)** The UNHCR COI report, October 2005, noted that "The emergency law was extended on 6 January 2005 for 30 days to guard against attacks in the run-up to the nation's

30 January 2005 elections. Since then, the emergency law has been renewed on a monthly basis." **[40f] (p18)**

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SECURITY IN CENTRAL IRAQ

6.35 The UNHCR COI report, October 2005, noted that "Since the fall of the former regime, the security situation in the Centre has been marked by daily armed clashes between insurgents and MNF/ISF, mainly in and around Baghdad and the Western Governorate of Al-Anbar, and to a lesser degree in the Governorates of Salah Al-Din and Diyala. The Centre has continuously seen the highest number of security incidents compared to the North and the South." **[40f] (p80)**

6.36 The same report stated that:

"MNF/ISF and its recruits as well as high-profile government officials are the major targets of the insurgents, with civilians often also becoming victims of attacks. Other attacks, mainly in Baghdad, have deliberately targeted civilians, for example attacks on mosques, market places, restaurants and gas stations. Furthermore, targeted kidnappings and killings for political or criminal reasons are rife. Daily life is also affected by sabotage acts against civilian infrastructure such as the water and electricity supply networks. Continued armed conflict, mainly in Western Iraq, has led to short or longer-term displacement and urgent humanitarian needs for water, food, shelter, and so forth. A number of counter-insurgency operations by the MNF/ISF in resistive areas such as Fallujah (April and November 2004), Al-Qaim (May 2005), Haditha, Karabilah and Hit (June 2005) aimed at rooting out insurgents and interrupting the supply of fighters and weapons." **[40f] (p80-81)**

6.37 The report also mentioned that:

"The 'International Zone' (formerly known as the 'Green Zone') is the heavily guarded area of closed-off streets in central Baghdad where the MNF, Iraqi authorities, the UN and most embassies – including the US embassy – are located, making it a target with high symbolic value. In the past, the zone has been hit by frequent mortar and missiles attacks, while today the focus is successive (suicide) attacks at the zone's perimeter – especially at checkpoints at entrances to the zone – in an attempt to penetrate the high security cordon." **[40f] (p81)**

6.38 The UNHCR COI report, October 2005, noted that in the Governorates of Salah Al-Din and Diyala):

"The main centres of insurgent activity are Baiji, Tikrit, Samarra, Balad, Al-Dawr, Taji and Baqouba, but numbers of significant incidents are also reported to take place in Khalis, Balad Ruz, Jalula and Duluiyah. The main focus of insurgent attacks remains the MNF/ISF, with regular attacks on MNF bases, military convoys and police stations. Civilians working with the MNF/ISF have also frequently been killed. Officials of the local authorities and administration are common targets for assassination … .Insurgents also target Shiite shrines and

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politicians, a pattern which seems to be part of a larger country-wide campaign to target the Shia community." **[40f] (p82)**

6.39 The same report stated that "The vast, largely unpopulated Governorate of Al-Anbar, which covers one third of Iraq's territory stretching west from Baghdad to the Syrian, Jordanian and Saudi borders, is a bastion of the Sunni-dominated insurgency. The area is inhabited mainly by Sunni tribes who are virulently opposed to the presence of foreign troops. Anti-American feelings have been further stirred up by incidents in which Iraqi civilians were killed by US troops …" **[40f] (p83)**

6.40 The report added that:

"The major pockets of insurgent activity remain the areas of Ramadi and Fallujah, and further west in Hit, Haditha, Haqlaniyah, Al-Asad, Rutbah and Al-Qaim. Security incidents are also commonly reported in the Habbaniyah/Saqlawiyah and Taqaddum areas. Despite major military operations in the area, the insurgents have constantly succeeded in regrouping once the MNF has left and the weaker ISF has taken over. The MNF/ISF's efforts to restore security in the region are seriously hampered by the sheer size of the area and its long borders which permit the easy smuggling of fighters and weapons." **[40f] (p83-84)**

6.41 The UNHCR COI report also noted that:

"For various periods of time, several towns have fallen under the control of Sunni Islamist groups. When in control, these groups have created an atmosphere of fear, demanding full loyalty to their stance against the 'occupation' and their strict interpretations of Islam. 'Traitors', such as persons joining the ISF or working for the MNF, risked execution, often in cruel ways, in an aim to deter the wider public from following their lead. At some times, insurgents have set up checkpoints near the highway leading from Baghdad to Syria and Jordan, staging ambushes on civilian and military cars. A large number of truck drivers bringing supplies from neighbouring countries to Iraq have been kidnapped or killed." **[40f] (p84)**

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SECURITY IN SOUTHERN IRAQ

6.42 The UNHCR COI report, October 2005, noted that:

"While the situation in the South, in particular in the Lower South area (Governorates of Basrah, Missan, Thi-Qar and Muthanna) seems relatively stable in comparison to the Central Region, the difference there lies in the intensity and nature of the attacks.

The major threat in this area comes from insurgent groups who continue to plan and execute attacks on the MNF/ISF, foreign contractors and private security firms. They also specifically target Iraqis involved in reconstruction efforts, working with the MNF/ISF or working with the Iraqi Government/Administration.

A high number of insurgent activities have been seen in the Upper South Area (Governorates of Kerbala, Babil, Wasit, Najaf and Qadisiya). The highest intensity of activities is in the so-called 'triangle of death' south of Baghdad in the Governorate of Babil, bounded by the city of Yusufiyah to the northwest, Latifiyah to the south and Mahmoudiyah to the east. Road ambushes are common in the triangle, as the main roads connecting Baghdad with Iraq's Centre and South – including the holy Shiite places Najaf and Kerbala – passes through it. Kidnappings, shootings and assassinations of Shiite Muslims (including pilgrims and clerics), foreigners and members of the MNF/ISF are all common." **[40f] (p87-88)**

6.43 The report mentioned that "Travellers trying to avoid passing through the 'triangle of death' by using alternate routes are frequently targeted by criminal and insurgent groups for kidnapping and robbery." **[40f] (p88)**

6.44 The report also stated that "It has been reported that hundreds if not thousands of Shiites are fleeing the area after a series of tit-for-tat killings have increased sectarian tensions in recent months. The area is dominated by Sunni tribes, many of which originate from the Governorate of Al-Anbar." **[40f] (p87-88)**

6.45 The report stated that "The Lower South area – in particular Basrah but also Nassariyah and Al-Amarah – witnesses regular low-intensity attacks against MNF/ISF and oil facilities, piracy and banditry." **[40f] (p89)**

6.46 Security in southern Iraq was also influenced by Muqtada Al-Sadr and the Mehdi Army. (UNHCR COI, October 2005) **[40f] (p89)**

6.47 The UNSC report, dated 3 March 2006, noted that "The situation in Basra has also been tense and the Multinational Force has restricted the freedom of movement in the area. Recently, the airport was partially closed under order from the Ministry of Transportation in Baghdad. Demonstrators have demanded the handover of security responsibilities to local authorities." **[38e] (p13)**

6.48 The Guardian article, dated 18 January 2006, stated that "The lawlessness has had an impact on basic freedoms, USAid argues, particularly in the south, where 'social liberties have been curtailed dramatically by roving bands of self-appointed religious moral police'." **[6ai]**

6.49 The UNHCR COI report, October 2005, stated that:

"Tribal fighting throughout this area continues unabated, in particular between the Garamsha and the Halaf tribes. Both sides are armed with mortars, RPGs and heavy machine guns. The Garamsha originate from the Marshes, but after the former regime drained the Marshes, the Garamsha tribe was forced to relocate to the outskirts of Basrah, a traditionally Halaf area. Both tribes have been involved in criminal activities, mainly kidnappings and car hijacking on the main road from Basrah to Al-Amarah. While the British troops have undertaken several attempts in the past to pacify the area, the conflict has not yet been settled. As a sizable number of members of the Halaf tribe are serving in the Iraqi police and there is a concern that policemen, who are often more loyal to their tribe then to their duty, may enter tribal feuds and further undermine the reputation and effectiveness of the ISF. When Abbas Alawi, the son of a tribal chief of the Garamsha tribe, died while being held in detention by the MNF/ISF, this further increased the feud between the two tribes and may lead to more tit-

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for-tat killings. In the past, feuds have also taken place between the Garamsha and the Basun tribe, the Garamsha and the Awlad Amer tribe and the Al-Abtut and Al-Hamadne tribes." **[40f] (p89-90)**

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SECURITY IN KIRKUK AND MOSUL

6.50 The CSIS report, dated 1 March 2006, stated that "Tension between the Kurds and Iraqi Arabs and other minorities has also been critical in areas like Kirkuk and Mosul." **[63f] (p86)**

6.51 An article by IWPR, dated 1 February 2006, noted that "The province of Kirkuk - home to about a million Kurds, Turkoman, Arabs, Assyrians, Chaldeans and Armenians - is sometimes referred to as a little Iraq or as Iraq's melting pot, but some believe the area, in particular the city of Kirkuk, is a powder keg waiting to explode." **[11w]**

6.52 Since the fall of the Saddam regime, various ethnic and religious groups and political parties have been in a dispute over control of Kirkuk. (IWPR, 1 February 2006) **[11w]** (UNHCR COI, October 2005) **[40f] (p76 & 78)** The UNHCR COI report, October 2005, stated that "The debate is highly charged, both economically as well as ethnically, as both the Kurds and the Turkmen feel that they have been historically wronged regarding their claims to Kirkuk. Kirkuk was at the centre of successive Iraqi governments' 'Arabization' policies, aimed at gaining control over the economically, strategically and politically important city." **[40f] (p76)** (See also section 6C on De-Arabisation)

6.53 The same report noted that insurgent groups have added to the worsening security situation in Kirkuk by intensifying sectarian rivalries introduced by the Arabisation policies. **[40f] (p78)** The report mentioned that "So far, sectarian violence has been limited, although in recent time an increase in the killings of leading figures in each of the three ethnic communities has been reported, fuelling anew the fears that ethnic tensions could turn into widespread violence and possibly civil war." **[40f] (p78)**

6.54 The UNHCR COI report, October 2005, mentioned that "Mosul is Iraq's third largest city and also has an ethnically mixed population with a majority of Arab Sunnis and Kurds and a minority population of Aramaic-speaking Christian Assyrians and Turkmen." **[40f] (p78)** The same report noted that "Mosul has seen a high level of activities of former Ba'athists …." **[40f] (p79)**

6.55 The report added that:

"The security situation rapidly deteriorated on 10 November 2004 when the city was overrun by armed insurgents targeting Iraqi police stations and security forces. While some policemen fought the insurgents, most deserted their posts, giving insurgents almost free reign over the city. Though the MNF/ISF (including Kurdish Peshmerga units) restored control in December 2004, the security situation remained highly tense with daily security incidents, including fighting between insurgents and MNF/ISF, attacks on police stations, party offices and

election staff, assassinations of political and religious figures as well as government employees and foreign contactors." **[40f] (p79)**

6.56 The UNHCR COI report October 2005, noted that "The presence of the Kurdish Peshmerga angers many of the majority Sunni Arab community and has raised fears of a wider conflict between Arabs and Kurds, which have only been exacerbated by the Peshmerga's operation in villages around Mosul in which the IPCC is still deciding on property claims to reverse the effect of Arabization." **[40f] (p79)**

6.57 The report added that "Tal Afar, a city of 200,000, remains another hot-spot in the Governorate of Mosul despite an MNF-led offensive to root out insurgents in September 2004. Other areas in the Kirkuk and Mosul Governorates with considerable insurgent activities are Hawija and Tuz Khurmatu." **[40f] (p80)**

6.58 According to the CSIS report, dated 1 March 2006, "There are reports that the KDP and PUK systematically kidnapped hundreds of Arabs and Turcomans from the city [Kirkuk] and transported them to prisons in established Kurdish territory. This activity allegedly spread to Mosul as well." **[63f] (p87)** "According to a leaked State Department cable in mid-June 2005, the abducted were taken to KDP and PUK intelligencerun prisons in Irbil and Sulaymaniyah without the knowledge of the Iraqi Ministry of Defense or the Ministry of the Interior, but sometimes with US knowledge." **[63f] (p87)**

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SECURITY IN THE KRG AREA

6.59 The security situation in the KRG administered northern Governorates of Dahuk, Erbil and Sulaymaniyah remained largely unaffected by the fall of the Saddam regime and somewhat stable in comparison to the centre and the Governorates of Kirkuk and Mosul. Nevertheless, the situation remained tense. (UNSC, 3 March 2006) **[38e] (p12)** (UNHCR COI, October 2005) **[40f] (p17)** (FCO, 12 April 2005) **[65h]**

6.60 A number of extreme security measures were established in the KRG administered area, including many permanent checkpoints between the centre of Iraq as well as between Dahuk, Erbil and Sulaymaniyah. (UNHCR COI, October 2005) **[40f] (p17, 75 & 76)** (FCO, 12 April 2005) **[65h]** The FCO stated in a letter, dated 12 April 2005, that "The green line is quite tightly controlled, and the road between Irbil and Mosul now has Kurdish checkpoints as close to Mosul as 15km. The road from Mosul to Zakho and the Turkish border is also heavily manned by Kurdish security forces, with regular checkpoints." **[65h]** As a result, freedom of movement within and to the northern region was restricted. (UNHCR COI, October 2005) **[40f] (p 75 & 76)**

6.61 A large, well-trained and well-equipped security force, known as the peshmerga, was also present in the KRG administered Governorates to control the security situation. **[40f] (p17, & 75)** (FCO, 12 April 2005) **[65h]**

6.62 The UNHCR COI report, October 2005, noted that "That notwithstanding, groups such as Ansar Al-Sunna still present high security threats and manage

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to undertake (suicide) attacks, mainly directed against the ruling Kurdish parties and their representatives." **[40f] (p17)** For example, *The Guardian* reported, on 4 May 2005, that the insurgent group bombed a police recruitment centre, which also acted as the local offices of the KDP, in Erbil that killed about 60 people and wounded a further 100. **[6j]**

6.63 Another insurgent group, Ansar Al-Islam, was forced out of the region prior to the fall of the Saddam regime. "They have made efforts to return to Iraqi Kurdistan, and may have been responsible for the attack on the KDP and PUK headquarters in Irbil in February 2004." (FCO, 12 April 2005) **[65h]**

6.64 Although sucessful attacks, by insurgent groups such as Ansar Al-Sunna do take place, they are quite rare and lower-scale in comparison to other parts of the country. This was mainly due to the vigilance of the Kurdish security forces. (UNHCR COI, October 2005) **[40f] (p17, 75 & 76)** (FCO, 12 April 2005) **[65h]** The CSIS report, dated 1 March 2006, noted that "Insurgent activity in the Kurdish areas was particularly intense in the city of Irbil, which has been the site of several suicide bombings." **[63f] (p86)**

6.65 The UNHCR COI report, October 2005, mentioned that "On 27 June 2005, Nechirvan Barzani, Prime Minister of the KRG in Erbil, said that Kurdish security forces had 'arrested a large number of terrorists', adding that the proximity of Erbil to Kirkuk and Mosul had facilitated their entry to the area." **[40f] (p75)**

6.66 There were, reportedly, also a number of PKK fighters present in the northern Governorates which were responsible for friction between the Kurdish authorites and the Turkish Government who accused the PKK fighters as using northern Iraq to launch attacks against the Turkish army. **[40f] (p76)**

6.67 The report also mentioned that:

"Despite numerous announcements by the two main political factions that they intend to unite, it appears that to date both the PUK and the KDP continue to exist separately and exercise individual (rather than joint) influence and control over the political and socioeconomic aspects of life in areas under their respective control. … The clashes between KDP and PUK members after the nomination of Talabani still show the lack of unity." **[40f] (p75)**

6.68 The FCO letter, dated 12 April 2005, stated that:

"Criminality in Kurdistan is endemic by western terms. However, much of the activity is considered by the population to be simply a way of earning their crust. Additionally the defined perception that the West has of the areas (e.g. borders with Turkey, Iraq and Syria) is not shared by tribes straddling the designated border areas. The smuggling of sheep, alcohol and other commodities is commonplace. These crimes are largely unchecked and un-checkable by authorities. Returnees going about their legal business would not be at threat from these activities. Although prevalent in Kurd society, blood feud is historical and cultural and would not present a particular immediate threat." **[65h]**

6.69 The International airport in Erbil and Sulaymaniyah airport were opened to commercial traffic. Iraqi Airways and Kurdistan Airlines were also operating flights to a number of regional destinations. (FCO letter, 10 October 2005) **[66m]**

(p3) The FCO letter, dated 12 April 2005, noted that "There have been no reports of any attacks on civil aircraft using Irbil airport." **[65h]**

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SECURITY FORCES

CIVILIAN CASUALTIES AND DEATHS

6.70 The MNF and the ISF were responsible for numerous civilian deaths and casulatiles in Iraq since the fall of the former regime. (BBC, 27 July 2005) **[4ah]** (HRW, 3 March 2006) **[15j] (p116)** (AI, 25 July 2005) **[28c] (p3)** (UNHCR COI, October 2005) **[40f] (p143)** (*The Observer*, 3 July 2005) **[87a]**

6.71 The UNSC report, dated 7 June 2005, noted that "The Multinational Force and Iraqi security forces have significantly stepped up their anti-insurgent campaigns in and around Baghdad as well as in Western Iraq. There have been reports of high casualty rates and alleged violations of civil liberties and human rights by all sides." **[38b] (p3)**

6.72 The AI report 2005 stated that "There was intense fighting between the US-led forces and Iraqi armed groups opposed to their presence. Attacks by Iraqi insurgents on Iraqi police stations, US and UK troops and other targets, including civilian targets, steadily mounted. Thousands of Iraqis as well as US soldiers and other nationals died as a result." **[28f] (p1-2)**

6.73 The UNHCR COI report, October 2005, mentioned that "…there are reports of unlawful killings at the hands of Iraqi law enforcement agencies. **[40f] (p143)** Many of the extra-judicial killings appeared to have a sectarian background and sectarian hatred between Sunnis and Shi'as was consquently intensified by such incidents. (USSD 2005) **[2h] (p2)** (UNHCR COI, October 2005) **[40f] (p143)** The USSD added that "… some were reportedly for profit." **[2h] (p2)**

6.74 The UNHCR COI report, October 2005, noted that:

"…Since the Shiite parties gained power in the 30 January [2005] elections, accusations are being raised by Sunnis against Shiite militias and the Shiite-dominated ISF, in particular the Interior Ministry police commandos, stating that they are summarily executing Sunni Muslims. … The Ministry of Interior denies allegations that the Sunnis were executed by police forces … **[40f] (p144)**

6.75 The report also mentionded that "It remains unclear whether such cases of torture and executions are being done at the hands of Iraqi Special Police Commandos or insurgents posing as police." **[40f] (p144)** This was also mentioned tha in the USSD report 2005. **[2h] (p12)**

6.76 The USSD report 2005 noted, "The vast majority of human rights abuses reportedly carried out by government agents were attributed to the police." **[2h] (p3)**

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TORTURE AND ILL-TREATMENT

6.77 It was widely reported that both the ISF and the MNF were responsible for the torture and ill-treatment of Iraqis. (HRW world report 2006) **[15i] (p1)** (AI annual report 2005) **[28f] (p3)** (AI, 22 February 2006) **[28h]** (AI, 6 March 2006) **[28i] (p4)** (UNHCR COI, October 2005) **[40f] (p49)** In fact, an article in *The Observer* reported, on 3 July 2005, that "International and Iraqi officials claim the use of torture has become more extensive since the country's first democratically-elected government was sworn in." **[87a]**

6.78 The *Washington Post* stated, on 20 August 2005, that the local police in Basra had become as much "an instrument of fear" as the poor security situation. **[16f] (p2)**

6.79 Article 37 First: (C) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

6.80 Article 15(J) of the TAL stipulates that "Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise." **[54a] (p5-6)** Nevertheless, HRW stated in its world report 2005 that in some cases the accused had been tortured or ill-treated to extract confessions from them. **[15e] (p3)**

6.81 In spite of these provisions, an article by IRIN news, dated 20 February 2006, reported that "Allegations of abuse have been levelled at US, UK and Iraqi authorities, which currently share control of Iraq's national prison system." **[18ag]**

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TORTURE AND ILL-TREATMENT BY THE ISF

6.82 The AI report, dated 22 February 2006, noted that:

> "The use of torture by Iraqi security forces is said to be widespread and reportedly includes severe beatings to various parts of the body with cables, as well as cigarette burns, electric shocks to the genitals and the use of electric drills on the arms and legs. The victims have included those suspected of involvement with armed opposition groups and in 'terrorist activities'. Since the Shi'a dominated government, led by Prime Minister Ibrahim al-Ja'afari, came to power in May 2005, serious allegations of torture have been made against security forces controlled by the Ministry of Interior, such as the Wolf Brigade. Militia linked to Shi'a political groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), and members of the Mahdi Army, supporters of Moqtada al-Sadr, a Shi'a cleric influential in the district of al-Sadr City in

Baghdad and in southern Iraq, have also allegedly been involved in the kidnappings and killings which mostly target Sunni Muslims." **[28h]**

6.83 The HRW, dated 3 October 2005, added that "Sunni leaders have accused elements within SCIRI's Badr Organization, and the Special Police Commandos of illegal killings and abuse against detainees." **[15j] (p116)** The UNHCR COI report, October 2005, stated that "… the ISF have been involved in human rights violations including arbitrary arrest and detention, unlawful killings as well as torture and ill-treatment." **[40f] (p49)**

6.84 The UNHCR COI report, October 2005, noted that:

"There are increasing reports about torture and ill-treatment of detainees (both alleged national security suspects as well as suspected common criminals) at the hands of the ISF, in particular the Ministry of Interior's police commandos. Torture and ill-treatment reportedly occurs mainly in unofficial detention facilties run by the Ministry of Interior, but also in prisons and detention facilities under the control of the ICS of the Ministry of Justice." **[40f] (p146)**

6.85 Numerous cases of torture and ill-treatment in prisons and detention facilities under the control of the Iraqi authorities, including the Iraqi Correctional Service (ICS) have been reported since June 2004. (AI, 6 March 2006) **[28i] (p1)** (UNHCR COI, October 2005) **[40f] (p149)** The HRW report, dated 3 October 2005, noted that "Iraqi authorities have mistreated in detention both alleged common criminals and suspected insurgents." **[15j] (p115)**

6.86 The UNHCR COI report, October 2005, noted that "Even though the ICS Internal Affairs Division says that it conducted investigations into all detected or reported cases between July and December 2004 and undertook necessary corrective measures, less then ten cases were actually investigated and reports state that hundreds of alleged abuse cases remained pending." **[40f] (p149)**

6.87 The AI report, dated 6 March 2006, stated that "The picture that is emerging is one in which the Iraqi authorities are systematically violating the rights of detainees in breach of guarantees contained both in Iraqi legislation and in international law and standards – including the right not to be tortured and to be promptly brought before a judge." **[28i] (p1)**

6.88 The HRW world report 2006 stated that:

"The vast majority of allegations concern forces of the Iraqi Ministry of Interior, as well as members of the Iraqi armed forces under Ministry of Defense authority. Detainees in pre-trial detention on security-related offenses, in particular, are subjected to various forms of torture or ill-treatment, including routine beatings, sleep deprivation, electric shocks to sensitive parts of the body, prolonged suspension from the wrists with the hands tied behind the back, deprivation of food and water for prolonged periods, and severely overcrowded cells. Former detainees held by Ministry of Interior forces in connection with alleged terrorist offenses linked to insurgent activity report other forms of torture, including having weights attacked to their testicles, or having a string tied tightly round their penis and then being forced to drink large amounts of water." **[15i] (p2)**

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6.89 The USSD report 2005 added "Information was very sparse, but reported MOD-9inflicted beatings and similar abuses of detainees were generally fewer and less severe than the MOI detention center cases. There was no indication that MOD officials took disciplinary action in any cases alleging abuses." **[2h] (p5)**

6.90 The AI report, dated 6 March 2006, noted that "In the weeks leading up to Iraq's parliamentary elections, held on 15 December 2005, new evidence emerged to indicate that the Iraqi Interior Ministry was holding many detainees in different facilities under its control and subjecting them to torture and ill-treatment." **[28i] (p2)**

6.91 It was widely reported that on 13 November 2005, al-Jadiriyah, a secret detention facility controlled by the MOI was raided by US forces. The troops allegedly found over 170 detainees being held in horrendous conditions and bearing signs of torture, ill-treatment and malnutrition. (BBC, 15 November 2005) **[4az]** (*Times Online*, 16 November 2005) **[5g]** (*The Guardian*, 16 November 2005 **[6aj]** (IRIN, 20 February 2006) **[6aj]** (AI, 22 February 2006) **[28h]** (AI, 6 March 2006) **[28i] (p2)**

6.92 *The Guardian* added, on 16 November 2005, that "Reports received by the Guardian from sources in Baghdad said there were rumours that mutilated corpses and torture instruments had also been found at the underground bunker, including bodies with electric drill holes in their heads." **[6aj]** According to the *Times Online*, on 16 November 2005, "An Iraqi cleric who said that he was familiar with the complex said more than 40 men were found in one cell measuring 4m by 5m (12ft by 15ft)." **[5g]**

6.93 Further documents reported that on 8 December 2005 Iraqi authorities and US forces inspected another detention facility controlled by the MOI in Baghdad. (USSD 2005) **[2h] (p4)** (BBC, 12 December 2005) **[4aw]** (AI, 6 March 2006) **[28i] (p2)**

6.94 The USSD report 2005 added:

"This police station building held 625 detainees in conditions so crowded that detainees were unable to lie down at the same time. According to press reports, a government official with first-hand knowledge said that at least 12 prisoners had been subjected to severe torture with electric shock, had fingernails torn out, and suffered broken bones from beatings." **[2h] (p4)** This was also noted in a BBC article, dated 12 December 2005. **[4aw]**

6.95 The AI report, dated 6 March 2006, added that "At least 13 of the 625 detainees found there required medical treatment, including several reportedly as a result of torture or ill-treatment." **[28i] (p2)** The USSD report 2005 noted that "Sixty prisoners were recommended for immediate release, and 75 were moved to an MOJ detention facility." **[2h] (p4)**

6.96 The AI report, dated 6 March 2006, stated that:

"According to media reports, in both cases detainees alleged that they had been subjected to electric shocks and had their nails pulled out. An Iraqi Human Rights Ministry official subsequently told Amnesty International that the Iraqi authorities had conducted medical examinations but that these had not

confirmed the allegations. However, the official stated that several detainees had injuries caused by beating with plastic cables." **[28i] (p2)**

6.97 The UNSC report, 3 March 2006, noted that "The Prime Minister's decision to establish an investigative committee to examine Al-Jadiryia abuses was welcomed by all communities. However, the results of the investigation, which were to be published at the end of November 2005, have not yet been made public, nor have any individuals been brought to justice." **[38e] (p11)**

6.98 As mentioned in an article by HRW, dated 25 January 2005, "Human Rights Watch conducted interviews in Iraq with 90 detainees, 72 of whom alleged having been tortured or ill-treated, particularly under interrogation." **[15a]** The HRW world report 2006 stated that "The torture and ill-treatment of detainees in Iraqi custody remains a serious concern, with the level of reported incidents rising." **[15i] (p2)**

6.99 An article in *The Observer*, dated 3 July 2005, reported that "The Observer has seen photographic evidence of post-mortem and hospital examinations of alleged terror suspects from Baghdad and the Sunni Triangle which demonstrate serious abuse of suspects including burings, strangulation, the breaking of limbs and – in one case – the apparent use of an electric drill to perform knee-capping." **[87a]**

6.100 The HRW report, January 2005, explained that "In several cases, the detainees suffered what may be permanent physical disability." **[15g] (p4)** AI reported, on 6 March 2006, that "…several detainees are reported to have died in 2005 while being held in the custody of the Iraqi authorities; in several cases, the bodies of the victims reportedly bore injuries consistent with their having been tortured." **[28i] (p2)** (See also section 5 on Prisons and prison conditions)

6.101 The AI report, dated 6 March 2006, noted that:

"There have also been allegations that US forces knew that detainees were being tortured and ill-treated at places of detention under the control of the Interior Ministry, which they frequently visited. … Former detainees who were subjected to torture or ill-treatment or who witnessed the infliction of such abuses on fellow detainees while they were being held in the custody of the Iraqi authorities, have told Amnesty International that such incidents occurred with the knowledge or even in the presence of US troops." **[28i] (p4)**

6.102 The HRW report, January 2005, stated that "Persons tortured or mistreated have inadequate access to health care and no realistic avenue for legal redress. With rare exception, Iraqi authorities have failed to investigate and punish officials responsible for violations." **[15g] (p2)**

6.103 However, the same report noted that "Officials found guilty of torturing or ill-treating detainees in their custody are punishable by up to fifteen years' imprisonment under the Penal Code. Detainees have the right to submit a complaint regarding a threat or harm caused to them with a view to initiating criminal proceedings against the perpetrators." **[15g] (p20x**

6.104 In spite of this, the HRW world report 2006 noted that:

"Iraqi government officials have publicly committed to investigating the abuse of

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detainees and to holding criminally responsible those found guilty of the torture of detainees and the killing of civilians. At this writing, neither the Ministry of Interior nor the Ministry of Defense had established an effective mechanism for the monitoring of abuses by law enforcement personnel or the armed forces, nor set up a system for bringing those accused of such offenses to justice. In addition to assistance provided by MNF-I personnel, other training programs through the European Union and NATO to train personnel from the Iraqi police, armed forces, the judiciary and penitentiary personnel were ongoing during 2005, but with little focus on issues related to monitoring and accountability." **[15i] (p2)**

6.105 The UNHCR COI report, October 2005, mentioned that:

"Iraq's use of the popular TV show Terrorism in the Grip of Justice in fighting the insurgency has also raised serious concerns as some of the suspects shown making public confessions bear visible signs such as cuts and bruises. The Iraqi Ministry of Human Rights has filed complaints with the Ministry of Interior and asked the Higher Judicial Council to review the show's legality. The programme is shown on the state-run Al-Iraqiyah TV channel and is featured by Abu Walid, the commander of the Wolf Brigade" **[40f] (p148)**

The USSD report 2005 stated that "…Human rights offices responsible for investigating allegations of police abuse were established in all governorates; however, there was insufficient information to determine their effectiveness." **[2h] (p6)** The report also mentioned that "…There were no publicized cases of criminal proceedings brought against members of the police in connection with alleged violations of human rights. MOI authorities claimed that there were several arrests of police and both criminal and administrative punishments in cases where allegations of torture were substantiated; no specific cases were identified by year's end." **[2h] (p7)**

6.82 An article by IRIN news, dated 20 February 2006, reported that "An NGO [Prisoners' Association for Justice (PAJ)] established this year [2006] to assist former prison detainees who have suffered abuses in prison has received an overwhelming initial response." **[18ag]**

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TORTURE AND ILL-TREATMENT IN THE KRG AREA

6.106 The USSD report 2005 stated:

"Kurdish security forces committed abuses against non-Kurdish minorities in the North, including Christians, Shabak, Turcomen, and Arabs. Abuse ranged from threats and intimidation to detention in undisclosed locations without due process. (Verification or assessment of credibility of claimed torture and abuses by KRG officials was extremely difficult." **[2h] (p5)**

6.107 The UNHCR COI report, October 2005 noted that "In the Asayish and Parastin/Dazgay Zaniary detention facilities where detainees are held incommunicado and without judicial review of their detention for prolonged

periods of time, the use of torture and ill-treatment cannot be excluded." **[40f] (p149)** (See also section 5 on Prisons and prison conditions)

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TORTURE AND ILL-TREATMENT BY THE MNF

6.108 The AI report, dated 25 July 2005, stated that:

"US forces have committed gross violations of international human rights and humanitarian law. They have not taken necessary precautions to minimize risk to civilians. They have used cluster weapons in bombing residential areas, which have resulted in the deaths of many civilians. They have used excessive force in responding to demonstrations, tortured and ill-treated detainees and made them 'disappear'." **[28c] (p3)**

6.109 The UNHCR COI report, October 2005, added that "Since the end of the war in May 2003, human rights organizations have issued several reports detailing allegations of gross human rights violations by the MNF in Iraq, including torture, ill-treatment and deaths in custody, amounting to grave breaches of the Geneva Conventions." **[40f] (p145)**

6.110 The same report noted that "Questions about detainees' treatment and interrogation techniques have been sparked by revelations of serious abuse by US soldiers at Abu Ghraib and other places." **[40f] (p54-55)** The AI report, dated 25 July 2005, noted that:

"The torture and ill-treatment of detainees by US forces were highlighted in April 2004 when photographs of Iraqi prisoners being abused were published around the world. The pictures showed groups of naked Iraqi detainees being forced to adopt humiliating and sexually explicit positions. Electric wires were attached to the body of one detainee. Other prisoners were seen being threatened by dogs. Further evidence emerged indicating that Iraqi prisoners had been beaten severely, made to masturbate in front of female US soldiers, and forced to walk on their hands and knees and bark like dogs." **[28c] (p4)**

6.111 It was widely reported that some Iraqi detainees in US custody were routinely and severely beaten, held for prolonged periods in forced stress positions, subjected to sleep deprivation, denied food and water, exposed to extremes of hot and cold, held in solitary confinement, forced to listen to loud music, made to stand for prolonged periods, hooded or blindfolded for several days, subjected to humiliating treatment, handcuffed that caused skin lesions and nerve damage and subjected to chemicals in the skin and eyes. (HRW world report 2006) **[15i] (p1)** (AI, 25 July 2005) **[28c] (p4)** (AI annual report 2005) **[28f] (p3)** (AI, 6 March 2006) **[28i] (p5)** The AI report, dated 6 March 2006, added that "According to media reports the abuse involved the use of an electro-shock gun on handcuffed and blindfolded detainees." **[28i] (p10)**

6.112 AI stated that there were also reports that women were beaten and threatened with rape in addition to other ill-treatment. (AI, 6 March 2006) **[28i] (p5)**

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6.113 The UNHCR COI report, October 2005, noted that "According to data provided by the US Government to the Associated Press, at least 108 people have died in US custody in Iraq and Afghanistan, out of which roughly one quarter are being investigated as possible abuses by US personnel." **[40f] (p146)** The AI report, dated 6 March 2006, added that "At least two 'high value' detainees have died in custody under circumstances suggesting that torture or ill-treatment caused or contributed to their deaths." **[28i] (p14)**

6.114 The same report stated that:

"The MNF has established procedures which deprive detainees of human rights guaranteed in international human rights law and standards. In particular, the MNF denies detainees their right to challenge the lawfulness of their detention before a court. Some of the detainees have been held for over two years without any effective remedy or recourse; others have been released without explanation or apology or reparation after months in detention, victims of a system that is arbitrary and a recipe for abuse." **[28i] (p1)**

6.115 The HRW world report 2006 stated that "The accounts show that abuses have resulted from civilian and military failures of leadership and confusion about interrogation standards and the application of the Geneva Conventions. They contradict claims by the Bush administration that detainee abuses by U.S. forces abroad have been infrequent, exceptional and unrelated to policy." **[15i] (p1)**

6.116 The HRW report April 2005 stated that "An ICRC report concluded that in military intelligence sections of Abu Ghraib, 'methods of physical and psychological coercion used by the interrogators appeared to be part of the standard operating procedures by military intelligence personnel to obtain confessions and extract information." **[15b] (p15)**

6.117 The UNHCR COI report, October 2005, stated that:

"The US military says that it has introduced a number of changes designed to prevent future abuses, including guidelines outlining acceptable interrogation methods, enhancing oversight and requiring that all reports from the ICRC be forwarded immediately to the Pentagon's Joint Staff and to military lawyers. Members of the MNF in Iraq enjoy immunity from Iraqi criminal and civil law and are only subject to the jurisdiction of their home countries. Several low-ranking US soldiers have been charged or convicted for abusing Iraqi prisoners since the publication of photographs depicting torture and ill-treatment at Abu Ghraib Prison. To date, no senior officers or officials who authorized the use of certain interrogation practices have been prosecuted however." **[40f] (p145)**

6.118 The AI report, dated 6 March 2006, noted that "Although the US authorities introduced various measures to safeguard prisoners after the Abu Ghraib prison scandal, there continue to be reports of torture or ill-treatment of detainees by US troops." **[28i] (p10)**

6.119 The same report stated that "While dozens of US soldiers have been court-martialed in connection with the abuse of detainees, senior US administration officials have remained free from independent scrutiny. According to the US government, as of 1 October 2005 there had been 65 courts-martial in connection with the abuse of detainees in Iraq." **[28i] (p5)**

6.120 The report also mentioned that "In September 2005 several members of the US National Guard's 184th Infantry Regiment were sentenced to prison terms in connection with torture or ill-treatment of Iraqis who had reportedly been detained in March 2005 following an attack on a power plant near Baghdad." **[28i] (p10)**

6.121 The UNHCR COI report, October 2005, stated that "To date, no senior officers or officials who authorized the use of certain interrogation practices have been prosecuted however." **[40f] (p145)**

6.122 The FCO human rights report 2005 stated that "Where there were allegations of abuse by British forces the UK instigated an investigation independent of the chain of command." **[66j] (p63)** The AI report, dated 6 March 2006, noted that "Several UK soldiers have also been charged in connection with alleged torture or ill-treatment and the deaths of detainees." **[28i] (p5)**

6.123 The FCO human rights report 2005 stated that:

> "The Chief of General Staff Mike Jackson … announced that the UK would appoint an experienced senior officer to assess lessons learned as a result of the court martial and to track future prosecutions. He also asked that these cases of abuse should be put into the perspective that there have been 65,000 British service personnel in Iraq and only 164 service police enquiries, of which 100 are in connection with incidents of return fire." **[66j] (p63)**

6.124 However, IRIN reported, on 20 February 2006, that "The British military has also been criticised following the release this month of video footage showing UK soldiers savagely beating four young Iraqi civilians in Southern Iraqi in 2004." **[18ag]** (See also section 5 on Prisons and prison conditions)

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ISF AS TARGETS FOR INSURGENTS

6.125 Attacks by armed insurgents on the Iraqi police and security forces were common. (*The Times*, 4 January 2005) **[5c]** (HRW, 3 October 2005) **[15j] (p102)** (HRW, January 2005) **[15g] (p3)** (UNSC, 7 June 2005) **[38b] (p3)** (UNHCR COI, October 2005) **[40f] (p56)** The UNHCR COI report, October 2005, noted that "Almost daily attacks against checkpoints, police centres, academies, convoys and recruitment centres clearly demonstrate this trend." **[40f] (p2, 16 & 56)**

6.126 The HRW report, dated 3 October 2005, added that "Insurgent groups have frequently targeted groups of men waiting to sign up for the Iraqi police or armed forces, which they consider 'collaborating with the infidel crusaders.' Typically, a large car bomb explodes outside a police station or other building where the registration process is taking place." **[15j] (p70)**

6.127 The UNHCR COI report, October 2005, mentioned that "Furthermore, senior ISF officials have become the target of deliberate assassinations. … Senior members of the ISF have reportedly relocated their families outside Iraq (mainly

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to neighbouring countries) as insurgents also target their houses and family members." **[40f] (p56)**

6.128 The HRW report, dated 3 October 2005, stated that:

"Some insurgent groups have summarily executed, often by beheading, captured Iraqi police and army personnel, as well as soldiers from the Multi-National Force. The number of security force members murdered in the custody of insurgent groups is not known, but groups like Ansar al-Sunna and al-Tawhid wal-Jihad have repeatedly claimed responsibility for executing soldiers and police." **[15j] (p104)**

6.129 Nevertheless, a report by The Brookings Institution, dated 7 March 2006, noted that "1,300 Iraqi military and police were killed between June 2003 and January 4, 2005 according to Iraqi Minister of Interior Falah Hasan Al-Naqib." **[88a] (p9)**

6.130 The HRW report, January 2005, stated that :

"Human Rights Watch recognizes the enormous difficulties inherent in reconstituting a police force in Iraq today, where prevailing security conditions affect all aspects of life and new police recruits are among the prime targets of attack. Those involved in law enforcement additionally have to contend with the legacy of the Saddam Hussein government, whose human rights record stood out as being among the worst anywhere." **[15g] (p3)**

6.131 *The Guardian* report, dated 25 February 2005, noted that "Police and army bases have improved their security following recent devastating attacks, but the insurgents have varied their tactics and profited from excellent intelligence supplied by infiltrators." **[6n]**

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MILITIA/INSURGENTS

6.132 Following the fall of the Saddam regime a number of armed groups opposed to the continued presence of the MNF in Iraq and the Iraqi government emerged in the country. (AI, 25 July 2005) **[28c] (p4)** (AI, 6 March 2006) **[28i] (p1)** Armed groups were responsible for abuses against Iraqi civilians and foreign nationals, as well as attacks against the MNF and Iraqi troops. (IRIN, 24 January 2006) **[18ae]** (AI, 25 July 2005) **[28c] (p1)** (AI, 6 March 2006) **[28i] (p1)** Abuses included abductions and hostage taking, torure and ill-treatment, suicide bombings and killings. (AI annual report 2005) **[28f] (p4)** (AI, 25 July 2005) **[28c] (p1)**

