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IRAQ

REPUBLIC OF IRAQ

Head of state: Jalal Talabani (replaced Shaikh Ghazi al-Yawar in April)

Head of the interim government: Ibrahim al-Ja'fari (replaced Iyad 'Allawi in April)

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Overview - Covering events from January - December 2005

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Both the US-led Multinational Force (MNF) and Iraqi security forces committed grave human rights violations, including torture and ill-treatment, arbitrary detention without charge or trial, and excessive use of force resulting in civilian deaths. Armed groups fighting against the MNF and the Iraqi government were responsible for grave human rights abuses, including the deliberate killing of thousands of civilians in bomb and other attacks, hostage-taking and torture. Dozens of people were sentenced to death by criminal courts and at least three were executed. Former President Saddam Hussain and seven others were brought to trial. Women and girls continued to be harassed and lived in fear as a result of the continuing lack of security.

Background

Elections for the Transitional National Assembly (TNA), Iraq's interim parliament, held on 30 January, saw a high turn-out in the south and in Iraqi Kurdistan. However, most Sunnis boycotted the polls, apparently in support of calls by Sunni religious and political figures opposed to holding elections while the MNF remained in Iraq; others did not vote because they feared reprisals from armed groups. A Shi'a alliance received the majority of votes and won 140 of the 275 seats in the assembly. A Kurdish alliance won 75 seats, and a coalition led by outgoing Prime Minister Iyad 'Allawi won 40 seats.

After weeks of deadlock, an agreement between the Shi'a and Kurdish alliances led to the formation of a new government in May. It was headed by Ibrahim al-Ja'fari, leader of the al-Da'wa Party and member of the Shi'a alliance, and included several Sunnis. Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK), was appointed President.

Further protracted negotiations occurred before the Constitution Drafting Committee agreed a new draft Constitution in late August, two weeks after the deadline set under the Transitional Administrative Law. On 15 October, the new Constitution was put to a national referendum and approved overall by a three to one margin, although it was rejected by a two to one margin in two provinces with majority Sunni populations, al-Anbar and Salahuddin. It was agreed that the new parliament would establish a committee to consider possible amendments.

Elections for the new Council of Representatives – a 275-seat parliament which is to hold office for a four-year term – were held on 15 December and contested by Sunni as well as Shi'a and Kurdish parties. There was a high turn-out, officially estimated at 70 per cent, with most votes cast along ethnic and religious lines. A new government had yet to be formed by the end of the year. Against this political backdrop, grave abuses, including war crimes and crimes against humanity, were committed by armed groups, the MNF and the Iraqi security forces.

Abuses by armed groups

Armed groups fighting against the MNF and Iraqi security forces were responsible for grave human rights abuses. Hundreds of Iraqi civilians were reportedly killed or injured in attacks by armed groups. Some, including translators, drivers and others employed by the MNF, were attacked apparently because they were considered "collaborators"; others, including civil servants, government officials, judges and journalists, were singled out because of their links to the Iraqi administration. Many others were targeted because they belonged to specific religious and ethnic groups. Civilians were also killed and injured in indiscriminate car bombings and suicide attacks by armed groups targetting Iraqi police and government forces, and military convoys and bases of the MNF.

Armed groups were also responsible for abducting dozens of Iraqis as well as foreign nationals and holding them hostage. Many of the hostages were killed. Most were civilians.

- On 25 January, a judge, Qais Hashem al-Shamari, the secretary of Iraq's Council of Judges, was shot dead together with his son in an ambush by armed men in a car. The judge and his son had just left home and were driving in eastern Baghdad. The armed group Ansar al-Sunna claimed responsibility for the killings.
- On 28 February, at least 118 people were killed and 132 injured in a suicide car bomb attack near a police station and a busy market in al-Hilla, south of Baghdad. The victims included people queuing outside a health clinic to receive medical certificates which would enable them to apply for jobs in the army and police. Many other victims were at the market across the road. In a statement posted on the Internet a group called al-Qa'ida of Jihad Organization in the Land of Two Rivers claimed responsibility for the attack.
- On 14 September, a suicide bomber drew scores of people to his van with promises of work and then detonated a bomb in al-'Uruba Square in al-Kadhimiya, a predominantly Shi'a district of Baghdad. At least 114 civilians, including children, were killed and scores injured.
- On 26 November, four human rights defenders, members of the Christian Peacemaker Teams – Tom Fox, Norman Kember, James Loney and Harmeet Singh Sooden – were abducted in Baghdad. An armed group, Swords of the Truth, claimed responsibility and demanded the release of all Iraqi prisoners. The four men were still held at the end of the year.

