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HUMAN RIGHTS DEVELOPMENTS

The Iraqi government continued to commit widespread and gross human rights violations, including the extensive use of the death penalty and the extrajudicial execution of prisoners, the forced expulsion of ethnic minorities from government-controlled areas in the oil-rich region of Kirkuk and elsewhere, the arbitrary arrest of suspected political opponents and members of their families, and the torture and ill-treatment of detainees. In a national referendum in mid-October, which excluded the three Kurdish-held northern provinces, President Saddam Hussain received a "one hundred percent approval from a one hundred percent turnout" for another seven-year term of office, according to 'Izzat Ibrahim al-Douri, deputy head of Iraq's Revolutionary Command Council. An amnesty for Iraqi prisoners was announced within days of the referendum.



Relations between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), which retained control over most of the northern provinces of Sulaimaniya, Arbil, and Duhok, improved as they began to implement a 1998 U.S.-brokered peace agreement. While both sides continued to maintain separate administrations in areas under their control, the former unified parliament, the Kurdistan National Assembly, met for the first time since the outbreak of intra-Kurdish fighting in 1996. KDP and PUK officials accused Iraqi government agents and Kurdish Islamist groups of perpetrating acts of sabotage in the region, including the deliberate targeting of civilians. Human rights abuses were committed by Kurdish opposition groups, including by Islamist groups in the context of clashes with PUK forces.

Economic sanctions imposed on Iraq by the United Nations Security Council in 1991 remained in force. The government accepted the terms of Security Council Resolution 1409 restructuring the sanctions by introducing a Goods Review List for potential "dual-use" items and "fast-track" procedures for humanitarian goods. Following several months of United States threats of military action, the government announced in early October it would allow U.N. weapons inspectors access to the country

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without conditions. On November 8, the Security Council unanimously adopted Resolution 1441, calling on Iraq to comply with a significantly stricter inspection regime or face "serious consequences."

Human Rights Developments in Government-Controlled Iraq

On October 20, Iraq's Revolutionary Command Council issued Decree 225, granting a general amnesty to political detainees and army deserters, as well as those at large in the country and those abroad. Two categories of detainees did not benefit: those charged with or convicted of murder where "no reconciliation has been reached with the families of the murdered," and those detained for debt-related charges. Shortly after the announcement of the amnesty, described by the authorities as "full and final and complete," Minister of Justice Mundhir al-Shawi clarified that those held in connection with espionage for the U.S. and the "Zionist entity" would also be excluded. On the same day, thousands of inmates were released from Abu Ghraib prison and other places of detention throughout the country, with government officials declaring that Iraq's prisons had been emptied.

No official figures were made public on the number of releases. However, many Iraqis reported to Human Rights Watch that their relatives, detained in various parts of the country for political reasons, had not been released. In an unprecedented development, families whose detained relatives remained unaccounted for staged a protest outside the Ministry of Information on October 22, demanding information on their relatives' fate and whereabouts. There was a widespread perception that few political detainees had in fact been released, the majority who benefited being those held in connection with common law offences, including scores of foreigners. In the ensuing days, a number of former inmates described to foreign journalists the appalling conditions in which they had been held and the torture and ill-treatment to which they had been subjected during their incarceration.

Government opponents and relatives of political detainees continued to report numerous executions of political suspects and those convicted of ordinary criminal offenses, as well as former army personnel suspected of disloyalty to the authorities. Scores of civilians detained in Abu Ghraib prison were apparently executed in early March, among them five Shi'a Muslims from al-Najaf province who were arrested in December 2001 after reportedly failing to cooperate with the authorities in the capture of army deserters. Their bodies were returned to their families later in March. Ten other suspected government opponents were also executed in Abu Ghraib in June, among them Jabbar Sadeq 'Ali and 'Abd al-Salam Hadi Jawad, both from Basra. The bodies of these victims were apparently not returned to their families, and were buried by the authorities in a Baghdad cemetery. A number of armed forces personnel were also reportedly executed by firing squad in Baghdad, Mosul, and other cities in March, among them 'Abd al-Haq Isma'il and 'Abd al-Hussain Jassim.

