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COUNTRY OF ORIGIN INFORMATION REPORT

IRAQ

10 DECEMBER 2009

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 10 November 2009. The 'Latest News' section contains further brief information on events and reports accessed between 11 November and 10 December 2009 . The report was issued on 10 December 2009.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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UK Border Agency
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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://www.ociukba.homeoffice.gov.uk

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

Events in Iraq from 11 November to 10 December 2009

8 December "Iraq's second general election since Saddam Hussein was overthrown will be held on March 7 [2010], almost six weeks later than the originally planned date of mid-January, officials said on Tuesday. … Under the new electoral law… the number of MPs will increase from 275 to 325, including three additional ones for provinces in the northern autonomous region of Kurdistan. … The new law sidestepped a veto that Vice President Tareq al-Hashemi, a Sunni Arab, had threatened, and came just minutes before a midnight deadline for him to block the legislation."
Agence France-Press e (AFP): Iraq general election to be held on March 7, 8 December 2009 (accessed via ReliefWeb)
http://www.reliefweb.int/rw/rwb.nsf/db900sid/AZHU-7YK9JS?OpenDocument&rc=3&cc=irq
Date accessed 9 December 2009

8 December "A series of car bombings has killed at least 127 people and wounded 448 in the centre of the Iraqi capital, Baghdad. The first blast targeted a police patrol in the Dora district of the city. Four others occurred near official buildings within minutes." Al-Qaeda was blamed for the attacks, thought to be intended to destabilise Iraq ahead of general elections due in March 2010.
BBC News: Baghdad car bombs cause carnage, 8 December 2009
http://news.bbc.co.uk/1/hi/world/middle_east/8400865.stm
Date accessed 9 December 2009

7 December "Seven children were killed and 42 wounded in a Shi'ite district of Baghdad on Monday [7 December] when a bomb exploded outside a school, police said. The explosion occurred in Baghdad's Sadr City slum as primary school pupils aged between 6 and 12 were leaving at the end of the school day, an army officer said."
Reuters: Seven children killed by bomb at Baghdad school, 7 December 2009
http://af.reuters.com/article/worldNews/idAFTRE5B61TQ20091207
Date accessed 9 December 2009

30 November "The civilian death toll in Iraq fell to its lowest level in November since the 2003 U.S.-led invasion as bombings receded, defying predictions of a spike in violence before an election next year, officials said on Monday. Eighty-eight civilians were killed this month in violence, health ministry data showed, the first time the monthly bodycount has dropped below 100."
Reuters: Iraqi civilian deaths drop to lowest level of war, 30 November 2009
http://www.reuters.com/article/middleeastCrisis/idUSGEE5AT2AD
Date accessed 1 December 2009

27 November "Attacks in Mosul are down sharply and high-profile car and truck bombings have been limited to areas outside the city, but the progress has been accompanied by growing signs of organised crime for money, U.S. military officials say. … [A] crackdown on sources of financing for insurgents -- like curbing oil theft from a pipeline in the Tigris valley and doubling troops on the Syrian border -- has forced insurgents into crime to raise money."

Reuters: Suicide attacks down, extortion up in Iraq's Mosul, 27 November 2009
http://www.reuters.com/article/topNews/idUSTRE5AQ25220091127
Date accessed 27 November 2009

26 November "A spate of attacks in Iraq killed seven people and struck a church and a convent on Thursday, with one bomb at a busy market claiming three lives as shoppers stocked up for a Muslim holiday [Eid]."
Agence France-Presse (AFP): Iraq attacks kill seven, hit Christian sites (accessed via ReliefWeb)
http://www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-7Y784L?OpenDocument&rc=3&cc=irq
Date accessed 27 November 2009

26 November "Lawsuits, rules that allow the government to shut TV stations that promote violence and other signs of creeping censorship are raising fears of a crackdown on Iraq's often partisan media ahead of an election next year. Lawsuits have been filed or threatened against both foreign and local media outlets critical of Prime Minister Nuri al-Maliki's Shi'ite Muslim-led government, which will seek re-election in national polls due in early 2010."
Reuters AlertNet: Iraqi journalists worry about media crackdown, 26 November 2009
http://www.reuters.com/article/mediaNews/idUSGEE5AP0FA20091126
Date accessed 27 November 2009

18 November "Gunmen wearing military uniforms shot dead 12 men in a predawn attack at a village near Baghdad, villagers and police said. The attack took place in the mainly Sunni village of Zauba, west of Baghdad, which at the height of the fighting in Iraq was viewed as a hotbed of support for Sunni Islamist insurgents. One of those killed was affiliated with the main Sunni Arab political party, the Iraqi Islamic Party, police said."
Radio Free Europe/Radio Liberty: Gunmen In Army Uniforms Kill 12 Iraqi Villagers. 16 November 2009
http://www.rferl.org/content/Gunmen_In_Army_Uniforms_Kill_12_Iraqi_Villagers/1879203.html
Date accessed 20 November 2009

15 November "Iraq's minority communities in the northern province of Nineveh have appealed to local and national authorities for protection amid warnings of an increase in attacks against them in the run-up to January's national elections. … Since 2003, minority communities have been repeatedly attacked by militants, the majority of whom were affiliated to al-Qaida in Iraq, by their own admission. The militants accuse minorities of being crusaders, devil-worshipers, infidels or traitors for co-operating with US forces."
IRIN News: Iraq, Minority communities in Nineveh appeal for protection
http://www.irinnews.org/Report.aspx?ReportId=87044
Date accessed 20 November 2009

REPORTS ON IRAQ PUBLISHED OR ACCESSED BETWEEN 11 NOVEMBER AND 10 DECEMBER 2009

United States Bureau of Near Eastern Affairs
Iraq Status report, 2 December 2009
http://www.state.gov/documents/organization/133409.pdf
Date accessed 9 December 2009

United Nations High Commissioner for Refugees (UNHCR)
Iraq Fact Sheet October 2009, published 2 December 2009 (accessed via ReliefWeb)
http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7YCTJP?OpenDocument

Chatham House:
Democratic Iraq: Election fever, 25 November 2009
http://www.chathamhouse.org.uk/files/15254_wt120915.pdf
Date accessed 29 November 2009

UN Assistance Mission in Iraq
UNAMI Focus - Voice of the Mission News Bulletin October 2009, published 19 November 2009
http://www.uniraq.org/FileLib/misc/FocusOct09EN.pdf
Date accessed 20 November 2009

United States Bureau of Near Eastern Affairs
Iraq Status report 18 November 2009
http://www.state.gov/documents/organization/132389.pdf
Date accessed 25 November 2009

United States Bureau of Near Eastern Affairs
Iraq Status report 12 November 2009
http://www.state.gov/documents/organization/132149.pdf
Date accessed 20 November 2009

United Nations Security Council (UNSC)
Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009), 11 November 2009
http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/597/26/PDF/N0959726.pdf?OpenElement
Date accessed 15 November 2009

Human Rights Watch
On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories, 10 November 2009, 1-56432-552-0,
HRW – minorities in disputed areas
http://www.hrw.org/sites/default/files/reports/iraq1109webwcover.pdf
Date accessed 20 November 2009

US Department of Defence
Measuring Security and Stability in Iraq September 2009, published November 2009
http://www.defenselink.mil/pubs/pdfs/9010_Report_to_Congress_Nov_09.pdf
Date accessed 20 November 2009

Background information

1. GEOGRAPHY

1.01 Iraq covers an area of 441,839 sq km. (Economist Intelligence Unit (EIU), Country Profile, Iraq, dated 8 August 2008) **[58a]** Baghdad is the country's capital city. (United States State Department (USSD) Background Note: Iraq, last updated February 2008) **[2k] (p1)** The EIU Country Profile stated the main provinces of Iraq in terms of population were Baghdad, Nineveh, Basra and Babil. **[58a] (p2)**

1.02 Iraq's estimated population in July 2009 was 28,945,657 with an estimated annual growth rate of 2.5 per cent per year. (Central Intelligence Agency (CIA) World Factbook, updated 5 August 2009) **[78a] (People)** The USSD Background Note mentioned "Almost 75% of Iraq's population live in the flat, alluvial plain stretching southeast from Baghdad and Basrah to the Persian Gulf." **[2k] (p2)**

1.03 The country is divided into 18 governorates, which are divided into 102 districts. "The Iraq governorates are al-Anbar, al-Basrah, al-Muthanna, al-Qadisiyah, an-Najaf, Arbil, as-Sulaymaniyah, at-Tamim, Babil, Baghdad, Dahuk, Dhi Qar, Diyala, Karbala, Maysan, Ninawa, Salah ad-Din and Wasit. Kurdistan is an autonomous region recognized by the Iraqi federal authorities." (Immigration and Refugee Board of Canada, Country Fact Sheet, Iraq, dated January 2008) **[139a] (p4, Administrative divisions)**

1.04 Iraq's two largest ethnic groups are Arabs, which make up approximately 75-80 per cent of the population and Kurds, which make up approximately 15-20 per cent of the population. Other ethnic groups include Turkmens, Chaldeans and Assyrians. (CIA World Factbook, 5 May 2009) **[78a] (People, Ethnic groups)**

1.05 "The Arabic language and the Kurdish language are the two official languages of Iraq." (Iraqi Constitution 2005) **[82a] (p2)** Arabic is the most commonly spoken language in Iraq with over three-quarters of the population speaking it. Several dialects of the language are spoken. These are generally mutually intelligible; however, significant variations do exist. (USSD Background Note: Iraq, updated February 2008) **[2k] (p1)** (Encyclopaedia Britannica, accessed 27 January 2009) **[106a]** The Encyclopaedia Britannica, undated, accessed on 27 January 2009, stated "Modern Standard Arabic – the benchmark of literacy – is taught in schools, and most Arabs and many non-Arabs, even those who lack schooling, are able to understand it." **[106a]** Kurdish is spoken in the north. (USSD Background Note: Iraq, updated February 2008) **[2k] (p1)** The Encyclopaedia Britannica, undated, accessed on 27 January 2009 noted "A number of other languages are spoken by smaller ethnic groups, including Turkish, Turkmen, Azerbaijanian, and Syriac. Persian, once commonly spoken, is now seldom heard." **[106a]** English is the most commonly spoken Western language and is widely used in commerce. (USSD Background Note: Iraq, updated February 2008) **[2k] (p1)** (Encyclopaedia Britannica, accessed 27 January 2009) **[106a]** "Bilingualism is fairly common, particularly among minorities who are conversant in Arabic." (Encyclopaedia Britannica, accessed 27 January 2009) **[106a]**

1.06 An article by the Institute for War and Peace Reporting (IWPR), 24 September 2009, noted that "few young Kurds speak Arabic and even fewer young Arabs learn Kurdish." **[11b]** The report further stated "Though studying Arabic is currently compulsory in Kurdish schools, the number of Kurds who can speak it fluently is rapidly shrinking." **[11d]**

1.07 The CIA World Factbook, updated 5 May 2009, stated that approximately 97 per cent of the population were Muslims, of which 60–65 per cent were Shi'a and 32–37 per cent were Sunni. Approximately three per cent adhered to Christianity or other religions. **[78a] (People, Religions)**

Measurements

1.08 The EIU Country Report, Iraq, September 2009, noted that Iraq used the metric system, although some local measures were used unofficially, including:

"1 dhirraa (Baghdad) = 74.5 cm;
1 dhirraa (Mosul) = 70 cm;
1 feddan = 5 ha = 12.36 acres;
1 mann = 6 hogga = 24 okiya = 25 kg;
1 tughar = 20 wazna = 80 mann = 2 tonnes" **[58d] (p22)**

Public holidays

1.09 The EIU Country Report, Iraq, September 2009, stated "National Day (anniversary of the 1958 overthrow of the Hashemite regime – July 14th) remains a public holiday despite the scrapping of other political anniversaries.

