

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	348
Land:	Irak
Kilde:	U.S. Department of State
Titel:	Country Report on Human Rights Practices - 2007
Udgivet:	11. marts 2008
Optaget på baggrundsmaterialet:	15 april 2008



Iraq

Country Reports on Human Rights Practices - 2007

Released by the Bureau of Democracy, Human Rights, and Labor

March 11, 2008

Iraq, with a population of approximately 27.5 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al-Maliki. The current administration assumed office in May 2006 after the Council of Representatives (COR) approved a unity government composed of the major political parties. The 2005 COR elections establishing this government met internationally recognized electoral standards for free and fair elections, and the results of the elections reflected the will of the voters, according to the final report of the International Mission for Iraqi Elections.

After an upsurge of violence in 2006 followed by the war's most deadly six months, civilian deaths from war-related violence decreased sharply during the second half of the year. Most members of the Mahdi Army (Jaysh al-Mahdi--JAM) began observing a declared, six-month ceasefire in September, and "Concerned Local Citizen" paramilitaries, many affiliated with Sunni tribal groups, have been constituted to combat extremists. Violence has also abated as Sunni and Shi'a populations became increasingly divided into geographically distinct communities.

During the year the Iraqi Security Forces (ISF) operated with the support of Multi-National Force-Iraq (MNF-I) against insurgents, terrorists, and extralegal militias. Civilian authorities generally maintained control of the ISF, although sectarian and party-affiliated militias, which often controlled local security, failed to provide even-handed enforcement of the law and frequently acted independently. Continuing violence, attacks by terrorists, corruption, and dysfunction seriously compromised the government's ability to protect human rights.

During the year the following significant human rights problems were reported: a pervasive climate of violence; misappropriation of official authority by sectarian, criminal and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention and prison facilities; denial of fair public trials; delays in resolving property restitution claims; immature judicial institutions lacking capacity; arbitrary arrest and detention; arbitrary interference with privacy and home; other abuses in internal conflicts; limitations on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; restrictions on religious freedom; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of protection of refugees and stateless persons; lack of transparency and widespread, severe corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women, ethnic, and religious minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Sectarian, ethnic and extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread, severe, human rights abuses. On one side, Sunni Arab extremist groups such as the terrorist organization Al-Qa'ida in Iraq (AQI) and other extremist elements launched attacks against Shi'a and other Sunnis, fueling sectarian tensions and undermining the government's ability to maintain law and order. On the other side, predominantly Shi'a armed paramilitary groups, some substantially incorporated into the ISF, also frequently killed and forced Sunnis to leave their homes and move to predominantly Sunni areas. Religious minorities, sometimes labeled "anti-Islamic," were caught in the violence. Extremists and AQI conducted high-profile bombings of Shi'a markets and mosques and killed Shi'a religious pilgrims. Death squads, individuals carrying out reprisal killings, and terrorist groups attacked and killed ordinary citizens as well as prominent officials, often on a sectarian basis. Amidst attacks, which caused thousands of deaths, Shi'a armed groups fought each other for control of the nine provinces in the South, especially in Basrah. Insurgents also carried out a number of attacks against civilians in the North, where there were also conflicts among ethnic groups. During the year, despite some reconciliation and easing of tensions in several provinces, the government's human rights performance fell consistently short of according citizens the protections provided for by the law.

The constitution and law provide a strong framework for the free exercise of human rights, and many citizens contributed to efforts to help build institutions to protect those rights. The Ministries of Interior (MOI) and Defense (MOD) increased the numbers of trained security forces. Nonetheless, during the year government institutions were greatly stressed and faced difficulty in successfully responding to the challenges presented by widespread human rights abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

During the year there were numerous reports that the government or its agents committed arbitrary or unlawful killings in connection with the ongoing conflict. Security forces under government control killed armed fighters or persons planning on carrying out violence against civilian or military targets. According to personal accounts and numerous press reports, these forces caused civilian deaths during these operations.

Unauthorized government agent involvement in extrajudicial killings throughout the country was widely reported. Some police units acted as "death squads" and, while there were resulting transfers and trainings, there were no criminal prosecutions by year's end. There were allegations that in May MOI First Division National Police officers committed extrajudicial killings of civilians in Baghdad while operating outside their duty area. There were no reports of active investigations of this incident at year's end. Particularly in the central and southern parts of the country, Shi'a militias--the JAM and the Badr Organization of the Islamic Supreme Council of Iraq (ISCI)--used their positions in the ISF to pursue sectarian agendas. During the year authorities in Basrah, including the police chief, expressed concern about the continued prevalence of killings and kidnappings by militia members wearing police uniforms or driving police cars.

The UN Assistance Mission for Iraq (UNAMI) received reports alleging involvement of ISF and military personnel in extrajudicial killings in Baghdad. For example, on May 4, ISF members reportedly arrested and shot 14 civilians in the Jihad neighborhood. According to local residents, on May 3, personnel wearing MOI police uniforms reportedly arrested and killed 16 individuals in the Hay al-Amel neighborhood. Subsequently, the government announced the formation of a committee to investigate this incident. No further information was available at year's end. On April 28, individuals wearing Iraqi army uniforms reportedly arrested 31 men in the Adhamiya neighborhood; five were found dead the next day in the Kesra District.

On March 28, gunmen affiliated with the JAM militia reportedly stormed homes in Wahda (a Sunni Turkmen neighborhood in Tal Afar) and killed 70, kidnapped 40, and injured 30 in retaliation for bombings in Tal Afar the day before. On March 27, in Tal Afar, two truck bombs exploded in local markets, reportedly killing 85 persons and injuring 183 others. The AQI-affiliated Islamic State of Iraq claimed responsibility.

In February several high officials in the Ministry of Health (MOH), including Deputy Minister, Hakim al-Zamili, who were loyalists of Moqtada al-Sadr's JAM, were arrested and charged with organizing the killing of hundreds of Sunnis in Baghdad's hospitals, including patients, family members, and medical staff. Investigations found that under al-Zamili's direction, about 150 members of the MOH's protection service used ministry identification to move freely around Baghdad and using ambulances to ferry weapons, carried out hundreds of sectarian killings and kidnappings from 2005 to early 2007. They reportedly abducted and killed many Sunni patients at three major Baghdad hospitals, Al Yarmouk, Ibn al-Nafees, and Al Nur, as well as relatives who came to visit them or went to hospital morgues to recover their family member's bodies.

MOI-affiliated death squads targeted Sunnis and conducted kidnapping raids and killings in Baghdad and its environs. In May 2006 then Minister of Interior Bayan Jabr announced to the press the arrest of a major general and 17 other ministry employees implicated in kidnapping and "death squad activities." Jabr also noted that the MOD found a terror group in its 16th Brigade that carried out "killings of citizens." The results of these investigations were unknown at year's end.

In October 2006 the MOI announced its decision to reform the Eighth Brigade of the Second National Police Division due to its support of death squads and sent hundreds of personnel from that brigade to training. Minister of Interior Jawad al-Bolani charged the unit with the October 2006 kidnapping and killing of 26 Sunni food factory workers in Baghdad. MOI vehicles were used in the kidnapping, and most men involved wore police uniforms. No results of the investigation of the brigade, or of the other arrests, were available by year's end.

Insurgent and terrorist bombings, executions, and killings were a regular occurrence throughout all regions and sectors of society. On April 18, five separate bombings in mostly Shi'a districts of Baghdad killed 198 Iraqis. The worst of the bombings killed 140 individuals in the crowded Sadriya market, which was also the target of a February 3 bomb that killed 135 persons.

Terrorists particularly targeted police officers and institutions. An estimated 1,830 members of the police and military were killed during the year, according to press reports tracked by the Web site Iraq Coalition Casualty Count. For example, a May 5 suicide bombing killed 15 persons and injured 22, mostly police recruits, outside an army base west of Baghdad in a queue of recruits lining up for jobs near Abu Ghraib prison. On December 9, the police chief of Babil Province, MOI Major General Qais al-Mamouri and two of his bodyguards were killed by a roadside bomb in Hillah. Al-Mamouri, who was widely known for his political independence, had been the object of six previous attempts on his life after becoming police chief. On December 10, insurgents reportedly launched a rocket attack on a detention facility in the Rusafa District of eastern Baghdad, killing five detainees and injuring 25 others.

Terrorists also targeted political institutions and leaders, religious institutions and minorities. On April 12, an explosion thought to be caused by a suicide bomber targeted the cafeteria of the COR building in the International Zone, wounding 22 and killing parliamentarian Mohammed Awad, a member of the Iraqi National Dialogue Council. Insurgents were also reportedly responsible for the bombing that killed Anbar Salvation Council leader Sheikh Abdul Sattar Abu Risha in Anbar on September 13, as well as a June 25 suicide bombing that killed four Sunni and two Shi'a sheikhs at a Baghdad hotel.

On February 24, a truck bomb exploded near the Sunni Hay al-Ummal Mosque in Habbaniyah, killing approximately 40 persons, including 15 who were praying inside the mosque, and injuring scores. The attack occurred one day after the imam of the mosque, Mohammad al-Marawi, urged worshippers to stand firmly against AQI. On June 19, a suspected AQI bomber rammed a truck packed with one-half ton of explosives into the Shi'a Khulani Mosque in central Baghdad, reportedly killing 87 persons and injuring 242. On August 27, officials reported that a suicide bomber killed at least nine persons at a mosque in Fallujah and wounded 10 persons.

On August 14, suicide bombers thought to be affiliated with AQI detonated four bomb-laden vehicles in villages near Kahtaniya, 75

miles west of Mosul. According to the Iraqi Red Crescent Society, more than 500 members of the Yazidi minority community were killed and at least 1,500 more were injured.

There were also reports throughout the South in the later half of the year that rival Shi'a militias increased their attacks seeking to intimidate independent-minded officials and influence government actions. On August 11 and August 20, respectively, the governors of Qadisiyah and Muthanna provinces were assassinated, reportedly by these militias.

