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COUNTRY REPORT

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CONTENTS	
1 Scope of document	1.1 – 1.7
2 Geography	2.1 – 2.6
3 Economy	3.1 – 3.3
4 History	
Post Saddam Iraq	4.3 – 4.11
History of northern Iraq	4.12 – 4.15
5 State Structures	
The Constitution	5.1 – 5.2
The Transitional Administrative Law	5.3 – 5.5
Nationality and Citizenship	5.6
Political System	5.7 – 5.14
Interim Governing Council	5.7 – 5.8
Cabinet	5.9 – 5.11
Northern Iraq	5.12 – 5.14
Judiciary	5.15 – 5.27
Judiciary in northern Iraq	5.28
Justice for human rights abusers	5.29 – 5.31
Legal Rights/Detention	5.32 – 5.38
Death penalty	5.34
Torture	5.35 – 5.38
Internal Security	5.39 – 5.52
Police	5.41 – 5.46
Security services	5.47
Militias	5.48 – 5.52
Prisons and prison conditions	5.53 – 5.59
Military Service	5.60 – 5.61
Medical Services	5.62 – 5.79
Mental health care	5.71 – 5.74
HIV/AIDS	5.75 – 5.76
People with disabilities	5.77
Educational System	5.78 – 5.79
6 Human Rights	
6A Human Rights issues	
Security situation	6.4 – 6.14
Humanitarian situation	6.15 – 6.22
Freedom of Speech and the Media	6.23 – 6.28
Freedom of Religion	6.29 – 6.47
Shi'a Muslims	6.31
Sunni Muslims	6.32
Christians	6.33 – 6.38
Mandaeans	6.39
Yazidis	6.40 – 6.45
Jews	6.46 – 6.47
Freedom of Association and Assembly	6.48
Employment Rights	6.49
People Trafficking	6.50
Freedom of Movement	6.51 – 6.54
Internal travel	6.51 – 6.53
Travel to Iraq	6.54

6B Human rights - Specific Groups	
Ethnic Groups	6.55 – 6.74
Shi'a Arabs	6.55 – 6.60
Sunni Arabs	6.61 – 6.64
Kurds	6.65
Turkmen	6.66 – 6.71
Assyrians	6.72 – 6.73
Chaldeans	6.74
Women	6.75 – 6.86
Women in the north	6.87 – 6.89
Honour killing	6.90 – 6.94
Honour killing in north	6.95 – 6.100
Children	6.101 – 6.106
Homosexuals	6.107
Other Groups	6.108 – 6.140
Ba'ath Party	6.108 – 6.130
The tribes	6.131 – 6.138
Third country nationals	6.139 – 6.140
Palestinians	6.140
6C Human Rights - Other Issues	
Treatment of non-governmental organisations	6.141
De-Arabisation	6.142 – 6.150
Liquor sellers and sex cinemas	6.151 – 6.153
Internally Displaced Persons	6.154 – 6.159
Annex A Chronology of major events	
Annex B Political Organisations	
Annex C Prominent People	
Annex D Health Care Facilities	
Annex E Transitional Administrative Law	
Annex F List of Source Material	

SCOPE OF DOCUMENT

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

[Return to Contents](#)

2. Geography

2.1 Iraq is bordered by Turkey to the north, Iran to the east, Kuwait and the Persian Gulf to the south, Saudi Arabia and Jordan to the south-west and Syria to the north-west. Between the Iraqi, Jordanian and Saudi Arabian borders is a neutral zone devised to facilitate the migrations of pastoral nomads. [1a]

2.2 Iraq's area is 437,072 sq. km. The capital is Baghdad, with a population estimated in 1986 at 3.8 million. Other major cities are Basrah, Mosul, Kirkuk, Sulaymaniyah and Irbil. [2a]

2.3 Politically, the country is divided into 18 Governorates. Three of these, in the north-east of the country, formed what after the 1991 Gulf War became the Kurdish Regional Government administered area known as the Kurdish Autonomous Area, the Kurdish Autonomous Region and the Kurdish Autonomous Zone.

2.4 A US State Department background note states that:

"Almost 75% of Iraq's population live in the flat, alluvial plain stretching southeast toward Baghdad and Basrah to the Persian Gulf... Iraq's two largest ethnic groups are Arabs and Kurds. Other distinct groups are Turkomans, Chaldeans, Assyrians, Iranians, Lurs, and Armenians. Arabic is the most commonly spoken language. Kurdish is spoken in the north, and English is the most commonly spoken Western language." [2c]

2.5 Other languages spoken include Assyrian, Armenian, Turcoman and Farsi. [2c]

2.6 For further information on geography, refer to Europa Yearbook, source 1a.

[Return to Contents](#)

3. Economy

3.1 According to a US State Department background note:

"Historically, Iraq's economy was characterized by a heavy dependence on oil exports and an emphasis on development through central planning. Prior to the outbreak of the war with Iran in September 1980, Iraq's economic prospects were bright. Oil production had reached a level of 3.5 million barrels per day, and oil revenues were \$21 billion in 1979 and \$27 billion in 1980. At the outbreak of the war, Iraq had amassed an estimated \$35 billion in foreign exchange reserves.

The Iran-Iraq war depleted Iraq's foreign exchange reserves, devastated its economy, and left the country saddled with a foreign debt of more than \$40 billion. After hostilities ceased, oil exports gradually increased with the construction of new pipelines and the restoration of damaged facilities. Iraq's invasion of Kuwait in August 1990, subsequent international sanctions, damage from military action by an international coalition beginning in January 1991, and neglect of infrastructure drastically reduced economic activity. Government policies of diverting income to key supporters of the regime while sustaining a large military and internal security force further impaired finances, leaving the average Iraqi citizen facing desperate hardships. Implementation of a UN oil-for-food program in December 1996 has improved conditions for the average Iraqi citizen. In 1999, Iraq was authorized to export unlimited quantities of oil to finance essential civilian needs including, among other things, food, medicine, and infrastructure repair parts.

The process of introducing a modern free market system to Iraq has begun. In September 2003, the Interim Finance Minister and the Governing Council announced significant economic and financial reforms issued by the CPA, particularly dealing with foreign direct investment, the banking sector, and the tax and tariff regimes.

Agriculture

Despite its abundant land and water resources, Iraq is a net food importer. Under the UN oil-for-food program, Iraq imported large quantities of grains, meat, poultry, and dairy products. Obstacles to agricultural development during the previous regime included labor shortages, inadequate management and maintenance, salinization, urban migration, and dislocations resulting from previous land reform and collectivization programs. A Ba'ath regime policy to destroy the "Marsh Arab" culture by draining the southern marshes and introducing irrigated farming to this region destroyed a natural food-producing area, while concentration of salts and minerals in the soil due to the draining left the land unsuitable for agriculture.

[Return to Contents](#)

Trade

The United Nations imposed economic sanctions on Iraq after it invaded Kuwait in 1990. Non compliance by Iraq with its UN obligations, particularly Iraq's refusal to allow weapons inspectors full freedom of action in dismantling Iraq's weapons of mass destruction program, caused those sanctions to remain in place until the Ba'ath regime was removed in 2003. Under the oil-for-food program Iraq was allowed to export oil and use the proceeds to purchase goods to address essential civilian needs, including food, medicine, and infrastructure spare parts. With the removal of UN sanctions, Iraq is returning to normal trade relations with the international community." [2c]

3.2 An Al-Mashriq report carried in the IWPR's Iraqi Press Monitor on 23 February 2004 stated that according to the Ministry of Planning and Developmental Cooperation, unemployment nationally in Iraq was running at 38%. The highest level was in Nasiriya, at 46%, the lowest, 14%, in Karbala. Baghdad's unemployment was 33%. [46f]

3.3 "Despite predictions of pandemonium and terror in the streets, Baghdad and most other Iraqi cities remained quiet on [22 October 2003] as the transition to the new, Saddam-free Iraqi Dinar officially began." according to a report by Iraq Today on 28 October 2003. The currency changeover was due to be completed by January 2004. The denominations available included ID50, ID 250, ID1,000, ID5,000, ID10, 000 and ID25,000. On 23 October 2003 the exchange rate was reported to be ID1,880 to US\$1. [9f]

[Return to Contents](#)

4. HISTORY

4.1 The Economist records that:

"The area of Iraq, known as Mesopotamia in ancient times, was home to a succession of cultures including Sumerians, Assyrians, Babylonians and Persians. Divided between Romans in the west and Persians in the east, the Mesopotamian plain fell to the Muslim Abbasid caliphate in the seventh century A.D. The Abbasids made Baghdad (founded 762) into the seat of the caliphate, and the city became one of the world's greatest repositories of literary and scientific learning.

Invading Mongols sacked Baghdad in 1258 and, devastated, the area eventually came under the control of the Ottoman Turks, who ruled Iraq from their capital in Constantinople until the end of the first world war. When the defeated Ottoman empire was broken up, three Ottoman provinces were combined into the British mandate (protectorate) of Iraq. After a short period of British control, Iraq became a fully sovereign kingdom in 1932.

In the 36 years that followed, Iraqi politics were unstable, including a series of coups and counter-coups after the death of King Faisal, Iraq's first monarch, in 1933. In 1958 the political turmoil came to a head, when a coup led by General Abdul Karim Qasim toppled the monarchy for good.

But Qasim's rule was short-lived too. In 1963 he was overthrown in a coup orchestrated by members of the Arab Socialist Renaissance Party (Baath party). A counter-coup deposed the Baathists nine months later, but the plotters failed to consolidate their power, and the Baathists returned in 1968. General Ahmad Hassan al-Bakr, a leading figure in the coup that deposed Qasim in 1963, was named president. His handpicked successor, Saddam Hussein, became president after al-Bakr's resignation in 1979.

In 1980, Iraq invaded the newly formed Islamic Republic of Iran. After early successes (aided by America and Britain, which feared Iran's militant Islamism), the Iraqi army was pushed back, and the conflict stalled into a devastating war of attrition. When it ended inconclusively in 1988, Iraq's economy was in ruins.

Two years later Iraq, which had largely rebuilt its military machine, easily conquered oil-rich Kuwait in an unprovoked attack. But under the aegis of the United Nations, an American-led multinational force expelled Iraqi troops from Kuwait in February 1991. Subsequent UN resolutions were set up to halt its chemical, biological and nuclear weapons programme, and trade sanctions were imposed to enforce them. "[1995]

[Return to Contents](#)

4.2 A US Library of Congress report in January 2004 stated that "In his 2002 and 2003 State of the Union messages, President Bush characterized Iraq as a grave potential threat to the United States because of its refusal to verifiably abandon its weapons of mass destruction (WMD) programs and the potential for it to transfer WMD to terrorist groups. In September 2002, the President told the U.N. General Assembly that unless Iraq fully disarmed in cooperation with United Nations weapons inspectors, the United States would lead a coalition to achieve that disarmament militarily, making clear that this would include the [ousting] of Iraq's President Saddam Hussein's regime. After a November 2002 - March 2003 round of U.N. inspections in which Iraq's cooperation was mixed, on March 19, 2003 the United States launched Operation Iraqi Freedom to disarm Iraq and change its regime. The regime fell on April 9, 2003." [33b]

[Return to Contents](#)

Post-Saddam Iraq

4.3 "The ousting of Saddam Hussein's government was followed by a period of civil unrest. Looting, revenge killings and destruction of property were regular occurrences." according to Europa 2004. The initial US administrator, General Jay Garner, was quickly replaced on 12 May 2003 by Paul Bremer who was to head the Coalition Provisional Authority (CPA), the provisional administration of Iraq. The unrest led to resentment of the occupation and the CPA made the restoration of law and order a priority. [1a]

4.4 One of the first acts of the CPA was to outlaw the Ba'ath Party and demobilise the Iraqi army and security apparatus including the ministries of defence and information. The dissolution of the Ba'ath Party was announced on 12 May 2003. [16a] At least 15,000, and up to 30,000 senior Ba'ath Party members were banned from taking part in a new government. [4a] The US issued a pack of playing cards containing details of the 55 most wanted people in Iraq. [4aa]

4.5 The unrest that immediately followed the fall of Saddam's regime continued. As coalition forces and, increasingly, the reformed Iraqi police force, concentrated on reducing criminality, the pattern of violence shifted to attacks on the coalition, international organisations, and Iraqis perceived to be collaborating with them, especially the police.

4.6 Following a series of violent demonstrations by demobilised troops, the US announced that it would pay stipends to approximately 250,000 Iraqi veterans and would create a new, 40,000 strong Iraqi army. [3a][p.45493 - 45494]

4.7 "On July 13, 2003, [the Iraqi Interim] Governing Council was unveiled to the Iraqi public, appointed by the U.S.-led CPA but reflecting the influence of the major-party grouping. It also contained prominent Iraqis who were never in exile and were not affiliated with the exiled opposition. Prior to the assassination on September 20, 2003, of Council member Akila al-Hashimi (a Shiite woman and former foreign ministry official) the Council had 25 members, of which 3 were women and 13 were Shiite Muslims." according to a US Library of Congress report in January 2004. [33b]

[Return to Contents](#)

4.8 August saw three major attacks against non-coalition targets. Separate bomb attacks on the Jordanian embassy and UN headquarters in Baghdad killed 12 people and more than 20 people respectively. But the largest death toll was caused by a car-bomb in Najaf in which Hojatolislam Muhammad Bakr al-Hakim, the leader of the Supreme Council for the Islamic Revolution in Iraq was killed along with 125 of his followers. [1a]

4.9 In November 2003 the security situation continued to deteriorate. On the 15 November the Governing Council announced an accelerated timetable for transferring control of the country to Iraqis. [4a]

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

4.11 On 8 March 2004, after considerable last minute wrangling, a "Law of Administration for the State of Iraq for the Transitional Period", generally known as the Transitional Administrative Law, was signed. The law vests sovereignty initially in the Iraqi Interim Government from 30 June 2004 and dissolves the CPA on that date. The second phase provides for an Iraqi Transitional Government to take office after elections for a National Assembly. At this point the Transitional Administrative Law will expire; this must take place by 31 January 2005 at the latest. [11]

[Return to Contents](#)

History of Northern Iraq

4.12 According to an Economist analysis on 5 August 2003:

"Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the two main parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The latter was formed in the aftermath of the 1975 Algiers Accord between Iraq and Iran. This put an end to the Iranian-sponsored Kurdish revolt in Iraq, and prompted some political introspection within the Kurdish camp, leading to the split within the KDP. Divisions between the two leaderships reached a peak in August 1996 when the KDP formed a brief alliance with the Iraqi regime to oust the PUK from its main bases.

Long-standing aspirations among Iraqi Kurds for a substantial measure of autonomy have played a part in significant periods of open revolt against different Iraqi regimes at various times since 1960. Iranian support for the Kurds was a key element sustaining them in different periods of revolt. In early 1988 the collapse of Iran's military advantage over Iraq in the 1980s Gulf war enabled Iraq to defeat the Kurdish rebels during a brutal campaign.

[Return to Contents](#)

The crushing of the February 1991 Kurdish revolt following the end of the 1991 Gulf war led the Western coalition to establish a temporary haven in northern Iraq. The withdrawal of the Iraqi military behind a heavily defended line along the border of the Kurdish area, the establishment of a de facto Kurdish administration and the commitment by the Western coalition to patrol Iraq's airspace north of the 36th parallel (the so-called "no-fly zone"), resulted in the tentative growth of an Iraqi Kurdish entity."
[19c]

4.13 A US Congressional report in January 2004 stated that:

"In the aftermath of the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes, and the KDP turned to Baghdad for backing. In August 1996, Iraqi forces helped the KDP capture Irbil, seat of the Kurdish regional government; Iraqi forces acted at the KDP's invitation. With U.S. mediation, the Kurdish parties agreed on October 23, 1996, to a cease-fire and the establishment of a 400-man peace monitoring force composed mainly of Turkomans (75% of the force)...Also set up was a peace supervisory group consisting of the United States, Britain, Turkey, the PUK, the KDP, and Iraqi Turkomans.

A tenuous cease-fire held after November 1997, and the KDP and PUK leaders [Masud Barzani and Jalal Talabani] signed an agreement in Washington in September 1998 to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). Reconciliation efforts showed substantial progress in 2002 as the Kurds perceived that the United States might act to overthrow the regime of Saddam Hussein. On October 4, 2002, the two Kurdish factions jointly reconvened the Kurdish regional parliament for the first time since their 1994 clashes." [33b]

4.14 After Saddam was ousted, according to the report:

"In post-Saddam Iraq, both Barzani and Talabani were part of the major-party grouping that has now been incorporated into the Governing Council, and both are part of the Council's rotating presidency. Talabani was Council president during November 2003. The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions." [33b]

[Return to Contents](#)

4.15 The north, which had escaped much of the violence that had afflicted the rest of the country was rocked on 1 February 2004 by twin bombings at the offices of the Patriotic Union of Kurdistan and the Kurdistan Democratic Party in Erbil. Over 100 people were killed. [46]

[See also Human Rights - Specific Groups - Kurds]

4.16 For more information on history refer to Europa Yearbook, source 1a.

[Return to Contents](#)

5. STATE STRUCTURES

The Constitution

5.1 On 9 April 2003 Saddam Hussein's regime collapsed and the US established the Coalition Provisional Authority (CPA) to run the country. Coalition Provisional Authority Regulation Number 1 dated 16 May 2003 vested in the CPA all executive, legislative and judicial authority necessary for the achievement of its objectives under relevant UN Security Council Resolutions and the laws and usage's of war, this authority to be exercised by the CPA Administrator. Otherwise, unless suspended or replaced by the CPA, or superseded by legislation issued by democratic institutions of Iraq, all laws that were in force as of 16 April 2003 continued to be in force insofar as they did not prevent the CPA doing its work or clash with existing or future CPA Regulations or Orders. [32a]

5.2 A number of state entities most closely associated with the abuses of the former regime were dissolved by Coalition Provisional Authority Order Number 2: Dissolution of Entities. They were:

State

Ministry of Defence
Ministry of Information
Ministry of State for Military Affairs
Iraqi Intelligence Service
National Security Bureau
Directorate of National Security (Amm al-'Am)
Special Security Organisation
Saddam Hussein's bodyguards
Army, Air Force, Navy, the Air Defence Force
Republican Guard
Special Republican Guard
Directorate of military Intelligence
Al Quds Force
Emergency Forces (Quwat al Tawari)

Paramilitaries

Saddam Fedayeen
Ba'ath Party Militia
Friends of Saddam
Saddam's Lion Cubs (Ashbal Saddam)

Other organisations

The Presidential Diwan
The Presidential Secretariat
The Revolutionary Command Council
The National Assembly
The Youth Organisation (al-Futuawah)
The National Olympic Committee
The Revolutionary, Special and National Security Courts

[31d]

The Transitional Administrative Law

5.3 On 8 March 2004, after considerable last minute wrangling, a "Law of Administration for the State of Iraq for the Transitional Period", generally known as the Transitional Administrative Law, was signed. The law vests sovereignty initially in the Iraqi Interim Government from 30 June 2004 and dissolves the CPA on that date. The second phase provides for an Iraqi Transitional Government to take office after elections for a National Assembly. At this point the Transitional Administrative Law will expire; this must take place by 31 January 2005 at the latest. [11]

5.4 The Law provides that the transitional government will contain checks and balances and the separation of powers; the people of Iraq are to be sovereign and free; the Law provides for a republican, federal, democratic and pluralistic system of government; federalism to be based on geography, history and separation of powers; and not ethnicity or sect. The armed forces are to fall under civilian leadership; Islam is to be the official religion and a source of legislation; the law is to respect the Islamic identity of the majority; freedom of religious belief and practice is to be guaranteed; Arabic and Kurdish are to be the official languages. [11]

5.5 The full text of the Law is at Annex E

[Return to Contents](#)

Nationality and Citizenship

5.6 "Iraqis whose citizenship was cancelled by the former regime will have it restored when the new law of administering the country is issued, according to governing Council Member Naseer al-Chadiri. The new law will terminate the notorious Resolution 660 under which hundreds of thousands of Iraqis were deported by Saddam, Chadiri said. He also said cancelled citizenships will be renewed automatically, enabling participation in future elections. The new law will not allow discrimination into first- and second-class citizenship, and it will no longer allow cancellation of citizenship for any reason", as reported by London based Azzaman and quoted in the IWPR Iraqi Press Monitor on 25 February 2004. [46] According to the Foreign and Commonwealth Office "There is a lack of clarity over the position of Iraqi Jews who left Iraq. Many of them were forced out in the early 60s and were made to renounce citizenship and property rights, so it is ambiguous whether they are allowed to return as, in practice, it was not Saddam's regime who cancelled their citizenship and on paper they volunteered to renounce their Iraqi nationality. But these decisions were clearly not voluntary". [56a]

[Return to Contents](#)

Political System

Interim Governing Council

5.7 According to a US Congressional research report in January 2004:

"On July 13, 2003, a Governing Council was unveiled to the Iraqi public, appointed by the U.S.-led CPA but reflecting the influence of the major-party grouping. It also contained prominent Iraqis who were never in exile and were not affiliated with the exiled opposition. Prior to the assassination on September 20, 2003, of Council member Akila al-Hashimi (a Shiite woman and former foreign ministry official) the Council had 25 members, of which 3 were women and 13 were Shiite Muslims. Of the 12 Shiite Muslims still on the Council, one seat is held by SCIRI directly (Abd al-Aziz Al Hakim, younger brother of Mohammad Baqr), one is held by a guerrilla affiliated with SCIRI (Abdul Karim al-Muhammadawi) [but see para. 5.8], two are Da'wa Party (Ibrahim al-Jafari and Abdul Zahra Othman) leaders, and considered allies of SCIRI [see para. 5.8], and one is a former Da'wa activist (Muwaffaq al-Ruba'i). Also on the Council is a moderate Shiite cleric, Mohammad Bahr al-Ulum, who is not affiliated with SCIRI or Da'wa. He headed the Ahl al-Bayt charity center in London since the 1980s. The remaining Shiite Muslims, such as Chalabi and Iyad al-Alawi, are secular. One Sunni Muslim Islamist was appointed — Muhsin Abdul Hamid — who heads the Iraqi Islamic Party; he does not have a clear relationship with the Shiite Islamists on the Council. (Akila Hashimi's vacant Council seat was filled on December 8 by Salama al-Khufaji, a Shiite woman who is a dentist and teaches at Baghdad University.)

The Council includes five Kurds, including the two main Kurdish leaders Jalal Talabani and Masud Barzani. The Kurds are generally considered the most pro-U.S. of all Iraqi factions and are generally reluctant to openly criticize the CPA.

Although not a cohesive bloc, the Council includes exiles and non-exiles who generally want a liberal democracy and could be considered generally pro-U.S [but see para 5.8]. Most prominent among them is Chalabi, but this grouping includes National Democratic Party leader Nasir al-Chadirchy and Adnan Pachachi, both of whom are Sunni Muslims. Others most likely to affiliate with this bloc include Sunni businessman Samir Shakir al-Sumaidy; Sunni tribal member and civil engineer Ghazi al-Yawar, who is president of Saudi-based Hicap Technology; the Shiite coordinator for the Human Rights Association of Babel, Ahmad al-Barak; and the two other women Council members, Songul Chapouk, a member of the Turkomen minority, who heads the Iraqi Women's Association, and Raja al-Khuza'i, a Shiite who heads the maternity hospital in Diwaniyah.

A member of the Assyrian Christian community is on the Council. Yonadam Kanna, the secretary-general of the Democratic Assyrian Movement, is on the body. It is not known with what other members of the Council, if any, he might be aligned. Also unclear is whether Hamid al-Musa, the Shiite head of the Iraqi Communist Party, is allied with anyone else on the Council...

[Return to Contents](#)

In late July 2003, the Council decided that nine Council members will rotate as chairpersons, each for one month. Those who rotate that post are Ibrahim Jafari (Da'wa Party), Chalabi, Alawi of the INA, Talabani (PUK), Hakim (SCIRI), Pachachi, Barzani (KDP), Bahr al-Ulum, and Abdul Hamid, the Sunni Islamist.

Among its first actions, the Council authorized the establishment of an Iraqi war crimes tribunal for Saddam and associates accused of major human rights abuses. It empowered a three-member delegation to seek formal U.N. recognition; Chalabi, Pachachi, and Akila Hashimi, traveled to the United Nations in July 2003 and received a supportive statement from Secretary General Kofi Annan. No decision on seating the Governing Council at the United Nations was announced, although some governments in the region, including that of Iran, have recognized the Council. The Council helped develop a plan, announced September 21, 2003, to open Iraq's economy to foreign investment and many of its companies to foreign ownership. In early December 2003, the Council decided to expel from Iraqi territory any members of an exiled Iranian opposition group called the People's Mojahedin, a signal of goodwill toward neighboring Iran." [33b]

5.8 A different interpretation of the situation is made by the Foreign and Commonwealth Office: "Karim al-Muhammadawi is not affiliated with SCIRI. The two wings of the Da'wa party represented on the IGC are allies of SCIRI is a vast over-simplification. The Kurdistan Islamic Union (KIU) also has a Sunni Islamist on the IGC, but a Kurdish one. The idea that there is a liberal, pro-US 'bloc' on the IGC is misleading as is that paragraph's list of people who might be allied with each other. Yonnadam Kanna has close links to the two main Kurdish parties but is not 'aligned' to them". [56a]

[Return to Contents](#)

Cabinet

5.9 The Congressional research report went on to describe the Iraqi cabinet:

"The Council has filled out a governmental structure, and on September 3, 2003, a 25-member cabinet was sworn in. Its composition has roughly the same factional and ethnic balance of the Council itself. Two "ministers" - Ibrahim Bahr al-Ulum (oil ministry) and Ali al-Alawi (trade ministry) - are close relatives of Council members. Another, "foreign minister" Hoshyar Zibari, is a longtime close aide to KDP chief Masud Barzani. Zibari served during most of the 1990s as KDP representative in Washington. Longtime PUK activist Abdul-Latif Rashid is the "minister" of water resources. No "defense minister" was named, because U.S.-led military forces are responsible for defense. The "interior minister" is Nuri Badran, an INA activist. Badran is attempting to build on the INA's contacts among ex-Baathists and ex-military people to develop a new domestic intelligence and national police network,²³ although recruitment of such categories of Iraqis has raised suspicions of other Governing Council members, such as Ahmad

Chalabi. Chalabi has been the most vocal of all major post-Saddam figures in calling for the complete dismissal and isolation of all those with ties to the former regime." [33b]

5.10 On 1 September 2003 The Guardian reported that one of the members on the Presidential list, Mr Al-Aloum, announced that he was suspending his membership of the Council in protest at the "dangerous security void in Iraq, especially in Najaf" following a car-bomb which killed approximately 100 people including Ayatollah Mohammed Bakr al-Hakim, leader of SCIRI, on 29 August 2003. [6c] On 2 September 2003 The Guardian reported that the operation of the IGC had attracted criticism from both western officials and Iraqis for the slow pace at which it was working. The council in turn complained that although it had the power to make decisions it lacked the authority or the resources to implement them. [6b]

5.11 According to the International Crisis Group on 25 August 2003, there were over 100 political groups and parties functioning in post-war Iraq. [25a] A Joint British-Danish Fact-Finding Mission Report in August 2003 found that the parties operated freely and most had opened offices in Baghdad and other cities. There appeared to be a degree of co-operation between many of the various parties, most of which had a shared interest in restoring peace and stability and sooner or later ending the US occupation of the country. However, there were fears that if the situation did not improve, political groups may start to lose credibility with their own constituencies and have to adopt a less co-operative stance if they were to avoid losing support to the more militant extremes of the political spectrum. Beneath the surface there were many potential conflicts, e.g. between Sunni and Shi'a, Kurds and Turkmen, as well as potential friction within the Shi'a community. [30](paras 1.1 – 1.2)

[Return to Contents](#)

Northern Iraq

5.12 The Kurdistan Observer reported on 25 May 2003 that having fought bitterly for most of the 1990s, the leaders of the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) appeared to have maintained a truce since the overthrow of Saddam but were still mistrustful of Baghdad. Since breaking free of Saddam's control, northern Iraq was a relative oasis of prosperity with dozens of satellite tv channels, internet cafes and shops filled with goods. [10b] On 12 June 2003 the PUK and KDP agreed to merge their regional administrations in a move intended to give them a united voice. KDP leader Massoud Barzani and PUK head Jalal Talabani attended a meeting in Dukan, northern Iraq, to set up a committee to oversee the unification of their administrations, which are run from Erbil and Sulaymaniyah respectively. [4i]

5.13 "However" according to Lebanese newspaper The Daily Star on 27 April 2004 "the rivalry and distrust between the PUK and the KDP still persist. After years of efforts and negotiations, the two leading parties in Erbil and Sulaymaniyah still cannot agree to unify their administrations, despite intense popular demand. What is also worrying is that there is still no clear Kurdish

strategy regarding relations with Baghdad. These are serious challenges that will keep alive the sense of insecurity in Kurdish psychology." [56a]

5.14 A US Congressional report in January 2004 stated that:

"In post-Saddam Iraq, both Barzani and Talabani were part of the major-party grouping that has now been incorporated into the Governing Council, and both are part of the Council's rotating presidency. Talabani was Council president during November 2003. The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions." [33b]

[Return to Contents](#)

Judiciary

5.15 According to the US State Department Human Rights report:

"At the fall of the regime, there were approximately 860 Iraqi judges and prosecutors. A number were not corrupt, connected to the security court or to high levels of the Ba'ath Party. Although far from a model of fairness, the judiciary was not significantly involved in the worst abuses of the prior regime. Pervasive human rights abuses existed in the regular judicial system, such as the use of tortured confessions. However, the ordinary courts in the Ministry of Justice were marginalized due to the regime's mistrust of many of the regular judges.