"The dates of Islamic holidays are based on the lunar calendar and are therefore approximate. The month of Ramadan is not a public holiday, but significantly reduces the working day. Eid al-Fitr (three days marking the end of Ramadan – September 11 2010) and Eid al-Adha (Feast of the Sacrifice – November 2010) are widely observed." **[58d] (p22)**

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MAPS

Iraq and neighbouring countries

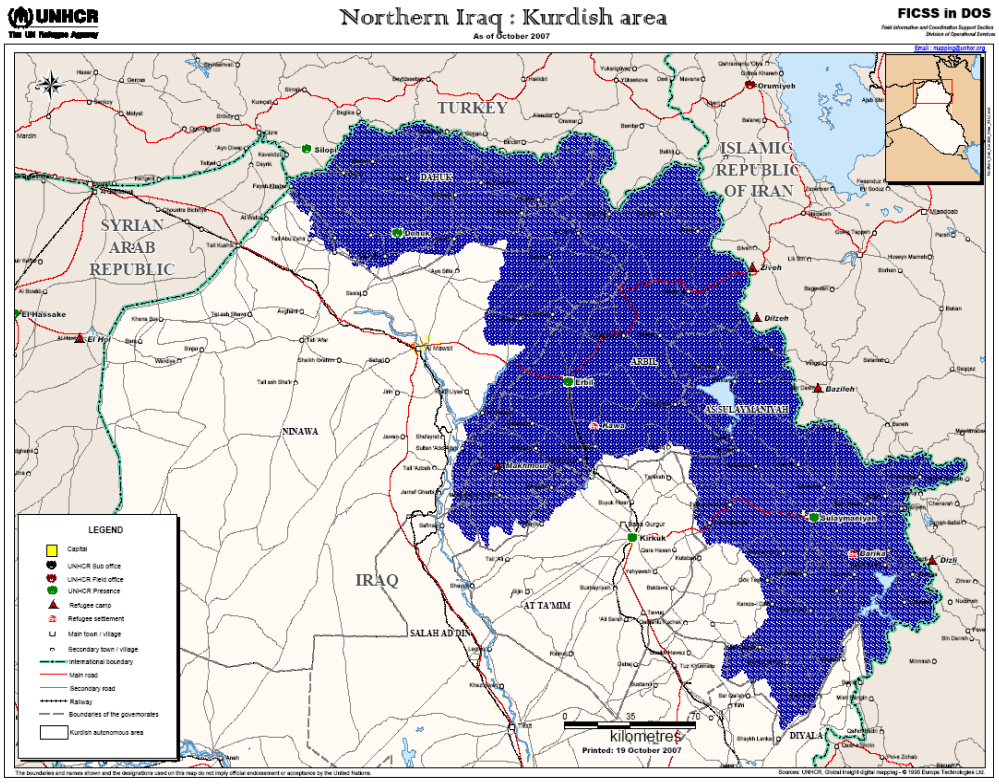
1.10 UN Cartographic Section map, of January 2004. **[61a]**

See also the following links:

http://www.iauiraq.org/maps/IAU_Iraq_Reference_A0_200903.pdf

Kurdish Regional Government (KRG) area

1.11 UNHCR map of Northern Iraq: Kurdish area, modified 19 October 2007 (double click on map for larger image). **[40f]**



For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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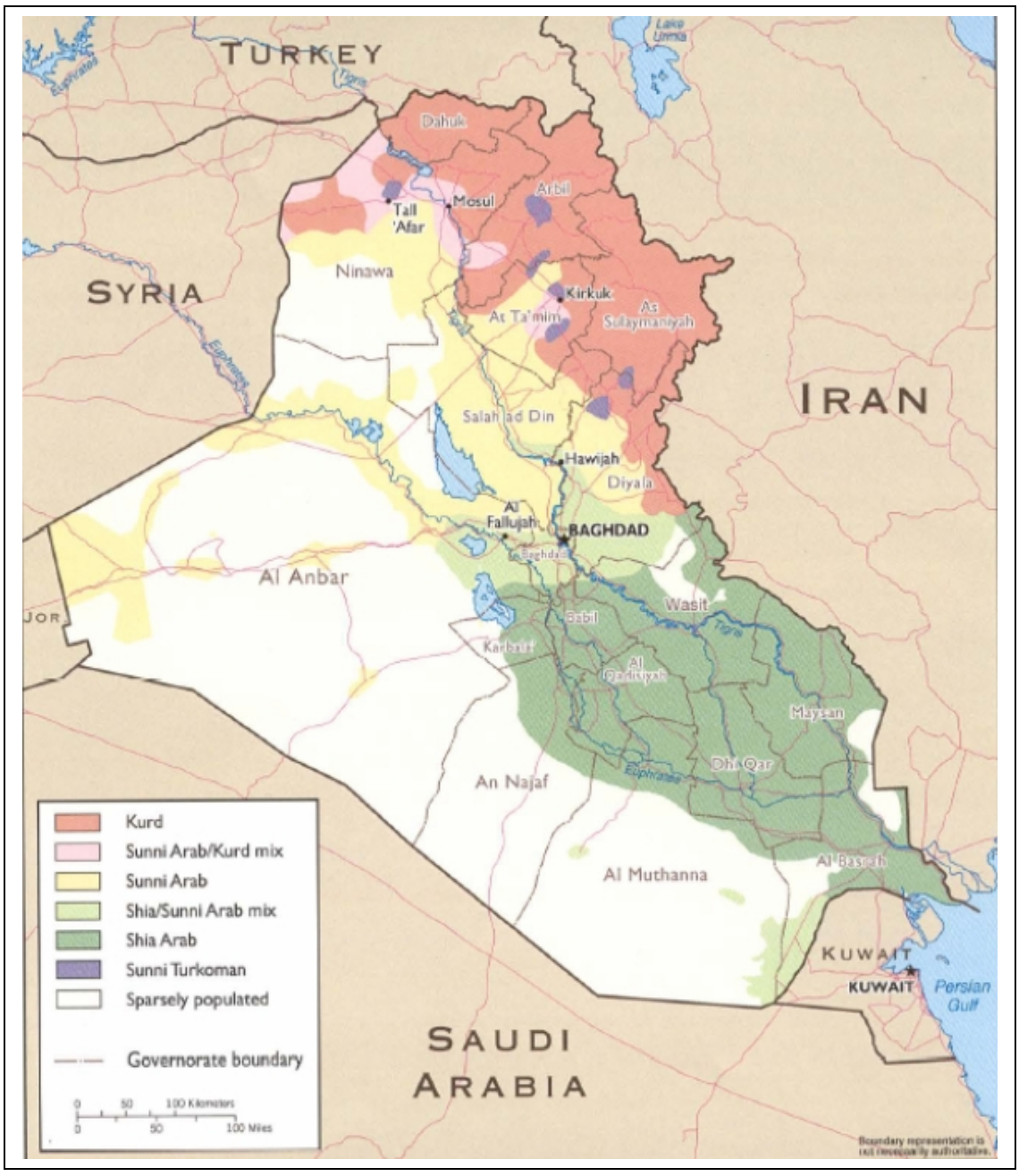
Ethnic distribution

1.12 Center for Strategic and International Studies (CSIS) map, dated 22 June 2006. **[63b] (p173)**



For a more up-to-date map showing ethnicity and population by governorate, see CSIS, Iraq: Creating a Strategic Partnership, 7 October 2009. **[63d] (p21)**

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2. ECONOMY

2.01 The Economist Intelligence Unit (EIU) country profile 2008, Iraq, dated 8 August 2008, noted: "Iraq is endowed with plentiful oil reserves, which [British Petroleum] BP estimates are equivalent to some 115bn barrels (the third-largest in the world) … The oil sector is by far the largest contributor to [Gross Domestic Product] GDP, although agriculture retains an important role as the biggest employer (after the government)." **[58a] (p3)**

2.02 The EIU report further noted:

"The neglect and mismanagement generated by three and a half decades of Baathist rule also mean that there are serious structural shortcomings to overcome. The oil industry, which is the bedrock of the economy, has begun gradually to recover from the toll of war-related damage and post-war looting. However, attempts to boost and sustain exports have been held back by persistent and often organised sabotage, targeted mainly at oil export infrastructure, as well as by a lack of investment in new production." **[58a] (p20)**

2.03 The EIU country profile 2008 also stated: "The lifting of sanctions following the passing of UN Security Council Resolution 1483 in May 2003 allowed reconstruction efforts to begin, but serious security problems continue to hamper the rebuilding effort." **[58a] (p20)** "Real GDP growth has been held back by poor security and the related problems of sustaining oil output and attracting foreign investors. However, it is likely to have picked up recently, given the decline in violence and the stepping up of oil exports." **[58a] (p3)**

2.04 The CIA World Factbook profile of Iraq, last updated on 5 May 2009, reported on the International Compact with Iraq, established in May 2007. **[78a]** (**Economy – overview)** This partnership between Iraq and the international community aimed to build a framework for Iraq's economic transformation and incorporation into the regional and global economy. (International Compact with Iraq, last updated 4 December 2007) **[122]**

2.05 As documented in the CIA world factbook, updated on 5 May 2009, the main agricultural products included wheat, barley, rice, vegetables, dates, cotton, cattle, sheep and poultry. **[78a] (Economy, Agriculture - products**)