During the year Shi'a militias and criminal gangs reportedly continued to terrorize civilians in Basrah through a campaign of killings, intimidation, kidnappings, rape, and other abuses. There were also a series of assassinations and attempted assassinations by sniper fire of police and political figures in Basrah. On December 30, Basrah MOI police chief Major General Abdul Jalil Khalaf survived two assassination attempts within two hours. Since assuming command of Basrah's police force in June, Khalaf has survived at least eight assassination attempts. Kidnappings for reward money increased significantly in Basrah in the later part of the year.

The February 2006 terrorist bombing of the Al-Askariya Shrine in Samarra, among the most revered sites for Shi'a Muslims, provoked a rise in sectarian violence. A cycle of daily sectarian retaliatory attacks resulted between Shi'a and Sunni in the subsequent months. On June 13, a second bombing destroyed the shrine's two minarets and sparked another wave of sectarian violence.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces comprising the majority of the area under the jurisdiction of the Kurdish Regional Government (KRG), there were fewer reports of sectarian violence than elsewhere. Unlike in the previous year, there were no new reports of KRG security forces using excessive force that resulted in deaths.

On May 9, a bombing in Erbil killed 19 and injured 70 persons. According to the KRG MOI, evidence connected the bombing to AQI cells in Kirkuk and Mosul. On May 13, a suicide truck bombing outside the Kurdistan Democratic Party (KDP) headquarters in Makhmour, 25 miles south of Erbil, killed 50 and wounded 70 persons.

On July 16, a suicide truck bombing targeted the Kirkuk headquarters of the Patriotic Union of Kurdistan (PUK), killing 75 and wounding almost 200 more. The attack highlighted the tensions among Kurdish, Arab, and Turkmen residents of Kirkuk at the center of ongoing deliberations over the implementation of Article 140 of the constitution, which provided a December 31 deadline for a referendum over the future of disputed internal boundaries. At year's end the major political blocs agreed to seek technical assistance from the UN and to a six-month technical delay in implementation of Article 140.

There was no consensus on accurate death figures due to the violence. During the year UNAMI requested casualty figures from the MOH and the Baghdad Medico-Legal Institute; however, the government declined to provide statistics. There were other estimates of violent deaths directly attributed to the conflict. The International Committee of the Red Cross (ICRC) reported in a press conference in August that 10,000 bodies brought to Baghdad's Medico-Legal Institute between August 2006 and August 2007 were never identified.

Estimates of Iraqi civilian deaths during the year varied. The Iraq Coalition Casualty Count estimated 17,100 civilian war-related deaths during the year. The British NGO Iraq Body Count estimated between 22,586 and 24,159 violent civilian deaths during the year. On December 31, figures from the MOI, MOH, and MOD were published, claiming 16,232 civilian deaths and approximately 1,700 police and military deaths during the year. All sources agreed that the vast majority were killed between January and August.

A government survey in 2006 and 2007 of 9,345 households in nearly 1,000 neighborhoods and villages across Iraq supervised by the World Health Organization estimated the number of civilians killed in the conflict between March 2003 and June 2006 to be approximately 151,000. At the same time, the researchers cautioned that due to the uncertainty of such estimates, the actual number of citizens who died violently during that period was between 104,000 and 223,000.

On several occasions in December, Turkish Air Force planes struck sites in northern Iraq targeting the terrorist group Kurdistan Workers' Party (PKK) following the organization's attacks in Turkey. According to press reports, one civilian woman was killed.

During the year there were no known investigative results or judicial developments in the 13 instances of arbitrary killings reported in section 1.a. of the *2006 Human Rights Report*.

Other parts of this report contain related information; see sections 2.c. and 2.d.

b. Disappearance

During the year kidnappings and disappearances remained a severe problem; many individuals disappeared, with frequent accusations directed at rogue police. The majority of the reported cases appeared to be sectarian-related. Police believed that the great majority of cases were unreported. Many Baghdad residents complained that rogue neighborhood police officers often arrested family members without an arrest warrant and then would later call for a ransom. Numerous reports indicated that rogue police were involved in sectarian-motivated, as well as criminal, kidnappings.

Kidnappings were often conducted for ransom. During the year the police solved virtually none of these cases and rescued few kidnapped individuals. By year's end police rescued three victims of kidnapping in Baghdad.

During the year large-scale kidnappings continued. For example, on April 1, gunmen at a fake checkpoint north of Baghdad

kidnapped 19 men from a Shi'a village. Their bodies were found one day later near Baquba, north of Baghdad. On April 3, according to police in Nikhaib, west of Karbala, gunmen in automobiles kidnapped 18 Shi'a men, boys and girls, and then went in the direction of Anbar Province. The whereabouts of the 18 were unknown at year's end.

Incidents of political kidnappings occurred during the year, with frequent accusations directed at the police. On May 29, for example, kidnappers wearing police uniforms kidnapped five British men, a computer expert and four bodyguards, from a Ministry of Finance building in Baghdad. There was no information on the men's status at year's end. On August 14, as many as 100 gunmen, reportedly wearing police uniforms, broke into the state oil marketing building in east Baghdad and kidnapped Deputy Minister of Oil Abdul Jabbar Al Wagga and four other ministry employees. By August 28, all were freed in good condition. On August 20, gunmen kidnapped acting undersecretary of the Ministry of Science and Technology Samir Salim al-Attar in Baghdad as he returned home. His status was unknown at the end of the year. On October 28, gunmen kidnapped 10 tribal sheikhs in Baghdad as they returned from meetings on the nation's reconciliation process. The group consisted of seven Shi'a and three Sunni sheikhs. The body of one of the Sunni sheikhs, Mishaan Hilan, was found near the scene of the ambush. The remaining nine sheikhs were released on October 30.

In 2006 Kurdish security forces, including the armed forces (Peshmerga), internal security forces (Asayish), and political party intelligence services (Parastin/Zanyari), reportedly conducted police operations in disputed areas in the provinces of Ninawa, whose capital is Mosul, and of Tameen, whose capital is Kirkuk. These operations abducted individuals and continued to detain them in unofficial and undisclosed detention facilities in the KRG as of year's end.

By year's end there were no new developments in the following 2006 disappearances: Ali al-Mahdawi, director of Diyala Health Directorate and Sunni nominee to be deputy minister of health; Ahmed al-Mosawi, the head of the Iraq Human Rights Society; approximately 50 persons from the Salhiya neighborhood in Baghdad (reportedly by assailants wearing police uniform); and approximately 70 Ministry of Industry and Minerals employees by gunmen at a checkpoint. There were also no further developments in the kidnapping and release in 2006 of COR member Tayseer al-Mashhadani or in reported disappearances in 2005, including that of the kidnapping and release of a Sunni businessman.

Until its fall in 2003, the former regime caused the disappearance of many thousands of persons. Additional mass graves from that period were still being discovered during the year. For example, in September government human rights officials located five graves dating from the former regime in southern al-Amarra, the capital of Maysan Province. On November 3, soldiers uncovered two mass graves containing at least 30 bodies of men and women, killed at undetermined periods, in the Lake Tharthar region, about 50 miles northwest of Baghdad. There were also more recent mass graves. On November 17, soldiers found 17 bodies in a mass grave in Diyala Province that officials assessed were killed within the previous three months.

Other parts of this report contain related information; see sections 1.b. and 2.a.

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

The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. During the year there were documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. The government's ineffectiveness in adhering to the rule of law in these circumstances has been hampered by ongoing, large-scale violence, corruption, sectarianism bias, and lack of civilian oversight and accountability, particularly in the security forces and detention facilities.

During the year local and international human rights organizations continued to report torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces detention facilities.

Numerous and serious reports of torture, abuses, and killings were leveled at MOI's regional intelligence office in Basrah and the Khadimiyyah National Police detention facility in Baghdad. Former detainees in both facilities reported that they suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and, in some cases, gunshot wounds. Reports of abuse at the point of arrest, particularly by MOI's National Police forces and MOD's battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. During 2006 there were also similar accusations against MOI and MOD facilities, particularly against the Fifth Division, Second Brigade's detention facility in Baqubah.

There was little indication that disciplinary action was taken against security forces accused of human rights abuses; sectarian politics between the Badr Organization and the JAM appeared to play a strong role in MOI disciplinary actions, as well as in general MOI internal actions.

On March 4, joint British and Iraqi Special Forces raided the MOI National Iraqi Intelligence Agency headquarters building in the southern city of Basrah and arrested an alleged death squad leader. The special forces found 30 detainees with signs of torture. According to press reports, the prime minister's office stressed the need to punish the special forces that carried out the raid. There were no known disciplinary actions against those involved in the alleged torture.

Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. UNAMI reported finding evidence that investigators disregarded instructions not to employ coercive methods with Asayish detainees in Erbil. Between April and June, 48 out of 66 detainees and prisoners UNAMI interviewed reported being tortured by officials. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police threatened and sexually abused detainees, including juveniles.

During the year insurgents, terrorists, and some militia members regularly beat, dismembered, beheaded, and electrically drilled

and shocked their victims.

In March a facility was discovered in the village of Karmah west of Baghdad that was used by Sunni insurgents for serious abuses and summary executions. On June 28, police found 20 beheaded men, all with their hands and legs bound, dumped on the banks of the Tigris in the town of Salman Pak, just south of Baghdad. On May 6, a so-called torture chamber and a massive amount of artillery shells were discovered in pursuit of a suspected terrorist in a building in Baghdad's Sadr City. On May 23, similar rooms operated by Sunnis against Sunnis were discovered in Anbar Province holding 17 persons in two hideouts, including a 13-year-old boy who was shocked with electrical current and beaten. The freed individuals stated that one or two others had died in torture sessions.

At year's end there were no new developments in the following 2006 cases: Basrah police station torture chambers, Mulla Eid mass grave, or in the 2005 Jadriyah bunker investigation. At year's end a National Police "Lieutenant Colonel A," accused of assaulting and torturing dozens of Sunni captives in custody on behalf of a Shi'a militia at the "Site 4" Baghdad Central Detention Facility in 2006, was in government custody and awaiting trial in Baghdad (see section 1.d.).