6.133 The AI report, dated 25 July 2005, stated that "In April 2005, former Iraqi Human Rights Minister Bakhtiar Amin estimated that some 6,000 Iraqi civilians had died and at least 16,000 had been wounded in direct or indiscriminate attacks by armed groups since the US-led military intervention in March 2003." **[28c] (p1)** IRIN news reported, on 24 January 2006, that the number of violent attacks significantly increased during 2005. "According to US military statistics, 34,100 insurgent attacks mostly targeting US and Iraqi troops were recorded last year, up from about 27,000 in 2004, representing an increase of 30 percent." **[18ae]**

6.134 The AI report, dated 25 July 2005, stated that "Most of their attacks, including suicide bombings and explosions, targeted Iraqi security forces and police stations, members of the US-led forces, members of the government and Iraqis working for or cooperating with the Iraqi interim government and the US-led forces." **[28c] (p4)**

6.135 The AI report, dated 25 July 2005, mentioned that:

"Relatively little is known about the precise make up of and relationships between the armed groups currently committing abuses in Iraq. For the most part, they operate in the so-called 'Sunni triangle' in central (including Baghdad), western and north-western Iraq, the area from which Saddam Hussain formerly derived much of his support, but armed groups have also carried out attacks in the Kurdish and other areas of northern Iraq, and in Basra and other parts of the south." **[28c] (p1)**

6.136 The insurgency was largely made of up former Ba'ath supporters, former soldiers, Sunni radical Islamist groups, dead-enders, rejectionists and foreign fighters. (ICG, 15 February 2006) **[25c] (p1)** (AI , 25 July 2005) **[28c] (p1)** (AI annual report 2005) **[28f] (p4)**

6.137 The CSIS report, dated 1 March 2006, noted that US official statistics estimated the total number of insurgents in the country between 12,000 abd 16,000 in October 2005. "…but have never defined how many are hard-core and full time, and how many are part time. … estimates as divergent as 3,500 and 400,000 were being cited in the spring and early summer of 2005." **[63f] (p4)**

6.138 The UNHCR COI report, October 2005, neverthess, stated that:

"Although estimates of the total number of Iraqi insurgents vary (and their numbers almost certainly fluctuate) the latest assessments put the number at 15,000-20,000 individuals and fewer than 1,000 foreign fighters. While foreign fighters have been the most visible of those involved in the insurgency due to their often brutal methods, the bulk of the insurgents are thought to be former Ba'athists and members of the Iraqi Sunni community." **[40f] (p65)**

6.139 The same report stated that "The insurgency in Iraq has not been a national insurgency. Iraqi Kurds have never supported it, and only small numbers of Shi'ites have taken an active role." **[63f] (p2)** The same report mentioned that "Regardless of the exact ethnic and sectarian split, only about 6-8% of Iraq's total population is located in the areas most hostile to the Coalition and the Iraqi government. Moreover, if one looks at the total population of all the scattered cities and areas where insurgents and terrorists largely dominate, it does not exceed 6-9% of Iraq's total population." **[63f] (p2)**

6.140 The report also noted that "Most of the Sunni forces that emerged by early 2006 were local and informal, operating at the tribal and neighborhood level. In some cases, the end result was a force that was not loyal to either the insurgency or supportive of the Coalition and new Iraqi government." **[63f] (p56)** The CFR report, dated 9 June 2005, noted that "Some battle Iraq's largely Sunni insurgency alongside official Interior and Defense ministry troops; others operate without official assistance or sanction." **[8a] (p1)**

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6.141 The AI report, dated 25 July 2005, also noted that "As well, they include Muslim militants from other countries in the Middle East and beyond who were drawn to Iraq seemingly by their opposition to the US and its policies generally as well as to its military presence in Iraq, with the Jordanian-born militant Abu Mus'ab al-Zarqawi the most notorious of these." **[28c] (p1)** The CSIS report, dated 1 March 2006, stated mentioned that the foreign volunteers and extremists "… did not seem likely to exceed 3,000 full time insurgents as of September 2005." **[63f] (p2)**

6.142 The IWPR stated, on 26 January 2005, that "With just 150,000 US troops on the ground, the likes of Zarqawi and other al-Qaeda operatives have little trouble entering Iraq and moving around at will." **[11u] (p3)**

6.143 The CSIS report, dated 1 March 2006, noted that "Some forces were part of the insurgency, and others were formed to deal with the threat posed by the more extreme Sunni Arab insurgents, such as the Zarqawi movement." **[63f] (p56)**

6.144 The AI report, dated 25 July 2005, noted that "The armed groups do not seem to be a united movement directed by a single leadership with one ideology. Most members of armed groups in Iraq reportedly do not know the identity of their leaders or the sources of their financing." **[28c] (p4)**

6.145 The UNHCR COI report, October 2005, noted that "Despite a provision in the TAL banning all armed militias and CPA order No. 91 calling for all militias to be disbanded (with the exception of the Kurdish Peshmerga), there are still various ethnic and sectarian militias active in Iraq. **[40f] (p60)** The CSIS report, dated 1 March 2006, added that:

"In some cases, the Coalition and new Iraqi government either helped create such militias or supported them. In the border area and part of Western Iraq, for example, MNF-I and the Iraqi government found it was cheaper and more effective to buy the loyalty of local tribal militias than fight the insurgents – particularly in those areas where outside insurgents had alienated the local residents." **[63f] (p56)**

6.146 The UNHCR COI report, October 2005, noted that "The larger and more well-established groups play a major role in providing security, in particular in Baghdad's Shiite neighbourhoods and in the South where Shiite organizations immediately filled the security vacuum created after the fall of the former regime." **[40f] (p60)**

6.147 An article in the *Washington Post*, dated 20 August 2005, noted that "Their growing authority has enabled them to seize territory, confront their perceived enemies and provide patronage to their followers." **[16f] (p1)**

6.148 The UNHCR COI report, October 2005, stated that "In a recent announcement, President Jalal Talabani and the ITG openly backed the armed militias and emphasized their crucial role in fighting the insurgency." **[40f] (p60)** "It is often difficult to separate the various factions, as many are closely aligned or operate under various names." **[40f] (p64)**

6.149 The CSIS report, dated 1 March 2006, noted that:

"While domestic and foreign Sunni Islamists now dominate the insurgency, there is a risk of civil war, and that the conflict could escalate to include other ethnic and sectarian groups. This risk is most serious between Iraqi Arab Sunni and Iraqi Arab Shi'ite, although ethnic divisions play a major role as well. The tensions between religious Iraqi Arab Shi'ites and Sunni Islamist extremist groups are particularly dangerous and there are growing indicators that Shi'ites are taking revenge for Sunni insurgent attacks." **[63f] (p71)** (See also Annex F on Current militia / insurgent groups)

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SUNNI ARAB INSURGENTS

6.150 According to the CSIS report, dated 1 March 2006, "The largest elements of the insurgency appear to be newly radicalized Iraqi Sunnis." **[63f] (p48)**

6.151 The UNHCR COI report, October 2005, stated that:

"US military intelligence officials say they believe that three interconnected groups are the most powerful actors in the Iraqi insurgency today: Ansar Al-Islam, Ansar Al-Sunna and Al-Qaeda in Iraq, the last of which is headed by Jordanian militant Abu Musab Al-Zarqawi. A loose coalition of insurgent groups (including guerrillas from Jaish Ansar Al-Sunna, Jaish Mohammed and Al-Qaeda in Iraq) are believed to have a controlling presence in the cities of Fallujah, Ramadi, Samarra, Baqouba, Al-Qaim, Tal Afar and Mosul." **[40f] (p65)**

6.152 The AI report, dated 25 July 2005, stated that "Armed groups fighting against the MNF and Iraqi government forces in Iraq do not have recognized political wings or official spokespersons inside or outside the country. However, some Sunni religious entities and personalities appear to exercise influence over some of the groups." **[28c] (p5)**

6.153 The CSIS report, dated 1 March 2006, noted that:

"Some 35 Sunni Arab 'groups' have made some kind of public announcement of their existence, or claimed responsibility for terrorist or insurgent attacks – although many may be little more than cells and some may be efforts to shift the blame for attacks or make the insurgent movement seem larger than it is. Some may be little more than tribal or clan groupings, since many elements of the Sunni insurgency have strong tribal affiliations or cells. An overwhelming majority of those captured or killed have been Iraqi Sunnis, as well as something like 90-95% of those detained." **[63f] (p14)**

6.154 Insurgents were largely inspired by tribal and local loyalties, as well as nationalism and religius duty. (ICG, 1 March 2006) **[25c] (p25)** (CSIS, 1 March 2006) **[63f] (p48)** Insurgents were also opposed to the continued presence of the MNF in Iraq and believe military action against them as a legitimate response. (HRW world report 2006) **[15i] (p6)** (HRW, 3 October 2005) **[15j] (p32)** (AI, 25 July 2005) **[28c] (p5)** (UNHCR COI, October 2005) **[40f] (p2)** (CSIS, 1 March 2006) **[63f] (p48)** According to the HRW report, dated 3 October 2005, the majority of Sunni institutions and religious bodies support this view. **[15j] (p32)** The AI report, dated

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25 July 2005, stated that "Some of them also consider targeting 'collaborators', Iraqis and non-Iraqis, as legitimate." **[28c] (p5)**

6.155 Reports indicated that insurgent groups were responsible for copious attacks and killings against Iraqi civilians and foreign nationals, in addition to the MNF and ISF. (*The Guardian*, 24 February 2005) **[6l]** (HRW world report 2006) **[15i] (p2)** (UNHCR COI, October 2005) **[40f] (p65)** Insurgents used car bombs and suicide bombs outside government facilities, mosques and churches, in markets, bus stations and other public gathering spots, and businesses resulting in substantial civilian casualties and deaths. (USSD 2005) **[2h] (p3)** (BBC, 1 August 2005) **[4aa]** (HRW world report 2006) **[15i] (p2)** (UNHCR COI, October 2005) **[40f] (p65)**

6.156 Insurgents also carried out targeted attacks, kidnappings and assassinations against civilian groups or 'soft targets' and their families such as government officials and politicians, foreign diplomats, police, and security forces, judges, journalists, doctors, professors, humanitarian aid workers, as well as those seen to be collaborating with the MNF-I such as translators, cleaners and other civilians working for the MNF-I. (USSD 2005) **[2h] (p3)** (HRW world report 2006) **[15i] (p2)** (UNSC, 7 June 2005) **[38b] (p13)** (UNHCR COI, October 2005) **[40f] (p65)** (CSIS, 3 February 2006) **[63e] (pii)**

6.157 The HRW report, dated 3 October 2005, suggested that "Some [religious bodies] have condemned attacks on civilians, particularly the large-scale attacks on Shi`a shrines and Christian churches, but their condemnations are sometimes limited and suggest that attacks on civilians are warranted in certain circumstances." **[15j] (p32)**

6.158 The UNHCR COI report, October 2005, mentioned that "… there are numerous reports and evidence that insurgents employ multiple forms of torture and inhumane treatment against their victims, including beatings, electric shocks and mock executions. During raids of insurgent hotspots such as Fallujah or Karabilah, the MNF/ISF has discovered several 'torture houses, fully equipped and sometimes even with victims in them." **[40f] (p149)**

6.159 The same report noted that:

"The tactics employed by insurgents against the MNF/ISF include Improvised Explosive Devices (IEDs), ambushes of convoys and patrols using AK-47 assault rifles and RPGs, mortar and rocket strikes on military bases and buildings associated with the Iraqi Government, attacks on helicopters, sabotage acts against civilian infrastructure such as oil pipelines and (suicide) car bombs. Assaults combining various weapons and tactics – such as the use of IEDs, RPGs, mortars and car bombs all at once – have increasingly appeared. The most visible attacks are those of suicide bombers; most of this group is believed to come from outside Iraq, although they operate with local support. An Al-Qaeda announcement posted on the Internet says that it has formed a unit of potential suicide attackers who are of exclusively Iraqi origin." **[40f] (p65)**

6.160 The CSIS report, dated 1 March 2006, stated that:

"The various Sunni insurgent groups are divided into a complex mix of Sunni nationalists, pro-Ba'ath/ex-regime, Sunni Iraqi Islamists, outside Islamic extremists, foreign volunteers with no clear alignment, and paid or politically motivated criminals. Some are organized so that their cadres are in relatively small cells, some as small as 2 or 3 men. These cells can recruit or call in larger teams, but the loss of even a significant number of such cells may not cripple a given group, and several Sunni groups operate in most areas. Others seem to operate as much larger, but normally dispersed groups, capable of coming together for operations of as many as 30-50 men." **[63f] (p14)**

6.161 The report also mentioned that:

"The Sunni elements of the insurgency involve a wide range of disparate Iraqi and foreign groups, and mixes of secular and Islamic extremist factions. There are elements tied to former Ba'athist officials, and to Iraqi and Sunni nationalists. There are elements composed of native Iraqi Sunni Islamists, groups with outside leadership and links to Al Qa'ida, and foreign volunteers with little real structure - some of which seem to be seeking Islamic martyrdom rather than clearly defined political goals." **[63f] (p14)**

6.162 According to an article in Jane's Intelligence Review, February 2005, "Though capable of destabilising and intimidating large tracts of central Iraq, the multi-faceted Sunni resistence does not currently boast the strong public support necessary to succeed as an insurgent movement (that is, to gain local or national power)." **[14a] (p30)**

6.163 The CSIS reported, on 1 March 2006, that:

"The main Sunni insurgent groups are concentrated in cities ranging from areas like Mosul and Baghdad; in Sunni-populated areas like the 'Sunni Triangle,' the Al Anbar Province to the west of Baghdad, and the so-called 'Triangle of Death' to the southeast of Baghdad; and in Sunni areas near the Iraqi and Turkish borders. As a result, four of Iraq's provinces have both a major insurgency threat and a major insurgent presence. At the same time, they have continued to lack the ideological cohesion and operational coordination necessary to mobilize Iraqi Sunni Arabs with optimal effect." **[63f] (p15)**

6.164 The report also mentioned that "In October of 2005, a Congressional report noted that the insurgency remained concentrated in four of Iraq's eighteen provinces: Baghdad, Al Anbar, Ninewah, and Salah ad Din." **[63f] (p15)**

6.165 The CSIS report, dated 3 February 2006, stated that:

"During the summer and fall of 2003, Iraqi insurgents emerged as a serious threat with significant popular support in Arab Sunni areas, and developed a steadily more sophisticated mix of tactics. In the process, a native and foreign Islamist extremist threat also developed which deliberately tried to divide Iraq's Sunni Arabs from its Arab Shi'ites, Kurds, and other Iraqi minorities. By the fall of the 2004, this had some elements of a low-level civil war, and by June 2005, it threatened to escalate into a far more serious civil conflict." **[63e] (p2)**

6.166 The ICG report, dated 1 March 2006, added that:

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"…The insurgents, meanwhile, have been both playing on and exacerbating Sunni Arab hostility, first toward the occupation, and now also toward sectarian Shiite parties seen as intent on taking over national institutions and resources, waging a dirty communal war and pursuing an essentially Iranian agenda. The combination of social networks, an ample supply of weapons, a powerful message and adequate funds has allowed the insurgency to maintain a relatively constant level of violence." **[25c] (p25)**

6.167 The report also mentioned that "Over time, the insurgency appears to have become more united, confident, sensitive to its constituents' demands, and adept at learning from the enemy's successes and failures and its own. The trend remains fragile – the surface homogeneity in all likelihood conceals deep-seated tensions; the confidence may be short-lived; and the sensitivity has its limitations." **[25c] (p26)**

6.168 The UNHCR COI report, October 2005, noted that:

"Since June 2005, reports have emerged that the Iraqi authorities have opened contacts with some insurgent groups [excluding the most violent groups violent groups such as Ansar Al-Sunna or Al-Qaeda] and are willing to grant amnesty to those willing to enter the political process and who have no blood on their hands. Al-Qaeda in Iraq consequently released a statement warning those who intended to negotiate with the Iraqi Government, stating 'we will impose God's punishment on anyone who stands by the crusaders or becomes their ally or supports them. The righteous swords are unsheathed and hunger for blood'." **[40f] (p66)**

6.169 An IRIN news article, dated 31 January 2006, reported that "Based on information given to IRIN by Sunni political groups, three insurgent militias – the Muhammad Army, the Islamic Army and the Muhammad Brigade – have already signed prospective peace deals." **[18ab]** (See also Annex F on Current militia / insurgent groups)

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SHI'A MILITIA

6.170 As noted in the CFR report, dated 9 June 2005, Shi'ite militia included the Badr Organisation, the Mahdi Army and the Defenders of Khadammiya. **[8a] (p1)** According to the CSIS rport, dated 1 March 2006, "Sunnis feel particularly threatened by the Badr Organization ." **[63f] (p72)** The same report stated that:

"Shi'ites and Kurds see the militias an important aid in fighting the insurgency. In contrast, Sunnis accuse the militias – particularly the Badr Organization, the Mahdi Army, and police and elements of the special security forces dominated by these militias -- of killings, intimidation and a host of other crimes. In contrast, this has led to steadily rising tension, and divisions between Sunni and Shi'ite, over the roles the Shi'ite militias and government forces with large numbers of former militia are playing in any revenge killings." **[63f] (p73)**

6.171 The *Washington Post* stated in an article, dated 20 August 2005, that "Shiite … militias, often operating as part of Iraqi government security forces, have carried

out a wave of abductions, assassinations and other acts of intimidation, consolidating their control over territory across … southern Iraq and deepening the country's divide along ethnic and sectarian lines, according to political leaders, families of the victims, human rights activists and Iraqi officials." **[16f] (p1)**

6.172 The CSIS report, dated 1 March 2006, stated that "Although the CPA tried to establish legal barriers to maintaining militias by issuing Order 91 in April 2004, the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the faction of Abdul Aziz al-Hakim still have large militia elements. These are forces that Sunni groups have increasingly accused of committing atrocities against them since the spring of 2005." **[63f] (p72)**

6.173 An article by Knight Ridder Newspapers, dated 8 June 2005, stated that the Badr Organisation was accused of conducting a terror campaign against Iraq's Sunni Muslim population. **[13b] (p1)** The same article reported that the Badr Organisation was involved in a series of attacks against Sunni clerics, including cases where victims were tortured with electric drills. **[13b] (p1)**

6.174 The CNN article, dated 8 June 2005, added that "The Badr Organization has been accused by some prominent Sunni figures as being complicit in a recent spate of killings of Sunni clerics and have charged the Shia-dominated government with giving the organization too much power." **[17a]**

6.175 The same article noted that the Iraqi government officials publicly praised the organisation for its contribution in maintaining Iraqi security. **[17a]** According to the Knight Ridder Newspapers article, dated 8 June 2005, Hadi al-Ameri, Badr's commander, stated that the organisation had given up its weapons. **[13b] (p1)**

6.176 A Knight Ridder article, dated 25 February 2005, noted that "Officially, the Iran-backed Badr militia is now the Badr Organization, a political party whose leaders say it's disarmed. In reality, Badr fighters were so emboldened by their sect's victory at the polls that they're again roaming southern Shiite territories with weapons displayed, according to witnesses and Iraqi authorities." **[13a]**

6.177 The GlobalSecurity.Org report (last modified 6 July 2005) noted that:

"In early April 2004, the militia of Muqtada Al Sadr's army – Jaysh Mahdi or Mahdi Army – attempted to interfere with security in Baghdad, intimidate Iraqi citizens and place them in danger. The militia attempted to occupy and gain control of police stations and government buildings. During this attack, this illegal militia engaged coalition forces and ISF with small arms fire and RPGs. Coalition forces and Iraqi security forces prevented this effort and reestablished security in Baghdad. Coalition troops fought gun battles with members of Muqtada al-Sadr's Imam Al-Mahdi Army militia in the southern cities of Al-Nassiriyah, Amara, and Kut." **[73a] (p3)**

6.178 The AI report, dated 25 July 2005, noted that "Amnesty International has no evidence, for example, that the Mahdi Army, which comprises followers of Muqtada al-Sadr, killed or targeted civilians when fighting against the US-led Multinational Force before August 2004…." **[28c] (p19)**

6.179 Fighting broke out between the Mahdi Army and the Badr Organisation in the southern city of Najaf and four other towns in the south at the end of August

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2005. (*The Guardian*, 26 August 2005) **[6c] (p2)** (*Washington Post*, 26 August 2005) **[16c] (p1)** The *Guardian* article added that "They exchanged rocket and machine-gun fire and burned each other's offices, leaving at least six dead and dozens injured. Violence eased when Mr Sadr called a press conference in Najaf and pleaded for calm, urging his followers to spare the blood of other Muslims." **[6c] (p2)**

6.180 The Badr Organization was deemed as militias by the Iraqi government and MNF but the Mahdi Army was considered as a potential insurgent group. (CSIS, 1 March 2006) **[63f] (p72)** (See also Annex F on Current militia / insurgent groups)

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KURDISH MILITIA

6.181 The Kurdish Peshmerga, described by UNHCR as the strongest militia, were the militia of the Kurdish Democratic Party (KDP) headed by Masoud Barzani and the Patriotic Union of Kurdistan, headed by Jalal Talibani. (UNHCR COI, October 2005) **[40f] (p60)** (CSIS report, dated 1 March 2006) **[63f] (p85)**

6.182 The CSIS report, dated 1 March 2006, noted that "Their current strength is difficult to estimate, and some elements are either operating in Iraqi forces or have been trained by US advisors. **[63f] (p85)** "The PUK and KDP claim that there are 100,000 Peshmerga troops, and they have insisted on keeping the Peshmerga intact as guarantors of Kurdish security and political self-determination." **[63f] (p85)**

6.183 The Christian Science Monitor mentioned, on 2 March 2005, that "The two parties have agreed to unify the Kurdish region under a single government, but each maintains its own band of armed pesh merga with separate command structures." **[34b] (p1)**

6.184 The Peshmerga were the principal security forces for the Kurdish Regional Government (KRG). (CSIS report, dated 1 March 2006) **[63f] (p85)** An article in *The New York Times*, dated 23 February 2005, noted that "A source of ethnic pride, they fought tenaciously against Saddam Hussein and are now relied upon by American commanders to battle the Arab-led insurgency in the north. Perhaps most important in the current power vacuum, they provide Kurdish leaders with armed backing in their demands for broad autonomy." **[24a]**

6.185 *The New York Times* stated in an article, dated 23 February 2005, that "The pesh merga are everywhere in Iraqi Kurdistan – along the highways, atop government buildings, riding in convoys. They wear a hodgepodge of uniforms, from traditional baggy outfits to desert camouflage hand-me-downs from the United States Army. There is one thing that appears to be consistent, though: they think of themselves as Kurds first and Iraqis second." **[24a]**

6.186 The EUI report 2005 stated that "The larger Kurdish forces, the peshmerga, have occasionally been deployed out of their locality, but are generally confined to the Kurdish self-rule government area." **[58b] (p20)**

6.187 The CSIS report, dated 1 March 2006, noted that "The Peshmerga groups of the Patriotic Union of Kurdistan (PUK) and the Kurdish Democratic Party (KDP) serve as the primary security force for the Kurdish regional government. The PUK and KDP claim that there are 100,000 Peshmerga troops, and they have insisted on keeping the Peshmerga intact as guarantors of Kurdish security and political self-determination." **[63f] (p85)**

6.188 An article in *The Washington Post*, dated 20 August 2005, accused the Kurdish militia of carrying out "… abductions, assassinations and other acts of intimidation…" across northern Iraq. **[16f] (p1)**

6.189 The same article reported that:

"Across northern Iraq, Kurdish parties have employed a previously undisclosed network of at least five detention facilities to incarcerate hundreds of Sunni Arabs, Turkmens and other minorities abducted and secretly transferred from Mosul, Iraq's third-largest city, and from territories stretching to the Iranian border, according to political leaders and detainees' families. Nominally under the authority of the U.S.-backed Iraqi army, the militias have beaten up and threatened government officials and political leaders deemed to be working against Kurdish interests; one bloodied official was paraded through a town in a pickup truck…." **[16f] (p1)** (See also Annex F on Current militia / insurgent groups)

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FOREIGN INSURGENTS

6.190 The AI report, dated 25 July 2005, mentioned that:

"In effect, for many Arabs and Muslims around the world, the occupation of Iraq has provided an opportunity to volunteer to go to Iraq to fight against the 'infidels'. Much as the US and its allies declared a global 'war on terror', so Islamist groups such as al-Qa'ida declared a global war on the US and its allies. These groups see Iraq as a fertile ground for Jihad (holy war) and a key opportunity to settle scores with the US. Hundreds of Islamists from different countries are said to have gone to Iraq to fight against US forces." **[28c] (p4)**

6.191 In spite of this, the CSIS report, dated 1 March 2006, noted that:

"It is unlikely that foreign volunteers make up even 10% of the insurgent force, and may make up Less than 5%. While the number of foreign volunteers has increased through the spring of 2005, US experts feel they have since declined, largely as a result of US and Iraqi government military operations in Western Iraq and improvements in security in the Syrian-Iraqi border area. While some estimates of the total number of such volunteers have gone as high as 3,000, others go from the high hundreds to over 1,000." **[63f] (p60)**

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6.192 The same report stated that:

> "The reliance given insurgent organizations place on foreign volunteers is also uncertain. While Al Qa'ida in Mesopotamia has become virtually synonymous with foreign volunteers, its membership may well be largely Iraqi. … There also are foreign volunteers in other Sunni Islamist extremist groups like Ansar al-Islam (also known as Ansar al-Sunnah), and the Islamic Army of Iraq. At least six other smaller terrorist groups are operating in Iraq that may rely on foreign volunteers, and many of the groups supporting the 'Ba'ath' seem to have foreign volunteers as well." **[63f] (p60)**

6.193 The report also mentioned that "Foreign Sunni Islamist extremist volunteers do seem to have carried out most of the suicide car and pedestrian bombings since 2003. These are among some of the bloodiest and most-publicized insurgent attacks." **[63f] (p61)** (See also Annex F on Current militia / insurgent groups)

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OTHER MILITIA

6.194 The AI report, June 2004, documented that a number of political and religious opposition groups with armed wings have moved back to Iraq. Amnesty stated that in different parts of Iraq, they have put pressure on women and girls to wear the hijab or the strict Islamic dress, and that other people have been targeted by these groups, including members of religious minorities such as Christians and Sabean/Mandeans, alcohol sellers, well-known secularists, Ba'athists, former civil servants and former members of the old security services. **[28a] (p8)**

6.195 The same report stated that:

> "Basra, for example, has seen the emergence of numerous armed groups, some related to Shi'a Islamist political groups such as the Badr Organization, but many are new such as Tha'r Allah (God's Revenge), Harakat 15 Sha'ban, al-Talee'a (The Vanguard) and Jama'at al-Fudhala (Group of Virtue). These groups have occupied former government buildings which had been looted during the war and use them now as their headquarters. They are feared by many people in Basra because they have been responsible for gross human rights abuses, including killing a large number of former Ba'ath party members or supporters, former security men and alcohol sellers." **[28a] (p8)**

6.196 The AI report added that "The occupation of Iraq also led to the emergence of armed groups who vowed to end the occupation using all available violent means including suicide attacks. These groups, said to be a mixture of former Ba'ath supporters, former members of the various security services, Sunni radical Islamist groups and foreign fighters, have targeted Coalition Forces, members of the IGC, Iraqis coopering with or working for the CPA and Coalition Forces, as well as international aid workers and journalists." **[28a] (p18)** The report added that "These groups have also resorted to hostage-taking and killing of hostages to put pressure on countries that have troops in Iraq to

withdraw them." **[28a] (p9)** (See also Annex F on Current militia / insurgent groups)

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CRIMINAL GANGS

6.197 The CSIS report, dated 1 March 2006, stated that "Another key issue is the inability to distinguish insurgency from crime. The vast majority of Iraqi criminals probably have limited or no ties to the insurgents, although some are clearly 'for hire' in terms of what they target or in being willing to take pay for sabotage or acts of violence that help create a climate of violence in given areas.

6.198 The report added that:

"At least some elements in the Sunni insurgency do, however, work with criminal elements looting and sabotage campaigns. These clearly involve some native and foreign Sunni Islamist extremists – particularly in areas like kidnappings – but the alliances 'Ba'athists' and 'Sunni nationalists' have with criminal groups seem to be much stronger. They also seem to dominate the cases where tribal groups mix insurgents and criminals. Many US and Iraqi intelligence officers believe that some criminal networks are heavily under the influence of various former regime elements or are dominated by them, and that some elements of organized crime do help the insurgency. The US Defense Intelligence Agency stated in July 2005 that some aspect of insurgent financing was derived from kidnapping for ransom, drug trafficking, robbery, theft, extortion, smuggling and the counterfeiting of goods and currency. Furthermore, at least some Shi'ite criminal groups and vendettas use the insurgency or Sunnis as a cover for their activities." **[63f] (p11)**

6.199 The report also mentioned that "Far more Iraqis face day-to-day threats from criminals than from terrorists and insurgents, although there is no area totally free from the risk of attack." **[63f] (p11)**

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FREEDOM OF SPEECH AND THE MEDIA

6.200 Article 38 (a) of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, provides for the "Freedom of expression using all means." Article 38 (b) provides for the "Freedom of press, printing, advertisement, media and publication." **[82a] (p12)**

6.201 Article 13 of the TAL provides for freedom of expression. **[51a]** The UNHCR COI report, October 2005 noted that "Iraqis have enjoyed a considerable amount of freedom of expression since the fall of the former regime in April 2003. Almost overnight, the repressive media environment transformed into one of the most diverse and loosely regulated." **[40f] (p158)**

6.202 The CPJ 2005 report noted that "The overall press freedom situation in Iraq wasn't entirely bleak. Iraqi media have flourished since the fall of President Saddam Hussein, who controlled the media with an iron fist, brooking no independent news or opinions." **[26b] (p5)**

6.203 Moreover, the Freedom House 2005 report on Freedom of the Press noted that "In late March [2004], the CPA established the Iraq Communications and Media Commission (later called the National Communications and Media Commission, or NCMC), an independent nonprofit administrative institution with authority to license and regulate media, broadcasting, and telecommunications services." **[70a] (p106)**

6.204 The same report mentioned that "In August [2004], interim prime minister Iyad Allawi announced the creation of a new Higher Media Commission (HMC) with responsibility for regulating print and broadcast media and imposing sanctions against violators. **[70a] (p106)**

6.205 The USSD report 2005 stated that

"CPA Order 14, as amended by CPA Order 100, restricts media organizations from incitement to violence and civil disorder, expressing support for the banned Ba'th Party and support for "alterations to Iraq's borders by violent means." Government actions based on the order must be consistent with the TAL and the country's obligations under international law and are appealable within the judicial system.

"Media organizations determined to be in violation of the CPA orders are subject to closure, possible imprisonment of persons involved in the violation, and a fine of up to $1 thousand (1.5 million dinars). No media organizations in the country were closed during the year. The Iraqi Association of Journalists asserted that journalists were censored and had been accused of collaboration with the insurgents after trying to report on both sides of the conflict." **[2h] (p10)**

6.206 The UNHCR COI report, October 2005, stated that:

"CPA Order No. 14 prohibits media organizations from publishing or broadcasting material that incites violence or civil disorder, advocates the return to power of the Ba'ath Party or contains statements that purport to be on behalf of the Ba'ath Party. It allows for the closure of media organizations that violate these regulations. One example is the decision of the IIG to ban the Al-Jazeera news channel from working in Iraq. The station was accused of inciting violence and hatred." **[40f] (p158)**

6.207 The USSD report 2005 noted that "Licensing procedures are transparent and an independent entity was established to license broadcast media, although the process has lapsed in the face of other priorities. The press does not require a license to operate." **[2h] (p10)**

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NEWSPAPERS, RADIO AND TELEVISION

6.208 Numerous daily and weekly publications including political broadsheets, independent newspapers and magazines were available in Iraq. (USSD 2005) **[2h] (p10)** (CPJ 2005) **[36c] (p1)** (UNHCR COI, October 2005) **[40f] (p158)** (Freedom House, Freedom of the Press, 2005) **[70a] (p107)** In fact, UNHCR stated that there were an estimated 170 independent newspapers and magazines in May 2005. (UNHCR COI, October 2005) **[40f] (p158)** Most were affiliated with particular religious or political groups. (Freedom House, Freedom of the Press, 2005) **[70a] (p107)**

6.209 The same report noted that "Among the largest-circulation newspapers are As-Sabah (which has a circulation of more than 50,000 and was founded after the invasion with US funding), Az-Zaman (owned by leading Iraqi businessman Saad Al-Bazzaz) and Hawlati, a Kurdish weekly. Most are affiliated with political parties or religious organizations." **[40f] (p158)**

6.210 The Freedom House report on Freedom of the Press 2005 noted that "While the independent press has grown tremendously, economic conditions have hindered the ability of independent publications to sustain themselves." **[70a] (p107)**

6.211 The Freedom House report on Freedom of the Press 2005, noted that "In March [2004], the CPA suspended *Al-Hawza*, the newspaper of Shiite cleric Muqtada Al-Sadr, for allegedly falsely blaming the U.S. military for the deaths of Iraqi police recruits in a February attack." **[70a] (p107)** A BBC article, dated 27 August 2004, observed that "The ban was lifted in mid-July [2004] by the interim Iraqi government, citing the move as proof of its belief in a free press, but the newspaper said it had been preparing to resume publishing anyway." **[4f] (p1)**

6.212 Dozens and television and radio stations also operated in Iraq at various levels and in a number of languages. (USSD 2005) **[2h] (p10)** (CPJ 2005) **[36c] (p1)** (UNHCR COI, October 2005) **[40f] (p158)** (Freedom House, Freedom of the Press, 2005) **[70a] (p107)** Foreign satellite television, which was banned under the Saddam regime, became increasingly available and Iraqis had free access to Middle Eastern, European and US channels. (UNHCR COI, October 2005) **[40f] (p158)** (Freedom House, Freedom of the Press, 2005) **[70a] (p107)**

6.213 The USSD report 2005 noted that "The most widely watched television stations were independent Al-Sharqiya and public broadcaster Al-Iraqiya, along with Arabic-language satellite channels operating outside the country, such as Al-Arabiya and Al-Jazeera. Several other new outlets were gaining popularity, such as entertainment channel Al-Sumeria. " **[2h] (p10)**

6.214 Nevertheless, on 7 August 2004, the interim government banned the Qatar-based *Al-Jazeera* television station from transmitting in the country for one month. The interim government accused the station of inciting violence and hatred. (USSD 2005) **[2h] (p11)** (RSF annual report, 3 May 2005) **[20c] (p3)** (UNHCR COI, October 2005) **[40f] (p158)** (Dutch country report, December 2004) **[71c] (p33)** The UNHCR COI report, October 2005, added that "Iraqi officials alleged that Al-Jazeera's reporting on kidnappings had encouraged Iraqi militants, and a government statement on the ban accused Al-Jazeera of being a mouthpiece for terrorist groups and contributing to instability in Iraq." **[40f] (p158)**

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6.215 The ban was extended in September [2004] for an unspecified period of time and the office of Al-Jazeera in Baghdad was closed. (RSF annual report 2005) **[20c] (p3)** (Dutch country report, December 2004) **[71c] (p33)** The ban remained in place at the time of writing. (USSD 2005) **[2h] (p11)** (CPJ 2005) **[26b] (p5)** In spite of this, the station continued to function in the country by using free-lance journalists footage from other media sources and a network of contacts. (USSD 2005) **[2h] (p11)** (CPJ 2005) **[26b] (p5)** (Freedom House, Freedom of the Press, 2005) **[70a] (p107)**

6.216 The RSF annual report, dated 3 May 2005, stated that "Defence minister Hazem Shaalan called *Al-Jazeera* 'clearly a terrorist TV station' in an article the same month in the daily *Asharq al-Awsat*, accusing its Baghdad office of operating illegally since it was closed three months earlier." **[20c] (p3)**

6.217 The CPJ report 2005 stated that:

"The Iraqi media magnify the problem by their daily portrayal of violence, with especially politically-affiliated stations and papers ladling out a partisan broth that polarises the Sunni and Shiite communities. The abovementioned Hurriya killings, for example, received prime billing (with a gruesome picture of one victim and inflammatory headlines) on the front page of *Al-Jasa'er*, a newspaper associated with the Muslim Scholars Association – its effect, if not its intent, to further inflame sectarian passions. Moreover, satellite TV stations such seen as supporting the insurgents' cause through partisan broadcasts betraying a Sunni vantage point. As for the new crop of Iraqi channels, neutral ground has receded to give way to partisan reporting, if not in fact then in predominant perception. A relatively independent channel such as al-Sharqiya is seen as Baathist by many Shiites and watched mostly by Sunnis. Al-Iraqiya, which the Shiite-led government took over from U.S. control, is considered pro-Shiite and indeed threw its support behind the Shiite list in the December 2005 elections." **[25d] (p4-5)**

6.218 The USSD report 2005 also noted:

"The media represented a very wide range of viewpoints. Columnists openly criticized the government in print media, and government officials responded to viewer call-ins on television programs. Election programs featured live debates among candidates. Public media (one each for TV, radio, and newspaper) launched by the CPA were incorporated into a new publicly funded broadcaster, the Iraqi Media Network. Much of the media was owned by political party groups or coalitions of political, ethnic and religious groups. Despite the enabling legal framework, the lack of independent commercial financing resulted in many media outlets being the voices of and financially dependent upon political parties and other groups. 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. " **[2h] (p10)**

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OTHER FORMS OF MEDIA

6.219 The UNHCR COI report, October 2005, mentioned that "There are no restrictions on content or access to books, periodicals, mass media, satellite dishes, computers, modems, faxes and Internet services." **[40f] (p158)**

6.220 Access to the internet, which was only seen by the elite under the previous regime, grew and internet cafes opened in many places across Iraq. (UNHCR COI, October 2005) **[40f] (p158)** (Freedom House, Freedom of the Press, 2005) **[70a] (p107)**

JOURNALISTS

6.221 The Freedom House 2005 report on Freedom of the Press stated that "The ongoing instability and violence remain the biggest threats to press freedom, with Iraqi insurgent groups targeting attacks against media." **[70a] (p106)**

6.222 According to the CPJ, Iraq was the most risky place in the world to work as a journalist in 2005. The Iraq conflict was also the deadliest since the CPJ was established over 20 years ago. (CPJ 2005) **[26b] (p1)** (CPJ 2005] **[26b] (p1)** (CPJ, 3 January 2006) **[26d] (p1)**

6.223 According to CPJ figures, a total of 60 journalists and 22 media workers were killed in Iraq since the fall of the Saddam regime in March 2003. Of those killed, 22 journalists and three media workers were killed in 2005. Iraqi's accounted for 75 percent of those killed. (CPJ 2005) **[26b] (p1)** (CPJ, 3 January 2006) **[26d] (p1)** The CPJ suggested that the majority of deaths were caused by targeted killings. (CPJ, 3 January 2006) **[26d] (p1-2)**

6.224 Insurgents have increasingly targeted Iraqi and killed journalists who have been critical of the terrorism taking place or who are supportive of the Iraqi authorities or coalition forces. (HRW, 3 October 2005) **[15j] (p83)** (IRIN, 25 January 2006) **[18af]** (CPJ 2005) **[26b] (p1)** (UNHCR COI, October 2005) **[40f] (p60 & 158-159)**

6.225 Journalists and media workers, such as drivers, cameramen and translators for media organisations, have also faced threats, abductions, executions and bomb attacks from insurgent groups in Iraq. (IWPR, 2 March 2006) **[11w]** HRW, 3 October 2005) **[15j] (p83)** (IRIN, 25 January 2006) **[18af]** (UNHCR COI, October 2005) **[40f] (p158-159)** The CPJ report, dated 5 January 2006, stated that "Fatal abductions emerged as a particularly disturbing trend as at least eight journalists were kidnapped and slain in 2005, compared with one fatal abduction the previous year." **[26d] (p1-2)** The HRW report, dated 3 October 2005, detailed several examples of attacks against journalists and media workers. **[15j] (p83-90)**

6.226 In addition, the UNHCR COI report, October 2005, noted that "News organizations that are associated with political parties and the offices and employees of the state-funded Al-Hurrah TV and Al-Iraqiyah TV have become frequent targets of attacks by insurgents for their alleged collaboration with the Iraqi Government or the US." **[40f] (p159)**

6.227 IRIN news reported, on 25 January 2006, that "."In some caes, local journalists have been intimidated into leaving Iraq after reporting on politically sensitive issues." **[18af]**