2.06 The EIU country profile 2008 stated:

"Unemployment in Iraq has climbed steadily since 2003, although accurate data are scarce. According to the IMF, unemployment was around 18.5% in 2005, but this is probably a very conservative estimate, and Iraqi official data put underemployment at around 30-50%. At the same time, skill levels in the country have been degraded by the near absence of foreign companies for two decades and by the failure under state control to introduce new production methods. This situation has been exacerbated by the outflow of many professional Iraqis to neighbouring Jordan and other Arab states, which began in the 1990s and has greatly increased since the overthrow of the regime in 2003. (Reportedly, over 50% of Iraqi doctors have fled the country since 2003)." **[58a] (p25)**

2.07 The country's currency is the Iraq Dinar (ID). There are 1,000 fils to 20 dirhams which is equal to 1 Iraqi Dinar. (Encarta, accessed 3 February

2009) **[153]** The exchange rate on 16 June 2009 was £1 sterling to 1,949.19 ID and US$1 to 1,191.70 Iraqi Dinar. (ww.oanda.com) **[55a]**

2.08 The EIU country profile 2008 noted:

"[Following the removal of Saddam] Inflation was buoyed subsequently by a sharp increase in purchasing power stemming from a rise in public-sector wages, and the government's gradual removal of domestic fuel subsidies also pushed prices higher. In addition, the deteriorating security climate added to the inflationary climate, as it restricted the supply of key goods. As a result, according to the CBI, average inflation rose to 53% in 2006 (peaking at almost 65% at year-end), from around 32% in 2004-05. However, it fell back once more in 2007, to an average of 31%, as the CBI raised interest rates steeply and oversaw a sharp appreciation of the dinar in an effort to rein in import costs. This has continued into 2008, with year on year consumer price growth falling below 5% in May." **[58a]**

2.09 Iraq still faces obstacles to economic progress because of "rampant corruption". (EIU Country Report, September 2009) **[58d] (p5)** Transparency International's (TI) Corruption Perceptions Index, last published on 26 September 2008, ranked Iraq as 178th most corrupt out of 180 countries (1 being the least corrupt and 180 the most corrupt country). **[51c] (p302)**

See also Corruption

2.10 The United States Department of Defense (USDoD) report, *Measuring Stability and Security in Iraq*, December 2008, stated:

"The Iraqi economy as a whole continues to strengthen as security gains foster a more stable environment for sustained growth. Enabled by the improved security situation and increased oil revenues, the International Monetary Fund's latest forecasts estimate Iraq's overall GDP growth at 9% for 2008. Prudent management by the Central Bank of Iraq continues to keep inflation at moderate levels – the year-on-year core inflation rate for September 2008 was held at 12.9%. The GoI budget has grown significantly over the last three years, from $24.4 billion in 2005 to $72.1 billion in 2008. As of the publication of this report, the GoI has not passed its 2009 budget. It is expected to be less than in 2008 due to lower oil prices. While the GoI has demonstrated the ability to execute its operations budget, capital budget execution rates remain low, hampering national growth and limiting investment in critical infrastructure." **[103d] (pvi)**

2.11 The International Organisation for Migration (IOM) Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin (IRRICO) report, dated 5 May 2009, stated:

"The Iraqi economy is still ailing with few job opportunities especially in Central and Southern Iraq. The economy depends mainly on petrol, with about 92% of revenue coming from this source. A lot of intrinsic sectors are still flagging, such as like agriculture, industry and tourism.

"It is important to note that there is no official data or evaluation accessible on the labor market and the unemployment rates for the KRG-area … Estimates have been made on the unemployment rate throughout Iraq by local officials and NGOs. This is somewhere in the range of 20-68 percent.

In particularly troubled areas, this rate may be even higher. According to a KRG publication, the highest estimated rate is 73 percent. Unemployment data in Iraq is difficult to record as most people take on any work they can in order to survive. According to estimates, the general unemployment rate in the KRG area lies between 40 and 50 percent and unemployment among youths aged between 16 and 20 years is now approximately 90 percent." **[3a] (p7-8)**

2.12 The IRRICO report further mentioned that:

"Employment opportunities are mainly in the public sector, including with police and army, and in the private sector with cell phone companies, security corporations and private banks.

"Employment in the private sector is booming, especially in the 3NG [three northern governorates] KRG. The government is supporting the private sector by facilitating its progress. The MoLSA is informed whenever companies are in need of employees.

"The government now has a center named 'Employment Center', and this is for any person who is willing to apply for a job. The applicant has to fill in a form and deliver it to the Center, attaching his CV. The Center will seek for the most appropriate post in any company and informs the applicant about the vacancy.

"So far many persons have been employed through this Center, which has stated that the minimum wage for those it has referred is not less than 400 US$, depending on the applicant's qualifications [The report further mentioned average monthly salaries, pensions and information on unemployment assistance]." **[3a] (p8)**.

2.13 On 24 May 2009 IRIN News reported:

"Some 20-25 percent of Iraq's estimated 27 million population lives below the country's poverty line, a government survey released on 21 May has found. Though wide disparities were found between northern and southern provinces, the government said the results were better than expected. 'Poverty is concentrated in the Iraqi rural areas more than in the urban areas in all provinces,' said the survey …" The highest poverty rate was in the southern province of Muthana with 49 percent and the lowest in the three northern provinces administered by the Kurdistan Regional Government (KRG), at 10 pecent. The survey defined poverty as living on 76,896 Iraqi dinars (about $66) a month, or $2.2 a day." **[18b]**

2.14 The United Nations Security Council (UNSC) report of 2 June 2009 stated:

"Poverty is also an ongoing issue. The Iraq Household Socio-Economic Survey, released in January 2009 by the World Bank and the Government of Iraq, confirms that 13 per cent of all Iraqis have a monthly per capita income of less than $51; in rural areas, the rate is 26 per cent. It also underlined problems with municipal services in many areas. For example, 71 per cent of Iraqis have no municipal garbage collection, and only 12 per cent of household water connections are deemed reliable. An analysis of the country's labour force in January showed that 450,000 young people were

likely to enter the workforce in 2009, with limited employment opportunities." **[38b] (p7)**

2.15 Jane's Sentinel Country Risk Assessment, Iraq, section on the economy updated on 9 September 2009, stated:

"In structural terms, Iraq's economy continues to lack revenue diversity and is vulnerable to various types of economic shocks, including the late-2008 steep drop in international oil prices. … Oil sits at the heart of the key economic issues and the government plans to increase oil production almost two-fold. Oil revenues account for 70 per cent of gross domestic product (GDP) and 95 per cent of government revenues. Production averaged about 2.4 million barrels per day (bpd) in 2008, resulting in exports of 2.11 million bpd. High oil prices have sustained oil smuggling – at around USD.023 per litre, it remains immensely profitable to export cheaply-bought domestic oil onto the high-price world markets." **[14a] (State stability, Economic)**

See also Humanitarian issues

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3. HISTORY

3.01 The Freedom House report, *Freedom in the World 2009*, Iraq, covering events in 2008, (Freedom House report for 2008) published on 16 July 2009, stated:

"The modern state of Iraq was established after World War I as a League of Nations mandate administered by Britain. The British installed a constitutional monarchy that privileged the Sunni Arab minority at the expense of Kurds and Shiite Arabs. Sunni Arab political dominance continued after independence in 1932 and even after the monarchy was overthrown by a military coup in 1958. The Arab nationalist Baath party seized power in 1968, and the new regime's de facto strongman, Saddam Hussein, assumed the presidency in 1979.

"Hussein brutally suppressed all opposition and made foreign policy decisions that placed a heavy burden on the country. Iraq fought a destructive war with Iran from 1980 to 1988, and then invaded Kuwait in 1990. Iraqi forces were ousted from that country by a U.S.-led coalition the following year. After the war, the United Nations imposed economic sanctions on Iraq intended to limit its military capacity, force Hussein to allow weapons inspectors to monitor Iraq's alleged weapons of mass destruction (WMD) program, and compel Iraq into resolving its border dispute with Kuwait. The sanctions remained in place for over a decade and caused widespread humanitarian suffering without achieving the intended goals.

"Following the establishment of a U.S.-enforced no-fly zone north of the 36th parallel in 1991, most of the three northern provinces of Erbil, Duhok, and Sulimaniyah came under the control of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Tensions between the two factions erupted into open civil warfare in the mid-1990s, and in 1996, between 30,000 and 40,000 Republican Guards captured Erbil in collaboration with Barzani's KDP. Competing Kurdish factions eventually reconciled and established an autonomous Kurdistan Regional Government (KRG)." **[70a] (p1)**

3.02 The Freedom House report for 2008, published on 16 July 2009, further recorded: "In 2002, U.S. president George W. Bush designated Iraq's alleged WMD program a threat to American national security and committed his administration to engineering Hussein's ouster." **[70a]**

3.03 The EIU country profile for 2008 noted: "The Baathist regime, led by Saddam Hussein, was removed from power by a US-led military coalition in 2003. Sovereignty was handed over to an interim Iraqi government in June 2004, and Iraq's first permanent prime minister was chosen in May 2006 (after nationwide parliamentary polls in December 2005)." **[58a] (p3)**

See also Former members and associates of the Ba'ath party/former regime; De-Ba'athification

JANUARY AND DECEMBER 2005 ELECTIONS

3.04 Following the ousting of Saddam Hussein's government in March 2003, Iraq was ruled by a coalition government, headed by the prime minister, Nouri al-Maliki, and dominated by Shia Arab and Kurdish parties. (EIU country profile 2008):

"The formal political process began with the appointment in July 2003 of an Iraqi Governing Council, which had limited power as Iraq was at this time governed by the Coalition Provincial Authority (CPA), headed by Paul Bremer. Sovereignty was formally transferred to an interim Iraqi government, appointed in June 2004.This was followed by a nationwide election in January 2005 to establish the Transitional National Assembly, which was tasked with drawing up a new Iraqi constitution, although most Sunni Arabs chose to boycott the poll. The new constitution was eventually passed by referendum in October 2005. For the first time since the US-led invasion, Sunni Arabs participated in significant numbers although the vast majority voted against the constitution. A general election in December 2005 completed the phased political process and resulted in the formation of the current 'permanent' Iraqi government, which is scheduled to hold office for a four-year term and is headed by the prime minister, Nouri al-Maliki." **[58a] (p3)**