Bribery was a chronic problem in the judiciary, as was political influence. The regime intervened in the ordinary judicial system when a person of influence was arrested for the commission of an offense that was prosecuted in the Ministry of Justice Courts or where the victim of the crime had regime ties. However, judges, at times, demonstrated great courage. In one well-known case, the regime removed nine judges from the Supreme Court when the facts made the death penalty inapplicable and they refused to impose the death penalty in a murder case in which the victim was associated with the regime. In another instance, a judge was imprisoned when he authored an opinion declaring that a decision of the RCC was unconstitutional. In another case, the regime refused to appoint an entire class of judges after 2 years of study at the Judicial Institute because they did not clap after a speech by Ali Hassan Al-Majid, Saddam Hussein's cousin who organized the gas killings of the Kurds in 1986." [2a]

5.16 A separate US State Department report stated on 26 March 2004 that "The Iraqi justice system is operational, with courts open, judges' qualifications reviewed, and defendants rights protected". [26] However, according to the Foreign and Commonwealth Office on 26 April 2004, "There are still many examples of the justice system not working" and "The judicial system in Iraq lacks capacity although the Judicial Review Committee has now vetted every judge and prosecutor nation-wide for past Ba'athist links, corruption, complicity in human rights abuses, and other malfeasance". [56a]

5.17 Human Rights Watch reported on 7 April 2003 that Iraq's Revolutionary Courts, State Security Courts and Special Provisional Courts had been instrumental in the repression of the Iraqi people under Saddam's regime, and the state also interfered with other civil and criminal courts. [15b] Reporting the resumption of the justice system on 8 May 2003, the BBC stated that initially the courts would use the 1969 legal code which excluded the harsh criminal punishments from Islamic law added by Saddam. But "They were staffed by judges who worked under Saddam Hussein, when the justice system was abused with arbitrary arrests and detention, torture and harsh punishment" [4n] and "After decades of Ba'ath Party rule, the Iraqi judiciary has been deeply compromised" according to Human Rights Watch. [15b]

[Return to Contents](#)

5.18 In an effort to deal with serious cases that threatened public order and safety while the rest of the Iraqi judicial system was rehabilitated, Coalition Provisional Authority Order Number 13 established a Central Criminal Court of Iraq consisting of three chambers: an Investigative Court; a Trial Court; and an Appellate Court, the court was to sit in Baghdad and in other locations determined by the head of the CPA. The Court would try offences committed after 19 March 2003. The Order establishing the court provides that judges must:

- be of high moral character and reputation
- not have been a member of the prohibited top four tiers of the Ba'ath Party
- have no criminal record (except political or false charges made by the former regime)
- have had no involvement in criminal activities
- be an Iraqi national
- have been a judge for at least five years and demonstrated competence
- be prepared to sign an oath of office

[31c]

5.19 In a July 2003 report Amnesty International welcomed the abolition of the Revolutionary, Special and National Security Courts and noted the establishment of the Central Criminal Court. However, Amnesty expressed a number of concerns about the terms under which the court would operate including: the sweeping restrictions on former Ba'athists; that the appointment

of judges for one year terms would not give them sufficient security of tenure to ensure their independence; that gender or political opinion were not listed among the grounds on which judges are not allowed to discriminate. [28b](p. 15) Al also expressed concerns that the relationship between the Council of Judges and the Judicial Review Committee established by CPA Order No. 15 could give rise to a conflict of interest and that the restrictions on the employment of former Ba'ath Party members in the judiciary amounted to discrimination and contravened Principle 8 of the Basic Principles on the Independence of the Judiciary which lays down that the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly. [28c](p.8)

5.20 Iraq Today reported on 15 September 2003 that Iraq's investigative courts were operating again but investigating judges had complained that the US military police who were in charge of the criminal justice system were doing a poor job of investigation and were ignoring due process in their haste. Investigative judges have a role similar to Grand Juries in the US and decide whether criminal charges should be filed against a suspect. Police are required to bring suspects and evidence before the courts for the investigating judge to decide whether charges should be filed but, the judges claimed, US military police would often bring the wrong suspects or mislay documents, causing cases to be delayed. The judges had appealed to the Ministry of Justice to do something about the problem. [9c]

5.21 At Al-Beyaa investigative court one of the judges said of the 65 or so cases they reviewed each day, according to Iraq Today, usually there was no suspect because the military police had released them. The judge complained that the military police let go the murderers and bank robbers but brought before the court trivial cases such as the person charged with stealing 50 screws and nuts from a destroyed building. The judge dismissed the latter case as "silly". [9c]

5.22 Iraq Today reported that the Iraqi appeals court, known as the Cassation Court, was struggling to overcome logistical and security concerns. The court was supposed to deal with civil and criminal cases but as of the middle of September 2003 was dealing with neither. Judges were concerned that so many files had been destroyed that they would find it difficult to discover the history in cases they were hearing. They also complained that they had no access to telephones, no desks, and that the air conditioning in their building did not work. [9c]

5.23 However, by early October 2003, Associated Press Television News (APTN) reported that Hashem Abed al-Raman, the Iraqi minister of Justice, claimed that 'the state of justice is good', with judges enjoying the freedom and responsibility to dispense justice in accordance with the law rather than with the wishes of Saddam Hussein's regime. The CPA had helped get Baghdad's courts up and running and have consulted with judges to develop new strategies. [51a]

[Return to Contents](#)

5.24 APTN reported that so far there had not been many dramatic changes to the Iraqi legal code, but there had been some critical ones: separation between the judiciary and legislature had been provided for; several dictatorial legal articles had been removed from the code; ministries, police and high-ranking military personnel no longer enjoyed legal immunity; and justices had been stripped of their right to issue sentences without due process. Salman al-Taie, a justice at Al Bayaa Court, was reported as saying that although the old legal structure was basically the one still being used, those elements that conflicted with human rights standards had been removed. Judge Sameer Ali Motlag said that there was no illegal force, beatings, insults, threats, fear tactics and that suspects had to be presented with legal evidence before being convicted. [51a]

5.25 According to Christian Science Monitor on 24 September 2003, in Tikrit, in Salah al-Din governorate, all the 52 experienced judges were former Ba'ath Party members, but the US army officer in charge of reforming the Tikriti justice system was of the opinion that the system could not operate without them. Nonetheless, he was ordered to fire four of them because they had belonged to the banned top four tiers of the Ba'ath Party. [34b](p.3)

5.26 The Court of First Instance is a civil court dealing with such issues as unpaid debts, property ownership and disputes, patents, inheritance and contracts, according to Iraq Today on 22 September 2003. Around 20% of the 50 or so cases before the court would be decided in any one week but judges were reported to be holding back some cases in the hope that the law would be changed to erase the bad precedents established under Saddam's regime. [9d]

5.27 Judges have been the targets in a number of attacks including: on 3 November 2003 a senior judge, Mohan Jaber al-Shoueili, was kidnapped and killed in Najaf according to reports in the Washington Post on 4 November 2003 and the Independent on 5 November 2003. The judge's deputy was also kidnapped but subsequently released. Both sources reported the deputy as saying that the killers had said they were obeying the orders of Saddam. The Independent reported that the killings were a mystery "because Najaf is a Shia holy city and most of its population hated the deposed president". But the Washington Post said that "police in Najaf were investigating the killing of Shoueili, who had been leading probes into several Najaf officials who served under Saddam". On 5 November 2003, the Independent reported that a prominent judge was shot dead by gunmen in Mosul; "The reason for the killing is a mystery; he was not involved in prosecuting Baathists", the paper reported. The shooting, and the murder of al-Shoueili in Najaf, "differs from other killings in Iraq in that the victims were prominent enough for their names to be recorded". [8c](16c)

[Return to Contents](#)

Judiciary in northern Iraq

5.28 According to the US State Department Country Report on Human Rights Practices 2003, prior to the fall of Saddam's regime the PUK and KDP enacted laws establishing an independent judiciary. According to press

reporting and independent observers, both groups generally observed these laws in practice and in addition, both the PUK and KDP established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses [2a]

Justice for Human Rights Abusers

5.29 On 10 December 2003 the Interim Governing Council issued a law creating a tribunal to try past atrocities. While welcoming some aspects of the law, Human Rights Watch on 11 December said that key provisions that were necessary for credible and legitimate trials were missing. "The law does not require that judges and prosecutors have experience working on complex criminal cases and cases involving serious human rights crimes to sit on the bench alongside Iraqis...Human Rights Watch is also concerned that the law does not prohibit the death penalty or trials in absentia, and does not ensure that guilt must be proven beyond a reasonable doubt. In addition, the law does not sufficiently address protection of witnesses and victims or security for the tribunal and its staff." [15f]

5.30 According to Amnesty International in a report in March 2004, "To date, little action has been taken to address past human rights violations, including mass "disappearances", or to investigate and bring to justice those found responsible for committing crimes against humanity, genocide and war crimes, or to provide compensation and restitution to victims. In December [2003] the Iraqi Governing Council established the statute of the Iraqi Special Tribunal in order to try Saddam Hussain and other former Iraqi officials, as well as a Committee on Truth and Reconciliation. However, it remains to be seen whether these will be effective and will help to gain justice for victims in accordance with international standards." [28d](p.8)

[Return to Contents](#)

5.31 On 8 March 2004 the Guardian reported that "A team of US legal experts left for Iraq at the weekend to help build the case for Saddam Hussein and other members of his fallen regime to be tried for war crimes. The CPA expected that the first prosecutions could begin towards the end of the summer or in early autumn of 2004, only weeks before the US Presidential election. US sources were anxious to stress that the US team was there only in an advisory capacity to the Iraqi Special Tribunal. [6f] On 21 April 2004 the BBC reported details of the tribunal that was to try Saddam, including naming Salem Chalabi, nephew of IGC member Ahmad Chalabi, as President of the court. Seven judges and several prosecutors had also been named, and the tribunal allocated a budget of \$75 million for 2004-2005. The French lawyer expected to defend Saddam said a fair trial would be impossible. [49g]

[Return to Contents](#)

Legal Rights/Detention

5.32 According to an Amnesty International report in March 2004, there was a two tier system for detention, and people detained by the Coalition forces had fewer safeguards than those held by Iraqi officials. According to CPA Memorandum No. 3, Coalition detainees could be held for 90 days before

being brought before a judge, whereas those detained within the framework of the Iraqi Code of Criminal Procedure must have their case reviewed within 24 hours. [28d](p.5-6)

5.33 The AI report stated that:

"The CPA published a list of 8,500 detainees on the Internet. Most are being held indefinitely and without charge as "suspected terrorists" or "security" detainees.

Many Iraqis do not know where their relatives are being held and the majority have no access to the Internet to seek information about them. Some of those arrested are taken to jails run by Iraqi police, others are taken to US-run centres – but often no one seems to have the relevant information. Those in Iraqi jails usually have access to lawyers and judges at some point. Many of those held in prisons and detention centres run by the Coalition Forces – such as Camp Cropper in Baghdad International Airport (which closed in October), Abu Ghraib Prison and the detention centres in Habbaniya Airport and Um Qasr – have invariably been denied access to family or lawyers and any form of judicial review of their detention. Some have been held for weeks or months; others are apparently being held beyond the prescribed 90 days for judicial review. AI has also investigated cases in which Coalition Forces have failed to implement promptly rulings by judges to release suspects.

In Basra, scores of people remain held without charge or trial in the British-controlled al-Shu'aiba detention centre near al-Zubair. Some were held in Um Qasr before being transferred. Also in Basra, armed Islamist groups have been involved in the arrest, detention and torture of people whom they suspect of "immoral" activities such as selling alcohol, videos or CDs.

Conditions in many of the detention centres are harsh. There have been many unconfirmed reports of hunger strikes and revolts in prisons. The CPA acknowledged that three prisoners were killed and eight wounded during an uprising in Abu Ghraib prison on 24 November." [28d](p.5-6)

[Return to Contents](#)

Death Penalty

5.34 Capital punishment was suspended on 10 June 2003 by Coalition Provisional Order Number 7. Life imprisonment or such other lesser penalty as may be provided by the penal code could be applied instead. The same Order also prohibited torture and cruel, degrading or inhuman treatment and prohibited the prosecution of any person for aiding, assisting, associating with or working for Coalition forces or the CPA. [31b] At the end of September 2003 the IGC was reported to be pressing for the reintroduction of the death penalty and the UK and US were discussing its reintroduction [36c] but according to the Foreign and Commonwealth Office on 26 April 2004 "It will be for an Iraqi

sovereign government to decide whether to reinstate the death penalty after 30 June 2004". [56a]

[Return to Contents](#)

Torture

5.35 According to an Amnesty International report in March 2004:

"Many detainees have alleged they were tortured and ill-treated by US and UK troops during interrogation. Methods often reported include prolonged sleep deprivation; beatings; prolonged restraint in painful positions, sometimes combined with exposure to loud music; prolonged hooding; and exposure to bright lights. Virtually none of the allegations of torture or ill-treatment has been adequately investigated.

In Basra, at least four people have died in British custody. In one case, the cause of death was torture. Several people interviewed by AI described being tortured by British soldiers during interrogation.

Eight Iraqis arrested on 14 September by British soldiers from the British military base Camp Steven in Basra were reportedly tortured. The men all worked for a hotel in Basra where weapons were reported to have been found. Baha' al-Maliki, the hotel's receptionist, died in custody three days later; his body was reportedly severely bruised and covered in blood. Kefah Taha was admitted to hospital in critical condition, suffering renal failure and severe bruising.

In February 2004, during a hearing into the death in June 2003 of Najem Sa'doun Hattab at Camp Whitehorse detention centre near Nassiriya, a former US marine testified that it was common practice to kick and punch prisoners who did not cooperate – and even some who did. The marine had been granted immunity from prosecution for his testimony. Najem Sa'doun Hattab, a former Ba'ath Party official, died after he was beaten and choked by a US marine reservist." [28d](p.6-7)

5.36 The BBC had reported on 16 May 2003 when torture allegations first came to light that the UK Ministry of Defence said it had not seen any of the details of the allegations but that "All the prisoners held by the British were held under the terms of the Geneva Convention, and they were frequently visited by members of the International Red Cross". [4ah]

5.37 Asharq al-Awsat, a London based pro-Saudi independent paper was reported by the Institute of War and Peace Reporting on 17 February 2004 as stating that: "The Ministry of Justice has warned several political parties and organisations of the consequences of of summoning people illegally for interrogation. In a statement, the Ministry said such action is considered a violation of the law and those who conduct it will be liable to legal prosecution. The paper says some undisclosed political organisations, parties, and movements have illegally summoned people and interrogated them concerning different charges". [46c]

5.38 In the north, according to the 2003 US State Department Human Rights report, there were reports that authorities of both the PUK and KDP tortured detainees and prisoners. The same report also stated that prior to the fall of Saddam's regime the PUK and KDP enacted laws establishing an independent judiciary, according to press reporting and independent observers generally observed these laws in practice, and in addition had established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses. [2a]

[Return to Contents](#)

Internal Security

5.39 In January 2004 a US Congressional research report stated that there were about 145,000 US and British troops in Iraq and about 16,000 other foreign forces. The US wants to reduce its numbers but some reports say Defense Department officials estimate that over 100,000 US troops might still be in Iraq by the summer of 2004, and perhaps that many as late as 2006. [33b]

5.40 The effectiveness of internal security varies greatly between the Kurdish Regional Government administered areas and elsewhere. According to Lebanese newspaper The Daily Star on 27 April 2004:

"Furthermore, law and order exists [in the Kurdish Regional Government administered area]. Kurdish police and security forces are efficient and the security situation in the self-ruled Kurdish region is a far cry from that in the rest of Iraq. Exemplary relations between coalition troops and the population further enhance stability, including political stability..." [57a]

Police

5.41 By 17 November 2003 it was reported by the New York Times that 131,000 Iraqis had been recruited to one or other arm of the new security apparatus. Of these, 62,000 were police, some of whom were police officers under the former regime but who had been given three weeks re-training, concentrating on policing in a democratic society. The Iraqi Civil Defence Corps was an 8,500 strong paramilitary force, again including some former soldiers, but none who held a rank of colonel or higher. Its main task was to patrol with U.S. troops and to monitor highways and checkpoints. A Facilities Protection Force of 48,000 guarded public buildings, members of the IGC, contractors and humanitarian convoys – they received minimal training. Finally there was the customs and border protection force of 12,200. [24f]

5.42 By the 23 February 2004 there were 67,000 Iraqi police officers and a further 9000 border police according to a BBC report. And despite the fact that more than 300 police officers have been killed since the new police force was established, there appears to be no shortage of applicants in an economy with up to 70% unemployment. [4a] In the Kurdish Regional Government administered area, according to a Reuters report carried by the Kurdistan

Observer on 16 October 2003, the PUK and KDP had "built up police forces and local governments which remain in place, largely unaffected by the war". [100]

5.43 Albawaba reported on 21 July 2003 that, in an effort to combat the guerrillas, terrorists and saboteurs who were undermining the country's stability, the new interior minister, Nouri Badran, announced on 1 September that a paramilitary force composed of former Iraqi army special forces was to be established. The Civil Defence Battalions would be under the command of the Interior Ministry, which would be under the tutelage of the US authorities. The new force would be part of what the Ministry anticipated would ultimately be a 70,000 strong internal security apparatus which would also include police, traffic police and border guards. [270]

5.44 The New York Times reported on 29 June 2003 that the job of rebuilding the Iraqi police force was made doubly difficult because the available personnel were seen as tainted: the public saw the police as the most visible arm of Saddam's repressive security apparatus. The police themselves, on the other hand, saw themselves as the poor relations of Saddam's security machine and because the other security agencies largely kept order, the police did not know how to. Poorly educated and mostly poorly paid, they supplemented meagre incomes with systemic corruption so severe that Iraqis had to pay a bribe just to report a crime. [240]

5.45 At the other end of the police hierarchy, senior police officers were also associated with the former regime. As part of the de-Ba'athification of Iraqi institutions, on 21 May 2003 L Paul Bremer dismissed a Baghdad police chief because he was a former member of the Ba'ath Party, despite the help he had given US forces in rebuilding the city's ravaged police force, according to Yahoo News on 26 May 2003. Abdul Razak al-Abbassi was fired the day after Baghdad officers complained that a top Ba'athist still controlled the force – al-Abbassi was found to have full membership of the Ba'ath Party, disqualifying him from any of the three top positions in an Iraqi government bureaucracy. [42a]

5.46 Police personnel and police stations have been a major target of insurgents as they are seen to be collaborating with the Coalition. The Guardian reported on 25 February 2004 that the deputy police chief of Mosul was assassinated just days after a huge car-bomb outside Kirkuk police station killed eight police officers and injured at least 50 others. In another attack on a police station in Fallujah, dozens of gunmen stormed the building and killed 25 people. [60] There have been many more such incidents throughout the country.

[Return to Contents](#)

Security Services

5.47 The Daily Telegraph reported on 4 January 2004 that the US was to establish a secret security service in Iraq in an attempt to root out Ba'athist regime loyalists who were behind the continuing insurgency in parts of Iraq. Personnel would be drawn from Iraqi exile groups, Kurdish and Shi'ite forces

and former mukhabarat agents who are working for the Americans. CIA officers were expected to play a role in leading the service's operations. [48b]

Militias

5.48 "Several of the biggest political parties in Iraq say they are determined to keep their well-armed militias despite American opposition to the idea. They contend that the militias remain necessary in light of the lack of security throughout the country," according to a report in the New York Times on 8 February 2004. The militias are thought to number in the tens of thousands and include the peshmerga in the north and the Badr Organisation in the south. [24b] However, on 22 March 2004 the Kurdistan Observer carried a report that the leaders of the approximately 50,000 Kurdish peshmerga and the 10,000 strong Badr Organisation had provisionally agreed to dissolve their forces. Members of the militias would be offered the opportunity to work in Iraq's new security services or get substantial retirement benefits. Members of smaller militias would also be able to apply for jobs in the new security apparatus. Those who choose not to disband would be confronted and disarmed by force if necessary. [10g]

5.49 According to the Foreign and Commonwealth Office on 26 April 2004 "An Iraqi Civil Defence Corps (IDC) battalion has been set up which includes personnel formerly in political militias to work with Coalition forces. This is part of an overall aim to integrate these forces into new national security force structures and to build Iraqi capacity to take on responsibility for security in the country". [56a]

5.50 A newly emerged militia called the Black Flag said that it would take on the job that Coalition troops or Iraqi police can't, according to a report by IWPR on 8 March 2004. "Group members say they will act against suspected insurgents in place of the United States-led Coalition and the Iraqi police, who they say lack the street-level intelligence to deal with their enemies effectively". A Black Flag member said that the organisation would pass information to the police but if the police did not take action, Black Flag would. [11m]

5.51 Some of the the members IWPR met were part of a twenty strong group walking down a Baghdad street armed with Kalashnikovs, Sterling sub-machine guns and an assortment of pistols, and tearing down pro-Ba'athist, anti-Coalition posters. [11m]

5.52 "Black Flag claims 5,000 members across the country – including adherents in half-a-dozen Baghdad neighbourhoods. Although this claim is impossible to verify, IWPR has met members of the groups in three different locations across west Baghdad." [11m]

[Return to Contents](#)

Prisons and prison conditions

5.53 After initial reluctance, and faced with growing numbers of high-security detainees, the US army had re-opened the notorious Abu Ghraib prison 18

miles west of Baghdad reported The Times on 2 August 2003. The prison was formerly the scene of mass executions and torture of political prisoners and common criminals. The execution block was to be turned into a memorial for those who died there. [5c] The Independent reported that up to 800 inmates were held in the prison, most of them criminals but also some security detainees. In September the prisoners were moved into newly refurbished cells, having lived in tents since the prison was reopened. A medical centre has been installed with stocks of medicines, x-ray machines and a defibrillator. [8a]

5.54 Amnesty International claimed on 30 June 2003 that "The conditions of detention Iraqis are held under at the Camp Cropper Center at Baghdad International Airport – now a US base – and at Abu Ghraib Prison may amount to cruel, inhuman or degrading treatment or punishment, banned by international law." Detainees had claimed that they were tightly bound with plastic hand-cuffs and sometimes denied access to water and toilet facilities on the first night of their arrest. AI also called on the CPA to investigate allegations of torture and death in custody, saying that US officials had acknowledged shortcomings and undertaken rapidly to improve conditions, including notifying families and eventually providing access to lawyers within 72 hours. [28a] But the BBC reported that Pentagon officials rejected AI's allegations, claiming that they followed international law to the letter. [4r]

5.55 According to The Independent the new Iraqi guards in Abu Ghraib had reportedly been trained in human rights but the doctor at the prison was the head doctor during Saddam's regime, when the prison was used for torture and executions, although he claimed that he had never been involved in either torture or executions. The prison was subject to regular grenade and mortar attacks; these were directed at the Americans but reportedly six inmates had been killed in these attacks in the month before the report. [8a]

5.56 Iraqi National Congress daily paper Al-Mutamar was quoted by IWPR on 11 February 2004 as reporting that: "A source in the [Iraqi] ministry of human rights said the Coalition Provisional Authority has agreed in principle to open an office for human rights in Iraq's main prison, Abu Ghraib. The source said the new office would investigate any violation of human rights inside this prison and others. Many Iraqi and international associations of human rights claim that detainees' rights are violated inside prisons supervised by Coalition forces. Some 9,000 Iraqis are detained in Coalition prisons." [46b]

5.57 On 13 December 2003 the BBC reported that the International Committee for the Red Cross claimed that three Arabs detained by US forces suffered serious injuries while in custody. One had had his leg amputated at the knee while in custody and all three may be permanently disabled. It is not known how the injuries occurred. [4ac]

5.58 In the north, the US State Department Human Rights Report 2003 stated that "Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular

and consistent improvement in conditions was observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly deny access to ICRC officials. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners". [2a]

5.59 On 20 April 2004 the BBC reported that 22 inmates of Agu Ghraib – described as security detainees - were killed and a further 98 wounded in a mortar attack on the prison. [4a]

[Return to Contents](#)

Military Service

5.60 Iraq's armed forces as they existed under Saddam Hussein were dissolved in May 2003 by a directive issued by L Paul Bremer. The Ministry of Defence, Ministry of Information, Republican Guard and other security institutions "which constituted and supported the most repressive activities of Saddam Hussein's regime" were abolished and conscription was ended. The coalition planned to create a New Iraqi Corps that would be professional, non-political, militarily effective and representative of all Iraqis. Candidates for the new force would be screened. [8b][14b]

5.61 Although the Coalition imposed a September 2004 deadline for the 35,000 strong new Iraqi army to be in place, it was reported by the BBC on 18 March 2004 to have said that it wants to have most of the new army, including 1,400 officers, signed on by the end of June. The majority of the first batch of 550 officers was reported to have served formerly under Saddam Hussein, and to represent the country's ethnic and religious mix. [4p]

Medical Services

5.62 Initial reports of widespread looting of health facilities were found by WHO and UNICEF in a July 2003 report to have been overstated. In fact about 12% of hospitals were damaged and 7% were looted. Two out of three rehabilitation hospitals in Baghdad were looted and are closed but only about 15% of Community Child Care Units were closed. To help compensate, 31 military hospitals with around 12,000 nurses were to be integrated into the public health system. At least half of Iraqi health professionals worked through the war, sometimes in very trying conditions, and most returned to work as soon as the fighting ended. [23a](p.39-40)

5.63 While in July 2003 specialised medicines for emergency care were not widely available, no major communities were without emergency medical services and supplies for an extended period either during the war or since it had ended. [23a](p.40) It was not possible to get sophisticated treatments such as cardiac surgery, and cancer treatment was limited according to the Joint British-Danish Fact-Finding Mission report in August 2003. Only basic drugs were available for the treatment of cardio-vascular diseases and radiotherapy could only be administered in Baghdad and Mosul. There was a lack of many chemotherapy drugs. [30](paras 3.11 – 3.21) Wealthier families had the option of obtaining drugs that were not available in Iraq from neighbouring countries but this was not an option for poorer people – for example a three month supply

of the leukaemia treatment ATRA bought in Jordan would cost in the region of £15,000. [6m]

5.64 In July 2003, according to the Joint British-Danish Fact-Finding Mission report and WHO/UNICEF the drug importation pipeline was functioning and items in short supply immediately after the war, including insulin, asthma inhalants, anaesthetics and anti-hypertensives were available, albeit in reduced quantities. All basic medicines and drugs and most treatments were available, the major difficulties being administrative and logistical – i.e. getting them to where they were needed. There were still shortages of laboratory reagents, oxygen and drugs for some chronic diseases but the WHO reported that the \$160 million of drugs in the Oil-for-Food pipeline should meet most needs through to the spring of 2004. [23a](p.40) In principle the most common drugs could be sent to Iraq within a few days. In some cases, more specialised medication might take longer to obtain. [30](paras 3.11 – 3.21)

5.65 According to the July 2003 WHO/UNICEF report, user fees for medical services were suspended in June but quietly reinstituted in July when the suspension resulted in shortages of oxygen and consumables. Users now pay the majority of the costs of the health system. [23a](p.41)

5.66 The major impediment to getting medical treatment continued to be insecurity and in making their assessment the WHO and UNICEF assumed that for this reason less than 50% of patients were able to access health care. Particularly disadvantaged were pregnant women, children and the chronically ill, who were afraid to travel. [23a](p.37)

[Return to Contents](#)

5.67 According to ReliefWeb on 12 June 2003 the NGO run Emergency Surgical Centre for War Victims in Erbil treated landmine victims. It operated another surgical centre in Sulaymaniyah and had a network of 22 first-aid posts that provided out-patient treatment for less urgent cases. An integral part of the treatment was rehabilitation – for 6 months after the prosthetic fitting, patients were provided with vocational training to improve their chances of finding employment. [7a] The Observer reported on 10 August 2003 that Iraqi doctors working with child amputees were operating under almost impossibly primitive conditions. Iraq's main centre of excellence for amputees, the National Spinal Cord Injuries Centre in Baghdad was badly looted and lacked such basics as sheets, pillows and sterilisation equipment; doctors have no anaesthetic for amputations. Wounds were being dressed with unsterilised cotton and there were no chemicals to make casts for prosthetic limbs. [37a]

5.68 A shortage of adequate medical equipment and expertise was hampering the treatment of tuberculosis in the three northern Governorates and the associated social stigma was fuelling its spread, according to a report on IRIN on 16 June 2003. Erbil's only TB clinic struggled to keep up with the number of patients. With the equipment available the clinic was able to provide patients with the first line of treatment but if patients proved resistant to the drugs they were unable to administer advanced treatment; most

patients do recover after the first treatment. The WHO worked with the clinic on a Directly Observed Treatment Short Course (DOTS) which ensured that patients had access to the medicine by supplying the clinic near where they lived with the drugs. Since the introduction of DOTS in April 2002 the recovery of TB patients had improved by almost 90%. [18a]

5.69 A US State Department special report in December 2003 described a number of improvements to the Iraqi healthcare system. They included:

"The entire country is at pre-war capabilities for providing health care - 240 Iraqi hospitals and more than 1,200 primary health clinics are operating, offering basic healthcare services for the Iraqi people.

Doctors' salaries have increased to between \$120 a month and \$180 a month, in comparison to \$20 a month before the war. There are roughly 22,000 physicians affiliated with the Ministry of Health, and about 35,000 nurses and nursing assistants.

The Ministry has 100,000 healthcare professionals and staff. More than 80 percent are women.

Iraq's 2004 budget for health care is \$950 million. Saddam Hussein's regime provided only \$16 million for the Ministry of Health in 2002, a 90 percent reduction from a decade earlier.

Health care for some ethnic groups was almost nonexistent under Saddam's regime. The Ministry of Health is working to ensure that health care is available to all Iraqis regardless of ethnicity, geographic origin, gender, or religious affiliation.

More than 30 million doses of children's vaccinations have been procured and distributed, and the Ministry has received grants to immunize the country's 4.2 million children under the age of five against preventable diseases such as polio, tetanus, diphtheria, measles, and tuberculosis.

Routine vaccinations are now available to newborns, children, and mothers every day at Ministry of Health facilities across the country and are promoted nationally through immunization days on the 22nd of each month.

Since May 24, the Ministry of Health has delivered more than 25,000 tons of pharmaceuticals and supplies to healthcare facilities across Iraq.

The Ministry is responsible for 29,000 hospital beds.

Since the liberation of Iraq, the country has not faced a major public health crisis.

Three Facility Protective Services classes have trained over 1,300 personnel to protect health facilities.

The Ministry of Health has completed a \$1.7 million headquarters refurbishment project." [24]

5.70 Further information on medical provision can be found at Annex D.

[Return to Contents](#)

Mental Health Care

5.71 In July 2003 the Freedom and Peace Trust reported that Al-Rashad Hospital in Baghdad was the only long term mental institution in Iraq and was regarded as one of the most advanced mental health facilities in the region. In July, Al-Rashad had a capacity of 1,250 beds, although half of these were without mattresses and conditions were poor. There were six wards, 3 each for men and women, a maximum security ward and an out-patient clinic. Basra General Hospital had a 16 bed psychiatric ward which catered for thousands of out-patients in an area with a population of 2.5 million. Both hospitals were looted of critical medicines in April and Al-Rashad hospital's patients were forced onto the streets; staff and NGOs had been working to return them to the hospital and treat them. [13a][13b]

5.72 According to the Freedom and Peace Trust, Ibn-Alrashid Hospital was the only hospital in Iraq dedicated to short-term in-patient treatment focussing on addiction and severe depression. It also had a children's unit although there was not a specialist child psychiatrist (and possibly not one in the whole of Iraq). The hospital had 75 beds (all of which were full at the time of the report in July 2003, and an out-patient unit that served 80-100 patients a day. In addition, the five psychiatrists working at the hospital treated many cases of Obsessive Compulsive Disorder, Post Traumatic Stress Disorder and Bipolar illness. However, most of the medicines in the hospital were looted after the war and they sought help in developing proper treatment programmes. Patients paid a minimal fee for their stay at the hospital; the average length of stay was two weeks and for many it was a half-way house. [13b]

5.73 The Guardian reported on 30 August 2003 that Iraq had less than 100 psychiatrists, and many of them were reportedly planning to emigrate once Saddam's travel restrictions had gone. Of the remainder, some were prevented from practising because they were members of the top four ranks of the Ba'ath Party. [6g]

5.74 The Freedom and Peace Trust claims to be the only NGO in Iraq focussing on the mental health system. They have the help of large teams of American and European bi-lingual psychiatrists, psychologists and social workers who are committed to treating Post Traumatic Stress Disorder. The Freedom and Peace Trust has distributed consignments of psychotropic and anti-convulsive drugs, including Risperdal, Paxil and Phenytoin, sufficient to treat thousands of patients, to al-Nasiriyah, Baghdad and Basra. Further shipments are to follow. The Trust was also planning to open the first

Behavioural Rehabilitation Centre and Women's Crisis Intervention Centre in Iraq, and hoped to duplicate the model throughout the country. [13a]

[Return to Contents](#)

HIV/AIDS

5.75 According to IRIN on 18 March 2004, 117 AIDS cases and 150 HIV infections had been reported to Iraqi health authorities at the end of 2000; these figures were in the same article considered on the one hand to be fairly reliable and on the other possibly to underestimate the numbers. "Treatment and care of infected people remains rudimentary in most parts of Iraq. Of 173 persons with AIDS reported in Baghdad in 1985, only 73 were still alive." And "Although the total number of people living with HIV remains small in Iraq, many have reported numerous infringements of their civil liberties, including having to sign a form agreeing only to marry others with the virus". [18f]

5.76 Resources in clinics in Baghdad for those with HIV/AIDS were limited and although WHO had financed some diagnosis kits, medicines such as anti-retrovirals such as AZT, which cost US \$300 per patient per month had all been looted. Many registered patients no longer attended hospital and "WHO and the A[IDS] S[tudy] C[entre] have together put together a plan to bring HIV-positive patients back to the health centre by paying them US \$20 a month on top of the small monthly allowance they currently receive". [18f]

People with disabilities

5.77 According to the US State Department Human Rights report of 2003 said of Saddam's regime "No information was available regarding the regime's policy towards persons with disabilities". [2a]

[Return to Contents](#)

Educational system

5.78 Schools were generally back and functioning, according to the Joint British-Danish Fact-Finding Mission Report in August 2003. Teachers continued to work even when they were not receiving salaries. Attendance varied widely amongst communities. Fear of sexual violence and abduction disproportionately affected women's and girls' school attendance but the situation improved as families arranged for their daughters to travel to and from school in groups, and as more male relatives began escorting female students to school. By the beginning of June attendance overall had reached approximately 75%. [30](para 3.27)

5.79 In a report on 26 March 2004 the US State Department said that more than 2,300 schools had been rehabilitated, with nearly 900 more underway and 4,500 new schools planned to be built over the next four years; more than 32,000 secondary school teachers and 3,000 supervisors had been trained; entry-level teacher monthly salaries had risen from a pre-war \$5 to \$66; over eight million new textbooks had been printed and distributed; and more than 180,000 desks, 61,000 chalk boards, 808,000 primary student kits and 81,000 teacher kits had been provided. [2e]

[Return to Contents](#)

6. HUMAN RIGHTS

6.A HUMAN RIGHTS ISSUES

6.1 Amnesty International, in its March 2004 report 'Iraq: One year on the human rights situation remains dire' concluded that:

"Every day Iraqis face threats to their lives and security. Violence is endemic, whether in the form of attacks by armed groups, abuses by the occupying forces, or violence against women. Millions of people have suffered the consequences of destroyed or looted infrastructure, mass unemployment and uncertainty about their future. And there is little or no confidence that those responsible for past and present human rights abuses will be brought to justice.

There have been some welcome positive developments in the country, especially in the field of freedom of expression, association and assembly. Dozens of non-government organizations (NGOs), including organizations focusing on women's rights, have been established, more than 80 daily and weekly newspapers are published and scores of political parties and religious organizations have emerged...

However, the positive developments, along with almost everything else, were constantly threatened by the mounting insecurity...

Some progress in this direction has been made since the early months of the occupation, particularly in the south of Iraq. Iraqis interviewed by AI delegates in February and March 2004 in Basra and Amara, the two governorates under the control of British troops, said the general situation had improved, although lack of security was still a major concern. Members of religious minorities, such as Sunni Muslims, Christians and Sabean/Mandaeans, felt they were being targeted for attacks and other abuses.