Prison and Detention Center Conditions

Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate ministries: Justice, Interior, Defense, and the Ministry of Labor and Social Affairs (MOLSA) for juvenile detention. Additionally, the KRG Ministry of Labor and Social Affairs (MOLSA) operated its own detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities outside the control of the KRG MOI, according to a July report by the NGO Human Rights Watch (HRW).

At year's end there were nine MOJ prisons and seven pretrial detention facilities. However, the total number of MOI detention facilities was unknown. Including police holding stations, there were estimated to be more than 1,000 official MOI detention locations. The MOD operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during military raids and operations. Additionally, there were reports of unofficial detention centers throughout the country. Unlawful releases and continued detention beyond the date of ordered release, as well as targeting and kidnapping of Sunni Arab detainees, were reported. Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight Asayish pretrial detention facilities.

Treatment of detainees under government authority was poor in many cases, although MOJ prison and detention facilities and personnel (otherwise known as the Iraqi Correctional Services or ICS) generally attempted to meet internationally accepted standards for basic prisoner needs.

The ICS internal affairs department monitored abuse or violations of international standards for human rights in prisons. However, increased JAM influence and activities within ICS facilities in some regions led to increased allegations of harassment and abuse. These allegations have resulted in the discipline of ICS officers in some cases, while in others the internal affairs investigations were inconclusive. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard.

However, most detention facilities under MOI and MOD control did not meet international standards. There was continued overcrowding. Many lacked adequate food, exercise facilities, medical care, and family visitation. Detainee populations under government control, estimated to number at least 23,000, were high due to mass arrests carried out in security and military operations. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not consistently provided, and rape, torture, and abuse, sometimes leading to death, reportedly occurred in some facilities.

During the year the National Police detention center in Khadimiyah, a neighborhood of northern Baghdad, which was built to hold approximately 350 persons, was overcrowded, at various times holding over twice its allotted capacity with juveniles mixed into the population. By year's end the detention facility, while still overcrowded, held a population of approximately 450. Partially treated wounds, skin diseases, and unsanitary conditions were common, as was extortion by guards. Former detainees at Kadhimiyah alleged that they were tortured.

The law mandates that women and juveniles be held separately from men. Although in some cases women were housed in the same detention facility as men, generally they were not. Juveniles were occasionally held with adults. A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MOI and MOD personnel and adult prisoners. Additionally, pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.

MOLSA's juvenile facilities lacked adequate resources and did not adequately support rehabilitative programs. Other reports stated that children were abused and tortured during interrogation while detained by MOI and MOD security forces before their transfer to MOLSA facilities.

The national MOJ/ICS and KRG permitted visits to prisons by representatives of both the national and the KRG Ministries of Human Rights (MOHR) and UNAMI. The KRG Minister for Human Rights toured several KRG MOLSA detention facilities once during the year; however, a report was not available at year's end. The national MOHR continued its own prison inspection program; its reports were not publicly available.

Domestic and international human rights NGOs or intergovernmental organizations did not generally have access to national MOI detention and pretrial facilities or to similar facilities of the KRG Asayish and intelligence forces. However, according to December 7 press reports, the ICRC had access to 1,500 to 2,000 KRG detainees, some of whom were held in Asayish facilities. The ICRC visits were in accordance with standard modalities. During the first half of the year, UNAMI reported visits to eight prison and

detention facilities in the country.

The KRG intelligence services reportedly maintained separate detention facilities; however, there were no reports of access by outsiders to these facilities. The condition of prisoners and detainees in these facilities was unknown.

Other parts of this report contain related information; see sections 1.d. and 5.

d. Arbitrary Arrest or Detention

The constitution provides for protection against arbitrary arrest and detention, except in extreme exigent circumstances as provided for in a state of emergency. In practice there were a number of instances of arbitrary arrest and detention.

Role of the Police and Security Apparatus

The MOI exercised its responsibilities throughout the country, except in the KRG area. These responsibilities included providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies. It also had responsibility for emergency response, border enforcement, dignitary protection, firefighting, and internal monitoring of the conduct of MOI personnel. The army, under direction of the MOD, also played a part in providing domestic security. During the year the ISF operated with the support of MNF-I to provide internal security against insurgent, terrorist attacks, and extralegal militia crimes. During the year the ISF often did not prevent or respond effectively to societal violence.

The MOI security forces included several components: the 142,000-member Iraqi Police Service deployed in police stations; the 33,000-member National Police, overwhelmingly Shi'a and organized into commandos, public order, and mechanized police; the 31,000-member Border Enforcement Police, as well as the 140,000 to 150,000 Facilities Protection Service security guards employed at individual ministries. The MOI was responsible for approximately 500,000 employees, nearly 10 percent of the country's male labor force.

There were manifold problems with all security services: sectarian divisions, difficulties in militia integration and infiltration, corruption, lack of a strong chain of command and control, personnel and equipment shortages, and unwillingness to serve outside the areas in which they were recruited.

The inability of the overwhelmingly Shi'a ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement were problems, although the recruitment into "Concerned Local Citizen" paramilitaries of approximately 70,000 largely Sunni tribesmen and former insurgents in Anbar improved anti-extremist capabilities.

The KRG maintained its own regional security forces as set forth in the constitution. Pending further progress on implementing the Unification Plan for the KRG, the two main parties of the Kurdish region maintained outside the control of the KRG MOI Peshmerga units as regional guards, internal security units (Asayish), and intelligence units. KRG security forces and intelligence services were involved in the detention of suspects in KRG-controlled areas. The variety of borders and areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts.

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

Authorities frequently did not maintain effective control over security forces and did not have effective mechanisms to investigate and punish abuse and corruption. MOI security force effectiveness, particularly the National Police, was seriously compromised by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity.

By year's end the MOI had reportedly opened 6,000 internal affairs investigations, of which 1,200 resulted in firings and about 500 in other disciplinary actions. Of about 500 cases opened by the MOI inspector general, 61 were referred to the court system, resulting in 31 convictions. Over the past several years, assassination attempts killed 14 members of the MOI Internal Affairs staff and wounded 14. During the year the personal aide of the interior minister was also killed.

Allegations of MOD abuses continued during the year, but there were no arrests in connection with any of these allegations. There were continuing reports of torture and abuse and an alleged extrajudicial killing on May 30 of a detainee in MOD custody in Baghdad. In 2006 there were allegations against MOD battalion-level units that carried out arrests in Baghdad, as well as against the Fifth Division, Second Brigade operating in Diyala Province. There were no arrests in connection with these allegations and no information on any investigations. In 2006 after some investigatory efforts, the MOI announced it fired hundreds of employees accused of corruption. Employees accused of serious human rights abuses were generally transferred rather than fired or arrested.

During the year no members of the security forces were tried or convicted in court in connection with alleged violations of human rights. Following the May 2006 discovery by a joint inspection team of the abuse at the "Site 4" facility in Baghdad, arrest warrants were issued in June 2006 for over 50 suspected abusers. However, the MOI executed only three of the arrest warrants by year's end, and there were no trials or convictions (see section 1.c.).

Investigative judges rarely referred security force officials to the Central Criminal Court because of Section 136 (b) of the Criminal

Procedure Code, which requires that such referrals must be approved by the ministry for whom the suspect works.

Reform efforts to increase the capacity and effectiveness of the police continued. During the year the MOI National Police relieved both of its division commanders, 10 brigade commanders that had led its nine brigades, and 18 of 28 battalion commanders in the process of vetting for criminal and sectarian associations with militias. However, as noted in section 1.c, sectarian politics between the Badr Organization and the JAM appeared to play a strong role in MOI disciplinary actions, as well as in general MOI internal actions. Reform efforts also included human rights training and other forms of assistance. Basic recruits received approximately 32 hours of human rights training in their eight to 10 week course.

Arrest and Detention

The constitution prohibits "unlawful detention" and mandates that preliminary investigative documents be submitted to a judge within 24 hours from time of arrest, a period which can be extended by one day. Under a state of emergency, the prime minister has the authority under "extreme exigent circumstances" to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April, although there were no reliable statistics available on such incidents.

In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention.

According to MOHR data reported in the UNAMI quarterly report, at mid-year the number of non-Coalition detainees in the country totaled 23,218, the great majority being Sunni. The ICS held 12,031; the MOI, 5,110; the MOD, 3,319; and the MOLSA, 652. The KRG total was 2,106. The MOI figures were considered to be low estimates. During an interview published in the independent *Awene* newspaper on December 11, the KRG MOHR estimated the number of prisoners in the region to be closer to 2,556, 826 of whom were in Asayish jails. According to the KRG MOHR, the KRG total did not include numbers held by the KRG intelligence services, which unlike the KRG Asayish, continued to decline to release information on detainees.

In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place. For example, according to UNAMI, at year's end five Palestinians who were arrested in mid-March remained in MOI custody under incommunicado detention, without referral to court. Also, according to UNAMI, on January 28 and again on February 27, families of detainees arrested by Asayish forces demonstrated before the Kurdistan National Assembly in Erbil, demanding information on the whereabouts of detained relatives and the reasons for their arrest and urging that human rights abuses and the ill-treatment of detainees in these facilities be addressed.

Lengthy detention periods without any judicial action were a systemic problem. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, but included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations and a grossly insufficient number of judges.

There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees' family members were not allowed to know their location or visit them. In July HRW reported that scores of detainees interviewed in Asayish detention facilities in 2006 stated that detention facility officials had deprived them of contact with their families since their arrest, a period lasting up to two years. Reportedly, police across the country continued to use coerced confessions and abuse as methods of investigation.

Although the law allows release on bond, in practice criminal detainees were generally retained in custody pending the outcome of a criminal investigation.

Judges are authorized to appoint paid counsel for the indigent and did so in practice; however, at least nine attorneys complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

There were also reports that MOI detention facility personnel took bribes in exchange for releases. Guards at the MOI's Second National Police detention facility in Baghdad were reportedly asking families for approximately \$15,000 to \$20,000 (18.75 to 25 million dinars) to free their relatives.