3.05 The EIU county profile further reported on the Transitional National Assembly (TNA) and stated that it:

"... was tasked with drawing up a permanent constitution. However, the result of the election was undermined by a boycott by the Sunni Arab population. After the passage of the constitution in a controversial national referendum in October 2005, there was a second election for the 275-member unicameral Council of Representatives (parliament), which was followed by the formation of Iraq's first 'permanent' government." **[58a] (p1)**

3.06 The International Crisis Group (ICG) report *Iraq's Provincial Elections: The Stakes*, Middle Eastern Report No. 82, published on 27 January 2009, stated:

"Despite a respectable nationwide turnout of 55.7 per cent of eligible voters, the elections contributed to further instability and violence. At the national level, the absence of representatives of their own community fed Sunni Arabs' grievances and fears of exclusion (which, no doubt, were partly self-inflicted). These were compounded when the new council of representatives set about drafting a permanent constitution without them. The Bush administration sought to tempt them back into the political process by promising the constitution's early review. While this removed their boycott of both the constitutional referendum – they voted massively against, falling a mere 85,000 votes short of defeating it – and new parliamentary elections in late 2005, the initiative did too little to restore the political balance and came too late. This state of affairs helped catalyse the country's descent into sectarian war." **[25n] (p2)**

3.07 The EIU country profile 2008 concurred and noted:

"Progress with the political process was undermined, however, by the accompanying steady pick-up in violence, which since 2005 has become increasingly sectarian as ethno-religious groups struggle for power on the ground as well as in the government. This situation has been exacerbated by the activities of foreign jihadis, many of whom have been recruited by al-

Qaida in Iraq. Although responsible for a minority of attacks, their choice of targets often highly sensitive civilian and religious sites (such as the destruction of the dome of the Al Askari mosque in Samarra in February 2006) has resulted in a disproportionate number of casualties and exacerbated the sectarian conflict." **[58a] (p1)**

Government of National Unity (20 May 2006)

3.08 The first permanent government, since the overthrow of the Saddam regime in 2003, was sworn in on 20 May 2006. (RFE/RL, 20 May 2006) **[22f]** The Iraqi government of national unity was formed following the general election in December 2005 and subsequent negotiations between religious and ethnic groups in Iraq. (Associated Press, 20 May 2006) **[65d]** The ICG report, dated 27 January 2009, stated: "The national unity government that emerged from the December 2005 parliamentary elections has lacked both unity and a national agenda and has barely governed." **[25n] (p15)**

3.09 Nouri Kamel al-Maliki (also known as Jawad al-Maliki) was named prime minister-designate by President Jalal Talabani. (IRIN, 23 April 2006) **[18a]** Al-Maliki was approved and inaugurated Prime Minister designate on 20 May 2006. (Associated Press, 20 May 2006) **[65c]**

3.10 Al-Maliki named, and the members of the National Assembly approved, the 37-member cabinet on 20 May 2006. (RFE/RL, 20 May 2006) **[22f]** The new cabinet was composed of representatives from all groups in society including Shi'a, Sunnis and Kurds. (RFE/RL, 20 May 2006) **[22f]** (BBC, 22 May 2006) **[4a]**

The execution of Saddam Hussein (15 November 2006)

3.11 Saddam Hussein was sentenced to death by the Iraqi High Tribunal (IHT) on 15 November 2006 over the torture and executions of 148 Shias from the town of Dujail in the 1980s. The appeal court of the IHT unanimously rejected the appeals of Saddam Hussein and two co-defendants, Barzan al-Tikriti and Awad al-Bandar, on 26 November 2006 and despite requests by a number of human rights organisations, Saddam Hussein was executed on 30 December 2006. (BBC, 8 January 2007) **[4al]** The other two co-defendants were executed on 15 January 2007. (BBC, 28 October 2009) **[4i]**

See also Annex A – Chronology of major events.

Recent History (June 2007 – September 2008)

3.12 The trial of six former members of Saddam's regime before the Iraqi High Tribunal (IHT) in connection with the 1988 Anfal campaign against the Kurdish population in northern Iraq concluded in June 2007. On 24 June 2007, Ali Hassan al Majid, known as 'Chemical Ali', was sentenced to death for his role and three of the five other defendants also received the death penalty. Charges of genocide, crimes against humanity and war crimes in connection with the Anfal campaign were handed down by the judge. (United Nations Assistance Mission to Iraq (UNAMI) 1 April–30 June 2007) **[39h] (p34)**

3.13 Security responsibilities were formally transferred from multinational forces to the Iraqi army in September 2008 for Al-Anbar Governorate, 23 October

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

in Babil Governorate and on 27 October in Wassit Governorate. (UNSC, 6 November 2008) **[38r] (p1)**

3.14 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, (UNHCR Guidelines) April 2009 stated:

"The reported presence of several thousands PKK (Kurdistan Workers Party) and PJAK (Party for a Free Life in Kurdistan) fighters in remote mountain areas of Northern Iraq leads to repeated cross-border shelling campaigns by Iranian and Turkish forces, causing material damage, limited civilian casualties and, mostly temporary, displacement. Existing tensions built up in late 2007 and resulted in thousands of Turkish troops massing at the border and a series of aerial bombardments of border areas in November and December 2007. On 21 February 2008, Turkey launched a one-week ground and air offensive into Iraqi Kurdistan to target the PKK, which Turkey claims is using Northern Iraq as a launch-pad for attacks on Turkish soil. A brief standoff between the Kurdish Peshmerga and Turkish troops near Dahuk [in August 2008] did not result in an armed confrontation." **[40b] (p93)**

3.15 The UNSC report of 22 April 2008 noted:

"On 12 January 2008 the Justice and Accountability Law was adopted by the Council of Representatives, replacing earlier debaathification policies. On 13 February the Council of Representatives passed a package of laws: the Law on Governorates not Organized into a Region, the General Amnesty Law and the 2008 Budget. This package represented a compromise between the interests of three parliamentary blocks: the Kurdistan Alliance, the United Iraqi Alliance, and Tawafuq. Efforts to persuade Tawafuq to rejoin the Cabinet are continuing as part of a wider attempt to restructure the Government." **[38p]**

3.16 The UNHCR Guidelines of April 2009 stated:

"On 13 February 2008, the CoR [Council of Representatives] passed simultaneously, based on compromises and concessions by all parties and across sectarian identities, the Provincial Powers Law, the Amnesty Law and the 2008 national budget. The Provincial Powers Law sets forth the relationship between the central government and the governorates. A recent campaign in Basrah to establish an autonomous region in the southern governorate did not garner the support required to hold a popular referendum." **[40b] (p64)**

3.17 The US Department of Defense (USDoD) report, *Measuring Stability and Security in Iraq*, July 2009, observed:

"The Law of Governorates not Organized into a Region (more commonly known as the Provincial Powers Law (PPL)), approved by the CoR in February 2008, took effect with the seating of new provincial councils. Implementation of the PPL will transfer additional authority from the central government to the provincial councils and governors, including approval of provincial budgets, the nomination and dismissal of senior provincial officials, authority over non-federal security forces, and a formal means to remove corrupt officials." **[103b] (p2)**

See also Provincial elections of 31 January 2009

3.18 The UNHCR Guidelines of April 2009 noted:

"Another notable development during 2008 was the return of the IAF [Iraqi (Sunni) Accordance Front), the largest Sunni faction, to the cabinet of PM Al-Maliki after almost one year of absence. On 19 July 2008, the CoR [Council of Representatives] approved the appointment of six of their parliamentary members as ministers, in addition to four members of the United Iraqi Alliance (UIA) to replace Sadrist ministers who had also resigned in 2007. The IAF cited the release of Sunni prisoners under the new Amnesty Law as well as military operations against Shi'ite militias as the reasons for their return." **[40b] (p66)**

3.19 On 14 May 2008, BBC News reported: "More than a thousand people have been killed and 2,500 others injured, mainly civilians, in fighting between government forces and Shia militias in Baghdad and southern Iraq over the past seven weeks." **[4db]** The article also noted that although a truce to end fighting had been called on 11 May, this was dependent on Shia Mehdi Army militia and government forces fulfilling a number of obligations within a four-day period. **[4db]** On 28 August 2008, BBC News reported that Moqtada Sadr, leader of the Mehdi Army, had indefinitely extended a ceasefire being observed by members of his militia, although Sadr did not say whether his 60,000-strong militia would disarm. **[4dj]**

See also Sunni Arab insurgents; Shi'a militia; Annex D – Current insurgent/ militia groups.

3.20 The UNAMI report, covering 1 July–31 December 2008, undated, stated:

"Following approval by the Iraqi Council of Representatives on 17 August, the three-member Iraqi presidency ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). A day later, an official of the Ministry of Human Rights called upon governmental and judicial authorities to protect prisoners and to prosecute those who abuse and torture prisoners and detainees. This essential and very positive step should be followed by depositing the ratified instrument before the UN Secretary-General and a thorough review of the existing legislation to harmonize it and bring it in line with the CAT and by the training of law enforcement officials for which UNAMI stands ready to assist." **[39b] (p21)**

3.21 The same report further observed:

"The adoption of the Electoral Law on 26 September [2008] paved the way for Governorate Council elections to take place on 31 January 2009. Following protests by minority groups and intensive debates in the Parliament, an amendment granting reserved seats for Christians, Shabak, Yezidis and Sabean-Mandean in Baghdad, Ninawa and Basra was finally approved on 3 November [2008]. Although Christian groups complained that the number of seats was not representative of their size, UNAMI HRO [Human Rights Office] believes that the amendment to the law was a significant step in favour of the recognition of the special status of minorities in accordance with article 125 of the Constitution. Additionally, the final version of the law did not include a quota of at least one quarter of the seats

being reserved for women. It is the first time since 2004 that this requirement was not part of the electoral legal framework. Women's groups and female members of parliament protested the absence of a quota, which is contrary to the 31 July 2008 Iraqi Supreme Court interpretation of the electoral law to the effect that a 25% quota for women is mandatory." **[39b] (p20)**

Disputed territories

3.22 For a map of the disputed territories see the CSIS report, 7 October 2009. **[63d] (p31)** The report further stated:

"… the source of Arab-Kurdish tension is a broad belt of disputed territory along an ill-defined 'ethnic fault line.' It reflects both current ethnic demographics and disputes going back decades – especially to the time in which Saddam Hussein displaced many Kurds, handing their territory over to Arabs and minorities, because of the legacy of civil conflict during the 1960s and 1970s, and the lack of Kurdish support during the Iran-Iraq War. This disputed territory has important pockets of minority populations within each respective majority group, and runs west from the Sinjar area on the Syrian border all the way across to Khanaqin near the Iranian border to the southeast.