Elsewhere in Iraq, however, violence and insecurity continue to dominate daily life. Attacks on Iraqi police stations and Coalition Forces have steadily mounted. Most have taken place in central and northern Iraq, as well as in Baghdad, and have resulted in hundreds of deaths, mostly of Iraqis but also of US and other nationals." [28d] (p.1)

6.2 According to Human Rights Watch "The Coalition Provisional Authority has a Human Rights and Transitional Justice Division. Its mandate, however, does not include monitoring or reporting on current abuses, but only on abuses of the past." [15d]

[Return to Contents](#)

6.3 In the north, according to the US State Department Country Report on Human Rights Practices 2003:

"The KDP, PUK, and other opposition groups have committed human rights abuses in the past. However, prior to the fall of the regime, the PUK and KDP enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights. According to press reporting and independent observers, both groups generally observed such laws in practice. In addition, both the PUK and KDP established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses." [2a]

[Return to Contents](#)

Security Situation

6.4 On 2 March 2004 UNHCR issued an Update to the International Protection Response to Asylum-Seekers from Iraq. This reported that: "Despite the arrest of ... Saddam Hussein in late November 2003, as well as the timetable for the restoration of full Iraqi sovereignty ..., a generalized climate of instability and insecurity continues in Iraq. Security incidents targeting both Coalition forces and, increasingly, Iraqis perceived to be supporting or collaborating with the CPA (including policemen, religious and community leaders, national UN and CPA staff, as well as the PUK and KDP administrations in northern Iraq) continue with alarming frequency. These incidents frequently result in the death or serious injury of the targeted individuals as well as other civilians. The last few months have also seen an increase in reported kidnappings, especially of women and children". [40c]

6.5 On 5 April 2004 IWPR reported that "While security has improved dramatically since [the immediate post-conflict period], Iraqis still insist the situation must improve considerably before they will feel truly safe again". Having reached a peak of 872 in August 2003, the number of violent deaths measured by Baghdad mortuary had slowly declined to 570 in February 2004 [but not counting the consequences of the latest upsurge in violence]. The report went on to describe a number of examples of how people do not feel safe on the streets either at certain times or in certain parts of the City. [110]

6.6 April 2004 saw a further deterioration in the security situation outside the Kurdish Regional Government administered area, with hundreds of Iraqis, including many civilians, and dozens of Coalition forces killed in numerous incidents, centred on Falluja and Najaf but also elsewhere. Clashes between Coalition forces and insurgents increased dramatically, and were accompanied by a spate of kidnappings of foreigners. A new development was an uprising by supporters of Shi'a cleric Moqtada al-Sadr. US helicopter gunships and tanks were used in Baghdad in an attempt to quell the revolt. [4y] Al-Sadr himself was thought to be in Najaf protected by his militia. [4ae] By month's end severe clashes between insurgents and US troops in Falluja appeared to have subsided and a ceasefire agreed. [4u] A spate of bombing in

the Basra area killed at least 68 people, including many children whose school buses were caught by the blasts. [4ad]

6.7 According to an Al Jazeera report on 7 April 2004:

"From Baghdad to Falluja, Mosul to Kirkuk, and from Basra to Najaf, intense fighting has engulfed much of the country as the followers of Shia leader Muqtada al-Sadr join the resistance against occupying forces.

The capital itself has turned into a ghost town during the day, and a cacophony of explosions and gunfire at night." [55a]

6.8 However according to an Al Jazeera report on 6 April 2004 the situation in the Kurdish Regional Government administered area is different. According to a representative of Irbil's university, life in Kurdistan had improved considerably over the past year "Like the Shia in the south, we have suffered greatly at [Saddam's] hands but we are now free from the fear of Saddam and we still have our self-rule government". But the area has not entirely escaped the violence: "People's standards of living have gone up in the last year. The Coalition provisional Authority has put a lot of money into this area as have UN agencies. There has especially been a lot of construction of roads, schools and water facilities. "As a result of this political stability, there have been many social and psychological benefits. The only negative thing is there is more terrorism here now, which didn't exist before." [55b]

6.9 This view appeared to be confirmed by a report in the Lebanese newspaper The Daily Star on 27 April 2004:

"Furthermore, law and order exists [in the Kurdish Regional Government administered area]. Kurdish police and security forces are efficient and the security situation in the self-ruled Kurdish region is a far cry from that in the rest of Iraq. Exemplary relations between coalition troops and the population further enhance stability, including political stability...

Contributing to efforts by the coalition to confront the ongoing insurgency in Iraq, the Irbil and Suleimaniyah administrations, led by Massoud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK), have deployed some 60,000-70,000 Peshmerga fighters along the borders between the Kurdish-controlled and neighboring Iraqi provinces. Kurdish forces are also involved in protecting vital public installations in northern Iraq. Thanks to full-fledged Kurdish cooperation, the Americans have little to worry about when it comes to the security situation in the north." [57a]

6.10 However, in early February 2004 at least 105 people were killed in nearly simultaneous bomb attacks on the offices of the PUK and KDP in Arbil. According to a report in the Kurdistan Observer on 11 February 2004, the

PUK suicide bomber was a Kurd and the KDP an Arab. Ansar al-Sunna claimed responsibility for the attacks. [104] Writing in the Kurdistan Observer on 11 February 2004 Peter Galbraith, a former US Ambassador, wrote that:

"Kurdistan was hit because it is secular, pluralistic, increasingly democratic and successful. As such, it is the major obstacle to a terrorist strategy that depends on chaos for success. The two main Kurdish parties, one-time rivals that fought a nasty civil war in the 1990s, have come together, moving to unify competing Kurdistan governments, one based in Irbil and the other further south in Sulaymaniya." [105]

6.11 Amnesty International in March 2004 commenting on the attacks on the PUK and KDP offices stated that:

"These bombings were just two of the more recent attacks, apparently carried out by armed groups, that have been a growing feature of life in Iraq since the occupation began. The attacks have targeted the US military, Iraqi security personnel, Iraqi-controlled police stations, religious leaders and buildings, media workers, non-governmental organizations and UN agencies. They have resulted in the deaths of hundreds if not thousands of civilians.

Many other civilians have been killed by shooting – either targeted for assassination or shot dead by stray bullets. In Basra, for example, such victims have included former Ba'ath Party members and security or government officials, as well as people suspected of selling or drinking alcohol. Some of these killings appear to have been acts of revenge carried out by individuals. Many, however, appear to have been organized, reportedly by armed Islamist groups. The head of one police station in Basra openly endorsed revenge killings, telling an AI delegate that families of victims of past abuses "were in the right" for avenging the deaths of relatives by the previous government." [284]

6.12 Talking to Times Online in a report published on 6 November 2003 Sir Jeremy Greenstock, the UK envoy to Iraq, said "I believe we are in for a rough winter." Adding that the terrorists were trying to make Iraq "ungovernable" and that their brand of violence was "difficult to deal with". Sir Jeremy also reported that "much of Iraq was already free of violence" with "security improving everywhere but Baghdad and the "Sunni triangle"...". He also said that "For most Iraqis life had improved markedly." [59] However, according to Amnesty International in a report in March 2004 "A year after the war began, Iraqi civilians are still being killed every day. The worst incidents receive some international coverage, but many killings simply go unreported. Often, the assailants are unknown." [285]

6.13 The Institute for War and Peace Reporting carried a piece from Al-Mashriq on 17 February 2004 in which it was reported that Iraq's Deputy Minister of Trade, Hussein Abdul Fatah Shintaf, was assassinated in Baghdad. According to the CPA, some 1,000 Iraqis, many of whom were leading

citizens, have been assassinated since May 2003. [45c] An Al Jazeera report on 30 March 2004 stated that more than 1,000 leading Iraqi professionals and intellectuals had been assassinated in the preceding year, resulting in a brain-drain in which perhaps more than 3,000 academics and high-profile professionals had left the country. [55c]

6.14 A UK/Danish Fact-Finding Mission Report to Damascus, Amman and Geneva reported in August 2003 that in Mosul and Kirkuk the situation was good immediately after the war but had since deteriorated, with increasing tension between Kurds and Arabs over de-Arabisation, although these problems had not been as severe as anticipated. Nonetheless, the situation remained much better than in Baghdad and the Sunni triangle. [30] However, on 27 April 2004 the Lebanese newspaper The Daily Star reported that "In recent weeks many Kurds have been killed in Mosul, where Kurds from Irbil and Dohuk now avoid traveling." [57a]

[Return to Contents](#)

Humanitarian Situation

6.15 IRIN reported on 8 May 2003 that according to the United Nations humanitarian disaster co-ordinator in Baghdad: "You often hear that there is no humanitarian disaster in Iraq, and I tend to agree. But you have to remember that we have not yet gone over the hump. The potential for humanitarian disaster still exists". [10b]

6.16 On 2 March 2004, in calling for a continuing ban on enforced returns to Iraq, UNHCR stated that: "In addition to the security situation, life in Iraq continues to be characterized by a severe lack of housing, particularly in central and northern Iraq; the irregular provision of basic services, including electricity and access to telecommunications; the lack of an effective judicial system; the absence of properly functioning financial institutions; and a 60-70% unemployment rate". [40c]

6.17 The UK Danish Fact Finding Mission to Damascus, Amman and Geneva published in August 2003 reported that all Iraqis were entitled to food coupons which they could exchange for their monthly food ration at local supply points; this applied equally to Iraqis returning from abroad. However, in some cases poorer people were forced to barter some of their food supplies for other essential supplies such as medicines, or to pay the nominal US \$0.20 registration fee to access food rations. This may have been one reason why almost 8% of children in Baghdad under the age of five were suffering from acute malnutrition, double the number in 2002. [30]

6.18 For those with the money, the street economy was booming, with luxury goods available on an unprecedented level, according to a report in The Times on 27 November 2003. Particularly significant was the dramatic rise in incomes for public sector employees which combined with the abolition of import taxes and duties had fuelled the demand for cars, satellite dishes, expensive perfumes and other luxury items. However, business people were reported as saying that they would gladly pay taxes if it would lead to an

improvement in the security situation, claiming that many professionals were fleeing the country in fear. [56]

6.19 On 7 December 2003 ReliefWeb carried an Agence France-Presse report that "Iraq is verging on a catastrophic shortage of housing for its people". An official in the interim ministry of construction and housing reported that housing shortages were getting worse and were 'probably' a catastrophe. He said that neglect under Saddam had been compounded by damage done during the war and rent increases imposed by landlords, with those unable to pay being evicted. The ministry has begun site preparation for three major housing complexes and plans to build one million new houses by 2010. [73]

6.20 "In the three northern Governorates, the first group of United Nations international staff members who returned on 24 April 2003 found the humanitarian situation better than originally predicted. The local authorities have been able to maintain law and order, sparing the region from the widespread looting that followed the conflict in the rest of the country. Social services, such as hospitals, continue to function efficiently. Schools that were closed prior to the departure of international staff have reopened." according to a Report of the Secretary-General of the United Nations on 28 May 2003. [38a](p.2)

6.21 The Economist reported on 9 August 2003 that entering the Kurdish Regional Government administered area was "like entering another country... largely untouched by the ravages of war", although "The first 100 miles (160kms) of the highway north from Baghdad towards the city of Kirkuk can be a white knuckle ride" with drivers being relieved of their valuables and their vehicles. However, once in the area administered by the PUK and KDP there was no night curfew, the shops were full of goods, there were no nervous American soldiers and little need to be wary of discussing politics. Water and electricity supplies were reasonably constant and there were good communications such as satellite tv and mobile telephones. [19a] On 14 November 2003 according to a report in the Kurdistan Observer, little had changed, and although the isolation of the Kurdish Regional Government administered area was now voluntary, it had led to little reintegration with the rest of Iraq. Both trade and security had improved and the troubles of the south were seen as 'their' problem. Unemployment was much less of a problem in the area and reportedly was virtually zero in Sulaimaniyah which was experiencing a construction boom. [10w]

6.22 And on 27 April 2004 the Lebanese newspaper The Daily Star reported that "Thanks to hundreds of millions of US dollars made available to the two Kurdish administrations in Irbil and Suleimaniyah by the Coalition Provisional Authority (CPA), the economy is bustling, unemployment is down and living standards are almost 90 percent better than a year ago. For example, schoolteacher's salaries have increased from the equivalent of \$70 per month to \$400, and manual laborers are paid \$17-\$20 for a seven-hour working day, compared to \$4 a year ago. Cities in Iraqi Kurdistan are big construction sites." [57a]

Freedom of Speech and the Media

6.23 "The despotic and abusive rule of Saddam Hussein is gone, and Iraqis today can express themselves without fear of arbitrary detention, torture or execution." According to a Human Rights Watch report in January 2004. [156]

6.24 On 26 March 2004 the US State Department reported that "Iraqis have access to an ever-growing number of independent sources of news, including newspapers, radio stations, and satellite television networks. There are over 100 Iraqi newspapers and 70 radio stations. [26]

6.25 In late 2003 Amnesty International expressed concerns that several of the provisions in the Iraqi Penal Code that had not been repealed by the CPA "pose a clear threat to the right to freedom of expression". These included restrictions on insulting the president and public figures, dissemination of information, and violations of public integrity and decency. [286]

6.26 Having accused them of providing too much prominence to anti-US attacks and giving the opposition to the occupation a platform, the Interim Governing Council announced on 23 September 2003 that it was banning Al-Jazeera and Al-Arabiya satellite television channels from covering IGC activities, according to a BBC report on 23 September 2003. The stations would be banned from official press conferences and their correspondents denied access to ministries and council buildings for an initial period of two weeks. [46]

6.27 A report in Al-Mutamar, the newspaper of the Iraqi National Congress (INC), carried by the IWPR's Iraqi Press Monitor on 16 March 2004 claimed that an INC report had found that, whether intentionally or unintentionally, government ministries were inhibiting the growth of the media by directing all their advertising spend to the Coalition backed Al-Sabah newspaper. [46]

6.28 The Guardian reported on 26 September 2003 what appeared to be the first attack intentionally targeting the media: a hotel in Baghdad housing NBC staff was bombed on 25 September, killing a Somali guard and injuring two other people. NBC's presence was not advertised but the hotel was widely known to house American reporters. [6]

Freedom of Religion

6.29 The US State Department religious freedom report 2003 states that "According to best estimates, approximately 97 percent of the population of 22-28 million persons are Muslim. The remaining approximately 3 percent of the overall population consists of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenians), Yazidis, Mandaean, and a small number of Jews." [25]

6.30 It went on to state that "With the fall of Saddam Hussein, thousands of religious prisoners were released. While no firm statistics are available

regarding the number of religious detainees held by the former regime, observers estimate that the total number of security detainees was in the tens of thousands or more, including numerous religious detainees and prisoners. Some individuals had been held for decades. Others who remain unaccounted for since their arrests may have died or been executed secretly years ago." [2b]

Shia Muslims

6.31 Shi'a Muslims - predominantly Arab, but also including Turkoman, Fali Kurds, and other groups - constitute a 60 to 65 percent majority. Shi'a Arabs, although predominantly located in the south, also comprise a majority in Baghdad and have communities in most parts of the country. [2b]

[See also Section 6B Shia Arabs]

Sunni Muslims

6.32 According to the US State Department religious freedom report "Sunni Muslims make up 32 to 37 percent of the population (approximately 18 to 20 percent are Sunni Kurds, 12 to 15 percent Sunni Arabs, and the remainder are Sunni Turkomen). Sunnis form the majority in the center of the country and in the north. Shi'a and Sunni Arabs are not ethnically distinct... Although Shi'a Arabs are the largest religious group, Sunni Arabs dominated economic and political life under the Hussein regime. Sunni Arabs were at a distinct advantage in all areas of secular life, be it civil, political, military, or economic." [2b]

[See also Section 6B Sunni Arabs]

[Return to Contents](#)

Christians

6.33 Assyrians and Chaldeans are considered by many to be distinct ethnic groups as well as the descendants of some of the earliest Christian communities. These communities speak a distinct language (Syriac). Christians are concentrated in the north and in Baghdad, according to the US State Department 2003 religious freedom report. [2b]

6.34 The largest single Christian group in Iraq are the Nestorians, with around 300,000 adherents. Chaldean Catholics number around 190,000. There are about 20,000 Armenian Christians who belong to the Armenian Orthodox Church, and are mostly in Baghdad. The Armenian Catholic Church, again in Baghdad, has around 3,000 followers. Syriac Christians are part of the Orthodox strand of the Syriac Church and number around 12,000; they are also known as Jacobites. There are also some 60,000 Syriac Catholics in Iraq. [3a] Estimates of the number of Mandaean vary widely, with the Institute of War and Peace Reporting estimating around 100,000, while The Independent, quoted in Keesings, put the number at 30,000. The US State Department religious freedom report of 2003 describes the Mandaean as a small sect, concentrated mostly in southern Iraq, but with small communities in Baghdad, Kirkuk and elsewhere. They have been present in the country since pre-Christian or early Christian times. [11][3a][2b]

6.35 Iraq Today reported on 22 September 2003 that "Although the former regime waged a tacit religious and sectarian conflict, the attempts failed to achieve any final fragmentary effect. After the collapse of the regime, the various groups have managed to get on fairly harmoniously. This is probably a reflection of their understanding of the impact which civil war would have, and the necessity of building one united society". The report went on to report the view of Archbishop Gabriel T. Kassab, the highest religious man in Basra's Chaldean Christian Church, "that there were good relationships with Muslim clerics...". The information officer for Dawa Party headquarters concurred saying that, despite the efforts of the former regime, "Iraq failed the former regime as it stayed cohesive in all all its religions and sects". [96]

6.36 A representative of the Assyrian Democratic Movement told the Joint British-Danish Fact Finding Mission in July 2003 that the overall situation of Christians in Iraq was good except for the south, where 3 Christians were killed in Bara for selling alcohol, alcohol shops had been destroyed, and Christian women had been harassed for not covering their hair. A source told the Mission that the attacks on alcohol sellers were because the victims sold alcohol rather than because they were Christian. [30](4.14-4.17)

6.37 "Some extremist Muslims consider Christians as second-class citizens, and this could make problems for us in the future", a Catholic priest in Basra told IRIN as reported on 17 June 2003. The priest suggested that was a view shared by his 800 strong congregation. "But [G] and [HA], father and son, say Zacharia is worrying unnecessarily... 'We have lived here for 100 years and faced no persecution as Christians, why should we expect that to change? Every country has its fanatics and if Iraq is governed in the future by Islamic fanatics, then this will be a problem for everyone – not just Christians". In a series of interviews with different Islamic leaders in Basra, including SCIRI, IRIN was repeatedly told that any future Islamic government would rigorously defend the rights of all minorities. But since the fall of Saddam, Islamic radical groups have been flexing their new-found muscles and acts of violence have been committed against Christians including the killing by unknown militants of two shopkeepers in Basra for selling alcohol. [186]

6.38 UNHCR have said that systematic attacks on the minority Christian community in Basra have been reported and that while approximately 120 Christian families remain in Basra, most have left Iraq fearing the resurgence of fundamentalist religious leaders. A representative of SCIRI told the mission that the attacks on Christians in Basra in May 2003 were stopped by SCIRI, which would not tolerate such acts in the future. The representative also said that Christian women did not need to follow the Muslim customs for clothing and behaviour and that the Christian shops which sold liquor and the cinemas showing international movies had re-opened. [30](paras4.14-4.17) However, Shiite religious leader Sheikh Mohammed Fartussi was reported by the BBC on 9 June 2003 as wanting all women, even Christians, to wear veils, though he said Muslims would be punished more severely than others: "Women who don't wear the veil won't be served when they go shopping; taxis won't pick them up and they might have eggs and rotten tomatoes thrown at them".

Alcohol sellers would also be forced to stop, if necessary by bringing their shops crashing down on their heads. [4]

[Return to Contents](#)

Mandaeans

6.39 Ten of Baghdad's 100,000 strong, closely knit, Mandaean community had been killed and more than 13 kidnapped in the three months prior to an IWPR report on 22 January 2004. "A non-violent people who believe that God alone has the right to take a human life, the Mandaeans are targets partly because they normally don't carry weapons. That makes them highly vulnerable in the near lawless chaos of post-war Baghdad." [11]

Yazidis

6.40 According to the US State Department religious freedom report "The Yazidis are a syncretistic religious group (or a set of several groups). Many Yazidis consider themselves to be ethnically Kurdish, though some would define themselves as both religiously and ethnically distinct from Muslim Kurds. Yazidis predominately reside in the north of the country." [2]

6.41 On 5 June 2003 an article in The Times stated that the Yazidis practise one of the more secretive and persecuted religions and claim to number 700,000 in Iraq. They are reportedly considered to be heretics and Devil-worshippers by their Muslim neighbours. The Yazidis had been reclaiming land and villages taken by Saddam and were resuming pilgrimages to their most holy shrine, the Lilash temple in the mountains of northern Iraq. They claim that they are descended from Adam while everyone else is descended from Eve. [5]

6.42 The Yazidis believe that Satan was redeemed and became a peacock, not a Devil: they deny that they are Devil-worshippers. The Yazidis pray twice a day and their day of rest is Wednesday. They can drink alcohol and eat pork but not lettuce, which is seen as a source of evil. Their beliefs are not written down but memorised and passed on. Many of their rituals are so secret that they have never been seen by outsiders. It is impossible to convert to Yazidism and it is forbidden for Yazidis to marry outside the religion. [5]

6.43 The Yazidis' stronghold is northern Iraq but they are spread across Turkey, Russia, Syria, Georgia and Armenia. They claim to number about 1.5 million world-wide. They say that they have been persecuted for centuries by Muslims and that they lived in caves for protection between the 14th and 16th centuries. Saddam forced them to evacuate about 20 villages in the 1970s, giving their homes to Arabs, and killed about 3,000 Yazidis. [5]

6.44 The Yazidis had won a seat on the governing council of the northern city of Mosul and were planning to restart Yazidi lessons in schools. The tribes political and religious leader said this was the first time they had had political power in Iraq and that they wanted their religion in school, their name in the constitution, members in the parliament and ministers in government. "We want just the same rights as Christians and Muslims," he said. [5]

[Return to Contents](#)

6.45 According to the 2003 US State Department Human Rights report "The Constitution [before the fall of Saddam] did not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the regime, without any historical basis, defined the Yazidis as Arabs. There was evidence that the regime compelled this re-identification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The regime imposed the same repressive measures on Yazidis as on other groups. [2a]

Jews

6.46 According to a report by The Independent, recorded in Keesings, there were only around 50 Jews left in Iraq, mostly in Baghdad. [3a]

6.47 The Foreign and Commonwealth Office on 26 April 2004 stated that "There is a lack of clarity over the position of Iraqi Jews who left Iraq. Many of them were forced out in the early 60s and were made to renounce citizenship and property rights, so it is ambiguous whether they are allowed to return as, in practice, it was not Saddam's regime who cancelled their citizenship and on paper they volunteered to renounce their Iraqi nationality. But these decisions were clearly not voluntary." [57a]

Freedom of Association and Assembly

6.48 According to the US State Department 2003 Human Rights report "In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991. [2a]

[Return to Contents](#)

Employment rights

6.49 According to the US State Department 2003 Human Rights report "In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991. [2a]

People Trafficking

6.50 The US State Department report of 2003 stated that "There was no information available regarding whether the law [under Saddam] prohibited trafficking in persons, or whether persons were trafficked to, from, or within the country. [2a]

Freedom of Movement

Internal Travel

6.51 There are regular reports of car-jackings and robberies on Iraq's roads, in particular the highway between Baghdad and the Jordan border. According to the the UK Danish Fact Finding Mission to Damascus, Amman and Geneva in July 2003, these appeared to have had little impact on the high levels of traffic and trade along the road. Jordanian taxis, which in the immediate post-war period charged as much as US \$2000 for the journey from Amman to Baghdad, were by mid-July doing the trip for US\$200. Amman's markets were cleared of goods and second hand cars for resale in Baghdad by traders taking advantage of the absence of import duties. [30] However, at least 400 Jordanian truck drivers stopped carrying goods to Iraq after a series of robberies and kidnappings in which seven trucks went missing, according to a Kuwait News Agency report carried by ReliefWeb on 8 December 2003. The drivers have called on Coalition troops and Iraqi officials to provide patrols on the road between the Jordanian border and Baghdad. [71]

[Return to Contents](#)

6.52 An article in The Times on 11 June 2003, describing conditions in the north of Iraq after the fall of Saddam, said that tourists were visiting the mountainous north for the first time – a region that was forbidden to them under Saddam. Previously: "It was divided by two sets of internal checkpoints and border guards between the autonomous Kurdish-controlled north, and Saddam's south. A trickle of people and trade was allowed across the border. Now the yellow internal border posts are ignored and the two-way flow of traffic is unimpeded". Some benefits were obvious already in the markets of Erbil, the largest town in the Kurdish-controlled area, which was "remarkably affluent compared to the south". [59]

6.53 On 9 August the Kurdistan Observer carried a piece from The Economist which confirmed the generally positive picture of the north, but also reported robberies and car-jacking on the first 100 miles of the highway from Baghdad to Kirkuk. [19a] Nonetheless, on 16 October 2003, the Kurdistan Observer was still able to carry a report by Reuters in which it was claimed that the Kurdish north had become a holiday destination "With Saddam gone, thousands of Iraqis from the mainly Arab centre and south of the country spent the summer rediscovering what used to be a favourite holiday area..." [101]

Travel to Iraq

6.54 On 28 October 2003 IRIN reported that one or two charter flights a day had been using a cargo terminal at Baghdad International Airport for several months but that the number of passengers had overwhelmed the terminal and at the end of October the authorities succumbed to pressure to open a passenger terminal. The first chartered humanitarian flight landed at Terminal C on 27 October 2003 but no-one would comment on when the airport's other passenger terminals would open for commercial traffic. [187]

6.B HUMAN RIGHTS – SPECIFIC GROUPS

Ethnic Groups

Shi'a Arabs

6.55 The BBC reported that Iraqi Shi'a were asserting their identity after years of brutal oppression under Saddam Hussein, and as the majority community they would play a major role in the running of the new Iraq. [46] IWPR reported on 6 May 2003 that Shi'a religious parties and militias had stepped into the power vacuum left by the fall of Saddam's regime and in the immediate aftermath of the war entire cities were being patrolled by Shiite militiamen, particularly in Baqubah, Kufa, Najaf, Kerbala, and to some extent Kut and the slums of East Baghdad. [11a] Iraq's senior cleric, Ayatollah Ali al-Sistani, had consistently opposed the involvement of Muslim religious leaders in the country's politics, while advocating the early formation of an elected constitutional convention to draw up a new constitution for the country, according to an Iraq Today report on 18 November 2003. Sistani had the widest following of any Iraqi cleric. However, not all Shia clerics supported Sistani's approach. [9a]

6.56 The BBC reported that within the Shi'a community there was infighting as young radical leaders were emerging to challenge the traditional clerics, some of whom were returning from years of exile. [46] Iraq Today reported on 28 October 2003 that Kerbala had experienced little of this until, after an uneasy truce lasting several months, heavy fighting erupted between followers of Moqtada al-Sadr and Ali Sistani. During one week, 12 people were killed in a succession of clashes, 9 in a single morning. The disputes were reported to be about Sistani's refusal to seize government money and property and redistribute them to the people. [9a]

6.57 A particularly high profile bomb attack outside the Imam Ali Mosque in Najaf at the end of August resulted in the death of at least 95 people including the leader of SCIRI, Ayatollah Mohammed Baqr al-Hakim, according to a BBC report on 29 August 2003. [4a] The following day the BBC reported that four men had been arrested and were said to have confessed: "The local governor said two of the suspects were members of the former regime from Basra, while the others were non-Iraqi Arabs subscribing to the puritanical Wahhabi Muslim faith". [4a] Such an attack had been anticipated by a SCIRI source in Damascus and a diplomatic source speaking to the joint UK/Danish Fact Finding mission in July 2003, both of whom believed that high profile Shi'a might be targeted by remnants of the former regime. The SCIRI representative believed that he himself might be a target but planned to return to Iraq nevertheless. [30]

[Return to Contents](#)

6.58 "A series of simultaneous explosions ripped through neighbourhoods of Baghdad and the Shiite holy city of Karbala Tuesday, killing scores of people and injuring hundreds...", as reported by CNN on 2 March 2004. "The attacks

came on the Ashoura holiday, one of the holiest days for Shia Muslims". [17a] An Al-Mada report carried by the IWPR Iraq Press Monitor on 4 March 2004 said that 15 people had been arrested in connection with the Karbala attack, nine of them by Iraqi police and six by Coalition forces. [46h]

6.59 IWPR reported on 5 March 2004 that: "According to members of both communities, Sunnis have rallied to the support of their Shia compatriots by condemning the [2 March] attacks [see Security Incidents], offering condolences and donating blood to the injured". "Many Iraqis had expected bloodshed on the Shia holy day... "Consequently, when the blasts occurred, Sunni and Shia religious leaders swung quickly into action to prevent simmering sectarian tensions from escalating into greater violence". Tensions had been particularly high since the capture of Saddam Hussein, "But things have changed..." according to a Shia doctor. [11g]

6.60 In April 2004 the BBC reported that followers of Shi'a cleric Moqtada al-Sadr staged a revolt against the US led Coalition following the closure of al-Sadr's newspaper. US helicopter gunships and tanks were used to quash the rebellion. [4y] According to the Guardian on 8 April 2004, Grand Ayatollah Ali al-Sistani condemned both al-Sadr's actions and the response of the US, calling for calm. But al-Sistani's position was reported to be weak because his base in Najaf was effectively controlled by al-Sadr's Mehdi Army militia. [6n]

Sunni Arabs

6.61 According to The Economist on 5 August 2003:

"In the so-called 'Sunni triangle' running from Baghdad some 150km north to Baiji and about 150km north-west to Rawa, the population is almost exclusively Sunni Arab. Since the downfall of the regime of Saddam Hussein in early April, significant resistance from this area has been conducted against US forces, principally by remnants of the former regime's military and security services. This is conducted sporadically, with no clear evidence of co-ordination across the triangle. The resistance is also likely to have benefited from the support of tribal leaders in some towns, especially as the former regime decided to arm and fund a number of tribes in the two years preceding the US-led war. There is also evidence that the mosques within the area have served as a mobilising force, at least rhetorically, for the resistance, and some Sunni Arab clerics are emerging as leaders of political groupings. In addition, small numbers of foreign Islamist fighters entered the country before the war began, primarily from Syria and Saudi Arabia.

Various coalition military operations have been conducted to crack down on the Sunni fighters, resulting in the arrest of many alleged resistance fighters. Although by definition disparate, the lead element among the Sunni Arab resistance appears to be those who are either loyal to the former regime or, like some of its former officials, sympathetic to Baathist ideology. Some, at least, are organised around the name al-Awdeh (the Return), which is reportedly paying Iraqis to kill

coalition forces. They have engaged in attacks on US forces and conducted some of the acts of sabotage on oil facilities in the north of the country." [19c]

[Return to Contents](#)

6.62 "Competing with Kurds and Shias, the Sunnis are creating new organisations to represent their interests." According to a report by IWPR on 9 February 2004. "Sunni Arabs are represented in several different religious trends, as well as by tribes. Some also claim allegiance to the toppled Ba'ath Party." The most prominent of the new organisations are the Hayat al-Ulama al-Muslimin (Muslim Scholars Board – primarily a religious authority) and Ahl al-Sunna wal-Jamaa (People of the (Prophet of Muhammad's) Way and Solidarity), an umbrella group which claimed to co-ordinate various Sunni religious movements. Neither organisation had made much display of mobilising power, and lacked the institutional base of the two big Kurdish parties or the huge grassroots organisation of Moqtada al-Sadr, but they were still young. [11h]

6.63 The Hayat tested its religious muscle by declaring the end of Ramadan a day earlier than the Sharia Observatory recognised by the CPA. The Hayat also had secular ambitions although it was considered too radical for the CPA to deal with it as a representative of the Sunni community. The council of Ahl al-Sunna wal-Jamaa included Kurds and Turkmens as well as Arabs, and intended to lobby for Sunni Islamist concerns in the transitional government. It brings together three trends: the Iraqi branch of the Islamist Muslim Brotherhood; Sufi mystic groups; and an ultra-conservative trend including the Salafis. [11h]

6.64 Gunmen fired automatic weapons at the Sunni Quiba mosque in Baghdad as worshippers left after dawn prayers, according to a report in The Times on 6 September 2003. No-one was injured although one bullet hit the wall above the preacher's head. It was claimed that the attack was an attempt to drive a wedge between Shi'a and Sunni communities. In response, worshippers collected weapons from their homes and mounted a vigil on nearby rooftops as people arrived for subsequent prayers. Police mounted guards outside the mosque and said they would consider fast-tracking applications for weapons licenses. Many mosques in the area were reportedly protected by local militias carrying Kalashnikovs and machine guns, with US forces having made no attempt to disarm them. [5f]

[Return to Contents](#)

Kurds

6.65 The following is taken from the Middle Eastern Review of International Affairs:

"The Kurds, an Iranian ethno-linguistic groupnlike Persians, Lurs, Baluch and Bakhtiari, inhabit the mostly mountainous area where the borders of Turkey, Iran, Iraq, and Syria converge. Following World War

and the breakup of the Ottoman Empire, the Kurds were promised their own country under the terms of the 1920 Treaty of Sevres only to find the offer rescinded under the 1923 Treaty of Lausanne. Numbering at least 25 million people, Kurds are mostly divided among Turkey, Iraq, Iran and Syria. The main area they inhabit is about 230,000 square miles, equal to German and Britain combined. The Kurds are the largest ethnic group in the world without a state. The term "Kurdistan" is widely used in Iraq to refer to the Kurdish area of northern Iraq and in Iran to refer to the Kurdish area of northwest Iran. Turkey and Syria, however, avoid this term for political reasons, although under the Ottomans it was widely used.

The area of northern Iraq where Kurds predominate, is a region of about 83,000 square kilometers. This is roughly the same size as Austria. Smaller ethno-linguistic communities of Assyrian-Chaldeans, Turkomans, Arabs, and Armenians are also found in Iraqi Kurdistan. In Iraq there are approximately 3.7 million Kurds in the predominantly Kurdish northern safe haven area, and between 1 and 2 million in the rest of Iraq, particularly Baghdad, Mosul and that part of Iraqi Kurdistan still under the control of the Baghdad regime.

The majority of Kurds are Sunni Muslims. There are also Shi'a and Yezidi Kurds, as well as Christians who identify themselves as Kurds. Yezidis are Kurds who follow a religion that combines indigenous pre-Islamic and Islamic traditions. The once thriving Jewish Kurdish community in Iraq now consists of a few families in the Kurdish safe haven.