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6.228 Furthermore, the situation became increasingly dangerous for foreign journalists and media workers in Iraq. Insurgents often used them to pressure their governments into leaving Iraq. (HRW, 3 October 2005) **[15j] (p83)** (CPJ 2005) **[26b] (p2)** (UNHCR COI, October 2005) **[40f] (p158-159)** The HRW report, dated 3 October 2005, detailed several examples of attacks against foreign journalists and media workers. **[15j] (p83-90)**

6.229 The CPJ report 2005 stated that "Due to the risk of abduction and attack by insurgent groups, foreign reporters, based mostly in Baghdad, sharply curtailed their movements beyond fortified residential compounds or hotels. Many traveled only with considerable calculation and the assistance of armed guards, staying at a location for short periods only." **[26b] (p2)**

6.230 The same report noted that "Working around U.S. and Iraqi troops carried other risks. Troops routinely detained Iraqi journalists who operated near U.S. and Iraqi forces." **[26b] (p3)** The Iraqi Association of Journalists (IAJ) recorded eight instances where journalists had been detained by US forces in suspicion of posing a 'security threat' since March 2005. (UNHCR COI, October 2005) **[40f] (p159)** Media workers were reportedly detained by US forces for prolonged periods, without charge. (CPJ 2005) **[26b] (p3)**

6.231 The CPJ reported, on 4 October 2005, that:

"At least three documented detentions have exceeded 100 days; the others have spanned many weeks. CPJ has received reports of numerous other detentions that, because of the secrecy of the proceedings, it has been unable to confirm. Most of the confirmed detainees are Iraqis—local journalists covering the conflict in their own country. These journalists are vulnerable because they are most frequently in the field reporting from places deemed too dangerous for Western reporters. They are often the first on the scene to report on clashes or insurgent attacks. In at least five cases documented by CPJ, the detainees were photojournalists who initially drew the military's attention because of what they had filmed or photographed. Despite repeated inquiries over many months, the U.S. military has refused to provide evidence to support these detentions. Instead, military officials have made vague and unsubstantiated assertions that these Iraqi journalists may pose 'security risks.'" **[26e] (p1-2)**

6.232 A number of journalists and media workers reported that they tortured and their equipment destroyed on arrest. (UNHCR COI, October 2005) **[40f] (p159)**

6.233 The UNHCR COI report, October 2005, added that "Several Iraqi and foreign journalists have been killed by US soldiers, and the IAJ, together with the IFJ and the US-based Committee to Protect Journalists, has demanded that the US military conduct independent investigations into the circumstances of their deaths." **[40f] (p159)** The CPJ reported, on 5 January 2006, that 13 journalists had been killed by US forces between March 2003 and the end of 2005. **[26d] (p2)**

6.234 The UNHCR COI report, October 2005, noted that "In this atmosphere of insecurity, journalists may apply self-censorship in order not to be seen as supporting one side to the conflict or the other. In addition, lawlessness and a weak justice system may further put journalists at risk of censorship, arrest,

harassment or even murder when they criticise powerful players such as security forces, political parties, tribes or militias." **[40f] (p60)**

6.235 IWPR added, on 2 March 2006, that:

"Iraq journalists often carry guns when they report and hide their faces from cameras in press conferences so they cannot be publicly identified. Some Iraqi journalists say the deteriorating security situation is making even street reporting difficult, a practice most foreign counterparts in Iraq gave up on due to security concerns. Because of the worsening security situation in Baghdad and many other provinces, the number of foreign correspondents has decreased. The abduction and murder of several reporters has forced foreign agencies to depend on local reporters with less experience. Many cases of abuse against journalists by Iraqi forces have been reported." **[11w]**

6.236 The UNHCR COI report, October 2005, noted that ""In the three Northern Governorates, criticism of the KDP and the PUK is generally not tolerated and may lead to arrest and detention. Perceived sympathizers of Islamist groups are at risk of being arbitrarily arrested and detained." **[40f] (p60)**

6.237 Many journalists have complained they they are unable to 'write freely' about political issues due to threats from insurgents and unknown sources. However, "Iraqi Prime Minister Ibrahim al-Jafari, in an interview with the local press last week, encouraged journalists to write freely in order to convey Iraqi suffering to the world and make politians aware of the country's problems." **[18af]**

6.238 In spite of this, *The Guardian* stated, on 19 January 2005, that "The number of Iraqis claiming to be journalists has risen from 1,000 to 5,000 since the fall of Saddam Hussein after the US-led invasion." **[6k] (p1)**

6.239 The UNHCR COI report, October 2005, mentioned that "Not only journalists complain of restricted freedom of expression. Others such as politicians, university professors and students say that the fear of being targeted by insurgents prevents them from freely pronouncing their views in public." **[40f] (p60)**

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FREEDOM OF RELIGION

6.240 Iraq has a diverse religious structure. (Dutch country report, December 2004) **[71c] (p35)** Approximately 97 per cent of the population were Muslim, of which about 60-65 per cent were Shi'a Muslims, while about 32-37 per cent were Sunni Muslims. The other three per cent of the population consisted of Christians, such as Chaldeans (Roman Catholic), Assyrians (Church of the East), Syriac (Eastern Orthodox), Armenian Orthodox, several denominations of Protestant Christians, Yazidis, and a small number of Sabean Mandaeans and Jews. (Dutch country report, December 2005) **[71c] (p35)** (CIA world factbook, 10 January 2006) **[78a] (p4)**

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6.241 The USSD International Religious Freedom report 2005 mentioned that "Passports do not indicate an individual's religion; however, religion is explicitly noted on the 'jentsia,' or national identity card." **[2g] (p4)**

6.242 Article 2 of the Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, stipulates that "Islam is the official religion of the State and is a foundation source of legislation." **[82a] (p2)**

6.243 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 that "Each individual shall have the freedom of thought, conscience, and belief." **[82a] (p12)**

6.244 The FCO human rights report 2005 mentioned that:

> "The Transitional Administrative Law (TAL) states that Islam is the official religion of the state and is to be considered a source of legislation. The TAL respects the Islamic identity of the majority of the Iraqi people, while guaranteeing the fundamental rights of all individuals to freedom of religious belief and practice. In his acceptance speech on 6 April 2005, newly elected President Talabani reiterated that the incoming transitional government would 'respect the Islamic identity of the Iraqi nation, but with full respect also for the identity and beliefs of others'." **[66j] (p66)**

6.245 The USSD International Religious Freedom report 2005 (released on 8 November 2005) reported that "The TAL provides for freedom of religion, and the Government generally respects this right in practice. The TAL recognizes the Islamic identity of the majority of the citizenry and guarantees the full rights of all individuals to freedom of religious belief and practice. **[2g] (p2)**

6.246 As documented in the USSD report 2005 "The TAL provides for freedom of thought, conscience, and religious belief and practice." **[2h] (p11)** A number of reports suggested that although the government generally respected these rights in practise, the insurgents often did not. (USSD International Religious Freedom 2005) **[2g] (p2)** (AI, 25 July 2005) **[28c] (p8)** (UNHCR COI, October 2005) **[40f] (p160)** 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. Insurgenets and criminal gangs also targeted the places of worship of religious groups. (USSD International Religious Freedom 2005) **[2g] (p6)** (IGC, 27 February 20060 **[25d] (p1)** (AI, 25 July 2005) **[28c] (p8)** (UNHCR COI, October 2005) **[40f] (p15)**

6.247 The UNHCR COI report, October 2005, noted that "There appears to be a continuing trend towards the targeting of ethnic or religious communities in an aim to arouse ethnic/religious tensions in the country, in particular between the Sunni and Shia religious communities." **[40f] (p15)**

6.248 The USSD report 2005 stated that the Iraqi Governments "… efforts to prevent or remedy violations were hampered by substantial politically and religiously driven violence between Sunni and Shi'a and by harassment of Christians." **[2h] (p11)**

6.249 Several reports noted that sectarian violence, mainly between Sunni and Shi'a, was on the rise in Iraq, with almost daily news of attacks and intimidation. (IRIN,

30 January 2006) **[18ai]** (ICG, 27 February 2006) **[25d] (p32)** (UNSC, 3 March 2006) **[38e] (p13)** The ICG report, dated 27 February 2006, noted that "… attacks on Shiite crowds by suicide bombers allegedly acting on orders of certain insurgent commanders are countered by sweeps through predominantly Sunni towns and neighbourhoods by men dressed in police uniforms accused of belonging to commando units of the ministry of interior (controlled, since April 2005, by SCIRI and its Badr Organisation)." **[25d] (p1)**

6.250 The ICG report, dated 27 February 2006, stated that:

"So pervasive has become the fear of attacks that crowds respond to the merest suspicion of one having taken place or about to occur. Thus the rumour that a suicide bomber was about to blow himself up in the midst of a procession on the occasion of a Shiite religious festival on 31 August 2005, triggered a mass stampede on a bridge in Baghdad's (Shiite) Kadhemiya neighbourhood in which hundreds of worshippers – men, women and children – were either trampled underfoot or drowned in the Tigris. Coming on the heels of a mortar barrage in the vicinity of the crowd earlier that morning that reportedly killed as many as seven, the alarm was sufficient to cause mass death in the absence of any physical attack." **[25d] (p2)**

6.251 The same report stated that "Sunni and Shiite mosques alike became staging grounds for political marches and demonstrations, and Friday sermons began to be used as channels of political communication. On both sides this encouraged extremism." **[25d] (p22)**

6.252 The USSD report 2005 noted that "Deficiencies in security force capabilities and in the rule of law made it difficult for the justice system to investigate or address violations of these rights." **[2h] (p11)**

6.253 The USSD International Religious Freedom report 2005 (released on 8 November 2005) stated that "Since the 2003 liberation, the Government has not engaged in the persecution of any religious group, calling instead for tolerance and acceptance of all religious minorities." **[2g] (p1)** Religious leaders too have condemned the acts of the insurgency against religious groups in Iraq and have repeatedly called for tolerance of all faiths. (USSD International Religious Freedom 2005) **[2g] (p8)** (USSD 2005) **[2h] (p11)**

6.254 The USSD International Religious Freedom report 2005 noted that "Despite the tenuous security environment and the Government's preoccupation with fighting the insurgency and rebuilding the country's infrastructure, the Government made improvements in respect for religious freedom during the reporting period." **[2g] (p8)**

6.255 The same report mentioned that:

"Religious leaders reported that they generally had good relations and worked together to promote interfaith understanding. The Sabeans sought the assistance of the Grand Ayatollah Sistani, SCIRI's Hakim, Prime Minister Jafari, and Muqtada al-Sadr in supporting minority rights. "**[2g] (p8)**

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MUSLIMS/ISLAM

6.256 The rise in sectarian violence in Iraq was mainly focused on the Sunni and Shi'a Muslim divide. Insurgents were responsible for feulling the hostility between these two religious groups in an effort to incite further sectarian violence. (USSD International Religious Freedom 2005) **[2g] (p4 & 7)** (USSD 2005) **[2h] (p13)** (ICG, 27 February 2006) **[25d] (p1)** Insurgents reportedly attacked mosques and Sunni and Shi'a towns and neighbourhoods. They were also responsible for for killing Sunni and Shi'a clerics, religious leaders and civilians of both sects. (USSD International Religious Freedom 2005) **[2g] (p4 & 7)** (USSD 2005) **[2h] (p13)** (ICG, 27 February 2006) **[25d] (p1)**

6.257 The USSD International Religious Freedom report 2005, stated that "According to the Sunni and Shi'a Waqfs, approximately 50 Shi'a and 15 Sunni mosques were bombed during the reporting period." **[2g] (p7)**

6.258 On 22 February 2006 the Ali al-Hadi and Al-Hasan al-Askari mosque in Samarra was bombed. (UNSC, 3 March 2006) [38e] (p4) (Brookings Institute, 7 March 2006) [88a] (p10) The bombing, which followed two exceptionally violent days in Iraq, were immediately condemned by Iraqi political and religious leaders. (UNSC, 3 March 2006) [38e] (p4)

6.259 The bombing provoked an increase in sectarian violence and reprisal attacks in Baghdad, Basra among other towns. (UNSC, 3 March 2006) **[38e] (p4)** The UNSC report, dated 3 March 2006, stated that "Sunni mosques were reportedly attacked and a number occupied." **[38e] (p4)** There were also reports of mass demonstrations and violent clashes in Baghdad, Al-Najaf, Kut, Al-Kufah, and Samarra. (RFE/RL, 22 February 2006) **[22m]** (UNSC, 3 March 2006) **[38e] (p4)**

6.260 The RFE/RL reported, on 22 February 2006, that "Reprisal attacks against Sunnis were reported across the country." **[22m]** It was not clear how many civilans were killed as a direct result of the eruption of sectarian violence but estimates ranged from 220 to 1,300. (Brookings Institute, 7 March 2006) **[88a] (p10)** The Brookings Institute report stated that "Most estimates lie in the high 300s, but some officials believe the final tally could reach 550." **[88a] (p10)**

6.261 The UNSC report, dated 3 March 2006, mentioned that "In order to calm the situation, the Government of Iraq imposed a daytime curfew in Baghdad and three provinces." **[38e] (p4)**

6.262 The USSD International Religious Freedom report 2005, mentioned that:

> "Disputes between Sunnis and Shi'a over mosques continued. According to the Shi'a Waqf, approximately 25 mosques built by the Shi'a were appropriated by the Saddam regime but have not been returned. The Sunni Arabs claimed that the Shi'a occupied 40 Sunni mosques. Additionally, there were approximately 35 mosques built under the former regime with state funds whose ownership had yet to be determined. Although a commission comprising Sunni and Shi'a representatives was established after liberation to address the question of religious property restitution, the issue remained unresolved." **[2g] (p4)**

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SHI'A MUSLIMS

6.263 The BBC report, dated 17 February 2005, observed that "The Shia heartland is in the south-east of the country. It includes Basra and the sacred cities of Najaf and Karbala – home to shrines revered by millions of Shia across the East. The Shia also make up a sizeable minority of the population in the capital Baghdad, where most live in poverty in sprawling slum areas on the outskirts." **[4s]**

6.264 As documented in a BBC report, dated 17 February 2005, "Shia Muslims were oppressed by Iraq's Baathist regime for more than 30 years and excluded from the highest ranks of power." **[4s]** The Dutch country report, December 2004, nevertheless, stated that "Since the overthrow of Saddam Hussein, there has been a significant improvement in the position of Shi'ites. Many Shi'ite clerics have returned to Iraq from abroad. The end of Saddam Hussein's regime spelled an end to the suppression of the Shi'ite leadership." **[71c] (p62)**

6.265 In spite of this, the AI report, dated 25 July 2005, stated that:

> "Radical Sunni Islamist groups see the Shi'a as 'infidels' who should be killed. In early December 2004 al-Qa'ida of Jihad Organization in the Land of Two Rivers issued a statement referring to the Shi'a population as the 'insurmountable obstacle, the lurking snake, the crafty and malicious scorpion, the spying enemy, and the penetrating venom… They are the enemy. Beware of them. Fight them. By God, they lie… the only solution is for us to strike the religious, military, and other cadres among the Shi'a with blow after blow until they bend to the Sunnis…'" **[28c] (p8)**

6.266 The statement also referred to the Shi'a as 'enemies'. (AI, 25 July 2005) **[28c] (p8)** The USSD country reports on terrorism, dated 27 April 2005, stated that "In February [2004], Zarqawi called for a 'sectarian war' in Iraq. He and his organization sought to create a rift between Shi'a and Sunnis through several large terror attacks against Iraqi Shi'a." **[2d] (p1-2)**

6.267 The HRW report, dated 3 October 2005, mentioned that "In terms of casualties, the religious or ethnic group most targeted by insurgents in Iraq is Shi`a Muslims…. Since 2003, some insurgent groups have repeatedly targeted Shi`a religious sites packed with civilians, senior clerics and political leaders, as well as neighborhoods where Shi`a Muslims live." **[15j] (p36)** An article by the BBC, dated 18 February 2005, reported that violence against the Shi'a Muslims increased following January's election." **[4t]** The AI report provided a number of examples of targeted attacks against Shi'a Muslims. **[28c] (p8-9)**

6.268 The HRW report, dated 3 October 2005, noted that:

> "… the attacks are primarily motivated by a belief that Shi`a political and religious groups welcomed and cooperated with the U.S. invasion to overthrow the Iraqi government, long dominated by Sunni Arabs. In addition, the Shi`a are dominating the current Iraqi government and security forces, provoking concerns that Sunnis will be marginalized in the new Iraq. To the extreme Islamist groups like al-Qaeda in Iraq, which has claimed responsibility for some of the most deadly attacks, Shi`a Muslims are apostates and heretics who have betrayed Islam." **[15j] (p36)**

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6.269 The same report noted that "For the past two years, deadly attacks have marred the Shi`a holy day of `Ashura', which marks the seventh century death in battle of the Prophet Muhammad's grandson Hussain." **[15j] (p37)**

6.270 The UNHCR COI report, October 2005, stated that "It is reported that sectarian violence is causing the displacement of hundreds of Shiite Muslims from the 'Triangle of Death' south of Baghdad which includes Sunni-Shiite mixed towns such as Latifiyah, Mahmoudiyah and Yusufiyah and other traditionally mixed areas such as the Dora neighbourhood in Baghdad Governorate, Salman Pak and Al-Madaen in the Governorate of Babil." **[40f] (p16)** (See also section 6A on Sunni Arab insurgents and section 6B on Ethnic Groups)

SUNNI MUSLIMS

6.271 The BBC report, dated 17 February 2005, stated that "Sunni Arabs have dominated the politics of Iraq since 1921." **[4s]** The same report noted that "More recently Saddam Hussein's Baath Party was dominated by Sunni Muslims and he centralised power in his Sunni clan." **[4s]**

6.272 The USSD International Religious Freedom report 2005, stated that:

> "The Sunni claimed general discrimination -- alleging revenge by the majority for the Sunnis' favored status under the former regime, but 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 denounced the terrorism as vocally as their non-Sunni counterparts." **[2g] (p9)**

6.273 The same report noted that "There were also numerous allegations that the ISF--specifically the Ministry of Interior's (MOI) Quick Reaction Forces (Wolf Brigade)--abducted, detained, tortured, and carried out extrajudicial killings against members of the Sunni Arab minority." **[2g] (p4-5)**

6.274 Reports stated that a number of Sunni clerics were the target of assassinations. (USSD International Religious Freedom 2005) **[2g] (p5)** (RFE/RL, 24 May 2005) **[22g]** (Dutch country report 2005) **[71c] (p63)** Sunni leaders accussed the deaths of several Sunni clerics on the Badr Organisation. (USSD International Religious Freedom 2005) **[2g] (p5)** (RFE/RL, 24 May 2005) **[22g]** However, the RFE/RL article that there is no evidence that the Badr Brigades were involved. **[22g]**

6.275 The USSD International Religious Freedom report 2005, stated that "The Sunni Arab community often cited ISF raids of its mosques and religious sites as an example of targeting by the Shi'a-dominated Government." **[2g] (p5)** The BBC added, in an article dated 24 February 2006, that following the bombing of the al-Askari shrine in Samarra on 22 February 2006 "Dozens of Sunni mosques have been targeted and several burnt …." **[4ax]**

6.276 AI (Ireland) stated, on 19 May 2005, that "Sunni Muslims and other religious minorities in these areas [Basra, along with all provinces in southern Iraq] have reportedly been targeted for abuse by radical Shi'a Muslim armed groups. It is

alleged that in the past few days in Basra many Sunni Muslims have been arrested, reportedly on the basis of their religion." **[28b]**

6.277 The USSD International Religious Freedom report 2005, stated that:

"In its May 21 [2005] communiqué, the Sunni Waqf condemned the raids and ISF's detentions of clerics and worshippers and demanded the establishment of an independent legal committee to investigate the alleged murder and torture of detainees. Also in May, the Minister of Interior announced he would launch an investigation, but no results were made public by the end of the reporting period, and no security official was known to have been punished for abuses of religious minorities." **[2g] (p4-5)**

6.278 The UNHCR COI report, October 2005, noted that "It appears that Sunnis considered too friendly towards Shiites and persons refusing to cooperate with insurgents may also be targeted." **[40f] (p16)** (See also section 6A on Sunni Arab insurgents and section 6B Sunni Arabs)

WAHHABI BRANCH OF ISLAM AND THE BAHA'I FAITH

6.279 The USSD International Religious Freedom report 2005, mentioned that "The Wahhabi branch of Islam and the Baha'i Faith are technically prohibited by law; however, the TAL's provisions on freedom of religion should, by the terms of the TAL, supercede these laws. Nonetheless, by the end of the reporting period, no court had ruled on these laws in relation to the TAL." **[2g] (p4)**

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NON MUSLIMS

6.280 The USSD International Religious Freedom report 2005, stated that:

"Extremists, including terrorist groups and militia members, targeted many individuals because of their religious orientation, and very conservative elements of society targeted others because of their secular leanings. Many also were victims of the general lawlessness that permitted insurgents and criminal gangs, as well as those in police uniform to victimize citizens with impunity. In addition to kidnapping, individuals were the victims of harassment, intimidation, and murder." [2g] (p9)

6.281 UNHCR stated, in a background paper dated 1 October 2005, that "According to information available to UNHCR, the situation of members of non-Muslim religious communities has been noticeably aggravated since the invasion of Coalition Forces and the consequent fall of the former regime in March/April 2003." **[40e] (p2)**

6.282 The same paper mentioned that "Particularly in Central and Southern Iraq, there is an increasing trend of embracing stricter Islamic values. Religious minorities, in particular those not recognized and protected as 'people of the book' (Ahl Al Kitab) by Islam, face increased pressure and social marginalization." [40e] (p2)

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6.283 The USSD International Religious Freedom report 2005 noted that "Non-Muslims, particularly Christians, complained of being isolated by the Muslim majority because of their religious differences. Despite their statistically proportional representation in the National Assembly, many non-Muslims said they were disenfranchised and their interests not adequately represented." **[2g] (p9)**

6.284 The same report mentioned that:

"Islamist militants harassed shopkeepers for providing goods or services they considered to be inconsistent with Islam and sometimes killed them for failing to comply with warnings to stop such activity. During the reporting period, leaflets were distributed in the town of Yousifiya forbidding the sale of cigarettes and cautioning barbers not to cut hair in the modern styles or use thread in removing facial hair, which results in smoother, more feminine-looking facial skin. …Liquor store owners, primarily Christians and Yazidi, were especially hard hit in attacks by Islamic extremists during the reporting period." **[2g] (p6)**

6.285 The USSD report 2005 added that "Liquor stores in Baghdad, Mosul, and Basrah were bombed, looted, and defaced, and the Christian and Other Religions Endowment Office reported that approximately 95 percent of such establishments closed due to threats by Islamic extremists." [2h] (p13)

6.286 The USSD International Religious Freedom report 2005, stated that:

"Some Christians in Basrah reportedly were forced to pay protection for their personal welfare. Women and girls reportedly often were threatened for not wearing the traditional headscarf (*hijab*), assaulted with acid for noncompliance, and sometimes killed for refusing to cover their heads or for wearing western-style clothing. Some women were reportedly denied employment and educational opportunities because they were non-Muslim or did not present themselves as sufficiently conservative." **[2g] (p9)**

6.287 The UNHCR guideline, October 2005, stated that "There have also been reports of men being subjected to attacks and killings by Islamist groups or militias for their alleged non-Islamic behaviour (e.g. mingling with women in public, selling music or videos or providing 'Western' haircuts)." **[40g] (p21)**

6.288 The UNHCR COI report, October 2005, added that this "… created a climate of decreasing tolerance for religious minorities and Muslims, both women and men who do not adhere to strict interpretations of Islam." **[40f] (p160)**

6.289 The USSD report 2005 noted that "Students generally were not prohibited from practicing their faith in school. However, members of non-Muslim minorities and secular Arabs in some schools were increasingly forced, often under the threat of violence, to adhere to conservative Islamic practices." **[2h] (p12)**

6.290 The same report mentioned that "While Sabean leaders stated that criminals targeted their community for its perceived wealth, Islamic extremists threatened, kidnapped, and killed Sabeans for refusing to convert to Islam." **[2h] (p13)**

6.291 The USSD International Religious Freedom report 2005 stated that:

"The combination of discriminatory hiring practices, attacks against non-Muslim businesses, and the overall lack of rule of law have also had a detrimental economic impact on the non-Muslim community and contributed to the significant numbers of non-Muslims who left the country. The Armenian Diocese estimated that the number of destitute Armenian Christians, for example, had grown by 50 percent since 2003--a condition exacerbated by the inadequate security environment, which hampers Armenian Christians' ability to find employment. Terrorist threats have compelled tens of thousands of Christians, including Armenian Orthodox and Chaldean Christians, to leave the country in the wake of church bombings in 2004." **[2g] (p9)**

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NON MUSLIMS IN THE KRG AREA

6.292 The USSD International Religious Freedom report 2005 noted that:

"There were allegations that the KRG engaged in discriminatory behavior against religious minorities. Minorities such as Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. Assyrian Christians also alleged that the KDP-dominated judiciary routinely discriminated against non-Muslims and failed to enforce judgments in their favor. Despite the allegations of KRG discrimination against religious minorities, many non-Muslims fled 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 teaching were greater." **[2g] (p5)**

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CHRISTIANS

6.293 Europa World Online (accessed on 16 August 2005) stated that "There are Christian communities in all the principal towns of Iraq, but their principal villages lie mostly in the Mosul district." [1c] (CHRISTIANITY) The UNHCR guidance note, October 2005, noted that "Iraq's Christian population includes, among others, members of the Assyrian, Chaldean, Armenian and Catholic sects. [40g] (p9) The USSD International Religious Freedom report 2005 added that "The majority of Christians are Catholic." [2g] (p2) The report also noted that:

"Chaldeans. Chaldean and Assyrian Christians, who are descendants of some of the earliest Christian communities, have the same ethnic and linguistic background but are considered by some to be distinct ethnic groups. The communities speak a distinct language (Syriac). Although the former regime classified them as Arabs, both the Chaldo-Assyrians and the Government now consider this group as an ethnicity distinct from Arabs and Kurds; however, there are some Chaldeans and Assyrians who consider themselves Arab. Chaldeans (Eastern Rite Catholics) recognize the primacy of the Roman Catholic Pope, while the Assyrians, who are not Catholic, do not." **[2g] (p2)**

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6.294 Europa World Online mentioned that "There are estimated to be some 700,000 Christians of various denominations in Iraq." **[1c] (Christianity)** Approximately 30 per cent Christians live in the north of Iraq. (USSD International Religious Freedom 2005) **[2g] (p2)** (FCO, 25 January 2005) **[66f]** About 12,000 Christians were situated in Kirkuk, between 15,000 and 25,000 in Arbil, 13,000 in Dohuk and between 150,000 and 175,000 in Mosul. (USSD International Religious Freedom 2005) **[2g] (p2)** (HRW, 3 October 2005) **[15j] (p46)** (FCO, 25 January 2005) **[66f]**

6.295 The USSD International Religious Freedom report 2005, noted that "According to the Primate of the Armenian Diocese, approximately 20,000 Armenian Christians remain in the country. An estimated 12,000 reside in Baghdad, and the remainder in Mosul, Basrah, Kirkuk, and the north." **[2g] (p2)**

6.296 The UNHCR background paper, dated 1 October 2005, stated that "Christians are seriously affected by the dramatic deterioration of the situation of non-Muslim communities." **[40e] (p2-3)** The FCO, stated in a letter, dated 20 January 2005, that Christians were facing a growing sectarian threat. **[66g]**

6.297 The RFE/RL reported, on 3 July 2005, that "Insurgent propaganda in Iraq has always portrayed U.S.-led multinational forces in Iraq as 'Christian Crusaders' who have made Iraq the first stop in their quest to conquer the Arab world and destroy Islam." **[22h]** Insurgents generally believed that Christians were 'collaborators' and supporters of the MNF and Iraqi authorities and were therefore viewed as 'traitors'. (HRW, 3 October 2005) **[15j] (p46)** (UNHCR background paper, 1 October 2005) **[40e] (p3)** (UNHCR COI, October 2005) **[40f] (p160-161)** (FCO, 20 January 2005) **[66g]** The UNHCR also noted in the COI report, October 2005, that "Christians are regarded as 'infidels' by segments of the Muslim majority population in Iraq." **[40e] (p4)**

6.298 Since the fall of the Saddam regime, Christians have been targeted by insurgents and criminal gangs. (RFE/RL, 3 July 2005) **[22h]** (FCO, 20 January 2005) **[66g]** (UNHCR background paper, 1 October 2005) **[40e] (p3)** (UNHCR COI, October 2005) **[40f] (p160-161)** (UNHCR guidance note, October 2005) **[40g] (p9-10)** The UNHCR background paper, dated 1 October 2005, suggested that attacks against Christians had been mainly politically, religiously, ethnically or criminally motivated. **[40e] (p3 & 4)** Assaults and threats against Christians were generally concentrated in Baghdad and in and around the Ninewa governorate of Mosul. (UNHCR COI , October 2005) **[40f] (p160-161)**

6.299 In spite of this, several sources referred to in the British/Danish fact-finding mission report, October 2004, advised that Christians were not a persecuted group in Iraq. One source stated that Christians were not even discriminated against. **[30c] (p18-19)** The same report noted that "No other religious community looked upon the Christians as a rival for political power and thus there would be no reason for persecution or even harassment." **[30c] (p18)**

6.300 The UNHCR background paper, dated 1 October 2005, stated that:

"Although Christians are protected by Islam as 'people of the book' (*Ahl Al-Kitab)* the general populace does not always respect this status. As a result, assaults against religious minorities or 'infidels' may be considered minor offences, thereby lowering the threshold for discrimination against or persecution of members of religious minorities. Against this background, a

person's religious affiliation may play a role as a motive and also determine the kind of persecutory act. **[40e] (p4)**

6.301 As stated in the FCO letter, dated 20 January 2005:

"While we are not aware of any officially sponsored discrimination against Christian communities in Iraq, reports of attacks on them are on the increase. … We [FCO] see increasing evidence of sectarian intimidation. Recent examples include threatening notes pushed through doors, death threats to priests and church leaders, posters in the north warning Christians to convert to Islam or leave Iraq or face death and destruction of homes and Islamist websites calling for attacks on all infidels in Iraq. Iraqi Christians are feeling increasingly beleaguered. Church attendance is falling and some families are keeping their children away from school." **[66g]**

6.302 The UNHCR guidance note, October 2005, reported that "Iraqi Christians feel especially apprehensive about the overwhelming presence of extremist Islamic groups and armed militias, whose display of intolerance towards non-Muslims has become a nearly daily feature in Iraq." [40g] (p9-10) The same report noted that "Most Iraqi Christians claim fear of persecution from insurgent groups (e. g. Ansar Al-Sunna) and Islamic militias such as the Badr Organization or the Mehdi Army, which have substantial control of the streets in various major cities and towns." [40g] (p9) This was also mentioned in the UNHCR background paper, dated 1 October 2005. [40e] (p2-3)

6.303 The UNHCR COI report, October 2005, stated that "According to the Society for Threatened People, more than 300 Christians have been killed and more than 25 churches were partially or fully destroyed." **[40f] (p160-161)** The HRW report, dated 3 October 2005, gave examples of attacks against Christians and churches. **[15j] (p46-52)**

6.304 The UNHCR background paper, dated 1 October 2005, stated that "The increasing trend to embrace strict Islamic values is the cause for strong resentment towards Christians, mainly in the South as well as in the so-called Sunni triangle in the Centre of the country. **[40e] (p4)**

6.304 Businesses owned by Christians such as liquor stores, shops selling western music and hair salons were targeted in bomb attacks by hardline Islamists. The businesses were also looted. (UNHCR background paper, 1 October 2005) **[40e] (p3)** (UNHCR COI, October 2005) **[40f] (p160-161)** (FCO, 20 January 2005) **[66g]** The UNHCR COI report, October 2005, noted that "In the view of the insurgents, these kinds of occupations and activities are blasphemous. **[40f] (p160-161)**

6.305 Christians were often assumed to be wealthy by Iraqi standards. As a result they were frequently kidnapped for ransom money. (UNHCR COI, October 2005) **[40f] (p160-161)** (Dutch country report, December 2004) **[71c] (p65)** The RFE/RL article reported that "Christian women and children were routinely kidnapped and held for exorbitant ransoms." **[22h]**

6.307 The UNHCR background paper, dated 1 October 2005, noted that "In all parts of Iraq, Christian women face increasing pressure by extremist groups to adhere to strict Islamic dress codes and to cover their hair with a veil." **[40e] (p3)** The RFE/RL article reported that "Muslim zealots have forced women to veil in

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markets, universities, and schools, some Christians claim." **[22h]** The UNHCR background paper added that "In spring 2005, some 1,500 female students left Mosul University in order to avoid constant threats directed against them, including through leaflet campaigns." **[40e] (p3)** Women were also not expected to appear in public without the company of a male relative (*muhram)*. (UNHCR background paper,1 October 2005) **[40e] (p4)**

6.308 Christians often had to keep a low profile in order not to attract further attention. (UNHCR background paper, 1 October 2005) **[40e] (p3)**

6.309 The UNHCR COI report, October 2005, stated that "The Iraqi authorities as well as religious leaders have repeatedly called for tolerance and religious freedom and have condemned attacks against religious minorities." [40f] (p160-161)

6.310 The Dutch country report, December 2004, stated that "The situation for Christians in Iraq has improved in legislative terms. Since the overthrow of Saddam Hussein, Christian parties have been able to take part in the political process throughout Iraq. It is also possible under the TAL for Assyrian Christians to receive education in their own language, (Sureth), which was not permitted under Saddam Hussein." **[71c] (p63-64)**

6.311 The UNHCR background paper, dated 1 October 2005, noted that "However, in view of the possible recognition of Islam as a major source of law in the new Permanent Constitution, Christians fear a further degradation of their legal and actual position in the Iraqi society." **[40e] (p4)**

6.312 The same report mentioned that "They [Christians] increasingly experience discrimination with regard to access to the labour market or basic social services. **[40e] (p2-3)**

6.313 Reports noted that tens of thousands of Christians left their homes and fled to other countries, mainly Jordan and Syria. Others fled to the relative safety of the Kurdish-controlled north. (USSD International Religious Freedom 2005) **[2g] (p6)** (HRW, 3 October 2005) **[15j] (p46)** (UNHCR COI, October 2005) **[40f] (p161)** (FCO, 25 January 2005) **[66f]**

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CHRISTIANS IN THE KRG AREA

6.314 The situation for Christians in the KRG administered area was more stable. (Dutch country report, December 2004) **[71c] (P65)** The UNHCR background paper, dated 1 October 2005, added that "The relationship between Kurds and Christians is characterised by more mutual tolerance and therefore Christians in three Northern Governorates generally face less pressure." **[40e] (p4)**

6.315 The UNHCR COI report, October 2005, noted that:

"Christians can worship freely without interference by the Kurdish authorities. Since the fall of the former regime, which restricted the establishment of new denominations, a number of Christian evangelical churches have been established and are viewed with suspicion by both Muslim and Christian

religious leaders. Of particular concern is their practice of proselytizing among Muslims, something the Iraqi Christians have always refrained from doing, and that may further strain relations between the religious communities." **[40f] (p161)**

6.316 The IWPR article, dated 28 June 2005, stated that "The small but growing number of Kurds who convert to Christianity say they face discrimination and intolerance from the Muslim majority." **[11c] (p1)** The same article noted that:

"Kurdish Christians – still a tiny minority – say they find it difficult to practice their religion because of public intolerance. Muslims in the region counter that it is wrong for Christians to proselytise among other faith groups.

"The converts are joining new, western-style Christian groups which started growing after the fall of Saddam Hussein, rather than the long-established Christian communities such as the Assyrians and Chaldeans, who do not seek new members from Muslim backgrounds." [11c] (p1)

6.317 The UNHCR background paper, dated 1 October 2005, noted that

"Political motives also come into play in the numerous assaults against Christian individuals and facilities committed by members or supporters of the KDP and the PUK in Northern Iraq, in particular in the areas south of the former green line (as the Kurdish parties aim to expand their influence into parts of Nineveh Governorate). In this regard, the Iraqi Ministry of Displacement and Migration reported on the serious difficulties Christians displaced by the former regime face in reclaiming their properties in Northern Iraq." **[40e] (p3)**

6.318 The UNHCR COI report, October 2005 added that "Some Chaldo-Assyrians claim that they are being discriminated against by the Kurdish authorities which do not share reconstruction funds and oil revenues with predominantly Chaldo-Assyrian areas and have confiscated farms and villages." **[40f] (p161)**

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SABIAN MANDAEANS

6.319 The UNHCR background paper, dated 1 October 2005, noted that "The Mandaeans (also Nazareans or Sabeans) do not constitute a Christian denomination, but another independent monotheistic religious community." **[40e] (p4)** Although IRIN news reported, on 20 April 2005, that there were some 100,000 Mandaeans living in Iraq, the UNHCR background paper, reported that several oganisations estimated that there were approximately 30,000, living mainly in the larger cities. **[18g] [40e] (p4)** The Dutch country report, December 2004, added that "Various Mandaeans have already moved from the south to Baghdad (where roughly half of the Mandaean community lives)." **[71c] (p65)**

6.320 The UNHCR guidance note, October 2005, stated that "The Mandaeans are a small religious group who follow John the Baptist and who have traditionally lived in Mesopotamia in the lower areas of the Tigris and Euphrates rivers between Iran and Iraq." **[40g] (p10)**

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6.321 The UNHCR background paper, dated 1 October 2005, reported that "According to information from the German NGO Society for Threatened People, Mandaeans in Iraq were persecuted and suppressed in the past, in particular by Islamic and Christian communities." **[40e] (p45)**

6.322 The UNHCR guidance note, October 2005, added that:

"This is largely because the Mandaeans do not enjoy the *dhimmi* status of the Christian and Jewish communities, both of which are seen as fellow 'people of the book' (*Ahl Al Kitab*) who are to be protected and respected by the Muslim majority. Under the former regime, Mandaeans in Iraq were often targeted by the *Mukhabarat* (secret police) and their families threatened with physical harm if they did not produce generous financial contributions." **[40g] (p10)**

6.323 The same report stated that:

"Since the fall of the regime, the situation of Mandaeans has further deteriorated, due in a large part to the general breakdown of law and order in Iraq that allows many Islamic extremist groups to carry out acts of violence towards various religious minorities with complete impunity. Within the last year, there have been several *fatwas* issued linking the Mandaeans to *kuffar* or 'star-worshippers'. These *fatwas* have provided Islamic fundamentalists with the religious justification for actscarried out against the Mandaeans, and have accentuated the level of fear among the Mandaean community." **[40g] (p11)**

6.324 The UNHCR background paper, dated 1 October 2005, noted that:

"A recently issued fatwa accuses Mandaeans of systematic adultery and trickery and Muslims were called upon to 'lead' them to Islam. The majority of these fatwas was issued by Sunni teacher Al-Saied Al-Tabtabee Al-Hakeem and/or by the 'Information Foundation of Al-Sadr Office' in Basra. It is worth mentioning that no similar fatwas were issued or adopted by Grand Ayatollah Ali Al-Sistani, the highest and most influential religious figure among the Shia community in Iraq.