"These Arab-Kurdish disputes have been a source of tension ever since the liberation of Iraq in 2003. They originally were to be resolved through a national referendum, required under article 140 of the new Iraqi constitution but politicians have delayed this process for several years. The more public dispute over a Kirkuk referendum was to made be part of a broader plebiscite to decide which areas within Iraqi governorates of Diyala, Kirkuk, Salah ad Din and Ninawa would become part of the Iraqi Kurdistan region." **[63d] (p32)**

3.23 The IGC report, dated 28 September 2009, mentioned the territorial conflict between Arabs and Kurds fighting over land spread between the governorates of Wasit, Diyala, Salah al-Din and Ninewa:

"The 2004 interim constitution (Transitional Administrative Law, TAL) and, subsequently, the 2005 permanent constitution sought to freeze the situation until a long-term resolution was found. They recognised KRG jurisdiction exclusively over territories it had administered until the 2003 war. Both texts refer to 'disputed territories' in addition to Kirkuk to designate areas claimed by the two parties but fail to define them or offer any workable criteria for their ultimate dispensation. Ever since, Arabs and Kurds have engaged in a tug-of-war, invoking different historical narratives and demographic data to buttress their cases.

"In the occupation's aftermath, peshmerga forces moved into what later became known as disputed territories and began exercising de facto control. However, these territories lie outside the area controlled by the KRG before 19 March 2003. Therefore, pursuant to Article 53(A) of the 2005 constitution, they do not form part of the Kurdistan region's de jure boundary, at least until the disputed territories' legal status is changed.

"The struggle between the two nationalisms has been particularly intense in Ninewa, where an aggressive and centralising form of Arabism enjoys

strong cultural roots and regards with suspicion post-Baathist notions of federalism or binationalism. Tensions between Ninewa's Sunni Arab and Kurdish political leaders further intensified in the wake of the 2009 provincial elections, as both sides staked out increasingly hardline and uncompromising positions." **[25d] (p16)**

3.24 The CSIS report, dated 7 October 2009, also commented: "US officials and many other experts feel that Arab-Kurdish tensions remain the most serious source of potential violence in Iraq. There has been growing tension between Kurdish and Arab leaders and between Kurdish President Talibani and President Maliki, as well as within the Council." **[63d] (p30)**

Provincial elections (31 January 2009)

3.25 The UNHCR Guidelines of April 2009 recorded:

"On 31 January 2009, provincial elections were held in 14 out of Iraq's 18 governorates. The passing of the Provincial Election Law was marred by incidents of violence. The Provincial Powers Law included a deadline for holding provincial elections by 1 October 2008. A first draft law, which included the contentious issue of power-sharing in Kirkuk, was adopted by the CoR on 22 July 2008 against the will of Kurdish lawmakers who boycotted the session. The draft law was subsequently vetoed by the Presidency Council due to a lack of consensus over power-sharing in Kirkuk. Two months later, on 24 September 2008, the Provincial Elections Law was finally adopted, paving the way for holding provincial elections in 14 out of Iraq's 18 Governorates by latest by 31 January 2009. In order to pass the law and make elections possible in 14 central and southern governorates, the Governorate of Kirkuk, the key sticking point in the negotiations, was excluded from the 31 January 2009 elections. Instead, a committee comprised of seven representatives from the different ethnic-religious communities was tasked to submit a report to the CoR by 31 March 2009, on, inter alia, a power-sharing mechanism for Kirkuk. However, in late March 2009 the committee announced the postponement of their recommendations until the end of July 2009 due to a lack of compromise." **[40b] (p67-8)**

3.26 The UNSC report of 20 February 2009 stated:

"Iraq took a significant step forward with the provincial elections held on 31 January 2009 in 14 out of Iraq's 18 governorates, marking the successful culmination of months of political activity and security preparations, as well as extensive technical and logistical electoral preparations undertaken by the Independent High Electoral Commission. Electoral procedures appear to have been widely followed and the voter turnout, estimated at 51 per cent was encouraging, in particular among the Sunni population, which had largely boycotted the previous provincial elections in January 2005. Another positive development was the implementation of a robust national security plan throughout the electoral period, allowing Iraqis to cast their vote with confidence. The period was generally marked with very low levels of violence, especially on the actual day of the elections when hardly any incidents were reported (compared to over 80 serious security incidents on the election day in January 2005). This highlighted the increasing improvement in the capability of the Iraqi Security Forces over recent months. However, in the weeks prior to the elections, some disturbing acts

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of violence were committed, including the assassination of five candidates, attacks against some Iraqi dignitaries and political activists, and reported acts of intimidation of staff of the Electoral Commission." **[38a] (p1)**

3.27 The UNHCR Guidelines of April 2009 stated:

"In most governorates, no single party won a majority enough to rule on its own. An exception is Basrah, where the State of Law list won 57% of the seats (although it received only 37% of the votes). In Baghdad and Wassit, the list won a near majority (49% of the seats in Baghdad and 46% of the seats in Wassit). Across the Shi'ite-majority governorates, the State of Law list is in the lead, followed by either ISCI or the Sadrist competing for the second biggest number of seats. This fact makes it necessary to forge power-sharing alliances." **[40b] (p72)**

3.28 The UNSC report of 2 June 2009 further commented:

"The formal release of governorate election results by the Independent High Electoral Commission on 26 March [2009] set in motion the process of the formation of provincial councils in the 14 governorates where elections took place on 31 January 2009, including the selection of all governors and deputies for each province. In the central governorates, larger majorities were won, which made it easier for alliances to be forged and the allocation of senior posts to be concluded more quickly. In some southern governorates, the vote was split, making it more difficult for the newly elected Council members to reach a consensus." **[38b] (p2)**

The Kurdish provincial elections were held on 25 July 2009 – for further information see Recent developments.

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4. RECENT DEVELOPMENTS

4.01 The US Department of Defense (USDoD) *Measuring Stability and Security in Iraq*, July 2009, observed: "As of November 2008, 13 of Iraq's 18 provinces have successfully transitioned to Provincial Iraqi Control (PIC). Security responsibility for Babil Province was handed over to the GoI on October 23, 2008, and Wasit Province transitioned to PIC on October 29, 2008." **[103b] (p29)** US soldiers are due to pull out of Iraq on 30 June, handing control back to Iraqi security forces, with a small number expected to remain to train and advise Iraqi security forces. (Reuters, 24 June 2009) **[7c]**

4.02 The EIU country report, published December 2008, stated: "The US-Iraq Status of Forces Agreement (SOFA) was formally approved by Iraq's presidency council on December 4th, having secured majority support from parliamentarians on November 27th. The approval came barely three weeks before the UN mandate for multinational forces expires, and will provide a legal cover for US troops operating in Iraq until at least July 2010 and possibly until the end of 2011." **[58b] (p9)** The SOFA (also known the Strategic Agreement (SA)) as came into force on 1 January 2009 after its ratification by the Iraqi CoR on 25 November 2008 and approval by the three-member Presidency Council on 4 December 2008. (UNHCR, April 2009):

"The SOFA provides for the withdrawal of US troops from Iraqi cities, towns and villages by 30 June 2009 (at which time the ISF shall assume responsibility in each governorate) and ends overall US presence by 31 December 2011. As part of the SOFA, the US troops' operations will be largely put under Iraqi control. US troops will no longer be allowed to make arrests or search homes without a court order. Under the SOFA, the US also has to either release or hand over to Iraqi custody the 15,800 detainees currently in US detention. Reportedly, the transfer of detainees is to commence as of February 2009. The SOFA allows for amendments if both parties agree to them; this has been interpreted as a possibility to extend the US forces' presence beyond 2011, if both sides wish." **[40b] (p73-74)**

4.03 The UNHCR Guidelines of April 2009, stated: "Relations between the KRG and the central government worsened over the past year over the extent of the Kurdistan Region's autonomy and the distribution of power and resources between the two. The most contentious issue is the yet unresolved status of the so-called 'disputed areas'." **[40b] (p75)** "A process foreseen in Article 140 of the Iraqi Constitution to reverse the previous 'Arabization' policy and decide in a popular referendum the status of the so-called 'disputed areas' has remained stalled as two deadlines were missed." **[40b] (p79)**

4.04 BBC News reported on 30 June 2009:

"US troops have withdrawn from towns and cities in Iraq, six years after the invasion, having formally handed over security duties to new Iraqi forces. … Despite the pullback from cities and towns, due to be completed on Tuesday, US troops will still be embedded with Iraqi forces. … Some 131,000 US troops remain in Iraq, including 12 combat brigades, and the total is not expected to drop below 128,000 until after the Iraqi national election in January." **[4k]**

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4.05 A report by International Crisis Group (ICG) on 8 July 2009, further stated "… a new and potentially just as destructive political conflict has arisen between the federal government and the Kurdistan regional government in Erbil. …

"The conflict is centred on disputed territories, especially Kirkuk, which not only hosts a mix of populations – Arabs, Kurds, Turkomans and smaller minorities (which in some districts are dominant) – but also contains untold reserves of oil and gas. …

"The result has been a steady rise in tensions along a new, undemarcated line that in military circles is referred to as the trigger line – a curve stretching from the Syrian to the Iranian border, where at multiple places the Iraqi army and Kurdish fighters known as peshmergas are arrayed in opposing formations.