Anfal

Since the creation of the modern state of Iraq, the history of Iraqi Kurdistan has been one of underdevelopment, political and cultural repression, destruction, ethnic cleansing and genocide... Al-Anfal (The Spoils) was the codename given to an aggressive, planned, military operation against Iraqi Kurds. It was part of an ongoing, larger campaign against Kurds because of their struggle to gain autonomy within the Republic of Iraq. Anfal took place during 1988 under the direction of Ali Hasan al-Majid, Saddam Hussein's cousin. He became known as "Chemical Ali" because of his use of chemical and biological weapons on Kurdish towns and villages.

The broad purpose of the campaign was to eliminate resistance by the Kurds by any means necessary. Its specific aim was to cleanse the region of "saboteurs"—who included all males between the ages of 15 and 70. Mass executions were carried out in the targeted villages and surrounding areas. The operation was carefully planned and included identifying villages in rebel held areas, declaring these villages and surrounding areas "prohibited" and authorizing the killing of any person or animal found in these areas.

[Return to Contents](#)

Economic blockades were put onto these villages to cut them off from all support. The army also planned for the evacuation of them and the inhabitants' relocation to reservation-like collective towns. People who refused to leave were often shot. In some cases, people who agreed to leave were gathered up and separated, with men from 15 to 70 in one group; women, children, and elderly men in another. Many of the men were executed while the others were removed to the collective towns or to camps in the south of Iraq.

During the Anfal operation, some 1,200 villages were destroyed. More than 180,000 persons are missing and presumed dead. While the Iraqi government was motivated partly by the fact that some Kurdish groups cooperated with Iran during the Iran-Iraq war, documentation recovered in the Kurdish safe haven in 1991 reveals that this operation was part of a larger campaign undertaken by Saddam throughout his time in power. Many now regard this operation as proof of genocide against Iraqi Kurds. In all phases of the ethnic cleansing program, which began when the Baath Party first seized power in 1963 and culminated in the Anfal operation, it is estimated that more than 4,000 villages in rural Kurdistan were destroyed and perhaps 300,000 people perished.

The best-known chemical attack occurred at Halabja in March 1988. This town is located in the mountains near Sulaimaniya, about 11 kilometers from the Iranian border. Between 40,000 and 50,000 people were living there at the time. The Iranian army had previously pushed Iraqi forces out of the area. During three days, the town and surrounding district were attacked with conventional bombs, artillery fire, and chemicals—including mustard gas and nerve agents (Sarin, Tabun, and VX). At least 5,000 people died immediately as a result of the chemical attack and it is estimated that up to 12,000 people died during those three days." [54a]

[Return to Contents](#)

Turkmens

6.66 The Iraqi Turkmen Front had offices in Mosul and Kirkuk but virtually no presence elsewhere in the country according to the Kurdistan Observer on 1 July 2003 [10x] but there was also a Turkmen presence in Baghdad according to the Foreign and Commonwealth Office on 26 April 2004. [56a]

6.67 Mustafa Kemal Yaycili, a senior official of the Iraqi Turkmen Front (ITF) based in northern Iraq, called for dialogue and co-operation with all Iraqi groups, according to a report by the Kurdistan Observer on 1 July 2003. Turkmens were represented by six members on Kirkuk city council and by one member in Mosul. The official said that Turkmens constituted some 65% of the population of Kirkuk although the percentage might be decreasing as Kurds move back to the area. He added that there is no need for a peace-keeping force in Kirkuk. [10x]

6.68 On 24 August 2003, the Washington Post carried reports of an ethnic feud between Kurds and ethnic Turkmens. Eight people were killed in Tuz

Khurmatu in a dispute over a religious shrine although residents of the town agreed that "religion played a secondary role in the dispute: The primary source of the tension between Kurds and Turkmens is a political struggle over the administration of Tuz Khurmatu". [16d]

6.69 In early November 2003 the Kurdistan Observer carried a report by Turkish newspaper 'Zaman' that "Tension between Kurds and Turkmens in Kirkuk have gradually been growing to the point where hostilities can break out at any time". There had been a rocket attack on the ITF offices in Musalla and a gun attack on the car of ITF leader Faruk Abdullah Abdurrahman; Faruk himself was not in the car at the time. He said that tensions had become so severe in Kirkuk during Ramadan that the Turkmen had been unable to organise the customary Turkish plays. [16e]

6.70 On 5 January 2004 KurdishMedia carried an Agence France Presse report that Turkmen IGC member Shangul Shapuk had demanded that Kurdish militias in Kirkuk be disarmed after Kurdish fighters shot dead four people at an Arab and Turkmen demonstration protesting against Kurdish attempts to incorporate Kirkuk into Kurdistan. Shapuk said that they were with the Kurds if they keep out of Turkmen affairs but if they insist on annexing Kirkuk the Turkmen would demand an Iraqi Turkmenistan. [21c]

6.71 These tensions were further heightened when "The long simmering friction between Kurds and Turkmens..." took "...a sectarian turn, with thousands of Shiite militiamen recently arriving to protect the Turkmens and Arab coreligionists against Kurdish hopes to incorporate Kirkuk into their sphere of influence in the north". As reported in The Christian Science Monitor on 8 March 2004, Kurds viewed a march by 2,000 of Moqtada Sadr's Mehdi Army militia earlier in the month as a provocation. The next day, 100 Kurds ransacked the headquarters of the Iraqi Turkmen Front and looted shops owned by Turkmens and Arabs. [34d]

[Return to Contents](#)

Assyrians

6.72 The US State Department Human Rights report for 2003 stated that "Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defined Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime. The regime did not permit education in languages other than Arabic and Kurdish. In areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.

6.73 A representative of the Assyrian Democratic Movement in an interview with the Joint British-Danish Fact Finding Mission gave conflicting information about the security situation. On one hand he reported that "There are at the

moment no security problems for Assyrians in northern Iraq". But also said that Assyrians in northern Iraq have been attacked by criminal Kurds. He also said that the ADM co-operated with KDP, PUK and Arabic and Islamist parties in the area; the Assyrian Democratic Movement's (ADM) armed wing was licensed to carry weapons and had protected Assyrians in northern Iraq in the area from Mosul to Al Qush and from Mosul towards the north-west. [30](para 4.13)

[Return to Contents](#)

Chaldeans

6.74 The US State Department Human Rights report for 2003 stated that "Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defined Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime. The regime did not permit education in languages other than Arabic and Kurdish. In areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac. [2a]

[Return to Contents](#)

Women

6.75 A Human Rights Watch report - Sidelined: Human Rights in Postwar Iraq, in January 2004 stated that: "The widespread fear of rape and abduction among women and their families has kept women and girls at home, preventing them from taking part in public life. Iraqi police give a low priority to allegations of sexual violence and abduction. The victims of sexual violence confront indifference and sexism from Iraqi law enforcement personnel, and the U.S. military police are not filling the gap." [15a]

6.76 According to a Guardian report on 8 March 2004:

"A lack of security and proper policing have led to chaos and to growing rates of crime against women. Women can no longer go out alone to work, or attend schools or universities. An armed relative has to guard a woman if she wants to leave the house.

Girls and women have become a cheap commodity to be traded in post-Saddam Iraq. [The Organisation of Women's Freedom in Iraq] knows of cases where virgin girls have been sold to neighbouring countries for \$200, and non-virgins for \$100." [6k]

6.77 Previously, in July 2003, Human Rights Watch (HRW) had found that reports of sexual violence and abduction of women and girls abounded in Baghdad. Although doctors, victims, witnesses and law enforcement authorities had documented some of these crimes, HRW was concerned that many more went unreported and uninvestigated because of the social stigma

which attached to victims of sexual violence: victims may face social ostracism, rejection by their families or physical violence. Such concerns were long-term but the condition in Iraq post-war had been exacerbated by generally poor security and a small, badly managed police force. Not only were women discouraged from reporting sexual crimes but in some cases they could also face difficulty obtaining medical treatment for any injuries they had suffered because some hospital staff did not consider treating victims of sexual violence as their responsibility, or gave such care low priority because of limited resources. [15e]

6.78 HRW's July 2003 report drew attention to the deficiencies in Iraqi law in addressing sexual violence and abduction. For example, the Penal Code allowed a man to escape punishment for abduction if he married his victim, and allowed for significantly reduced sentences for honour killings, rape and other cases of sexual violence. In addition to these legal barriers, HRW also came across cases where the police were reluctant to investigate cases, or where they blamed the victim, doubted her credibility, showed indifference or conducted inadequate investigations. [15e]

6.79 Abortion in Iraq was illegal and socially taboo except in medical emergencies, according to a 26 October 2003 report in The Daily Telegraph. But the fall of Saddam's regime had seen an upsurge in sexual promiscuity and corresponding increase in demand for back-street abortions, which were now readily available. One woman offering abortions, a qualified mid-wife, charged over £250 per procedure and claimed to offer medical attention to hospital standards. But a doctor in Al Aliya women's hospital in Baghdad said he had seen one or two patients with septic abortions each week, claiming some people offering illegal abortions did not know what they were doing. [48a]

6.80 Many of the abortions had been for women who had been raped or who had been driven to prostitution to earn money to feed their families. A number of brothels had opened and red light areas developed, particularly al-Bataween Street. Under Saddam, prostitutes were liable to be executed but now, one Madam was reported as saying, prostitution was quite safe because the Iraqi police protect them. [48a]

6.81 While the late Shiite cleric Ayatollah Muhammad Bakr Al-Hakim was considered to be a moderate, more militant clerics issued fatwas, or orders, that women be veiled, that schools and workplaces be segregated by sex and that their strict version of Islamic law be enforced including death by stoning for women who have sex out of wedlock. According to a 16 June 2003 report on Newsday.com, these were seen as minority views among Iraqis but held sway among millions of angry young Shi'a determined to take the power long denied them. Maysoon Al-Damluji, a London based leading voice for women's rights in Iraq said that the clerics issuing these fatwas were not senior or even middle ranking figures but that they had popular support among the poor and the repressed. [26a]

6.82 On 16 May 2003 Shiite religious leader Mohammed al-Fartussi threatened "sinful women" if they did not stop their practices within a week,

according to the Kurdistan Observer on 16 May 2003 . "We warn women and their go-betweens who take them to the Americans: if in a week from now they do not change their attitude the murder of these women is sanctioned (by Islam)". [106] Al-Fartussi was reported as wanting all women, even Christians, to wear veils, though he said Muslims would be punished more severely than others: "Women who don't wear the veil won't be served when they go shopping; taxis won't pick them up and they might have eggs and rotten tomatoes thrown at them", reported the BBC. [41] Another BBC report stated that an Iraqi UN staff member received a hand-written letter at home saying she would be killed unless she started covering her hair. The spokesman for the UN Children's Fund, Geoffrey Keele, said that in some areas there had also been pressure on schoolgirls to start putting on the veil. UN officials had raised the issue with American and British forces. They also said Iraqi women could no longer drive or walk in the streets at night as freely as they did in pre-war Iraq. [41]

6.83 Shi'a women were reported by IWPR on 3 December 2003 to be taking an increased interest in religious matters, an activity effectively barred to them under Saddam's regime. An educational programme was operating in three mosques in Baghdad under the banner of the Association to Commemorate Religious Rituals, with the emphasis on exposing the women to a broad range of Shi'a thought, as well as political and practical matters, without endorsing any specific trend. A number of prominent clerics were also operating their own programmes. However, the formal Shi'a system of religious education, which would qualify adherents to teach Islamic precepts to the public, remained closed to women. [116]

[Return to Contents](#)

6.84 ReliefWeb on 20 June 2003 stated that no one knew how many women there were in Iraq but some estimates were that they made up more than 60 percent of the population because three wars in two decades had killed so many Iraqi men. Some of them were working with the U.S.-led Coalition Provisional Authority to try to ensure that women carved out a better position in the new Iraq than they had in the old. This could include cancelling some legislation such as a 1992 law that banned the foreign travel of a woman if she was not escorted by her father or husband and the law that prevented an Iraqi woman married to a non-Iraqi giving her nationality to her children. Women said they had also suffered increasing job discrimination in government ministries in the 1990s, though exceptions were made for female Ba'ath party members. The combined impact of these changes was profound. [71]

6.85 Human Rights Watch in July 2003 stated that they had received several reports of kidnappings and rapes of women in Basra but could not confirm a pattern of attacks targeting women. Discussions with medical personnel confirmed three cases of abduction of girls or women, possibly involving sexual violence. Two of these apparently involved family disputes. The general fear of attacks on women and girls affected students. Female students at Basra University expressed their worry about going back to the University or attending classes while looters and scavengers still freely

roamed the University. By the end of May the looting had subsided to haphazard scavenging, mainly because there was nothing much left to loot, but insecurity at the University remained a very real threat. [15a]

6.86 Human Rights Watch claimed on 5 March 2004 that: "Iraq's proposed interim constitution fails to give adequate protection to women's human rights" and should explicitly guarantee "Equal rights for women in marriage, inheritance and their children's citizenship...". [15c]

[Return to Contents](#)

Women in the Kurdish Regional Government administered area and the north

6.87 In the Kurdish Regional Government administered area women's experience had been different, according to Nermin Othman, education minister in what had been an autonomous Kurdish administration in northern Iraq since the 1991 Gulf War. Othman was reported on ReliefWeb on 20 June 2003 as saying: "In Iraqi Kurdistan, women have full rights and freedom of speech and organisation. We have cancelled some discriminatory laws and introduced new legislation that ensures their rights." Othman said Kurds had worked hard to reduce violence against women and had set up shelters for battered women; a woman had the right to divorce an abusive husband, and honour killings were treated legally as violent crimes: "We are trying now to upgrade the status of [all] Iraqi women to that of Kurdish women". [7K]

6.88 However, a spokesman for UNHCR in Damascus told the Joint British-Danish Fact-Finding Mission in July 2003 that there is still some persecution of women in northern Iraq: women activists expressing liberal views might find themselves at risk of persecution; women are also at risk from honour killings, gender based persecution and arbitrary detention without the KDP or PUK being involved, especially around the Halabja and Sulaymaniyah areas. Erbil and Sulaymaniyah had sanctuaries for women but the reach of the protection provided by the KDP and PUK was limited. [30](para 4.20)

6.89 In Erbil, a survey of domestic violence in Erbil showed that over 60% of women interviewed reported that they had been subjected to abuse and harassment in public places, as reported on IRIN on 3 June 2003. Nearly 60% had suffered from some form of violence from the immediate family. The report noted that divorced women were particularly targeted. [18d]

[Return to Contents](#)

Honour Killing

6.90 "The idea that a woman represents family "honour" is becoming central to Iraqi culture, and protecting that honour has cost many women their lives in recent months. Rape is considered so shaming to the family's honour that death – by suicide or murder – is needed to expunge it.", according to the Guardian on 8 March 2004. [6K]

6.91 IRIN reported on 3 June 2003 that human rights groups estimated that since 1990 when the Iraqi penal code exempted from prosecution men who killed their female relatives in defence of their family honour, 4,000 women had fallen victim to it. The exemption was suspended in the Kurdish Regional Government administered area in 2000 and revoked in 2002. [184]

6.92 According to The Times on 28 September 2003, Iraqi police reported that the number of honour killings of Iraqi women had increased rapidly in the months since the war, particularly in rural Sh'ite dominated areas where moral and religious codes were strictly observed. The Organisation of Women's Freedom in Iraq said that dozens of young women had been killed by male relatives since the war. Women might be killed because they lost their virginity before marriage, had extra-marital affairs, or even because they were raped. Honour killings were treated leniently by the Iraqi judicial system, with perpetrators facing a maximum of one year in prison. [56]

6.93 The Times further reported that in one reported case, a 17 year old man in Saddam City in Baghdad shot dead his mother, her lover (who was also his half-brother) and his four year old sister who he believed was a product of the illicit liaison. The man then gave himself up to police knowing that the crime was not considered a grave one and that he faced no more than a year in jail. In another case, in southern Iraq, a 16 year old girl was shot dead by her father and her body left on a rubbish dump after she ran away from the home of her step-mother who was mistreating her. [56]

6.94 Again in The Times report, a couple who fled to the relative safety of the Kurdish Regional Government administered area after eloping three years previously were reported to fear for their lives now there was freedom of travel between the Kurdish Regional Government administered area and the rest of Iraq. They had moved back to the relative anonymity of Baghdad and were living under the protection of a women's group but had regularly to change their accommodation. [56]

[Return to Contents](#)

Honour killing in northern Iraq

6.95 On 17 February 2004 IRIN reported that "After Jordan, northern Iraq is believed to have the highest levels of honour killing in the Middle East according to aid groups. Particularly in the conservative, tribal regions around Dahuk, women like Nazire [who had been raped] are seen as having defiled their family's reputation. Only their death can right the wrong they have done in this society." There are no recent statistics but a Sulaymaniyah based women's group recorded 3,979 cases of women killed as a result of domestic violence in the 1980s. The group believes the actual number to be much higher. [185]

6.96 The Christian Science Monitor reported on 3 March 2004 that since the law in the Kurdish Regional Government administered area was changed in 2002 to define honour killings as straightforward murder, the number of honour killings in the area had dropped dramatically. A secure womens shelter in Dahuk provided safety for women and their children. Stating that

"There is no future for a single mother in Kurdistan", the director of the shelter accepted that they "have to be pragmatic" and that "Of the eight women who have lived in the shelter since it opened in 2000, two have been helped to find husbands willing to look after them and their children. Two more have been helped to move in with relatives away from Dohuk. Others have been reconciled with their families". [34c]

6.97 But the previously referred to IRIN report stated that:

"Treading the grey area between traditional codes and the law is just one of the many difficulties facing staff at the [Dahuk] centre. Their biggest obstacle obstacle is the conservative attitude of the Dahuk authorities.

It took Sheikhmuhammed nine months to persuade the governor to transfer Nazire to the shelter, and she knows there are nine other women – single mothers or adultresses – still locked up in the city's jails..." [18h]

6.98 The 2002 Joint British-Danish Fact Finding Mission to Amman and Ankara Regarding Iraqi Asylum Seekers found a political will on the part of the KDP and PUK to address the issue of honour killings, but an inability to enforce the law. However, unlike in Saddam controlled Iraq, honour killing was classed as murder and a clear message sent out to that effect, which acted as a deterrent. [30b] (p18-19)

6.99 The 2002 report stated that the KDP was sceptical about the basis of many asylum claims based on honour killing, accepting that such killings do take place but not on the claimed scale. It was suggested by diplomatic sources in Turkey that honour crimes in northern Iraq were becoming more visible rather than more frequent. There may still have been some problems in the villages far away from the cities but there have been concerted efforts to cut down on honour killings in remote rural areas with organisations such as the Women's Federation, the Students Union and the Social Affairs department being involved. [30b] (p18-19)

6.100 According to the 2002 Report, the PUK operated shelters for women and offered protection to both men and women. A man in fear of reprisals could go to Sulaimaniya and get assistance from the PUK. The wife of the PUK leader had been involved in the establishment of a society which would take in women threatened with honour crimes and offer them protection. [30b] (p18-19)

[Return to Contents](#)

Children

6.101 The Joint British Danish Fact Finding Mission in July 2003 reported that Iraq is a signatory to the Convention on the Rights of the Child and this commitment is deemed to remain intact. [39](para 4.22)

6.102 The Mission reported that there were many street children who had been released from orphanages and prisons, in addition to those who were on the streets already; accurate numbers were not available. A major problem was how to deal with children who were in trouble with the law, for example for looting, until a Ministry was created to deal with these issues. The pre-war social services were like those in Eastern Europe and de-institutionalising these would be a major challenge. There had been some reform in foster care but UNICEF said that the rest remained in a mess. [30](para 4.23)

6.103 IRIN reported on 13 August 2003 that in Mosul, children as young as four were sent by their families onto the streets of Iraqi towns to beg or sell goods. Sometimes 'working' for twelve hours a day, some of the children had been victims of violence. The children may have dropped out of school or never have been to school in the first place. In many cases members of their families were sick, disabled and unable to work. With only 12 social workers to deal with a population of 1.3 million, protecting the children and other vulnerable groups was "a mammoth task". [10c]

6.104 The Times reported on 4 August 2003 that Shi'a Islamic groups had taken over the Dar al-Rahma orphanage in Sadr City. The orphanage was reported to be safe and clean but the new authorities imposed a strict Islamic code. Girls were required to wear a headscarf tight round their hair or they were beaten. They were required to pray five times a day, could not listen to music and must not even look at the boys' quarters. A former worker said that marriage and social control appeared to be the priorities of the orphanage management, saying that in the month she worked there five girls were married. UNICEF had withdrawn its support from the orphanage and withdrew any child who wanted to leave. The only orphanage in Baghdad supported by UNICEF at that time was the Child House in central Baghdad, half an hour's drive away from Dar al-Rahma. Here the children appeared to be content with their pink cardboard doll's houses, flowers in the rooms and television to watch. [5h][5g]

6.105 On 8 January 2004, IWPR reported that a specialist unit had been set up to address the alarming numbers of kidnapping for ransom of children. A spokesman for the unit estimated that there were 100 kidnapping gangs operating in Baghdad and two neighbouring governorates and that they had carried out 350 kidnappings in October and November 2003 alone. The number of incidents was said to be falling but the kidnap gangs still exerted fear over Baghdad. [11j]

6.106 An article in Al-Adala carried in the IWPR Press Monitor on 4 March 2004 stated that: "An official in the Ministry of Human Rights claimed to have (sic) evidence that 100 homeless children have been raped in the Betawiyeen neighbourhood in Baghdad... An official in the Ministry of Labour said there was an obvious slackness on the part of the Ministry of Interior, which is responsible identifying homeless children and reporting them to the Ministry of Labour. For its part, the Ministry of Interior claims the Ministry of Labour has refused to receive the homeless into its shelters." [46h]

Homosexuals

6.107 Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code. However homosexuality is taboo, and there is no viable support for lesbian and gay rights. Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years. [53a]

Other Groups

Ba'ath Party

6.108 Radio Free Europe/Radio Liberty reported on 12 March 2003 that "According to official figures, the Iraqi Ba'ath Party has more than 2 million members and sympathisers. Many educated Iraqis, qualified specialists, and intellectuals are connected to the party", but only a minority of these were really pro-Saddam Hussein. [22a] Membership of the Party "was virtually a requisite for social mobility" according to an old report published by the Library of Congress in 1988. Most members joined for pragmatic reasons: membership was more or less obligatory to get children into good schools, to study at university, get a government job, to obtain membership of the lawyers bar association or the artists association, or to attend a military academy. In order to study at Mosul University, membership of the Ba'ath Party was essential; elsewhere, only exceptional students could study medicine or engineering if they were not members of the Ba'ath Party and even then they would not be recruited to government jobs. [30][47a]

[Return to Contents](#)

Structure and Membership

6.109 The aforementioned Library of Congress report stated that only a small percentage of the Ba'ath Party membership then were 'full' members: 30,000, or 0.2% of the 1.5 million membership in 1988. The remainder are known as 'supporters' and 'sympathisers'. [33a] In a 27 July 2003 report in the Washington Post it was estimated by a former Iraqi ambassador that at least 95% of the total 'membership' was not loyal to the regime nor did they believe in the doctrine of the Ba'ath Party. [16b] 'Coalition Provisional Authority Order Number 1: De-Ba'athification of Iraqi Society' identified the top four ranks of the Ba'ath Party as: Udw Qutriyya (Regional Command Member); Udw Far (Branch Member); Udw Shu'bah (Section Member); and Udw Firqah (Group Member). Believed to number up to 30,000 in total, the Order banned holders of these ranks from future employment in the public sector. It further undertook to investigate them for criminal conduct or as a potential threat to the Coalition. [31a]

6.110 The 1988 Library of Congress report stated that "Generally, party recruitment procedures emphasized selectivity rather than quantity, and those who desired to join the party had to pass successfully through several apprentice-like stages before being accepted into full membership." [33a] The

27 July 2003 Washington Post report stated that a potential member would have to spend 1-2 years as a sympathiser; another 1-2 years as a supporter, during which time they would receive ideological training; 6 months to 1 year as a candidate member undergoing further training; and finally, if accepted, they would become a full member of a local 'Cell'. [16b]

Party organisation and membership ranks

National Command

Theoretically the highest policy making and co-ordinating council for the Ba'athist movement throughout the Arab world, in 1966 a split in the Ba'athist movement resulted in rival National Commands, one based in Damascus in Syria, the other in Baghdad.

Regional Command

The core of the Iraq party leadership and the top decision making body at national level with (in 1988) 9 members elected for 5 year terms at regional congresses of the Party. Its Secretary General was Saddam Hussein and in practice he took all the decisions.

Central Bureau (Maktab Markazi)

Ran the regions.

Branch (Fira or Fara)

Comprised at least 2 Sections and operating at the provincial level.

Section (Shabah or Shubaa)

Formed of 2 – 5 divisions, a Section operated at the level of a large city quarter, a town, or a rural district.

Division or Team (Firqa)

2 – 7 cells formed a Division which operated in urban quarters, larger villages, offices, factories, schools and other organisations. Division units were spread throughout the military and bureaucracy.

Cell (Halaqah)

Cells operated at the neighbourhood or village level where full members would meet to discuss and to carry out Party directives.

Candidate Member

Supporter

Sympathiser

[16b][33a]

[Return to Contents](#)

Dissolution of the Party

6.111 The Washington Post on 12 May 2003 reported that the commander of US forces in Iraq had announced the abolition of the Ba'ath Party. The announcement was largely symbolic - the Ba'ath Party essentially evaporated after US forces invaded Iraq, but General Tommy R Franks "made it official by ordering an institution that exercised power in every Iraqi city and village to cease existence immediately". However, the US also requested "that many

former high-ranking government officials, most of whom were Ba'ath Party members, report to their jobs as usual". "Officials in charge of Iraq's reconstruction have emphasized that the majority of Ba'ath Party members are useful citizens who joined the party without passion, whether out of fear or pragmatism". [15a]

6.112 The Coalition Provisional Authority (CPA) said that at least 15,000, and up to 30,000 senior Ba'ath Party members would be banned from working in the public sector according to a BBC report on 16 May 2003. [14a] TimesUnion reported on 17 May 2003 that former members would be vetted for criminal conduct and to determine whether they might pose a threat to the security of the occupation forces. [12a] Acknowledging that the ban would make it even more difficult to find qualified staff to run ministries and other authorities, the BBC reported a CPA official as saying that that was "a price we are willing to pay to be sure we extirpate Ba'athism from Iraq's society". [14a] Amnesty International raised concerns that the sweeping nature of the de-Ba'athification Order may violate the right to freedom of expression and association and that mere membership of the Ba'ath Party should not itself have been reason enough to deny the opportunity to hold employment in the top three layers of government ministries. [28c] On 23 April 2004 the BBC reported an apparent U-turn in US policy when Paul Bremer said that former senior Ba'athists who had a clean record could return to their old jobs in the military or education, a decision condemned by some members of the IGC one of whom, Ahmad Chalabi, was quoted as saying "This is like allowing Nazis into the German government immediately after World War Two". [41]

6.113 In the Kurdistan Observer on 17 May 2003 it was reported that "[Paul] Bremer [the head of the CPA] reserved the right to himself to make exceptions to the ban in cases where the knowledge and expertise of a former Ba'ath official might be essential to government functions, where the person's prior membership in the party was deemed non-threatening, and where a renunciation of Ba'ath principles had been secured". [10f]

6.114 The banning of Ba'ath Party members was likely to cause real difficulties in some fields according to a report in The Guardian on 30 August 2003. Out of less than 100 psychiatrists in Iraq, some were banned because of their rank in the Ba'ath, despite the fact that they had no connection with the security services. And an estimated 2,000 senior staff at Iraq's universities and colleges were told by the CPA to stay at home. The Coalition claimed that de-Ba'athification was the most popular thing they had done but there appeared to be growing concerns that the good are being removed along with the bad. [6g]

[Return to Contents](#)

Reprisals against Ba'ath Party Members

6.115 With Ba'ath Party membership a prerequisite for advancement in many fields in Saddam Hussein's Iraq, ordinary membership did not of itself imply support for the Party's policies. Sources told the 2003 UK-Danish Fact Finding Mission that Iraqis differentiated between those who joined the Party because it was necessary for them to get jobs, and others such as members of the

security services who committed crimes against them. Only those former Ba'athists who were known to have abused their position were being targeted for reprisals; these would mostly be former members of the intelligence services, the security services or Fedayeen Saddam, but according to one source, even in these categories only individuals known to have committed abuses would be targeted. This could however mean that relatively low ranking Ba'ath Party members could be at risk because they had operated at street level and were therefore known to their victims or their victims' families or associates. [30]

6.116 On 20 May 2003 a report in the Seattle Times began "Iraqis have begun tracking down and killing former members of Saddam Hussein's Ba'ath party, doubtful that the United States intends to adequately punish the midlevel government functionaries they say tormented them for three decades". While stating that it was "difficult to pin down" the number killed, the report quoted anecdotal evidence from former exile groups and Iraqis familiar with some of the killings who estimate that the number of former Ba'ath Party officials killed "could reach several hundred in Baghdad alone". The killers were reported to be working from lists looted from security service buildings or "simply killing Ba'athist icons or irksome party officials identified with the Saddam government". [20a] On 24 May 2003 the Baltimore Sun carried a report that detailed a number of killings, and stated that "Hospital officials report that at least 50 Ba'ath Party members have been killed in [Baghdad in May]. But "The numbers are impossible to verify because there are no police reports, no investigations, no official statistics. Word of violence spreads from house-to-house, neighbourhood to neighbourhood, fueled by rumour and suspicion". [14a] A former member of Fedayeen Saddam and a former officer in Saddam's internal security service were murdered in Basra in separate incidents on the same day. An Iraqi police officer at the scene of the shooting was reported to have condoned the killing, according to a report by IWPR on 17 June 2003. [11b] A source told the 2003 UK-Danish Fact Finding Mission in July 2003 that the number of attacks had been less than he had expected but estimated that nonetheless more than one hundred members of the security apparatus of the former regime had been killed. [30]

6.117 On 1 March 2004 IWPR reported that "Traditional courts offer a non-violent route for pursuing claims against Saddam's henchmen". "Relatives of victims had killed an untold number of Ba'athists, particularly in the south where tribal traditions of vendetta were especially strong." But, "While Tribal rules tend to sanction blood vengeance in the case of murder" relatively minor injuries such as minor gunshot wounds did not call for such drastic retribution. Instead, victims could take their grievance to a local tribal court which could order the accused to pay compensation. A local Sheikh who sat on a tribunal believes that the arbitration system provides a consensual way of defusing potentially violent disputes: "This approach satisfies all the tribes. It prevents bloodshed and prevents [further] disagreements". However, "Although such traditional courts are widely accepted by local tribes, some policemen argue that it will deter their colleagues from enforcing the law in the post-Saddam era". [11f]

6.118 Two gunmen shot and killed a senior Ba'ath Party official who appeared regularly in uniform on Iraqi state television singing anthems praising Saddam Hussein" according to a report in The Guardian on 20 May 2003. Daoud al-Qaisy, who held the relatively senior Ba'ath Party rank of Comrade was shot dead by two gunmen "in one of the first known revenge executions since the fall of the regime". "Similar attacks on the party's leaders have been reported from other areas", including an attack in Sadr City in Baghdad where a Ba'athist and several members of his family were killed. [64]

6.119 The Kurdistan Observer reported on 26 May 2003 that a senior Republic Guard officer was shot dead by unidentified gunmen in Mosul. Colonel Abdul Karim Mohsen Juhaish had been accused by Kurds of involvement in the killing of more than 60 residents of Surie village in Dahuk in 1991. There were also reports that two former Iraqi intelligence officers were executed after being captured by the PUK. [10]

[Return to Contents](#)

6.120 Low ranking Ba'ath member Muayid Ghadad, a security guard at a sewage plant, was killed when two men shot him six times in the head and chest, according to a report in the New York Times on 19 June 2003. The victim's brother said "I think it was because he was in the Ba'ath. He was not a senior member". [24a]

6.121 A US aid worker reported that former Ba'ath Party members were the target of revenge attacks in the town of Kut, 100 miles south-east of Baghdad. A news report on the BBC on 20 June 2003 stated that up to 30 houses belonging to party officials were systematically demolished and that the attacks were intensifying and were being carried out almost on a nightly basis. There were no indications whether any particular political or religious group was behind the attacks but the perpetrators appeared to be well organised, going to the target house the day before and raising a coloured flag; they may even have dropped in to warn the inhabitants in person. [40]

6.122 albabwaba.com reported that the head of Saddam Hussein's Bani al-Nasiri tribe was shot and killed and his son injured as they drove through Tikrit. Abdullah Mahmoud al-Khattab was close to Saddam during his rule but publicly disavowed him after the US led invasion. The regional governor said that al-Khattab had many enemies having killed lots of people and confiscated many properties: "The person who killed him could have taken revenge". [27b]

6.123 According to a New York Times report on 22 July 2003, Kurdish Ba'ath Party member Ahmad al-Jaf was shot dead as he walked home from his shoe repair shop in Baghdad – Mr al-Jaf reportedly joined the Party after the Persian Gulf war to protect his family when he was asked by Ba'athists whether he was 'with them or against them'. In another incident Ali Talib al-Jabouri, an officer in the security forces for 10 years, was shot nine times. And in another, Nazeedah Abdullah Salom, an art teacher and party member was fatally shot three times from a passing car. [24c]

6.124 "Just weeks after the murder of three professors, an anonymous note calling on professors to stay home 'or else' has shaken Mustansiriyah University's staff and some of its students", according to the New York Times on 30 June 2003. The note threatened four professors who were former members of the Ba'ath Party. Students at the university say Ba'athists pressurised them to join the party and students were recruited as spies. The murdered professors included the former deputy dean of the college of sciences, a mid-ranking Ba'ath Party member. [245]