The government continued to implement its "Arabization" policy of forcibly expelling Kurdish, Turkman, and Assyrian families from their homes in areas under its control in Kirkuk, Khaniqin, Sinjar, and other areas, and replacing them with Arab families brought from southern Iraq. The vast majority of those expelled were Kurds, who were moved to Kurdish-held areas in the northern provinces, with a smaller number expelled to southern Iraq. In September, Human Rights Watch interviewed scores of expelled Kurdish and Turkman families, some within days of their

expulsion. Officials forced them to leave their homes with very few personal possessions, and stripped them of all documentation except for their identity cards. In the majority of cases, one immediate reason for expulsion was their refusal to sign the so-called nationality correction forms, which were introduced by the government in 1997 to force non-Arabs to alter their ethnic identity by registering as Arabs. Other reasons included their refusal to join the Ba'th Party or the failure of male family members to undergo military training for the Jerusalem Army (Jaysh al-Quds) or, in the case of children age twelve through seventeen, for Saddam's Cubs (Ashbal Saddam). Many reported that the government continued to ban the use of non-Arab names when registering newborns, and that in some cases they pressured non-Arabs to adopt Arab names upon marriage. In April, the authorities were reported to be giving additional incentives, such as plots of land, to Arabs resettled in Kirkuk who brought the remains of dead relatives for reburial in the city's cemeteries. Government officials told the U.N. special rapporteur on Iraq (see below) in April that registration by ethnic minorities as Arabs was "optional and not compulsory," and that the confiscation of lands belonging to expelled families was for "agricultural purposes."

In January, 507 Iraqi prisoners of war captured during the 1980-1988 Iran-Iraq war were repatriated from Iran under the auspices of the International Committee of the Red Cross (ICRC), together with 188 Iraqi servicemen detained in Iran since 1991. The ICRC also assisted in the repatriation of other individual cases: a Kuwaiti civilian repatriated from Iraq on March 30, six Iraqi civilians repatriated from Saudi Arabia on April 7, and two Iraqis repatriated from Kuwait on July 8. The latter had been detained in Kuwait's Central Prison "for reasons unconnected to the 1991 Gulf war." The Iraqi government continued to limit ICRC prison visits to the foreigners' section at Abu Ghraib prison in Baghdad, where a total of 775 inmates were being held, according to ICRC information released in October.

At a press briefing on November 30, 2001, U.N. Humanitarian Coordinator for Iraq Tun Myat said that the "oil-for-food" program was "beginning to show signs of ageing," having expanded from its original aims of providing food and medicine to the Iraqi population into dealing with sectors such as electricity, water, sanitation, housing, education, agriculture, and nutrition. He said that "the life of an average inhabitant of the country had definitely improved," but that progress in providing fresh water, sanitation, and electric power remained priorities. Myat highlighted as major problems the amount of holds on goods in various sectors and continuing difficulties in securing visas and work permits for the program's staff. U.N. Secretary-General Kofi Annan's November 12 report to the Security Council said, "[T]he trend of malnutrition among children under the age of five, albeit still at a relatively high level, has been arrested and reversed" in the areas under government control. The report said that acute malnutrition had gone from 11 percent in 1996 to 5.4 percent in 2002, while chronic malnutrition had dropped from 32 percent to 24 percent in the same period. Myat attributed continuing problems in this area to lack of clean water and poor sanitary conditions, rather than shortages of food or medicine. He added that "much remained to be done to rehabilitate the infrastructure". In his September 25 report to the Security Council on the implementation of the "oil-for-food" program, Benon Sevan, executive director of the U.N. Office of the Iraq Program (OIP), said that the level of holds had peaked by mid-July to U.S.\$5.43 billion worth of contracts, but that the level had fallen to U.S.\$3.74 billion by mid-September following procedures introduced in May.