Amnesty

On April 10, the Kurdistan National Assembly passed the General Amnesty Law No. 4 for the Kurdistan region and on July 1 published it in the official *Kurdistan Gazette*. Pursuant to this law, the KRG formed committees in each governorate (Erbil, Dohuk, and Sulaymaniyah) that were headed by judges to review detainee cases and recommend releases. The law provided a one-time amnesty applicable to cases predating the passage of the law and was not applicable to detainees accused of terror-related offences. Although the law was implemented, statistics on the number of individuals released were unavailable as of year's end.

Other sections of this report contain related information; see sections 2.a. and 2.d.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements impaired judicial independence. The law also restricted the free investigation of wrong-doing. Ministers were afforded the opportunity to review and prevent the execution of arrest warrants against ministry employees lawfully issued by sitting judges presiding over criminal investigations. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch.

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

Although the constitution provides for an independent judiciary in all regions, the judiciary remained part of the KRG executive branch's MOJ.

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

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

In 2003 the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 17, 1968 through May 1, 2003. After a trial, the IHT in November 2006 sentenced former dictator Saddam Hussein to death based upon his conviction for crimes against humanity relating to the killing of 148 villagers from Ad-Dujayl following an alleged assassination attempt against him in 1982. Two other regime members, Barzan al-Tikriti and Awad al-Bandar, were also convicted at the same time for similar crimes. All three were sentenced to execution by hanging. Appeals were lodged, the verdicts were confirmed, and Saddam Hussein was executed in December 2006. Al-Tikriti and al-Bandar were executed on January 15.

On September 4, in the Anfal Trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali" and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Mohammed, were convicted of genocide and related charges and sentenced to death by hanging. The sentences were upheld on appeal. Codefendants Farhan Jubouri and Saber Abdel Aziz al-Douri were sentenced to life imprisonment and Taher Tawfiq al-Ani was acquitted. The Anfal trial, which concluded on June 23, concerned the deaths of an estimated 182,000 Kurdish men, women, and children, in part by the use of chemical weapons.

During the year investigations continued into a number of crimes allegedly committed by members of the former regime, including atrocities following the 1991 uprising, the draining of the marshes in the southern part of the country, and the invasion of Kuwait. Cases related to the 1991 uprising were being tried in the IHT at year's end.

Judicial security remained a serious concern as violence and threats of violence affected judges in virtually all provinces. For example, in east Baghdad, gunmen killed the chief judge of a local criminal court, Mustafa Kadhim Jawad, and his driver in late September. In August Midhat Mahmoud, head of the Supreme Judicial Council, stated that he and other judges received a stipend for bodyguards, but that most of the jurists had been unable to renew the guards' gun permits since a security crackdown began in February. He also noted that attacks on judges increased.

Judges frequently faced death threats and attacks. Between July 2005 and December 2007 at least 24 judges were assassinated. Some judges declined to try cases related to terrorism or the insurgency because of intimidation and security concerns. The judiciary suffered from a severe shortage of security and other support for judges, which has contributed to major deficiencies in the rule of law.

While individual judges were viewed as objective and courageous, judges also were vulnerable to intimidation and violence. In some cases judges refused to hear cases against insurgents and terrorists for fear of retribution. There were reports that criminal cases at the trial level or on appeal to the Court of Cassation were decided by corruption or intimidation. There were also reports that court-issued detainee release orders were not consistently enforced.

Trial Procedures

The constitution provides for the right to a fair trial, and judges--investigative, trial, and appellate--generally sought to enforce that right. An accused is considered innocent until proven guilty and has the right to privately-retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts, however, was insufficient access to defense attorneys. Defense attorneys were theoretically provided, but detainees rarely had access to them before the initial judicial hearing, often for security reasons. Many detainees met their lawyers for the first time during the initial hearing. Most of the time defense attorneys were provided at public expense if needed.

The criminal justice system is based on a civil law regime similar to the Napoleonic Code. It is fundamentally inquisitorial--and not adversarial--in form and content. The system is focused centrally on the search for the truth, initiated and pursued almost

exclusively by judges, whose role is to assemble evidence and adjudicate guilt or innocence.

Investigative judges, working collaboratively with judicial investigators, and in some cases police officers, are responsible for interviewing witnesses, assembling evidence, examining suspected criminals, and generating files on the results of the investigative work. Although prosecutors and defense attorneys frequently participated in these pretrial investigative hearings, their roles were for the most part limited to recommending the pursuit of certain lines of investigation, including posing suggested questions of witnesses and detainees. They rarely appealed decisions of judges about the manner and scope of their investigations.

Three-judge panels are responsible for trying the accused persons in trials open to the public, based largely on the results of judicial investigations. During those trials the presiding judges question the accused detainees; witnesses may testify at these proceedings. The prosecutor and the defense attorney can make brief closing statements.

After deliberation among the members of the panel, the presiding judge announces the verdict and, in the case of a conviction, the sentence. Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation, a judicial panel that reviews the evidence assembled in the investigative and trial stages and renders a decision.

The constitution provides for the establishment of military courts, but only military crimes committed by the armed forces and the security forces may come before such courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees during the year. Following considerable international attention, Kurdish political activist Kamal Said Kadir was released from prison after a 2005 conviction for "defamation of public institutions." There was scant information concerning persons detained in Kurdish detention facilities.

Civil Judicial Procedures and Remedies

The legal framework exists, as well as an independent and impartial judiciary, for dealing with civil issues in lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies also exist. However, during the year the priorities of an understaffed judiciary and government administration focused on issues more directly related to security, and these procedures and remedies were not effectively implemented.

Property Restitution

There was a problem with serious delays in adjudicating claims for property restitution. The Commission for the Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission, was established in 2004 by Coalition Provisional Authority (CPA) Regulation 12 as an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between July 17, 1968, and April 9, 2003, for reasons other than land reform or lawfully applied eminent domain. The CRRPD process is intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of sectarian displacements. The previously announced deadline for filing claims of June 30 was extended and remained open at year's end. In 2005 new laws replaced the old CPA order clarifying and making the CRRPD process more equitable.

A significantly backlogged property restitution process delayed justice. By year's end the CRRPD received over 132,000 claims nationwide. More than 36,000 of these claims were reportedly Kirkuk-related. To date, the CRRPD has reportedly resolved over 34,000 claims nationwide. The claims were handled on a case-by-case basis through a technically complex process often taking years to complete. There is a CRRPD appeals court in Baghdad. Since 2003 many dislodged Arabs (wafadin) returned to their prior homes and have applied for compensation.

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

The constitution mandates that homes are not entered or searched except with a judicial order issued in accordance with the law. The constitution also prohibits arbitrary interference with privacy. In practice security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence.

Under the state of emergency, the prime minister may authorize authorities to detain suspects and search them, their homes, and their work places. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are extreme exigent circumstances. The state of emergency lapsed in April and was not renewed by year's end; however, there were reports that law enforcement activities often continued as if the state of emergency were still in effect. For example, the police were instructed to comply with legal warrant requirements but reportedly often entered homes without search warrants.

In the KRG-controlled provinces, there was pressure on citizens to associate with the PUK party in the province of Sulaymaniyah, and the KDP party in the provinces of Irbil and Dohuk.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this

protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years for any person who publicly insults the national assembly, the government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.

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

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

There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem.

The government acted to restrict freedom of expression in some circumstances. For example, on January 2, the government ordered the closure of the independent Al-Sharkiya satellite television channel for reporting false news and inciting sectarianism in connection to its coverage of Saddam Hussein's execution. Interior ministry spokesperson Abdul Karim Khalaf declined to specify which particular reports were false. The channel continued to broadcast from Dubai.

On February 25, interior ministry forces arrested 11 media workers at the Baghdad offices of Wasan Media and charged them with inciting terror. They had supplied video footage of a controversial interview with Sabrine al-Janabi, a citizen allegedly raped by police officers in February, to the Al-Jazeera satellite news television channel which continued to be banned from operating in the country. Wasan Media officials denied the accusations. On August 7, a judge dismissed the charges, and nine of the 11 media workers were released. Two remained imprisoned on charges of possessing unlicensed weapons at year's end.

The government continued the November 2006 closure of the office of Al-Zawraa satellite television station based on the airing of training videos on how to build explosive devices, promoting calls to join terrorists and insurgent groups, and promoting killings and genocide against a large segment of the populace. However, Al-Zawraa continued to broadcast as a satellite channel over the Egyptian-controlled Nileasat.

Media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was actively used against media workers. In December cameraman Adnan Haseeb alleged he had been arrested on March 8 while on assignment with Al-Hurriya television in the International Zone, briefly detained at the prime minister's office, accused of working with insurgents and being involved in a bombing, beaten during interrogations, and then released without explanation in November. Before his detention, Haseeb was the cameraman for Al-Makshouf (Exposed), a weekly television talk show which covers citizen grievances against the government.

Also in December journalist Faeq al-Oqabi reported leaving his former employer, the state-funded Al-Iraqiya television station, because it wanted to censor his show due to pressure from the government. On December 18, a group of journalists, some working for foreign news organizations, were accompanying police officials in Karbala to report on security measures in the city when they were brutally beaten by guards in the passing convoy of a political leader.

Print publications and broadcast media were a primary source of news and public discourse in the KRG provinces; however, almost all media outlets were controlled or funded by the major political parties and followed party lines in their publications and broadcasts.

KDP members sponsored a Kurdish-language newspaper, an Arabic-language version, and two television stations. The PUK sponsored a Kurdish-language newspaper, an Arabic-language newspaper, and KurdSat television. Minor parties such as the Kurdish Islamic Union also had their own newspapers and television stations.

In the KRG areas, in addition to the party press, there were a few notable independent media outlets that covered government and party corruption, for example, the weekly newspapers *Hawlatee* (the Citizen) and *Awene* (Mirror) and Radio Nawa. However, libel remains a criminal offense in the KRG area, and judges issued arrest orders for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of the information they published. For example, on July 10 police arrested *Hawlatee* reporter Rebaz Ahmed and held him for 24 hours on a defamation charge resulting from an article alleging that a park land was illegally allocated for a residence in Halabja; Ahmed was eventually acquitted.