6.325 The UNHCR guidance note, October 2005, stated that:

"Mandaeans have also become regular targets of discrimination and persecution in the form of physical attacks, kidnappings, robbery, forced conversion to Islam, appropriation of property, extortion and threats. The incidence of kidnappings of Mandaean children and women is particularly high, likely because Mandaeans are traditionally goldsmiths and are therefore perceived (often rightly so) as financially well-off. As a result, kidnappers tend to demand payment of very high ransoms within a very short period of time. Failure to pay the entire amount demanded or failure to pay within the required timeframe inevitably result in the kidnapped victim being killed by the kidnappers. Most women interviewed by UNHCR who were kidnapped had also been raped and otherwise ill-treated by their captors. In addition, there are many reports of the same Mandaean families being targeted several times by extortionists and kidnappers, through the kidnapping of different family members. As in the case of Christian women, Mandaean women are also harassed and threatened if they do not cover themselves." **[40g] (p11)**

6.326 A report by The Mandaean Society of America, dated March 2005, noted that:

> "The kidnapping of Mandaean men, women, and children has escalated to such a level that many have either fled to Jordan and Syria or have confined themselves to their homes. Most of the cases of kidnapping and rape go undocumented because of the distrust in the ability of the local police for protection, the fear of revenge, and the social stigma involved. With the fanatical Muslim thoughts dominating the streets, many Mandaeans are being intimidated. Thousands are now escaping Iraq and living without status in Jordan and Syria. They are applying to different countries with the hope of attaining refugee status." **[89a] (p11)**

6.327 The same report gives several examples of where Islamic fundamentalists and other have targeted and killed Mandaeans in Iraq. **[89a] (p7-10)**

6.328 The USSD International Religious Freedom report 2005 added that "The current situation of Mandaeans in Iraq is most similar to that of Christians. In addition, it must be taken into consideration that Islam does not recognize and protect the Mandaeans as 'people of the book'." **[2g] (p5)**

6.329 The BBC, in an article dated 20 September 2005, reported:

> "One leaflet which Mandeans said had been distributed to homes in Baghdad gave this warning to both them and Christians (who form another of Iraq's minorities): 'Either you embrace Islam and enjoy safety and coexist amongst us, or leave our land and stop toying with our principles. Otherwise, the sword will be the judge between belief and blasphemy.' Individuals from all religious and ethnic groups are suffering criminal and religious violence in Iraq, but the United Nations Refugee Agency, UNHCR, has said Mandeans are particularly vulnerable." **[4ay]**

6.330 However, the British/Danish fact-finding mission report, October 2004 noted that Mandaeans were not persecuted in Iraq and they have the same access to jobs, schools and health as other Iraqis. However, the report mentioned that many of them have a subjective fear. **[30c] (p20-21)** Mandaeans are generally more at risk in the south than in Baghdad. (British/Danish fact-finding mission, October 2004) **[30c] (p20)**

6.331 The USSD International Religious Freedom report 2005 stated that "While some Sabeans fled the tyranny of the former regime, this decline could also be attributed to the fact that converts are not accepted, and those Sabeans who marry Christians or Muslims are no longer regarded as Sabean." **[2g] (p2)**

6.332 The same report mentioned that there were no reported cases of forced religious conversation." **[2g] (p6)** There were, however, reports of Sabean Mandaeans being threatened, kidnapped, and killed by insurgents for refusing to convert to Islam. **[2g] (p6 & 7)** The report also mentioned that "… Sabean leaders stated that their community was targeted more for its perceived wealth than for its religion… ." **[2g] (p7)**

6.333 The UNHCR stated in a background paper, dated 1 October 2005, that:

> "A disproportionately high number of Mandaeans have left Iraq since the fall of the former regime. The major reasons for the ongoing flight of Mandeans from

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Iraq are: fear from assaults by radical segments of the Muslim society, fear of forced conversions, restrictions on the freedom of worship, concerns regarding security (in particular of women and children) as well as increasing social discrimination against Mandaeans in general. These fears are further fuelled by several religious edicts (fatwas) issued against the Mandaean community, characterising them as 'impure' and denouncing their beliefs.

6.334 The same report mentioned that "The Mandaean religion strictly prohibits the use of violence and the carrying of weapons. Accordingly, Mandaeans have little means to protect themselves against violent attacks." **[40e] (p5)**

6.335 The UNHCR guidance note, October 2005, noted that "Unlike most Iraqis, the Mandaeans do not belong to tribal groupings. In the past, Mandaeans were able to negotiate protection agreements with tribes by paying considerable sums of money. However, due to the present situation of general insecurity in Iraq, Mandaeans can no longer count on this type of arrangement and are therefore extremely vulnerable." **[40g] (p11)**

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YAZIDIS

6.336 The USSD International Religious Freedom report 2005 stated that:

"The Yazidi are a syncretistic religious group, or a set of several groups, with ancient origins and comprising elements of Zoroastrianism, Manicheism, Islam, Christianity, Judaism, and Gnostic beliefs and traditions. Yazidi do not intermarry with outsiders or accept converts. Defined by the former regime as Arabs, many Yazidi now consider themselves to be Kurds, while others define themselves as both religiously and ethnically distinct from Muslim Kurds. Most of the 700,000 Yazidi reside in the North." **[2g] (p2)**

6.337 However, according to the UNHCR background paper, dated 1 October 2005, "Although the Yazidis belong to the Kurdish ethnic group, only about 10 percent live in the Kurdish-administered areas in the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah." **[40e] (p6)**

6.338 The UNHCR background paper of October 2005 noted that "Only a person born to Yazidi parents is a member of the Yazidi community and there is no way to convert to the Yazidi religion." **[40e] (p6-7)**

6.339 The UNHCR background paper of October 2005 noted that:

"So far, the situation of the Yazidis has not improved substantially, although religious freedom is formally enshrined in the TAL and the Iraqi authorities are committed to respect the exercise of this right. After the dissolution of the previous Ministry for Religious Affairs and the creation of three separate departments for the affairs of the Shiite, Sunni and Christian communities, the Yazidis are no longer represented. As illustrated earlier, the embracing of stricter Islamic values, the generally dire security situation, the presence of radical Islamic groups and militias as well as the ongoing political power-wrangling of the various sectarian groups about Iraq's future, leaves Yazidis

exposed to violent assaults and threats and curtails their traditional ways of living as observed for Christians, Jewish and Mandaean minorities. **[40e] (p7)**

6.340 Reuters reported, on 18 August 2005, that according to Yazidis leaders, there have been a number of attacks of them since the fall of the former regime. [7a]

6.341 The UNHCR background paper of October 2005 noted that "International human rights organizations recorded the killing of more than 25 Yazidis and more than 50 violent crimes targeting Yazidis in the last four months of 2004.

"Many of these assaults are indirectly or directly linked to the victims' religious background." **[40e] (p7)**

6.342 The report added that "Furthermore, Yazidis are also affected by campaigns directed against Christians requesting the compliance with Islamic dress codes and morale." **[40e] (p7)**

KAKA'I

6.343 The USSD International Religious Freedom report 2005 noted that "The Kaka'i, sometimes referred to as Ahl-e-Haqq, reside primarily in Kirkuk, Mosul, and Kankeen in Diyala Province. Primarily Shi'a Kurds, followers believe in the teachings of Imam Ali Bin Talib. Most are of Kurdish ethnicity." **[2g] (p2)**

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JEWS

6.344 The USSD report 2005 explained that:

"… the TNA passed a citizenship law on November 15 [2005] that, among other things, precludes Iraqi Jews from regaining citizenship. The Presidency Council (the president and the two deputy presidents) sent a notice to the TNA that it was vetoing this legislation, but the TNA challenged the legal effectiveness of the notice. As a result of this dispute, the law was not in effect at year's end." **[2h] (p13)**

6.345 The USSD International Religious Freedom report 2005 noted that "There were relatively few manifestations of anti-Semitism in the country, primarily because of the tiny size of the Jewish population; however, anti-Semitic feeling remained a cultural under-current." **[2g] (p9)**

6.346 However, the UNHCR background note, dated 1 October 2005, mentioned that:

"With the fall of the former government, the living conditions of the few Jews left in Iraq worsened drastically. Even more than Iraqi Christians, they are suspected of cooperating or at least sympathizing with the MNF and fear deliberate assaults by both Islamic extremists and supporters of the former regime. The general uncertainty regarding the political developments in Iraq and the increased embracing of strict Islamic values prompted the majority of the remaining Iraqi Jews to flee the country. Today, the Jews remaining in Iraq

have completely withdrawn from public life in order not to attract any attention." **[40e] (p5)**

6.347 The same report noted that:

"Today, there is practically no Jewish life in Iraq. According to recent estimates, only some 20 Jews still live in Baghdad while no Jews can be found outside the capital. The remaining Jews are all above the age of 70 with the exception of two families. Apart from the risk of persecution by Islamist groups and supporters of the former regime, there is no Rabbi present in Iraq, thereby further impeding their freedom to practice their religion." **[40e] (p5-6)**

6.348 The USSD International Religious Freedom report 2005 added that "There were also unverified reports of small numbers of Jews living in Kurdish areas. Only one synagogue remained in Baghdad's once-Jewish district of Bataween. The synagogue was unmarked and active only on high holy days." **[2g] (p9)**

6.349 The same report noted that:

"There were unfounded rumors (sometimes spread in flyers distributed by anti-Government extremist groups) during the reporting period that Jewish expatriates were buying up real estate in an attempt to reassert their influence in the country. Another sign of anti-Semitic feeling was the hostile reaction that Sunni politician Mithal al-Alusi generated when he attended an international conference in Tel Aviv in September." **[2g] (p9)**

JEHOVAH'S WITNESSES

6.350 The UNHCR background noted, dated 1 October 2005, reported that:

"Regarding the specific situation of Jehovah's Witnesses, UNHCR currently has no findings of its own. It is assumed, however, that Jehovah's Witnesses face similar restrictions as Christians or Jews due to the deteriorated security situation, the embracing of stricter Islamic values and customs particularly in Southern and Central Iraq and the grave deficiencies in the judicial and legal system. In addition, Islam considers missionary activities, which is an inherent part of the Jehovah Witnesses' activities, as a punishable offence." **[40e] (p6)**

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FREEDOM OF ASSOCIATION AND ASSEMBLY

6.351 The Constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, contains the following articles:

Article 37 (c): "Freedom of assembly and peaceful demonstration, and this shall be regulated by law." **[82a] (p12)**

Article 39: First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.

Second: 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." **[82a] (p12)**

6.352 The Freedom House report 2005 noted that:

"Freedom of assembly and association are recognized by the TAL and were generally respected in practice. Domestic and international human rights groups were able to operate without restrictions, though security constraints limited their activities in many areas of the country. Peaceful demonstrations occurred frequently during the year [2004] without interference from coalition forces or the Iraqi government, except when they were in violation of curfews." **[70b] (p309)**

6.353 The UNHCR COI report, October 2005, stated that:

"Although the Ba'ath Party was banned by CPA Order No. 1, political organizations representing a wide range of viewpoints can be formed without interference by the authorities and candidates were able to freely present themselves or be nominated by their political parties for the 30 January 2005 elections. The Iraqi Government did not restrict political opponents nor did it interfere with their right to organize, seek votes or publicize their views." **[40f] (p157)**

6.354 The same report noted that "Under the Order of Safeguarding National Security, the Prime Minister has the power to restrict the freedom of assembly, a power which is subject to judicial review." **[40f] (p157)**

6.355 Demonstrations and public protests took place on a regular basis on issues such as political, economic and social problems. Police generaly did not intervene or restrict such demonstrations except when a curfew was violated. However, there were reports that police used force on occasions. (USSD 2005) **[2h] (p11)** (UNHCR COI, October 2005) **[40f] (p157)**

6.356 The UNHCR COI report added that "… for example when police opened fire on a crowd of demonstrators in the Southern city of Samawa on 27 June 2005, killing one protester and wounding six more. This incident began with some 2,000 unemployed Iraqis demonstrating to demand jobs who then began throwing stones at the police." **[40f] (p157)**

6.357 The USSD report 2005 mentioned that "Membership in the dominant political parties conferred special privileges and advantages in education and employment. There were numerous allegations that the KDP and PUK prevented the employment of nonparty citizens and that courts were biased against nonparty claimants." **[2h] (p16)**

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POLITICAL ACTIVISTS

6.358 The UNHCR guidance note stated that "A range of politicians, members of the Iraqi government or administration (extending down to the local level, such as members of Governorate Councils), known members of political parties involved in the political process and/or members of their families (e.g. Sunnis

who are no longer boycotting the process), as well as civilians supporting the democratic process have been targeted by non-state agents in an aim to undermine the ongoing political process and democratization of the country." **[40g] (p14)**

6.359 The HRW report, dated 3 October 2005, noted that "Insurgent groups also have targeted individuals active in Shi`a parties and organizations." **[15j] (p39)**

6.360 The same report stated that:

"Since mid-2003, insurgent groups have repeatedly attacked Iraqi government officials and politicians. Various armed groups have killed dozens, if not hundreds, of local and national government officials and political party officials, as well as judges, by means of assassination squads, roadside bombs and suicide attacks. A total figure is not known due to the magnitude of the attacks and the absence of a comprehensive reporting scheme. Political figures have also been the target of criminally motivated attacks.

"Insurgent groups like the Islamic Army in Iraq, Ansar al-Sunna and al-Tawhid wal-Jihad have repeatedly claimed responsibility for attacks on government officials." **[15j] (p62)**

6.361 The report also detailed 17 cases of attacks against leading Iraqi political figues between March 2003 and July 2005. **[15j] (p65-66)** The same report also mentioned that "Insurgent groups have also targeted the family members of politicians." **[15j] (p69)**

6.362 Nevertheless, the HRW report, January 2005, noted that "Human Rights Watch is also aware of other … ill-treatment of members of several political parties in Baghdad." **[15g] (p35)**

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EMPLOYMENT RIGHTS

6.363 Article 13(C) of the TAL provides for the right to join unions freely. **[51a]** However, the International Confederation of Free Trade Unions (ICFTU) stated, on 24 February 2005 that Iraq is an increasingly dangerous place for trade unionists. **[47a]** The report added that "Following the assassination [on 4 January 2005] of Hadi Saleh, International Secretary of the Iraqi Federation of Trade Unions (IFTU), the torture and murder of labour leaders in Iraq has become a troubling trend in a country where trade unionists still operate under anti-union legislation which dates back to the Saddam-era." **[47a]**

6.364 The UNHCR COI report, October 2005 stated**:**

"There is widespread unemployment in Iraq. According to the ILCS, the overall unemployment rate is 18.4 percent, and is at its highest among young men at 33.4 percent. … Unemployment varies by region. It is highest in the Baghdad region and lower in the Northern and Central regions, while the South is close to the national average. The Governorate of Muthanna has the highest unemployment rate and the Governorate of Erbil has the lowest. … Other

sources, including the Iraqi authorities, put the actual unemployment rate higher. There are concerns that unemployed young men in particular are being recruited by insurgents who are known to pay for attacks against the MNF/ISF and kidnappings." **[40f] (p109)**

6.365 The report added that:

"The lagging economy, the dismissal of the former Iraqi security forces and the removal of senior members of the former Ba'ath Party from all branches of government are all major factors contributing to Iraq's high unemployment rate. Today, only 11 percent of those who were in the army under the previous regime are employed. The prevailing insecurity is hampering women's access to employment as their freedom of movement is severely restricted." **[40f] (p109)**

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PEOPLE TRAFFICKING

6.366 The USSD Trafficking in Persons report, dated 3 June 2005, stated that "Iraq is a country of origin for women and girls trafficked to Yemen, Syria, Jordan, and Gulf countries for the purposes of sexual and labor exploitation. Some Iraqi women and underage girls are reportedly trafficked from rural areas to cities within Iraq itself." **[2e] (p232)**

6.367 The USSD report, dated 3 June 2005, added that "In 2004, Iraq investigated major crimes against women, some involving activities related to trafficking. … The Iraqi Interest Section in Syria works regularly with Syrian police to help Iraqi women accused of engaging in prostitution. Iraqi border controls are improving and are expected to stem illegal migration and trafficking of persons across the border." **[2e] (p233)**

6.368 The same report noted that "Although there are no NGOs or international organizations working on trafficking specifically, the NGO Women-for-Women promotes women's programs, which indirectly help trafficking victims. Additionally, some NGOs have established safe houses in Baghdad and northern Iraq to shelter abused women, including possible trafficking victims." **[2e] (p233)**

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FREEDOM OF MOVEMENT

6.369 Article 44 (1) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, stipulates that "Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq." **[82a] (p13)**

6.370 The UNHCR COI report, October 2005, noted that:

"Most legal restrictions on freedom of movement disappeared as a result of the fall of the former regime. … There are no legal restrictions on freedom of movement; however, Iraqis are affected by the prevailing insecurity in the country (fighting, ambushes, highway robbery, roadside bombs, mines/UXO), closure of roads, airports and borders as well as frequent checkpoints on the roads that severely restrict freedom of movement." **[40f](p139)**

6.371 The UNHCR COI report, October 2005, stated that "The main routes leading out of Baghdad are highly insecure, in particular the airport road, the roads leading West to Jordan and Syria (which pass through Ramadi and Fallujah) and South to Hilla (which pass through the 'triangle of death'). All vehicular travel on these roads is extremely dangerous, and there have been numerous attacks on civilian vehicles and military convoys, during the day and at night." **[40f] (p82)**

6.372 Highway 10, the route between Amman in Jordan and Baghdad, was regularly attcked by criminal gangs, insurgents and possible mistaken identity by the MNF. (British/Danish fact-finding mission, October 2004) **[30c] (p30)** (UNSC, 7 June 2005) **[38b] (p15-16)** (FCO, 25 May 2005) **[65d]** Attackers made no distinction between the nationality of the targets. Both Iraqi's and foreigners were attacked. (British/Danish fact-finding mission, October 2004) **[30c] (p30)**

6.373 The UNHCR COI report, October 2005, noted that "The airport road [between the International Zone and Baghdad International Airport] is known as the most dangerous of all, and car bombs and small arms attacks are common. Firing by the MNF and PDS at suspected car bombers can often claim additional civilian lives if civilians miss the warning signals or do not know that overtaking a military convoy is likely to be fatal." **[40f] (p82)** The report added that "… no major route into Iraq is to be considered safe." **[40f] (p90)** The report continued:

"Main risks include:

• Ongoing armed conflict between MNF/ISF and insurgents, mainly near Fallujah and Ramadi (highway to Jordan/Syria) and near the Syrian border, but also on the roads to Samarra, Tikrit and Mosul, as well as on the roads leading South;
• Ambushes/hostage taking by insurgents/criminals, mainly on the road from Baghdad to Fallujah as well as South of Baghdad ('Triangle of death'). The kidnappers often demand money but have also carried out kidnappings for political/religious reasons;
• Highway robbery/car-jacking by armed thieves are very common, even during daylight hours, and particularly on the highways from Baghdad to Jordan and Kuwait;
• Roadside bombs, in particular near Baghdad, mainly targeting MNF/ISF, but often causing civilian deaths;
• Mines/UXO, in particular near Iraqi-Iranian border and along the former 'green line';
• 'Friendly fire': there have been a number of incidents in which civilians were killed at MNF/ISF checkpoints or when getting close to a military convoy." **[40f] (p90-91)**

6.374 The UNHCR COI report also mentioned that "Freedom of movement is further restricted due to the numerous military checkpoints which have been set up, especially in and around Baghdad as well as at the former 'green line', which

separates the Northern Governorates from Central Iraq. In addition, there are illegal checkpoints set up by armed groups and militias." **[40f] (p90-91)**

6.375 The CPJ report 2005 noted that "Approaching U.S. checkpoints could at times be a hair-raising experience, according to journalists and other civilians. Protocols remained unclear more than two years after hostilities began, despite recommendations from CPJ, human rights groups, and the military itself for improving safety." **[26b] (p3)**

6.376 The USSD report 2005 addede further detail regarding curfews:

"Beginning in May [2005] and continuing until at least mid-July [2005], the KRG arbitrarily controlled internal borders between the KRG and the rest of the country. On numerous occasions, the KRG, denied entry on the basis of ethnic background, gender, and age. Security forces sometimes detained individuals for up to 14 hours and prohibited them from making outside contact, or turned them away at the checkpoint because Arabs were not allowed into the Kurdistan Region. KRG authorities asserted they were acting judiciously in controlling travel by individuals or groups entering Kurdistan from less secure parts of the country. In July the MOI ordered KRG authorities to cease such activity. No cases were reported after the order was issued." **[2h] (p13-14)**

6.377 The FCO letter, dated 25 May 2005, added that:

"Travel within townships is possible with taxis available in areas of greater population areas. As taxis are known to be used as VBIEDs [Vehicle Borne Improvised Explosive Device], MNFI treat them with some suspicion. Travelling in a taxi raises the risk of 'escalation of force' incidents from MNFI and PSD.

"Travel between population centres has the risk of attack by IED [Improvised Explosive Device], VBIED and Ambush. Additionally there are still criminal elements on many of the roads who establish illegal Vehicle Check Points (VCP) in order to extort money." **[65d]**

6.378 The UNHCR COI report, October 2005, stated that "Travel by air to and from Baghdad's international airport is also highly insecure. Insurgents have targeted civil aviation with small arms and missiles on several occasions." **[40f] (p82)** The UNSC report, dated 7 March 2005, added that "Aircraft, together with their cargo and passengers, continue to be exposed to a high level of threat both on the ground and when in Iraqi airspace." **[38a] (p15)**

6.379 UNHCR COI stated in October 2005 that "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 are in place, restricting people's freedom of movement, mainly during the night." **[40f] (p139)**

6.380 An "extraordinary" curfew was imposed on 23 February 2006 for 20 hours a day in the governorates of Diyala, Salaheddin, Babil and Baghdad following an attack on a Shi'ite mosque in Samara. (BBC, 24 February 2006) **[4ax]** (IRIN, 27 February 2006) **[18am]** (RFE/RL, 24 February 2006) **[22n]** The IRIN report continued "… cars cannot move freely on the streets without special approval from the Ministry of Interior. Exceptions have been made for ambulances,

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police, government cars and journalists who have special identity cards issued by the ministry." **[18am]**

6.381 The UNHCR COI report, October 2005, mentioned that:

"Women's freedom of movement is further limited due to the specific harassment and threats against them. This has increased the pressure on women to have a male family member to accompany them. The US Department of State reported that some authorities have continued to require women to have the approval of their husband, father or brother to obtain a passport. This has been strongly denied by government officials, however.

Even though there are no legal restrictions as regards choosing one's place of residence in the country, there are a number of practical restrictions mostly based on political and security considerations.

"As many refugees experienced harassment, physical attacks, arbitrary detention and increasing difficulties resulting from their uncertain legal status in Iraq, their freedom of movement is limited and has forced them to stay at home in order to avoid risks." **[40f] (p139)**

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TRAVEL DOCUMENTS

6.382 The UNHCR Coi report, October 2005, stated that:

"Since July 2004, the Iraqi authorities (Directorate of Travel and Nationality/Ministry of Interior) started to issue new *passports* to Iraqi citizens to replace those formerly issued by the CPA…. The issuance of passports is a lengthy process and accordingly payment of bribes is common in order to speed up the proceedings. In the three Northern Governorates, passports are issued by the Directorate of Passport and Residence/Ministry of Interior (Governorate of Sulaymaniyah) and the Directorate of Passports (Governorates of Erbil and Dohuk), respectively. The application fee amounts to 25,000 ID (approximately US $17). It has been reported that blank Iraqi passports are widely available and can be bought for US $200-300." **[40f] (p132)**

6.383 The UNHCR COI report added that:

"Other documents, which are widely common, are the *Iraqi Nationality Certificate* as well as the *Iraqi Civil Status ID*, both of which are issued by the Directorate of Travel and Nationality/Ministry of Interior. In Northern Iraq, these documents are issued by Directorate of Nationality and Civil Status/Ministry of Interior (Governorate of Sulaymaniyah) and the Directorate of Nationality and Civil Identification (Governorates of Erbil and Dohuk). These documents are the main identification documents and requested for any kind of interaction with the authorities, such as an application for a food ration card, school registration, and the issuance of death and birth certificates." **[40f] (p132)** The same report note that "Fallujah is only accessible to residents holding the necessary ID cards. **[40f] (p139)**

6.384 The report also mentioned that:

"Another document used at times is the *Residence Address Card*, which certifies the holder's address (e.g. requested to buy real estate, car or mobile phone, submit a job application or in court cases). Instead of the Residence Address Card, one can also obtain a one-time document certifying a person's residence from the local mayor (*mukhtar*). In the three Northern Governorates, only one-time documents certifying a person's residence are available."

"The *food ration card*, which allows its holder to obtain the monthly food ration through the PDS, is issued by the Ministry of Trade and is also widely accepted as identification document. In the three Northern Governorates, 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)."

Birth certificates are usually obtained in public hospitals or health centres. A copy of the birth certificate has to be sent to the PDS centre to include the newborn on the family's food ration card. *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 that issues a certificate proving the death. A copy of the death certificate is to be sent to the PDS centre to exclude the deceased from the family's food ration card. In the three Northern Governorates, 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 in the PDS." **[40f] (p132)**

6.385 An article by IRIN news, dated 22 December 2005, noted that "The Ministry of Foreign Affairs has made the application process for Iraqi visas more stringent, with the aim of preventing insurgents from entering the country. The decision has been criticised by foreigners who depend on Iraqi visas for work." **[18aq]**

6.386 The USSD report 2005 addsed "Exit permits were required for citizens leaving the country, but the requirement was not enforced. Despite legislation to the contrary, some authorities continued to require that women between the ages of 12 and 40 obtain the approval of a close male relative before being issued a passport. Government officials denied that there was a policy to this effect." **[2h] (p14)**

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6.B HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

6.387 The UNHCR COI report, October 2005, noted that "There appears to be a continuing trend towards the targeting of ethnic or religious communities in an aim to arouse ethnic/religious tensions in the country, in particular between the Sunni and Shia religious communities. **[40f] (p15)**

6.388 The UNSC report, 3 March 2006 "In Baghdad and its surrounding areas, there are regular reports of bodies of Shia and Sunni men with signs of torture and summary execution. Violence affecting Kurds and Arabs has also been reported in Kirkuk … ." **[38e] (p13)**

6.389 The UNHCR COI report, October 2005, noted that "It is feared that ethnic tensions could further increase and, given that all sides have armed groups, result in further unrest." **[40f] (p14)**

6.390 The USSD report 2005 also mentioned that:

> "Kurdish authorities abused and discriminated against minorities in the North, including Turcomen, Arabs, Christians, and Shabak. 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 Kirkuk frequently charged that Kurdish security forces targeted Arabs and Turcomen. Kurds also complained that Turcoman election officials tried to prevent Kurdish participation and that Arabs prevented Kurds from returning to their homes in Kirkuk." **[2h] (p20)**

ARABS

6.391 According to the CIA world factbook (last updated on 10 January 2006) Arabs make up 75 to 80 per cent of the population of Iraq. **[78a] (p4)**

6.392 The FCO added that "It should also be noted that Arab Iraqis are instantly recognised by Iraqi Kurds who view them with suspicion and would not generally welcome them into Iraqi Kurdistan." **[65h]** The IWPR article, dated 10 August 2004, added that "Iraqi Arabs who visit Iraqi Kurdistan increasingly claim hostility and unfair treatment at the hands of their Kurdish hosts." **[11b] (p1-3)** The British/Danish fact-finding mission report, October 2004, mentioned that Arabs would have difficulties living in the Kurdish areas in the north. **[30c] (p31)** The IWPR article, dated 10 August 2004, however, noted that not all Arabs feel the hostility. **[11b] (p1-3)**

6.393 A BBC article, dated 12 August 2005, and an IWPR report, dated 24 February 2005, both noted that there was an increasing number of Iraqi Arabs joining the workforce in Iraqi Kurdistan. **[4ak] [11g]**

6.394 The UNHCR COI report, October 2005, noted that:

> "Arabs in the Governorates of Kirkuk and Mosul have reportedly been under serious restrictions and been pressured to leave the region, as the Kurdish

administration's ideals for a 'Kurdistan for Kurds' does not include the Arabs. Some Arabs who were relocated to Kirkuk and Mosul from other parts of Iraq by the former regime have now been forcefully displaced within the area; some have returned to their previous places of origin due to communal pressure. This is especially true in the region of Kirkuk where the return of formerly displaced Kurds is encouraged and even supported by the Kurdish officials. Following a number of security incidents in the three Northern Governorates, the Kurdistan Regional Government closely watches the Arabs living in the areas under its control. Arabs are viewed as possible agents of Iraqi insurgency groups or as former Ba'athists." **[40g] (p17-18)**

6.395 The CSIS report, dated 1 March 2006, added that "Reports in August 2005 indicated that government police and military forces in the Kurdish north were using their power to intimidate Arabs through abductions and assassinations." **[63f] (p87)**

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SHI'A ARABS

6.396 The EIU report 2005 noted that "Baghdad is estimated to be at least 60% Shia Arab, whose numbers are mostly concentrated in the economically disadvantaged 'Sadr City' area in the east of the capital." **[58b] (p27)**

6.397 As noted in the Dutch country report, December 2004, "Iraqi Shi'ites by no means constitute a homogenous community and they are politically and religiously divided." **[71c] (p62)** The same report mentioned that "Since the overthrow of Saddam Hussein, there has been a significant improvement in the position of Shi'ites. Many Shi'ite clerics have returned to Iraq from abroad. The end of Saddam Hussein's regime spelled an end to the suppression of the Shi'ite leadership." **[71c] (p62)**

6.398 The CSIS report, dated 1 March 2006, stated that:

"Arab Shi'ites, in contrast, have been increasingly polarized by the Sunni suicide attacks on Shi'ite targets, kidnappings, over killings and disappearances described in previous chapters, and which have intensified since the January 2005 elections. They are all too aware that figures like Zarqawi have threatened jihad against Shi'ites and have said they are not legitimate followers of Islam. The main Shi'ite leaders in the government have continued to seek an inclusive political solution and read out to the Sunnis, but many of their followers have increasingly reacted to Sunni attacks by taking revenge or seeking to exclude Sunnis from their neighborhoods, government jobs, contracts, and the security services." **[63f] (p72)** (See also section 6A on Shi'a insurgents and Shi'a Muslims)

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SUNNI ARABS

6.399 The AI report, dated 25 July 2005, stated that:

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"Sunni Arabs comprise around 18% of the population and mainly live in central and western Iraq. Before the US-led military intervention, this community dominated successive Iraqi governments and was generally privileged -- key positions in the army, security and intelligence agencies were held by Sunni Arabs. … Nevertheless, under Saddam Hussain the authorities had no qualms in arresting, torturing or executing Sunni Arabs perceived to be opponents of the regime, or making them 'disappear'." **[28c] (p2)**

6.400 The Dutch country report, December 2004, observed that:

"Since the overthrow of Saddam Hussein, Sunni Arabs have organised themselves to a limited extent into political parties or groups such as Ahl Al-Sunnah wa Al-Jammah, Hay'at Al-Ulama Al-Muslimin ('Muslim Scholar's Association'), the Muslim Brotherhood and organisations grouped around secular Arab Sunnis. … During the reporting period some Sunni clerics were the target of assassinations." **[71c] (p63)**

6.401 The AI report, dated 25 July 2005, stated that "Members of armed groups opposed to the presence of the MNF in Iraq and the Iraqi government appear to be predominantly from the Sunni Muslim Arab community." **[28c] (p2)**

6.402 The AI report, dated 25 July 2005, mentioned that "However, by contrast, many among the Iraqi Sunni Arab community have spoken against violence and abuses by armed groups and have themselves been targeted for killing or kidnapping." **[28c] (p2)**

6.403 As noted in a BBC article, dated 1 August 2005, stated "The minority Sunni community has often complained of victimisation, including at the hands of Iraq's new police force." **[4aa]** *The Guardian* reported, on 26 January 2005, that "Having a tribal name that associated you with a Sunni-dominated area or tribe was for centuries a guarantee of access to the government and a good job, but these same names now land you in American custody if you happen to be in the wrong place at the wrong time." **[6a]**

6.404 The CSIS report, dated 1 March 2006, noted that "There were more and more reports of revenge killing and anti-Sunni strikes by both the Shi'ite militias and Shi'ite elements in the security forces and police during 2005. There are credible reports that hundred of Sunni bodies have been found in locations like rivers, desert roads, open desert, sewage disposal facilities, and garbage dumps since the new government was formed that April [2005]." **[63f] (p74)**

6.405 The same report also mentioned that "The Baghdad morgue reported growing numbers of corpses with their hands bound by police handcuffs, and that it processed 7,553 corpses between January and September 2005, versus only 5,239 for the same period in 2004. Sunni groups like the Moslem Scholars Association have published pictures of such corps and lists of the dead, and have claimed there are Shi'ite death squadrons." **[63f] (p74)** (See also section 6A on Sunni Arab insurgents and Sunni Muslims)

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MARSH ARABS

6.406 As observed by UNHCR in a report, dated August 2004:

> "The majority of Marsh Arabs are concentrated in southern Iraq (Bashrah and surrounding governates). Marsh Arabs have traditionally been regarded by other Iraqis as a very distinct group. A number of international NGOs with projects in the south attested to the fact that Marsh Arabs are often considered by the local population as second class citizens and discriminated against, both as regards access to employment as well as to basic services. Marsh Arab returnees from Iran seem to be especially suspicious in the eyes of the local population and are generally blamed for any criminal activity which takes places in the south." **[40b] (p7)**

6.407 The same document noted that the Marsh Arabs were subjected to forced migration as a result of the organised Marsh Drainage campaign undertaken by the former regime. **[40b] (p17)**

6.408 The UNHCR report, August 2004, noted that as part of the policy, Marsh Arabs were forced to resettle in the north, in order to alter the ethnic balance of the area. **[40b] (p17)** The IRIN news article, dated 22 August 2005, reported that "International aid organisations estimate that more than 130,000 were displaced inside the country and another 75,000 entered neighbouring Iran as refugees." **[18b] (p1)**

6.409 The IWPR stated, on 20 October 2004, that "Things began changing after the fall of Saddam's regime, as many dams were breached and pumping stations destroyed, and the marshland's waters began to flow again." **[11a]**

6.410 The Dutch country report, December 2004, stated that "The UN declared in the autumn of 2004, that it wanted to set up a project aimed at restoration of the marsh areas in the south of Iraq. The internally displaced people in Iraq include Marsh Arabs who were driven out, under Saddam Hussein's regime, from the areas where they had originally lived. Returns to the marsh areas have been reported in prior review periods." **[71c] (p55)**

6.411 An IRIN news article, dated 22 August 2005, reported that "Since July 2003, more than six projects have been developed by AMAR and the United Nations, who are taking the lead role, to assist the marshland people, but much more is required to guarantee a future for some 30,000 local residents." **[18b] (p1)**

6.412 The IWPR article, dated 20 October 2004, reported that in an attempt to bring back Marsh Arabs to the area, the Government installed ten temporary mobile schools in the marshes of Amara. **[11a]**

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KURDS

6.413 The BBC stated, on 12 August 2005, that "The Kurds have ruled themselves in northern Iraq since the aftermath of the Gulf war of 1991, when a 'safe haven' was created to protect them from Saddam Hussein. Rival Kurdish groups fought

one another in 1996, but the current stability in Kurdistan now stands in stark contrast to other parts of the country." **[4ak]**

6.414 The UNHCR guidance note, October 2005, noted that "Within the context of today's Iraq, Kurds have also been accused of collaborating with the 'enemies of Iraq', which include the US, the UK and Israel among others. Several attacks against Kurds in Central Iraq have been reported." **[40g] (p12)**

6.415 The same report mentioned that "Iraqi Kurds are frequently perceived by insurgents as collaborators with or supporters of the invasion of Iraq and the presence of the MNF, which in turn is perceived as favouring the Kurds. Indeed, the MNF presence in and around the three Northern Governorates has been well-tolerated and even welcomed by the Kurdish authorities, as it has brought more respect and recognition to the Kurdish administration on a national and international level." **[40g] (p14)**

6.416 The HRW report, dated 3 October 2005, noted that "Various armed groups make no secret of their desire to attack Kurds, whom they consider collaborators with the United States and the 'allies of Jews and Christians.'… Most attacks on Kurds in the past two years have been attributed to Ansar al-Sunna rather than Ansar al-Islam." **[15j] (p41)**

6.417 The UNHCR guidance note, October 2005, stated that "A number of prominent Kurdish intellectuals and politicians have been the targets of harassment, attacks and assassinations over the last two years by Islamic extremists or groups, likely because of their perceived support for the foreign 'enemy'. The same applies to Kurdish members of the ISF and the Kurdish Peshmerga." **[40g] (p14)**

6.418 The HRW report, dated 3 October 2005, noted that "Since April 2003, various insurgent groups have attacked Kurdish civilians and civilian sites in the north, and sometimes in Baghdad. Some insurgent groups have used improvised explosive devices (roadside bombs), car bombs and gunmen to kill Kurdish politicians and journalists." **[15j] (p40)** The same report, when describing the 'most deadly attack' stated that "On February 1, 2004, twin suicide bombs exploded at the Arbil offices of he two main Kurdish political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), killing ninety-nine people who had gathered to mark the first day of Eid al-Adha." **[15j] (p40)**

6.419 The report also mentioned that "In the eyes of these groups, the secular Kurdish parties are allies of the enemy forces that occupied Iraq, and they are now trying to secede from Iraq. The Kurdish peshmerga fought alongside the U.S. from northern positions in 2003, and the two main Kurdish political parties are close allies of the United States." **[15j] (p41)** The HRW report detailed several examples of attacks against Kurds in Iraq. **[15j] (p41-46)** (See also Annex F on Current militia / insurgent groups)

6.420 The HRW report, August 2004, stated that following the overthrow of the Saddam regime, the Kurds and other non-Arabs began returning to their former homes and farms. **[15p] (p1)** The IWPR mentioned on 15 November 2004, that many Kurds fled the Sunni triangle where they faced threats from extremists. **[11d] (p1)**

6.421 The same article stated that many Kurds have had difficulties resettling in the Kurdish areas of Iraq. The article mentioned that "While most still speak Kurdish and consider themselves true Kurds, they have received a less than warm welcome since returning to their region of origin. Instead of greeting them as fellow-Kurds, local people have treated them with suspicion, addressing them in Arabic rather than Kurdish." **[11d] (p1-2)**

6.422 The HRW report, August 2004, noted that "Ethnic tensions between returning Kurds and others and the Arab settlers escalated rapidly and have continued to do so, along with tensions between the different returning communities – particularly between Kurds and Turkomans – over control of the oil-rich city of Kirkuk." **[15p] (p1)**

6.423 The CSIS report, dated 1 March 2006, stated that "There are serious tensions between the Kurds, the Turcomans, and Assyrian Christians, as well as between Kurds and Arabs. At a local level, there are many small tribal elements as well as numerous 'bodyguards,' and long histories of tensions and feuds." **[63f] (p86)**

6.424 The report added that:

"Despite past, and potential future tensions and divisions between the PUK and KDP, leaders from both parties signed an agreement in January 2006, which allotted eleven ministerial posts to each group. Minority parties were skeptical of KDP-PUK promises to give remaining posts to political factions who did not win a majority and worried that this further isolated them from any future role in the political process." **[63f] (p88)**

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TURKMENS

6.425 The Dutch country report, December 2004, stated that "The Turkmen community in Iraq is divided. There are at least five known Turkmen political organisations, with the largest party being the Iraqi Turkmen Front (ITF)." **[71c] (p55)**

6.426 The UNHCR guidance note, October 2005, stated that:

"The problems faced by Turkmen are mainly linked to the political situation in Kirkuk and the three Northern Governorates. Many Turkmen complain of being subjected to investigation and/or arrest by the Kurdish authorities in the three Northern Governorates for reasons related to the establishment of the organization known as 'The Turkmen community', which has sought to ensure the basic rights of this group." **[40g] (p12)**

6.427 The same report added that:

"As far as it can be gathered from media reports, tensions flared during the reporting period to a limited extent between Turkmen and Kurds. These sometimes led to violence. Such tensions often resulted from the return of people who had been driven out under Saddam Hussein's arabisation policy

and from discontent amongst Turkmen about the possible 'Kurdisation' of Kirkuk. According to a confidential source and press reports, many Kurds moved to Kirkuk to influence the demographic balance in the city." **[71c] (p55)**

6.428 The UNHCR guidance note, October 2005, mentioned that "Turkmen also report being threatened by Peshmerga fighters from the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and claim that there is currently an attempt to implement policies that will systematically alter the demographic composition of areas where Turkmen have traditionally lived." **[40g] (p12)**

6.429 The CSIS report, dated 1 March 2006, noted that "According to US government documents and interviews with Turcoman families, Kurdish security forces abducted hundred of Turcoman from Kirkuk in the spring and summer months of 2005 and put them in prisons deep within acknowledged Kurdish territory.219 This was an apparent bid to create an overwhelming Kurdish majority in order to lend greater legitimacy to the Kurds claim on Kirkuk." **[63f] (p87)**

ASSYRIANS AND CHALDEANS

6.430 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." **[40g] (p12)**

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WOMEN

6.431 As stated in a DFID report, dated July 2005, "Historically Iraq has had one of the best gender equality records in the Middle East, with women playing an active and visible role in political and economic life. … Yet years of conflict, isolation from the international community, economic mismanagement and brutal government have had a very negative impact on Iraqi women. Women now suffer multiple forms of deprivation – social, economic and political." **[59f] (p1)**

6.432 The UNHCR guidance note, October 2005, noted that:

"Since the fall of the previous regime, the security situation of women has declined. In the Centre, women are particularly affected by the situation of lawlessness in Iraq, especially as concerns their freedom of movement due to the threat of kidnapping, limiting their access to education, employment, health, and so forth. Women have become common targets of a number of types of violent attacks including kidnapping, rape, forced prostitution, trafficking and murder. … Due to post-war insecurity, many are unable to leave their homes without a male family member to accompany them, and even then often to their own or their families' reluctance. Those who can afford it have abandoned public transportation and have begun hiring drivers to take them home." **[40g] (p20)**

6.433 The USSD International Religious Freedom report 2005 stated that:

"Women and girls often were threatened, assaulted with acid, and even killed for refusing to wear hijab or for dressing in western-style clothing. Some women claimed they were denied employment and educational opportunities because they were non-Muslim, did not dress in accordance with conservative Islamic norms, or did not sufficiently adhere to strict interpretations of religious rules governing public behavior." **[2g] (p6)**

6.434 The USSD report 2005 summarises thus "The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women." **[2h] (p18)**

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LEGAL PROVISIONS

6.435 As mentioned in the Dutch country report, December 2004, "Since the overthrow of Saddam Hussein, attempts have been made to improve the position of women in terms of legislation. According to the TAL, all Iraqis are equal under the law, irrespective of gender." **[71c] (p56)** However, the AI report, February 2005, stated that "Women face discriminatory laws and practices that deny them equal justice or protection from violence in the family and community." **[28e] (p1)**

6.436 The UNHCR COI report, October 2005, stated that "Unfortunately, Iraq's laws do not yet adequately protect all the rights provided for in the TAL and the CEDAW." **[40f] (p33)** Driscriminatory provisions relating to marriage, divorce and inheritance were present the Iraqi Personal Status Law (Law No. 188 of 1959) and the Iraqi Penal Code (Law No. 111 of 1969). For example, the Personal Status Law allows men to practice polygamy under certain circumstances. (AI, February 2005) **[28e] (p14)** (UNHCR COI, October 2005) **[40f] (p33)** The AI reportmentioned that "They must have judicial authorization and the judge should take into consideration whether or not the applicant has the financial means to support more than one wife." **[28e] (p14)**

6.437 The UNHCR COI report, October 2005, also noted that the Personal Status Law:

"… awards female heirs only half of the entitlement of their male counterparts and favours men in divorce. Furthermore, the Penal Code contains provisions that allow lenient punishments for 'honour killings' on the grounds of provocation or if the accused had 'honourable motives'. The punishment will be between 6-12 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." **[40f] (p33)**

6.438 The AI report, February 2005, mentioned that:

"Provisions on inheritance in the Personal Status Law also discriminate against women, who are generally only awarded half of the entitlement of their male

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counterparts (Articles 86-94). The law provides that both husband and wife can seek to end the marriage under certain conditions to be assessed by a family court (Articles 40-45). However, it also allows another form of divorce petition (Talaq) that may only be filed by the husband and does not require him to give any reason (Article 34-39)." **[28e] (p14)**

6.439 The report also noted that "Apart from these discriminatory provisions, the Personal Status Law is still generally seen as having been an achievement for women's rights in a region in which women often do not have equal legal status to men." **[28e] (p14)** The UNHCR COI report, October 2005, noted that

"One positive development was the CPA's introduction of a number of amendments to the Penal Code in response to the increased abduction and rape of women in the months after the US-led invasion. The amendments increased the penalties for kidnapping, rape and sexual assault and suspended provisions allowing perpetrators to escape punishment if they married the woman concerned." **[40f] (p33)**

6.450 The same report stated that:

"Though the Kurdish authorities suspended these provisions in 2000 (PUK-controlled areas) and 2002 (KDP-controlled areas) respectively, 'honour killings' are still prevalent throughout the North. The Penal Code further stipulates that a husband who beats his wife can, under certain conditions, be exempted from criminal liability for doing so. This provision was reportedly annulled in areas controlled by the KDP in 2001." **[40f] (p33)**

6.451 The FCO human rights report 2005 noted that:

"Newly formed Iraqi women's groups continue to take an active role in advocating fair representation in Government bodies and calling attention to the rights of women in all spheres of Iraq's democratic development.