U.N. agencies and other humanitarian organizations continued to express concern about the humanitarian situation in Iraq. The U.N. Children's Fund

(UNICEF) on October 7 stated that declining essential public services, environmental pollution, and access to safe water remained areas of concern, and that the humanitarian situation remained dire despite improvements in the "oil-for-food" program. In its annual report, released in June, the ICRC said that the effects of economic sanctions on public infrastructure and services "continued to take a heavy toll on public health and on the nutritional status of the population. The result was high infant and child mortality, a reported increase in maternal mortality and a decline in life expectancy."

Human Rights Developments in Iraqi Kurdistan

The two principal Kurdish opposition groups in Iraqi Kurdistan, the KDP and the PUK, maintained their control over most of the three northern provinces of Arbil, Duhok, and Sulaimaniya. Each group continued to administer their respective areas through separate administrative, legislative, and executive structures. There was progress in implementing the provisions of the 1998 Washington Accord. On October 4, the unified Kurdistan National Assembly met for the first time since 1996. At a subsequent session on November 12, a joint committee was appointed to prepare for parliamentary elections in Iraqi Kurdistan, to take place within nine months.

During a mission to Iraqi Kurdistan in September, Human Rights Watch found that the overall human rights situation in the region had markedly improved relative to previous years. Both the KDP and PUK administrations promulgated laws and adopted decisions aimed at the protection of fundamental civil and political rights, including freedom of expression and of association. However, representatives of several Islamist and Turkman political parties told Human Rights Watch that political activity by their members and supporters remained curtailed. Perceived sympathizers of Islamist groups, in particular, were said to be liable to arbitrary arrest and detention without trial.

Both the PUK and the KDP continued to grant access to its prisons to representatives of the ICRC, who reported that in the first half of the year they had visited almost five hundred detainees in twenty-three different places of detention. As of early September, the ICRC had registered an estimated total of 2,700 detainees held by all sides in Iraqi Kurdistan. Hygiene, services, and overall treatment of detainees in the prisons improved. However, a number of political suspects held by both the PUK and the KDP told Human Rights Watch in September that interrogators routinely beat or otherwise mistreated them during questioning. At the Asayish (security) prison in Sulaimaniya, several detainees accused of complicity in acts of sabotage endured prolonged solitary confinement, in one case for some six months. Detainees also experienced long pre-trial detention and inordinate delays in trial proceedings. At the Asayish prison in Arbil, for example, several suspects charged with theft upon their arrest in September 1996 still had not been convicted or acquitted six years later.

The security situation in Iraqi Kurdistan remained precarious. PUK and KDP officials said that Iraqi government agents and members of Kurdish Islamist groups carried out acts of sabotage. Between November 2001 and October 2002, there were at least five bomb attacks targeting public places, such as restaurants, parks, and summer resorts in Arbil, Sulaimaniya, and elsewhere. Several people were injured when assailants threw two hand grenades at a crowd celebrating the New Year on December 31, 2001, in Sulaimaniya. PUK officials later announced the

arrest of three suspects in connection with the attack. In a June 26 incident, an explosive device detonated at a restaurant in Brusk Park in Arbil, injuring nineteen and killing an eight-year-old boy. No group claimed responsibility for the attacks on civilian targets, but PUK and KDP officials attributed most to Ansar al-Islam (Supporters of Islam--see below), along with several incidents involving actual or attempted suicide bombings and actual or attempted assassinations. The latter included the attempted killing on April 2 of PUK Prime Minister Barham Saleh outside his home in Sulaimaniya. Five of his bodyguards, as well as two gunmen, were killed in the attack. In a statement issued by its Shura Council on April 3, Ansar al-Islam denied involvement in the incident, but the PUK later released the name of three suspects it had apprehended, saying evidence linked them to the Islamist group.