There was also a marked increase in intimidation of independent journalists by extrajudicial means. Local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the KRG or Kurdish party officials, especially for alleged corruption. For example, *Hawlatee* publisher and editor in chief Tariq Fatih published an article critical of the owner of the Qubad Company, Ali Fatah, the brother of the KRG deputy prime minister. Ali Fatah took legal action and Fatih was held in jail on September 19 for several hours before being released on bail pending trial for defamation.

In 2006 two editors-in-chief of *Hawlatee*, a popular independent newspaper known for its criticism of the government, were forced to resign to avoid facing jail sentences.

Violence against the media, primarily by militia and insurgency groups, was commonplace. Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. For example, in Diyala, an armed

group posted wanted notices on the walls of mosques and other buildings with a photo of Al-Iraqiya correspondent Mohammed Ali, describing him as an "infidel" and "criminal" and offering \$10,000 (125 million dinars) to anyone who eliminated him or helped locate him. Ali reportedly angered the group by criticizing its activities in his reports. During the year, there were at least 32 journalists killed, eight journalists abducted, and 12 media workers killed. More than 200 journalists and media workers have been killed since 2003, according to the NGO Committee to Protect Journalists.

Targeting of journalists continued throughout the reporting period. For example, gunmen on April 29 wounded Amal al-Moudares, one of Iraq's best known radio and television journalists, as she left her home in Baghdad. On September 3, gunmen killed Amir Malallah al-Rashidi, a sports journalist working for the Al-Mosuliya local television and Muhannad Ghanim al-Ubeidi, a journalist working for the Dar al-Salam radio station in Mosul. On September 24, unidentified gunmen killed Jawad Saadoun al-Daami, who worked for the Iraqi television station Al-Baghdadiya in Baghdad. On October 22, a correspondent for Radio Free Europe/Liberty disappeared while driving to an interview in Baghdad; police found his driver shot and left on the street. The correspondent remained missing at year's end. On October 27, Shehab Mohammed al-Hiti, a Sunni Arab editor of a Baghdad weekly newspaper *al-Youm* was killed on his way to the newspaper's office. One of the most widely reported killings of a media worker was that of well-known journalist and Al-Arabiya television reporter Atwar Bahjat who was abducted in February 2006 and killed later that year after reporting on the attack on the Al-Askariya Shrine. Her technician and cameraman were also killed.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, social and religious as well as political pressures restricted the exercise of freedom of choice in academic and cultural matters. In particular, Kurdish parties reportedly controlled the pursuit of formal education and the granting of academic positions.

In the central and southern parts of the country, there were a number of reports of threats by militia or insurgent groups against schools and universities, urging them to modify activities, close down or face violence. Educational institutions often complied with the threats. The KRG reportedly provided good security to the four universities in the region.

On January 16, a bomb killed approximately 65 and injured 110 persons near Al-Mustansiriya University in Baghdad as students were boarding minivans waiting outside a building to take them home, according to police. On February 25, a female suicide bomber killed 41 persons at a satellite branch of the university. In December 2006 a Sunni insurgent group, Ansar al-Sunna, sought to close the school. On May 27, unidentified gunmen killed Khalil al-Zahawi, a renowned calligrapher, outside his Baghdad home. During the year death squads targeted cultural figures such as doctors, academics, and scientists.

According to the Ministry of Higher Education, at least 280 academics have been killed since 2003 by insurgents and militias. During the year the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003.

During the year a series of killings targeted professors, particularly in Baghdad and Basrah. Professors at Basrah University who were considered secular received written threats and demands that they leave Basrah. During the year threats against female students were openly posted on billboards and spray-painted on the walls of Basrah University.

By year's end an investigation of several high-ranking police officials and their potential involvement in the November 2006 abduction by gunmen in police uniforms of nearly 100 men from the Ministry of Higher Education Directorate building produced no results. Some men were freed by the next day; others were later found dead.

Other parts of this report contain related information; see sections 1.b. and 1.d.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On September 30, Karbala Governor Aqil al-Khazali announced new instructions banning demonstrations in Karbala without the prior approval of local authorities and specifying jail sentences for those in violation to clamp down on violence and restore order.

Unlike in 2006, there were no reports that KRG security forces killed or detained protesters when multiple demonstrations protested government corruption and poor services.

Freedom of Association

The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party. Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk.

c. Freedom of Religion

The constitution proclaims Islam as the official religion of the state. While providing for full religious rights for all individuals "such as Christians, Yazidis, and Mandaean Sabians," the constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. While the government generally respected the right of individuals to worship according to thought, conscience, and belief, private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to conform to extremist interpretations of Islam's precepts. In addition, frequent attacks on places of worship, as well as sectarian violence, hampered the ability of citizens to practice their religion freely.

After the MOI cancelled in April its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, four Baha'is were issued identity cards in May. Without this official citizenship card, the approximately 1,000 Baha'is experienced difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship. Despite the cancellation, Baha'is whose identity records were changed to "Muslim" after Regulation 358 was instituted in 1975 still could not change their identity cards to indicate their faith.

Constitutional provisions on religious freedoms countermand the Revolutionary Command Council Resolution 201 of 2001, which mandated the death penalty for adherents of the Salafist branch of Islam (Wahhabism) and Law No. 105 of 1970, which prohibits the Baha'i Faith. There was selective enforcement against Baha'is, but no been formal repeal.

During the year there were a number of reports indicating that employees and managers within ministries expressly or indirectly pressured women to wear veils as a requirement for work, regardless of the individual's religious affiliation.

There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.

Religious groups are required to register with the government. The requirements include having at least 500 followers. Non-Muslims complained that although the government recognized their religious holidays by law, in practice they were generally disregarded.

Despite credible reports of KRG discrimination against religious minorities, many members of Christian, Muslim, Yazidi, and other religious denominations fled to the region to escape violence and religious discrimination in other parts of the country.

During the year there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land.

Societal Abuses and Discrimination

Extremists, including terrorist groups and militia members, targeted many individuals because of their religious identity. Others were targeted because of their secular leanings. Religious-based violence between Shi'a and Sunni Arabs, largely sparked after the February 2006 bombing of the Al-Askariya Shrine in Samarra, declined in the latter half of the year.

There continued to be reports that sectarian and vigilante checkpoints, ostensibly for neighborhood security, were often used to identify and kill citizens based on their religion.

Religious leaders were in several instances targeted for killings. For example, on June 3, unidentified gunmen shot and killed Chaldean priest Father Ragheed Ganni and three deacons in Mosul when they had returned from celebrating mass. Also on June 3, gunmen killed Sheikh Ali Khudher al-Zand, imam of a Sunni mosque, in Al-Khadrhaa District in western Baghdad.

On July 20, Sheikh Abdullah Falaq al-Basrawi, a top aide of Shi'a Grand Ayatollah Ali al-Sistani, was fatally stabbed in his office next to al-Sistani's home in Najaf. On August 2, unidentified gunmen killed Sheikh Fadel al-Aql, a deputy of Grand Ayatollah al-Sistani, near his home in Najaf. On September 1, shortly after evening prayers, unidentified gunmen in Basrah killed Muslim al-Battat, the imam and preacher of the al-Urwa Mosque, and an aide of Grand Ayatollah al-Sistani. On September 29, in three separate attacks in Mosul, unknown gunmen killed Sheikh Azhar Ahmed Hussein al-Dulaimi, the Sunni imam of al-Sahabah Mosque; Sheikh Salim Sheet Mohammed al-Hamdani, the Sunni imam of Mahmoud al-Sadeq Mosque; and Sheikh Ghanim Qasem, the Sunni imam of al-Huda Mosque.

There were also kidnappings, with ransoms paid, of religious figures. For example, on June 6, Chaldean priest Father Hani Abdel Ahad and five other Christians were kidnapped in Baghdad and released after ransom was paid. On October 13, two Syriac Orthodox priests, Father Pios Affas and Father Mazin Isho'a, were abducted in Mosul on their way to church. Following negotiations, they were released two days later.

In March Sabean-Mandaean leaders reported that their community was increasingly targeted. In addition to forced conversions and forced wearing of head covering (hijab) by women, they reported the kidnapping of 23 Sabean-Mandaeans, with at least nine held for ransom. In all nine cases, ransom was paid; however, only seven were released. There was no further information on the status of the other two individuals.

Members of the Yazidi community reported that they continued to be targeted by Islamists throughout the year. Since a Yazidi girl was stoned to death by her community in April for eloping with a Muslim man and converting to Islam, tensions between the communities increased. On April 22, gunmen hijacked the bus of and killed 23 members of the small Yazidi sect in the Mosul region. The killings were believed to be revenge for the stoning.

Members of the Christian community indicated that they were targeted throughout the year, particularly by Sunni-affiliated terrorists. Threats spiked against Christian institutions, clergy, and individuals, after September 2006 comments by Pope Benedict XVI perceived as anti-Islamic; threats reportedly decreased after the Pope expressed his deep regrets that Muslims had been offended.

Threat letters targeting residents based on their religious affiliation were fairly common for almost all religious denominations. Numerous reports indicated that Sunni Arabs, Shi'a Arabs, and Christians received death letters identifying them by sect and urging them to leave their homes or face death. These threats fueled large-scale internal displacement based on religious or ethnic affiliation.

Islamist militants continued to target stores that provided goods or services considered to be inconsistent with Islam. For example, liquor stores in Baghdad and elsewhere were bombed, looted, and defaced by Islamic extremists.

The country's Jewish population is now virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. For example, a March 2006 citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

Other parts of this report contain related information; see sections 2.d., 4, and 5.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. However, there were some limitations in practice, particularly regarding travel into and residence in the KRG region.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems were not completely established by year's end.

Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). Although the state of emergency lapsed in April, the government availed itself of these powers in practice in the course of the year. In response to security threats, the government continued to declare curfews and take other necessary military and security measures of limited duration after the state of emergency expired.