6.125 On 9 Decemer 2003 the BBC reported a sharp rise in the number of reprisal killings of former Ba'athists in Basra: "It seems the killings are targeting anyone from the previous regime, and not only senior figures connected with ousted leader Saddam Hussein". Police sources reported that in the preceding few weeks at least 20 former Ba'ath Party members had been murdered and "In some instances the killers have left signs around the victim's neck denouncing him as a Ba'athist". The attacks were variously blamed on tribal feuds, the jostling for power in Basra, and Islamic organisations. No one had been arrested at the time of the report. [4w]

[Return to Contents](#)

Threat to families of Ba'ath Party members

6.126 There is little evidence of widespread deliberate targeting of the families of Ba'ath Party members in reprisal attacks and a source informed the 2003 UK/Danish Fact Finding Mission that the families of Ba'ath Party officials or people associated with the former regime would not be targeted in revenge for crimes committed during the Saddam regime, saying that Muslims do not attack family members and such reprisals would not occur in Iraq. [30]

6.127 There is however evidence that the family of Ba'ath Party members are being caught up in attacks on the members themselves. The Guardian reported on 20 June 2003 that in Hilla, from where most of the senior Ba'athists fled after several of their homes were attacked, four children of a Ba'athist were killed, and his wife badly injured, when a grenade was thrown over their wall. [61] In Tikrit, the son of the head of Saddam Hussein's Bani al-Nasiri tribe was injured in an attack on his father, who was shot and killed according to a report on alBawaba.com on 1 July 2003. [275]

[Return to Contents](#)

Prosecution of former Ba'ath Party members

6.128 "In a test case for post-Saddam justice, Kurdish police have arrested a party official accused of triple murder", according to an IWPR report on 17 June 2003. Police in Kirkuk arrested Hadi Hama Salih, a former Ba'ath Party official who was accused of murdering three of his neighbours in Sulaymaniyah in 1991. Salih was one of the first Ba'athists to have been arrested in the formerly Saddam controlled areas since the regime collapsed. Areas of Iraq formerly controlled by Saddam had no government and as a result were bedevilled by a law and order vacuum. But the Kurdish region had had its own autonomous institutions, including a judiciary, since the Kurds rose up against the regime in 1991. Many believed that if Salih was convicted

and sentenced this would act as a deterrent to anyone who might be thinking of taking justice into his own hands in the wake of Saddam's overthrow. [11n]

6.129 In Hilla, where 4 children of a Ba'athist were reportedly killed and his wife badly injured when a grenade was thrown over their wall, some people were working to bring the former Ba'athists to court, the Guardian reported on 20 June 2003. Witnesses named several individuals in the area known to have taken part in the extra-judicial execution of hundreds of people in 1991 and prosecutors found a secret Ba'ath Party book, titled "In Order Not to Forget", which named several men who took part in the executions. Among those named was Mohamed Jawad An-Neifus, who played a vital part in organising the killings. An-Neifus was arrested by US Marines but then accidentally released from a detention camp in Umm Qasr on 18 May 2003. [6f]

6.130 The Coalition offered a 'parole program' to former Ba'athists who agreed to hand over their weapons, report periodically to US forces, inform them if they were moving out of the area, and provide help in tracking down insurgents. As reported in the Christian Science Monitor on 12 January 2004, 12 senior Ba'athists from the Talafar region denounced the Ba'ath Party in a ceremony broadcast on radio and handed over weapons. "About 200 more Baath Party members from the next level down in the hierarchy are scheduled to follow their lead Monday", in return for a reduced prospect of arrest, eventual rehabilitation in their communities and a chance to get their jobs back. The US would issue letters acknowledging the former Ba'athists co-operation but the IGC has said that no senior Ba'ath members (i.e. all those who had so far signed on to the programme) would ever work for the government again. The US officer who led the programme hoped that it could be repeated elsewhere in the country but acknowledged it could be more difficult in other areas. [34e]

[Return to Contents](#)

The Tribes

6.131 While the various religious and ethnic groupings were making the most noise in post-Saddam Iraq, the country's 2,000 tribes were quietly working behind the scenes to ensure that they played a major political role, according to a Christian Science Monitor report on 17 June. The tribes potentially wielded a great deal of influence: while most tribes comprise tens of thousands of members, the largest, the Shumar, based south-west of Baghdad, claimed it had well over 100,00 members. Other large tribes include the Obeidi from northern Iraq, the Azzawi from Diyala, the Jubouri in Salah al-Din governorate, and the Hiyalin of Baghdad, led by Sheikh Talib al-Said. [34a]

6.132 The Christian Science Monitor quoted Sheikh Yunis Hamed al Lateef, chief of the Utbah tribe, as saying: "People have begun to realise how much political power the tribes have. We have learned a lot, we've organised, and we are ready; we have a real future now". The tribes were credited with providing protection and some degree of law and order in the countryside. In his home town of Aziziya, Sheikh Lateef was acting as chief of police, judge

and mayor. This level of control did however attract criticism. Tribal application of the 'law' extended to extra-judicial killings in tribal wars. And some leaders acknowledged they were still bound by the law of dakheel requiring them to offer unequivocal protection to any stranger who presented himself to the tribe. This led to accusations that the tribes were giving refuge to former Ba'athist leaders. [34a]

6.133 Saddam's own tribe, the Albu Nasir, one of the Tikriti tribes, comprises a number of clans and houses, not all of whom remained loyal to Saddam after members once close to the regime fell from favour, often fatally. A ReliefWeb report on the Iraqi tribes on 8 July 2003 stated that the bayt (house) of Abd al-Mun'im was disgruntled when Lt. Gen. Maher 'Abd Rashid was placed under house arrest and suspects that Saddam arranged the death of Maher's brother, Brigadier General Tahir, at the end of the Iran-Iraq war. Another house with a grudge is the bayt of Major General Umar al-Haza who was tortured and executed by Saddam for slandering his mother. The Albu Latif sub-group blamed the former regime for the death of one of its favourite sons, Brigadier Gen. Adnan Sharif Shihab, when his helicopter was 'accidentally' shot down by an Iraqi SAM at the beginning of the Iran-Iraq war. Other Tikriti tribes, beyond the Albu Nasir, that bore grudges against Saddam included the al-Shaya'isha, the Hadithiyyin, the Rifa'iyyin, and the Jawa'ina. [7]

6.134 ReliefWeb reported that, in spite of these fallings out, most Sunni tribes enjoyed privileges under Saddam's rule, especially those bordering Tikrit: the Jubbur in Sharqat; the 'Ubayd in al-Alam and Tarmiya; the Mushahadah in Tarmiya; the Luhayb in Sharqat; and al-Azza in Balad. Further afield, the Harb in ad-Dur, the Tayy in Mosul, the Khazraj from south of Mosul, the Maghamis from Khalis and the large Sunni tribal federation of the Dulaym, west of Baghdad, were close to the regime. The Shammar Jarba, from north-west of Baghdad, and the Albu Nimr from al-Ramadi were reported to have collaborated rather less enthusiastically with the regime. Even among the tribes closest to the regime, their loyalty seems to have been based on self-interest and certainly was not unwaivering – some members of the above mentioned tribes were implicated in coup attempts and attempted assassination of Saddam. [7]

6.135 According to ReliefWeb, it was not only Sunni tribes that could be linked to the former regime: a number of Shiite tribes around Najaf also collaborated very closely with Saddam including the Bani Hasan, Aal Jaryu, Albu Dush, Aal 'Isa, Aal Shibil, and the Shiite branch of Saddam's own Albu Nasir. [7]

6.136 Maps of the distribution of Iraqi tribes can be found at:

<http://www.humanitarianinfo.org/iraq/maps/284%20A4%20Tribes%20in%20Iraq.pdf>
http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethno_2003.jpg

6.137 IWPR reported on 20 October 2003 that there have been reports that tribal networks in southern Iraq were involved in extortion and organised crime to the extent that they threatened security and reconstruction in impoverished

Shi'a areas. The police were reportedly reluctant to intervene for fear of reprisals from other tribe members and victims may have been reluctant to report crime for the same reason. British forces in the area were reluctant to get involved in tribal issues unless they were directly threatened, preferring instead to leave it to the Iraqi police to sort out. [114]

6.138 The same IWPR report stated that people had also been exploiting the tribal arbitration mechanism whereby tribal leaders would mediate between the families of victims and perpetrators to try to arrive at a figure for compensation, or 'blood money'. In the aftermath of the conflict, tribal leaders had been 'swamped' with false claims from people trying to earn a few dollars and openly expressed concern at the damage that tribal based criminality was having on their communities. [114]

[Return to Contents](#)

Third Country Nationals

6.139 According to the July 2003 Joint British-Danish Fact-Finding Mission, third country nationals in Iraq were viewed with suspicion by many Iraqis due to their perceived affiliation with the former regime. In particular Palestinian refugees had been targeted in the aftermath of the war. Several hundred Palestinian families had been evicted, mainly by landlords who were unhappy with the lease terms imposed by the former regime. The evictions, which had in some instances been violent, continued. There were 800 such displaced Palestinian families in a camp in Baghdad and perhaps a further 900 families in Jordan. There had also been reports of harassment against couples of mixed nationality, e.g. Egyptians married to Iraqi nationals. [30](para 4.29-4.33)

Palestinians

6.140 The Scotsman reported on 30 June 2003 that more than 1400 Palestinian refugees were living in what was quickly becoming a tent city in west Baghdad, having been evicted from their homes. The Palestinians, who sought sanctuary in Iraq under Saddam, were provided with free government housing or accommodation rented cheaply from Iraqi landlords at Saddam's instruction. Saddam's generosity was politically motivated but many Iraqis resented their leader's patronage and since Saddam's fall many Palestinians had been evicted or forced to leave because of massive rent increases. [29a] On 10 September 2003 the UN's Office for the Co-ordination of Humanitarian Affairs reported that UNHCR and the Iraqi Red Crescent had provided tents, installed electricity and built showers and toilets at the camp. The ICRC had built a water piping system with additional water dispensers provided by 'The Muslim Hands' NGO. A Norwegian church provided medicines to the Palestinian clinic. But residents at the camp said the tents were unbearably hot in summer, there was no water supply to individual tents and not enough water overall. The UNHCR was pushing the CPA to allow the Palestinians to use an empty apartment complex nearby as an interim measure while a permanent solution was found. [18g]

[Return to Contents](#)

6.C HUMAN RIGHTS – OTHER ISSUES

Treatment of non-Governmental Organisations

6.141 NGOs were maintaining a low profile in Iraq because of the security environment, according to a 15 March 2004 report by IRIN: "Seven months after 22 people, including UN Special Representative Sergio Vieira de Mello, were killed by a truck bomb at the United Nations headquarters in Baghdad, aid workers are driven around in local vehicles. They don't go out to eat much, following the New Year's Eve bombing of a restaurant popular with foreigners. In fact, many of the workers spend most of their time in neighbouring Jordan, only coming to Iraq when absolutely necessary". In fact, according to the vice-President of the International Medical Corps, people would be surprised at what had been achieved so far but they do not want to advertise their presence for fear their staff would be targeted. [18K]

[Return to Contents](#)

De-Arabisation

6.142 According to the 2003 US State Department Human Rights report "[Saddam's] regime pursued an Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from regime-controlled areas. According to press reports and opposition sources, the regime forcibly displaced hundreds of families. Since the fall of the regime, citizens throughout the country have reported histories of forced expulsion from their homes and relocation by the former regime. It is currently estimated that hundreds of thousands of citizens were forcibly displaced, although actual numbers are unknown. Large numbers of these forced relocations occurred in Kirkuk, Sinjar, throughout the southern Shi'a region, especially in the marshlands and Basra". [2a]

6.143 The British-Danish Fact-Finding Mission to Damascus, Amman and Geneva reported in August 2003 that:

"According to UNHCR in Geneva, under Saddam there were several land reforms including the appropriation of lands to distribute available agricultural land more equally (except in the three northern governorates). However, persons belonging to some ethnic groups (Sh'ites, Kurds, Assyrians, Turkmen, Asides [Yazidis], Marsh Arabs) or holding political opinions contrary to those of the Ba'ath Party were singled out and forced to leave their places of origin or habitual residences, their properties confiscated, in certain cases against compensation. In many cases, the regime deliberately destroyed villages in the north and south to ensure that these groups had no place to return to. Land and housing were then allocated to other Arabs to use or, in the case of persons holding high ranks in the Ba'ath Party or in the military, to own. Many of the Arab resettlers were poor labourers attracted by the settlement packages (the right to use the agricultural land and 10,000 Dinars) but others were forced to move. In

addition, further displacement was caused by the conflict between the two Kurdish parties and the Turkish invasion". [30](3.22)

6.144 On 9 July 2003, an Agence France-Presse story carried in the Kurdistan Observer reported that "Kurdish peshmerga fighters returning to their former homes in eastern Iraq have driven out thousands of Sh'ite Muslim families relocated to the region by Saddam Hussein's regime a generation ago". Around 7,000 Arab families had been forced to flee on foot or by car from Khanaqin. One former peshmerga who was then a policeman thought that the evictions were a fair state of affairs. Another policeman said that it had been made clear to the Arabs that they were not welcome but that a few Arab and Turkmen families who were not considered guilty of collaboration with Saddam's regime had stayed. [10n]

6.145 The British-Danish Fact Finding Mission reported in August 2003 that Kurds returning to the Kurdish areas just outside the Kurdish Regional Government administered area were trying to reclaim properties lost to Arabs under Saddam's Arabisation campaign in the 1990s. "There were disputes between Arabs and Kurds, in particular the Al Jabur and Al Jabadi clans, over the properties from which the Kurds had been evicted, but not as many as had been predicted". [30](paras 4.9-4.12)

6.146 The Fact Finding Mission also found that "Leaders of Arab tribes in these areas have approached KDP and PUK and informed them that the former regime brought these Arab tribes to the Kurdish areas under pressure. The Arab tribal leaders acknowledged that they inhabited Kurdish properties and assured the Kurdish parties that they would leave but asked for this process to be implemented in an orderly way. The Kurdish parties had agreed to this but, according to UHNCR in Amman, to date no mechanism for the orderly and peaceful resolution of property disputes has been put in place". [30](paras 4.9-4.12)

6.147 The British-Danish Fact Finding Mission reported that UNHCR Geneva had said that the Coalition Provisional Authority (CPA) had not yet put in place a fair and equitable framework for restitution and compensation. Through Regulation Number 4 (CPA/REG/25 June 2003/04), the CPA had created an Iraqi Property Reconciliation Facility, pending the establishment of a means of finally resolving property-related claims by a future Iraqi government. The task of this facility was to receive claims from individuals with property disputes and to provide a voluntary dispute resolution and reconciliation facility. The International Organisation for Migration (IOM) had been tasked by the CPA to set up this facility. [30](para 3.26)

6.148 And on 26 April 2004 the Foreign and Commonwealth Office said that "The Iraqi Property Claims Commission (IPCC), established by the Iraqi Governing Council, is a high-profile initiative that is a key part of the effort to redress the Ba'athist crimes against the Iraqi people. Strongly supported by the CPA, the IPCC provides Iraqi citizens of all ethnic and religious backgrounds with legal mechanisms to apply for the return of, or compensation for, real property - land, homes and other buildings - removed

from them during from July 17, 1968 until April 9, 2003. The IPCC opened its offices across Iraq during March and April 2004, and will remain open until 1 January 2005. No estimate has been made of the number of property complaints in Iraq, but there are an estimated 1,000,000 internally displaced people (IDPs) in the country, of which 800,000 are estimated to be in the Kurdish Regional Government (KRG) areas. It is estimated that the IPCC will take over 5 years to process the applications and rule on the individual cases.

6.149 A Ministry for Displacement and Migration has been established by the Iraqi Governing Council." [56a]

6.150 On 19 February 2004 the Kurdistan Observer reported that: "[The Global IDP Project] that monitors displaced people says about 100,000 Arabs have been forced from their homes by returning Kurds in northern Iraq. The Global IDP Project estimates that about 30,000 Kurds who were evicted under Saddam Hussein have gone back to their home towns and villages. The Arab families have been pushed out, or fled, the group says. Many are camped in abandoned public buildings in non-Kurdish areas and are dependent on food aid". [10d]

[Return to Contents](#)

Liquor sellers and sex cinemas

6.151 Liquor stores and sex cinemas have been the target of a number of attacks by Islamists.

6.152 The BBC reported on 24 September 2003 that a grenade exploded in the Nojoom Cinema in Mosul killing two and injuring up to 20. Witnesses said that the cinema was showing a pornographic film at the time. The BBC reported that "Islamic militants are known to oppose what they call "immoral" movies and have attacked some cinemas in post-war Iraq for showing them...Religious and political groups have distributed flyers warning theatre owners not to show films of a sexual nature". [4f]

6.153 IWPR carried a report from Al-Mashriq on 19 February 2004 stating that: "Eight people were killed and 10 wounded when unknown assailants opened fire at liquor sellers in the old market of Basra. Eyewitnesses said the victims were ordinary people shopping in the market. This area recently has witnessed many crimes due to unknown assailants shooting randomly at owners of liquor shops. The attacks also are taking place in Baghdad and many other locations around the country." [46e]

Internally Displaced Persons

6.154 According to UNHCR, the war that ousted Saddam Hussein's regime did not cause the massive internal displacement that had been anticipated. [40b] ReliefWeb reported on 5 May 2003 that people who were internally displaced before the recent conflict were slowly returning to their places of origin in the centre and south and virtually all those who were displaced during the conflict had returned to their places of origin, whether in the northern Governorates, central Iraq or the south. [7n]

6.155 On 5 June 2003 ReliefWeb reported that UNHCR had assumed responsibility for the return of IDPs to their place of origin in Iraq as well as for IDPs living in areas to which refugees returned from abroad. The majority consisted of Iraqi Kurds from the North. UNHCR also promoted the reduction of statelessness by providing legal assistance to persons with documentation problems and provided legislative advice to the authorities to ensure there was no exclusion from legal identity leading to or perpetuating statelessness in the newly constituted Iraq. [74]

6.156 According to an IRIN special report on refugees in January 2004, there were an estimated 900,000 IDPs in Iraq. Although there were no accurate current statistics, on pre-war figures between 600,000 and 800,000 of these were living in the north, with Mosul and Kirkuk having the largest numbers. [189]

6.157 At the time of the IRIN report humanitarian organisations expected to be concentrating their efforts over the coming year on providing proper shelter for IDPs: approximately 400,000 were estimated to be living in purpose built settlements, 300,000 lived in homes, and the rest were in government or other types of accommodation. Nearly 200,000 IDPs in the north were still living in collective towns they had been moved to by Saddam's regime which, IRIN reported, had been described by inhabitants as little better than concentration camps. [189]

6.158 Thousands of IDPs live in tents or mud shacks, with no income with which to buy their way out of the situation and totally dependent on the monthly food rations under the Oil-for-Food programme. The Kurdistan Regional Government's Deputy Minister of Reconstruction told IRIN that the IDP situation was by far the biggest problem the Kurdish Regional Government faced, with \$12,000 - \$15,000 per family required to rehouse people in reconstructed villages once infrastructure costs were taken into account. The problem was exacerbated in the north because it was perceived by the international community to be relatively well-off compared to the rest of the country. [189]

6.159 UNHCR selected four villages for an initial returns programme for IDPs and plans to make them a showcase for what it planned to do to help other returning IDPs in collaboration with local authorities, the CPA, other UN agencies and relief organisations. In Dengawa, which was destroyed by Saddam in 1986, 200 Kurds were rebuilding their lives with the help of UNHCR, having agreed a settlement to share the 2003 harvest with the Arabs who had occupied their land. [40a] UNHCR was also undertaking improvements to health facilities and water supplies to improve conditions for 2,500 Arab IDPs who had relocated to the Haweeja district west of Kirkuk. UNHCR emphasised that the conflicts in Iraq had affected all communities and it believed they should be helped even-handedly. [40b]

[Return to Contents](#)

Annex A

Chronology of major events

14 July 1958: The monarchy was overthrown. The new Government consisted of military and civilian members under Brigadier Abd Al-Karim Qassem.

February 1963: Qassem was killed in a coup organised by nationalist and Ba'athist officers, who then seized power under Abd Al-Salam Aref.

17 July 1968: A group of Ba'athist officers led by Ahmad Hasan Al-Bakr organised another coup.

30 July 1968: Ahmad Hasan Al-Bakr made President, and Saddam Hussein appointed Deputy President.

March 1970: An agreement was reached between Barzani (leader of the KDP) and the regime.

Spring 1974: Ba'ath Party promises regarding a Kurdish autonomy were not fulfilled which resulted in a major conflict between the Kurds and the regime.

March 1975: Iran and Iraq signed the Algiers agreement, ending their border disputes.

16 July 1979: Ahmad Hasan Al-Bakr resigned as President in favour of Saddam Hussein. At this time, real power moved away from the Ba'ath Party and almost exclusively to Saddam Hussein.

September 1980: Saddam Hussein ordered Iraqi forces into western Iran, which began the Iran/Iraq war (also at the time, called the "Gulf War"). Around this time, Saddam also expelled many Iraqi's of possible Iranian extraction, mainly Shi'a, from Iraq. They were taken to the Iranian border and left. Many remain there, although some travelled to other countries and claimed asylum.

June 1987: The United Nations passed Resolution No.598, which called for a cease-fire of the Iran/Iraq war.

8 August 1988: The United Nations announced a cease-fire, which came into effect on 20 August 1988. The economic situation in Iraq after the end of the war was precarious which led to high inflation and steep rises in the cost of living.

16 March 1988: Saddam launched the Anfal Campaign. This involved chemical bombing against the Kurds residing in the north of Iraq. Many thousands of Kurds were killed or disappeared during this campaign. Halabja was the most publicised town, as 5,000 people were poisoned there by chemical gases. This campaign was initially set up to resettle Kurds to where they were more easily controlled.

[Return to Contents](#)

20 August 1988: A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIMOG).

Spring 1990: Saddam demanded access to the Kuwait islands of Bubiyan and Warba as well as reviving Iraq's claim to part of the Rumailia oil fields. This led to the Gulf War/Desert Storm.

2 August 1990: Iraq invaded Kuwait and is condemned by United Nations Security Council (UNSC) Resolution 660 which calls for full withdrawal.

6 August 1990: UNSC Resolution 661 imposes economic sanctions on Iraq.

29 November 1990: UNSC Resolution 678 authorises the states co-operating with Kuwait to use "all necessary means" to uphold UNSC Resolution 660.

16-17 January 1991: The Gulf War commenced, in which Iraq was opposed by the UN with coalition forces including troops from 40 countries (including Egypt, Syria, Saudi Arabia, Kuwait). ("Operation Desert Storm").

27 February 1991: A cease-fire was agreed upon.

24 February 1991: The start of a ground operation which results in the liberation of Kuwait on 24 February. On 3 March Iraq accepts the terms of a ceasefire.

28 February 1991: The Intifada commenced (also known as the 1991 uprising by the people against the regime). This began in the southern city of Basra.

March 1991: There was a spontaneous uprising in the north of Iraq in the town of Ranya, which spread across Kurdistan.

29 March 1991: Samawa (southern Iraq), which held out the longest against the authorities was retaken.

3 April 1991: The Iraqi army recaptured Sulaimaniya (northern Iraq). About 1.5 million Kurds fled to the mountains and this eventually led to setting-up of the "Safe Haven" in the north of Iraq.

October 1991: The Iraqi Government withdrew its armed forces from the north, together with police units and pro-Ba'ath employees from the governorates of Irbil, Suliamaniya and the Dohuk areas which it had occupied.

December 1992 & May 1993: Gulf War allies imposed "no-fly" zones over both northern and southern Iraq.

[Return to Contents](#)

27 June 1993: US forces launch a cruise missile attack on Iraqi intelligence headquarters in Al Mansur district, Baghdad in retaliation for the attempted assassination of US President, George Bush, in Kuwait in April.

29 May 1994: Saddam Hussein becomes Prime Minister.

October 1994: An attempted coup was uncovered resulting in the execution of senior army officers.

10 November 1994: The Iraqi National Assembly recognises Kuwait's borders and its independence.

November 1994: The UN Security Council voted to continue economic sanctions imposed on Iraq after the Gulf War.

14 April 1995: UNSC Resolution 986 allows the partial resumption of Iraq's oil exports to buy food and medicine ("oil for food programme"). Iraq do not accept it until May 1996 and is not implemented until December 1996.

15 October 1995: Saddam Hussein wins a referendum allowing him to remain President for another 7 years.

February 1996: Two of Saddam's son-in-laws, Hussein Kamel and Saddam Kamel, were executed after returning to Iraq following their earlier defection to Jordan.

31 August 1996: KDP forces with Iraqi Government troops, first shelled and recaptured the city of Irbil in northern Iraq. Disturbances continued in September until government authorities were forced to leave the "Safe Haven".

3 September 1996: The US extends the northern limit of the southern no-fly zone to latitude 33 degrees north, just south of Baghdad.

1996: Fighting resumed between the KDP and the PUK

23 October 1996: A cease-fire between the KDP and PUK ended the fighting for the rest of 1996.

12 December 1996: Saddam Hussein's elder son, Uday, is seriously wounded in an assassination attempt in Baghdad's Al-Mansur district.

12 October 1997: Truce brokered by the United states, the United Kingdom and Turkey, called the "Ankara Process" broken when PUK forces attacked KDP positions.

December 1997: Reports of over 1,200 executions of prisoners.

[Return to Contents](#)

January 1998: Crisis between the Iraqi Government and the United Nations Special Commission following the stopping of the work of the UN investigation team.

13-14 January 1998: Iraq prevented UNSCOM team led by Scott Ritter from carrying out inspection work.

17 January 1998: President Saddam threatened to halt all co-operation with UNSCOM if sanctions are not lifted.

6 February 1998: Amidst build-up of US and UK forces in the Gulf, President Clinton and Prime Minister Blair reiterated determination to prevent Saddam from threatening neighbours and the world with weapons of mass destruction.

23 February 1998: UN Secretary-General Kofi Annan brokered a memorandum of understanding allowing UNSCOM to inspect eight "presidential sites".

February 1998: Kofi Annan, the Secretary-General of the United Nations agreed a deal with the Iraqi Government, and averted a military attack. An agreement for Iraq to double its oil output was also accepted by the UN.

2 March 1998: UN Security Council adopted Resolution 1154 threatening Iraq with the "severest consequences" if it breached the February 23 memorandum of understanding.

26 March 1998: UNSCOM began inspection of "presidential sites".

2 April 1998: UNSCOM completed first round of inspections of "presidential sites".

27 April 1998: After reviewing the latest six-monthly UNSCOM report, UN Security Council decided against reviewing sanctions against Iraq.

30 April 1998: Clinton announced intention to reduce strength of US forces in the Gulf.

April and June 1998: Two Shi'a clerics murdered.

11-15 June 1998: UNSCOM head Richard Butler and Iraqi Deputy Prime Minister Tariq Aziz reached agreement on "road map" for verification of Iraqi disarmament and the eventual lifting of UN sanctions.

19 June 1998: UN Security Council adopted Resolution 1175 allowing Iraq to purchase US\$300 million worth of equipment for its oil industry.

24 June 1998: In a presentation to the UN Security Council, Butler asserted that Iraq had loaded missile warheads with the chemical weapon VX before the 1991 Gulf War.

[Return to Contents](#)

27 July 1998: The International Atomic Energy Agency (IAEA) reported that there was evidence that Iraq was concealing nuclear weapons.

August 1998: The Iraqi National Assembly voted to temporarily suspend UNSCOM inspections.

5 August 1998: After the collapse of the latest round of Aziz-Butler talks, the Iraqi legislature voted for immediate suspension of UNSCOM inspections.

9 August 1998: UNSCOM suspended inspections.

20 August 1998: UN Security Council decided to maintain sanctions against Iraq.

9 September 1998: UN Security Council adopted Resolution 1194 demanding that Iraq co-operate with UNSCOM and suspending indefinitely periodic reviews of UN sanctions against Iraq.

August 1998: The Iraqi National Assembly voted to suspend most co-operation with UNSCOM.

September 1998: The Iraqi National Assembly voted to suspend all co-operation with UNSCOM and the IAEA.

October 1998: The Iraqi National Assembly ceased all co-operation with UNSCOM

31 October 1998: A joint meeting of the Revolutionary Command Council and the Ba'ath Party formally ended all forms of co-operation with UNSCOM and called for Butler's dismissal.

5 November 1998: Amidst a fresh build-up of US and UK forces in the Gulf, the UN Security Council adopted Resolution 1205 demanding that Iraq rescind immediately and unconditionally the Oct 31 decision, but made no mention of military threat.

15 November 1998: Only hours before planned US and UK air strikes, Saddam annulled the October 31 decision.

17 November 1998: UNSCOM inspectors returned to Iraq.

24 November 1998: UN Security Council approved the renewal of the "oil-for-food" deal which allows Iraq to sell US\$5,200 million worth of oil over the next six months for the purchase of humanitarian goods.

9 December 1998: Iraq blocked UNSCOM inspectors from entering a sensitive site in Baghdad.

[Return to Contents](#)

15 December 1998: Butler delivers a highly critical report to the UN Security Council.

16-20 December 1998: "Operation Desert Fox" The US and UK launched air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes.

January and February 1999: Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft caused the latter to respond in self-defence.

February 1999: Disturbances in southern Iraq following the assassination of Grand Ayatollah Mohammed Sadeq al-Sadr, spiritual leader of the Shi'i sect, and his sons. Later followers of al-Sadr were arrested and executed. There were also demonstrations by Kurds in northern Iraq against the capture by the Turkish authorities of the Turkish PKK leader Abdullah Ocalan.

June 1999: The Iraq Revolutionary Council issued Decree 101 banning the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. The Iraq Revolutionary Council also issued Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country.

August 1999: A former Iraqi international soccer player stated that he and his team-mates had been tortured on Uday Hussein's orders for not winning matches. Sharar Haydar Mohamad Al-Hadithi, said that he was subjected to beatings on the soles of his feet, dragged shirtless through a gravel pit, then made to jump into sewage to cause infection. He also was subjected to sleep deprivation and beatings during periods of detention in Al-Radwaniya prison. His claims of brutality were supported by Uday Hussein's former private secretary and press spokesman Abbas Janabi who described watching members of the national soccer team being forced to kick a concrete ball on the grounds of Al-Radwaniya prison after they failed to qualify for the 1994 World Cup. There were reports that three soccer players who lost a game in the Asian Cup quarterfinals in October 2000 were whipped and detained for three days.

December 1999: The UN Security Council adopted Resolution 1284 (1999) which created a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body was established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. **[1a]** Iraq rejects the resolution.

January 2000: Iraq repeated its rejection of Resolution 1284, insisting on the total lifting of sanctions as a precondition for the return of UN arms inspectors to Iraq. **[1a]**

[Return to Contents](#)

February 2000: Hans Blix, a former director of the IAEA, was appointed chairman of UNMOVIC.

27 March 2000: In the National Assembly elections, Saddam Hussein's son, Uday, becomes a member for Baghdad Governorate's fifth constituency.

August 2000: Re-opening of Baghdad airport, followed by a stream of international flights organised by countries and organisations to campaign against sanctions. The flights are labelled humanitarian missions to comply with UN sanctions.

October 2000: Iraq resumes domestic passenger flights, the first since the 1991 Gulf War. Commercial air links re-established with Russia, Ireland and the Middle East.

November 2000: Deputy Prime Minister Tariz Aziz rejects new weapons inspection proposals.

1 December 2000: Iraq temporarily halts oil exports after the UN rejects a request for a surcharge to be paid into a Iraqi bank account not controlled by the UN.

2001: Free-trade zone agreements set up with neighbouring countries. Rail link with Turkey re-opened in May for first time since 1981.

February 2001: Britain and United States carry out bombing raids in an attempt to disable Iraq's air defence network.

18 February 2001: Franso Hariri, former governor of Arbil and a central committee member of the KDP, was assassinated on his way home from Arbil. He was allegedly killed by armed terrorists.

2 April 2002: Barham Salih, head of the Iraqi Kurdish Patriotic Union of Kurdistan (PUK) regional government, escaped an assassination attempt outside his house in Sulaymaniyah. Barham Salih was representative for his party in Washington for almost 10 years before he became the Prime Minister of the PUK led Kurdish regional government in Sulaymaniyah last year.

May 2001: Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party.

January 2002: Iraq invites a UN human rights expert to visit for the first time since envoys were banned from the country in 1992.

February 2002: The Iraqi government finally authorised the visit of the UN Special Rapporteur on the Situation of Human Rights in Iraq, after denying entry since 1992.

[Return to Contents](#)

4 February 2002: It was announced that Iraq had expressed its willingness to hold talks "without preconditions" with Kofi Annan, the UN Secretary General.

8 April 2002: President Saddam announced that Iraq would cut off its oil exports for a period of one month in protest at Israel's invasion of Palestinian-controlled towns in the West Bank.

May 2002: UN SC members agreed to revise sanction regime to ease humanitarian impact.

1-3 May 2002: Talks aimed at achieving a breakthrough in the stand-off over weapons inspection took place in New York between Iraqi Foreign Minister Naji Sabri Ahmad al-Hadithi, UN Secretary General Kofi Annan and Hans Blix head of the UN's weapons inspection agency UNMOVIC. They ended without any agreement reached, Iraq agreed to attend a third round in Vienna in early July

5 May 2002: Iraq announced that it would resume oil exports on 8 May, thereby ending the month long embargo it imposed in protest at the Israel army's incursion into Palestinian controlled towns in the West Bank

14 May 2002: The UN Security Council adopted Resolution 1409 (2002), revamping the UN's sanctions regime for Iraq.

17 September 2002: UNMOVIC and Iraq held preliminary talks at UN headquarters in New York about arrangements related to the resumption of inspections as a follow up to earlier talks in Vienna. Further talks agreed.