Detention without charge or trial

Thousands of people were held without charge or trial by the MNF. Most were Sunnis arrested in the so-called Sunni Triangle where armed groups opposed to the MNF and the Iraqi government were especially active. Most were denied access to lawyers and families for the first two months of detention.

US military forces continued to control four main detention centres: Abu Ghraib Prison in Baghdad; Camp Bucca in Um Qasr, near Basra in the south; Camp Cropper near Baghdad International Airport; and Fort Suse, near Suleimaniya in the north. At the end of November, more than 14,000 detainees were being held in these detention centres; more than 1,400 had been held for more than a year. Among those held were nine women detained in Camp Cropper.

- 'Ali 'Omar Ibrahim al-Mashhadani, a 36-year-old cameraman, was detained by US forces on 8 August. He was arrested after a search of his home in al-Ramadi following a shooting in the city. His brother, who was arrested with him and then released, said that the soldiers arrested both of them after they saw film material taken by 'Ali 'Omar Ibrahim al-Mashhadani. At the end of the year 'Ali 'Omar Ibrahim al-Mashhadani was still held without charge or trial at Camp Bucca.

Thousands of detainees were released including some 500 security detainees who were released by the MNF in October, a few days before the start of the holy month of Ramadan.

- Two Palestinian students, Jayab Mahmood Hassan Humeidat and Ahmad Badran Faris, both aged 22, returned to their homes in the West Bank after they were released at the end of August. They had been detained without charge or trial by US forces for 28 months in Camp Bucca.

Torture and ill-treatment

There was evidence of widespread torture and ill-treatment by the Iraqi security forces. Methods of torture included hanging by the arms, burning with cigarettes, beatings, the use of electric shocks on different parts of the body, strangulation, the breaking of limbs and sexual abuse. Torture and ill-treatment were reported in secret detention centres, police stations and official detention centres in different parts of the country as well as in buildings in Baghdad under the control of the Interior Ministry.

- In February, three alleged members of the Badr Organization died in custody after being arrested by Iraqi police at a police checkpoint. The bodies of the three men, Majbal 'Adnan Latif, his brother 'Ali 'Adnan Latif, and 'Aidi Mahassin Lifteh, were found three days later, bearing marks of beatings and electric shocks.
- In February, a 46-year-old housewife from Mosul, Khalida Zakiya, was shown on the Iraqi TV programme "Terrorism in the Grip of Justice" alleging that she had supported an armed group. However, she later stated that she had been coerced into making a false confession. She reported that during her detention by Interior Ministry forces she had been whipped with a cable and threatened with sexual abuse.
- In July, 12 men were detained by the Iraqi police in Baghdad's al-'Amirya district. Nine of the 12 suffocated to death after being confined in a police van. The Iraqi authorities suggested that the 12 were members of an armed group who had engaged in an exchange of fire with US or Iraqi forces. However, other sources claimed they were a group of bricklayers who were arrested as suspected insurgents and then tortured by police commandos before being confined in a police van in extremely high temperatures for up to 14 hours. Medical staff at the Yarmouk hospital in Baghdad, where the bodies of those who died were taken on 11 July, were reported to have confirmed that some of them bore signs of torture, including electric shocks.
- In November, US forces announced that they had found 173 detainees confined secretly in a building

controlled by the Interior Ministry. Many had been tortured, ill-treated and were malnourished. Shortly thereafter, the Iraqi government launched an investigation into these and other allegations of torture. There were also reports that the MNF tortured or ill-treated detainees.