"Given growing tensions and the proximity of forces, as well as unilateral political moves by both sides in the form of contracts for oil and gas extraction, altercations have occurred along the trigger line on several occasions." **[25a] (Executive summary and recommendations)**

4.06 The UNSC report of 30 July 2009 recorded: "On 25 July, the people of the Kurdistan region turned out in large numbers to exercise their right to elect new regional representatives and the President of the region. The vote was held in an orderly environment that was notably free of violence." **[38c] (p3)**

See also Provincial elections of 31 January 2009

4.07 The UNSC report of 30 July 2009 stated:

"In continuation of the implementation phase of the bilateral security agreement, the United States military redeployed from urban areas on 30 June 2009, a day marked as a national holiday, Iraqi Sovereignty Day, leaving the Iraqi security forces with overall domestic security responsibilities. Though there has not been a significant increase in insurgent activity overall, Al-Qaida and other extremist elements conducted a series of high-profile mass casualty attacks across the country during the transition period. There was a series of car bomb attacks across Baghdad, including an attack on 24 June that killed 62 civilians and injured 150 others in Sadr City and several similar attacks around Kirkuk and Mosul. Those attacks are indicative of continued efforts by the extremist elements not only to test the capability of the Iraqi security forces but to undermine public confidence in the Government to enact its sovereign role in protecting its citizens." **[38c] (p10)**

4.08 The USDoD report, July 2009, commented:

"There has been little progress on implementation of Article 140 of the Iraqi Constitution, which calls for normalization, a census, and a referendum on the status of disputed internal boundaries (DIB) in northern Iraq. … The key leaders, including Prime Minister Maliki, President Talibani, Vice Presidents Hashimi and Mehdi, and KRG President Barzani … have expressed some criticism of the UNAMI recommendations but have agreed to use the UNAMI report as a starting point for discussions." **[103b] (p4)**

4.09 The United States Bureau of Near Eastern Affairs report of 14 October 2009 stated:

"Iraqi lawmakers voted on October 13 [2009] to approve a bilateral security agreement with Britain, allowing the limited presence of British troops in Iraq. Earlier this year, the UK withdrew its remaining troops from Iraq when its security agreement expired and the Iraqi parliament delayed approving an extension. This new agreement permits a small contingent of approximately 100 British personnel to provide security for southern oil ports and train the ISF for one year." **[154a] (p8)**

4.10 The CSIS report, dated 7 October 2009, stated:

"Arab-Kurdish tensions have also delayed a long needed Iraqi census – although Sunni-Shi'ite and minority tensions have also been an issue. The Iraqi central government announced in August 2009, that it would not hold the census in October 2009 as planned. This meant delaying it – possibly until April 2010, several months after the national elections in January, but possibly much later or even deferring it indefinitely." **[63d] (p8)**

4.11 Reuters reported on 2 November 2009: "The number of civilians killed by violence in Iraq jumped higher in October [2009] after two huge suicide bombings in Baghdad while the two U.S. soldiers killed in combat in October was the lowest monthly number this year, data showed." **[7k]** The report continued:

"Security sources said 343 civilians were killed, almost half of them in the Oct. 25 attacks on the justice ministry and Baghdad governorate building, which dealt a blow to Prime Minister Nuri al-Maliki as he seeks re-election in January. The civilian death toll had dropped in September to 125, the lowest level since the 2003 U.S. invasion, as fighting between once dominant Sunnis and majority Shi'ites ebbed and attacks by Sunni Islamist insurgents become less frequent, if still bloody." **[7k]**

For more recent developments see Latest News and for details on security see Security situation.

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5. CONSTITUTION

5.01 The Freedom House report, *Freedom in the World 2008*, Iraq, June 2008 recorded that a U.S.-led military coalition invaded Iraq in March 2003, captured Baghdad less than three weeks later, and established a Coalition Provisional Authority (CPA) to administer the country. In March 2004, the IGC adopted a Transitional Administrative Law (TAL) to serve as the country's interim constitution. In June, after weeks of UN-mediated negotiations among the main political groups, the CPA transferred sovereignty to an Iraqi Interim Government (IIG), headed by Prime Minister Iyad Allawi.

"Many articles of the constitution pertaining to internationally recognized political rights and civil liberties depended on subsequent legislation for clarification and enforcement. The charter also stipulated that the Federal Supreme Court should include an unspecified number of 'experts in Islamic jurisprudence' alongside civil judges. The draft constitution was approved by a popular referendum in October 2005, though two Sunni Arab provinces voted overwhelmingly against it. Under a compromise brokered as a concession to Sunni demands before the referendum, the first elected parliament would form a Constitutional Review Committee to determine whether the document should be amended. The committee was created by parliament in September 2006, but as of the end of 2007, it has been unable to produce any concrete recommendations." **[70g] (p1)**

"Under the constitution, the president and two vice presidents are elected by parliament and must appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are to be held every four years. The prime minister is charged with forming a cabinet and running the executive functions of the state. The parliament consists of a 275-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Political parties representing a wide range of viewpoints are allowed to organize and campaign without legal restrictions, but the Baath party is officially banned." **[70g] (p1)**

5.02 Also mentioned as being protected by the constitution included freedom of expression and religion; rights to freedom of assembly and association, the right to form and join professional associations and unions. In practice, although in some instances these rights were respected, sectarian violence and fear of violent reprisals meant the rights of some groups were impeded, including those of religious minorities and women. (Freedom in the World – 2008: Iraq', 2008) **[70g] (p1)**

For a translated version of the full Iraqi Constitution see:

http://www.uniraq.org/documents/iraqi_constitution.pdf

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6. POLITICAL SYSTEM

6.01 According to Article 1 of the Constitution "The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq." **[82a] (p2)** The Constitution stipulates that "The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions." It also stated that "Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution." **[82a] (p3)** The minimum voting age is 18. (CIA, 5 May 2009) **[78a]**

6.02 The Freedom House report for 2008, published on 16 July 2009, commented:

"Iraq is not an electoral democracy. Although it has conducted meaningful elections, the country remains under the influence of a foreign military presence and impairments caused by sectarian and insurgent violence. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister forms a cabinet and runs the executive functions of the state. The parliament consists of a 275-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Political parties representing a wide range of viewpoints operate without restrictions, but the Baath party is officially banned. The Independent Electoral Commission of Iraq (IECI), whose nine-member board was selected by a UN advisory committee, has sole responsibility for administering elections." **[70a] (p4-5)**

6.03 The USDoD report, March 2009, mentioned legislation passed and stated:

"The most significant accomplishments this reporting period were the Government of Iraq's (GoI) ratification of the SFA [Strategic Framework Agreement] and a SA [Security Agreement] with the United States on December 4, 2008, the successful transfer of security authority from Coalition forces to the GoI [Government of Iraq] on January 1, 2009, as the Chapter VII mandate for the Multi-National Forces-Iraq (MNF-I), contained in UN Security Council Resolution (UNSCR) 1790, expired, the successful conduct of provincial elections in 14 of Iraq's 18 provinces on January 31, 2009, and the passage of the 2009 Iraqi Budget on March 5, 2009. …

"The dispute over the Provincial Elections Law (PEL), the debates on the SFA and the SA, and the Article 140 debate dominated the legislative agenda through the end of 2008. Additionally, the resignation of Speaker Mashhadani in December 2008 and the lack of a replacement speaker affected the CoR's ability to pass outstanding legislation from the 2008 legislative calendar, specifically the 2009 Iraqi Budget, which was passed on March 5, 2009. Legislative priorities this period include setting a date for the district and sub-district elections and concluding the report on provincial elections in Kirkuk based on recommendations from a CoR-appointed commission (Article 23 Committee). Additionally, Article 140 of the Iraqi Constitution regarding internally disputed boundaries, along with the

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Hydrocarbon Laws and a Census Law, remain under discussion." **[103a] (p1-2)**

See also Recent developments and Latest News. For more information on political rights, see Political affiliation

POLITICAL SYSTEM IN THE KRG AREA

6.04 Article 117(1) of the Iraqi Constitution stipulates "This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region." **[82a] (p34)** Article 141 of the Constitution stated that:

"Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution." **[82a] (p41)**

6.05 Article 121 of the Iraqi constitution states the Kurdistan National Assembly (KNA) have the right to amend the application of Iraq-wide legislation that falls outside the federal authorities' exclusive powers. (KRG, 10 September 2008) **[105d]**

6.06 The *International Herald Tribune* reported, on 15 July 2008, that there were protests in July 2008 at the proposed provincial election law by Kurds in an attempt to postpone the provincial council vote in Kirkuk until a constitutionally mandated referendum is held on whether Kirkuk should remain under Baghdad's administration or join the semiautonomous Kurdish regional government. Under the Iraqi Constitution, the Kirkuk referendum was scheduled to take place by the end of last year. **[126c]** The IOM report, 1 February 2009, stated elections were taking place in 14 out of 18 governorates, excluding the KRG governorates and Kirkuk. **[111t] (p10)** See Provincial elections of 31 January 2009 for further information on elections in the KRG area.

Kurdistan Regional Government

6.07 The Kurdistan Regional Government is recognised as the official government of the territories that were administered by that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. (International Crisis Group (ICG), 'Oil for Soil: Towards a Grand Bargain on Iraq and the Kurds', Middle East Report No. 80, 28 October 2008) **[25l] (p6)** A KRG fact sheet, 10 September 2008, stated:

"The Kurdistan Region is a federated region in Iraq. Its main institutions are the Kurdistan Regional Government, the Kurdistan Region Presidency, and the Kurdistan National Assembly (parliament). As stipulated in Iraq's federal constitution, Kurdistan's institutions exercise legislative and executive authority in many areas, including allocating the Regional budget, policing and security, education and health policies, natural resources management and infrastructure development." **[105d] (p1)**

"The capital and seat of the Kurdistan Regional Government is Erbil, a city known locally as Hawler… The Kurdistan Regional Government exercises executive power according to the Kurdistan Region's laws as enacted by the democratically elected Kurdistan National Assembly. The current government, led by Prime Minister Nechirvan Barzani, assumed office on 7 May 2006. Iraq's Constitution recognises the Kurdistan Regional Government, the Kurdistan National Assembly and the Peshmerga guard as the legitimate regional forces." **[105c]**

6.08 The FCO report, 27 March 2009, noted "The BEO [British Embassy Office] Erbil stated that the KRG is a power-sharing coalition comprising the two largest political parties in the KR, the KDP and the PUK, which hold an equal number of seats in the Kurdistan National Assembly (KNA), the Kurdistan parliament, with smaller parties also represented. The KDP has greater influence in the Dohuk and Erbil Governorates and the PUK in Sulaymaniyah Governorate".