1 October 2002: The United Nations and Iraq end 2 days of talks in Vienna on practical arrangements needed to facilitate the return of UN weapons inspectors to Iraq

George Bush tells a UN General assembly session to confront "the grave and gathering danger" of Iraq, or stand by as the US acts.

October 2002: The British government published its dossier on Iraq's weapons of mass destruction.

4 October 2002: PUK & KDP reconvene parliament in northern Iraq.

16 October 2002: Saddam Hussein wins 100% vote in a referendum ensuring him another 7 years as President.

20 October 2002: Reported that Saddam Hussein announced a general amnesty for Iraqi prisoners.

27 November 2002: UN weapons inspectors resumed inspections within Iraq after a four-year absence. They are backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms.

[Return to Contents](#)

March 2003: Chief weapons inspector Hans Blix reports that Iraq has accelerated its co-operation with the UN but says inspectors need more time to verify Iraq's compliance.

20 March 2003: The US and the UK began military action against Iraq.

9 April 2003 US forces advance into central Baghdad. Saddam Hussein's grip on the city is broken. In the following days Kurdish fighters and US forces take control of the northern cities of Kirkuk and Mosul. There is widespread looting in the capital and other cities.

10 April 2003: Senior Shi'a Cleric, Abdul Majid al-Khoei was murdered in Najaf.

April 2003 US lists 55 most-wanted members of former regime in the form of a deck of cards. Former deputy prime minister Tariq Aziz taken into custody.

May 2003 UN Security Council approves resolution backing US-led administration in Iraq and lifting of economic sanctions. US administrator abolishes Baath Party and institutions of former regime.

July 2003 Interim governing council (IGC) meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay killed in gun battle in Mosul.

August 2003 Bomb attack at Jordanian embassy in Baghdad kills 11; attack at UN HQ in Baghdad kills 22 including UN's chief envoy. Saddam's cousin Ali Hassan al-Majid, or Chemical Ali, captured. Car bomb in Najaf kills 125 including Shia leader Ayatollah Mohammed Baqr al-Hakim.

October 2003 UN Security Council approves amended US resolution on Iraq. Agreement gives new legitimacy to US-led administration but stresses power should be transferred to Iraqis "as soon as practicable".

October 2003 Dozens killed in Baghdad bombings, including attack on Red Cross office.

November 2003 Security situation continues to deteriorate. By early November - six months after President Bush declared the war over - more US soldiers have been killed in Iraq than died during the war to oust Saddam. In the course of the month 105 coalition troops are killed - the highest monthly death toll since the war began.

15 November 2003 Governing Council unveils accelerated timetable for transferring country to Iraqi control.

14 December 2003 Saddam Hussein's capture announced.

[Return to Contents](#)

1 February 2004 At least 100 people are killed in Irbil in a double suicide attack on offices of the two main Kurdish factions.

March 2004 US-backed Governing Council agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands.

Dozens of worshippers are killed in coordinated attacks on Shiites marking the holy period of Ashura with mass gatherings in Iraqi cities.

[Return to Contents](#)

ANNEX B

Political Organisations

Al-Daawa (Hezb al-Daawa al-Islamiyya)(Islamic Call Party)

According to the Middle East Intelligence Bulletin in June 2003, al-Daawa is the oldest organised Shiite political force in Iraq. It has historically kept a low profile: "The organization's secretive structure made it Saddam Hussein's most fearsome opponent - its remarkable list of accomplishments includes at least seven attempts to assassinate the former Iraqi president and the near-fatal shooting of his son, Uday. The organization pioneered the use of suicide bombings and simultaneous terror attacks in the Middle East. US officials thought the movement had been largely eradicated inside Iraq - until it organized the first major anti-American demonstration in April." (The Foreign and Commonwealth Office disputes that US officials would ever have thought al-Da'awa had largely been eradicated in Iraq [56a]) Unlike SCIRI, al-Daawa has never advocated direct clerical control of the state and ostensibly supports a pluralist democratic system.

Al-Daawa emerged in the aftermath of Iraq's 1958 revolution. Its spiritual leader was Muhammad Baqir al-Sadr. Grand Ayatollah Muhsin al-Hakim and other senior clergymen also influenced the party, though the religious establishment was careful to avoid taking overtly political stances. The operational leader of the party was Sheikh Arif al-Basri.

The toppling of the Baathist regime enabled al-Daawa to establish itself openly in the southern and central regions of the country. It was al-Daawa that organized the first demonstrations against the US presence in Nasiriyah. The meticulous planning that had underpinned those demonstrations indicates the party had maintained an active presence in certain regions of Shiite Iraq throughout the rule of Saddam Hussein. Several key al-Daawa leaders have since returned to Iraq, most notably Ibrahim al-Jaafari and Muhammad Baqir al-Nasiri, an influential ideologue previously based in Tehran.

Although the party has not been willing to officially cooperate with the American authorities, its leaders appear intent on avoiding actions that might sabotage the delicate transition to some form of representative government in Iraq. A member of its political bureau recently told Al-Hayat that his organization "does not see any interest in a US withdrawal from Iraq at this moment." [10] Nasiri has openly criticized those who have attempted to impose strict Islamic dress codes in Shiite areas. [11] There are also some indications that the party may be cooperating with the United States in rooting out armed resistance. A recent statement by an anti-American Iraqi nationalist group accused al-Daawa of treason for "informing the occupation forces about the resistance forces." [12]

[Return to Contents](#)

Hezb al-Daawa has proved itself to be an adaptable and resilient ideological movement and activist network. Its main challenge will be transforming itself from a secretive cell-based organization into a popular political party." [39a]

The Basra headquarters of Al-Daawa was targeted in gunfire attacks in early September according to a report by alBawaba.com on 7 September 2003. No one was injured. Two men were captured by Al-Daawa people in connection with the attack but no information was available on who they were or which group they might belong to. An Al-Daawa spokesman said the men would be handed over to Iraqi police after they had been interrogated. [27a]

[Return to Contents](#)

Ansar al-Islam

According to a US Congressional research report in January 2004:

In the mid-1990s, the two main Kurdish parties enjoyed good relations with a small Kurdish Islamic faction, the Islamic Movement of Iraqi Kurdistan (IMIK), which is headed by Shaikh Ali Abd-al Aziz. Based in Halabja, Iraq, the IMIK publicized the effects of Baghdad's March 1988 chemical attack on that city, and it allied with the PUK in 1998.

A radical faction of the IMIK split off in 1998, calling itself the Jund al-Islam (Army of Islam). It later changed its name to Ansar al-Islam (Partisans of Islam). This Ansar faction was led by Mullah Krekar, an Islamist Kurd who reportedly had once studied under Shaikh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Ansar reportedly associated itself with Al Qaeda and agreed to host in its northern Iraq enclave Al Qaeda fighters, mostly of Arab origin, who had fled the U.S.-led war in Afghanistan in 2001. Prior to Operation Iraqi Freedom, during which its base was captured, about 600 primarily Arab fighters lived in the Ansar al-Islam enclave, near the town of Khurmali. Ansar fighters clashed with the PUK around Halabja in December 2002, and Ansar gunmen were allegedly responsible for an assassination attempt against PUK prime minister Barham Salih in April 2002. Possibly because his Ansar movement was largely taken over by the Arab fighters from Afghanistan, Krekar left northern Iraq for northern Europe. He was detained in Norway in August 2002 and was arrested again in early January 2004.

The leader of the Arab contingent within Ansar al-Islamis said by U.S. officials to be Abu Musab al-Zarqawi, an Arab of Jordanian origin who reputedly fought in Afghanistan. Zarqawi has been linked to Al Qaeda plots in Jordan during the December 1999 millennium celebration, the assassination in Jordan of U.S. diplomat Lawrence Foley (2002), and to reported attempts in 2002 to spread the biological agent ricin in London and possibly other places in Europe. In a presentation to the U.N. Security Council on February 5, 2003, Secretary of State Powell tied

Zarqawi and Ansar to Saddam Hussein's regime, which might have viewed Ansar al-Islam as a means of pressuring Baghdad's Kurdish opponents. Although Zarqawi reportedly received medical treatment in Baghdad in May 2002 after fleeing Afghanistan, many experts believed Baghdad-Ansar links were tenuous or even non-existent; Baghdad did not control northern Iraq even before Operation Iraqi Freedom. Zarqawi's current whereabouts are unknown, although some unconfirmed press reports indicate he might have fled to Iran after the fall of the Ansar camp to U.S.-led forces. Some recent press accounts say Iran might have him in custody. U.S. officials have said since August 2003 that some Ansar fighters, possibly at the direction of Zarqawi, might have remained in or re-entered Iraq and are participating in the resistance to the U.S. occupation, possibly including organizing acts of terrorism such as recent car/truck bombings (see below). One press report quotes U.S. intelligence as assessing the number of Ansar fighters inside Iraq at 150. Ansar al-Islam is not listed by the State Department as Foreign Terrorist Organization (FTO). [33b]

US officials estimated that 250 of Ansar al-Islam's estimated 700 fighters were killed in attacks by US and Kurdish forces in March 2003. Its bases were destroyed and its arms seized. Hundreds of Ansar members fled into Iran or hid out on the Iran/Iraq border. At the time it was written off as an effective force but there is evidence that it is returning to Iraq and operating in small groups throughout the country. Ansar is closely linked with al-Qaeda and US officials believe it is one of the groups responsible for attacks on their forces. [10p] In mid-July 2003 US forces uncovered a seven-member Ansar al-Islam cell in Baghdad, suggesting the group had expanded its area of operations, according to a report in Time on 11 August 2003. Further doubt on the extent to which the Ansar threat had been neutralised was raised by the bombing of the Jordanian embassy in Baghdad in August, an attack which bore the hallmarks of an Ansar operation. [36a]. According to the Kurdistan Observer in a report on 24 August 2003 Ansar was also linked with the bombing of the UN's Baghdad Headquarters but denied that they were responsible. [10q]

Kurdistan Observer reported on 3 September 2003 that some Iraqi local authorities doubted that Ansar had the resources or the sophistication to mount a co-ordinated nation-wide campaign, particularly in the south where they did not have the necessary knowledge of the terrain, but acknowledged that the group may be involved in some attacks. It was also suggested that the US and the Kurds were exaggerating the threat from Ansar al-Islam as an excuse to maintain the pressure on political Islamic groups more generally. [10p]

[Return to Contents](#)

The Economist reported on 5 August 2003 that "The forces of the largely Kurdish Sunni extremist Islamists, Ansar al-Islam, who were believed by the Kurdish leadership before the war to be linked to the al-Qaida organisation of Saudi dissident Osama bin Laden and to have had "international" fighters

among their number, appear to have been largely dislodged. However, some are alleged to remain close to the Iranian border, as well as on the run in Baghdad itself, and they could target coalition forces." [19c]

On 27 August 2003 an Ansar fighter known as Mullah Namo and two or three (reports vary) other Islamic militants were involved in a battle with over 100 Kurdish police and security forces according to reports in the Kurdistan Observer on 29 August and 3 September 2003. After lengthy negotiations Mullah Namo agreed to surrender but, as police approached, he and the militants opened fire, killing a Kurdish colonel and, according to one report, a young girl. Namo and 2 militants were killed. In one report, a third militant was arrested. [10p][10o]

Ansar al-Sunna

According to a Kurdish newspaper report referred to by Kurdistan Observer on 11 February 2004: "The newspaper said Ansar al-Sunna broke away from the Ansar al-Islam group [in] October [2003] and was led by an Arab whose alias is Abu Abdullah Hasan bin Mahmud. Ansar al-Sunna is more extreme, said the newspaper". The group claimed responsibility for twin suicide bomb attacks on the offices of the PUK and KDP in Arbil in which at least 105 people died. "The newspaper said the motive of the attack was to "punish" the two Kurdish secular groups, which control Iraqi Kurdistan, for their alliance with the US-led coalition." [10c] ...

Assyrian Party

One of five parties that called for the formation of an organisation to unify the various Kurdish concerns. The five parties were the Islamic Union, the Islamic Democratic Party, the Communist Party of Kurdistan, the Workers Party of Kurdistan and the Assyrian Party. The five parties urged the PUK and the KDP to join them in an organisation they proposed to call the New Kurdistan Front. [46a]

Bet-Nahrain Democratic Party (BNDP)

Formed in 1976, seeks the establishment of an autonomous state for Assyrians in Iraq (Bet-Nahrain) [1a]

Constitutional Monarchy Movement (CMM)

Founded in 1993, supports the claim to the Iraqi throne of Sharif Ali Bin al-Hussain, cousin to the late King Faisal II, as constitutional monarch with an elected government. [1a]

Communist Party of Kurdistan

See Assyrian Party. [46a]

[Return to Contents](#)

Conservative Party

The BBC reported on 1 January 2003 that "The Conservative Party, led by Umar Surchi, is a junior partner in the PUK-led coalition government in Sulaymaniyah. The party represents tribal leaders and is dominated by the Surchi family. During 1996 KDP forces clashed with fighters from the Surchi

family's home villages, killing Umar Surchi's brother. The PUK supported the Conservative Party in the short-lived conflict, prompting the Conservative Party to ally itself openly with the PUK". [44]

Democratic Assyrian Movement (Zowaa)

Formed in 1979, seeks recognition of Assyrian rights within the framework of a democratic national government. Secretary General is Younadam Yousuf Kana. [1a]

Free Officers and Civilians Movement

Formed in 1996, and based in Baghdad, the founder and leader is Nagib al-Salihi. [1a]

Hezbollah

The leader is Abd Al-Karim Mahoud al-Mohammedawi. [1a]

Independent Democratic Movement (IDM)

Founded by Adnan Pachachi in 2003. Seeks a secular and democratic government of Iraq. [1a]

Iraqi Communist Party (ICP)

Founded in 1934 and led by First Secretary Hamid Majid Moussa. [1a]

IWPR reported on 2 February 2004 of the Iraqi Communist Party that

The party was once considered one of the more powerful Marxist organisations of the Arab world, and was a particularly attractive alternative to Shia and Kurds who rejected the pan-Arab philosophy of the Baath and other Sunni parties.

Viciously repressed in the 1960s and 1970s, the Communists were driven underground, and their dwindling support base was eventually surpassed by the rising tide of Shia religious movements.

Since the downfall of the Saddam regime, however, the Communist Party has staged a comeback. Not only has it opened dozens of offices around the country, but its general secretary, Hamid Majid Mousa, 61, is a member of Iraq's US-appointed Governing Council. [11a]

According to the Washington Post on 29 January 2004, "The comeback of the Iraqi Communists is one of the most remarkable political stories of the post-Hussein era. Once ruthlessly persecuted, the party has rapidly reemerged, this time as an influential, moderating force in national life." [16a]

[Return to Contents](#)

The 2 February 2004 IWPR report carried details of a bomb attack on a newly opened office of the ICP in the al-Jadidah district of Baghdad on 22 January 2004 in which two people were killed. According to the report "The Communists have many enemies in this poor district of the capital, from

neighbours who resent the presence of such 'unbelievers' and local politicians angry at the party's attempts to build support, to Islamists who are said concerned (sic) about its cooperation with the United States-led Coalition Provisional Authority.

"Some officials in the Communist Party reportedly blame former members of Saddam Hussein's intelligence and security organisations for the attack.

"But conservative Shia groups also are said to harbour long-standing enmity towards the Communists. Last summer, a Shia mob burned down a Party office in the southern city of Nasiriyah." [11k]

Iraqi Homeland Party (Hizb al-Watan al-Iraqi)

Formed in 1995, the Iraqi Homeland Party is a liberal Sunni party allied with SCIRI. Its leader is Mishaan al-Jubouri. It publishes a newspaper called al-Ijtihad al-Akhar. [1a]

Iraqi Islamic Party (IIP)

Founded in 1960. Secretary General is Mohsen Abd al-Hamid. [1a]

Iraqi National Accord (INA)

A US Congressional Research Report in January 2004 stated that:

The INA, originally founded in 1990 with Saudi support, consisted of defectors from Iraq's Baath Party, military, and security services who were perceived as having ties to disgruntled officials in those organizations. It is headed by Dr. Iyad al-Alawi, former president of the Iraqi Student Union in Europe and a physician by training. He is a secular Shiite Muslim, but most of the members of the INA are Sunni Muslims. The INA's prospects appeared to brighten in August 1995 when Saddam's son-in-law Hussein Kamil al-Majid — architect of Iraq's weapons of mass destruction programs — defected to Jordan, suggesting that Saddam's grip on the military and security services was weakening. Jordan's King Hussein agreed to allow the INA to operate from there. The INA was ultimately penetrated by Iraq's intelligence services and, in June 1996, Baghdad dealt it a serious setback by arresting or executing over 100 INA sympathizers in the military.

Baghdad's offensive against the opposition accelerated with its August 1996 incursion into northern Iraq, at the invitation of the KDP. Iraq not only helped the KDP capture Irbil from the PUK, but Saddam's forces took advantage of their presence in northern Iraq to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout the north. In the course of its incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested as many as 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 oppositionists, mostly from the INC.

Prior to Operation Iraqi Freedom, Alawi claimed that the INA was operating throughout Iraq, and it apparently had rebuilt its presence in Iraq to some extent after the June 1996 arrests. Although it was cooperating with the INC at the start of the U.S.-led 2003 war, there is a history of friction between the two groups. Chalabi and the INC have argued for comprehensive purging of former Baathists from Iraq's institutions, while the INA, which has ex-Baathists in it, has argued for retaining some members of the former regime in official positions. Like the INC, the INA does not appear to have a mass following in Iraq, but it has close ties to the U.S. government and does have a constituency among pro-Western Iraqis. In post-Saddam Iraq, Alawi has also taken the lead in pushing for the establishment of an internal security service for post-war Iraq, dominated by the major exile factions. Alawi was part of the major-party grouping that became the core of the Governing Council, and Alawi has been named a member of that Council and one of its nine member rotating presidency; he was president in October 2003. [33b]

Iraqi National Alliance (INA)

Formed in 1992 and led by Abd al-Jabbar al-Qubaysi. Supports constitutional multi-party government. [1a]

Iraqi National Congress

A US Congressional Research Service report in January 2004 stated that:

The INC was formally constituted when the two main Kurdish militias, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), participated in a June 1992 meeting in Vienna of dozens of opposition groups. In October 1992, major Shiite Islamist groups came into the coalition when the INC met in Kurdish-controlled northern Iraq. The INC appeared viable because it brought under one banner varying Iraqi ethnic groups and diverse political ideologies, including nationalists, ex-military officers, and defectors from Iraq's ruling Baath Party. The Kurds provided the INC with a source of armed force and a presence on Iraqi territory. Its constituent groups publicly united around a platform that appeared to match U.S. values and interests, including human rights, democracy, pluralism, "federalism", ... the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq. However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian internal structure, and because of inherent tensions among its varied ethnic groups and ideologies. The INC's first Executive Committee consisted of KDP leader Masud Barzani, ex-Baath Party and military official Hassan Naqib, and moderate Shiite cleric Mohammad Bahr al-Ulum. (Barzani and Bahr al-Ulum are now on the 25-member post-war Governing Council and both are part of its nine member rotating presidency.) [33b]

According to the Foreign and Commonwealth Office on 26 April 2004, the INC had become dominated by Ahmad Chalabi rather than a genuine umbrella organisation. [56a]

[Return to Contents](#)

Iraqi Turkmen Front

Formed in 1995 and based in Erbil, the Iraqi Turkmen Front is a coalition of 26 Turkmen groups led by Faruk Abdullah Abd ar-Rahman. It seeks autonomy for Turkmen areas in Iraq, recognition of Turkmen as one of the main ethnic groups in Iraq and supports establish of a democratic multi-party system in Iraq. [1a]

Iraqi Women's Organisation

Led by Sondul Chapouk [1a] who is a member of the Interim Governing Council. [56a]

Islamic Amal Organisation (Munazzamat al-Amal al-Islami)(Islamic Action Organisation)

According to a January 2004 US Congressional Research Service Report for Congress:

Another Shiite Islamist organization, the Islamic Amal (Action) Organization, has traditionally been allied with SCIRI. In the early 1980s, Islamic Amal was under the SCIRI umbrella but later broke with it. It is headed by Mohammed Taqi Modarassi, a Shiite cleric, who returned to Iraq from exile in Iran in April 2003, after Saddam Hussein's regime fell. Islamic Amal, which has a following among Shiite Islamists mainly in Karbala, conducted attacks against Saddam Hussein's regime in the 1980s. However, it does not appear to have a following nearly as large as SCIRI or the other Shiite Islamist groups. Modarassi's brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which tried to stir up Shiite unrest against the Bahrain regime in the 1980s and 1990s. Since returning to Iraq in April 2003, Mohammad Taqi has argued against violent opposition to the U.S. occupation, saying that such a challenge would plunge Iraq into civil warfare. On November 14, 2003, Modarassi criticized the United States for not holding elections to any of the political bodies formed thus far. [33b]

Islamic Democratic Party

See Assyrian Party. [46a]

Islamic Movement in Iraq

Based in Tehran, a Shi'ite organisation that is a member of SCIRI. Led by Sheikh Muhammad Mahdi al-Kalisi. [1a]

Islamic Movement of Iraqi Kurdistan (IMIK)

IMIK was founded in 1987 when Saddam attacked Halabja and Islamist activists fled into the mountains where they formed IMIK, under the leadership of Mullah Osman Abd-al-Aziz, and declared 'jihad' on Baghdad. In 1988,

despite its Sunni foundations, IMIK joined Iranian forces on Iraqi territory in Operation Val-Fajr 10; Saddam's forces were routed and he retaliated with the 16 March 1988 chemical attack on Halabja. [25c]

[Return to Contents](#)

During the 1990s IMIK at times allied itself with the KDP and was involved in armed clashes with the PUK. Then, in 1997, an Iranian facilitated rapprochement between the PUK and IMIK led to severe internal tensions in the Islamist party and IMIK began to splinter. At least two new parties emerged, both more radical than IMIK: Kurdish Hamas, led by Omar Baziani; and Tawhid, under the leadership of Abu Bakr Howleri. [25c]

Mullah Osman Abd-al-Aziz died in 1999 and his brother Ali assumed control of IMIK and joined the PUK's Kurdistan Regional Government, competing in local elections in Spring 2001 and gaining around 20% of the vote in both PUK and KDP controlled areas, and over 50% in the Halabja area. In May 2001, a further off-shoot of IMIK, Komaly Islami, was formed. Later in 2001 the two earlier splinter groups, Hamas and Tawhid, unified under the name Jund al-Islam, changing the name to Ansar al-Islam under the leadership of Mullah Krekar after the 11 September 2001 terrorist attacks on the World Trade Centre in New York. [25c]

According to an interview by London based Al-Zaman with IMIK representative Ihsan Shaykh Abd-al-Aziz, translated and published by the Kurdistan Observer on 27 January 2003, IMIK was one of seven movements listed in the US Iraq Liberation Act issued by Bill Clinton's administration. However, it did not receive the financial assistance provided for in the Act because, according to the IMIK representative, it was wrongly associated with terror organisations, and in particular Ansar al-Islam, after 11 September 2001. The representative said that IMIK deplored the killing of women, children, the elderly and civilians anywhere in the world. He said that IMIK could not be held responsible for the actions of Ansar al-Islam and that IMIK was willing to mediate between Ansar al-Islam and the PUK. [10x]

Islamic Union

See Assyrian Party. [46a]

Komaly Islami (Islamic Group of Kurdistan)

Founded in 2001 as splinter group of the Islamic Movement of Iraqi Kurdistan (IMIK), described by Europa as moderate Islamist aligned with the PUK, but see below. [1a]

A fringe Islamic group in northern Iraq, Komaly Islami claimed to be a moderate organisation according to the Kurdistan Observer on 3 September 2003. [10p] But according to an LA Times report carried in the Concord Monitor on 15 July 2003 it is allied to Ansar al-Islam. Its leader, Ali Baqir, and three of his followers, were arrested by the Americans in July 2003. Before the war, Komaly Islami had between 3 – 5,000 followers living in and around Khurmali, in north-eastern Iraq. The PUK had been paying Komaly Islami hundreds of

thousands of dollars a year in the hope of tempering its radical tendencies but in early 2003 decided the group was too close to Ansar and included them in the targeting instructions it gave to the Americans, which widened the scope of its cruise missile attacks to include several Komaly Islami bases around Khurmal. [45a]

[Return to Contents](#)

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)
(For clarity, the Kurdistan Workers' Party is referred to here as the PKK throughout.)

According to an Agence France Presse report on KurdishMedia on 13 January 2004, the latest names to be adopted by the Kurdistan Workers Party were the Kurdistan People's Congress, the People's Congress of Kurdistan and KONGRA-GEL. The names were added to the US terrorism blacklist. [21d]

According to the Federation of American Scientists, the PKK had 5,000 heavily armed guerrillas, mostly based in northern Iraq. At its 2000 Congress, PKK claimed that it would henceforth use only political means to achieve its new goal of improved rights for Kurds in Turkey. At its April 2002 Congress the PKK changed its name to KADEK: the Kurdistan Freedom and Democracy Congress, although most reporters tend still to use PKK. It also restated its commitment to non-violent activity but refused to disband or disarm its armed wing, the People Defence Force. [41a] Kurdistan Observer reported on 2 September 2003 that on 1 September PKK revoked its cease-fire although it said that it did not plan an immediate offensive. [10c] The US and Turkey were working together to disband PKK guerrillas in northern Iraq and were offering a partial amnesty to fighters who were not part of the leadership: if they surrendered by February 2004 they would earn lenient sentences, according to a report by BusinessWeek on 29 September 2003. [43a] On 10 November 2003 the BBC reported that US forces had clashed with 'unknown forces' near Dahuk. The Turkish foreign minister said the clash had been with PKK rebels; if that is confirmed it would be the first known clash between US and PKK forces. [4x] The Kurdistan Observer reported on 11 November 2003 that the PKK announced that it was dissolving in order to make for a new, more democratic structure that would allow for broader participation with a view to negotiating a peaceful settlement. The announcement made no direct mention of the clash with US forces just days before. [10v]

Kurdistan Democratic Party (KDP)

The Kurdistan Democratic Party was formed in 1946, under the leadership of Mullah Mustalafa al-Barzani, in Soviet occupied territory in northern Iran. The current leader is Masud Barzani. [41b] The KDP controls Erbil and Dahuk provinces in Iraqi Kurdistan in a coalition government that includes the Iraqi Communist Party, the Assyrian Movement, the Independent Workers Party of Kurdistan, the Islamic Union and independents. The KDP participates in the Iraqi National Congress and purports to favour self-determination for Iraq's Kurds within a unified Iraq [52a] but like the PUK, post-Saddam, although

publicly it still maintains this position, it has been suggested that its real agenda is an independent Kurdish state.

[Return to Contents](#)

Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the KDP and the Patriotic Union of Kurdistan (PUK). [19c]
Following the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes and the KDP turned to Baghdad for backing. In August 1996 the KDP sought and received help from Baghdad to capture Irbil, seat of the Kurdish regional government. [33b]

The KDP and PUK agreed a tenuous cease-fire in October 1996 [33b] but fighting between them continued through 1997 with the KDP claiming that 58,000 of its supporters were expelled from Sulaymaniyah and other PUK controlled areas. In addition, many villagers who supported the KDP were killed in attacks by the Patriotic Union of Kurdistan (PKK). [41b]

In September 1998 the KDP and PUK signed the Washington Agreement to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). On October 4 2002 they jointly reconvened the Kurdish regional parliament for the first time since the 1994 clashes. [41b]

After Saddam was ousted, Masud Barzani was part of the major-party grouping that was incorporated into the Governing Council, and both are part of the Council's rotating presidency. The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions. [33b]

Kurdistan Democratic Solutions Party (KDSP)

KurdishMedia on 19 May 2003 carried a report from Ozgurpolitika (a Turkish language, pro-PKK Kurdish daily) that the Kurdistan Democratic Solutions Party (PCDK) announced that it is abandoning armed struggle and would instead be directing its energies into political action. PCDK was formed after the Kurdistan Workers Party (PKK) was dissolved and transformed into the Kurdistan Freedom and Democracy Congress (KADEK). [21a]

Kurdistan National Democratic Union (YNDK)

The BBC reported on 13 January 2003 that: "The Kurdistan National Democratic Union (YNDK) worked closely with the Kurdistan Workers' Party (PKK) in the late 1990s. The two organisations issued joint statements in 1997 calling on Turkomans and Assyrians to join the PKK's attack on Turkish 'occupation' forces'. Under the leadership of Ghafur Makhmuri, the party

remains hostile towards Turkish policy in the region, but has moved away from the PKK to cooperate with the Kurdistan Democratic Party (KDP). The YNDK publishes a weekly newspaper in Kurdish, Medea". [4d]

[Return to Contents](#)

Kurdistan People's Movement

"The Kurdistan People's Movement, led by Abd al-Khaliq Zanganah is also supportive of the KDP regional government. The party publishes Dangi Millet, a weekly newspaper in Sorani Kurdish" according to the BBC on 13 January 2003. [4d]

Kurdistan Toilers Party (KTP)

According to a report by the BBC on 13 January 2003, the left-wing Kurdistan Toilers Party was led by Qadir Aziz. It had been supportive of the PUK in recent years and was a member of the PUK-led regional government in Sulaymaniyah. "During clashes between the Kurdistan Workers Party (PKK) and the PUK in 2000, a delegation from the KTP and KSDP [Kurdistan Socialist Democratic Party] attempted to mediate between the two sides." "The KTP runs a radio station – Voice of Kurdistan Toilers – and publishes a weekly newspaper – Alay Azadi – in Sorani Kurdish." Three KTP peshmergas were killed in armed clashes with Jund al-Islam in November 2001. [4d]

Kurdish Revolutionary Hezbollah

Kurdish Islamist group Kurdish Revolutionary Hezbollah announced that it was disbanding following the ousting of Saddam Hussein and the achievement of its aims: the overthrow of Saddam's regime and the liberation of Iraq and (Iraqi) Kurdistan, according to a report by the Kurdistan Observer on 14 May 2003. The group said it was disbanding in order to boost efforts to rebuild Iraq and that it was not seeking any gains or official posts. KRH comprised Sunni Muslims and was headed by Adham Barzani, a tribal chief related to Massoud Barzani, leader of the KDP. The group commanded several thousand fighters but its role had receded in recent years. [10a]

Kurdistan Socialist Democratic Party (KSDP)

The BBC reported on 13 January 2003 that the KSDP was led by Muhammad Haj Mahmud. It had been supportive of the PUK over recent years and was a member of the PUK-led regional government based in Sulaymaniyah. "During clashes between the Kurdistan Workers Party (PKK) and the PUK in 2000, a delegation from the KTP [Kurdistan Toilers Party] and KSDP attempted to mediate between the two sides." "The Kurdistan Socialist Democratic Party publishes a weekly newspaper, Rebazi Azadi." [4d]

[Return to Contents](#)

Patriotic Union of Kurdistan (PUK)

The PUK was formed in 1975 in the aftermath of the Algiers Accord between Iraq and Iran. Its leader is Jalal Talabani who was part of the major-party grouping that was incorporated into the Governing Council post-Saddam and as one of the Council's rotating presidents held the Presidency in November

2003. [33b] Historically the PUK sought self determination for the Kurds in a unified Iraq. [Since the fall of Saddam Hussein it purports still to do so but there are suggestions that its real agenda is a separate Kurdish state.] It controls Sulaymaniyah province in Iraqi Kurdistan with a population of approximately 1.5 million, leading a coalition government which includes the Kurdistan Toilers Party, the Kurdistan Social Democratic Party, the Islamic Movement and the Kurdistan Conservative Party. The PUK participates in the Iraqi National Congress. [52a]

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The KDP and PUK agreed a tenuous cease-fire in October 1996 [33b] but fighting between them continued through 1997 with the KDP claiming that 58,000 of its supporters were expelled from Sulaymaniyah and other PUK controlled areas. In addition, many villagers who supported the KDP were killed in attacks by the Patriotic Union of Kurdistan (PKK). [41b]

In September 1998 the KDP and PUK signed the Washington Agreement to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). On October 4 2002 they jointly reconvened the Kurdish regional parliament for the first time since the 1994 clashes. [41b]

The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq. [33b]

Sadrism Movement (Al-Sadriyun)(Jamaat as-Sadr ath-Thani)

In July 2003 the Middle East Intelligence Bulletin stated that:

"In an incendiary speech before thousands of Shiite Muslim worshippers in Kufa on July 18, a zealous young cleric condemned the 25-member Governing Council appointed by the United States to run Iraq as made up of "nonbelievers," declared that he was forming a religious army, and called for a "general mobilization to fight the American and British occupiers." [1] Although Muqtada al-Sadr, the son of a revered ayatollah killed by Saddam Hussein's regime in 1999, was careful to specify that his army would use "peaceful means" to achieve this objective and explicitly condemned attacks on coalition soldiers, his strident opposition to the presence of American troops on Iraqi soil has begun to generate concern in Washington."

The initial response of the US to al-Sadr was to ignore him and hope he and his followers would go away. It soon became clear that this was not going to happen and that "Their integration of Iraqi tribalism with Shiite puritanism has yielded a potent social and cultural force that could create headaches for the United States.