In December 2001, the Islamist group Jund al-Islam (Soldiers of Islam) was dissolved and reconstituted under a new name, Ansar al-Islam. Its armed fighters remained in control of the villages of Biyara and Tawela, and their vicinity, near the border with Iran. Armed clashes between their forces and those of the PUK continued into November 2001 (see *Human Rights Watch World Report 2002*), but in mid-December Ansar al-Islam announced a ceasefire. Peace talks between the two sides took place between December and March, but were suspended in April following the attempted assassination of the PUK prime minister. (See above.) No major armed clashes ensued, but relations between the two sides remained tense.

On May 4, the leader of Ansar al-Islam, Mullah Fateh Krekar, issued an amnesty for PUK fighters. In the areas under its control, Ansar al-Islam continued to perpetrate human rights abuses, notably the arbitrary arrest and detention of suspected PUK sympathizers and others accused of contravening the strict Islamic code imposed by the group. In September, Human Rights Watch interviewed a number of former detainees held and tortured by Ansar al-Islam. They suffered beatings, burning of the skin with acid, and prolonged suspension from the limbs. Most were eventually released after their families paid sums of money. By September, at least forty families had fled the villages of Biyara and Tawela to the nearby town of Halabja as a consequence.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

On November 29, 2001, Security Council Resolution 1382 extended the "oil-for-food" humanitarian relief program for Iraq for a further six months and introduced a Goods Review List (GRL), effective May 30. The GRL designated items that Iraq was prohibited from importing without Security Council approval, thereby facilitating the processing and approval of contracts for all other goods. In December 2001, the Iraqi government rejected the GRL, saying it would not agree to any amendments to the 1996 Memorandum of Understanding (MOU) that established the "oil-for-food" program. U.N. Office of the Iraq Program (OIP) Executive Director Benon Sevan visited Iraq between January 14 and February 10 to review the implementation of the program in both the government-controlled and Kurdish-controlled regions.

On May 14, the Security Council adopted Resolution 1409, extending the "oil-for-food" program for a further six months and introducing a revised

GRL and new procedures for expediting the processing and approval of contracts for humanitarian supplies and equipment. The three hundred-page GRL contained items deemed to have potential military purpose or "dual-use," including telecommunications and computer equipment, chemical compounds, and vehicles. The Iraqi government accepted the terms of the resolution on May 16. However, in his May 29 briefing to the Security Council, Sevan called attention to a shortage of funds in the U.N.-controlled escrow account after a pricing dispute led to a significant reduction in Iraqi oil exports. In September, Sevan informed the Security Council that oil exports had "dropped from an average of over 2 million barrels per day in the year 2000, to under one million barrels per day in recent months." On October 28, the Sanctions Committee of the Security Council approved a list of six thousand items for "fast-track" approval by the OIP. These new procedures came into effect on November 1.

On May 31, the secretary-general appointed Ramiro Armando de Oliveira Lopes da Silva as U.N. Humanitarian Coordinator for Iraq, replacing Tun Myat, whose term ended in late June. Lopes da Silva took up his post in Baghdad on July 20.

Several rounds of high-level talks between officials of the U.N. Monitoring, Verification and Inspection Commission (UNMOVIC) and Iraqi officials took place in March, May, and July, focusing on the question of weapons inspections as well as on outstanding issues between Iraq and Kuwait. In late September, Iraq held talks in Vienna with UNMOVIC and the International Atomic Energy Agency (IAEA) on practical arrangements for the resumption of inspections, and an agreement was announced on October 1.

The Security Council held an open debate on Iraq on October 16 and 17, in which Secretary-General Kofi Annan supported the passage of a new resolution "so that there are no weaknesses or ambiguities" with regard to the return of weapons inspectors to Iraq. On November 8, the Security Council unanimously adopted Resolution 1441, giving Iraq a "final opportunity to comply with its disarmament obligations" and setting up "an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process" in accordance with Resolution 687 (1991) and subsequent resolutions. Co-sponsored by the U.S. and the U.K., the resolution required Iraq to confirm its intention to comply with the resolution's terms within seven days of adoption, and to provide a complete declaration of all aspects of its chemical, biological, and nuclear weapons programs within thirty days. It also required Iraq to provide weapons inspectors "immediate, unimpeded, unconditional and unrestricted access" to any sites in Iraq, and warned that any "further material breach" of its obligations would result in "serious consequences." The resolution instructed UNMOVIC to resume inspections within forty-five days and to report to the Security Council sixty days thereafter. On November 13, Iraq announced it would comply with the resolution.