Since May the KRG did not allow persons, including citizens from outside the region, to enter unless a Kurdish resident met them in person and "guaranteed" their stay. Similarly, those from outside the region seeking to live within the jurisdiction of the KRG must have a local resident guarantor, and register on arrival with the KRG Residency Office.

The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.

The constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Internally Displaced Persons (IDPs)

Sectarian militia and terrorist actions provoked fear and chaos leading to large scale movements of Sunni and Shi'a populations. At year's end the International Organization for Migration (IOM) estimated the number of IDPs within the country to be 2.4 million, including the 1.2 million displaced following the February 2006 destruction of the dome of Al-Askariya Mosque and Shrine in Samarra, a Shi'a holy site. Further movements were stimulated by the June 13 destruction of its two remaining minarets. In October IOM estimated the August 14 bombing attacks on the Yazidi areas in Ninewah Province displaced up to 1,000 families.

Citing official KRG sources, UNHCR reported that IDPs within the KRG numbered more than 163,000 in September, with most arriving after February 2006. Hygiene and sanitation for IDPs were generally better in the KRG than in other areas; however,

shelter, food, and other concerns remained critical, particularly for the large settlement in Qalawa, where families that have absorbed IDPs into their homes also faced difficulty.

As well as violence and poor security situations, especially in mixed Sunni/Shi'a areas, intimidation and discrimination in the provision of public services caused displacement. The most affected groups were Sunni residents of mixed areas substantially under government control. There were numerous reports in Baghdad and across the country of threat letters delivered to Shi'a, Sunni, or Christian residents warning them to leave their homes within a certain period of time or face death. Some Baghdad residents reported seeing their neighbors kidnapped or killed by members of terrorist or militia groups aiming to force the departure of residents of other sects.

Many Baghdad residents migrated to other neighborhoods due to sectarian violence and lawlessness, while others left the city altogether. Since February 2006 according to an IOM expert, approximately 750,000 residents have left their homes, dropping the Sunni population in Baghdad from 40 percent to an estimated 30 percent. According to the IOM estimate in its end-of-year review of displacement, the number of IDPs originating from Baghdad and Diyala Province were 65 percent and 19 percent, respectively.

In its end-of-year report, IOM estimated that displacement rates decreased significantly during the year. The IOM cited improved security in certain areas and the sectarian homogenization of previously mixed neighborhoods as possible causes. Although overall returns represented only a small fraction of those displaced, the IOM reported increased numbers of both refugees and IDPs returning to their places of origin. The MODM reported that 3,657 families in Baghdad had been registered from February 2006 to December 2007 as IDP returnees (3 percent of IDPs originating from Baghdad), with an additional approximately 6,000 families awaiting registration (5 percent of IDPs originating in Baghdad). The government provided stipends of \$800 (one million dinars) to encourage families to return.

At year's end IOM noted that the IDP humanitarian situation in Kirkuk was especially dire when compared to other governorates. Only half of IDPs assessed in Kirkuk received any kind of humanitarian aid. IOM reported that of the 2,166 families (approximately 13,000 individuals) assessed in Kirkuk Governorate, 21 percent reported death or serious injuries. Moreover, insurgents controlled some areas and intimidated local communities and IDPs.

Most IDPs were living with families or renting houses in the host community. Other IDPs have occupied abandoned buildings, public buildings, or homes abandoned by other displaced families. At year's end, the IOM estimated that less than 1 percent of IDPs were living in tents in IDP camps. The Iraqi Aid Association, a Baghdad-based NGO, reported that IDPs in camps and other temporary settings were vulnerable to decreasing temperatures and not always accessible by aid distribution organizations.

The government, through the MODM, collected information about IDPs and provided some assistance in the form of humanitarian supplies. MODM also coordinated the provision of aid to IDPs with Iraqi Red Crescent Society. According to the UNHCR, by mid-year there were more than 2.2 million Iraqis living abroad, although a large percentage left before 2003. At year's end UNHCR reported that 10 out of 18 governorates denied entry and/or aid to IDPs. Nonregistration limited IDPs' access to basic services and legal documentation necessary to receive food rations from the public distribution system. During the year the KRG established a directorate for displacement and migration in the KRG Ministry for Extra Regional Affairs.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish by year's end an effective system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there was reason to believe they feared persecution.

The government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to both 23,000 Palestinian and to 2,500 Syrian refugees through rental subsidies, other forms of material assistance, and legal representation. The government also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees.

In 2006 the government reestablished an interministerial committee charged with making refugee determinations. The committee did not review any cases during the year. In 2006 the central government and the KRG agreed to integrate approximately 3,000 Kurdish Iranian refugees in northern Iraq. The government also continued to facilitate the reintegration of hundreds of Iraqi Farsi (Shi'a) Kurds returning from Iran. During the year no further information on the integration process was available.

Refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. Protection for Palestinian refugees remained poor. There were credible reports that police targeted Palestinians for arbitrary arrest, detention, house raids, and extortion. According to the UN, hundreds of Palestinian refugees left Baghdad to seek refuge in Jordan and Syria during the year. According to Amnesty International, at the beginning of August Syrian authorities allowed four seriously ill young Palestinians from the al-Waleed camp near the border to enter Syria for urgent medical treatment. On November 30, UNHCR reported that three Palestinians, including two children, died of illnesses at al-Waleed while awaiting resettlement.

Since 2005 approximately 150 Sudanese refugees remained stranded at a camp in Anbar Province near the Jordanian border.

Groups not affiliated with the government also reportedly threatened the physical safety of refugees belonging to groups favored or perceived to be favored by the previous regime (Palestinians, Syrian Ba'thists, and Iranian Arabs).

Other parts of this report contain related information; see sections 1.a., 1.d., and 2.c.

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

In 2005 citizens voted in a referendum to adopt a permanent constitution, which included the full panoply of protections of human rights including the right of citizens to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level in 2005 when they elected the 275 members of the COR. The Independent Electoral Commission of Iraq (IECI) had sole responsibility for administering the 2005 referendum and elections.

On January 23, the COR passed the Independent High Electoral Commission (IHEC) Law, which the Presidency Council (the president and two deputy presidents) approved on February 27. On April 28, the COR appointed the nine IHEC Commissioners in a process that the UN deemed fair and transparent.

Article 140 of the constitution called for resolution of the status of Kirkuk and other disputed internal boundaries by December 31. At year's end the major political blocs, including the Kurdish parties and the KRG, agreed to a six-month technical delay in implementation and to seek technical assistance from UNAMI on structuring a process of implementation.

Elections and Political Participation

In spite of the threat from terrorists and insurgent violence, the 2005 national elections and referendum were widely considered to have met international standards for free and fair elections. The IECI opened more than 6,000 polling centers throughout the country for a total of more than 30,000 polling stations available to voters. The 2005 election turnout was more than 70 percent.

During the 2005 election, observer groups and political entity agents submitted more than 1,800 complaints. However, many of these complaints were procedural and few pointed to substantive irregularities. Allegations of ballot stuffing or interference by local electoral staff, outsiders, or police were not widespread. The April 2006 final report of the International Mission for Iraqi Elections stated that the 2005 election met internationally recognized electoral standards for free and fair elections and the election results reflected the will of the voters.

Political parties and candidates had the right to propose themselves or be nominated by other groups. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views, apart from the legal prohibition on supporting the Ba'ath Party.

The country's political parties, as a general rule, tended to be organized along either religious and/or ethnic lines. Shi'a Islamist parties, such as the ISCI and the al-Da'wa al-Islamiyya Party, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement.

Membership in some political parties conferred special privileges and advantages in employment and education. There were some reports that the KDP and PUK prevented the employment of nonparty citizens, and that KRG courts favored party members.

By year's end there had been no steps to undertake elections for provincial councils, which coordinate with the national government to provide resources and services, such as gasoline, security, health and education, to the local population. At year's end no legislation was in place to define the term of office for the 41-seat provincial councils.

Past Sunni election boycotts caused the under-representation of Sunnis in provincial councils. For example, in Baghdad Province, which in 2005 was approximately 40 percent Sunni, only one Sunni was elected to the 51-member Baghdad provisional council.

In the 2005 election, female voter turnout was reportedly as high if not higher than male turnout. The constitution provides for the election of women to the COR, with a goal of no less than one-quarter female representation. Female leaders, representing a broad spectrum of political views, expressed concern that some women were selected to participate in the political process only to meet this quota.

According to the constitution, a minimum of 25 percent of the seats in the COR are reserved for women. There were 66 women in the COR, just under 25 percent of the membership. Women chaired two of the 24 standing committees. At year's end 15 of the 37 cabinet positions were vacant or filled on an acting basis. There were four female ministers in the government: the minister of state for women's affairs; and the ministers of human rights (who was also the acting minister of state for civil society affairs), environment, and housing and construction. Additionally, four cabinet members were from small religious and ethnic minority groups.

Government Corruption and Transparency

The World Bank's Worldwide Governance Indicators reflected the severe problem of government corruption. Large-scale corruption pervaded the government, and public perception of government corruption continued to be high. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used "de-Ba'athification" to further political and personal agendas. Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency. The law did not provide public access to government information for citizens and noncitizens, including foreign media. Government officials who were required by law to file financial disclosure reports, such as ministers, governors, and parliamentarians, in many cases failed to do so. The Commission on Public Integrity (CPI) was authorized by law, but was not powerful enough to enforce such disclosures.

The CPI, formed in 2004, is the government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The CPI, with a staff of 200 investigators, reports to the commissioner on public integrity and legislature and has the authority to refer cases for criminal prosecution. Since its establishment, the CPI adjudicated only approximately 241 of more than 3,100 cases under investigation. The caseload far outstripped the organization's investigative capacity and reflected intimidation and lack of training.

The constitution provides immunity from arrest to COR members unless the member is caught in the criminal act or charged with a felony and the immunity is overturned by a majority vote of the COR.