[Return to Contents](#)

The Sadrist movement grew following the martyrdom of Moqtada al-Sadr's father, Muhammad Sadiq al-Sadr, at the hands of Saddam loyalists in 1999. Their ideology envisages the creation of an Iraqi theocracy that respects scholastic diversity, tolerates tribal norms and is completely independent of the Iranian clergy. This sets them apart from SCIRI and some in al-Daawa, who have identified the creation of an Iranian-style theocracy in Iraq as their ultimate ideological objective."

When Saddam's regime collapsed, the Sadrists took control of the al-Thawra district of Baghdad, which they renamed Sadr City. Moqtada al-Sadr has called for the US to leave Iraq but has also condemned attacks on coalition forces, knowing that his control of Sadr City depends on American forbearance.

MEIB went on to say:

The Sadrists have imposed strict Islamic practices in areas they control, under the direction of firebrand cleric Muhammad al-Fartousi, who preaches at the Hikmat mosque in Sadr City. According to reliable sources, the Sadrists have vandalized, and even firebombed, cinemas, liquor shops, and video stores in areas under their control. Adnan al-Shamhani, the official spokesman for the Sadrists, claims that such acts "did not take place at the instructions of our office, but were carried out by zealous young people spontaneously." [5] Recently, the Sadrists appear to have relaxed restriction, apparently so as to avoid antagonizing the Americans. "We had some imams saying women will be beaten in the streets if some of their hair is showing and liquor stores burned down," al-Fartousi told the Associated Press. "This is not what we are about. A gentle advice to such women or a tap on the shoulder should suffice.

The Sadrists' support base is primarily confined to Sadr City, though the tribal ties of many of its residents have allowed the movement to gain influence in some southern towns, such as al-Amarah. The Sadrists' chief weakness is their isolation from the seminaries, where Muqtada al-Sadr (who often speaks in colloquial Arabic, rather than the classical Arabic typically used by clerics) is viewed with palpable disdain. They have little presence in Karbala, whose scholastic community is largely of Iranian origin. What meager influence they had in Najaf was undermined by the murder in April of Majid al-Khoei and the siege on Grand Ayatollah Ali Sistani's estate - both of which were attributed to Sadrist sympathizers.

In the opinion of the Middle East Intelligence Bulletin, Muqtada al-Sadr's announcement that he was establishing the Jaish al-Mahdi (Army of the Mahdi) was unlikely to be successful given the US stance on private armies and the Sadrists' lack of experience in such matters. Nonetheless, al-Sadr seems to have the capability to bring tens of thousands of demonstrators onto the streets when required. [306]

[Return to Contents](#)

Supreme Council for the Islamic Revolution in Iraq (SCIRI)

According to a Middle East Intelligence Bulletin report of October 2003, SCIRI was the best organised, the most capable and perhaps the most popular of the Shi'ite political organisations. Its leaders are ideological compatriots of the Iranian clerical establishment (many of them are of Iranian descent), while its military commanders have worked closely with the Iranian Islamic Revolutionary Guard Corps for twenty years. However, SCIRI looked increasingly to mobilise support among Iraqi Shi'a and maintain good relations with Sunni and Kurdish groups. After the fall of Saddam, SCIRI was particularly strong in Diyala governorate and exercised political control over the towns of Shahraban and Khalis, and also in al-Kut. In the south, SCIRI used its office in Basra to extend its political influence in nearby towns and villages, with significant influence in Najaf and Karbala, although the precise extent of this influence was difficult to gauge.

SCIRI is governed by a General Assembly of 70-100 key personalities. The General Assembly elects a 12-member Central Committee, SCIRI's highest decision-making body. The Chairman is Abdelaziz al-Hakim, who assumed the role when his brother, Muhammad Baqir al-Hakim, was killed, along with over a hundred others, in a bomb attack in Najaf on 29 August 2003. SCIRI appeared to have coped well with the assassination of Muhammad Baqir al-Hakim, but Abdelaziz's leadership was at the time of the MEIB report relatively untested.

After initially refusing to take part in the provisional Iraqi government, in July 2003 SCIRI changed its mind and Abdelaziz agreed to take a seat on the Interim Governing Council; one of its members assumed the post of Reconstruction and Housing Minister in the Iraqi cabinet and SCIRI also assumed control of the Ministry of Sports and Youth.

SCIRI's militia is the Badr Brigade, established in 1983. The Badr corps was thought to have 10,000-15,000 fighters, of whom around 3,000 were professionally trained. Large numbers of Badr Brigade fighters entered Iraq following the collapse of Saddam's regime and there were intense clashes between Badr forces and pro-regime elements, including Ba'ath Party loyalists, local tribesmen loyal to Saddam and the Mojahedin-e-Khalq.

The Brigade had begun to disarm after the war but after the assassination of al-Hakim it established a heavy security presence in Najaf and, although the militia later reduced its presence on the streets, it still operates in the city. In mid-September 2003 armed Badr fighters stormed the residence of a former Ba'ath party official in Najaf and took him away for questioning. A number of subsequent security breaches, including the mortar attack on SCIRI's office in Kirkuk in early October that killed a SCIRI official, have led to calls for an even broader resurgence of the militia. Officially however, the Badr Corps was renamed the "Badr Organization for Development and Reconstruction" and was put to work rebuilding infrastructure and other humanitarian projects.

SCIRI has enjoyed good relations with both the PUK and KDP. Relations with Sunni (or predominantly Sunni) factions have been cooler, and sometimes hostile. According to the Middle East Intelligence Bulletin:

"SCIRI is anathema to secular Arab nationalists who fear Iranian domination, while some Sunni Islamists see the resurgence of Shiite religious freedom as a threat. In early September, the Council of Ulama, a grouping of Sunni clerics established five days after the fall of Saddam's regime, accused Shiite clerics of seizing control over 18 Sunni mosques around the country, calling it "a grave phenomenon akin to ethnic cleansing and the Balkanization of Iraq." [14] Nevertheless, it must be borne in mind that Sunni Islamists also suffered immensely under Saddam and many developed ties with SCIRI while in exile. Serious conflict between Shiite and Sunni Islamists in Iraq is unlikely to materialize in the near future.

"Although SCIRI's relations with the Daawa party and the marjaiyya remain good, its relationship with the Sadrists has been marked by tensions. Nevertheless, this rivalry is not yet as explosive as some have suggested. Asked if a rival Shiite faction may have been responsible for the killing of Hakim, Jabr replied, "I totally rule this out. Throughout hundreds of years, the holy city of Najaf has witnessed only conflicts of ideas and dialogue of thoughts. Such acts are alien to the city of Najaf and to Shiite religious action." [16] In fact since Hakim's assassination SCIRI's relations with the Sadrists have improved."

[39c]

Workers' Communist Party of Iraq (WCPI) or Iraqi Workers' Communist Party (IWCP)

The Workers' Communist Party of Iran website reported on 25 April 2003 that

WCP of Iraq had established two offices in Baghdad (In the Bab al-Sharjy and Keradeh districts), in Kirkuk and in several other Iraqi cities. A meeting with cadres and members was held in Nasiriyah and mass meetings held in Baghdad, Mosul, Tuz and Kirkuk. Several thousand copies of the weekly newspaper Al Shiuye Al-amaliyeh were distributed. [47a]

On 26 June 2003, the Independent Media Centre Ireland carried what appeared to be a news release by WCPI itself, it announced that:

"Following 10 years of clandestine activity, the Workers' Communist party of Iraq (WCPI) has begun overt activities in Baghdad and in central and southern cities of Iraq.

WCPI launched a wide movement to set up mass organizations, Trade Unions and Workers' Councils, supporting women in Iraq to establish their organizations.

WCPI's Radio and offices in Kirkook, are the only part of city's politics to which people could turn up, in order to stop the bloody ethnic cleansing and nationalistic conflicts." [49a]

"The Iraqi Workers' Communist Party (IWCP) was formed in 1993 from four small communist groups. The IWCP accused Patriotic Union of Kurdistan (PUK) forces of attacking the organisation's office in Sulaymaniyah in 2000. The PUK also reportedly prevented the IWCP from holding its 2nd conference in December 2002." According to a report by the BBC on 13 January 2003. [4d]

Workers Party of Kurdistan

See Assyrian Party. [46a]

Resistance Groups

IWPR reported on 23 February that a statement signed by a dozen shadowy groups vowed that they would take control of Iraqi cities once the coalition withdraws. The signatories included: Muhammed's Army (Jaysh Muhammed), Ansar al-Sunna (Followers of the Sunna [Faith]), and the Iraqi Islamic Resistance (Muqawama al-Iraqi al-Islamiya). Most of the groups have previously claimed responsibility for attacks against the coalition. "Baghdad residents dismiss the pledge to win control of Iraqi cities as mere bravado." [11c]

A US congressional research report in January 2004 said that the resistance was operating under a number of different names including:

Al Awda (the Return), believed to be one of the largest and most active resistance group;

Saddam's Fedayeen, remnants of the paramilitary force that were the most tenacious of Iraqi forces during the 2003 major combat;

Saddam's Jihad;

Movement of the Victorious Sect;

Iraq's Revolutionaries - Al Anbar's Armed Brigades;

The Popular Resistance for the Liberation of Iraq;

Salafist Jihad Group (Salafi is a Sunni extremist Islamic movement);

Armed Islamic Movement for Al Qaeda - Falluja Branch. Actual linkages to Al Qaeda, if any, are not known;

Jaysh (Army) of Mohammad, said to be a highly active group;

Black Banners Group;

Nasirite Organization; and

Armed Vanguard of the Second Mohammad Army. Claimed responsibility for U.N. headquarters bombing and threatened attacks on any Arab countries that participate in Iraq peacekeeping. The credibility of the claim is not known.

[33b]

[Return to Contents](#)

ANNEX C

Prominent People

Members of Iraq's Governing Council

Ahmad Chalabi: A Shiite and leader of the Iraqi National Congress. Chalabi, a 58-year-old former banker who left Iraq as a teenager, had been touted in some U.S. government circles as a future Iraqi leader — though he denies he has any ambitions to lead the country. He also has many critics who are opposed to anyone ruling Iraq after spending so many years abroad. Chalabi was convicted in absentia of fraud in a banking scandal in Jordan in 1989 and sentenced to 20 years in prison. His group was formerly an umbrella organization for a number of disparate groups, including Kurds and Shiites, but has become a personal vehicle for Chalabi himself.

Abdel-Aziz Al-Hakim: A Shiite and a leader of the Supreme Council for the Islamic Revolution in Iraq. SCIRI opposes a U.S. administration in the country but has close ties with the other U.S.-backed groups that opposed Saddam, including the Kurds and Chalabi's INC.

Jalal Talabani: A Sunni Kurd and leader of the Patriotic Union of Kurdistan. He and Massoud Barzani of the Kurdistan Democratic Party led the Kurdish zone in northern Iraq that had near-autonomy from Saddam's regime since the 1991 Gulf War. Born in Kirkuk Province in 1934, Talabani joined the KDP at the age of 15 and rose to its politburo in 1953. But he broke with the KDP and founded the PUK in 1975.

Massoud Barzani: A Sunni Kurd and leader of the Kurdistan Democratic Party. Barzani, 56, leads the KDP, founded in 1946 by his father, the legendary mountain warrior Mustafa Barzani. He was a teenager when he became an aide to his father, then became KDP president when his father died in 1979. In 1983, three of his brothers disappeared in what Kurds call an Iraqi massacre of the Barzani clan when 8,000 people were rounded up by the Baghdad regime.

Ibrahim Al-Jaafari: A Shiite and the main spokesman for the Islamic Dawa Party. The party, once based in Iran, launched a bloody campaign against Saddam's regime in the late 1970's, but it was crushed in 1982. The group said it lost 77,000 members in its war against Saddam. Born in Karbala, al-Jaafari was educated at Mosul University as a medical doctor.

Naseer Kamel Al-Chaderchi: A Sunni and leader of the National Democratic Party. He lives in Baghdad and works as a lawyer, businessman and farmowner. He is the son of Kamel al-Chaderchi, who played a leading role in Iraq's democratic development until 1968, when the Baath Party seized power.

[Return to Contents](#)

Iyad Allawi: A Shiite and secretary-general of the Iraq National Accord. He is a medical doctor and began opposition to the Iraqi regime in the early 1970's. He was at the forefront of efforts to organize opposition both within Iraq and abroad.

Adnan Pachachi: A Sunni who served as foreign minister in the government deposed by Saddam's Baath party in 1968. The respected, 80-year-old politician founded the Independent Democratic Movement in February to provide a platform for Iraqis who back a secular, democratic government. He returned to Iraq in May after 32 years in exile.

Ahmad Shya'a Al-Barak: A Shiite and general coordinator for the Human Rights Association of Babel. He also is coordinator for the Iraqi Bar Association. He has worked with U.N. programs in Iraq since 1991 in the Foreign Ministry.

Raja Habib Al-Khuzai: A Shiite woman who heads the maternity hospital in the southern city of Diwaniyah. She studied and lived in Britain from the late 1960s until 1977, when she returned to Iraq.

Hamid Majid Moussa: A Shiite and secretary of the Iraqi Communist Party since 1993. He is an economist and petroleum researcher. He left Iraq in 1978 and returned in 1983 to continue his political activities against the Saddam regime.

Mohammed Bahr Al-Uloum: A highly respected Shiite cleric who returned from London where he headed the Ahl al-Bayt charitable center. He was elected as the Shiite member of a leadership triumvirate by the Iraqi opposition after the 1991 Gulf War.

Ghazi Mashal Ajil Al-Yawer: A Sunni who was born in the northern city of Mosul. He is a civil engineer and recently vice president of Hicap Technology Co. in Saudi Arabia.

Mohsen Abdel-Hamid: A Sunni and secretary-general of the Iraqi Islamic Party. He was born in the northern city of Kirkuk and is author of more than 30 books on interpretation of the Quran. He was detained in 1996 on charge of reorganizing the IIP.

Samir Shakir Mahmoud: A Sunni and member of al-Sumaidy clan. A writer from the western city of Haditha, he was a prominent figure in the opposition to Saddam's regime.

Mahmoud Othman: A Sunni Kurd who is politically independent but a longtime leader of the Kurdish National Struggle.

[Return to Contents](#)

Salaheddine Muhammad Bahaaeddine: A Sunni Kurd who was first elected secretary-general of the Kurdistan Islamic Union in the first conference of the party in 1994. He was born in the Kurdish village of Halabja and has written several books in Kurdish and Arabic.

Younadem Kana: An Assyrian Christian, secretary-general of the Democratic Assyrian Movement and active member of the Assyrian-Chaldian Christian community. He was a former minister of public works and housing and a former minister of industry and energy in Iraqi Kurdistan. He began activism against Saddam in 1979.

Mouwafak Al-Rabii: A Shiite and longtime human rights activists. A member of the British Royal Doctors' College, he practices internal medicine and neurology.

Dara Noor Alzin: A Sunni Kurd who served as a judge on the Court of Appeal. He ruled that of Saddam's edicts — confiscating land without proper compensation — was unconstitutional. He was sentenced to two years in prison, eight of them served at the notorious Abu Ghraib prison west of Baghdad before being released in a general amnesty in October.

Sondul Chapouk: A Turkoman from the northern city of Kirkuk. She was trained as an engineer and teacher. She serves as leader of the Iraqi Women's Organization and is a member of the Interim Governing Council.

Wael Abdul-Latif: A Shiite lawyer and judge, named governor of the southern city of Basra on July 4 by local authorities.

Abdul-Karim Mahmoud Al-Mohammedawi: A Shiite, dubbed "Prince of the Marshes" for leading the resistance movement against Saddam in the southern marsh region of Iraq for 17 years. He was imprisoned for six years and leads the Iraqi political group Hezbollah in the southern city of Amarah.

Abdel-Zahraa Othman: A Shiite and the leader of the Islamic Dawa Movement in Basra. He is a writer, philosopher and political activist, who served as editor of several newspapers and magazines.

[Return to Contents](#)

Prominent people in Saddam Hussein's regime

(Based on US 'pack of cards')

Saddam Hussein

President of Iraq, commander-in-chief of military: **Captured by coalition forces 13 December 2003**

War crimes claims against the Iraqi leader include genocide of the Kurds, "ethnic cleansing" in which tens of thousands of Kurds, Turkmen, Assyrians around the oil-rich city of Kirkuk were expelled as part of an "Arabisation" programme, mass civilian executions after the Kurdish and Shia uprisings in 1991, and religious persecution.

Qusay Hussein

Special Republican Guard and Republican Guard commander: **Killed 22 July 2003**

Saddam Hussein's younger son and chosen successor. The 36-year-old Qusay was in charge of the Special Republican Guard and the feared intelligence and security services. He is accused of curbing dissident activity in Basra after the failed Shia uprising in 1991 with mass executions and torture.

Uday Saddam Hussein

Fedayeen commander: **Killed 22 July 2003**

Saddam Hussein's 38-year-old son was commander of Saddam's Fedayeen forces and president of the Iraqi National Olympic Committee. Uday's alleged brutality is legendary in Iraq. According to Indict, the committee seeking to prosecute the Iraqi leadership for war crimes, he was personally engaged in acts of torture and ordered torture by forces under his command. He is said to have routinely abducted and raped women.

Abid Hamid al-Tikriti

Presidential secretary: **Taken into custody 18 June 2003**

One of Saddam Hussein's closest aides, Abed Hamoud controlled access to the president and was frequently at his side. He is said to have directed matters of state and handed down many of the regime's repressive orders. The US says he was also authorised to deploy weapons of mass destruction.

Ali Hasan Majid

Presidential adviser, southern region commander: **Captured by coalition forces 21 August 2003**

Saddam Hussein's cousin, Ali Hasan Majid, was known as "Chemical Ali" for his alleged role in the use of poison gas against Kurds in 1988. He had earlier been reported killed in a coalition airstrike on his house in Basra.

Izzat Ibrahim al-Douri

Vice-chairman Revolutionary Command Council, Northern regional commander

The 61-year-old deputy chairman of the Revolutionary Command Council and deputy chief of the armed forces is considered to have been Saddam Hussein's daily right-hand man. He was born in Tikrit, the Iraqi leader's home town. He was a key commander in the suppression of the failed Shia uprising in 1991. Indict also accuses Mr Ibrahim of the use of excessive military force against the Marsh Arabs of the south. He escaped an assassination attempt in Karbala in 1998. War crimes charges have been issued against him in Austria.

Aziz Salih al-Numan

Baath Party regional commander, militia commander: **Taken into custody 22 May 2003**

The former governor of occupied Kuwait and commander of the popular army in Kuwait is accused of complicity in atrocities allegedly carried out on Kuwaiti citizens. He was governor of the Karbala and Najaf areas in the 1970s and 1980s and is believed to have been involved in the destruction of Shia Muslim shrines during that time.

[Return to Contents](#)

Taha Yassin Ramadan

Vice-president: **Taken into custody 18 August 2003**

The 65-year-old vice-president and commander of the popular army was known as Saddam Hussein's enforcer. He is accused of complicity in the occupation of Kuwait. He is also accused of involvement in the brutal repression of Shia Muslims who rose up against the regime in 1991 and of the killing of thousands of Kurds in the town of Halabja in 1988 when the town was attacked with poison gas bombs.

Tariq Aziz

Deputy prime minister: **Surrendered 24 April 2003**

The only Christian in the leadership was at Saddam Hussein's side from the 1950s. The 67-year-old deputy prime minister is one of the most well-known faces of the former regime in the West. As a member of the Revolutionary Command Council, he is accused by Indict of complicity in war crimes against Iran, Kuwait and his own people.

Barzan Ibrahim Hasan al-Tikriti

Baath party official: **Taken into custody 16 April 2003**

The former director of the notorious intelligence service, or Mukhabarat, which is believed to have tortured and murdered thousands of opponents of the regime. He is listed as number 52 in the US deck. He is also a former ambassador to the UN in Geneva.

Watban Ibrahim al-Tikriti

Baath Party official: **Taken into custody 13 April 2003**

Saddam Hussein's half-brother and former intelligence minister and number 51 on the list. The former interior minister is believed to have been involved in repressing the 1991 uprisings.

Muhammad Hazmaq al-Zubaidi

Central Euphrates region commander: **Taken into custody 21 April 2003**

Former deputy prime minister and member of the Revolutionary Command Council (RCC) Mr al-Zubaidi was captured by pro-US Free Iraqi forces on 21 April.

Humam Abd al-Khaliq Abd al-Ghafur

Minister of higher education and scientific research: **Taken into custody 21 April 2003**

Number 54 on the list and a former member of Saddam Hussein's cabinet, Mr al-Ghafur was taken into custody by US troops on 21 April.

Jamal Mustafa Abdallah Sultan al-Tikriti

Deputy chief of tribal affairs: **Taken into custody 20 April 2003**

Saddam Hussein's son-in-law and private secretary, and number 40 on the wanted list, he returned to Iraq after fleeing to Syria and was taken into custody on 20 April.

[Return to Contents](#)

Hikmat al-Azzawi

Finance minister: **Taken into custody 19 April 2003**

Number 45 on the list, Mr al-Azzawi was captured by Iraqi police in Baghdad and handed over to US forces on 19 April

Samir abd al-Aziz al-Najm

Baath Party chairman, Diyala region: **Taken into custody 17 April 2003**

Iraqi Kurds handed over Samir abd al-Aziz al-Najm, the Baath Party regional command chairman for east Baghdad and number 24, to US troops near Mosul on 17 April

Amir Hamudi Hasan al-Saadi

Presidential scientific adviser: **Surrendered 12 April**

Saddam Hussein's high-profile scientific adviser surrendered in Baghdad after learning he was number 55 on the US list.

Hani abd Latif Tilfa al-Tikriti

Special Security Organisation director

Kamal Mustafa Abdallah Sultan Tikriti

Republican Guard secretary: **Surrendered 17 May 2003**

Barzan abd Ghafur Sulayman al-Tikriti

Special Republican Guard commander: **Taken into custody 23 July 2003**

Muzahim Sa'b Hassan al-Tikriti

Air defence force commander: **Taken into custody 23 April 2003**

Ibrahim Ahmad abd al-Sattar Muhammad al-Tikriti

Armed forces chief-of-staff: **Taken into custody 15 May 2003**

Sayf al-Din Fulayyih Hassan Taha al-Rawi

Republican Guard forces commander

Rafi Abd Latif al-Tilfah

Director of general security

Tahir Jalil Habbush al-Tikriti

Internal intelligence services director

Hamid Raja Shalah al-Tikriti

Air force commander: **Taken into custody 14 June 2003**

Abd al-Tawab Mullah Huwaysh

Deputy prime minister: **Taken into custody 2 May 2003**

Sultan Hashim Ahmad al-Tal

Minister of defence: **Surrendered 19 September 2003**

[Return to Contents](#)

Ayad Futayyih Khalifa al-Rawi
Al-Quds chief of staff: **Taken into custody 5 June 2003**

Zuhayr Talib Abd al-Sattar al-Naqib
Director of military intelligence: **Taken into custody 23 April 2003**

Abd al-Baqi abd Karim al-Sadun
Baath Party chairman and Baghdad militia commander

Muhammad Zimam Abd al-Razzaq al-Sadun
Baath Party chairman, Ta'mim and Ninawa Governate

Yahya Abdallah al-Ubaydi
Baath Party chairman, Basra Governate

Nayif Shindakh Thamir
Baath Party chairman, Salah al-Din Governate

Sayf al-Din al-Mashhadani
Baath Party chairman and militia commander, Muthanna Governate:
Captured 24 May 2003

Fadil Mahmud Gharib
Baath Party chairman, Babil and Karbala Governate: **Taken into custody 15 May 2003**

Muhsin Khadar al-Khafaji
Baath Party chairman, Qadisiyah Governate

Rashid Taan Kazim
Baath Party chairman, Anbar Governate

Ugla Abid Sighar al-Kubaysi
Baath Party chairman, Maysan Governate: **Taken into custody 20 May 2003**

Ghazi Hamud al-Adib
Baath Party chairman, Wasit Governate: **Taken into custody 7 May 2003**

Adil Abdallah Mahdi al-Duri al-Tikriti
Baath Party chairman, Dhi Qar Governate: **Taken into custody 15 May 2003**

Husayn al-Awawi
Baath Party chairman, Ninawa Governate: **Taken into custody 9 June 2003**

Khamis Sirhan al-Muhammad
Baath Party chairman, Karbala Governate

Sad Abd al-Majid al-Faysal
Baath Party chairman, Salah al-Din Governate: **Taken into custody 24 May 2003**

Latif Nussayif Jasim al-Dulaymi

Deputy chairman, Baath Party: Taken into custody 9 June 2003

Rukan Razuki abd al-Ghafur Sulayman al-Tikriti

Chief of tribal affairs

Mizban Khidir Hadi

Revolutionary Command Council member, regional commander, Euphrates region: Surrendered 9 July 2003

Taha Muhyi al-Din Maruf

Vice-president and RCC member: Taken into custody 2 May 2003

Walid Hamid Tawfiq al-Tikriti

Governor of Basra Governorate: Surrendered 29 April 2003

Mahmud Dhiyab al-Ahmad

Interior minister: Taken into custody 8 August 2003

Amir Rashid Muhammad al-Ubaydi

Former oil minister: Taken into custody 28 April 2003

Muhammad Mahdi al-Salih

Minister of trade: Taken into custody 23 April 2003

Hossam Mohammed Amin

National monitoring director: Taken into custody 27 April 2003

Sabawi Ibrahim

Baath Party, Saddam Hussein's maternal half brother

Huda Salih Mahdi Ammash

Scientist: Taken into custody 5 May 2003

[Return to Contents](#)

ANNEX D

Health care facilities in Iraq - WHO + UNICEF July 2003

Type of Facility	Definition and/or Service Provided	Location	Cost	Working Hours	Additional Countrywide Information *
General and Specialised Hospitals	Preventive, primary, secondary and tertiary care.	Urban and rural areas	Nominal fee	8:00 - 14:00 (A & E Depts are open 24 hr)	282 Hospitals (211 Public and 71 Private) and 110 Specialized Centres.
Health Centres (HC)	Preventive and primary health care	Urban and rural areas	Free	8:00 - 14:00	With or without doctors. Approx. 1,570 in the country.
Public Clinics (PC)	Preventive, primary, secondary and tertiary care. Doctors have at least two years of experience.	Urban areas	Nominal fee	16:30 - 19:30	Health Centres in the morning often work as Public Clinics in the afternoon. Approx. 339 in the country.
Health Insurance Clinics (HIC)	Same services as PC's but staffed by newly qualified doctors.	Rural areas outside the city	Nominal fee	16:30 - 19:30	Approximately 339 in the country.
Chronic Illness Pharmacy (CIP)	Provide drugs for treatment of chronic diseases on prescription issued by specialist and upon presentation of a special card for chronic illness.	Mainly in urban areas, usually attached to public clinics	Nominal fee	16:30 - 19:30	Approximately 299 in the country.
Bilat Al Shuhada Pharmacies or Pharmacy for Rare Drugs	Bilat Al Shuhada Pharmacies are pharmacies for rare drugs. Patients can obtain rare drugs against prescriptions from medical specialists. Rare drugs are determined by Ministry of Health, based on availability and cost.	Usually attached to public clinics but may be free standing.	Nominal fee	16:30 - 19:30	Approximately 32 Bilat Al Shuhada Pharmacies in the country.

* All totals are preliminary and are subject to confirmed totals from this current review. This update is as of July 2003.

[Return to Contents](#)

Distribution of health care facilities in Iraq – WHO + UNICEF July 2003

Governorate	Ministry of Health & Directorates of Health	Health Sectors	Warehouses	Public Hospitals	Private Hospitals	Total Hospital Beds	Specialized Centres	Primary Health Centres with Doctors	Primary Health Centres without Doctors	Within Health Centres: Public Clinics	Health Insurance Clinics	Chronic Illness Pharmacy	Pharmacy for Rare Drugs	Research Institutions	Production Plants
Anbar	1	9	7	11	1	1,242	4	52	67	16	26	21	2	0	0
Babil	1	5	9	8	2	1,098	6	37	35	22	16	11	3	0	1
Baghdad	9	20	59	44	40	11,425	20	127	5	94	23	25	8	14	5
Basra	1	10	8	14	3	3,142	7	64	8	30	37	13	2	0	0
Diyala	1	1	5	9	2	1,059	4	33	24	10	21	22	1	0	0
Karbala	1	-	4	5	0	663	5	22	4	15	9	12	1	0	0
Missan	1	1	5	7	1	869	5	20	11	12	13	17	1	0	0
Muthanna	1	3	5	4	0	826	4	29	1	12	16	11	1	0	0
Najaf	1	2	5	6	0	1,160	4	21	20	14	11	14	2	0	0
Ninawa	1	8	7	14	4	2,603	8	78	45	20	23	22	2	0	2
Qadissiya	1	7	4	8	2	878	6	29	21	17	18	15	1	0	0
Salah al-Din	1	9	6	9	0	812	3	44	33	14	30	20	3	0	1
Tameem	1	5	7	8	2	1,156	5	41	23	22	26	26	2	0	0
Thi-Qar	1	1	4	7	1	977	5	36	29	14	20	9	2	0	0
Wassit	1	5	4	9	1	773	4	29	8	12	19	16	1	0	1
Dahuk	1	-	2	7	12	977	3	48	32	2	20	45	0	0	0
Erbil	1	-	2	12		?	8	61	86	6	11		0	0	0
Sulaymaniyah	1	-	3	29		2,019	9	63	284	7	0		0	0	0
Totals	26	86	146	211	71	31,679	110	834	736	339	339	299	32	14	10

Source: Ministry of Health, WHO & UNOHCI

Annex E

Coalition Provisional Authority

LAW OF ADMINISTRATION FOR THE STATE OF IRAQ FOR THE TRANSITIONAL PERIOD

8 March 2004

PREAMBLE

The people of Iraq, striving to reclaim their freedom, which was usurped by the previous tyrannical regime, rejecting violence and coercion in all their forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law.

These people, affirming today their respect for international law, especially having been amongst the founders of the United Nations, working to reclaim their legitimate place among nations, have endeavored at the same time to preserve the unity of their homeland in a spirit of fraternity and solidarity in order to draw the features of the future new Iraq, and to establish the mechanisms aiming, amongst other aims, to erase the effects of racist and sectarian policies and practices.

This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being.

CHAPTER ONE – FUNDAMENTAL PRINCIPLES

Article 1.

(A) This Law shall be called the "Law of Administration for the State of Iraq for the Transitional Period," and the phrase "this Law" wherever it appears in this legislation shall mean the "Law of Administration for the State of Iraq for the Transitional Period."

(B) Gender-specific language shall apply equally to male and female.

(C) The Preamble to this Law is an integral part of this Law.

Article 2.

(A) The term "transitional period" shall refer to the period beginning on 30 June 2004 and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution as set forth in this Law, which in any case shall be no later than 31 December 2005, unless the provisions of Article 61 are applied.

(B) The transitional period shall consist of two phases.

(1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This government shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations. This government shall exercise authority in accordance with this Law, including the fundamental principles and rights specified herein, and with an annex that shall be agreed upon and issued before the beginning of the transitional period and that shall be an integral part of this Law.

(2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held as stipulated in this Law, provided that, if possible, these elections are not delayed beyond 31 December 2004, and, in any event, beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent constitution.

Article 3.

(A) This Law is the Supreme Law of the land and shall be binding in all parts of Iraq without exception. No amendment to this Law may be made except by a three-fourths majority of the members of the National Assembly and the unanimous approval of the Presidency Council. Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.

(B) Any legal provision that conflicts with this Law is null and void.

(C) This Law shall cease to have effect upon the formation of an elected government pursuant to a permanent constitution.

Article 4.

The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

Article 5.

The Iraqi Armed Forces shall be subject to the civilian control of the Iraqi Transitional Government, in accordance with the contents of Chapters Three and Five of this Law.

Article 6.

The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

Article 7.

A) Islam is the official religion of the State and is to be considered a source of legislation. No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period. This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice.

(B) Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation.

Article 8.

The flag, anthem, and emblem of the State shall be fixed by law.

Article 9.

The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, shall be guaranteed. The scope of the term "official language" and the means of applying the provisions of this Article shall be defined by law and shall include:

- (1) Publication of the official gazette, in the two languages;
- (2) Speech and expression in official settings, such as the National Assembly, the Council of Ministers, courts, and official conferences, in either of the two languages;
- (3) Recognition and publication of official documents and correspondence in the two languages;
- (4) Opening schools that teach in the two languages, in accordance with educational guidelines;
- (5) Use of both languages in any other settings enjoined by the principle of equality (such as bank notes, passports, and stamps);
- (6) Use of both languages in the federal institutions and agencies in the Kurdistan region.

CHAPTER TWO – FUNDAMENTAL RIGHTS

Article 10.

As an expression of the free will and sovereignty of the Iraqi people, their representatives shall form the governmental structures of the State of Iraq. The Iraqi Transitional Government and the governments of the regions, governorates, municipalities, and local administrations shall respect the rights of the Iraqi people, including those rights cited in this Chapter.

Article 11.

(A) Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State.

(B) No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted.

(C) Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose citizenship was withdrawn because he acquired another citizenship shall be deemed an Iraqi.

(D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.

(E) Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annulled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi.

(F) The National Assembly must issue laws pertaining to citizenship and naturalization consistent with the provisions of this Law

(G) The Courts shall examine all disputes arising from the application of the provisions relating to citizenship.

Article 12.

All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Article 13.

(A) Public and private freedoms shall be protected.

(B) The right of free expression shall be protected.

(C) The right of free peaceable assembly and the right to join associations freely, as

well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed.

(D) Each Iraqi has the right of free movement in all parts of Iraq and the right to travel abroad and return freely.