6.09 The FCO report continued:

"… under the power-sharing agreement between the KDP and PUK all KRG Ministries should have merged but separate Interior, Finance and Peshmerga (Kurdish security forces) Ministries still operate in Erbil and Sulaymaniyah, controlled respectively by the KDP and the PUK. The BEO Erbil stated that the KRG receives 17% of Iraq's oil revenue. The money is apportioned to the two Finance Ministries, in Erbil (run by the KDP) and Sulaymaniyah (run by the PUK)." **[66d] (p7)**

6.10 The UNHCR 'Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', April 2009, stated "Relations between the KRG and the Central Government have soured over the last year over the extent of the Kurdistan Region's autonomy and the distribution of power and resources between the two entities." **[40b] (p132)**

"The unresolved status of the disputed internal boundaries remains an issue of major contention and is the principal reason for increasing tensions between the KRG and the central government as well as within Kurdish-Shi'ite alliance. A process foreseen in Article 140 of the Iraqi Constitution to reverse the previous 'Arabization' policy and decide in a popular referendum the status of the so-called 'disputed areas' has remained stalled as two deadlines were missed." **[40b] (p78)**

See also Recent Developments

Kurdistan National Assembly

6.11 The Kurdistan National Assembly (KNA) is the Kurdistan Region's democratically elected parliament. (KRG, 10 September 2008) **[105d] (p2)** "Elections for a 275-seat Transitional National Assembly (TNA), along with simultaneous elections for provincial governments and the KRG, were held in January 2005." (Freedom House, Freedom in the World – 2009: Iraq , 16 July 2009) **[70a] (p2)**

6.12 Elections for the KNA were supposed to be held at least every four calendar years. (KRG, 10 September 2008) **[105d] (p2)** The KRG fact sheet, 10 September 2008, further stated:

"Currently women hold 29 seats, making up 27% of the Assembly. The legal requirement is that at least 25% of the parliamentarians must be women. The KNA is lead by the Speaker, Mr Adnan Mufti, who is assisted in his duties by the Deputy Speaker, Dr Kamal Kirkuki. In the current parliament elected in January 2005, the members represent 14 different political parties, including Turkmen, Assyrian and Chaldean parties, and one member is independent. Three members of the KNA are Yezidis belonging to different political parties." **[105d] (p2)**

6.13 The Freedom House report for 2008 stated "In the 111-seat Kurdistan National Assembly, the PUK and KDP each have 38 seats while the KIU has 9. The remainder are distributed among the smaller Alliance parties, which are fully or partially funded by the two main parties." **[70g] (p2)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009. See also Recent developments and Latest News. For more information on political rights, see Political affiliation.

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Human Rights

7. INTRODUCTION

7.01 The United Nations Security Council report (UNSC) of 20 February 2009 stated: "… less visible grave and systematic human rights violations continue and their elimination requires political will, resources and long-term commitment. Three examples of such challenges are cases of reported ill-treatment and torture of detainees by some Iraqi law enforcement authorities, inadequate efforts to bring to justice perpetrators of past and current human rights abuses and cases of disregard for women's rights." The UNSC report however noted the passing of a law by the Council of Representatives on 16 November 2008 to establish an Independent High Commission for Human Rights. **[38a] (p10)**

See also Torture by the security forces; Arrest and detention – legal rights; Prison conditions; Women.

7.02 The UNSC report also noted: "Targeted killings or other types of attacks against journalists, educators, parliamentarians, humanitarian workers, judges, lawyers and members of minorities remained a worrying feature of the situation in Iraq." **[38a] (p10)**

7.03 The UNSC report of 6 November 2008 noted:

"Overall, the improvements in the security environment in recent months have proved positive with respect to human rights in Iraq, but continued violations pose serious concerns for Iraqi civilians and remain a priority of the United Nations. A significant decrease in violent, high-visibility, high-casualty attacks by militias or criminal gangs was witnessed during the current reporting period. Nonetheless, grave and systematic human rights violations remain constant, but are less visible and less widely reported … The broader situation regarding women's rights and conditions has also shown no significant overall improvement and alleged suicides and suspected 'honour crimes' continue to be reported with alarming regularity." **[38r] (p11)**

7.04 The Amnesty International (AI) Report 2009 (covering the period 1 January – 31 December 2008), released May 2009, commented:

"Armed groups fighting against the government and US-led forces committed numerous gross human rights abuses, as did militia groups affiliated to Shi'a religious groups and political parties represented in the Iraqi parliament. The abuses included kidnapping, torture and murder. The groups also carried out bombings and other indiscriminate attacks against civilians, causing numerous deaths and injuries. Many attacks were apparently carried out by al-Qa'ida in Iraq. Those targeted for kidnapping or killing included members of religious and ethnic minorities, such as Christians and Palestinians; members of professional associations, such as doctors, lawyers and journalists; and women." **[28f] (p2)**

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8. SECURITY SITUATION

8.01 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, April 2009 stated "As compared with the situation in 2006 and the first three-quarters of 2007, when Iraq saw widespread sectarian violence coupled with a violent Sunni insurgency, intra-Shi'ite fighting, gross human rights violations and a general breakdown of law and order, parts of Central and Southern Iraq have seen significant stabilization since late 2007 and in 2008." **[40b] (p12)** The paper summarised the developments as follows:

- "Relative overall security improvements and significant reduction of civilian casualties and new displacement, in particular in the Southern Governorates and some of the Central Governorates;
- Virtual halt of open Sunni-Shi'ite violence;
- Main actors of violence (i.e. Al-Qa'eda in Iraq [AQI] and Jaish Al-Mahdi [JAM] or Mahdi Army)/'Special Groups') have either largely moved or been pushed out of urban areas, were seriously weakened or are lying low;
- Through a number of successive military operations targeting Sunni and Shi'ite extremist groups, the Iraqi Government with the support of the Multi-National Forces in Iraq (MNF-I) has asserted more authority over its territory, although local control is not necessarily exerted by the government-controlled Iraqi Security Forces (ISF), but often by local groups and individuals that ally themselves to varying degrees with the central Government (SoI, tribal leaders, militia groups, political parties);
- Largely violence-free provincial elections in January 2009;
- Limited, yet increasing return of persons displaced inside and, to a lesser extent, outside the country." **[40b] (p12-13)**

See also Sectarian violence; Security forces; Abuses by non-government armed forces.

8.02 The same UNHCR report also stated:

"… despite the fact that overall security has improved, armed groups remain lethal and suicide attacks and car bombs directed against the MNF-I/ISF and Awakening Movements as well as civilians (often areas attracting crowds such as markets, bus stations, restaurants, places and areas of religious significance or worship, police stations, and recruitment centres) in addition to targeted assassinations and kidnappings continue to occur on a regular basis, claiming lives and causing new displacement." **[40b] (p13)**

8.03 The UNSC report, 20 February 2009, stated that: "In recent months, Iraq witnessed gradual stabilization and further improvements in security conditions, with a lower number of violent, high-visibility, mass-casualty attacks by militias, insurgents and criminal gangs. Nonetheless, indiscriminate attacks by roadside, car or suicide bombs were almost a daily occurrence. A particularly troubling aspect was the frequent use of women, and occasionally even children, as suicide bombers." **[38a] (p10)** On 4 February 2009, BBC News reported that: "In 2007 there were eight suicide attacks by women; in 2008 there were 32, the US military says… Insurgents use female bombers because they can hide explosives under their robes and are less likely to be searched by male guards at security checkpoints." **[4dt]**

8.04 The UNHCR Guidelines of April 2009, recorded:

"An analysis of incidents recorded in 2008 indicates that most of the killings take place in Iraq's three major cities Baghdad, Mosul and Basrah. Attacks also occur in the other still violent central governorates of Diyala, Kirkuk and Salah Al-Din, and, to a lesser extent in the South (Babel, Wassit). The majority of the victims was [sic] shot by gunmen, sometimes after having been kidnapped and tortured. Typically, they were targeted in their classroom/office or on their way to and from work. Educational facilities, courthouses and hospitals also continued to be targeted in 2008." **[40b] (p183)**

8.05 The FCO human rights report for 2008, released 26 March 2009, stated:

"As security improves, Iraq has continued to emerge as a functioning democracy, with diverse political representation and a respect for human rights enshrined in its constitution. Iraqis are arguably freer now than at any time in the country's history. However it is undeniable that significant challenges do still remain, particularly relating to detention, women's rights, consolidating progress on rule of law and the protection of minorities throughout Iraq.… Real advances have been made in reducing violence across Iraq with the lowest levels for extremist attacks since 2003 being recorded in 2008, down 85 per cent from 2007. Significantly this is being achieved largely by Iraq's own security authorities, with Coalition (including UK) help and support." **[66e] (p1)**

8.06 The decrease in violence in Iraq has been attributed to the increase in Iraqi force capability, the Mahdi army ceasefire and the take over of the Sons of Iraq forces (Awakening Councils) by the Iraqi government. (UNSC, 6 November 2008) **[38r] (p1)**

See also Awakening Councils; Shi'a militia; Multi-National Forces (MNF).

8.07 The Medecins Sans Frontières/Doctors without Borders (MSF) report 'Top Ten Humanitarian Crises of 2008' , noted "There has been some improvement of security in Iraq in the past 18 months. Overall levels of violence have reduced and a changing political environment has emerged. Despite these changes, the situation in Iraq is uncertain and many people are still living under the threat of violence." **[151a] (p2)**

8.08 The United States Department of Defense (USDoD) report, December 2008, stated "Many factors have contributed to an environment of enhanced security and political progress, including increasingly capable Iraqi Security Forces (ISF) aided by the Sons of Iraq (SoI), Coalition forces' continuing support to the ISF, the demonstrated will of the Government of Iraq (GoI) to counter extremists, and the rejection of terrorists by the Iraqi people." **[103d] (piii)**

See also Iraqi security forces

8.09 The UNSC report, 2 June 2009, recorded "… armed opposition groups, Al-Qaida and other extremist elements continue to demonstrate the intent and capability to conduct major attacks against Government officials, security forces and the local population. Although there has been a demonstrable reduction in insurgent activity across the country in the past 12 months,

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there are still armed groups determined to incite sectarian violence and undermine public confidence in the Government's capability to provide effective security." **[38b] (p12)**

8.10 The Brookings Institution report, last updated on 13 October 2009, interviewed 2,228 Iraqi adults in February 2009 from throughout Iraq. When asked if the security situation in Iraq had become better, worse, or about the same, 52 per cent stated they thought security had improved (compared with 36 per cent in February 2008), 39 per cent thought it was about the same (compared with 37 per cent in February 2008), and eight per cent thought it had worsened (compared with 61 per cent in February 2008). **[88d] (p42)**

8.11 The IOM report, dated 1 October 2009, stated: "Displacement and return in Iraq continue to be complex issues, with situations varying regionally and between urban and rural contexts. As security becomes more challenging in Baghdad and other areas such as Ninewa, the situation remains relatively stable in other parts of the country. In these areas, former IDP families cite improved security as the chief reason for their return." **[111c] (p1)**

See also Internally displaced people (IDPs)

8.12 CSIS reported on 7 October 2009:

"The level of violence in Iraq is sharply lower than the levels that peaked in 2007. It is now dropping below average levels that existed at the beginning of the insurgency in 2004, and most of the violence related to the Sunni insurgency is now concentrated in Baghdad, and Diyala, Ninewa, and Salah ad Din provinces in the center and north. The threat posed by the Sadr militia, various Shi'ite factions like the Special Groups, and other Shi'ite militias has also been sharply reduced and the Sadr faction is now part of the Shi'ite political alliance." **[63d] (piii)**

8.13 A report by ICG, dated 1 November 2009, noted the security situation had deteriorated in October 2009, due to the bombings during August and October in Baghdad. **[25f] (p11)** See 'Security situation; Baghdad – Green Zone' for further information.