The Iraqi government continued to deny entry to Yuli Vorontsov, the secretary-general's high-level coordinator for the return of missing property and missing persons from Iraq to Kuwait. In December 2001, the Security Council urged Iraq "to abandon its stance of declaring no knowledge of the fate and whereabouts" of the estimated 605 Kuwaiti and third-country nationals unaccounted for since the 1991 Gulf war, and to cooperate with Vorontsov. The Iraqi government responded by renewing its demand for clarification of the fate of some 1,137 Iraqis whom it said were also missing since 1991. In March, Vorontsov said that the government must "sooner or later" disclose information about these cases. In his April 15 report to the Security Council on the implementation of Resolution 1284, the secretary-

general welcomed renewed pledges made by Iraq and Kuwait at the March summit of the League of Arab States in Beirut to resolve the fate of the missing detainees. However, in August, the Security Council expressed concern that Iraq "has yet to match its words on the fate of missing persons with tangible deeds and cooperation," urging the government to "fully implement the decisions of the Beirut Summit" in this regard. On October 19, Iraq began returning, through U.N. auspices, the Kuwaiti archives removed by its forces during the 1990 occupation of Kuwait. Iraq acknowledged possession of the archives and other Kuwaiti property in June. On October 28, Vice-President Taha Yassin Ramadan declared that Iraq "is detaining no Kuwaiti prisoners." None were apparently among the thousands of inmates released from prison as a result of the October 20 general amnesty.

In a resolution adopted on December 19, 2001, the General Assembly condemned systematic and widespread human rights violations perpetrated in Iraq, and called upon the government to cooperate with U.N. human rights mechanisms, in particular by giving the special rapporteur access to the country.

The special rapporteur on Iraq, Andreas Mavrommatis, visited Iraq between February 11 and 15, after being granted access by the government for the first time since his appointment in 1999. During his visit, the rapporteur met with the ministers of foreign affairs, interior, justice, and labor and social affairs, as well as with members of the judiciary, police officials, and religious leaders. He also made brief visits to Abu Ghraib prison and a women's prison in the Baghdad area. In his March 15 report to the Commission on Human Rights, the rapporteur said that he had raised with Iraqi officials the widespread use of the death penalty and its application to less serious crimes, the use of special courts, allegations of torture, procedures for punishing law enforcement officials accused of abusing detainees in their custody, prison conditions, the forced expulsion of ethnic minorities to the Kurdish-held northern provinces, disappearances, religious freedoms, and the general humanitarian situation in the country. The rapporteur urged the government, among other things, to implement a moratorium on executions, reduce the number of crimes punishable by death, improve prison conditions, establish "a system of independent prison visitors," abolish special courts, end discriminatory policies against ethnic or religious groups, and clarify the fate of missing persons.

In an April 19 resolution, the Commission on Human Rights welcomed the rapporteur's visit but condemned continuing violations saying, "[T]here has been no improvement in the situation of human rights in the country." The commission renewed the rapporteur's mandate for another year and called on Iraq to allow him further visits, to implement his recommendations, and to allow "the stationing of human rights monitors throughout Iraq." In his August 20 interim report to the General Assembly, the special rapporteur described the information received from the government since his February visit as neither "very detailed" nor "comprehensive," and added that "some of the most important information requested, in particular with regard to the right to life and the death penalty, had not been received."