Paragraph 136 (b) of the Criminal Procedure Code provides ministers with the ability to prevent enforcement of the arrest of their employees. This law allows ministers to halt corruption proceedings against their employees. During the year on at least 67 separate occasions and on at least 15 separate occasions in 2006, a minister reportedly halted adjudication and arrest of employees suspected of corruption by the CPI. In other cases ministries effectively stalled the investigation by failing to provide information.

On October 4, CPI Commissioner Judge Radhi al-Radhi alleged during testimony before the U.S. Congress that corruption cost the government nearly \$18 billion (22.5 quadrillion dinars) in the last three years, affecting virtually every government ministry and involving some of the country's most powerful public officials. The government accused al-Radhi of fleeing the country to avoid corruption charges and appointed Moussa Faraj to replace him. Al-Radhi denied the accusations.

Unlike in 2006, there were no new high-profile corruption cases in the courts. A number of cases of officials charged with criminal negligence and implicated in the former defense minister's 2004 theft of \$1 billion (1.3 trillion dinars) were pending at year's end.

In October 2006 the former minister of electricity, Ayham al-Samaraii, was sentenced to two years' imprisonment on charges of corruption. After escape from detention, he remained at-large at year's end.

The government also has a system of 31 inspectors general in the various ministries, the city of Baghdad, the central bank, and the religious endowments. On September 3, the Council of Ministers issued an order effectively blocking ministries' cooperation with the CPI, making the inspectors general, appointed by the prime minister and confirmed by the parliament, the sole investigators of corruption in the central government ministries. The mandate of the inspectors general, with 1,250 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. More than 50 percent of these offices have a human rights unit within their organization.

The Board of Supreme Audit (BSA) is responsible for conducting audits of all contracts that ministries undertake. By May the number of BSA referrals to the CPI had more than doubled from the year before according to CPI records. BSA, CPI, and ministerial inspectors general continued to suffer from a lack of political support and funding.

Both the CPI and the inspection system remained vulnerable during the year. There was widespread intimidation, as well as killings and attempted attacks against CPI employees, inspection personnel, and witnesses and family members involved with CPI cases. CPI employees reported that 33 employees, along with 12 of their family members, were killed since 2004.

CPI received a number of high-level attempts to influence prosecutions of members of the ruling party. Members of the legislature also reportedly attempted to pressure the court on numerous occasions. In 2006 the former deputy commissioner of CPI was dismissed for allegedly engaging in prosecutions along sectarian lines. As of year's end Acting CPI Commissioner Moussa Faraj was facing trial for corruption at the Central Criminal Court, but was released on bond.

There were allegations that in at least seven instances during the year, government authorities avoided pursuing prosecutions of document fraud and misrepresentation of credentials along party lines.

There were reports that various government ministries employed a substantial, but undetermined number of nonexistent "ghost" employees with multiple records and duplicate salaries.

According to several credible reports, as many as one-third of ISF members were absent—without-leave or might have deserted at any given time. According to press reports, payroll fraud was widespread. Police officers frequently required payment from would-be recruits to join the police force. During the year ISF and police absenteeism reportedly decreased.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government restricted the activities of local and international human rights groups, generally citing security considerations. The government's cooperation with NGOs and with the UN and its agencies on human rights issues varied.

All nongovernmental investigations of alleged human rights violations, such as access to prison and detention facilities, continued to be highly restricted. The government attributed restrictions to the security situation and government policy. The government generally did not permit detention center or prison visits, meet with domestic NGO monitors, respond to their inquiries, or act in response to their reports when the issues concerned alleged human rights violations by citizens.

The former regime did not permit independent human rights organizations, and, accordingly, the NGO community in the country was still relatively new. During the year NGO activity and advocacy remained weak overall. Six thousand NGOs (of which 148 were international) were registered, although the number of individual members of NGOs in the country was small. There were 225

human rights NGOs and 112 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern.

The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. A number of local NGOs reported having their assets frozen arbitrarily despite compliance with burdensome reporting requirements. NGOs can normally regain access to their funds by registering with the government; however, there was only one office in the country, located in Baghdad and assisted by three roving offices, that accepted registrations.

It is a standard practice of the Central Bank of Iraq to freeze the assets of organizations, including both international and domestic NGOs, contractors, and unions if the government determines that the organization holds a significant amount of funds from an unknown source. This practice affected NGOs that were not registered or have not held elections that the Ministry of State for Civil Society Affairs (MOSCA) has judged to be fair.

Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services. MOSCA's claim that assets were being released toward the end of the year could not be verified.

Unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur. In 2006 the ministry also instructed all NGOs that they were no longer allowed to communicate directly with other ministries. Instead, all communication or requests were to be sent first to the MOSCA, which would then forward the request if deemed appropriate. In practice, this instruction limited the ability of human rights NGOs to communicate concerns to various ministries, including MOI, MOD, and MOHR.

Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs.

The Kurdish areas, which have largely been autonomous since 1991, were able to develop a stronger NGO community, although many Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

The government and the KRG were both "strongly critical" of UNAMI's April 25 assessment of the human rights situation in the country, based largely on the tone rather than the substance of the report, according to UNAMI. In October the UN was unable to persuade the government to release data on casualties compiled by the MOH and its other institutions; however, in its second-quarter human rights report released in October, the UN noted increased cooperation by the government regarding access to detention facilities and official data. According to UNAMI, issues of concern were raised on a regular basis with relevant government officials throughout the year.

Although no ombudsman existed, a national MOHR and a KRG ministry, focused on raising awareness and knowledge of human rights and conducting prison visits. Each ministry reported to its respective prime minister and did not issue public reports on prison or detention center visits. The national MOHR attempted to monitor human rights abuses and advocate for and assist victims. However, limited resources and poor cooperation from other ministries greatly limited the ministry's effectiveness. The KRG MOHR was in a similar position. The KRG MOHR and the KRG's Honor Killing Monitoring Commission, established in June, were active on women's issues, particularly on steps to end honor killings.

The COR Committee on Human Rights did not play a significant role in developing human rights policy. The KRG's legislative body, the Kurdistan National Assembly, formed a special committee to deal with human rights and detainee issues during the year, but did not issue any public reports by year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability or social status. The government did not effectively enforce these provisions.

Women

The constitution provides for equal treatment before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status; however, in practice, some discrimination existed, and legal enforcement of equal treatment was uneven.

The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. During the year women's rights activists were reportedly increasingly targeted by militant groups. For example, in December Haifaa Nour, president of the Women's Freedom Organisation (WFO) in Baghdad reported receiving threatening letters. WFO's previous president, Senar Muhammad, was killed by religious zealots on May 17.

The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators. It was difficult to estimate the incidence of rape; however, there were many allegations of rape at MOI police stations during the initial detention of prisoners.

The constitution prohibits all forms of violence and abuse in the family, school, and society. During the year NGOs reported that domestic violence against women increased, although no reliable statistics existed.

"Honor killings" were widespread in the Kurdish region; official statistics recorded 255 honor killings in the first six months of the year, including 195 cases of deaths by burning. UNAMI reported in its second-quarter human rights report released in October that a senior police official in Erbil confirmed that most unnatural deaths among women in Erbil were "honor" killings and that at least one or two deaths were reported daily. During the year there were anecdotal reports from an NGO that between 200 to 250 women self-immolated in the region each year. Legislation in force permits "honor" considerations to mitigate sentences.

For example, on April 7, Du'aa Aswad Khalil, a 17-year-old Yazidi woman, was bludgeoned to death by members of her Ninewah community reportedly for having a relationship with a Muslim man. Footage of her killing recorded on witnesses' mobile phones was posted on the Internet. The KRG condemned the killing, which occurred in an area of Ninewah Province outside KRG control. In May police reportedly arrested four persons in connection with the killing. No further information was available at year's end.

Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice.

Private shelters for women existed; however, space was limited and information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the government.

Female genital mutilation (FGM) is not illegal and was reported in the rural areas of the Kurdish region. In March NGOs organized the publication of an open letter to KRG officials in various regional newspapers to demand legislation banning FGM. More than 13,000 petitioners reportedly endorsed the letter. The government offered no substantive assistance for victims of FGM.

Prostitution is illegal. During the year, reports of prostitution increased. According to Yanar Mohammed, head and founder of the NGO Organization for Women's Freedom in Iraq, some women have resorted to prostitution in order to provide for their children.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported increasing pressure to wear veils, including within government ministries. Women were targeted for undertaking normal activities, such as driving a car, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam. In addition to societal pressures, there were several reports of women at government ministries being told to wear a veil or lose their job.

Islamic extremists reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public. In December Basrah's police chief, Major General Abdul Jalil Khalaf, noted that patrols of motorbikes or unlicensed cars with tinted windows were accosting women not wearing traditional dress and head scarves. He confirmed that police documented that 57 women were killed and their bodies dumped in the streets of Basrah since mid-year for behavior deemed un-Islamic. An unknown number of similar killings did not result in police investigations for various reasons, such as families claiming bodies before police could make reports. According to an end-of-year report by the Basrah Security Committee, 133 women were killed in Basrah by religious vigilantes or in honor killings.

Also in December the international press reported warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. One female student stated that she withdrew from Basrah University after two fellow students ordered her to cover her hair and stop wearing makeup. During the year extremists called for a separation of male and female students in some universities.

The MOI's Passport Office maintained a national policy requiring women to obtain the approval of a close male relative before receiving a passport.

The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.

Women complained that weak labor laws and the lack of an equal opportunity employment law left them vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.

The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Women's NGOs, such as the Women's Rights Association, raised concerns that dozens of male gynecologists are being targeted by extremists as they are accused of invading the privacy of women.

Children

The government in general was committed to children's rights and welfare, although noncitizen children were denied government benefits. They had to pay for services that were otherwise free such as public schools, health services, and, except for several

hundred Palestinian families, were not eligible for the national food rationing program.

In September 2006 the Higher Education Commission set up by the Tameen Governorate Council rejected the applications for school admission by pupils from newly displaced families who had fled sectarian violence in other provinces, citing lack of capacity. No alternative education plans had been made for the children by year's end. During the year the problem of lower enrollment was also noted in other governorates as the number of IDPs increased. For example, Mayada Obeid, a spokeswoman for the Basrah-based NGO South Peace Organization reported in November that at least 60 percent of displaced children in Basrah Province did not attend school.