(E) Each Iraqi has the right to demonstrate and strike peaceably in accordance with the law.

(F) Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice. Coercion in such matters shall be prohibited.

(G) Slavery, the slave trade, forced labor, and involuntary servitude with or without pay, shall be forbidden.

(H) Each Iraqi has the right to privacy.

Article 14.

The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.

Article 15.

(A) No civil law shall have retroactive effect unless the law so stipulates. There shall be neither a crime, nor punishment, except by law in effect at the time the crime is committed.

(B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness would render him liable to punishment. Extreme exigent circumstances, as determined by a court of competent jurisdiction, may justify a warrantless search, but such exigencies shall be narrowly construed. In the event that a warrantless search is carried out in the absence of an extreme exigent circumstance, the evidence so seized, and any other evidence found derivatively from such search, shall be inadmissible in connection with a criminal charge, unless the court determines that the person who carried out the warrantless search believed reasonably and in good faith that the search was in accordance with the law.

(C) No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs.

(D) All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay.

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

(F) The right to a fair, speedy, and open trial shall be guaranteed.

(G) Every person deprived of his liberty by arrest or detention shall have the right of recourse to a court to determine the legality of his arrest or detention without delay and to order his release if this occurred in an illegal manner.

(H) After being found innocent of a charge, an accused may not be tried once again on the same charge.

(I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.

(J) Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise.

Article 16.

(A) Public property is sacrosanct, and its protection is the duty of every citizen.

(B) The right to private property shall be protected, and no one may be prevented from disposing of his property except within the limits of law. No one shall be deprived of his property except by eminent domain, in circumstances and in the manner set forth in law, and on condition that he is paid just and timely compensation.

(C) Each Iraqi citizen shall have the full and unfettered right to own real property in all parts of Iraq without restriction.

Article 17.

It shall not be permitted to possess, bear, buy, or sell arms except on licensure issued in accordance with the law.

Article 18.

There shall be no taxation or fee except by law.

Article 19.

No political refugee who has been granted asylum pursuant to applicable law may be surrendered or returned forcibly to the country from which he fled.

Article 20.

(A) Every Iraqi who fulfills the conditions stipulated in the electoral law has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections.

(B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

Article 21.

Neither the Iraqi Transitional Government nor the governments and administrations of the regions, governorates, and municipalities, nor local administrations may interfere with the right of the Iraqi people to develop the institutions of civil society, whether in cooperation with international civil society organizations or otherwise.

Article 22.

If, in the course of his work, an official of any government office, whether in the federal government, the regional governments, the governorate and municipal administrations, or the local administrations, deprives an individual or a group of the rights guaranteed by this Law or any other Iraqi laws in force, this individual or group shall have the right to maintain a cause of action against that employee to seek compensation for the damages caused by such deprivation, to vindicate his rights, and to seek any other legal measure. If the court decides that the official had acted with a sufficient degree of good faith and in the belief that his actions were consistent with the law, then he is not required to pay compensation.

Article 23.

The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.

CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT**Article 24.**

(A) The Iraqi Transitional Government, which is also referred to in this Law as the federal government, shall consist of the National Assembly; the

Presidency Council; the Council of Ministers, including the Prime Minister; and the judicial authority.

(B) The three authorities, legislative, executive, and judicial, shall be separate and independent of one another.

(C) No official or employee of the Iraqi Transitional Government shall enjoy immunity for criminal acts committed while in office.

Article 25.

The Iraqi Transitional Government shall have exclusive competence in the following matters:

(A) Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; formulating foreign economic and trade policy and sovereign debt policies;

(B) Formulating and executing national security policy, including creating and maintaining armed forces to secure, protect, and guarantee the security of the country's borders and to defend Iraq;

(C) Formulating fiscal policy, issuing currency, regulating customs, regulating commercial policy across regional and governorate boundaries in Iraq, drawing up the national budget of the State, formulating monetary policy, and establishing and administering a central bank;

(D) Regulating weights and measures and formulating a general policy on wages;

(E) Managing the natural resources of Iraq, which belongs to all the people of all the regions and governorates of Iraq, in consultation with the governments of the regions and the administrations of the governorates, and distributing the revenues resulting from their sale through the national budget in an equitable manner proportional to the distribution of population throughout the country, and with due regard for areas that were unjustly deprived of these revenues by the previous regime, for dealing with their situations in a positive way, for their needs, and for the degree of development of the different areas of the country;

(F) Regulating Iraqi citizenship, immigration, and asylum; and

(G) Regulating telecommunications policy.

Article 26.

(A) Except as otherwise provided in this Law, the laws in force in Iraq on 30 June 2004 shall remain in effect unless and until rescinded or amended by the Iraqi Transitional Government in accordance with this Law.

(B) Legislation issued by the federal legislative authority shall supersede any other legislation issued by any other legislative authority in the event that they contradict each other, except as provided in Article 54(B).

(C) The laws, regulations, orders, and directives issued by the Coalition Provisional Authority pursuant to its authority under international law shall remain in force until rescinded or amended by legislation duly enacted and having the force of law.

Article 27.

(A) The Iraqi Armed Forces shall consist of the active and reserve units, and elements thereof. The purpose of these forces is the defense of Iraq.

(B) Armed forces and militias not under the command structure of the Iraqi Transitional Government are prohibited, except as provided by federal law.

(C) The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any offices or organizations subordinate to it, may not stand for election to political office, campaign for candidates, or participate in other activities forbidden by Ministry of Defense regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to vote in elections.

(D) The Iraqi Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate pursuant to law and in accordance with recognized principles of human rights.

(E) The Iraqi Transitional Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Article 28.

(A) Members of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and judges and justices of the courts may not be appointed to any other position in or out of government. Any member of the National Assembly who becomes a member of the Presidency Council or Council of Ministers shall be deemed to have resigned his membership in the National Assembly.

(B) In no event may a member of the armed forces be a member of the National Assembly, minister, Prime Minister, or member of the Presidency Council unless the individual has resigned his commission or rank, or retired from duty at least eighteen months prior to serving.

Article 29.

Upon the assumption of full authority by the Iraqi Interim Government in accordance with Article 2(B)(1), above, the Coalition Provisional Authority shall be dissolved and the work of the Governing Council shall come to an end.

CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY

Article 30.

(A) During the transitional period, the State of Iraq shall have a legislative authority known as the National Assembly. Its principal mission shall be to legislate and exercise oversight over the work of the executive authority.

(B) Laws shall be issued in the name of the people of Iraq. Laws, regulations, and directives related to them shall be published in the official gazette and shall take effect as of the date of their publication, unless they stipulate otherwise.

(C) The National Assembly shall be elected in accordance with an electoral law and a political parties law. The electoral law shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly and of having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others.

(D) Elections for the National Assembly shall take place by 31 December 2004 if possible, and in any case no later than by 31 January 2005.

Article 31.

(A) The National Assembly shall consist of 275 members. It shall enact a law dealing with the replacement of its members in the event of resignation, removal, or death.

(B) A nominee to the National Assembly must fulfill the following conditions:

(1) He shall be an Iraqi no less than 30 years of age.

(2) He shall not have been a member of the dissolved Ba'ath Party with the rank of Division Member or higher, unless exempted pursuant to the applicable legal rules.

(3) If he was once a member of the dissolved Ba'ath Party with the rank of Full Member, he shall be required to sign a document renouncing the Ba'ath Party and disavowing all of his past links with it before becoming eligible to be a candidate, as well as to swear that he no longer has any dealings or connection with Ba'ath Party organizations. If it is established in court that he lied or fabricated on this score, he shall lose his seat in the National Assembly.

(4) He shall not have been a member of the former agencies of repression and shall not have contributed to or participated in the persecution of citizens.

(5) He shall not have enriched himself in an illegitimate manner at the expense of the homeland and public finance.

(6) He shall not have been convicted of a crime involving moral turpitude and shall have a good reputation.

(7) He shall have at least a secondary school diploma, or equivalent

(8) He shall not be a member of the armed forces at the time of his nomination.

Article 32.

(A) The National Assembly shall draw up its own internal procedures, and it shall sit in public session unless circumstances require otherwise, consistent with its internal procedures. The first session of the Assembly shall be chaired by its oldest member.

(B) The National Assembly shall elect, from its own members, a president and two deputy presidents of the National Assembly. The president of the National Assembly shall be the individual who receives the greatest number of votes for that office; the first deputy president the next highest; and the second deputy president the next. The president of the National Assembly may vote on an issue, but may not participate in the debates, unless he temporarily steps out of the chair immediately prior to addressing the issue.

(C) A bill shall not be voted upon by the National Assembly unless it has been read twice at a regular session of the Assembly, on condition that at least two days intervene between the two readings, and after the bill has been placed on the agenda of the session at least four days prior to the vote.

Article 33.

(A) Meetings of the National Assembly shall be public, and transcripts of its meetings shall be recorded and published. The vote of every member of the National Assembly shall be recorded and made public. Decisions in the National Assembly shall be taken by simple majority unless this Law stipulates otherwise.

(B) The National Assembly must examine bills proposed by the Council of Ministers, including budget bills.

(C) Only the Council of Ministers shall have the right to present a proposed national budget. The National Assembly has the right to reallocate proposed spending and to reduce the total amounts in the general budget. It also has the right to propose an increase in the overall amount of expenditures to the Council of Ministers if necessary.

(D) Members of the National Assembly shall have the right to propose bills, consistent with the internal procedures that are drawn up by the Assembly.

(E) The Iraqi Armed Forces may not be dispatched outside Iraq even for the purpose of defending against foreign aggression except with the approval of the National Assembly and upon the request of the Presidency Council.

(F) Only the National Assembly shall have the power to ratify international treaties and agreements.

(G) The oversight function performed by the National Assembly and its committees shall include the right of interpellation of executive officials, including members of the Presidency Council, the Council of Ministers, including the Prime Minister, and any less senior official of the executive authority. This shall encompass the right to investigate, request information, and issue subpoenas for persons to appear before them.

Article 34.

Each member of the National Assembly shall enjoy immunity for statements made while the Assembly is in session, and the member may not be sued before the courts for such. A member may not be placed under arrest during a session of the National Assembly, unless the member is accused of a crime and the National Assembly agrees to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY

Article 35.

The executive authority during the transitional period shall consist of the Presidency Council, the Council of Ministers, and its presiding Prime Minister.

Article 36.

(A) The National Assembly shall elect a President of the State and two Deputies. They shall form the Presidency Council, the function of which will be to represent the sovereignty of Iraq and oversee the higher affairs of the country. The election of the Presidency Council shall take place on the basis of a single list and by a two-thirds majority of the members' votes. The National Assembly has the power to remove any member of the Presidency Council of the State for incompetence or lack of integrity by a three-fourths majority of its members' votes. In the event of a vacancy in the Presidency Council, the National Assembly shall, by a vote of two-thirds of its members, elect a replacement to fill the vacancy.

(B) It is a prerequisite for a member of the Presidency Council to fulfill the same conditions as the members of the National Assembly, with the following observations:

- (1) He must be at least forty years of age.

(2) He must possess a good reputation, integrity, and rectitude.

(3) If he was a member of the dissolved Ba'ath Party, he must have left the dissolved Party at least ten years before its fall.

(4) He must not have participated in repressing the *intifada* of 1991 or the Anfal campaign and must not have committed a crime against the Iraqi people.

(C) The Presidency Council shall take its decisions unanimously, and its members may not deputize others as proxies.

Article 37.

The Presidency Council may veto any legislation passed by the National Assembly, on condition that this be done within fifteen days after the Presidency Council is notified by the president of the National Assembly of the passage of such legislation. In the event of a veto, the legislation shall be returned to the National Assembly, which has the right to pass the legislation again by a two-thirds majority not subject to veto within a period not to exceed thirty days.

Article 38.

(A) The Presidency Council shall name a Prime Minister unanimously, as well as the members of the Council of Ministers upon the recommendation of the Prime Minister. The Prime Minister and Council of Ministers shall then seek to obtain a vote of confidence by simple majority from the National Assembly prior to commencing their work as a government. The Presidency Council must agree on a candidate for the post of Prime Minister within two weeks. In the event that it fails to do so, the responsibility of naming the Prime Minister reverts to the National Assembly. In that event, the National Assembly must confirm the nomination by a two-thirds majority. If the Prime Minister is unable to nominate his Council of Ministers within one month, the Presidency Council shall name another Prime Minister.

(B) The qualifications for Prime Minister must be the same as for the members of the Presidency Council except that his age must not be less than 35 years upon his taking office.

Article 39.

(A) The Council of Ministers shall, with the approval of the Presidency Council, appoint representatives to negotiate the conclusion of international treaties and agreements. The Presidency Council shall recommend passage of a law by the National Assembly to ratify such treaties and agreements.

(B) The Presidency Council shall carry out the function of commander-in-chief of the Iraqi Armed Forces only for ceremonial and protocol purposes. It shall have no command authority. It shall have the right to be briefed, to inquire, and to advise. Operationally, national command authority on military

matters shall flow from the Prime Minister to the Minister of Defense to the military chain of command of the Iraqi Armed Forces.

(C) The Presidency Council shall, as more fully set forth in Chapter Six, below, appoint, upon recommendation of the Higher Juridical Council, the Presiding Judge and members of the Federal Supreme Court.

(D) The Council of Ministers shall appoint the Director-General of the Iraqi National Intelligence Service, as well as officers of the Iraqi Armed Forces at the rank of general or above. Such appointments shall be subject to confirmation by the National Assembly by simple majority of those of its members present.

Article 40.

(A) The Prime Minister and the ministers shall be responsible before the National Assembly, and this Assembly shall have the right to withdraw its confidence either in the Prime Minister or in the ministers collectively or individually. In the event that confidence in the Prime Minister is withdrawn, the entire Council of Ministers shall be dissolved, and Article 40(B), below, shall become operative.

(B) In the event of a vote of no confidence with respect to the entire Council of Ministers, the Prime Minister and Council of Ministers shall remain in office to carry out their functions for a period not to exceed thirty days, until the formation of a new Council of Ministers, consistent with Article 38, above.

Article 41.

The Prime Minister shall have day-to-day responsibility for the management of the government, and he may dismiss ministers with the approval of a simple majority of the National Assembly. The Presidency Council may, upon the recommendation of the Commission on Public Integrity after the exercise of due process, dismiss the Prime Minister or the ministers.

Article 42.

The Council of Ministers shall draw up rules of procedure for its work and issue the regulations and directives necessary to enforce the laws. It also has the right to propose bills to the National Assembly. Each ministry has the right, within its competence, to nominate deputy ministers, ambassadors, and other employees of special grade. After the Council of Ministers approves these nominations, they shall be submitted to the Presidency Council for ratification. All decisions of the Council of Ministers shall be taken by simple majority of those of its members present.

CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY

Article 43.

(A) The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the

accused pursuant to law, without interference from the legislative or executive authorities.

(B) All judges sitting in their respective courts as of 1 July 2004 will continue in office thereafter, unless removed from office pursuant to this Law.

(C) The National Assembly shall establish an independent and adequate budget for the judiciary.

(D) Federal courts shall adjudicate matters that arise from the application of federal laws. The establishment of these courts shall be within the exclusive competence of the federal government. The establishment of these courts in the regions shall be in consultation with the presidents of the judicial councils in the regions, and priority in appointing or transferring judges to these courts shall be given to judges resident in the region.

Article 44.

(A) A court called the Federal Supreme Court shall be constituted by law in Iraq.

(B) The jurisdiction of the Federal Supreme Court shall be as follows:

(1) Original and exclusive jurisdiction in legal proceedings between the Iraqi Transitional Government and the regional governments, governorate and municipal administrations, and local administrations.

(2) Original and exclusive jurisdiction, on the basis of a complaint from a claimant or a referral from another court, to review claims that a law, regulation, or directive issued by the federal or regional governments, the governorate or municipal administrations, or local administrations is inconsistent with this Law.

(3) Ordinary appellate jurisdiction of the Federal Supreme Court shall be defined by federal law.

(C) Should the Federal Supreme Court rule that a challenged law, regulation, directive, or measure is inconsistent with this Law, it shall be deemed null and void.

(D) The Federal Supreme Court shall create and publish regulations regarding the procedures required to bring claims and to permit attorneys to practice before it. It shall take its decisions by simple majority, except decisions with regard to the proceedings stipulated in Article 44(B)(1), which must be by a two-thirds majority. Decisions shall be binding. The Court shall have full powers to enforce its decisions, including the power to issue citations for contempt of court and the measures that flow from this.

(E) The Federal Supreme Court shall consist of nine members. The Higher Juridical Council shall, in consultation with the regional judicial councils, initially nominate no less than eighteen and up to twenty-seven individuals to

fill the initial vacancies in the aforementioned Court. It will follow the same procedure thereafter, nominating three members for each subsequent vacancy that occurs by reason of death, resignation, or removal. The Presidency Council shall appoint the members of this Court and name one of them as its Presiding Judge. In the event an appointment is rejected, the Higher Juridical Council shall nominate a new group of three candidates.

Article 45.

A Higher Juridical Council shall be established and assume the role of the Council of Judges. The Higher Juridical Council shall supervise the federal judiciary and shall administer its budget. This Council shall be composed of the Presiding Judge of the Federal Supreme Court, the presiding judge and deputy presiding judges of the federal Court of Cassation, the presiding judges of the federal Courts of Appeal, and the presiding judge and two deputy presiding judges of each regional court of cassation. The Presiding Judge of the Federal Supreme Court shall preside over the Higher Juridical Council. In his absence, the presiding judge of the federal Court of Cassation shall preside over the Council.

Article 46.

(A) The federal judicial branch shall include existing courts outside the Kurdistan region, including courts of first instance; the Central Criminal Court of Iraq; Courts of Appeal; and the Court of Cassation, which shall be the court of last resort except as provided in Article 44 of this Law. Additional federal courts may be established by law. The appointment of judges for these courts shall be made by the Higher Juridical Council. This Law preserves the qualifications necessary for the appointment of judges, as defined by law.

(B) The decisions of regional and local courts, including the courts of the Kurdistan region, shall be final, but shall be subject to review by the federal judiciary if they conflict with this Law or any federal law. Procedures for such review shall be defined by law.

Article 47.

No judge or member of the Higher Juridical Council may be removed unless he is convicted of a crime involving moral turpitude or corruption or suffers permanent incapacity. Removal shall be on the recommendation of the Higher Juridical Council, by a decision of the Council of Ministers, and with the approval of the Presidency Council. Removal shall be executed immediately after issuance of this approval. A judge who has been accused of such a crime as cited above shall be suspended from his work in the judiciary until such time as the case arising from what is cited in this Article is adjudicated. No judge may have his salary reduced or suspended for any reason during his period of service.

CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS

Article 48.

(A) The statute establishing the Iraqi Special Tribunal issued on 10 December 2003 is confirmed. That statute exclusively defines its jurisdiction and procedures, notwithstanding the provisions of this Law.

(B) No other court shall have jurisdiction to examine cases within the competence of the Iraqi Special Tribunal, except to the extent provided by its founding statute.

(C) The judges of the Iraqi Special Tribunal shall be appointed in accordance with the provisions of its founding statute.

Article 49.

(A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below.

(B) The method of appointment to the national commissions shall be in accordance with law.

Article 50.

The Iraqi Transitional Government shall establish a National Commission for Human Rights for the purpose of executing the commitments relative to the rights set forth in this Law and to examine complaints pertaining to violations of human rights. The Commission shall be established in accordance with the Paris Principles issued by the United Nations on the responsibilities of national institutions. This Commission shall include an Office of the Ombudsman to inquire into complaints. This office shall have the power to investigate, on its own initiative or on the basis of a complaint submitted to it, any allegation that the conduct of the governmental authorities is arbitrary or contrary to law.

Article 51.

No member of the Iraqi Special Tribunal or of any commission established by the federal government may be employed in any other capacity in or out of government. This prohibition is valid without limitation, whether it be within the executive, legislative, or judicial authority of the Iraqi Transitional Government. Members of the Special Tribunal may, however, suspend their employment in other agencies while they serve on the aforementioned Tribunal.

CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES

Article 52.

The design of the federal system in Iraq shall be established in such a way as to prevent the concentration of power in the federal government that allowed the continuation of decades of tyranny and oppression under the previous regime. This system shall encourage the exercise of local authority by local

officials in every region and governorate, thereby creating a united Iraq in which every citizen actively participates in governmental affairs, secure in his rights and free of domination.

Article 53.

(A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. The term "Kurdistan Regional Government" shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

(B) The boundaries of the eighteen governorates shall remain without change during the transitional period.

(C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.

(D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.

Article 54.

(A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.

(B) With regard to the application of federal laws in the Kurdistan region, the Kurdistan National Assembly shall be permitted to amend the application of any such law within the Kurdistan region, but only to the extent that this relates to matters that are not within the provisions of Articles 25 and 43(D) of this Law and that fall within the exclusive competence of the federal government.

Article 55.

(A) Each governorate shall have the right to form a Governorate Council, name a Governor, and form municipal and local councils. No member of any regional government, governor, or member of any governorate, municipal, or local council may be dismissed by the federal government or any official

thereof, except upon conviction of a crime by a court of competent jurisdiction as provided by law. No regional government may dismiss a Governor or member or members of any governorate, municipal, or local council. No Governor or member of any Governorate, municipal, or local council shall be subject to the control of the federal government except to the extent that the matter relates to the competences set forth in Article 25 and 43(D), above.

(B) Each Governor and member of each Governorate Council who holds office as of 1 July 2004, in accordance with the law on local government that shall be issued, shall remain in place until such time as free, direct, and full elections, conducted pursuant to law, are held, or, unless, prior to that time, he voluntarily gives up his position, is removed upon his conviction for a crime involving moral turpitude or related to corruption, or upon being stricken with permanent incapacity, or is dismissed in accordance with the law cited above. When a governor, mayor, or member of a council is dismissed, the relevant council may receive applications from any eligible resident of the governorate to fill the position. Eligibility requirements shall be the same as those set forth in Article 31 for membership in the National Assembly. The new candidate must receive a majority vote of the council to assume the vacant seat.

Article 56.

(A) The Governorate Councils shall assist the federal government in the coordination of federal ministry operations within the governorate, including the review of annual ministry plans and budgets with regard to activities in the governorate. Governorate Councils shall be funded from the general budget of the State, and these Councils shall also have the authority to increase their revenues independently by imposing taxes and fees; to organize the operations of the Governorate administration; to initiate and implement province-level projects alone or in partnership with international, and non-governmental organizations; and to conduct other activities insofar as is consistent with federal laws.

(B) The *Qada'* and *Nahiya* councils and other relevant councils shall assist in the performance of federal responsibilities and the delivery of public services by reviewing local ministry plans in the afore-mentioned places; ensuring that they respond properly to local needs and interests; identifying local budgetary requirements through the national budgeting procedures; and collecting and retaining local revenues, taxes, and fees; organizing the operations of the local administration; initiating and implementing local projects alone or in conjunction with international, and non-governmental organizations; and conducting other activities consistent with applicable law.

(C) Where practicable, the federal government shall take measures to devolve additional functions to local, governorate, and regional administrations, in a methodical way. Regional units and governorate administrations, including the Kurdistan Regional Government, shall be organized on the basis of the principle of de-centralization and the devolution of authorities to municipal and local governments.

Article 57.

(A) All authorities not exclusively reserved to the Iraqi Transitional Government may be exercised by the regional governments and governorates as soon as possible following the establishment of appropriate governmental institutions.

(B) Elections for governorate councils throughout Iraq and for the Kurdistan National Assembly shall be held at the same time as the elections for the National Assembly, no later than 31 January 2005.

Article 58.

(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.

(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

(3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

(4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.

(B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of

recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.

(C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

CHAPTER NINE – THE TRANSITIONAL PERIOD

Article 59.

(A) The permanent constitution shall contain guarantees to ensure that the Iraqi Armed Forces are never again used to terrorize or oppress the people of Iraq.

(B) Consistent with Iraq's status as a sovereign state, and with its desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period, the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511 (2003) and any subsequent relevant resolutions. This arrangement shall last until the ratification of a permanent constitution and the election of a new government pursuant to that new constitution.

(C) Upon its assumption of authority, and consistent with Iraq's status as a sovereign state, the elected Iraqi Transitional Government shall have the authority to conclude binding international agreements regarding the activities of the multi-national force operating in Iraq under unified command pursuant to the terms of United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions. Nothing in this Law shall affect rights and obligations under these agreements, or under United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions, which will govern the multi-national force's activities pending the entry into force of these agreements.

Article 60.

The National Assembly shall write a draft of the permanent constitution of Iraq. This Assembly shall carry out this responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Iraq and through the media, and receiving proposals from the citizens of Iraq as it writes the constitution.

Article 61.

(A) The National Assembly shall write the draft of the permanent constitution by no later than 15 August 2005.

(B) The draft permanent constitution shall be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. In the period leading up to the referendum, the draft constitution shall be published and widely distributed to encourage a public debate about it among the people.

(C) The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it.

(D) If the permanent constitution is approved in the referendum, elections for a permanent government shall be held no later than 15 December 2005 and the new government shall assume office no later than 31 December 2005.

(E) If the referendum rejects the draft permanent constitution, the National Assembly shall be dissolved. Elections for a new National Assembly shall be held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government shall then assume office no later than 31 December 2005, and shall continue to operate under this Law, except that the final deadlines for preparing a new draft may be changed to make it possible to draft a permanent constitution within a period not to exceed one year. The new National Assembly shall be entrusted with writing another draft permanent constitution.

(F) If necessary, the president of the National Assembly, with the agreement of a majority of the members' votes, may certify to the Presidency Council no later than 1 August 2005 that there is a need for additional time to complete the writing of the draft constitution. The Presidency Council shall then extend the deadline for writing the draft constitution for only six months. This deadline may not be extended again.

(G) If the National Assembly does not complete writing the draft permanent constitution by 15 August 2005 and does not request extension of the deadline in Article 61(F) above, the provisions of Article 61(E), above, shall be applied.

Article 62.

This law shall remain in effect until the permanent constitution is issued and the new Iraqi government is formed in accordance with it.

[Return to Contents](#)

Annex F

List of source material

- 1 **Europa Publications**
 - 1a The Middle East and North Africa 2004
- 2 **United States Department of State** <http://www.state.gov>
 - 2a Country Report on Human Rights Practices – 2003
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 - 4b Shot Iraq council member dies – 25/9/03
 - 4c Iraq chooses rotating presidents – 29/7/03
 - 4d Profile: Kurdish 'satellite' parties – 13/1/04
 - 4e Overview: Shia – 2003
 - 4f Blast hits Iraqi 'sex cinema' – 24/9/03
 - 4g Analysis: Insurgents target 'collaborators' – 23/2/03
 - 4h Tribal justice takes hold in Iraq – 2/2/04
 - 4i Revenge attacks target former regime – 20/6/03
 - 4j Iraqis fear rise of clerics – 9/6/03
 - 4k Iraqi women 'forced to veil' – 13/6/03
 - 4l Iraq holy city blast kills scores – 29/8/03
 - 4m Four arrested over Najaf bombing – 30/8/03
 - 4n Iraq courts resume trials – 8/5/03
 - 4o Arab stations in Iraq face curbs – 23/9/03
 - 4p Graduation for Iraq army recruits – 18/3/04
 - 4q Purge of Saddam loyalists – 16/5/03
 - 4r US condemned over Iraq rights – 30/6/03
 - 4s Timeline: Iraq – 4/3/04
 - 4t Iraq Baathists to get jobs back – 23/4/04
 - 4u Iraq battered by spate of blasts – 24/4/04
 - 4v Baghdad terror blasts kill dozens – 27/10/03
 - 4w Basra revenge killings increase – 9/12/03
 - 4x UK troops clash with 'PKK rebels' – 10/11/03
 - 4y Apaches swoop on Shia militiamen – 5/4/04
 - 4z Bombs target Iraq police stations – 15/12/03
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 - 4ab Car bomb hits Iraq police station – 14/12/03
 - 4ac Arabs 'badly injured' in custody – 13/12/03
 - 4ad Scores killed in Iraqi bombings – 21/4/04
 - 4ae US vows to wipe out cleric's army – 7/4/04

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- 4ag Tribunal set up for Saddam trial – 21/4/04
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- 5d Peacock worshippers return to the fold – 5/6/03
- 5e Iraqi women die in 'honour' murders – 28/9/03
- 5f Gunmen attack Sunni worshippers at dawn prayers – 6/9/03
- 5g Freedom to travel puts Iraqis on the road to unity – 11/6/03
- 5h Orphan girl finds harsh salvation with Shia clerics – 4/8/03
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- 6e Britain in talks with US on restoring death penalty – 25/9/03
- 6f US helps Iraq prepare for war crimes trials – 8/3/04
- 6g US decree strips thousands of their jobs – 30/8/03
- 6h Saddam's praise singer shot dead as revenge killings start – 30/5/03
- 6i 'Either the people who did this must be brought to court or we should ask for the authority to kill them' – 20/6/03
- 6j Iraq weapons amnesty 'a washout'
- 6k An empty sort of freedom – 8/3/04
- 6l Iraq slips further into turmoil – 26/9/03
- 6m Drugs crisis threatens to break fragile health service – 15/10/03
- 6n Senior Shia cleric criticises US and calls for calm – 8/4/04

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- 7f Millions remain food insecure in Iraq despite better harvest – 23/9/03
- 7g WFP preparing to hand over distribution – 10/9/03
- 7h Iraq: UNOPS-IDP Situation Report – 5/5/03
- 7i 400 Jordanian trucks stop transportation to Iraq after seven of them are lost – 8/12/03
- 7j The Iraqi tribes and the post-Saddam system – 8/7/03
- 7k Women raise their voices in new Iraq – 20/6/03

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- 9b Basra moves towards religious stability – 22/9/03
- 9c Iraqi appeals court shows no sign of improvement – 15/9/03
- 9d Baghdad's courts keeping busy – 22/9/03
- 9e In Irbil the Arabs are the victims – 8/3/04
- 9f With no law and order, kidnapping becomes big business – 18/8/03
- 9g In Karbala clashes, a battle over money and power – 28/10/03
- 9h Sistani: Clerics must remain outside politics – 18/11/03
- 9i First day of currency swap starts smoothly – 28/10/03

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- 10a Kurds show their grit – 11/2/04
- 10b Returning to Iraq, few Kurds want to be part of it – 24/5/03
- 10c Kurdish paper says Al Qaeda-linked suspects in Arbil blast were Iraqis – 11/2/04
- 10d Arabs displaced by Iraqi Kurds – 19/2/04
- 10e Shiite leader in Baghdad warns women, alcohol sellers, cinemas – 16/5/03
- 10f In reversal, plan for Iraq self-rule has been put off – 17/5/03
- 10g Iraqi militias near accord to disband – 22/3/04
- 10h Kurds in Mosul attacked, three killed – 24/2/04
- 10i Suicide bomber in Iraq kills child, wounds scores – 10/9/03
- 10j Senior Republican Guard Officer shot dead in Mosul – 26/5/03
- 10k Turkmen call for power sharing in administration of new Iraq – 1/7/03
- 10l Turkmen say tension in Kirkuk near to boiling point – 8/11/03
- 10m Kurds, ethnic Turks sign agreement to prevent clashes – 29/8/03
- 10n Iraqi Kurds returning home drive out Shiites relocated by Saddam – 9/7/03
- 10o Kurdish deputy security chief killed by Ansar-al-Islam – 29/8/03
- 10p Islamic militant group is spreading across Iraq – 3/9/03
- 10q Ansar al-Islam denies role in UN bombing – 24/8/03
- 10r Rebel Kurds say no plan for immediate war on Turkey after end of truce – 2/9/03
- 10s Iraqi Kurdish Hezbollah disbands – 14/5/03
- 10t Iraqis discover Kurdish north after decades away – 16/10/03
- 10v On the dissolution of the KADEK – 11/11/03
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- 10x Representative of Islamic movement of Iraqi Kurdistan interviewed – 27/1/03

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- 11b Private justice – 17/6/03
- 11c Resistance reveals 'post-US plan' – 23/2/04
- 11d Blood thicker than water – 20/10/03
- 11e Women join Shi'a revival – 3/12/03

- 11f Peer judgement – 1/3/04
- 11g Sunnis rally behind Shia – 5/3/04
- 11h Sunnis seek new political role – 9/2/04
- 11i Ancient sect targeted – 22/1/04
- 11j Summary of Iraqi Transitional Administrative Law – 22/3/04
- 11k Communists undaunted by murders – 2/2/04
- 11l Children held for ransom – 8/1/04
- 11m Vigilantes take on the resistance – 8/3/04
- 11n Prosecuting the Ba'ath – 17/6/03
- 11o Violence continues to plague Baghdad – 5/4/04

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- 18d Economic freedom seen as key to women's equality – 3/6/03
- 18e Basra's Christians look to the future with hope – and a little fear – 17/6/03
- 18f Focus on Baghdad airport – 28/10/03
- 18g Palestinian community in need of shelter – 10/9/03
- 18h Iraq: Focus on honour killings – 17/2/04

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- 24c The Murders of Ba'athists – 22/7/03
- 24d Iraqi professors shaken by threats – 30/6/03
- 24e US struggles to transform a tainted Iraqi police force – 29/6/03
- 24f Pentagon tally of 131,000 Iraqi officers – 17/11/03

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- 34b Iraq's restive 'Sunni Triangle' – 24/9/03
- 34c Efforts pay off to protect Kurdish women – 3/3/04
- 34d Ethnic divide deepens in new Iraq – 8/3/04
- 34e US puts Baathists 'on parole' – 12/1/04
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