The TAL enshrines fundamental human rights for men and women and states that the electoral law 'shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the national assembly'." **[66j] (p65)**

6.452 The AI report, February 2005, stated that "In December 2003 the IGC attempted to amend the Personal Status Law to place certain family matters under the control of religious authoritites. However, after protests and lobbying by women's organizations, the IGC reconsidered and later withdrew the resolution containing the proposal (Resolution 137)." **[28e] (p14)**

6.453 The UNHCR COI report, October 2005, added that:

"In this regard it is important to note that prior to the introduction of the 1959 Personal Status Law, Sunnis and Shiites had separate religious courts that issued decisions according to their interpretation of Islamic law. The role of Islam and Sharia law vis-à-vis the more secular 1959 Personal Status Law is also one of the contentious issues in the ongoing negotiations about the Permanent Constitution." **[40f] (p34)**

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VIOLENCE AGAINST WOMEN

6.454 The constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, states that Article 29 (4): "All forms of violence and abuse in the family, school, and society shall be prohibited." **[82a] (p10)**

6.455 The AI report, February 2005, noted that "Women and girls in Iraq live in fear of violence as the conflict intensifies and insecurity spirals." **[28e] (p1)** Attacks by insurgents and military operations in Iraq have resulted in the death and injury of tens of thousands of civilians, many of them women. (AI, February 2005) **[28e] (p1 & 13)** (UNHCR COI, October 2005) **[40f] (p34)**

6.456 The UNHCR COI report, October 2005, noted that "Continuing violence and high criminality, slow reconstruction, low living standards and the increasing tendency to apply strict Islamic behavioural and dress codes have taken a toll on women in Iraq." **[40f] (p34)**

6.457 The AI report, February 2005, stated that "Violence and threats have directly affected women and have been specifically aimed at women. Armed opposition groups have targeted and killed several women political leaders and women's right activists." **[28e] (p5)** The HRW report, dated 3 October 2005, added that:

> "Some insurgent groups have targeted women who are politicians, civil servants, journalists, women's rights activists or who work as cleaners or translators for foreign governments or militaries. They have also attacked women for what they considered 'immoral' or 'un-Islamic' behavior, like dancing, socializing with men or not wearing a *hijab*, the Islamic headscarf." **[15j] (p93-94)**

6.458 As mentioned in the AI report, February 2005:

> "Women continue to be forced to wear headscarves by threats and harassment from members of Islamist groups. These groups have targeted women and girls who have not covered their heads, including non-Muslims, in the streets, in schools and in universities. As a consequence, the number of women and girls wearing a headscarf or veil has further increased." **[28e] (p5)**

6.459 An IWPR article added, on 5 July 2005, that "Those who put on makeup or choose not to wear the veil fall victim to militants." **[11m]** The same article noted that "Many women in Mosul, north of Baghdad, say insurgent groups are trying to impose Taleban-style restrictions on them and make the city a more conservative place." **[11m]**

6.460 The UNHCR COI report, October 2005, also mentioned that "According to police officials, dozens of women have been attacked with acid by religious conservatives in Baghdad and many others have been killed outright." **[40f] (p34)**

6.461 The UNHCR COI report, October 2005, mentioned that:

> "Lack of both security and proper law enforcement has led to high rates of crime against women, in particular in the months after the 2003 conflict. A survey undertaken by the 'Organisation of Women's Freedom in Iraq' recorded that

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400 women that were raped in Baghdad between April and August 2003. Human Rights Watch has documented reports from Iraqi police officers that 'the number of (rape) cases reported [now is] substantially higher than before the war'." **[40f] (p35)**

6.462 The IWPR reported, on 3 August 2005, that "Although there are no accurate statistics available, women's groups say rape is increasing in Iraq – because of the lawlessness that is plaguing the country and the male-dominated nature of society." **[11t]** The HRW report, January 2004, stated that "Iraqi police give a low priority to allegations of sexual violence and abduction. The victims of sexual violence confront indifference and sexism from Iraqi law enforcement personnel, and the U.S. military police are not filling the gap." **[15d] (p4)** The Dutch country report, December 2004, noted that "The maximum prison sentence for rape and/or sexual violence is life. The maximum sentence for indecent assault is fifteen years' imprisonment." **[71c] (p59)**

6.463 The USSD report 2005 noted:

"Islamic extremists reportedly targeted female university students in a number of cities, demanding that they cease wearing western-style clothing and cover their heads while in public. Additionally, these extremists allegedly called for a separation of male and female students in some universities. According to local law enforcement sources, two or three women were murdered each week in Basrah, where banners were frequently seen that threatened women who did not wear the hijab. It was widely believed that many of the women were killed because they were not wearing the hijab, including some women who were targeted, taken from their homes, and killed." **[2h] (p18)**

6.464 The UNHCR COI report, October 2005, noted that "Fear of harassment, abduction and rape prevents women from moving freely, thereby restricting their personal freedom, access to schools and universities, opportunity to work and access to health services." **[40f] (p35)**

6.465 The same report stated that "… some groups have abducted and at times killed foreign women to pressure governments or humanitarian organizations into leaving Iraq." **[15j] (p93-94)**

6.466 The Dutch country report, December 2004, stated that "For women it is becoming increasingly difficult to travel without being accompanied by a male member of the family, in view of the risk of violence and abduction." **[71c] (p58)** The British/Danish fact-finding mission report, October 2004, added that "A representative from a UN development agency in Amman stated that women have freedom of movement within Iraq however there is becoming an increased need for a male companion otherwise the woman is vulnerable. Women are generally safe in the Kurdish area however if they are escaping a family problem, the family will follow them wherever they go in Iraq." **[30c] (p25)** The USSD report 2005 added that "Despite legislation to the contrary, some authorities continued to require that women between the ages of 12 and 40 obtain the approval of a close male relative before being issued a passport. Government officials denied that there was a policy to this effect." **[2h] (p14)**

6.467 The report also noted that:

"The ILCS revealed that 40 percent of surveyed women identified criminals as a direct threat to their safety, while 12 percent say that the MNF represents the main threat. There are significant differences in safety for women among the different Governorates. More than 85 percent of the women in the Governorates of Sulaymaniyah, Erbil, Dohuk and Muthanna report no direct threats, but 91 percent of women in Missan, 73 percent of women in Thi-Qar, 65 percent of women in Baghdad and over 40 percent of women in Wasit and Kerbala identify criminals as a threat." **[40f] (p35)**

6.468 An IRIN news article, dated 8 February 2006, reported that the Women's Rights Association (WRA) of Iraq has registered 240 cases where women were humiliated by the army or police during raids on their homes since July 2005. **[18an]** The report adds that "Women whose male family members are wanted for involvement in insurgency are often reportedly arrested in their place." **[18an]**

6.469 The UNHCR COI report, October 2005, stated that:

"There have been reports of abuse, including sexual abuse, of Iraqi women detained by the MNF in Abu Ghraib and other detention facilities. … With rumours of (sexual) abuse running high, female detainees may be subject to violence at the hands of their families or even 'honour killings' after their release, as they are considered to have brought shame on the family." **[40f] (p35)** This was also noted in the AI report, February 2005. **[28e] (p5)**

6.470 The same report gave several examples of attacks against women. **[15j] (p95-98)**

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DOMESTIC VIOLENCE

6.471 As documented in the AI report, February 2005:

"For decades, violence in the family in Iraq has been under-reported. Most acts of violence in the home are carried out on women and girls by husbands, brothers, fathers or sons. The men are sometimes acting on the orders of family councils, gatherings of family or clan elders who decide the punishment for women deemed to have infringed traditional codes of honour. Tradition all too often serves as a pretext for acts of brutality against women for daring to choose how to lead their lives. An underlying cause of the violence, and closely bound up with it, is the discrimination that denies women equality with men in every area of life, including within the family." **[28e] (p8)**

6.472 The AI report, February 2005, observed that "Most victims of violence in the family have no access to medical treatment." **[28e] (p12)**

6.473 The IWPR reported, on 19 July 2005, that "Analysts say cases of domestic violence have been on the rise, but accurate statistics are difficult to gain because much of it goes unreported. Deteriorating living conditions, which have put additional stress on families, are considered to be a major factor." **[11e]**

6.474 The USSD report 2005 stated:

"Victims of domestic violence received no substantive assistance from the government. Domestic violence against women occurred, but little was known about its extent. Such abuse was customarily addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published." **[2h] (p19)**

6.475 The same report stated that "This high level of acceptance of violence within marriage is supported by Iraqi legislation. According to the Penal Code of 1969, which is still in force, a husband who 'disciplines' his wife is exempt from criminal liability for doing so (Article 41(1))." **[28e] (p11-12)**

6.476 The report also noted that:

"In recent years, organizations in Iraq have started working to provide support to women who have experienced violence in the home. Women's rights activists have helped women to escape violent men and to hold their attackers to account. They confront the prejudices that hold women's protests and complaints about ill-treatment to be shameful to the family. They are often themselves faced with threats and assaults from the families of the women they support." **[28e] (p8)**

6.477 The Dutch country report, December 2004, explained that "The extent to which women can avoid the threat of honour crimes through settling elsewhere in Iraq is impossible to determine with certainty. The extent to which the current security organisations in Iraq can offer protection to women exposed to (sexual) violence at the hands of third parties or honour crimes is also unknown." **[71c] (p59)**

6.478 The British/Danish fact-finding mission report, October 2004, stated that:

"A diplomatic source in Amman stated that there are numerous NGO's, which help women and that some are quite well organised. Some have been based in the Kurdish area since 1991 and have only recently moved down to central Iraq. There are women's shelters in Iraq and they can, and do, arrange meetings between women and their communities. The source advised that people working for these organisations have received death threats. There are women's shelters in Dohuk, Arbil and Sulaimaniyah. The shelter in Sulaimaniyah receives women and then sends them to the Arbil shelter. The Arbil shelter is not particularly large. The source advised that the shelter in Dohuk is fully functioning with no problems. The majority of women who seek protection from these shelters have had disagreements on marriage with their father. Mediation tends to be the traditional solution for the women's organisations. Tribal justice is also an effective remedy for family and community problems, and the source advised that in the current unstable environment the traditional ways are surfacing. The source concluded that women are a vulnerable group in Iraq." **[30c] (p23)**

6.479 The same report noted that "As well as 2 refuges in Baghdad and Arbil, there are also two in Hilla and Kirkuk." **[30c] (p24)**

6.480 The UNHCR COI report, October 2005, mentioned that:

"A safe house for victims of domestic abuse was established within Baghdad's International Zone, but was reportedly closed down in early 2005 on the order

of former Interim President Ghazi Al-Yawer for 'security reasons'. UNHCR has been informed that the shelter will be re-opened late in 2005 and will be operated by the Department of Social Welfare (Ministry of Labour and Social Affairs, MoLSA). Iraqi law provides that NGOs need to obtain MoLSA's authorization to open a social institution such as a women's shelter or an orphanage.

"During the summer of 2004, the Iraqi NGO 'Organization of Women's Freedom in Iraq' (OWFI) opened two shelters – one in Baghdad and one in Kirkuk – both of which are in secret locations and have the capacity to host up to 20 women at a time. The Chairwomen of OWFI reported that they face 'extreme difficulties' of reaching out to women, who are often unable to even leave their homes. While the organization was able to find solutions for a number of women to return to their families, other women are at such serious risk of being killed by their families that they cannot leave the shelter.

"Despite these efforts by Iraqi authorities and NGOs, many women do not have access to shelters or legal, social and psychological counselling." **[40f] (p38-39)**

6.481 The report also mentioned that "Women are scared of the social stigma attached to the shelters, and often consider them a dead-end or a prison. The shelters are secret and few people know where they are. There are a number of drop-in refuges run by the US, and then the women are referred to the shelters. More often than not women eventually return to their families." **[30c] (p23)**

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HONOUR KILLING/CRIME

6.482 An article by IRIN news, dated 5 February 2006, reported that:

"Article 111 of the Iraqi Penal Code exempts from prosecution and punishment men who kill other men or female relatives in defence of their family's honour.

"He who discovers is wife, one of his female relatives committing adultery or a male relative engaged in sodomy and kills, wounds or injures one of them, is exempt from any penalty,' the law states." **[18ah]**

6.483 The Dutch country report, December 2004, observed that "There have been several reports pointing to the fact that honour killings are occurring in various parts of Iraq." **[71c] (p59)** The UNHCR COI report, October 2005, noted that:

"Domestic violence (including 'honour killings') continues to take place in Iraq, and some observers believe it has increased since the fall of the former regime, given the corresponding rise in conservative attitudes. 'Honour killing' is a term used to describe a murder committed by a family member to protect the family's honour. Many women and girls are at risk of death if they are accused of behaviour believed to have brought shame on the family, such as a loss of 'virginity' (even by rape), infidelity, a demand for divorce or a refusal of marriage. Many women are killed based on suspicions of a family member and are not given the chance to defend themselves." **[40f] (p36)**

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6.484 The same report noted mentioned that "No exact figures on the extent of the practice are available and many cases undoubtedly go unreported. 'Honour killings' occur mainly in conservative Muslim families (both Shiite and Sunni, of both Arab and Kurdish backgrounds), in all areas of Iraq." **[40f] (p37)**

6.485 The AI report, February 2005, stated that "Most victims of 'honour crimes' are women and girls who are considered to have shamed the women's families by immoral behaviour. Often the grounds for such an accusation are flimsy and no more than rumour. 'Honour crimes' are most often perpetrated by male members of the women's families in the belief that such crimes restore their and the family's honour." **[28e] (p8-9)**

6.486 The AI report, February 2005, explained that:

"… during the months of lawlessness following the 2003 US-led invasion, the perpetrators of 'honour killings' – like other criminals – were unlikely to be tried. The lack of a functioning judicial system during the months after the 2003 war contributed to an increase in the part played by tribal bodies in resolving conflicts, including in relation to 'honour crimes'." **[28e] (p11)**

6.487 The same report stated that "Mutilation is another form of 'honour crime' used in northern Iraq as a punishment for people accused of a relationship considered to be illegitimate. … Between 2000 and 2002 the Kurdish authorities amended the law so that courts could no longer find 'honourable motivation' a mitigating circumstance in 'honour crimes' against women. **[28e] (p9)**

6.488 The UNHCR COI report, October 2005, noted that:

"As described above, the Iraqi Penal Code provides for lenient punishment of perpetrators of 'honour killings'. While it is encouraging that the Kurdish authorities have cancelled the relevant provisions in recent years and qualify the killing of a family member for honour reasons as straightforward murder, there is still a need to change people's way of thinking and to make 'honour killings' socially and morally unacceptable." **[40f] (p37)**

6.489 The AI report, February 2005, noted that "Until legal reforms specifically to address 'honour killings' were introduced by the Kurdish authorities in northern Iraq between 2000 and 2002, the perpetrators of such killings were either never tried or received generally lenient sentences." **[28e] (p9)**

6.490 As stated in the British/Danish fact-finding mission report, October 2004, "A diplomatic source in Amman informed the delegation that with regards to honour crimes the victim can go to the police however whether they got support from the police would rely on whom within the police you talk to and whether you have a contact via your family." **[30c] (p26)**

6.491 The UNHCR COI report , October 2005, noted that:

"Women's shelters were established in Sulaymaniyah in January 1999 (Nawa Centre) and Erbil in April 2002 (Khanzad Centre). A third centre, opened by the German NGO Wadi in Mosul at the end of January 2004, was forced to stop working due to the continuous violence and threats by Islamists. The centres provide food and accommodation, psychological treatment, social assistance, legal aid as well as a mediation programme. Asuda, the first protection centre

for women endangered by 'honour killings', was opened in a hidden place in Sulaymaniyah in 2000. Since women seeking protection often have to stay for long periods of time, Asuda offers a 'home' which includes education, leisure and daily activities. 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. Sometimes, Asuda sends women to far away villages and places in other regions of Northern Iraq, where they are not known and can find protection. However, in some cases there are no alternatives other than remaining in the protection centre or finding solutions outside Iraq." **[40f] (p38-39)**

6.492 The report also noted that "Some women try and commit suicide, particularly through self-immolation, in order to 'cleanse' the honour of the family or to escape killing or other forms of violence. The practices of hymen reconstruction on girls that have lost their virginity and backstreet abortions both pose a serious health risk but appear for some girls to be the only way to escape killing." **[40f] (p38)**

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FORCED MARRIAGE AND MUT'A (TEMPORARY MARRIAGE)

6.493 The AI report, February 2005, stated that "Under Iraq's Personal Status Law, forced marriage is prohibited and punishable by up to three years' imprisonment (Article 9). The legal age for marriage is 18 (Article 7)." **[28e] (p13)** The UNHCR COI report, October 2005, added that "… however a 1979-amendment to the *Personal Status Law* lowered the minimum age for marriage to 15 years with the consent of the parents, an adult brother or an adult married sister." **[40f] (p162)**

6.494 The AI report, February 2005, nevertheless stated that "… in practice forced marriages, including of underage girls, continue to take place. Girls under the age of 15 are particularly vulnerable to forced marriage, which are arranged by the family in the vast majority of cases." **[28e] (p13)**

6.495 The UNHCR COI report, October 2005, stated that "Marriages of girls below the age of 15 are done according to religious customs and are not legally recognized." **[40f] (p162)** The AI report, February 2005, noted that "Many women and young girls in Iraq are denied the right to choose their marriage partner freely, and those who oppose forced marriage are at risk of violence or even of being killed." **[28e] (p12)** The same report noted that "Early pregnancy, frequently a result of child marriage, is associated with adverse health effects for both mother and child." **[28e] (p13)**

6.496 The report also mentioned that:

"In northern Iraq, the practice of '*Jin be Jin*' [meaning a woman for a woman] contributes to the high incidence of forced marriage. It involves the exchange of girls – the girl from one family marrying the son of another (or from the same extended) family, while his sister is given in marriage in return – to avoid having

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to pay 'bride prices' for the daughters. Similar marriage arrangements take place in other regions of Iraq." **[28e] (p12)**

6.497 The UNHCR COI report, October 2005, noted that:

"Another custom is giving a girl in marriage to another family as a compensation for a killing. According to the ILCS, 15 percent of the surveyed women aged 15-19 have been married, and the Youth Survey undertaken by the Ministry of Planning with the support of UNICEF between February and August 2004 revealed that 60 percent of surveyed married women were married before the age of 18. Furthermore, nearly 19 percent were married at ages below 15, mainly in rural areas." **[40f] (p162)**

6.498 The report also mentioned that "Religious minorities such as Christians and Mandaeans have reported forced marriage of their women with Muslim men." **[40f] (p162)**

6.499 The UNHCR COI report, October 2005, mentioned that:

"Among the Shiite community, the practice of *muta'a*, or temporary marriage, which was considered adultery by the former regime and punishable with fines or imprisonment, appears to be on the rise. The manner in which *muta'a* is practised in Iraq, which is meant to provide an income and protection for widowed or divorced women, strongly favours men as only they can decide to end a *muta'a* marriage (unless it was agreed at the outset that the women can end it as well). Furthermore, women cannot inherit from their *muta'a* husbands." **[40f] (p34)**

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FEMALE GENITAL MUTILATION (FGM)

6.500 Several reports noted that the German NGO, Wadi, conducted a survey of 40 villages in the Germian region of northern Iraq. The survey found that about 60 per cent of women in that area had undergone female genital mutilation. **[18h] [28e] (p11) [22c]**

6.501 The AI report, February 2005, stated that "In some rural areas in northern Iraq, FGM appears to be widespread. … Areas where FGM seems to be common are within the region where the Sorani Kurdish dialect is spoken, including around Halabja, Germian and Kirkuk." **[28e] (p11)** However, the AI report, February 2005, stated that "In a 2003 survey on women's health in southern Iraq, FGM was not identified as a common practice." **[28e] (p11)**

6.502 The AI report, February 2005, noted that:

"There are indications that the practice has been decreasing. A Norwegian journalist and a Kurdish writer from northern Iraq interviewed numerous people about FGM – including, doctors, women's rights activists and Muslim clerics – in the course of research in late 2003. Two chief physicians at the Sulaimaniya University Hospital and at the Soresh Maternity Hospital reported that in recent years the number of girls brought into hospital with haemorrhages caused by FGM has decreased. The doctors saw this development as an indication that

the practice of FGM had declined. Although FGM is usually carried out on girls, the doctor at the Soresh Maternity Hospital reported that, in the course of her 25-year career as a gynaecologist, she recalled about 10 cases in which she or a colleague had carried out FGM on a married adult woman at the request of the husband." **[28e] (p11)**

6.503 As noted in the RFE/RL report, dated 21 January 2005, some local women's organisations, as well as NGOs such as Wadi, have campaigned against the practice of FGM in northern Iraq for more than a decade. **[18h] [22c]**

6.504 An article by Womens News, dated 1 August 2004, reported that "There are now some penalties for practicing FGM in Iraqi Kurdistan. Certified midwives caught operating on girls lose their certification. But activists admit threats of legal action rarely have any effect on traditional practitioners in the villages, who work in the secrecy of their homes." **[69a] (p2)**

PROSTITUTION

6.505 The British/Danish fact-finding mission report, October 2004, stated that trafficking, drugs and prostitution was common in Iraq and was more noticeable in Baghdad. **[30c] (p23)** The report explained that "Girls between the ages of 8 – 15 years old are prostituting themselves, women with babies and children are observed begging in Baghdad. The system is very well organised by Mafia groups; prostitutes live in hotels, and minibuses take them to the streets. They give money to their organisers in exchange for food and shelter." **[30c] (p23)**

6.506 IWPR noted, on 27 July 2005, that "The easing of travel restrictions that allows Arabs to travel more freely to Kurdish areas – which are considered to be safer than other parts of the country – has brought more prostitutes and customers to the north." **[11o]**

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SINGLE WOMEN

6.507 As mentioned in the British/Danish fact-finding mission report, October 2004, "Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that single women returning to Iraq from abroad were in a less favourable position compared with women travelling with their family." **[30c] (p27)**

6.508 The UNHCR COI report, October 2005, notes:

"[Single] Women in this group are typically targets of kidnapping, rape or other forms of sexual harassment and abuse, including forced prostitution and human trafficking. Women who do not benefit from any type of family network or tribal links to protect them are even more at risk and are likely to be prime targets for traffickers. Those who have no means of livelihood are further likely to fall prey to trafficking and prostitution in order to survive." **[40g] (p21)**

6.509 The report also mentioned that:

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"A humanitarian organisation working in the region advised the delegation that there are plenty of women's associations that can provide basic needs for those women who are the single head of household. The source advised that it is difficult for women to live alone and that the government are currently working to improve that. The source stated that women who had married non-Iraqis would be unlikely to stay within Iraq.

An UN development agency in Amman stated that in the rural areas it is not possible for women to be single, and they would be supported by families or in the case of their husband's death, they would marry the husband's brother. Women can refuse to marry the brother, however this makes the situation much harder for the woman." **[30c] (p27)**

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WOMEN'S RIGHTS IN POLITICAL AND PUBLIC LIFE

6.510 The HRW report, dated 3 October 2005, noted that "In general, the violence and lack of security, as well as religious and cultural conservatism, are having a major impact on Iraqi women, who once enjoyed a prominent role in their country's public life. The danger of kidnappings and assaults keeps many professional women at home, and limits their participation in the country's evolving political institutions." **[15j] (p94)**

6.511 As noted in an article by the German NGO, Wadi, "Several laws were passed in favour of women encouraging them to participate in the nation's development and establishing equal rights in the field of education, health, and employment, but they were never enforced or were cancelled, like the majority of the laws passed by other bodies than the CCR. Rape, abuse and torture were practised on a daily base by the Iraqi Security." **[68a]**

6.512 UNHCR, in a report, dated August 2004, noted that, "The United Nations Development Fund for Women (UNIFEM) is currently trying to implement a strategy to support women leaders in Iraq. UNIFEM works with the Interim Iraqi Government and has assigned a gender focal point to each Ministry. A Ministry of Women's Affairs has also been created." **[40b] (p6)**

6.513 As documented in the Dutch country report, December 2004, "The TAL stipulates that from August of this year 25% of the total number of seats in the National Conference and the future parliament must be held by women." **[71c] (p56)** The same report noted that "Women are under-represented in the political establishment on a national level…. There have also been reports of religious leaders and groups expressing protests and uttering threats against women because of their aversion to women participating in the political and social process." **[71c] (p56-57)**

6.514 The FCO human rights report 2005 stated that "Newly-formed Iraqi women's groups continue to take an active role in advocating fair representation in government bodies and calling attention to the rights of women in all spheres of Iraq 's democratic development." **[66j] (p65)**

6.515 The report also noted that:

"Over the last year Iraqi women have organised conferences in Baghdad and in the regions to discuss women's political participation and human rights issues. … Numerous women's centres have been established throughout the country. These centres offer opportunities for women to acquire skills that will open up employment or other economic opportunities and take part in programmes that will give them a better understanding of their rights and how to participate in the decisions that affect their lives." **[66j] (p65)**

6.516 The AI report, February 2005, noted that "The widespread fear of violence affecting all Iraqis has restricted the participation of women in civil society since the 2003 war, particularly in education, employment and political decision-making." **[28e] (p5)**

6.517 As mentioned in the British/Danish fact-finding mission report, October 2004, "An UN development agency in Amman stated that the situation for women is economically better in the rural areas. In the cities there is a real economic problem, however women do have access to the job market." **[30c] (p22)**

6.518 The British/Danish fact-finding mission was advised by a UN representative "Nursing and teaching have the highest proportion of women. The source added that 5 to 6 women are Ministers and that for the region this figure is excellent. More women than ever are reaching senior professional levels. The source added that from a legalistic perspective no barriers existed with regards to women's access to the labour market." **[30c] (p22)**

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CHILDREN

6.519 As mentioned in the UNICEF report (accessed on 23 March 2004) "Almost half of the population is under the age of 18." **[27c]** According to Save the Children an estimated 4.2 million were under the age of five. **[64a]**

6.520 The same UNICEF report observed that "Even before the most recent conflict began, many children were highly vulnerable to disease and malnutrition. One in four children under five years of age is chronically malnourished." **[27c]**

6.521 The UNHCR COI report 2005 noted that "Children are particularly affected by the dire security situation and lack of basic services and infrastructure. Years of war and economic sanctions have led to deterioration of the education and health systems and have left them vulnerable to disease and malnutrition." **[40f] (p40)**

6.522 The USSD report 2005 notes:

"The government was committed to children's rights and welfare, although noncitizen children were denied government benefits. The category 'noncitizen children' includes the children of Iraqi mothers and noncitizen fathers. They had to pay for services such as otherwise free public schools, costing approximately $1 thousand (1.5 million dinars) per year; health services; and, except for several hundred Palestinian families, were not eligible for the national food

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rationing program. According to the law, a person born outside the country to an Iraqi mother and unknown father or one without citizenship can petition for citizenship within one year prior to reaching legal age, while residing in the country." **[2h] (p19)**

6.523 The IWPR article, dated 19 July 2005, mentioned that there was "… an increase in child abuse across the country with minors being beaten by their fathers and even suffocated to death by their mothers." **[11e]**

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ORPHANS AND STREET CHILDREN

6.524 The RFE/RL article, dated 21 June 2004, observed that many children lost their parents during the war and the frequent violence that continued. Many others were thrown out of the state-run orphanages that ceased to function after the collapse of the Saddam regime. **[22d]**

6.525 An article by RFE/RL, dated 21 June 2004, stated that "Thousands of homeless children are living on the streets of the Iraqi capital Baghdad." **[22d]** The same article added that "The beggars are children, some as young as five years old." **[22d]**

6.526 On 8 January 2004, IWPR reported that a specialist unit had been set up to address the alarming numbers of kidnapping for ransom of children. A spokesman for the unit estimated that there were 100 kidnapping gangs operating in Baghdad and two neighbouring governorates and that they had carried out 350 kidnappings in October and November 2003 alone. The number of incidents was said to be falling but the kidnap gangs still exerted fear over Baghdad. **[11l]**

6.527 An article by *Al-Adala*, dated 4 March 2004, stated that "An official in the Ministry of Human Rights claimed to thave (sic) evidence that 100 homeless children have been raped in the Betawiyeen neighbourhood in Baghdad." The article added that "An official in the Ministry of Labour said there was an obvious slackness on the part of the Ministry of Interior, which is responsible for identifying homeless children and reporting them to the Ministry of Labour. For its part, the Ministry of Interior claims the Ministry of Labour has refused to receive the homeless into its shelters." **[46a]**

6.528 An IRIN news article, dated 8 August 2005, reported that:

"Following the conflict in 2003, there has been an increase in the number of commercial sex workers (CSWs) in the country, especially among teenagers, according to local officials.

"This increase is attributed to economic pressure faced by families countrywide and the presence of new prostitution rings that have sprung up since the invasion. With society in turmoil and a raft of other serious issues to address, child protection has not been uppermost in the priorities of the transitional government." **[18k] (p1)**

6.529 The same article noted that the adolescents were also often under the threat of street gangs. **[18k] (p1)**

6.530 The article also mentioned that "Based on information supplied by the Ministry of Labour, two small local NGOs are trying to help the child sex workers. On (sic) of them, Iraqi Peace and Better Future (IPBF), has collected the names of more than 50 teenage boys who say they cannot leave the trade because of threats. Few cases have been resolved, however." **[18k] (p3)**

6.531 An article by IRIN news, dated 26 December 2005, explained that sexual abuse was common towards street children, with girls suffering 70 per cent of the abuses. **[18al]** "Women for Peace, a local NGO devoted to women's issues, believes that the incidence of sexual abuse has increased in the last year, due mainly to the overall lack of security." **[18al]** "Beatings are also frequent." **[18al]** "Few programmes are currently available to help [street] children. …" **[18al]**

6.532 "MOLSA [Ministry of Labor and Social Affairs] operated a total of 22 orphanages for older children in Baghdad and the provinces, housing a total of 617 children, and 42 orphanages for young children, housing a total of 1,519 children." **[2h] (p19)**

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CHILDREN IN PRISON

6.533 The UNHCR COI report, October 2005, stated that "Children are frequently arrested and detained by the MNF." **[40f] (p41)**

6.534 There were reports that children were held in the same cells as adult detainees. (HRW, January 2005) **[15g] (p62)** (UNHCR COI, October 2005) **[40f] (p41-42)**

6.535 The HRW report, January 2005, stated that "The children include both criminal suspects and others suspected of having taken part in clashes against government forces, including those suspected of links with the Mahdi Army. **[15g] (p62)** The UNHCR report mentioned that "Furthermore, juveniles held with adults are subjected to the same treatments the adults are, including torture. Human Rights Watch [recorded a case of a juvenile who was beaten with cables and underwent falaqa (beating on the sole of the foot) while being held in the custody of the Criminal Intelligence." **[40f] (p41-42)**

6.536 The HRW report also mentioned that under the Convention on the Rights of the Child (CRC), Article 52(2) of Iraq's Juveniles Welfare Law and orders promulgated by the CPA on the management of detention facilities, children should be detained separately from adults. **[15g] (p63)**

6.537 However, the same HRW report noted that:

"The requirement for the separation of child detainees has not been followed in some cases. Human Rights Watch found that such cases sometimes arose when police apprehended children as part of a large sweep in a given area, where they arrested scores and sometimes several hundred people as part of the government's efforts to crack down on violent crime. Police invariably

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conduct such sweeps without warrants, and children are sometimes caught up." **[15g] (p63)**

6.538 The UNHCR COI report, October 2005 mentioned that:

"Human rights groups have repeatedly expressed concern about the welfare of juvenile detainees, particularly following the release of photos in late April 2004 showing US military personnel abusing prisoners in Abu Ghraib. UNICEF and Amnesty International have been repeatedly denied full access to children in detention. UNICEF raised concern about this, stating that 'UNICEF is profoundly disturbed by news reports alleging that children may have been among those abused in detention centres and prisons in Iraq. Although the news reports have not been independently substantiated, they are alarming nonetheless'. According to Brig. Gen. Janis Karpinski, who was formerly in charge of Abu Ghraib Prison, children as young as 11 years old were being held. The Pentagon admitted that some juveniles were among the detainees, but claimed that no child was subject to abuse. However, substantive evidence has been collected indicating that children have been subjected to abuse, including releasing an un-muzzled dog into their cells and allowing it to 'go nuts on the kids, barking and scaring them'." **[40f] (p41)**

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CHILD LABOUR

6.539 Article 29 (3) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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)**

6.540 The USSD report 2005 stated the following regarding child labour:

"The law prohibits the worst forms of child labor. CPA Order 89 limits working hours for workers under 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years. Due to the effects of the ongoing insurgency, the Child Labor Unit of MOLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law, maintain programs to prevent child labor, or remove children from such labor. Despite the various laws and regulations, children were routinely used as an additional source of labor or income among the 1 million families subsisting on a per capita daily income of less than $1 (1,500 dinars). This work often took the form of seasonal manual labor in rural areas. In cities it often meant begging or peddling a variety of products, as well as working in sometimes hazardous automobile shops or on construction sites." **[2h] (p21)**

6.541 The UNHCR COI report, October 2005, stated that:

"…17.1 percent of the 15-18 age group are working and that even 5.9 percent of children aged 10-14 years are working. 23.1 percent of surveyed children started to work at an age below 11, and 40.5 percent engaged in labour when they were 11-15 years. Most indicated that poor economic conditions were the main reason behind going to work. Almost nine percent of the surveyed child

workers sustained injuries during 2003 and indicated that they work in a hazardous environment. While child labour is not a new phenomenon in Iraq, UNICEF says that child labour seems to have increased since the last war." **[40f] (p110)**

6.542 The USSD report 2005 mentioned that:

"Additionally, news reports indicated that families also used minors in insurgent activities. For example, the UN Global Policy Forum on March 15 [2005] in its report indicated that more than 20 Baghdad children received daily lessons to become insurgents and participated in diversion tactics to distract troops."