Free primary education is compulsory for six years, and 89 percent of students reached the fifth grade. During the 2006-2007 school year, the enrollment of primary school-aged children was 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 six to 24 was 55 percent.

According to a 2005 Ministry of Development and Cooperation survey, youth literacy (15 to 24 years-old) was 74 percent and adult literacy 65 percent. Only 56 percent of women were literate, compared to 74 percent of men. Both the level of education and literacy rates for women and girls dropped significantly in the last 15 years, particularly in rural areas.

MOH clinics provided health care, which was largely free to all citizens. There was no systemic difference in the care provided to boys and girls.

FGM was performed in some instances. Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.

In August UNICEF Iraq noted there were increasing numbers of street children in cities; many of whom were not orphans, but whose families could not afford to keep them. UNICEF noted that some street children worked to assist their families by begging. Others were reportedly drawn into drugs, prostitution, and violence.

MOLSA operated 18 orphanages for older children in Baghdad and the provinces, housing a total of approximately 420 children, and 40 orphanages for young children, housing approximately 1,500 children.

On June 10, an orphanage in Baghdad was discovered to house 24 severely malnourished boys from three to 15 years-old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment and moved to another orphanage. The minister of labor and social affairs drew criticism for stating that the children were healthy. In November two orphans at this facility died after contracting cholera. At year's end four additional children had been diagnosed with the disease. Arrest warrants were issued for three employees of the orphanage, all of whom remained at large.

Despite laws against child labor, children often worked as laborers on rural farms or in street commerce.

Trafficking in Persons

The constitution states that forced labor, slavery, slave trade, trafficking in women or children, and the sex trade should be prohibited; however, there were reports that persons were trafficked to, from, and within the country.

Although statistics did not exist, according to reports from destination countries, the country was a source for trafficking of women and girls to other Arab countries, especially the Persian Gulf and Levant states. Non-Iraqi males were reportedly brought from Georgia and South Asia, in some cases under guise of a work contract in Kuwait or Jordan, and forced to work under abusive conditions that constituted involuntary servitude. There were also reports of girls, women, and boys trafficked within the country for sexual and other exploitation.

Anecdotal evidence and media reports suggested that some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations. In 2006 MOLSA accused private orphanages of involvement in these activities and called for all private orphanages to be under its purview and inspection authority; however, it was unclear whether MOLSA achieved this goal by year's end. There were also reports that criminal gangs used threats and blackmail to exploit teenage boys sexually for commercial and other motives.

Both the MOI and the KRG MOI have responsibility for trafficking-related issues. However, the demands of the security situation relegated trafficking to a lower priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity.

The MOI did not monitor trafficking crimes, include them in the police training curriculum, or conduct trafficking-related investigations.

The MOLSA and MOHR also had roles in anti-trafficking efforts. The government did not have programs to prevent trafficking; however, it operated orphanages and homeless shelters, which may have prevented vulnerable individuals from becoming trafficking victims.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of female victims being kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Few shelters existed in the country; most were run by NGOs.

Persons with Disabilities

The law prohibits discrimination against persons with physical disabilities. The government enforced the law in the government but not in the private sector.

MOLSA operated several institutions for the education of children and young adults with disabilities. These institutions offered basic educational services; however, they did not have access to appropriate educational technology due to the lack of training and funding.

According to 2005 information, 17 institutes operated in Baghdad and the provinces for persons with mental and psychological disabilities and housed approximately 1,000 persons. Additionally, 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. The government provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities

Ethnically and linguistically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, Shabak, and Armenians. The religious mix is likewise varied. According to UNAMI the situation of minority communities deteriorated significantly since mid-April in many parts of the country.

Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

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

During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Christians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Kirkuk frequently charged that Kurdish security forces targeted Arabs and Turkmen.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A citizenship law effective in March 2006 prevents Palestinians from obtaining citizenship or Jews who emigrated to other countries from reclaiming citizenship.

Other Societal Abuses and Discrimination

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

In April the Iraqi Lesbian, Gay, Bisexual and Transgender organization stated that eight killings took place between January and April, while several other gay activists were arrested and tortured. During the year reports of persons targeted because of their sexual orientation that were kidnapped or disappeared in Baghdad included a taxi driver, a tailor, a translator, a chef, a college student, and a transvestite. Islamist death squads reportedly were involved in the killings.

Other parts of this report contain related information; see sections 1.c, 2.c., and 6.d.

Section 6 Worker Rights

a. The Right of Association

The constitution provides the right to form and join unions and professional associations, subject to regulating law; however, the 1987 Labor Law 150, passed by Saddam Hussein's government, is still in force and effectively bans unions from the public sector.

The exercise of labor rights remained limited, largely due to insurgent and sectarian-driven violence, high unemployment, and maladapted labor organizational structures and laws. Union activity is also inhibited by the 2005 Decree 8750, which cancelled unions' leadership boards, froze their assets, and formed an interministerial committee to administer unions' assets and assess their capacity to resume activity.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

The government was the largest employer in the country, and the status of government workers remained unclear. In 2004 a draft labor law was prepared by the International Labor Organization and submitted to the COR; however, this draft had not been enacted into law, and the laws from the Saddam Hussein era remain in force. Under the 1987 labor law, government workers were considered professionals not entitled to join unions. This prohibition remained unenforced, although unmodified; some government agencies tacitly accepted unions, while others banned them. The law does not prohibit antiunion discrimination by employers or

others.

There were no reported prosecutions of unions, union federations, or leaders for corruption during the year. However, trade union activists were reported to have been killed, injured in attacks, and kidnapped. On March 27, Najim Abd-Jasem, the founder and leader of the General Federation of Iraqi Workers (GFIW), was abducted in Baghdad. His body, with evident signs of torture, was found three days later. Since the 1980s Abd-Jasem actively promoted the rights of workers and faced routine persecution on account of his work. The Federation of Workers' Councils and Unions in Iraq received confirmation October 25 that Hassan Hamza, a secular trade unionist who was president of the Hotel and Tourism Employees Union, was killed. He had been receiving death threats from Sunni extremists.

During most of the year, MOLSA only recognized and dealt with unions belonging to the GFIW. In 2005 the merger of the Iraqi Federation of Workers' Trade Unions, the General Federation of Trade Unions, and General Federation of Iraqi Trade Unions formed the GFIW. Other unions were not recognized by the government.

b. The Right to Organize and Bargain Collectively

The constitution states that every citizen has the right to demonstrate and strike peaceably in accordance with the law; however, the extant 1987 labor code in effect rules out the existence of labor unions able carry out any free and independent labor union activity and therefore effectively prohibits independent organizing, collective bargaining, and striking in the public and private sectors.

Because unions have no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining and written collective contracts is not possible. Unions, however, can play a reactive role when there are labor disputes. The labor code defines "labor disputes" as collective conflicts arising between workers and employers over the provisions of the labor code and/or individual employment contracts. Government labor courts are empowered to rule on labor code violations and disagreements.

The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' power to defend workers' rights pertaining to their access to social protection. For instance, although social security coverage was expanded to include private sector workers and secure pension and health care rights regardless of the size of the company, without the support of unions, MOLSA struggled to enforce the law.

There were no reported reprisals against strikers, although in June unsubstantiated press reports claimed that the minister of oil threatened striking oil workers in Basrah with the loss of their jobs, claiming "striking is not allowed under Iraqi law." While striking in the public sector typically occurred due to low salaries, popular protests often took place in response to unemployment or lack of basic services.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, according to press reports, foreign workers were sometimes subjected to abusive forced labor. Foreign workers were also reportedly induced, tricked, or forced to enter the country for work via nearby countries. In some cases, they were the victims of involuntary servitude involving passport confiscation and virtual imprisonment or fraud amounting to involuntary servitude and trafficking where they discovered their destination en route. For example, in December there were reports that foreign workers interviewed in the Kurdish region complained they are unable to return to their countries of origin because their employment agencies seized their passports when they arrived in Iraq. Some countries of origin undertook efforts to repatriate workers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor; however, the government did not effectively enforce these laws. The law limits working hours for workers less than 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years; however employment of anyone under 16 years in work detrimental to health, safety, or morals is prohibited. The Child Labor Unit of MOLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law or maintain programs to prevent 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 one million families subsisting on a daily income of less than \$1.00 (1,250 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.

Projects to combat child labor were few, and those that existed affected few children. The government introduced a targeted, means-tested social safety net program in 2005 to reduce poverty and protect children against the deteriorating living conditions in their households. To date, one million families have received benefits and services administered by MOLSA. The SSN package includes a child allowance, conditional upon school attendance, and programs to assist former and current street children are also funded by the government. Additional projects to enhance the protection of children have been funded by international organizations and NGOs. Some NGOs have reportedly had difficulty implementing projects addressing child labor due to threats from gangs and militias that allegedly use children on the streets as fighters or drug sellers.

The Italian branch of the international NGO Terre des Hommes 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.

Other parts of this report contain related information; see section 5.

e. Acceptable Conditions of Work

Wages are set by contract in the private sector and set by the government in the public sector. The average salary was approximately \$1,250 per year (1,562,500 dinars). Unskilled workers must work 357 days per year to achieve this figure in the absence of a minimum wage set by the government to cover basic food and nonfood needs. These earnings were barely above poverty level and did not provide a decent standard of living for a worker and family. A teacher can provide for a spouse and three children at the poverty level.

The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required.

According to international governmental organizations, NGOS, and press reports, some foreign workers in the country were subjected to abusive treatment, including confiscation of travel and identity documents, confinement, unwanted sexual advances, delayed or no pay, forced daily and weekly overtime, and hazardous working conditions; no legal action in this area was reported.

The occupational safety and health component of MOLSA had staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment. Occupational safety and health standards and programs existed and were sometimes enforced in state-owned enterprises. Enforcement of safety standards at private sector work sites was intermittent, and programs were rare. Most occupational safety issues were linked to violence and terrorism, not health.



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