European Union

On May 16, the European Parliament adopted a resolution on the human rights and humanitarian situation in Iraq, as well as issues relating to regional security and disarmament. The resolution condemned the "regime

of terror against all levels of society" and the continued perpetration of gross human rights violations. The resolution urged the government to abide by its international treaty obligations and to comply with relevant Security Council resolutions. It called for the deployment of human rights observers in Iraq and the creation of an international commission to investigate disappearances throughout the country. It also called for the establishment of an ad hoc international tribunal under U.N. auspices "to bring those Iraq regime officials responsible for serious violations of international humanitarian law" to justice. As a preliminary step, the resolution proposed the formation of an "Office of Inquiry for human rights violations" in order to "prepare . . . the necessary evidence." It also urged the council and the commission to freeze "illegal financial assets of the Iraqi leadership" inside the E.U. and "refus[e] access of leading members of the Iraqi regime to the E.U."

In a November 6 briefing to the European Parliament on the situation in Iraq, the E.U. High Representative for the Common Foreign and Security Policy (CFSP) Javier Solana reaffirmed the E.U.'s insistence on the elimination of weapons of mass destruction. He said that the E.U.'s objective "was not to seek a change of regime as such, but rather to work for a solution through the U.N. and multilateral negotiations."

United States

In his State of the Union speech on January 31, President George W. Bush announced an expansion of the scope of the "war against terrorism," launched in the aftermath of the September 11, 2001, attacks on the U.S., naming Iraq, Iran, and North Korea as constituting an "axis of evil, arming to threaten the peace of the world." Focusing on Iraq, President Bush said that it "has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade . . . and has something to hide from the civilized world." On February 6, Secretary of State Colin Powell told a congressional hearing that "[t]he President is examining a full range of options" to bring about Iraq's compliance with U.N. resolutions, including those regarding weapons inspections. While declining to spell out whether such options included military intervention, Powell reiterated that "[w]e still believe strongly in regime change in Iraq" and that the U.S. "might have to do it alone."

On September 19, President Bush submitted a draft resolution to the U.S. Congress requesting authorization for the use of force against Iraq. The resolution, passed by the House of Representatives and the Senate on October 10 and 11 respectively, gave President Bush the authority to use force "as he determines to be necessary and appropriate," without requiring U.N. or further congressional approval.

In a September 12 speech to the U.N. General Assembly, President Bush announced his government's intention to "work with the U.N. Security Council for the necessary resolutions" to ensure that Iraq granted unrestricted and unfettered access to weapons inspectors and complied with earlier resolutions. He warned, however, that in the event of non-compliance, "action will be unavoidable." He also called on the Iraqi government to "cease persecution of its civilian population," to "end all support for international terrorism," and to account for all personnel missing since the 1991 Gulf war. On the same day, the White House released a document on Iraq, entitled *A Decade of Deception and Defiance*, which detailed U.S. charges of "Saddam Hussein's defiance of the United Nations." The document said that this defiance included "among other

things: continuing to seek and develop chemical, biological, and nuclear weapons[,] . . . brutalizing the Iraqi people, including committing gross human rights violations and crimes against humanity . . . [and] supporting international terrorism"

The U.S. administration continued to hold talks with representatives of the Iraqi political opposition abroad, and to provide financial and technical support to a number of these groups. Under the auspices of the State Department, the administration in July launched the "Future of Iraq Project," aimed at finding "practical steps for planning the future of Iraq after Saddam Hussein." State Department spokesman Richard Boucher said on July 12 that the U.S. was "sponsoring financially a series of workshops" over several months to examine issues related to Iraq's economy, law and order, the judicial system, health and education, and the environment.

In its *Country Reports on Human Rights Practices for 2001*, released in March 2002, the State Department said that the Iraqi government "committed numerous political and other extrajudicial executions" of suspected political opponents. It said that Iraq's human rights record "remained extremely poor" and that the authorities "continued to deny citizens the basic right to due process." In its *Annual Report on International Religious Freedom for 2002*, released in October, the State Department said that the government "continued its systematic and vicious policies against the Shi'as," severely restricting their religious practices and perpetrating "a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against Shi'a religious leaders and adherents." The State Department, in its 2001 report on patterns of global terrorism, released in May, also said that the Iraqi government "continued to provide training and political encouragement to numerous terrorist groups, although its main focus was on dissident Iraqi activity overseas."

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