"Projects to combat child labor were few, and those that existed affected few children. The government took action only as funded by the UN Children's Fund (UNICEF) or NGOs. For example, the Italian branch of the international NGO Terre des Hommes and UNICEF operated a rehabilitation and counseling center for a small number of working street children in Baghdad. Kurdish authorities supported several small-scale projects to eliminate child labor in the KRG area. UNICEF established centers for working children in Irbil." **[2h] (p21)**

CHILD SOLDIERS

6.543 The UNHCR COI report, October 2005, noted that:

"There are reports of forced recruitment of children by insurgent groups or militias. Though there are no estimates as to the size of the problem of child recruitment in Iraq, there is evidence that orphans and children of insurgents may be involved in the fight against the MNF/ISF. The roles they play include acting as informers or messengers, distracting soldiers before an attack is launched against them or carrying weapons and being involved in active combat/attacks." **[40f] (p40)**

6.544 An IRIN news article, dated 15 March 2005, reported on the use of child soldiers by insurgents. "The insurgents often use the children as informers and messengers …." **[18ap]** "US Coalition force officials told IRIN that they have been informed of these kinds of operations and that some children have been captured for interrogation. However, being under age the children are released fairly quickly, often due to pressure from NGOs concerned about the rights of children." **[18ap]**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

6.545 An IRIN news article, dated 8 August 2005, stated that "Under Shari'ah or Islamic law, homosexual practise is a religious crime that carries the death sentence. The transition constitution in place in Iraq for the past two years does not address homosexuality." **[18k] (p2)** The International Lesbian and Gay Association (ILGA) stated in July 2000 that "Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code." **[53a]**

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6.546 However, according to an IRIN news article, dated 5 February 2006, "Since 2001, an amendment to the 1990 Penal Code has made homosexual behaviour betwe en consenting adults a crime. In that year, the Revolutionary Command Council Issued a decree making the offences of prostitution, homosexuality, incest and rape punishable by death, according to Amnesty International." **[18ah]**

6.547 The same article reported that:

"The law has not been changed since the US-led invasion of Iraq. Under Islamic law, the penalty for men engaging in anal sex is also death. The new Iraqi constitution provides protection against discrimination on a variety of grounds, including sex, religion, belief, opinion and social and economic status, but fails to explicitly mention homosexuality. However, Article 17 of the new Iraqi constitution states that 'each person has the right to personal privacy as long as it does not violate the rights of others or general morality'. Nevertheless, discrimination amogst homosexuals remains rampant." **[18ah]**

6.548 An IRIN news article, dated 8 August 2005, noted that "Whether or not homosexuality is illegal, it is a taboo subject in Iraq and homosexual acts are strongly condemned by Muslims." **[18k] (p2)** A further IRIN news article, dated 5 February 2006, reiterated that "Homosexulaity remains a taboo subject in this Muslim society." **[18ah]**

6.549 The ILGA noted, in July 2000, that "Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is between 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years." **[53a]**

6.550 The UNHCR guidance note, October 2005, added:

"… many young men, especially homosexual men, have been roped into the sex trade as a means of earning a living, often against their will. Homosexuality remains a religious crime punishable by death in Iraq. Thus, a family who discovers their son is homosexual (especially if he is working in the sex trade, whether by choice or because he was forced into it) will often prefer to kill him in order to preserve the family's honour." **[40g] (p21)**

6.551 The IRIN news article, dated 5 February 2006, stated that "So-called 'honour killing,' … often occurs in Iraq when a man is believed to be gay …." **[18ah]** "Fifteen cases of honour killings have been reported in the last two years for crimes against homosexuals in the capital alone …." **[18ah]** "Isolated and secret groups have, however, formed locally to provide support to homosexual men, despite popular discrimination." **[18ah]**

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FORMER MEMBERS AND ASSOCIATES OF THE BA'ATH PARTY AND FORMER REGIME

6.552 Article 135 (5) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, 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." **[82a] (p39)**

6.553 The UNHCR guidance note, October 2005, noted that:

"Under the former government's rule, the state, the armed forces and the security apparatus were dominated by the Ba'ath party, which as the President's party enjoyed special status within the regime. No special qualifications were required in order to become a member of the Ba'ath Party, and the regime consistently and systematically expanded the membership of the Ba'ath Party as a means to widen its control of the population. Members who were perceived by the government as having been particularly loyal received preferential treatment in all aspects of life." **[40g] (p14)**

6.554 According to an article in the *Washington Post*, dated 3 February 2005, the Ba'ath party had an estimated one million to 2.5 million members. **[16d]** The same article noted that membership of the Ba'ath party was an 'unavoidable fact of life' during the Saddam regime. "It was required for most civil service jobs, and almost everyone who wanted to go to college had to join." **[16d]**

6.555 The UNHCR guidance note, October 2005, mentioned that:

"Many senior ranking cadres within the Ba'ath Party built a career through dual membership in the Ba'ath Party and the Special Republican Guards, as chiefs of loyal tribes, as members of the intelligence and security forces, and so forth. These individuals were generally assigned various tasks as senior officials of the Ba'ath Party at the levels of governorates, districts, sub-districts, cities and communes. Many were also implicated in policing activities with the army and security forces, the search for army deserters, and recruitment for paramilitary armed groups such as Jaish Al-Quds (The Jerusalem Army), the Fedayeen Saddam (Saddam's 'Men of Sacrifice') and the Ashbal Saddam (Saddam's Lion Cubs). Middle and senior level officers in these services were appointed only after a thorough screening by the senior leadership. Saddam Hussein's son Qusay was directly responsible for these services. Many senior officials of the above-mentioned entities were in the armed forces during the period when campaigns against segments of the Iraqi population were planned and executed. These include the 'Anfal' campaign which took place in Northern Iraq during the 1980s, the suppression of the 1991 and 1999 uprisings in Southern Iraq and the persecution of political opponents. While many may describe themselves as having simply worked in logistics or communications, association with groups such as the Fedayeen Saddam, the People's Army (Al-Jaish al Sh'abi), the Ba'ath militia or the Jaish Al-Quds clearly implies knowing of and condoning their activities." **[40g] (p14-15)**

6.556 The AI report, dated 25 July 2005, noted that "In early April 2003, the US-led military intervention in Iraq, which had started just days earlier on 18 March, ended the 25-year rule of Saddam Hussain and the even longer rule of the Ba'ath party." **[28c] (p2)**

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6.557 The CFR report, dated 7 April 2005, added that "In the early months of the U.S.-led occupation, authorities banned the Baath Party and removed all senior Baathists from the government and security forces. But U.S. officials began to shift their strategy in April 2004 and, in a bid to strengthen the officer corps, allowed some senior ex-Baathists to return to the security forces." **[8b] (p1)**

6.558 The UNHCR guidance note, October 2005, stated that:

"Members and associates of the Ba'ath party and former regime have been the subject of attacks since the early days of the change of power in Iraq. … Low-ranking officials of the Ba'ath party have also been killed or otherwise attacked because of the activities they were involved in – for example a low-ranking member of a security organization who was known to have been a brutal torturer." **[40g] (p15)**

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DE-BA'ATHIFICATION

6.559 The UNHCR guidance note, October 2005, stated that:

"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. Furthermore, all individuals in the top three layers of management in every government Ministry, related corporations, and other government institutions including universities and hospitals, were subject to interviews in order to assess their affiliation with the Ba'ath Party. Those determined to have been Ba'ath members were subject to investigation for criminal conduct and were removed from employment if found to be full party members. The Supreme National DeBa'athification Commission was tasked to hear appeals from Ba'athists who were in the lowest ranks of the party's senior leadership." **[40g] (p15-16)**

6.560 The RFE/RL report, dated 22 October 2004, informed that the Ba'ath party restructured under the name 'Al-Islah' (the reform). It was being led by former regime loyalists, including Tahir Jalil al-Habush, the former director of Iraqi intelligence; former Republican Guard commander Sayf al-Rawi; and Hani and Rafi'a Tulfah, relatives of Hussein. **[22e] (p9)**

6.561 An *AP* report, dated 17 February 2005, stated that "The Shiite-dominated United Iraqi Alliance, which took 48 per cent of the vote in the Jan. 30 [2005] national elections, has made weeding out Baath Party members part of its platform. The policy has raised concerns among Sunnis, who see it as a way to make sure they have no positions in a new government." **[65b]**

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REPRISALS AGAINST BA'ATH PARTY MEMBERS

6.562 An AI report, dated 18 March 2004, stated that former members of the Ba'ath party and security force members were targeted in revenge attacks. **[28d]** The UNHCR guidance note, October 2005, mentioned that:

"Thousands of former Ba'ath Party members in governmental establishments, universities and schools have lost their jobs as a result of the de-Ba'athification process, irrespective of their level of association within the Party. Others claim that they are systematically targeted for assassination or extortion by Islamic militia parties, who nowadays dominate the ISF as well as Kurdish parties and the Peshmerga. Many attacks also appear to be the result of personal vendettas against members of the Ba'ath Party." **[40g] (p16)**

6.563 The *Duluth News Tribune* article, dated 26 February 2005, also noted that:

"Especially besieged are Shiite Baathists who live in predominantly Shiite or mixed Sunni-Shiite neighborhoods, where targets are more accessible than in homogenous Sunni strongholds. Militiamen have demanded that former Baathists fly white flags to atone for their party membership and let their neighbors know they have renounced their pasts. Those who refuse often end up dead." **[60a]**

6.564 Nevertheless, the Dutch country report, December 2004, stated that "The assumption is that members of the former Ba'ath Party run proportionately less risk of meeting with acts of violence than those who are believed to be co-operating with the Interim Government or the MNF." **[71c] (p61)**

6.565 A *Knight Ridder* article, dated 25 February 2005, stated that "Shiite Muslim assassins are killing former members of Saddam Hussein's mostly Sunni Muslim regime with impunity in a wave of violence that, combined with the ongoing Sunni insurgency, threatens to escalate into civil war." **[13a]**

6.566 The same article noted that:

"The war between Shiite vigilantes and former Baath Party members is seldom investigated and largely overshadowed by the insurgency. The U.S. military is preoccupied with hunting down suicide bombers and foreign terrorists, and Iraq's new Shiite leaders have little interest in prosecuting those who kill their former oppressors or their enemies in the insurgency." **[13a]**

6.563 The report also noted that "Since the Jan. 30 elections [2005], Shiite militants have stepped up their campaign to exact street justice from men who were part of the regime that oppressed and massacred members of their sect for decades. While Shiite politicians turn a blind eye, assassins are working their way through a hit list of Saddam's former security and intelligence personnel, according to Iraqi authorities, Sunni politicians and interviews with the families of those who've been targeted." **[13a]**

THREATS TO FAMILIES OF BA'ATH PARTY MEMBERS

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6.564 The UNHCR COI report, October 2005, noted that "US-led forces have confirmed that they illegally detained Iraqi women in order to obtain information about male relatives who are senior Ba'ath Party officials or suspected insurgents. In addition, they are accused of holding women as 'bargaining chips' in the attempt to convince male relatives to surrender or admit involvement in armed activities." [40f] (p35)

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TRIBES/ CLANS

6.565 Article 45 (2) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, stipulates that "The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights." **[82a] (p13)**

6.566 As noted in the British/Danish fact-finding mission report, October 2004, tribes are very significant in Iraq. Most of the political parties in the country were developed from tribal practices, including the PUK and the KDP. **[30c] (p17)**

6.567 The CFR report, dated 14 November 2003, noted that "Tribes are regional power-holders, and tribal sheiks are often respected members of Iraqi communities." **[8c] (p1)** The British/Danish fact-finding mission report, October 2004, explained that Iraqis often approached tribal-leaders to solve various problems in regard of criminal cases and problems between members of different tribes. **[30c] (p17)** The report stated that "The system seems to be surprisingly effective." **[30c] (p17)** However, the same report also noted that "Tribes can resolve problems, but in the same way they can exclude people. … The conflict- solving system of the tribes is much more effective than the police and courts." **[30c] (p17)**

6.568 The same report stated that:

> "Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that in particular in the countryside, the tribal system worked well as a conflict solving institution. A decision of a sheik (tribal leader) was normally respected by everyone, even by the defeated party. Representatives for the Iraqi Ministry of Justice in Baghdad stated that tribal justice was most common in the southern parts of Iraq. The sources characterized tribal justice as medieval but still a reality in some parts of Iraq." **[30c] (p17)**

6.569 The CFR report, dated 14 November 2003, stated that "Tribes appear to have limited influence in Baghdad. In smaller cities and rural areas, however – especially in the Shiite-dominated south – press reports indicate that many tribal sheiks have emerged as intermediaries between occupying authorities and the Iraqi people." **[8c] (p2)**

6.570 The British/Danish fact-finding mission report, October 2004, informed that both UNHCR in Amman and an international humanitarian organisation stated that the tribal conflict solving system was active and strong all over Iraq. **[30c] (p17)**

6.571 The IWPR article, dated 20 October 2003, stated that people had also been exploiting the tribal arbitration mechanism whereby tribal leaders would mediate between the families of victims and perpetrators to try to arrive at a figure for compensation, or 'blood money'. In the aftermath of the conflict, tribal leaders had been 'swamped' with false claims from people trying to earn a few dollars and openly expressed concern at the damage that tribal-based criminality was having on their communities. **[11v]**

6.572 The same article noted that the police were reportedly reluctant to intervene for fear of reprisals from other tribal members and victims may have been reluctant to report crime for the same reason. **[11v]**

(See also section 5 on Traditional and religious law)

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PERCEIVED COLLABORATORS TO THE MNF AND/OR IRAQI AUTHORITIES

6.573 Several reports noted that numerous Iraqis have been attacked and killed by armed groups because they were perceived as 'collaborators' or 'traitors. (HRW, 3 October 2005) **[15j] (p53)** (AI, 25 July 2005) **[28c] (p5, 7)** (UNHCR guidance note, October 2005) **[40g] (p19)** The CSIS report, dated 1 March 2006, noted that "Men who do support the government are vulnerable to threats against the families, kidnappings, and actual murders of friends and relatives." **[63f] (p8)**

6.574 The AI report, dated 25 July 2005, noted that:

> "Just before, during and after the US-led war on Iraq a few prominent Muslim scholars and religious institutions outside Iraq issued fatwas (religious edicts) or statements giving their interpretation of Islam's position on the war and the reaction of Muslims. … Fatwas and statements by prominent Muslim figures before the war and during the first few months of Iraq's occupation did not clarify what forms the resistance should take and whether civilians, Iraqis or foreign nationals, who may be perceived as cooperating with the occupying forces, should also be targeted. They did not acknowledge limitations, such as those provided in international humanitarian law, on methods that may be used." **[28c] (p6)**

6.575 The UNHCR COI report, October 2005, mentioned that "Anyone associated with or seen to be supporting the new Iraqi authorities, be they politicians, tribal or religious leaders, members of ethnic or religious minorities, journalists, doctors or lawyers have increasingly become the targets of attacks." **[40f] (p15)**

6.576 The AI report, dated 15 July 2005, noted that "The armed groups are resentful of Kurds and Shi'as for generally having supported the military intervention in Iraq and for cooperating with the MNF." **[28c] (p8)**

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6.577 Those who previously worked for, currently work for, or are associated in any way to the MNF, Iraqi government or International organisations, such as translators, drivers, civil servants, government officials, judges, academics and professors were seen as legitimate targets for the armed groups. (IRIN, 15 January 2006) **[18ac]** (AI report, 25 July 2005) **[28c] (p7)** (UNHCR guidance note, October 2005) **[40g] (p13)** The HRW report, dated 3 October 2005, mentioned that "The attacks are intended as punishment for perceived collaboration and as a warning to others who might consider such work." **[15j] (p53)**

6.578 The HRW report, dated 3 October 2005, stated that:

"Since late 2003, various armed groups have targeted Iraq's intellectual and professional class, including professors, doctors and lawyers. The goals are diverse. In some cases, abductions are criminally motivated, because professionals are believed to have more money to pay in ransom. But some killings appear politically motivated, either because the victim had expressed support for the U.S.-led invasion or criticism of the insurgency, or because the attackers believed the person held such views." **[15j] (p90)**

6.579 The report also mentioned that "Precise figures are difficult to obtain, but studies suggest that doctors and academics are particularly at risk." **[15j] (p91)**

6.580 The UNHCR guidance note, October 2005, stated that "Many have also been targeted by groups accusing them of having been associates of the former regime, as well as for the wealth they are perceived to have due to their profession. There are numerous reports of interrogation, torture and killings by Islamic insurgency groups." **[40g] (p19)**

6.581 The HRW report, dated 3 October 2005, noted that:

"While most insurgent attacks in 2003 targeted Iraqi or multinational forces, by early 2004 insurgents began to attack so-called 'soft targets' affiliated with the foreign forces in Iraq; namely, Iraqi and foreign civilians working for, or suspected of working for, the Multi-National Force or foreign governments. By far the largest number of victims has been Iraqis who worked as translators, cleaners, drivers and barbers for the CPA, the U.S. government or other governments in the coalition, as well as those suspected of giving information to foreign governments. The total number of victims is unknown, but press reports and anecdotal evidence reveal a pattern of threats and attacks, including the murder of civilians who work with foreign governments in any capacity." **[15j] (p52-53)**

6.582 The report also noted that that "A well documented target among this category of victims is Iraqi and foreign civilians working on U.S.-government-funded reconstruction contracts. According to a report by the U.S. government's Special Inspector General for Iraq Reconstruction, insurgent groups killed 276 civilians working on such contracts up to March 31, 2005." **[15j] (p53)** "

6.583 The AI report, dated 25 July 2005, mentioned that "The attacks have sometimes resulted in the killing of people accompanying the 'targets,' including children." **[28c] (p7)**

The UNHCR guidance note, October 2005, stated that "Many professors, intellectuals and holders of senior posts such as heads of companies or

associations have been compelled to leave their posts because of threats from insurgency groups regarding their perceived or suspected co-operation with the CPA, the MNF and other 'enemies' of Iraq." **[40g] (p19)**

6.584 The HRW report, dtated 3 March 2006, noted that "According to those claiming responsibility for attacks on these civilians, the victims were valid targets because they were collaborating with the foreign powers in Iraq. Even though they were not directly engaged in hostilities, they were viewed as aiding and abetting foreign forces by providing services to a government or military." **[15j] (p53)**

6.585 The AI report, dated 25 July 2005, however, noted that "On 26 September 2004, the IAMS [International Association of Muslim Scholars] denounced the kidnapping and killing of civilians." **[28c] (p7)**

6.586 The HRW report, dated 3 October 2005, gives numerous examples of attacks against perceived collaborators. **[15j] (p54-62)**

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6.C HUMAN RIGHTS – OTHER ISSUES

TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS (NGOS) / HUMAN RIGHTS ORGANISATIONS

6.587 As mentioned in the USSD report 2005:

> "NGO activity and advocacy continued to grow but remained weak overall. National NGOs were newly formed and generally lacked resources, while staff of international NGOs were constrained by both the difficult security situation and their organizations' critical judgments of post-Saddam governing, which often led to mutual distrust. In this atmosphere, the regulatory environment for domestic and international NGOs, in general, deteriorated as the government imposed additional controls over the NGO community and a more onerous registration process. Human rights NGOs continued to face obstacles in gaining access to prisons and detention facilities, and the additional controls imposed on these organizations limited their effectiveness." **[2h] (p17)**

6.588 Voices of Wilderness, a US non governmental organisation noted, on 2 January 2004, that "Order 45 issued on November 2003 by Governor Bremmer requires all organisations of Iraqi civil society and the international NGOs to register and undergo forms of control and scrutiny. This order is a serious impediment which violates the right of freedom of association." **[35a] (p1)** The same article added that "We also demand that, as contemplated in Resolution 1483, the activities of the international NGOs should be coordinated by the United Nations and not 'caged' within the restriction of Order 45." **[35a] (p2)**

6.589 The AI report, dated 25 July 2005, mentioned that:

> "The UN and several humanitarian agencies have been targeted by car bombs or suicide attacks. The attacks have been aimed at the headquarters of these organizations, mostly in Baghdad, but there have been similar attacks in other cities and towns. International and national aid workers have also been victims of kidnapping and fatal attacks, particularly when travelling in vehicles that carry the organization's logo.
>
> "Such attacks, as well as hostage-taking, have forced these organizations and agencies to leave the country or to severely reduce their operations. Most, if not all, have withdrawn their international staff. They are now operating from neighbouring countries, particularly Jordan, waiting for an improvement in the security situation." **[28c] (p10)**

6.590 The HRW report, dated 3 October 2005, stated that

> "Since the summer of 2003, some insurgent groups in Iraq have targeted foreign and Iraqi staff of humanitarian organizations and U.N. agencies that provide health care, food and other assistance to Iraq. They have used suicide bombers against offices and committed abductions and summary executions.
>
> "The insurgent groups responsible consider foreign aid organizations and the U.N. to be part and parcel of the foreign forces in Iraq and therefore legitimate targets for attack. The broad-based and apparently indiscriminate nature of the

attacks has resulted in the departure of most foreign humanitarian workers in Iraq.

"The threats and violence have forced countless Iraqis working for foreign aid organizations to abandon their jobs, and sometimes the country. Especially after the spate of abductions of foreigners in 2004, international humanitarian organizations sharply scaled down operations or stopped their operations in Iraq altogether." **[15j] (p73)**

6.591 The same report detailed attacks on humanitarian agencies. **[15j] (p73-83)**

6.592 The USSD report 2005 also noted:

"The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs in the North. However, an anticorruption NGO program faced difficulties in the KRG area because officials maintained that corruption was not a problem. Additionally, the KRG reportedly pressured NGOs into hiring only Kurds and dismissing non-Kurds on security grounds." **[2h] (p18)**

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INTERNALLY DISPLACED PERSONS (IDPS)

6.593 As documented in the Global IDP Project report, dated 11 July 2005:

"Decades of conflict and human rights abuses have caused the displacement of more than a million people within Iraq. The majority of internally displaced people (IDPs) were forcibly displaced under the previous regime, which targeted communities perceived to be in political opposition as well as using forcible displacement as one of its tactics to strengthen control of resource-rich areas." **[50a] (p1)**

6.594 The FCO human rights report 2005 mentioned that:

"Before the April 2003 conflict an estimated 800,000 people were internally displaced throughout northern Iraq and an additional 100,000 – 300,000 people were displaced in the centre and south. Obtaining reliable figures since the conflict has not been possible, due to the security situation. An estimated 900,000 Iraqis are considered to be refugees or in a refugee-like situation in countries neighbouring Iraq and beyond. According to the UNHCR around 400,000 Iraqi refugees returned to Iraq before September 2004, either by making their own arrangements or with assistance from Iraqi institutions, regional authorities and international organisations. Returnees face many challenges, including security and finding employment and housing." **[66j] (p65)**

6.595 The Dutch country report, December 2004, noted that:

"In broad terms internally displaced persons can be broken down into three categories. The first category is primarily made up of Marsh Arabs, who were driven out of their original homes in the south of Iraq in the nineties by the previous regime, and the Arabs and Kurds who had to leave their areas under the arabisation policy. … The group is found mainly in the south of Iraq (Basra,

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Maysan and Dhi'Qar) and in the KRG areas. The second category primarily consists of Arabs from central Iraq (especially Diyala and Salah Al-Din). They were forced to settle elsewhere under the arabisation policy and are now being forced to leave these areas. … The third category of internally displaced persons is made up of families fleeing temporary violent conflagrations, such as in Fallujah, Kerbala, Tell-Afar, Kufa and Samarra. These people generally return home as soon as the situation so permits." **[71c] (p70)**

6.596 The Forced Migration Review, January 2005, added that "Kurds comprise the largest number of displaced Iraqis. Almost all Iraqi Kurds have been refugees or IDPs at some time in their lives." **[49a]**

6.597 The Global IDP Project report, dated 11 July 2005, noted that:

"Since the 2003 conflict, new population displacements have occurred primarily as a result of fighting between the Multi-National Force-Iraq, MNF/I (formerly the US Coalition Forces) and Iraqi armed insurgent groups. At the end of 2004 and in the first half of 2005, hundreds of thousands of Iraqis have been forced to flee their homes, mainly in Al Anbar province, where multiple military operations have been launched by the MNF/I forces." **[50a] (p1)**

6.598 The same report also noted that:

"In the first half of 2005, population displacement occurred in predominantly Sunni areas of central Iraq where MNF/I say the insurgent strongholds are. MNF/I forces launched military offensives in Fallujah, Ar Ramadi and Al Qa'im, all cities located in Al Anbar province. …Other cities that have been targeted by military operations and fighting causing internal displacement in the first six months of 2005 include Samarra, Mosul and Kirkuk." **[50a] (p4)**

6.599 The same report added that "Displacements have generally been of a temporary nature, with IDPs moving back when fighting lessened, with some exceptions, including the siege of Fallujah in November 2004 which has resulted in prolonged displacement." **[50a] (p4)**

6.600 The USCRI report 2005 stated that "Chain displacement occurred when returnees reclaimed property or residences lost under the previous regime. Housing shortages exacerbated tensions as the displaced vied for space and demographic representation in contested areas of the country." **[44a] (p2)**

6.601 The Global IDP Project report, dated 11 July 2005, stated that "At the same time, nearly half a million IDPs are estimated to have returned, although many have found themselves in a situation of continued displacement because their homes are destroyed or because they did not own property in their areas of origin." **[50a] (p1)**

6.602 A survey undertaken by UNHCR in the lower southern provinces found that of 56,700 returning refugees surveyed, 65 per cent had returned from their country of asylum to a situation of internal displacement. The survey also found that nearly seven per cent of the population in southern Iraq live in displacement or have recently returned from displacement." **[50a] (p5-6)**

6.603 IRIN news reported, on 4 January 2004, that thousands of IDPs live in tents or mud shacks, with no income with which to buy their way out of the situation and

totally dependent on the monthly food rations under the Oil-for-Food programme. **[18j] (p3-4)**

6.604 The UNSC report, dated 7 June 2005, noted that "Particular attention has focused on the material and protection needs of internally displaced persons resulting from conflict. … Food, water, non-food items such as mattresses, tents and water storage containers, and essential medical supplies were distributed to families in need and to local health facilities." **[38b] (p11)**

6.605 The same report mentioned that "A total of 298,132 internally displaced persons throughout Iraq benefited from the emergency humanitarian response (totalling $2.1 million) through the distribution of non-food items and canned food for immediate consumption to complement the shortages in the public distribution system." **[38b] (p11)**

6.606 The UNHCR COI report, October 2005, noted that:

"As a significant number of refugees and IDPs have returned since the fall of the former regime, Iraq now also has to deal with their sustainable reintegration, be it in their places of origin or in the locations they decide to settle. … While the Iraqi population in general suffers from a lack of security and public services, displaced persons or those returning from displacement are often even more affected by these factors due to their particular vulnerability and lack of social networks." **[40f] (p24)**

6.607 The same report noted that "By June 2005, 47 percent of the total number of IDPs in Iraq were concentrated in the three Northern Governorates, with a further 36 percent in Southern Iraq and 17 percent in Central Iraq. It is important to note that the IDP population displaced in the North is composed mainly of persons displaced from those same three Northern Governorates." **[40f] (p28)**

6.608 The UNSC report, dated 3 March 2006, stated that "Ongoing military activities continue to affect the lives of a significant number of Iraqi civilians, especially in the western parts of the country. It is estimated that nearly 100,000 families remain displaced nationwide, although there have been returns to some towns in Al Anbar and Ninewa provinces." **[38e] (p9)**

6.609 The same report noted that:

"… the ongoing insecurity, including continued armed conflict and increasing ethnic and religious tensions, new patterns of persecution as well as the acute lack of services and infrastructure (in particular housing) have led to new displacement of Iraqis both inside and outside Iraq. The return and reintegration of Iraqis from abroad is severely hampered by a number of factors, including the destruction of villages and livelihoods, the loss of nationality and documentation, contamination of return areas by mines and unexploded ordnance (UXO) as well as property disputes. The capacity of the Iraqi authorities to provide protection to its people, to devise and implement durable solutions for displaced populations and to address obstacles to return and reintegration has not yet sufficiently developed." **[40f] (p3)**

6.610 The UNHCR COI report, October 2005, mentioned that:

"In addition, many returnees from abroad ended up in internal displacement, largely because of the lack of absorption capacities, ongoing conflicts and property disputes. Furthermore, the 2003 conflict that resulted in the fall of the former regime and the subsequent periodic fighting that ensued in places such as Fallujah, Najaf, Tal Afar, Ramadi, Mosul, Al-Qaim and Karabilah, created and continues to create significant population movements in the country." **[40f] (p27-28)**

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DE-ARABISATION

6.611 As mentioned in the HRW report, August 2004, "Since 1975, the former Iraqi government forcibly displaced hundreds of thousands of Kurds, Turkomans, and Assyrians from their homes, and brought in Arab settlers to replace them, under a policy known as 'Arabization.'" **[15q] (p1)** The HRW report, August 2004, stated that:

"Kurds and other non-Arabs in Kirkuk faced constant harassment, and were forced to choose between immediate expulsion or joining the Ba`th Party, changing their ethnic identity (commonly referred to as 'nationality correction') to Arab, and 'volunteering' for paramilitary forces such as the Jerusalem Army (Jaysh al-Quds). Families who refused to comply were issued expulsion orders requiring them to leave their homes and were then expelled to the Kurdish-controlled areas. The government of Iraq expelled approximately 120,000 persons from Kirkuk and other areas under Iraqi government control during the 1990s in furtherance of its Arabization policies. Arabs were encouraged to settle in the north through financial incentives and subsidized home prices." **[15q] (p2)**

6.612 The Dutch country report, December 2004, stated that "After the overthrow of Saddam Hussein, returning Kurds started to demand their original homes back from the Arabs now living there. The KRG [Kurdish Regional Government] encouraged Kurds to return to the area around Kirkuk in order to boost the political role of the Kurdish in the area." **[71c] (p70)** This was also reported in the IRIN news article, dated 23 September 2004. **[18e]**

6.613 The UNHCR COI report, October 2005, mentioned that:

"The expulsion of people from their homes along ethnic lines was for long time a state policy (e.g. 'Arabization' campaign). Those attempting to return to places they were ejected from during the Arabization campaign, such as Kurds who have returned to Kirkuk and the Centre after the fall of the former regime, have directly or indirectly caused further displacement among the Arabs who were settled in these areas." **[40f] (p27-28)**

6.614 The USCRI report 2005 noted that:

"Returning Kurds, displaced by the Arabization policies of the former regime, themselves displaced thousands of Arabs who then took refuge in military bases in the hotly contested city of Kirkuk. Kurdish political factions reportedly distributed property titles to Kurds over other ethnic groups to promote Kurdish claims to the oil-rich area. This circumvented the newly-formed Iraqi Property

Claims Commission established in January to resolve claims resulting from the Arabization policies. Coalition forces aggressively searched, detained without charge, and accused newly displaced Arabs in the central towns of Tameem, Ninewa, and Diyala of association with the former regime or terrorists." **[44a] (p2)**

6.615 The HRW report, August 2004, explained that:

"While the majority of Arabs who had come north during the Arabization campaign fled their homes without facing direct threats or violence, a significant number who chose to remain in their homes did face direct threats and intimidation from returning Kurds, although Human Rights Watch is not aware of many cases in which such threats materialized into violence or killings. In almost all cases, returning Kurds left pre-Arabization Arab populations alone and focused their threats and intimidation on the Arabs who had come north during the Arabization campaign." **[15q] (p34)**

6.616 The Forced Migration Review, January 2005, stated that "While many [Arabs] have returned south to former towns and villages, others – without communities to return to or who fear insecurity in places of origin – remain in makeshift camps in the north, particularly around Mosul." **[49a]**

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LAND AND PROPERTY RIGHTS

6.617 The Global IDP Project report, dated 11 July 2005, noted that "The resolution of property and land disputes remains one of the key steps to establishing durable solutions for the displaced in Iraq and is also a crucial step in the prevention of further displacement." **[50a] (p10)**

6.618 UNHCR, in a document dated August 2004, observed that:

"The Iraq Property Claims Commission (IPCC) is the organization set up to reinstate peoples' property rights that were taken away by widespread property confiscations by the former Iraqi Government…. The Iraqi Governing Council (IGC) played a lead role in drafting the Statute that established the IPCC and its boundaries…. The IPCC process is open to all persons, or their heirs, who have been wrongfully deprived of real property (e.g. house, apartment or parcel of land) or an interest in real property (e.g. right to farm the land) because of actions taken by the former governments between July 17, 1968 and April 9, 2003 and or actions which can be attributed to them. The latter includes actions carried out by Ba'ath party members and relatives of senior officials of the government or Ba'ath party." **[40b] (p13)**

6.619 UNHCR COI report, October 2005 stated:

"The IPCC process is open to all persons or their heirs who have been wrongfully deprived of real property (e.g. house, apartment or land) or an interest in real property (e.g. right to use land) because of actions taken by or attributed to former Iraqi Governments between 17 July 1968 and 9 April 2003. Claims can also be made by people who lost real property or an interest in real property between 18 March 2003 and 30 June 2005 as a result of their

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ethnicity, religion or sect, or for purposes of ethnic cleansing, or by individuals who had been previously dispossessed of their property as a result of the former regime's policy of property confiscation. The deadline to file claims was initially 30 June 2005, but it was subsequently extended to 30 June 2007." **[40f] (p128)**

6.620 The same report noted that:

"By the end of July 2005, 126,693 claims had been received. Adjudication of claims started in October 2004 and by 27 July 2005 a total of 8,554 claims had been decided (6,985 claims against the government, 1,569 claims against individuals). A total of 1,851 appeals have been decided with 1,188 claims certified and 663 claims rejected. Decisions have ordered the return of real property and/or compensation to be paid to claimants." **[40f] (p129)**

6.621 The Global IDP Project report, dated 11 July 2005, mentioned that "IDPs who are not able to submit their property applications before the deadline will still be able to file their claims to local courts." **[50a] (p11)**

6.622 The UNHCR COI report, October 2005, stated that:

"A comprehensive out-of-country intake process has not yet been put in place." **[40f] (p137)** "In addition, many property restitution cases are outside the scope of the IPCC and need to be addressed by the ordinary courts, for example where property was lost due to actions which cannot be attributed to the former regime. Cases where real property was damaged or destroyed do not fall under the jurisdiction of the IPCC, thereby excluding, for example, claims related to the destruction of villages in Northern Iraq as part of the Anfal campaign or the bulldozing, shelling and burning of villages in the marshes as part of the drainage programme throughout the 1990s." **[40f] (p137)**

REFUGEE CAMPS

6.623 The HRW report, August 2004, stated that "For the Kurds who did own homes in Kirkuk and had them seized by the government, the situation was often intolerable. Like the other displaced, they found themselves living in mud homes without running water in camps like Benislawa, in the knowledge that an Arab was living in much more comfortable surroundings in their former home in Kirkuk." **[15q] (p52)**

6.624 A BBC article, dated 14 December 2004, reported that "The UNHCR is to close several camps for Iraqi refugees in Iran because more than half of the 202,000 exiles have returned home." **[4u]**

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TREATMENT OF ASYLUM SEEKERS

6.625 Article 21 (2) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, stipulates 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)**

6.626 As noted in the USSD report 2005:

"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 has not established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. However, the government recognized a refugee population of an estimated 65 thousand persons." **[2h] (p14)**

6.627 The US Committee for Refugees and Immigrants (USCRI) report 2005 added that "Iraq continued to host three significant groups of refugees: Palestinians (for more than 35 years); Iranians (mostly Kurds, since the Iran-Iraq War from 1980 to 1988), and Kurds from Turkey (since the first Gulf War from 1990 to 1991)." **[44a]**

6.628 The UNHCR global report 2004 stated that:

"More than 23,000 refugees inside Iraq were provided with protection and assistance, in camps, villages and urban areas. Direct beneficiaries included: 13,000 Turks, 7,060 Iranian Kurds, 2,400 Palestinians and 540 Syrians. The local authorities in the Governorate of Sulaymaniyah expressed their readiness to allow Iranian Kurdish refugees (some 270 families) from the Al Tash Camp to move in, and allocated land for settlement. In 2004, 47 Iranian refugees benefited from resettlement (mainly family reunification)." **[40d] (p328)**

6.629 UNHCR added, in August 2004, that "Refugees have witnessed a marked deterioration in their access to basic services and other humanitarian assistance. In addition, as regards respect for their basic human rights, the situation changes according to groups and regions, but is overall far from satisfactory." **[40b] (p4)**

6.630 The USCRI report 2005 noted that "Some NGOs continued to help refugees, and various development organizations worked to restore housing, electricity, water supply, and other public services for the displaced and refugees alike. NGOs were most active in the relatively secure north of the country." **[44a] (p2)**

6.631 The USSD report 2005 stated that "The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers." **[2h] (p14)**

6.632 The UNHCR global report 2004 noted that "In addition, protection and assistance to refugees continued to pose particular challenges. Refugees, except those residing in the north, were exposed to various threats and hardships, not least because of the dire economic situation, but also because of continued instability in the country and the perception that they had supported the former regime." **[40d] (p326)**

6.633 The USSD report 2005 stated:

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"During the year [2005] refugees were targeted in attacks carried out by insurgents, security forces, and members of the general public. Protection for Palestinian and Syrian refugees continued to deteriorate. There were credible reports that police and individuals pretending to be police targeted Palestinians for arbitrary arrest, detention, and house raids. There was a wave of increased abuse of Palestinian refugees by the security forces and the general public following the May 12 bombing in Baghdad's Al-Jadida neighborhood after media reports attributed the violence to the Palestinians. Groups not affiliated with the government also reportedly threatened the physical safety of refugees from groups that the previous regime favored (Palestinians, Syrian Ba'thists, and Ahwazis)." **[2h] (p14)**

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PALESTINIAN REFUGEES

6.634 The UNHCR COI report, October 2005, noted that Palestinian refugees have not enjoyed the same protection that they were provided with prior to the fall of the Saddam regime. "Because segments of the Iraqi population feel that Palestinians received favourable treatment from the former regime, they have faced serious repercussions such as evictions, threats and harassment." **[40f] (p25)**

6.635 The same report noted that:

"UNHCR estimates this group's total population in Iraq at close to 34,000 persons. These refugees reside mainly in urban settings in Baghdad and often have a good level of education; however, the difficult economic situation and loss of the privileges they previously enjoyed has seriously affected their ability to provide for themselves. They are now also subject to arbitrary arrest, detention and house raids by MNF/ISF, who suspect them of being involved in terrorist activities." **[40f] (p25)**

6.636 An IRIN news article, dated 5 March 2006, reported that "The Palestinian Muslims Association (PMA) in Baghdad says it has received more than 270 reports of attacks on Palestinians since September, including crimes such as rape and murder." **[18ao]**

6.637 The USCRI report 2005 stated that "Iraqi landlords evicted nearly 400 Palestinian families whose rents the previous regime had controlled." **[44a]** IRIN noted, on 21 June 2004, that "170 Palestinians who fled Iraq last year have now left a no man's land site and the adjacent al-Ruweished refugee camp on the Jordanian border and returned to Baghdad. The refugees said they had given up hope of finding a new home in the Middle East and preferred to return to Baghdad. UNHCR is providing all the returnees with transport assistance and various relief items." **[18p] (p2)**

6.638 An IRIN news article, dated 5 March 2006, reported that:

"Following the US-led invasion of Iraq in 2003, some 23,000 Palestinians were registered in Baghdad by the UNHCR. Smaller unregistered groups also reside

in the governorates of Mosul in the north and Basra in the south. The total number of Palestinians in the country is estimated at 34,000, according to government figures. 'Some Iraqi parties consider the Palestinians – as Sunni Muslims – enemies, although they're not involved in internal strife', Redmond said. …hundreds of Palestinians have left Iraq due to rising discrimination and violence since 2003." **[18ao]**

6.639 The British/Danish fact-finding mission report, October 2004, stated that although the Palestinian returnees do not face any persecution from the Iraqi Government, the Government has not been firm in providing protection for them. **[30c] (p28)** The USSD report 2005, neverthess, stated that "Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public." **[2h] (p20)**

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IRANIAN REFUGEES

6.640 The UNHCR COI report, October 2005, mentioned that:

"At this stage, the information available suggests that there are 7,000 Iranian Kurdish refugees in Iraq.

"The Iranian Kurds reside either in the Al-Tash Camp near Ramadi in Central Iraq or in urban settings in Northern Iraq. The Iranian Kurds in the Al-Tash Camp in the Governorate of Al-Anbar (originally 12,000 persons) were seriously affected by the insecurity prevailing in the area during and after the 2003 conflict." **[40f] (p25-26)**

6.641 The USSD report 2005 added that "Iranian Kurds in the Al Tash Camp near Ramadi in Al-Anbar and Turkish Kurds in the Makhmour Camp in Ninewah became increasingly vulnerable due to the deteriorating infrastructure and security in both locations. Groups not affiliated with the government harassed, threatened, and abused residents of both camps." **[2h] (p14)**

6.642 The UNHCR COI report, October 2005, stated that:

"Large numbers decided to leave the camp and headed to the North (primarily to the Governorate of Sulaymaniyah) or to the West, where they were hosted in a camp in the 'no man's land' on the Jordanian side. Others are reported to have returned to Iran. Recently, the 650 Iranian Kurdish refugees in the No Man's Land camp were moved to the Ruweished Camp inside Jordan.