- In September, several members of the US National Guard's 184th Infantry Regiment were sentenced to prison terms in connection with torture or ill-treatment of Iraqis. The detainees had reportedly been arrested in March following an attack on a power plant near Baghdad. According to media reports, an electric stun gun had been used on handcuffed and blindfolded detainees.

Death penalty

Dozens of people were sentenced to death by Iraqi criminal courts during the year. The first executions since Iraq re-imposed the death penalty in August 2004 were carried out in September. At the end of the year dozens of people remained on death row.

- Ahmad al-Jaf, Jasim 'Abbas and 'Uday Dawud al-Dulaimi, who were believed to be members of the armed group Ansar al-Sunna, were sentenced to death in May by a criminal court in the town of al-Kut, about 170km south-east of Baghdad. The three men were found guilty of kidnapping, rape and murder. They were executed in September by hanging.

Unlawful attacks

MNF forces used excessive force, resulting in civilian casualties. There were reports that they failed to take necessary precautions to minimize risk to civilians.

- In August, US troops shot dead Walid Khaled, an Iraqi sound engineer working for the *Reuters* news agency, and wounded his colleague, Haidar Kadhem. The soldiers fired at the car in which the men were travelling to the scene of an earlier insurgent attack on an Iraqi police convoy in the al-Adel district in Baghdad. A US official later claimed that US soldiers had taken "appropriate action" according to their rules of engagement.
- On 16 October, some 70 people were killed near al-Ramadi in a US air raid. Local Iraqi police said that about 20 of those killed were civilians, including children who had gathered around wreckage of a military vehicle. US military officials initially said that those killed were "terrorists". However, two days later they reportedly stated that they would investigate allegations that civilians had been killed.

Trial of Saddam Hussain and other former officials

Former President Saddam Hussain was brought to trial on 19 October together with seven others, including former Vice-President Taha Yassin Ramadhan and Barzan Ibrahim al-Tikriti, the former head of the intelligence service (Mukhabarat). They were on trial before the Supreme Iraqi Criminal Tribunal (SICT), formerly the Iraqi Special Tribunal. They were accused in connection with the executions of 148 people from al-Dujail, a predominantly Shi'a village, following an assassination attempt against Saddam Hussain when he visited the village in 1982.

The trial was held in Baghdad's heavily fortified Green Zone amid concern for the safety of those participating and was marred by procedural irregularities. For example, the names of prosecution witnesses were withheld from the defence and the court's name and procedures were amended immediately before the proceedings opened. The defendants, all of whom could face death sentences if convicted, denied the charges and questioned the legitimacy of the court.

On 20 October, defence lawyer Sa'dun al-Janabi was abducted from his office in Baghdad by armed men and murdered. A second defence lawyer, 'Adil al-Zubeidi, was killed in November when gunmen opened fire at the car in which he was travelling. The trial was continuing at the end of the year.

Violence against women

Women and girls continued to face threats, attacks and harassment. Their freedoms were severely curtailed as a result of the lack of security on the streets. Many women and girls were under pressure to wear the hijab or Islamic veil and change their behaviour. Women were killed and abducted by armed groups.

- On 20 February, Ra'ida Mohammad al-Wazzan, aged 35, a journalist and news presenter for *al-Iraqiya*, the Iraqi state television channel, and her 10-year-old son were abducted by gunmen. The boy was released three days later but Ra'ida Mohammad al-Wazzan's body was found on a street in Mosul on 25 February. She had been shot in the head. She had previously been threatened by armed men who demanded that she quit her job.

Northern Iraq

Human rights abuses were also reported from areas of northern Iraq controlled since 1991 by the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK).

- On 7 September, security forces in Kalar, a town in the PUK-controlled area, killed one person and injured some 30 others when they fired on protesters demonstrating outside the governor's office against fuel shortages and poor public services.
- Kamal Sayid Qadir, a Kurdish writer with Austrian citizenship, was arrested in October in Arbil by members of Parastin, the KDP's intelligence service. In December, he was sentenced to 30 years' imprisonment for defamation after an unfair trial. He had published articles on the Internet which were critical of the KDP leadership.

AI country visits

In October an AI delegation observed the opening session of the trial of former President Saddam Hussain and seven others.

Iraq

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