"Those refugees who have remained in the Al-Tash Camp have become increasingly vulnerable to deteriorating living conditions and are faced with a chronic lack of electricity, water supplies, medical care and educational activities. In addition, the local population is increasingly growing hostile towards the refugees and insurgent groups may be seeking to recruit dissatisfied and desperate camp inhabitants. UNHCR is aware of the arrest of 18 Iranian Kurds from Al-Tash by the MNF since November 2004. The chronic insecurity in this part of Iraq has also meant that UNHCR, its partners and the government authorities have been limited in their ability to respond to the

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refugees' needs. On 23 May 2005, the Iraqi Prime Minister's office approved a plan to close the Al-Tash Camp and to relocate the remaining 3,100 Iranian refugees (520 families) in the camp to safer locations (e.g. in the Governorates of Sulaymaniyah, Erbil and Dohuk). The refugees are expected to be able to become self-reliant in these new locations after the provision of short- and long-term assistance from UNHCR and the local authorities in the form of housing and income-generation projects." **[40f] (p25-26)**

6.643 The same report noted that:

"It is estimated that there are some 2,500 Iranian refugees of Arab ethnicity (Ahwazis) in Iraq. … They are predominantly of rural background, and live in local settlements in Southern Iraq near the Dujailah area 45 kilometres west of Al-Kut. Prior to the 2003 conflict, the former Iraqi regime provided them with assistance such as land, houses and farms because of their political opposition to Iran. However, this preferential treatment led to local Iraqis perceiving Ahwazis as collaborators with the former regime and now has resulted in much harassment. Because of this treatment some 80 Ahwazi families relocated to a UNHCR transit centre in the outskirts of Basrah. They were later evacuated by the Iraqi authorities and ever since have been scattered throughout the Southern Governorates. Many attempted to return to Iran, but came back to Iraq due to alleged harassment by the Iranian authorities and difficulties reintegrating following years in exile. UNHCR is aware that the Ahwazis now face problems obtaining new residency permits, which has been an obstacle to obtaining public services such as education. UNHCR is in the process of conducting an in-depth survey to register them and acquire necessary data. Many Ahwazi refugees face severe problems as regards adequate housing and access to public services such as education and health. The 104 Ahwazi refugees in the Baghdad area face similar problems to those faced by Syrian and Palestinian refugees." **[40f] (p26)**

6.644 The same report noted that there were some 878 Iranian Kurdish asylum seekers registered with UNHCR in Erbil. **[40f] (p27)**

6.645 The USCRI report 2005 noted that "Iranian officials estimated that some 400 of their nationals were detained in Iraq, most on charges of illegal entry." **[44a] (p1)**

6.646 The same report stated that:

"The interim prime minister imposed a 60-day state of emergency around Fallujah and Ramadi in November [2004], which restricted movement for all residents. The siege of Fallujah also prompted Iranian Kurd refugees to flee from the nearby al-Tash camp. In January 2005, more than 100 headed toward the Jordanian border, where about 650 others lived in a camp in no man's land between the two countries since Jordan refused them entry in 2003. Jordan, however, restricted access to the border zone for the newly displaced, trapping them on the Iraqi side of the border and subjecting them to harsh climatic conditions with little physical protection." **[44a] (p1-2)**

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AFGHAN REFUGEES

6.647 The USCRI report 2005 stated that "In October [2004], the Iraqi National Guard arrested 73 Afghans, many of whom were women and children, for illegal entry." **[44a] (p1)**

SYRIAN REFUGEES

6.648 The UNHCR COI report, October 2005, noted that:

> "… after the fall of the former regime, Syrian refugees faced repercussions at the hands of segments of the Iraqi population that perceived them as having received special privileges from the former regime. Similar to the Palestinian refugees, they suffer from frequent harassment and arbitrary arrests by the MNF/ISF as they are suspected of being involved in terrorist activities. They are also facing problems obtaining new residency permits. Currently, 489 Syrian refugees are registered with UNHCR." **[40f] (p25)**

6.649 The same report mentioned that "Some 666 Syrian Kurdish asylum-seekers are hosted in Moquble Camp in Dohuk District and another 11 in the Governorate of Erbil." **[40f] (p27)**

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TURKISH REFUGEES

6.650 The UNHCR COI report, October 2005, noted that the majority of Turkish refugees were supporters or sympathisers of the Kurdistan Workers' Party (PKK). **[40f] (p26)** The same report mentioned that:

> "More than 9,600 are hosted in the Makhmour Camp; another 4,500 live in rural or semi-urban settlements in the Governorates of Dohuk and Erbil. While the refugees' basic needs are being met in the Makhmour camp, there are some concerns about the maintenance of the civilian character of asylum of the camp. Targeted assistance programmes aim at addressing poor family planning (which is responsible for high birth rates), child labour, illiteracy (mainly among women) and poor community participation. In addition, reports have been received by UNHCR about the poor health status of the 4,000 refugees in Dohuk Governorate. An agreement between UNHCR, the Government of Turkey and the Iraqi authorities that would allow for the voluntary return of these refugees to Turkey has not yet been finalized." **[40f] (p26-27)**

6.651 The same report mentioned that there were 218 Turkish asylum seekers registered with UNHCR in Dohuk. **[40f] (p27)**

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TREATMENT OF RETURNED REFUGEES, IDPS AND FAILED ASYLUM SEEKERS

6.652 Article 44 (2) of the constitution, which shall come into force after the 'government that is formed pursuant to this constitution' is seated, states that "No Iraqi may be exiled, displaced, or deprived from returning to the homeland." **[82a] (p13)**

6.653 The UNHCR COI report, October 2005, noted that:

"By 31 July 2005, UNHCR had facilitated the [voluntary] return of 21,851 Iraqis, mainly from Iran but also from Saudi Arabia, Lebanon, Jordan and countries further afield. Most of the returnees returned to the South – in particular Basrah, Thi-Qar, Missan and Najaf Governorates – and to the Northern Governorates of Sulaymaniyah and Erbil, with almost no returns to Baghdad, the Upper South or the Governorates of Mosul and Kirkuk." **[40f] (p29)**

6.654 The same report noted that "By the end of 2004, some 230,000 Iraqis had spontaneously returned to Iraq, exceeding UNHCR facilitated returns by tenfold." **[40f] (p29)**

6.655 The British/Danish fact-finding mission report, October 2004, stated that:

"Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that Iraqis returning from abroad had full access to the education and health system. They would also receive the monthly food package. UN-sources in Amman added that the distribution of food was working very well.

"Representatives for the Iraqi Ministry of Justice in Baghdad stated that all Iraqi citizens, including Iraqis returning from abroad, had equal rights. Dual citizenship was accepted." **[30c] (p37)**

6.656 The UNHCR COI report, October 2005, mentioned that:

"UNHCR returnee monitoring confirmed that many refugees end up in internal displacement upon their return to Iraq because of a lack of housing, livelihood or infrastructure, property disputes, the presence of mines and UXO in their return areas and other reasons. Those who are able to return have faced severe problems successfully reintegrating; contributing factors include, inter alia, a lack of employment possibilities, difficulties obtaining documentation and accessing education due to the non-recognition of school certificates earned abroad, a lack of adequate language skills in Arabic or Kurdish, inadequate health care facilities and the high cost of essential medicines." **[40f] (p29)**

6.657 The same report also mentioned that:

"With the fall of the former regime in April 2003, Kurds and Turkmen who were displaced in the Northern Governorates of Erbil and Sulaymaniyah started to return spontaneously to their places of origin in the Governorates of Kirkuk, Diyala, Salah Al-Din and Ninewa. A large number of returnees reside in the main cities in their Governorate or district of origin and have not returned to their villages of origin for a lack of shelter and services. The returnees, who in

general did not own land or property prior to their displacement, now live in public buildings, most notably schools and police stations, with little or no basic facilities. Those with land have pitched tents and many are believed to be moving between their original villages and their previous places of displacement." **[40f] (p29)**

6.658 An IRIN article, dated 7 June 2005, noted that:

"The naval academy compound, situated on the outskirts of the southern city of Basra, shelters more than 250 families, most of whom have returned from neighbouring Iran since May 2003. The compound is considered to be relatively comfortable when compared with living conditions in other abandoned government buildings, many of which are being used to house scores of returnees."

6.659 The UNHCR COI report, October 2005, stated that:

"While many of the returns are voluntary, some have been influenced by political actors. The uncoordinated return of IDPs from the North to areas below the former 'green line' has lead to the 'secondary displacement' of Arab families that had been resettled by the former regime in traditionally Kurdish areas in the Governorates of Kirkuk, Mosul, Diyala and Salah Al-Din. Many Arab families have fled these areas out of fear of harassment or actual harassment by returning Kurds and Turkmen.

"It is estimated that by April 2005 more than 470,000 IDPs had returned to their places of origin, habitual places of residence or places of choice in the Centre and South as well as the Governorates of Kirkuk and Mosul." **[40f] (p29-30)**

6.660 The UNHCR COI report, October 2005, stated that:

"It is estimated that there are some 350,000 stateless or de facto stateless persons inside Iraq, whereas the scope of the problem in the region (Iraq and neighbouring countries) is estimated to number at up to 2 million persons. … In Iraq, there are three groups of stateless or de facto stateless persons whose status and specific needs require attention: the Faili Kurds, the Bidouns and children of mixed marriages." **[40f] (p30)**

6.661 The same report noted that:

"In the past, the majority of these persons found refuge in neighbouring countries, particularly Iran. Given the de jure reacquisition of Iraqi nationality of those who were subject to Decision No. 666 under the TAL, an unknown number has returned since the fall of the former regime. However, 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." **[40f] (p30)**

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KIDNAPPINGS/HOSTAGE-TAKING

6.662 The HRW world report 2006 noted that "The level of abductions of Iraqis, in many cases for ransom, has remained high, while those of foreign nationals have decreased – reflecting in part the departure of foreign personnel working with humanitarian agencies, media outlets and others as a result of deteriorating security conditions." **[15i] (p1)**

6.663 The UNHCR COI report, October 2005, stated that "Insurgent and criminal groups are held responsible for the kidnapping and disappearance of large numbers of Iraqis as well as foreigners." **[40f] (p144)**

6.664 The Dutch country report, December 2004, also mentioned that abductions were both in exchange for ransom by criminals and/or gangs and politically motivated abductions. **[71c] (p51)**

6.665 The USSD report 2005 mentioned that "Criminal and politically motivated disappearances and kidnappings, including those related to the ongoing insurgency, remained a severe problem. During the year hundreds, if not thousands, of individuals disappeared without a trace, sometimes at the hands of the police. There were many allegations of police involvement in kidnappings, some of which were supported by evidence. However, since criminals, insurgents, and paramilitaries often wore police uniforms, data on actual police abuses was uncertain." **[2h] (p3)**

6.666 The AI report, dated 25 July 2005, noted that:

> "It is difficult to distinguish between armed political groups and criminal gangs when it comes to hostage-taking as there are many credible reports suggesting that hostages, in particular foreign nationals, taken by criminal gangs are then handed over to armed political groups in exchange for money. In many cases armed political groups seem to have made the release of their victims conditional on payment of money even when they make political demands such as the withdrawal of foreign troops." **[28c] (p11)**

6.667 The USSD report 2005 stated that "All sectors of society suffered from the continued wave of kidnappings. Kidnappers often killed their victims despite the payment of ransom. The widespread nature of this phenomenon precluded reliable statistics." **[2h] (p10)**

6.668 The HRW report, darted 3 October 2005 noted that "Attacks on Iraqi translators, drivers, contractors and others who work with foreign governments often are aimed at punishing them for their collaboration and warning others to avoid such work. Some insurgent groups have broadcast videos of executions, sometimes by beheading, on the Internet or on CDs that are sold in markets, preceded by a "confession" and statement from the person in custody." **[15j] (p21)**

6.669 The AI report, dated 25 July 2005, stated that "Most of the victims are sons of wealthy families and professional people such as medical doctors, university professors and businessmen. The aim is to extort money from their families." **[28c] (p12)**

6.670 The AI report, dated 25 July 2005, noted that "Scores of foreign nationals as well as Iraqis have been taken hostage by various armed groups operating in Iraq. Many of the hostages were later killed. Most of the victims have been civilians, including aid workers, journalists, truck drivers and private contractors." **[28c] (p11)**

6.671 The Dutch country report, December 2004, stated that "Members of the Iraqi military were also regularly abducted. In most cases they were killed." **[71c] (p51)**

6.672 The AI report, dated 25 July 2005, mentioned that "Iraqi and US military officials have sometimes announced the arrest of members of armed groups who are accused of hostage-taking and killing." **[28c] (p11)**

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LANDMINES / UNEXPLODED ORDNANCE (UXO)

6.673 An IRIN article, dated 6 June 2005, noted that "Decades of war and internal conflicts have left Iraq with large quantities of UXO and mines, and in some parts of the country, depleted uranium (DU) contamination. These pose a serious threat to the safety of the population, internally displaced persons (IDPs) and refugees, while preventing access to important resources, such as agricultural and grazing land, roads, water sources and residential areas." **[18c] (p1)**

6.674 The UNHCR COI report, October 2005, noted that "Most affected are border areas, in particular the Iran-Iraq border. Approximately one out of every five Iraqis lives within one kilometre of areas highly contaminated by the explosive remnants of war. Children are exposed to a particular risk and are injured or killed on a daily basis, such as when working in the street or living in abandoned buildings." **[40f] (p73)**

6.675 The same report noted that:

> "The Landmine Impact Survey (LIS), which was undertaken by the Iraqi Ministry of Planning and Development Cooperation (MoPDC)/National Mine Action Authority through the Vietnam Veterans of America Foundation, found that by 20 June 2005, 26 percent of the communities in the three Northern and 11 percent of the communities in the four Southern Governorates were contaminated (a total of 1,464 communities). Despite the higher prevalence of contaminated areas in the three Northern Governorates, the survey found many more victims in the South." **[40f] (p73)**

6.676 The UNSC report, dated 7 June 2005, stated that "Landmines and unexploded ordnance pose two of the greatest obstacles to reconstruction and development in some areas. The completion of a landmine impact survey, the recovery of 13,812 items of mines, explosive ordnance and unexploded ordnance and the clearance of 225,400 square metres are critical steps towards overcoming those obstacles." **[38b] (p11)**

6.677 The UNHCR COI report, October 2005, noted that "Mine clearance and explosive ordnance disposal is carried out by numerous actors, including local

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authorities, MNF, commercial companies and several NGOs." **[40f] (p73)** However, ongoing insecurity in Iraq has seriously hindered the clearance of landmines and UXO, which has resulted in the departure of a number of international organisations from the country or halted operations. (IRIN, 6 June 2005) **[18c] (p1)** (UNHCR COI, October 2005) **[40f] (p73)**

6.678 The IRIN article reported that "Some of the NGOs that have stopped clearing mines are Danish Church Aid (DCA), Norwegian Peoples Aid (NPA), Handicap International (HI) from France and InterSOS from Italy." **[18c] (p1)**

6.679 The UNHCR COI report, October 2005, noted that "Mine clearance and explosive ordnance disposal is carried out by numerous actors, including local authorities, MNF, commercial companies and several NGOs." **[40f] (p73)**

6.680 The same article stated that "The Mines Advisory Group (MAG), a British NGO operating in the area for more than a decade, has removed more than 1,350,000 mines and UXOs from the northern governorates of Iraq since July 2003, but security concerns have delayed its work since the beginning of 2005." **[18c] (p1)**

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CORRUPTION

6.681 Corruption was a major problem in Iraq. (USSD 2005) [2h] (p6 & 16) (UNHCR COI, October 2005) [40f] (p20) The Transparency International report, dated 16 March 2005, warned that, with regard to the UN sponsored oil-for-food programme in Iraq, there was a likelihood that Iraq would become 'the biggest scandal in history' if urgents steps were not taken. [91a] (p1)

6.682 The UNHCR COI report, October 2005, added that "An audit found that the CPA was unable to properly account for US $8.8 billion of revenues from the Oil for Food Programme, oil sales and seized assets which it had transferred to the IIG." **[40f] (p20)** The same report stated that "The International Advisory and Monitoring Board which monitors Iraq's oil revenues said that Iraqi leaders mishandled about US $100 million in oil money meant for development in the six months after the transfer of sovereignty. By CPA Order No. 55, authority was given to the IGC to establish the Commission on Public Integrity which was tasked with rooting out corruption in the country." **[40f] (p21)**

6.683 The report also mentioned that "On 31 January 2004, the IGC announced the creation of this Commission, which, inter alia, is authorized to receive anonymous complaints from individual citizens, to investigate allegations of corruption and to refer violations of corruption laws to the Central Criminal Court of Iraq (CCCI)." **[40f] (p21)**

6.684 The USSD report 2005 stated that "The Commission on Public Integrity (CPI) head Radhi Hamza al-Radhi told the press in March [2005] that corruption within the government was widespread and had worsened." [2h] (p16) The UNHCR COI report, October 2005, added that "According to Mr. Al-Shabot, most ministries suffer from massive corruption and nepotism. Hussain Al-Shahristani, Deputy Speaker of the TNA, said that corruption had reached

'disastrous proportions' since 2003 and that some countries are unwilling to send financial aid to Iraq as a result." **[40f] (p21)**

6.685 The USSD report 2005 noted also noted that "The CPI grew significantly in size and capacity during the year [2005]; it had more than 120 investigators working more than 2 thousand cases. Corruption reports to the CPI hot line far outstripped the organization's investigative capacity, and 587 cases were forwarded to the Central Criminal Court of Iraq (CCCI) for adjudication by 5 investigative judges." **[2h] (p16)**

6.686 The UNHCR COI report, October 2005, observed that:

"It issued arrest warrants for Layla Abdul Lateef, former Minister of Labour, and Louay Hatem Al-Eris, former Minister of Transport, as well as 42 other government employees accused of mismanagement, waste of public funds and the use of their positions for personal gain. The Head of the Commission on Public Integrity, Radhi Hamza Al-Radhi, also alleged that serious signs of corruption had been uncovered in the former Ministry of Reconstruction and Housing. Iraq's newspapers are full of corruption scandals, provoking anger and undermining the Government's credibility with ordinary Iraqis who still suffer from shortages of electricity, gasoline and water." **[40f] (p21)**

6.687 The USSD report added that "There was widespread intimidation, as well as killings and attempted attacks against CPI employees, IG personnel, and witnesses and family members involved with CPI cases." **[2h] (p16)** The report stated that "The CPI Special Investigative Unit investigated intimidation and murder cases but had not prevented or solved any by year's end [2005]." **[2h] (p16)**

6.688 The UNHCR COI report, October 2005, stated that "Accusations of corruption and mismanagement have also been raised against the Kurdish authorities, which are dominated by the KDP and PUK." [40f] (p21-22)

6.689 The USSD report 2005 noted that:

"There were many allegations of police abuse involving unlawful arrests, beatings, and theft from the homes of detainees. MOI's inspector general (IG) investigated reports of corruption, tried to educate MOI personnel about the danger of corruption and to develop a culture of transparency, and worked on human rights issues in any venue that affected MOI. The IG reported that it investigated 650 cases of police corruption and more than 40 allegations of human rights abuses during the year [2005]." **[2h] (p6)**

6.690 The same report added that:

"Within the MOI, the Internal Affairs Department is the designated mechanism for investigating internal police abuses. It brought forward several cases of corruption and abuse. The Minister fired all the accused, many of whom have been remanded for trial. At year's end no trials had taken place.

"In the IG's office, a hot line existed for citizens to report cases of corruption and abuse, in addition to mentoring and training programs that focused on accountability. A code of police conduct also exists." **[2h] (p6)**

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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.

1963 **February:** Qassem is ousted in a coup organised by nationalist and Ba'athist officers, who then seized power under Abd Al-Salam Aref.

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.

1970 **March:** A peace agreement is reached between Barzani (leader of the KDP) and the Revolution Command Council (RCC).

1974 **Spring:** Ba'ath Party promises regarding a Kurdish autonomy are not fulfilled which results in a major conflict between the Kurds and the regime.

1975 **March:** Iran and Iraq sign the Algiers agreement, ending their border disputes.

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.

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.

17 September: Iraq abrogates the 1975 treaty with Iran. **[4i]**

23 September: Iran bombs Iraqi military and economic targets. **[4i]**

1981 **7 June:** Israel attacks an Iraqi nuclear research centre at Tuwaythah near Baghdad. **[4i]**

1987 **June:** The United Nations pass Resolution No.598, which calls for a cease-fire of the Iran/Iraq war.

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.

20 August: A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIIMOG).

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1990 **2 August:** Iraq invades Kuwait and is condemned by United Nations 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]**

1991 **16-17January:** The Gulf War commences, in which Iraq is opposed by the UN with coalition forces including troops from 40 countries (including Egypt, Syria, Saudi Arabia, Kuwait). ('Operation Desert Storm'). **[4i]**

24 February: The start of a ground operation results in the liberation of Kuwait on 24 February. On 3 March Iraq accepts the terms of a cease-fire. **[4i]**

March: Iraq accepts the terms of a cease-fire. **[4i]** There is a spontaneous uprising in the north of Iraq in the town of Ranya, which spreads across Kurdistan.

April: The Iraqi army recaptures Sulaimaniya (northern Iraq). About 1.5 million Kurds flee to the mountains and this eventually leads to setting-up of the 'Safe Haven' in the north of Iraq. On 10 April the USA orders Iraq to end all military activity in this area. **[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 Irbil, Suliamaniya and the Dohuk areas which it had occupied.

1992 **26 August:** A no-fly zone, which Iraqi planes are not allowed to enter, is set up in southern Iraq, south of latitude 32 degrees north. **[4i]**

1993 **27 June:** US forces launch a cruise missile attack on Iraqi intelligence headquarters in Al Mansur district, Baghdad in retaliation for the attempted assassination of US President, George Bush, in Kuwait in April. **[4i]**

1994 **29 May:** Saddam Hussein becomes Prime Minister. **[4i]**

October: An attempted coup is uncovered resulting in the execution of senior army officers.

10 November: The Iraqi National Assembly recognises Kuwait's borders and its independence. **[4i]**

1995 **14 April:** UNSC Resolution 986 allows the partial resumption of Iraq's oil exports to buy food and medicine ('oil-for-food programme'). Iraq does not accept it until May 1996 and it is not implemented until December 1996. **[4i]**

15 October: Saddam Hussein wins a referendum allowing him to remain President for another seven years. **[4i]**

1996 **February:** Two of Saddam's son-in-laws, Hussein Kamel and Saddam Kamel, are executed after returning to Iraq following their earlier defection to Jordan. **[4i]**

31 August: KDP forces with Iraqi Government troops, first shelled and recaptured the city of Erbil in northern Iraq. Disturbances continue in September until government authorities are forced to leave the 'Safe Haven'.

3 September: The US extends the northern limit of the southern no-fly zone to latitude 33 degrees north, just south of Baghdad. **[4i]**

23 October: A cease-fire between the KDP and PUK ends the fighting for the rest of 1996.

12 December: Saddam Hussein's elder son, Uday, is seriously wounded in an assassination attempt in Baghdad's Al-Mansur district. **[4i]**

1998 **17 January:** President Saddam threatens to halt all co-operation with UNSCOM if sanctions are not lifted.

February: Kofi Annan, the Secretary-General of the United Nations, agrees a deal with the Iraqi Government, and averts a military attack. An agreement for Iraq to double its oil output is also accepted by the UN.

23 February: UN Secretary-General Kofi Annan brokered a memorandum of understanding allowing UNSCOM to inspect eight 'presidential sites'.

April and June: Two Shi'a clerics are murdered.

11-15 June: UNSCOM head Richard Butler and Iraqi Deputy Prime Minister Tariq Aziz reach agreement on 'road map' for verification of Iraqi disarmament and the eventual lifting of UN sanctions.

27 July: The International Atomic Energy Agency (IAEA) reports that there is evidence that Iraq was concealing nuclear weapons.

August: The Iraqi National Assembly votes to temporarily suspend UNSCOM inspections.

20 August: UN Security Council decide to maintain sanctions against Iraq.

October: The Iraqi National Assembly ceases all co-operation with UNSCOM.

5 November: Amidst a fresh build-up of US and UK forces in the Gulf, the UN Security Council adopts Resolution 1205 demanding that Iraq rescind immediately and unconditionally the October 31 decision, but makes no mention of military threat.

17 November: UNSCOM inspectors return to Iraq.

24 November: UN Security Council approves the renewal of the 'oil-for-food' deal which allows Iraq to sell US$5,200 million worth of oil over the next six months for the purchase of humanitarian goods.

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)**

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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)**

19 February: Disturbances in southern Iraq following the assassination of Grand Ayatollah Mohammed Sadeq al-Sadr, spiritual leader of the Shi'a sect, and his sons. Later followers of al-Sadr are arrested and executed. There are also demonstrations by Kurds in northern Iraq against the capture by the Turkish authorities of the Turkish PKK leader Abdullah Ocalan. **[4i] (p2)**

June: The Iraq Revolutionary Council issued Decree 101 which bans the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. The Iraq Revolutionary Council also issues Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country.

December: The UN Security Council 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.

2000 **August:** Re-opening of Baghdad airport, followed by a stream of international flights organised by countries and organisations to campaign against sanctions. The flights are labelled humanitarian missions to comply with UN sanctions.

November: Deputy Prime Minister Tariz Aziz rejects new weapons inspection proposals.

1 December: Iraq temporarily halts oil exports after the UN rejects a request for a surcharge to be paid into an Iraqi bank account not controlled by the UN.

2001 Free-trade zone agreements set up with neighbouring countries. Rail link with Turkey re-opened in May for first time since 1981.

February: Britain and United States carry out bombing raids in an attempt to disable Iraq's air defence network. **[4i] (p2)**

May: Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party. **[4i] (p2)**

2002 **May:** UN SC members agree to revise sanction regime to ease humanitarian impact.

September: Prime Minister Tony Blair publishes a dossier on Iraq's military capability. **[4i]**

1 October: The United Nations and Iraq end two days of talks in Vienna on practical arrangements needed to facilitate the return of UN weapons inspectors to Iraq.

George Bush tells a UN General Assembly session to confront "the grave and gathering danger" of Iraq, or stand by as the US acts. **[4i] (p3)**

October: The British government publishes its dossier on Iraq's weapons of mass destruction.

4 October: PUK and KDP reconvene parliament in northern Iraq.

16 October: Saddam Hussein wins 100 per cent vote in a referendum ensuring him another seven years as President.

20 October: Reported that Saddam Hussein announced a general amnesty for Iraqi prisoners.

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] (p3) [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] (p4)**

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] (p4)**

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] (p4) [1b] (p2189)**

10 April: Senior Shi'a Cleric, Abdul Majid al-Khoei is murdered in Najaf. **[4f] (p2)**

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: UN Security Council 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] (p5)**

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] (p5)**

August: Bomb attack at Jordanian embassy in Baghdad kills 11; attack at UN HQ in Baghdad kills over 20 including UN's chief envoy. Saddam's cousin Ali Hassan al-Majid, or Chemical Ali, captured. Car bomb in Najaf kills 125 including Shi'a leader Ayatollah Mohammed Baqr al-Hakim. **[4i]**

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October: UN Security Council approves amended US resolution on Iraq giving new legitimacy to US-led administration but stressing early transfer of power to Iraqis. **[4i] (p5)**

October: Dozens are killed in Baghdad bombings, including attack on Red Cross office. **[4i] (p5)**

November: Security situation continues to deteriorate. By early November – six months after President Bush declared the war over – more US soldiers have been killed in Iraq than died during the war to oust Saddam. In the course of the month, 105 coalition troops are killed – the highest monthly death toll since the war began. **[4i] (p5)**

15 November: Governing Council 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] (p5) [6s] (p14)**

March: US-backed Governing Council agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands. **[1b] (p2190)**

2 March: A series of bombs exploded during the Shi'a festival of Ashoura killing more than 180 people. **[1b] (p2190)**

4 April: Demonstrations by supporters of Moqtada Sadr descend into riots in the Sadr city area of Baghdad, as well as in Najaf, Nasiriyia and Amara. Nine coalition troops and more than 50 Iraqis are killed in the clashes, which are described as the worst unrest since Saddam Hussein fell. **[6s] (p9-10)**

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)** Coalition forces fight Shi'a gunman and Sunni insurgents on several fronts. Local militia take control of Najaf and Kut **[6s] (p7-9)**

21 April: Five suicide bombings near police stations and police academy in southern city of Basra kill 74 people and wound 160 others. **[65a]**

29 April: Photos released of US human rights abuses in Abu Ghraib. Many of the pictures were taken in Autumn 2003 but not released until April. **[18m] (p1) [6s] (p7)**

17 May: Ezzedine Salim, then head of the Iraqi Interim Governing Council is assassinated. **[62a] (p1)**

28 May: The 25 members of Iraq's US-appointed governing council 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)**

12 June: Deputy Foreign Minister Bassam Qubba is killed. **[62a] (p1) [6s] (p4)**

17 June: A sport utility vehicle packed with artillery shells slams into a crowd waiting to volunteer for the Iraqi military, killing 35 people and wounding 138. **[65a]**

21 June: Members of Iran's Revolutionary Guard detain eight United Kingdom servicemen for allegedly straying into the Iranian side of the Shatt al-Arab waterway. The men are shown blindfolded on Iranian television, but are released on 24 June 2004. **[62a] (p7)**

24 June: Coordinated attacks in north and central Iraq leave 89 people dead, including three US soldiers; at least 318 are wounded. **[65a]**

28 June: Iraq's US-led administration transfers sovereignty to the interim Iraqi government in a surprise move two days ahead of the scheduled handover. Paul Bremmer, the outgoing 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 July: Saddam Hussein is shown in court. **[6s] (p3)**

28 July: A car bomb explodes outside a police station used as a recruiting centre in Baqouba, killing at least 68 people and wounding more than 50. **[65a] [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)**

Salem Chalabi, the man organising the trial of Saddam Hussein, is left facing a murder charge after an Iraqi judge issues a warrant for his arrest. **[6d]**

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)**

11 August: Ahmed Chalabi, a former US ally, has returned to Iraq where he faces arrest on money counterfeiting charges. **[4y] (p1)** These charges were later (28 September 2004) dropped. **[46b] (p2)**

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]**

30 January: The multi-party national elections were 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

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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]**

2005 **28 February**: More than 130 are killed by a massive car bomb in Hilla, south of Baghdad, in the worst single such incident since the US-led invasion. **[4i] (p6) [6j] (p8)**

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] (p6)** 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] (p6)**

July: Study compiled by the UK based non-governmental Iraq Body Count organisation estimates almost 25,000 civilians have been killed in Iraq since the start of the war (between 20 March 2003 and 19 March 2005). **[4i] (p6) [17e]**

August: Draft constitution is endorsed by Shi'a and Kurdish negotiators, but not by Sunni representatives. **[4i] (p6)**

August: As many as 1,000 people are feared dead following a stampede during a Shi'a religious ceremony in Baghdad. **[4i] (p6)**

September: US and Iraqi forces launch an offensive in the northern city of Talafar, causing over 10,000 families to flee the city. A week later the number of displaced from Talafar has risen from an estimated 10,000 to 20,000. **[18ar] (p3)**

14 September: Al-Zarqawi declares all-out war on the majority Shi'ite community. **[18ar] (p3)**

15 October: Voters approve a new constitution, which aims to create an Islamic federal democracy although it's commitment to federalism was diluted by last-minute amendments that were aimed at winning the support of the mostly hostile Sunni community. **[4i] (p7) [18ar] (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] (p7) [18ar] (p4)**

8 November: Security Council resolution 1637 extends the term of multinational forces in Iraq "until the end of next year," allowing for "a review of that mandate at any time, no later than mid-June 2006, or for its termination, at the request of the Iraqi Government." The decision is badly received by Iraqis who accuse the government of being under the thumb of the US. **[18ar] (p4)**

20 November: Thousands of families from the town of Talafar, some 80 km east of the northern city of Mosul, begin receiving monetary damages for losses incurred during US-led military operations in September. **[18ar] (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] (p7) [18ar] (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. **[18ar] (p5)**

20 December: Sunni Arab parties claim the results of the parliamentary contests are inaccurate after initial results show nearly 59 percent of the vote going to the Shi'ite United Iraqi Alliance. Sunnis represent about 20 percent of the Iraqi population, while Shi'ites are generally recognised as comprising about 60 percent. **[18ar] (p5)**

2006 **20 January:** Shia-led United Iraqi Alliance emerges as the winner of December's parliamentary elections, but fails to gain an absolute majority. **[4i] (p7)**

2006 **February:** A bomb attack on an important Shia shrine in Samarra unleashes a wave of sectarian violence in which hundreds of people are killed. **[4i] (p8)**

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Annex B: Maps

IRAQ AND NEIGHBOURING COUNTRIES

[61a]

DETAILED MAP OF IRAQ

Topographic Governorate Map showing all P-code populated places and detailed road network plus Country wide topographic maps, showing rough elevation levels, major towns and road + river net, 29 July 2003: A4 format (2.1mb, printing best on A4 and A3 format): 035 A4 Iraq map 030724.pdf **[93a]**

NORTHERN IRAQ

Kurdistan Regional Government

The Kurdistan Regional Government (KRG)-controlled area of northern Iraq does not cover the entirety of the three northern governorates, Dahuk, Erbil and Sulaymaniyah. The map above, taken from the official Kurdish government's website http://www.kurdistan-parliament.org/, shows the border of the three northern governorates, whilst the shaded area represents the KRG-controlled area. **[32b]**

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Districts of northern Iraq

Akre, August 2002: 347_A3_Akre_DHS05.pdf
Amedi, August 2002: 348_A3_Amedi_DHS03.pdf
Dahuk, August 2002: 349_A3_Dahuk_DHS01.pdf
Maidan, August 2002: 350_A3_Maidan_DHS11.pdf
Semel, August 2002: 351_A3_Semel_DHS06.pdf
Shekhan, August 2002: 352_A3_Shekhan_DHS02.pdf
Zakho, August 2002: 353_A3_Zakho_DHS04.pdf
Choman, August 2002: 354_A3_Choman_EHS05.pdf
Koysinjaq, August 2002: 355_A3_Koysinjaq_EHS04.pdf
Mergasur, August 2002: 356_A3_Mergasur_EHS03.pdf
Shaqlawa, August 2002: 357_A3_Shaqlawa_EHS02.pdf
Soran, August 2002: 358_A3_Soran_EHS06.pdf
Chamchamal, August 2002: 359_A3_Chamchamal_SHS12.pdf
Darbandikhan, August 2002: 360_A3_Darbandikhan_SHS10.pdf
Dukan, August 2002: 361_A3_Dukan_SHS08.pdf
Erbil, August 2002: 362_A3_Erbil_EHS01.pdf
Halabja, August 2002: 363_A3_Halabja_SHS09.pdf
Kalar, August 2002: 364_A3_Kalar_SHS05.pdf
Penjwin, August 2002: 365_A3_Penjwin_SHS04.pdf
Pishdar, August 2002: 366_A3_Pishdar_SHS07.pdf

Ranya, August 2002: 367_A3_Ranya_SHS06.pdf
Sharbazher, August 2002: 368_A3_Sharbazher_SHS02.pdf
Sulaymanyah, August 2002: 369_A3_Sulaymanyah_SHS01.pdf **[93a]**

For more maps on Iraq Governorates, Districts, cities see the United Nations Assistance Mission for Iraq website http://www.uniraq.org/docsmaps/maps_geographic.asp?pagename=maps_geographic

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Annex C: Political organisations

Bet-Nahrain Democratic Party (BNDP) www.bndp.net
Founded 1976 **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that the BNDP sought the establishment of an autonomous state for Assyrians in Bet-Nahrain (Iraq). Its Secretary-General was Shimon Khamo. **[1c] (Political Organisations**)

Constitutional Monarchy Movement (CMM)/Royal Constitutionality of al-Sharif Ali bin al-Hussain www.iraqcmm.org
Founded 1993. **[1c] (Political Organisations)** 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. **[1c] (Political Organisations)**

Democratic Assyrian Movement (Zowaa) www.zowaa.org
Founded 1979. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the Democratic Assyrian Movement recognised the Assyrian rights within framework of democratic national government. Its Secretary-General was Younadam Yousuf Kana.

Free Officers and Civilians Movement
Formed 1996. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that it was formerly known as the Free Officers' Movement. Its founder and Leader was Brigadier-General Nagib as-Salihi. **[1c] (Political Organisations)**

Hizb ad-Da'wa al-Islamiya (Voice of Islam Party) www.daawaparty.com
Founded 1958; banned 1980; re-established in Baghdad 2003. **[1c] (Political Organisations)** The BBC report, dated 31 January 2005, observed that the Hizb ad-Da'wa al-Islamiya is the oldest Shi'a political group. **[4q]** It was based in Iran and London during the Saddam Hussein's regime. **[1c] (Political Organisations) [4q] (p3-4) [11p]** One of its leaders, Dr Ibrahim al-Ja'fari, was appointed as Iraq's interim Prime Minister on 7 April 2005. **[1c] (Political Organisations) [6o]** Other leaders included, 'Abd al-Karim al-'Anzi, Muhammad Bakr an-Nasri, Dr Haydar Abbas (London), Abu Bilal al-Adib (Tehran). **[1c] (Political Organisations)**

Independent Democratic Movement (IDM) (Democratic Centrist Tendency)
Founded 2003. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) Noted that it sought a secular and democratic government of Iraq. Its founder Adnan Pachachi returned from exile in the United Arab Emirates in 2003. **[1c] (Political Organisations)**

Independent National Elites and Cadres
According to Europa World Online (accessed 31 August 2005) the Independent National Elites and Cadres were apparently linked to Shi'ite cleric Muqtada as-Sadr. Its leader was Fatah esh-Sheik. **[1c] (Political Organisations)**

Iraqi Communist Party www.iraqcp.org
Founded 1934. **[1c] (Political Organisations)** Europa World Online (accessed 31 August 2005) stated that 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. **[1c] (Political Organisations)**

Iraqi Islamic Party (IIP) (al-Hizb al-Islami al-'Iraqi)
Founded 1960. **[1c] (Political Organisations)** The IWPR stated, on 14 February 2005 that the IIP, a Sunni party, had affiliations with the wider Muslim Brotherhood in the Middle East. **[4q] (p6-7)** The IIP boycotted elections of January 2005. **[1c] (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)** Europa World Online (accessed on 31 August 2005) noted that its Secretary-General was Tareq al-Hashimi. **[1c] (Political Organisations)**

Iraqi List (Al-Qaimah al-Iraqiyah)
Formed prior to the January 2005 elections. **[1c] (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]** Europa World Online (accessed on 31 August 2005) stated that the Iraqi List consists of a number of political organisations, including the INA. **[1c] (Political Organisations)** *The Guardian* report on 27 January 2005, stated that 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. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the former interim Prime Minister, General Dr Ayad Allawi, was the founder and Secretary-General. **[1c] (Political Organisations)** The US Congressional Research Report stated in January 2004, that "He is a secular Shi'a Muslim, but most of the members of the INA are Sunni Muslims." **[33b] (p11-12)** The same report noted that "Like the INC, the INA does not appear to have a mass following in Iraq, but it has close ties to the U.S. government and does have a constituency among pro-Western Iraqis." **[33b] (p11-12)**

Iraqi National Alliance (INA) (at-Tahaluf al-Watani al-Iraqi)
Founded 1992. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that the Iraqi National Alliance was formerly based in Syria. **[1c] (Political Organisations)** 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. **[1c] (Political Organisations)**

Iraqi National Congress (INC) www.inc.org.uk
Founded 1992 in London. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the INC was a multi-party coalition. In November 1999 some 300 delegates elected a 65-member central council and a new, seven-member collegiate leadership. Its leaders included, the former interim Prime Minister, Dr Ayad Allawi (INA), Riyad al-Yawar (Ind.), Sharif Ali bin al-Hussain (Constitutional Monarchy Movement), Ahmad Chalabi (Ind.), Sheikh Muhammad Muhammad Ali (Ind.), Dr Latif Rashid (PUK), Hoshyar az-Zibari (KDP). **[1c] (Political Organisations)**

Europa added that "Following the removal of the regime of Saddam Hussain, many members of the INC returned to Iraq from exile." **[1c] (Political Organisations)**

Iraqis (Al-Iraqiyun)
The IWPR report observed that "Al-Iraqiyun (The Iraqis) is a bloc formed by [former] President [Sheikh] Ghazi al-Yawar and drawing support from tribes and some of the smaller political parties. Like many other blocs, Al-Iraqiyun has made a conscious attempt to draw support from across ethnic and religious divides." **[11p]** Europa World

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Online (accessed on 31 August 2005) noted that it was a moderate bloc that included both Sunnis and Shi'ites. **[1c] (Political Organisations)**

Iraqi Turkmen Front http://www.turkmenfront.org/
Founded 1995. **[1c] (Political Organisations)** The Iraqi Turkmen Front is a coalition of 26 Turkmen groups led by Faruk Abdullah Abd ar-Rahman. It sought autonomy for Turkmen areas in Iraq, recognition of Turkmen as one of the main ethnic groups in Iraq and supported the establishment of a democratic multi-party system in Iraq. **[1c] (Political Organisations)**

Iraqi Women's Organisation
Led by Sondul Chapouk. **[1a] (p531)**

Islamic Action Organization (Munazzamat al-Amal al-Islami)
Founded 1961. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the Islamic Action Organisation was a member of SCIRI and aligned with Hizb ad-Da'wa al-Islamiya. Its leaders were Sheikh Muhammad Taqi al-Mudarrisi, Hassan Shirazi, Muhammad Hussain Shirazi. **[1c] (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. **[1a] (p531)** Its founder and leader was Mullah Ali Bapir. **[1c] (Political Organisations)**

Islamic Movement in Iraq
Europa World Online (accessed on 31 August 2005) stated that the Islamic Movement in Iraq was a Shi'ite party and also a member of SCIRI. Its leader was Sheikh Muhammad Mahdi al-Kalisi. **[1c] (Political Organisations)**

Islamic Movement of Iraqi Kurdistan (IMIK)
Founded 1987. **[1c] (Political Organisations)** Its founder and leader was Sheikh Uthman Abd al-Aziz. **[1c] (Political Organisations)**

Jamaat as-Sadr ath-Thani (Sadr II Movement)
Founded 2003. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that it was a Shi'ite group that opposed the presence of US-led coalition in Iraq. Its leader was Hojatoleslam Muqtada as-Sadr. **[1c] (Political Organisations)** According to the HRW report, January 2005, Muqtada al-Sadr's had an armed group called the Mahdi Army (Jaysh al-Mahdi). **[15g] (p11)**

Jund al-Imam (Soldiers of the [Twelfth] Imam)
Founded 1969. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that Jund al-Imam was a Shi'ite group and a member of SCIRI. Its leader was Sa'd Jawad Qandil. **[1c] (Political Organisations)**

Kurdish Hezbollah (Party of God)
Founded 1985. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that it was a splinter group of the KDP and a member of SCIRI. Its leader was Sheikh Muhammad Khaled Barzani. **[1c] (Political Organisations)**

Kurdish Socialist Party
Europa World Online (accessed on 31 August 2005) observed that the Kurdish Socialist Party was a splinter group of the PUK. Its founder was Mahmoud Osman. **[1c] (Political Organisations)**

Kurdistan Alliance List
Founded 2004. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that 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. **[1c] (Political Organisations)** Wikipedia (last updated on 30 August 2005) added that the coalition also included the Kurdistan Socialist Democratic Party, Democratic Baith-Nahrain Party, Assyrian Patriotic Party or Assyrian National Party and the Chaldean Democration Union. **[7b]**

Kurdistan Communist Party www.kurdistancp.org
Founded 1993. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the Kurdish Communist Party was a branch of the Iraqi Communist Party. Its leader was Kamal Shakir. **[1c] (Political Organisations)**

Kurdistan Democratic List
Europa World Online (accessed on 31 August 2005) stated that 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. **[1c] (Political Organisations)**

Kurdistan Democratic Party (KDP) www.kdp.pp.se
Founded 1946. **[1c] (Political Organisations)** 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." **[1c] (Political Organisations)** The BBC added on 19 June 2004, that "The Kurdistan Democratic Party (KDP) has remained a dominant force in Iraqi Kurdish politics for more than half a century." **[4k] (p2)** The article also note that "Since the death of his father Mullah Mustafa in 1979, Massoud Barzani has led the KDP through decades of conflict with the Iraqi central government and with local rivals, the Patriotic Union of Kurdistan (PUK). The KDP commands tens of thousands of armed militia fighters, known as peshmerga, and controls a large area of north-western Iraq." **[4k] (p2)** Europa World Online (accessed on 6 September 2005) noted that Ali Abdullah was the vice President of the KDP. **[1c] (Political Organisations)**

Kurdistan Islamic Union kurdiu.org
Founded 1991. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that 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. **[1c] (Political Organisations)**

Kurdistan Socialist Democratic Party (KSDP)
Founded 1994. **[1c] (Political Organisations)**

Kurdistan Toilers Party (Hizbi Zahmatkeshani Kurdistan) www.ktp.nu
Founded 1985 **[1c] (Political Organisations)** The Kurdistan Toilers Party advocated a federal Iraq and was closely associated with the Kurdistan Socialist Democratic Party (KSDP). **[1c] (Political Organisations)** Its leader was Qadir Aziz. **[1c] (Political Organisations)**

National Democratic Alliance
Its leader was Abed Faisal Ahmad. **[1c] (Political Organisations)**

National Democratic Party (al-Hizb al-Watani ad-Dimuqrati)

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Founded 1946. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that its leaders were Nasir Kamal al-Chaderchi, Hudayb al-Hajj Mahmoud. **[1c] (Political Organisations)**

National Foundation Congress
Founded 2004. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that 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. **[1c] (Political Organisations)**

National Progressive Front
Founded July 1973. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) stated that the National Progressive Front was the former ruling coalition. It was removed from power in 2004. Its Secretary-General was Naim Haddad (Baath). **[1c] (Political Organisations)**

National Rafidain List (Al-Rafidayn)
Founded 2004. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) noted that the National Rafidain List was an Assyrian-Christian list headed by the Assyrian Democratic Movement. Its leader was Younadam Kana. **[1c] (Political Organisations)**

Patriotic Union of Kurdistan (PUK) www.puk.org
Founded 1975. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) explained that the PUK "seeks to protect and promote Kurdish rights and interests through self-determination." **[1c] (Political Organisations)** The BBC stated in an article, dated 18 June 2005 that "Under the command of the veteran Kurdish leader Jalal Talabani [Iraqi President], the PUK has created militia forces and a party organisation to rival the traditionally dominant Kurdistan Democratic Party (KDP)." **[4k] (p2)** The same article noted that the PUK claimed to have nearly 150,000 members. **[4k] (p2)** 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."

People's Union
Europa World Online (accessed on 31 August 2005) stated that the People's Union was a largely secular independent list formed prior to the January 2005 elections. The Iraqi Communist Party contested elections under this name. **[1c] (Political Organisations)**

Socialist Nasserite Party
Founded 2003. **[1c] (Political Organisations)** 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. **[1c] (Political Organisations)**

Supreme Council for the Islamic Revolution in Iraq (SCIRI) www.sciri.org
Founded 1982. **[1c] (Political Organisations)** The BBC report, dated 31 January 2005 and Europa World Online (accessed on 31 August 2005) noted that 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. **[1c] (political Organisations) [4q] (p3)** Europa World Online added that the "armed faction, the Badr Organization, assisted coalition forces in Iraq after the removal of Saddam Hussain's regime." **[1c] (political Organisations)**

An article by the IWPR dated 24 May 2005, stated that the military arm of SCIRI, the Badr Organisation, formerly known as the Badr Brigade, is mainly active in Shi'a-dominated southern Iraq. **[11d]**

Turkoman People's Party (Turkmen Halk Partisi)
Europa World Online (accessed on 31 August 2005) stated that its leader was Irfan Kirkukli. **[1c] (Political Organisations)**

United Iraqi Alliance (UIA)
Europa World Online (accessed on 31 August 2005) stated that 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. **[1c] (Political Organisations)** 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. **[1c] (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. **[1c] (Political Organisations)** Europa World Online (accessed on 31 August 2005) mentioned that 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. **[1c] (Political Organisations)**

Worker Communist Party of Iraq (WCPI) www.wpiraq.net
Founded by Mansoor Hekmat and held its first congress in July 2004. 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' war against Iraq. Its leader was Rebwar Ahmad. **[92a] (p316)**

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." **[40g] (p38)** The party was banned in 2003 following the US invasion of Iraq. (Political Parties of the World 2005) **[92a] (p312)** "Thereafter Ba'ath party members were excluded from participation in political life and national administration by the occupying powere, 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." **[92a] (p312)**

The UNHCR guidance note, October 2005, noted that:

This Country of Origin Information Report contains the most up-to-date publicly available information as at 10 March 2006. Older source material has been included where it contains relevant information not available in more recent documents.

> "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.

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 legitimation 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." **[40g] (p38-40)**

The party remained banned. **[92a] (p312)**

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Annex D: Prominent people: past and present

MEMBERS OF IRAQ'S GOVERNMENT

(As at May 2005)

Jalal Talabani (Kurd) President **[6i]**
The BBC stated, on 6 April 2005 that "Jalal Talabani, widely referred to by Kurds as Mam (uncle) Jalal, is one of the longest-serving figures in contemporary Iraqi Kurdish politics." **[4r]** *The Guardian* report (accessed on 31 August 2005) stated that "A leader of Iraq's minority Kurds, he was elected Iraq's new president on April 6 2005. He is the first Kurd to be Iraq's president. Mr Talabani had opposed governments in Baghdad for much of the last 40 years. He leads the Patriotic Union of Kurdistan (PUK), which controls the eastern part of the Kurds' self-rule area. The PUK controls around 25,000 fighters. Mr Talabani wants a federal Iraq with Kurds running their own region." **[6x]** The BBC article, dated 6 April 2005, added that "A Baghdad University law graduate, he is considered to be a shrewd politician with an ability to switch alliances and influence friends and foes alike." **[4r]**

Ghazi Al Yawer (Sunni Arab) Vice-President **[6i]**
An article in *The Guardian* (accessed on 31 August 2005) stated that "A Sunni tribal leader from Mosul who is one of Iraq's two vice-presidents. Mr Yawar had formally been the interim president before the January 2005 elections. He leads the Iraqis party, an alliance of moderate Sunnis and Shia. His appointment is a conciliatory move to appease the Sunni minority, which largely stayed away from the polls and has been blamed for the insurgency." **[6w]** The BBC noted, on 6 April 2005 that "The 46-year-old US-educated moderate Sunni Arab and former exile has strong ties to Washington, although he has been sharply critical of the US-led coalition." **[4as]**

Adel Abdul Mahdi (Shi'a) Vice-President **[6i]**
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." **[4as]**

Dr. Ibrahim Jaafari (Shi'a) Prime Minister **[6i]**
The Guardian article (accessed on 31 August 2005) mentioned that "The 58-year-old former London GP is Iraq's first democratic prime minister since before the Saddam era. He is a conservative Shia with strong religious beliefs and leads the Islamic Dawa party, which is a major player in the dominant United Iraqi Alliance. The UIA holds more than half of the new parliament's 275 seats. Some analysts see him as a conciliatory figure." **[6y]** The BBC article stated, on 7 April 2005 that the former Vice-President went into exile in Iran first and then the UK. **[4ac]**

Ahmed Chalabi (Shi'a) Deputy Prime Minister **[4k]**
The Guardian report (accessed on 31 August 2005) stated that "One of four deputy prime ministers in the new administration. 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." **[6ad]**

Ruz Nuri Shawis (Kurdish) Deputy Prime Minister **[4k]**

Abid Mutlak al-Jubouri (Sunni Arab) Deputy Prime Minister **[4k]**

Baqir Solagh (Shi'a Turkmen) Interior Minister **[4k]**

Dr Ibrahim Bahr al-Uloum (Shi'a) Oil Minister **[4k]**

Narmin Othman Acting **(Kurd)** Human Rights Minister **[4ap]**

Dr Saadoun al-Dulaimi (Sunni) Defence Minister **[4ap]**

Dr Mohsen Shlash (Shi'a) Electricity Minister **[4ap]**

Usama al-Najafi (Sunni) Industry Minister **[4ap]**

Juwan Fouad Masum (Kurd) Telecommunications Minister **[4k]**

Ali Abdel Allawi (Shi'a) Finance Minister **[4k]**

Latif Rashid (Kurd) Minister of Water Resources **[4k]**

Narmin Othman Minister of Environment **[4k]**

Jasim Mohammed Jaafar (Shi'a) Minister of Construction and Housing **[4k]**

Abdel Falah Hassan (Sunni) Education Minister **[4k]**

Abdel Muttalib Mohammed Ali (Shi'a) Health Minister **[4k]**

Abdel Basit Karim Mawloud (Kurd) Trade Minister **[4k]**

Ali al-Bahadili (Shi'a) Agriculture Minister **[4k]**

Abdel Hussein Shandel (Shi'a) Justice Minister **[4k]**

Idris Hadi (Kurd) Minister of Labour and Social Affairs **[4k]**

Salam al-Maliki (Shi'a) Transport Minister **[4k]**

Nuri Farhan al-Rawi (Sunni) Culture Minister **[4k]**

Basimah Yusuf Butrus (Christian) Minister of Science and Technology **[4k]**

Suhaylah Abd-Jaafar (Shi'a) Minister of Displacement of Migration **[4k]**

Talib Aziz Zayni (Shi'a) Minister of Youths and Sports **[4k]**

Abd-al-Karim al-Anzi (Shi'a) Minister of State for National Security Affairs **[4k]**

Saad Najif Mujhim al Harden (Sunni) Minister of State for Governorate Affairs **[4k]**

La Habib Kazim (Shi'a) Minister of State for Civil Society Affairs **[4k]**

Safa al-Din Mohammed al-Safi (Shi'a) Minister of State for National Assembly Affairs **[4k]**

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Dr Hajem al-Hassani (Sunni) Speaker **[4ao]**
The Guardian report (accessed on 31 August 2005) noted that "A Sunni Arab, he is the speaker of the Iraqi parliament. He was appointed after Ghazi al-Yawar turned the post down, insisting he wanted to be vice president. Having a Sunni as speaker is one of the ways the parliament is trying to reach out to Sunnis to try and further involve them in the new Iraq. However, some critics have questioned Mr Hassani's clout in the Sunni community." **[6aa]**

Dr Hussein al-Shahristani (Shi'a) Deputy Speaker **[4ao]**

Aref Taifour (Kurd) Deputy Speaker **[4ao]**

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PROMINENT PEOPLE IN SADDAM HUSSEIN'S REGIME

(Based on US 'pack of cards')

As documented on the BBC, on 27 February 2005:

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.

Qusay Hussein
Son of Saddam Hussein. Qusay was in charge of the Special Republican Guard and was Republican Guard commander. Killed 22 July 2003. He is accused of curbing dissident activity in Basra after the failed Shi'a uprising in 1991 with mass executions and torture.

Uday Saddam Hussein
Son of Saddam Hussein. Commander of Saddam's Fedayeen forces and president of the Iraqi National Olympic Committee. Killed 22 July 2003. According to Indict, the committee seeking to prosecute the Iraqi leadership for war crimes, he was personally engaged in acts of torture and ordered torture by forces under his command. He is said to have routinely abducted and raped women.

Abid Hamid al-Tikriti
Former Presidential secretary. Taken into custody 18 June 2003.

Ali Hasan Majid
Presidential adviser, southern region commander. Captured by coalition forces 21 August 2003. Saddam Hussein's cousin, Ali Hasan Majid, was known as 'Chemical Ali' for his alleged role in the use of poison gas against Kurds in 1988.

Izzat Ibrahim al-Douri
Vice-chairman Revolutionary Command Council, Northern regional commander. War crimes charges have been issued against him in Austria.

Aziz Salih al-Numan
Ba'ath Party regional commander, militia commander. Taken into custody 22 May 2003.

Taha Yassin Ramadan
Vice-president. Taken into custody 18 August 2003.

Tariq Aziz
Deputy prime minister. Surrendered 24 April 2003.

Barzan Ibrahim Hasan al-Tikriti
Ba'ath party official and former member of the intelligence service. Taken into custody 16 April 2003.

Watban Ibrahim al-Tikriti
Baath Party official. Former intelligence minister. Taken into custody 13 April 2003.

Muhammad Hazmaq al-Zubaidi
Central Euphrates region commander. Taken into custody 21 April 2003. Former deputy prime minister and member of the Revolutionary Command Council (RCC).

Humam Abd al-Khaliq Abd al-Ghafur
Minister of higher education and scientific research. Taken into custody 21 April 2003.

Jamal Mustafa Abdallah Sultan al-Tikriti
Deputy chief of tribal affairs. Taken into custody 20 April 2003.

Hikmat al-Azzawi
Finance minister. Taken into custody 19 April 2003.

Samir abd al-Aziz al-Najm
Ba'ath Party chairman, Diyala region. Taken into custody 17 April 2003.

Amir Hamudi Hasan al-Saadi
Presidential scientific adviser. Surrendered 12 April 2003.

Hani abd Latif Tilfa al-Tikriti
Special Security Organisation director.

Kamal Mustafa Abdallah Sultan Tikriti
Republican Guard secretary. Surrendered 17 May 2003.

Barzan abd Ghafur Sulayman al-Tikriti
Special Republican Guard commander. Taken into custody 23 July 2003.

Muzahim Sa'b Hassan al-Tikriti
Air defence force commander. Taken into custody 23 April 2003.

Ibrahim Ahmad abd al-Sattar Muhammad al-Tikriti
Armed forces chief-of-staff. Taken into custody 15 May 2003.

Sayf al-Din Fulayyih Hassan Taha al-Rawi
Republican Guard forces commander.

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Rafi Abd Latif al-Tilfah
Director of general security.

Tahir Jalil Habbush al-Tikriti
Internal intelligence services director

Hamid Raja Shalah al-Tikriti
Air force commander. Taken into custody 14 June 2003.

Abd al-Tawab Mullah Huwaysh
Deputy prime minister. Taken into custody 2 May 2003.

Sultan Hashim Ahmad al-Tal
Minister of defence. Surrendered 19 September 2003.

Ayad Futayyih Khalifa al-Rawi
Al-Qud's chief of staff. Taken into custody 5 June 2003.

Zuhayr Talib Abd al-Sattar al-Naqib
Director of military intelligence. Taken into custody 23 April 2003.

Abd al-Baqi abd Karim al-Sadun
Ba'ath Party chairman and Baghdad militia commander.

Muhammad Zimam Abd al-Razzaq al-Sadun
Ba'ath Party chairman, Ta'mim and Ninawa Governorate.

Yahya Abdallah al-Ubaydi
Ba'ath Party chairman, Basra Governate.

Nayif Shindakh Thamir
Ba'ath Party chairman, Salah al-Din Governate.

Sayf al-Din al-Mashhadani
Ba'ath Party chairman and militia commander, Muthanna Governorate. Captured 24 May 2003.

Fadil Mahmud Gharib
Ba'ath Party chairman, Babil and Karbala Governorate. Taken into custody 15 May 2003.

Muhsin Khadar al-Khafaji
Ba'ath Party chairman, Qadisiyah Governorate. Taken into custody 7 February 2004.

Rashid Taan Kazim
Ba'ath Party chairman, Anbar Governorate.

Ugla Abid Sighar al-Kubaysi
Ba'ath Party chairman, Maysan Governorate. Taken into custody 20 May 2003.

Ghazi Hamud al-Adib
Ba'ath Party chairman, Wasit Governorate. Taken into custody 7 May 2003.

Adil Abdallah Mahdi al-Duri al-Tikriti
Ba'ath Party chairman, Dhi Qar Governorate. Taken into custody 15 May 2003.

Husayn al-Awawi
Ba'ath Party chairman, Ninawa Governorate. Taken into custody 9 June 2003.

Khamis Sirhan al-Muhammad
Ba'ath Party chairman, Karbala Governorate. Taken into custody 11 January 2004.

Sad Abd al-Majid al-Faysal
Ba'ath Party chairman, Salah al-Din Governorate. Taken into custody 24 May 2003.

Latif Nussayif Jasim al-Dulaymi
Deputy chairman. Ba'ath Party. Taken into custody 9 June 2003.

Rukan Razuki abd al-Ghaful Sulayman al-Tikriti
Chief of tribal affairs.

Mizban Khidir Hadi
Revolutionary Command Council member, regional commander, Euphrates region. Surrendered 9 July 2003.

Taha Muhyl al-Din Maruf
Vice-president and RCC member. Taken into custody 2 May 2003.

Walid Hamid Tawfiq al-Tikriti
Governor of Basra Governorate. Surrendered 29 April 2003.

Mahmud Dhiyab al-Ahmad
Interior minister. Taken into custody 8 August 2003.

Amir Rashid Muhammad al-Ubaydi
Former oil minister. Taken into custody 28 April 2003.

Muhammad Mahdi al-Salih
Minister of trade. Taken into custody 23 April 2003.

Hossam Mohammed Amin
National monitoring director. Taken into custody 27 April 2003.

Sabawi Ibrahim
Ba'ath Party, Saddam Hussein's maternal half brother. Capture announced 27 February 2005.

Huda Salih Mahdi Ammash
Scientist. Taken into custody 5 May 2003.

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OTHER PROMINENT PEOPLE

This Country of Origin Information Report contains the most up-to-date publicly available information as at 10 March 2006. Older source material has been included where it contains relevant information not available in more recent documents.

Abdul Aziz al-Hakim
The Guardian report (accessed on 31 August 2005) stated that "Had been considered by some as a contender for prime minister, Mr Hakim leads the powerful Shia party the Supreme Council for Islamic Revolution in Iraq (Sciri). Mr Hakim spent 20 years as an exile in Iran and has support from Ayatollah Sistani. Mr Hakim's brother, the revered Ayatollah Muhammad Baqr al-Hakim, was killed in a car bombing in August 2003 outside the shrine of Imam Ali in Najaf." **[6ac]**

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)** The US *Weekly Standard* article, dated 16 August 2004, noted that Abu Musab al Zarqawi heads the Tawhid and Jihad (Unity and Holy War) group. **[76a] (p1)**

Dr Ayad Allawi
The Guardian report (accessed on 31 August 2005) mentioned that "A former member of Saddam's ruling Ba'ath party, he became Iraq's interim prime minister in June 2004. Mr Allawi leads the Iraqi List alliance, a secular party which won 40 seats in the January 2005 poll. He failed to keep the prime minister's job and his party is not in Mr Jaafari's cabinet but it has said it will work with the government. In 1976 Mr Allawi formed the opposition Iraq National Accord (INA), which had US backing." **[6ab]** The BBC stated, on 28 May 2004, that "Religious leaders think he is too secular, the US-led coalition now sees him as a critic, for the anti-Saddam opposition he is an ex-Baathist, while ordinary Iraqis say he is a CIA man." **[4at]** The article also mentioned that "He was badly wounded in an assassination attempt while living in the UK in 1978, believed to have been ordered by Saddam Hussein." **[4at]**

Grand Ayatollah Ali Sistani
The Guardian report (accessed on 31 August 2005) noted that "Arguably the most powerful man in Iraq. The 73-year-old is the most powerful religious leader in the country as the most senior cleric of Iraq's Shia majority. Since the fall of Saddam he has played a low-profile role, but pressed for the January 2005 elections and had backed Ibrahim al-Jaafari to become prime minister. He is one of only five grand ayatollahs in the world." **[6z]** The BBC stated, on 27 August 2004, that Sistani is a moderate cleric **[4h] (p1-2)** *The Financial Times* stated, on 13 August 2004, that "He has imposed prior truces in Najaf and Kerbala, scuppered US plans for regional caucuses in the constitutional process, forced the June 30 [2004] date for the handover of sovereignty and dictated the abandonment of federalism in the latest United Nations resolution." **[67b] (p1-2)**

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." **[6af]**

Moqtada Al-Sadr

The BBC report, dated 27 August 2004, noted that "Radical Shia cleric Moqtada Sadr has been a turbulent presence in Iraq since the fall of Saddam Hussein. At times he has called for a national rebellion against foreign troops and sent out his militiamen to confront the 'invaders' and Iraqi police." **[4f] (p1-2)** The Guardian report (accessed on 31 August 2005) mentioned that "A Shia cleric from Najaf whose militia army twice revolted against the US-led coalition. He took a deliberately ambiguous line before the January 2005 elections saying he would not vote but gave his blessing to supporters who joined various electoral lists so he would have a voice in the political bargaining." **[6ae]** The BBC report, dated 27 August 2004, added that "Moqtada Sadr mixes Iraqi nationalism and Shia radicalism, making him a figurehead for many of Iraq's poor Shia Muslims. His detractors see him as an inexperienced and impatient radical who aims to dominate Iraq's most revered Shia institutions by force." **[4f] (p1-2)**

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Annex E: List of abbreviations

CCCI	Central Criminal Court of Iraq
CPA	Coalition Provisional Authority
IECI	Independent Electoral Commission of Iraq
IED	Improvised Explosive Devices
IIG	Iraqi Interim Government
INIS	Iraqi National Intelligence Service
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
OFF	(UN) Oil for Food program
PUK	Patriotic Union of Kurdistan
SICT	Supreme Iraqi Criminal Tribunal
TAL	Transitional Administrative Law
TNA	Transitional National Administration
UIA	United Iraqi Alliance
UNSCR	United Nations Security Council Resolution

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Annex F: Current militia / insurgent 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." **[40f] (p73)**

Ansar al-Islam (Protectors of Islam)

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." **[40f] (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 "The same report 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." **[40f] (p67)**

Ansar al-Sunna (Protectors of the Sunna Faith)

Ansar al-Sunna (Protectors of the Sunna Faith) was an offshoot of Ansar al-Islam. (See above) (ICG, 15 February 2006) **[25c] (p2)** (AI, 25 July 2005) **[28c] (p5)** (UNHCR COI, October 2005) **[40f] (p67)**

The AI report, dated 25 July 2005, stated that "It was established in Iraqi Kurdistan in September 2001 after the unification of a number of small Islamist groups, including Jund al-Islam (Soldiers of Islam) which had taken root in the mountains along the Iranian border." **[28c] (p5)**

The UNHCR COI report, October 2005, noted that:

> "… the group Jaish Ansar Al-Sunna, is made up of foreign and indigenous militants and has been very active against the MNF. It has claimed responsibility for major attacks against both the MNF/ISF and Iraqi civilians, …This group has also asserted responsibility for the kidnapping and murder of a number of foreigners, including those from countries with no connection to the Iraq war. …Furthermore, Jaish Ansar Al-Sunna kidnapped and killed numbers of Iraqis considered to be collaborators with the occupying forces and warned Iraqis against taking part in the elections." **[40f] (p67)**

The HRW report, dated 3 October 2005 noted that "Various armed groups, notably Ansar al-Sunna, al-Qaeda in Iraq and the Islamic Army in Iraq, have repeatedly claimed credit in videos and written statement for assassinations, executions and bomb attacks that unlawfully killed civilians." **[15j] (p30)**

The AI report, dated 25 July 2005, stated that:

"On 29 March 2003 US forces, together with PUK forces, attacked the town of Khurmal, near the Iranian border, where members of Ansar al-Islam were based, killing or scattering hundreds of fighters. Many of the fighters reportedly escaped to Iran, but later came back to northern Iraq and are based in Mosul. On 20 September 2003 Ansar al-Sunna officially declared its existence in an internet statement. The group is said to include Kurds, foreign al-Qa'ida supporters and Iraqi Sunni Arabs. Between 27 February 2004 and 17 March 2004 alone, Ansar al-Sunna claimed responsibility for 15 attacks in or around Mosul, most involving assassinations of Iraqi 'collaborators'." **[28c] (p5)**

The USSD country reports on terrorism, dated 27 April 2005, noted that "In February 2004, Ansar al-Sunna claimed responsibility for bomb attacks on the offices of two Kurdish political parties in Irbil, which killed 109 Iraqi civilians." **[2d] (p2)**

The IGC report stated, on 15 February 2006, that:

"The same report noted that "Jaysh Ansar al-Sunna claims to have some sixteen brigades, and it too releases daily communiqués, ran a website until it was shut down in November 2005, and publishes a monthly compilation of its military wing's communiqués, Hasad al-Mujahidin (the Mujahidin's Harvest), as well as al-Ansar, its political branch's magazine. It is a profoundly salafi group, despite a simultaneous emphasis on patriotic themes, and is said to be at least as radical as Tandhim al-Qa'ida." **[25c] (p2)**

The UNHCR COI report 2005 noted that "On 12 July 2005, Jaish Ansar Al-Sunna announced that Al-Miqdad Brigades Group had joined it in order to 'stand in one line against Allah's enemies'. Ansar Al-Islam was officially designated a Foreign Terrorist Organization by the US Department of State on 22 March 2004. It is also listed for

international sanctions by the UN 1267 Sanctions Committee as an entity belonging to or associated with Al-Qaeda." **[40f] (p67)**

'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." **[40f] (p60)**

The Christian Science Monitor report, dated 18 July 2005, noted that "SCIRI controls the roughly 7,000-strong Badr militia force, which frequently has been accused by Sunni leaders of torturing and killing innocent Sunni civilians, including clerics." **[34a]**

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." **[40f] (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." **[40f] (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." **[40f] (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

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charges and blamed Harith Al-Dhari for supporting Abu Musab Al-Zarqawi, whose main victims are Iraq's Shiites." **[40f] (p62)**

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)**

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'." **[40f] (p71)**

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)**

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)**

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, …"

Al-Jaysh al-Islami fi al-'Iraq (the Islamic Army in Iraq)

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'." **[40f] (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)**

The UNHCR COI report 2005 stated that "After reports of possible negotiations between Iraqi/US officials and several insurgent groups including the Islamic Army, the group issued a joint statement with the Army of the Mujahedeen denying their participation in any such talks." **[40f] (p70)**

Jaysh al-Mahdi (Imam Mahdi Army)

The UNHCR COI report, October 2005, stated that "A relatively new group is the Imam Mehdi Army [established in 2003) led by Muqtada Al-Sadr, a radical Shiite cleric, who became known for his fierce criticism of the US-led 'occupation' and staged two major military confrontations with the MNF in April/June and August 2004." **[40f] (p60)**

The same report 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." **[40f] (p62)**

The CFR report, dated 9 June 2005, noted that:

"Loyal to the young, anti-U.S. cleric, Muqtada al-Sadr, this group of thousands of armed loyalists fought U.S. forces for much of last year before agreeing to an October 2004 ceasefire. Recent news reports suggest the militia, which controls much of Sadr City, a Baghdad slum of some 2.5 million Shiites, may be regrouping and rearming itself. Muqtada al-Sadr has refused to participate directly in the Iraqi government, though some of his followers were elected to seats on the Iraqi National Assembly." **[8a] (p2)**

The UNHCR COI report, October 2005, mentioned that "It is believed that the Imam Mehdi Army consists of several thousands combatants, but exact figures are presently unavailable." **[40f] (p62)**

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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." **[40f] (p62)**

The same UNHCR report stated that:

> "In March 2004, the CPA closed down Al-Sadr's daily newspaper Al-Hawza on the grounds that it was inciting anti-American violence, arrested his senior aide Mustafa Al-Yacoubi and issued an arrest warrant against Al-Sadr in connection with Al-Khoei's assassination in April 2004. These acts resulted in thousands turning out to protest and riot and soon escalated into organized armed attacks by the Imam Mehdi Army against the MNF in Najaf, Kufa, Al-Kut, Sadr City, Kerbala, Al-Amarah and Basrah. A fragile truce was agreed to after mediation by Grand Ayatollah Ali Al-Sistani in early June 2004. Fresh clashes again erupted in Najaf in early August 2004, this time focussed on control of the holy Imam Ali shrine. These incidents left hundreds dead, thousands displaced and parts of Najaf's old city destroyed. Three weeks of fighting finally ended in a truce brokered by Grand Ayatollah Ali Al-Sistani, who returned to Iraq from the UK where he had been receiving medical treatment. The Mehdi Army was obliged to disarm and leave Najaf. In turn, US troops had to withdraw from the city, leaving the ISF to take control. The IIG ensured that Al-Sadr's supporters could join the political process and that Al-Sadr himself would not be arrested. The agreement to end the Najaf crisis did not cover other areas in which Sadr militants were holding control and fighting continued in Baghdad's Sadr city suburb. In October 2004, the Mehdi Army agreed to take part in a cash-for-weapons scheme sponsored by the Iraqi Government. Under this programme, they received cash payments for handing in their heavy and medium-sized weaponry, but were allowed to keep their Kalashnikov rifles and small arms. In addition, the Iraqi Government promised to rebuild Sadr city, pledging more than US $500 million to the task." **[40f] (p63)**

The CSIS report, dated 1 March 2006, noted that "His Mahdi (Mahdi) Army presented a serious threat to Coalition and government forces in Najaf, in Sadr City in Baghdad, and in other Shi'ite areas in the south during much of the summer and early fall of 2004." **[63f] (p77)**

The UNHCR COI report, October 2005, mentioned that "The MNF has refrained from arresting Muqtada Al-Sadr and has not challenged his militia's de facto control over a number of areas in Southern Iraq. It remains to be seen whether Muqtada Al-Sadr will continue to pursue his efforts using solely political means. Muqtada Al-Sadr and the Imam Mehdi Army remain a powerful force and it is feared that they could disrupt Shiite Southern Iraq and Sadr City again." **[40f] (p64)**

Jaysh Mohammed (the Army of Mohammed) / Armed Vanguards of Mohammed's 2nd Army

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.449 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.

The HRW report, date 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 Vanguards 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 USmilitary. Jaish Mohammed is said to have participated in talks with US officials in June 2005." **[40f] (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)**

Jaysh al-Mujahedeen (Army of the Mujahedeen)

The UNHCR COI report, October 2005, noted that "Little is know 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." **[40f] (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)**

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

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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." **[40f] (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)**

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)**

Jund al-Islam (See Ansar al-Islam)

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)

The USSD country reports on terrorism, dated 27 April 2005, noted that "PKK/ KADEK/Kongra Gel, a designated foreign terrorist group, maintains an estimated 3,000 to 3,500 armed militants in northern Iraq, according to Turkish Government sources and NGOs. In the summer of 2004, PKK/KADEK/Kongra Gel renounced its self-proclaimed cease-fire and threatened to renew its separatist struggle in both Turkey's Southeast and urban centers." **[2d] (p3)**

According to an AFP report on Kurdish Media on 13 January 2004, "The names were added to the US terrorism blacklist. **[21b]** The PKK is a proscribed group under the British Terrorism Act 2000. **[30d] (p3)**

al-Muqawama al-'Iraqiya al-Wataniya al-Islamiya – Fayaliq Thawrat 1920 (the Iraqi National Islamic Resistance – the 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)**

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." **[40f] (p69)**

Peshmerga ('those who face death')

The CSIS report, dated 1 March 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 Pesh Merga 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." **[63f] (p85)**

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, sated 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." **[40f] (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) **[40f] (p61)** (CSIS, 1 March 2006) **[63f] (p85)**

The UNHCR COI report, October 2005, stated that "Unlike the other militias, the Peshmerga were not prohibited from existing under the TAL." **[40f] (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." **[40f] (p61)** **(See also section …..)**

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." **[40f] (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)

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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)**

Shura Council of Mujahedeen

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 Mujahedeen." **[40f] (p72)** The report also mentioned that the group claimed responsibility for the kidnapping of an Austrailian and US citizen in 2005. **[40f] (p72)**

Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers)

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, 27 April 2005) **[2d] (p1** (AI, 25 July 2005) **[28c] (p8-9, 12, 14))** (UNHCR COI, October 2005) **[40f] (p68)**

The USSD report, dated 27 April 2005, noted that:

"Zarqawi's group claimed credit for a number of attacks targeting Coalition and Iraqi forces, as well as civilians, including the October massacre of 49 unarmed, out-of-uniform Iraqi National Guard recruits. Attacks that killed civilians include the March 2004 bombing of the Mount Lebanon Hotel, killing seven and injuring over 30, and a December 24 suicide bombing using a fuel tanker that killed nine and wounded 19 in the al-Mansur district of Baghdad." **[2d] (p1)**

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." **[40f] (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." **[40f] (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." **[40f] (p68)**

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OTHER MILITIA / INSUGENT GROUPS

Other groups were thought to include:**;**" **[28c] (p5)**

A US congressional research report in January 2004 said that the resistance was operating under a number of different names, which included:

Al Awda (the Return), believed to be one of the largest and most active resistance groups;

al-Jabha al-Wataniya litahri al-'Iraq (the National Front for the Liberation of Iraq);

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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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Annex G: Past militia

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 earnt 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, Nasiriyya 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 H: Health care facilities

Health care facilities in Iraq WHO + UNICEF July 2003

Type of facility	Definition and/or service provided	Location	Cost	Working hours	Additional countrywide information *
General and Specialised Hospitals	Preventive, primary, secondary and tertiary care.	Urban and rural areas	Nominal fee	8:00 - 14:00 (A & E Depts are open 24 hr)	282 Hospitals (211 Public and 71 Private) and 110 Specialised Centres.
Health Centres (HC)	Preventive and primary health care.	Urban and rural areas	Free	8:00 - 14:00	With or without doctors. Approx. 1,570 in the country.
Public Clinics (PC)	Preventive, primary, secondary and tertiary care. Doctors have at least two years of experience.	Urban areas	Nominal fee	16:30 - 19:30	Health Centres in the morning often work as Public Clinics in the afternoon. Approx. 339 in the country.
Health Insurance Clinics (HIC)	Same services as PCs but staffed by newly qualified doctors.	Rural areas outside the city	Nominal fee	16:30 - 19:30	Approximately 339 in the country.
Chronic Illness Pharmacy (CIP)	Provide drugs for treatment of chronic diseases on prescription issued by specialist and upon presentation of a special card for chronic illness.	Mainly in urban areas, usually attached to public clinics	Nominal fee	16:30 - 19:30	Approximately 299 in the country.
Bilat Al Shuhada Pharmacies or Pharmacy for Rare Drugs	Bilat Al Shuhada Pharmacies are pharmacies for rare drugs. Patients can obtain rare drugs against prescriptions from medical specialists. Rare drugs are determined by Ministry of Health, based on availability and cost.	Usually attached to public clinics but may be free-standing.	Nominal fee	16:30 - 19:30	Approximately 32 Bilat Al Shuhada Pharmacies in the country.

* All totals are preliminary and are subject to confirmed totals from this current review. This update is as of July 2003.

[23a] (p58)

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Facilities of the Ministry of Health in Iraq, 2003 + UNICEF July 2003

Governorate	Ministry of Health & Directorates of Health	Health Sectors	Warehouses	Public Hospitals	Private Hospitals	Total Hospital Beds	Specialised Centres	Primary Health Centres with Doctors	Primary Health Centres without Doctors	Within Health Centres: Public Clinics	Health Insurance Clinics	Chronic Illness Pharmacy	Pharmacy for Rare Drugs	Research Institutions	Production Plants
Anbar	1	9	7	11	1	1,242	4	52	67	16	26	21	2	0	0
Babil	1	5	9	8	2	1,098	6	37	35	22	16	11	3	0	1
Baghdad	9	20	59	44	40	11,42	20	127	5	94	23	25	8	14	5
Basra	1	10	8	14	3	3,142	7	64	8	30	37	13	2	0	0
Diyala	1	1	5	9	2	1,059	4	33	24	10	21	22	1	0	0
Karbala	1	-	4	5	0	663	5	22	4	15	9	12	1	0	0
Missan	1	1	5	7	1	869	5	20	11	12	13	17	1	0	0
Muthanna	1	3	5	4	0	826	4	29	1	12	16	11	1	0	0
Najaf	1	2	5	6	0	1,160	4	21	20	14	11	14	2	0	0
Ninewa	1	8	7	14	4	2,603	8	78	45	20	23	22	2	0	2
Qadissiya	1	7	4	8	2	878	6	29	21	17	18	15	1	0	0
Salah al-Din	1	9	6	9	0	812	3	44	33	14	30	20	3	0	1
Tameem	1	5	7	8	2	1,156	5	41	23	22	26	26	2	0	0
Thi-Qar	1	1	4	7	1	977	5	36	29	14	20	9	2	0	0
Wassit	1	5	4	9	1	773	4	29	8	12	19	16	1	0	1
Dahuk	1	-	2	7	12	977	3	48	32	2	20	45	0	0	0
Erbil	1	-	2	12		-	8	61	86	6	11		0	0	0
Sulaymaniyah	1	-	3	29		2,019	9	63	284	7	0		0	0	0
Totals	26	86	14	21	71	31,67	11	834	736	339	33	29	32	14	10

Source: Ministry of Health, WHO & UNOHCI
[23a] (p50)

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Annex I: Election results

NATIONAL ELECTION RESULTS – JANUARY 2005

Party	Valid votes	Per centage of votes	Seats
United Iraqi Alliance	4,075,295	48.19	140
Kurdistan Alliance List	2,107,551	25.73	75
(Al-Qaimah al-Iraqiyah) The Iraqi List	1,168,943	13.82	40
(Al-Iraqiyun) Iraqis	150,680	1.78	5
Iraqi Turkomen Front	93,480	1.05	3
National Independent Elites and Cadres Party	69,938	0.83	3
People's Union	69,920	0.83	2
Islamic Group of Kurdistan	60,592	0.72	2
Islamic Action Organization in Iraq	43,205	0.51	2
National Democratic Alliance	36,795	0.46	1
(Al-Rafidayn) National Rafidain List	36,255	0.43	1
Liberation and Reconciliation Gathering	30,796	0.36	1
Total			**275**

[1c] (Transitional National Assembly) [41a]

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IRAQI KURDISTAN ELECTION RESULTS – JANUARY 2005

Party	Votes	Per centage of votes	Seats
Kurdistan Democratic List	1,570,663	89.5	104
Kurdistan Islamic Group in Iraq	85,237	4.9	6
Kurdistan Toilers Party	20,585	1.2	1
Others	77,434	4.4	-

[37c]

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REFERENDUM RESULTS - OCTOBER 2006

Full Results by Province		
	Yes (Per cent)	**No (Per cent)**
Anbar	3.04	96.9
Babil	94.56	5.44
Baghdad	77.7	22.3
Basra	96.02	3.98
Dahuk	99.13	0.87
Dhiqar	97.15	2.85
Diyala	51.27	48.73
Irbil	99.36	0.64
Kerbala	96.58	3.42
Kirkuk	62.91	37.09
Maysan	97.79	2.21
Muthanna	98.65	1.35
Naiaf	95.82	4.18
Nineveh	44.92	55.08*
Qadisiya	96.74	3.32
Salahuddin	18.25	81.75
Sulaimaniya	98.96	1.04
Wasit	95.7	4.3
National Total	78.59	21.41

**Two thirds majority required to reject the charter*
[4au]

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NATIONAL ELECTION RESULTS – DECEMBER 2005

The Psephos report, accessed on 2 February 2006, stated that the Iraqi Council of Representatives consists of 275 members, of which:

- 230 are elected by proportional representation from the Governorates.

- Additional seats are then allocated to any parties which have attained a nationwide quota of 1/275 of the national vote, but have not won any Governorate seats. In this case, there was only one such seat (Al-Rafidayn).

- The remaining seats (in this case, 44) are allocated to the parties on a national proportional basis. **[37d] (p1)**

Party	Votes	Per centage of votes	Seats
United Iraqi Alliance (Shi'ite)	5,021,137	41.2	128
Kurdistan Coalition	2,642,172	21.7	53
Iraqi Accordance Front (Sunni)	1,840,216	15.1	44
Iraqi National List (Secular)	977,325	8.1	25
National Dialogue Front (Sunni)	499,963	4.1	11
Kurdistan Islamic Union	157,688	1.3	5
National Reconciliation and Liberation Bloc	129,847	1.1	3
Risaliyun / Progressives (Shi'ite, Sadr	145,028	1.02	2
Al-Rafidayn (Mesopotamia) Party (Christian)	47,263	0.4	1
Iraqi Turkoman Front	87,993	0.7	1
Iraqi Nation List (Mathal al-Alusi) (Sunni)	32,245	0.3	1
Yazidi Movement / El-Ezediah Movement	21,908	0.2	1
Others *	588,348	4.8	0
Total			**275**

* Unrepresented parties polling less than 1% of the vote are aggregated as Others. **[22j] (p2) [37d] (p1)**

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