CIVILIAN DEATHS AND CASUALTIES

Casualties in 2008

8.14 The U.S. Department of State, 'Country Report on Human Rights Practices 2008, Iraq, released 26 February 2009 (USSD report 2008) noted "According to Multinational Force-Iraq (MNF-I), civilian deaths from violence during the year fell 72 percent to approximately 15 per day; Iraqi Security Forces (ISF) deaths from violence fell by 57 percent to five per day, compared to the previous year." **[2o] (p1)** The UNHCR Guidelines of April 2009, stated:

"The decline in civilian casualties observed as of the third quarter of 2007 has largely continued in 2008, with the notable exception for the months of March and April 2008 when military operations in Basrah and Sadr City resulted in intense clashes between the ISF/MNF-I and Shi'ite militias, claiming the lives of many civilians. Figures dropped again as of May 2008,

when a ceasefire agreement was concluded between the Iraqi Government and JAM (Jaiysh al-Mahdi (Mehdi Army)]. Overall, Iraq Body Count (IBC) recorded between 8,315 and 9,028 civilian deaths in 2008 or 25 deaths per day, a substantial drop in comparison with the preceding two years and the lowest number of civilian deaths since the fall of the former regime in 2003...

"As a result of sharply declined sectarian violence, the most notable reduction in violence has been observed in Baghdad, which in 2008 accounted for 32% of the total civilian deaths compared to 54% in 2006/2007...

"Despite the fact that civilian casualty rates have decreased significantly in comparison with the enormously high casualty figures of 2006 and 2007, there remains a high level of violence in parts of the country and, in the words of the UN Secretary-General, '(…) civilian casualties as a result of violence remain unacceptably high (…)'." **[40b] (p136-7)**

8.15 BBC News reported, on 28 December 2008, the number of civilians killed by violence in Iraq fell by two-thirds in 2008. 5,714 people were killed in 2008 compared to 16,252 in 2007. "The non-governmental organisation Iraq Body Count also said the number of deaths was down by two-thirds, but put the figure between 8,315 and 9,028." **[4do]** The 2009 Human Rights Watch (HRW) report, covering the events of 2008, also noted "Civilians remained the targets of attacks by Sunni and Shia armed groups across the country, though the number of such attacks fell after the US and Iraqi security offensive ('surge') in 2007." **[15a] (p1)**

8.16 The UNAMI report, for the period 1 July–31 December 2008, stated:

"During the second half of 2008, despite significant improvements in security conditions, the indiscriminate killing of civilians continued. According to the Ministry of Health, a total of 6,787 persons were killed and 20,178 injured in 2008 as a result of ongoing violence. The most affected provinces were Baghdad and Ninawa. UNAMI reiterates that the systematic and widespread attacks against the civilian population are tantamount to crimes against humanity and violate the laws and customs of war, and their perpetrators should be prosecuted." **[39b] (p8)** UNAMI's report also provided charts showing Ministry of Health statistics of persons killed in 2008 by governorates. **[39b] (p8)**

Casualties in 2009

8.17 BBC News recorded, on 1 May 2009, "Iraq's government says that 355 Iraqis were killed in April, making it the bloodiest month so far this year. The bulk of the deaths came from a number of big explosions, and the death count did not include at least 80 Iranian pilgrims killed in Iraq.… The casualties are nowhere near the 2006-07 levels when the insurgency and sectarian strife were at their peak." The figures were mainly because of several very big bomb attacks, including four in the space of just two days, in which at least 150 people were killed." **[4c]**

8.18 On 31 May 2009, Reuters recorded "The number of Iraqi civilians killed fell sharply in May to its lowest since the 2003 invasion, according to figures from Iraq's Health Ministry released on Sunday. The death toll of 134 was slightly under January's record low. It was also less than half the 290

civilians killed in April, when a spate of bombings caused carnage in Baghdad and northern Iraq." **[7a]**

8.19 The report by the Norwegian Refugee Council of 15 September 2009 stated: "There was a spike in violence in the period following the withdrawal of US troops to bases (30 June 2009) and leading to the 2010 elections." **[19a] (p9)**

8.20 On 1 September 2009, BBC News recorded in August 2009 an increase in violence had resulted in the highest number of deaths in Iraq for over a year. **[4g]** The death toll fell again in September to 125, the lowest level since the US invasion in 2003. The figure was less than half the toll of 393 in August. (Reuters, 1 October 2009) **[7d]** Reuters reported on 2 November 2009: "October's casualties were higher than the 238 civilians killed in the same month of 2008 but remained lower than the toll in August, when suicide bombers devastated the foreign and finance ministries in Baghdad." **[7k]**

For further information on the civilian death rate see Iraq Body Count.

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SECURITY IN CENTRAL AND WESTERN IRAQ

8.21 The UNHCR Guidelines of April 2009 noted "In some areas of the Central Governorates, where Kurds dominate the administration and the local security forces, attacks on Kurdish party officials (KDP, PUK and other aligned parties) as well as members of the Kurdish armed forces (*Peshmerga*) and security (*Asayish*) are common. **[40b] (p161)**

See also Peceived collaborators and 'soft targets'

8.22 The USDoD report, March 2009, recorded:

"Coalition, Iraqi Army, Iraqi Police, and tribal initiatives continue to make significant progress in the western region of Iraq against the capabilities and operations of AQI [Al Qaeda in Iraq]. Significant discoveries of caches, combined with key member arrests, have resulted in difficulties for AQI to carry out large-scale operations, as well as regain a foothold in the area. AQI in the West continues infrequent attacks in an effort to discredit ISF and the political process. AQI's attacks in the region focus on destabilizing security gains to intimidate and influence the local populace." **[103d] (p26)**

Baghdad

8.23 In 2007, Baghdad's sectarian war gradually ground to a crawl following the U.S.-led surge, a ceasefire declared by Muqtada Sadr and the emergence of U.S.- sponsored, neighbourhood-based 'concerned local citizens' groups, as well as anti-AQI awakening councils (also known as 'Sons of Iraq')[SoI]." (ICG, 'Iraq's Provincial Elections: The Stakes', Middle Eastern Report No. 82, 27 January 2009) **[25n] (p7)** The UNHCR Guidelines of April 2009 stated:

"Violence levels in Baghdad have significantly fallen since the last quarter of 2007 as a result of several factors, including the 'freeze' of JAM activities,

the 'surge' forces deployed by the MNF-I, the establishment of the SoI in many Sunni-dominated neighbourhoods and improved ISF capabilities. The sources of instability in Baghdad continue to be Shi'ite militia groups, including JAM and a range of splinter and 'Special Groups', and a persistent, albeit weakened, presence of predominantly Sunni insurgents, including AQI and other groups, often loosely affiliated with AQI. The targets of armed groups are, in particular, members of the ISF/MNF-I and the SoI as well as government and party officials. They also continue to target civilians, often in populated places such as markets, mosques, bus stations or restaurants. Shi'ite and Sunni extremists also share responsibility for indirect fire attacks against the International Zone (IZ), the Baghdad International Airport (BIAP) and MNF-I bases around the city." **[40b] (p98-p99)**

See also Awakening Councils

8.24 Under-vehicle explosive devices ('sticky bombs') were regularly used in Baghdad. (Institute for War and Peace Reporting (IWPR), 9 January 2008) **[11ac]** (UNHCR, April 2009) **[40b] (p100)** "Initially used mainly to target Iraqi security personnel, mid and low-ranking government officials and public servants, these devices increasingly being used against civilians." (UNHCR, April 2009) **[40b] (p100)**

8.25 On 11 February 2009, IRIN News reported on the improvement in security in Baghdad, stating "For many, life is slowly beginning to return to normal in Baghdad six years after the US-led invasion." **[18da]**

8.26 The UNHCR Guidelines of April 2009 also recorded where Baghdad has once been an ethnically mixed city it was now a mix of "rival ethnic and religious enclaves whose residents rarely intersect outside their gated communities." **[40b] (p92)**

See also Sectarian Violence

8.27 The UNSC report, 2 June 2009, commented "In Baghdad, security restrictions appear to be easing, with many temporary concrete walls being removed from urban areas as part of the broader normalization process." **[38b] (p12)**

8.28 The USDoD report of July 2009, stated:

"MNF-I [Multinational forces in Iraq] currently assesses that AQI [Al Qaeda in Iraq] or Shi'a extremist elements remain responsible for most violent activity within the Baghdad Security Districts. Militant Shi'a groups, including AAH [Asa'ib Ahl-Haqq], PDB [Promised Day Brigade], and KH [Kata'ib Hizbollah], maintain cells in Baghdad. The difficult operating environment has caused many leadership figures to stay in Iran, while encouraging subordinates to prepare for future operations in Baghdad. These groups have not renounced armed violence and continue attempts to reestablish networks despite arrests and disruptions. These and other militant groups continue low-level operations, indicating residual will and capability, even as Coalition forces continue to discover weapons caches. Overall, attacks by AAH and KH, and possibly the PDB, occur intermittently and mostly target Coalition forces in Baghdad. Infrequent improvised explosive device (IED), EFP [explosively-formed penetrator], and indirect fire attacks demonstrate that AAH, PDB, and KH maintain capability for lethal operations in Baghdad.

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"AQI also maintains cells in and around Baghdad with the intent to remain relevant and undermine the GoI, but AQI's ability to operate is significantly constrained by GoI security initiatives. While AQI's presence continues to decline inside the capital, the group seeks to re-establish itself in Baghdad and the surrounding areas and maintains the ability and desire to carry out HPAs [high profile attacks] designed to cause high levels of casualties through the use of suicide bombers and vehicle-borne improvised explosive devices (VBIED). Sunni resistance activity in Baghdad has steadily declined since early 2008, with more activity on the peripheries than in central Baghdad." **[103b] (p28, Assessment of the Security Enviroment, Baghdad)**

See also Annex D – Current insurgent/militia groups

8.29 The IOM report of 1 October 2009 recorded:

"Violence continued this month in Baghdad, with many improvised explosive device (IED) explosions, and targeting of government officials and Sahwa (Awakening) members. Security measures are being heightened in response to fears of more attacks to come.

"Despite the violent incidents, return continues to Baghdad, becoming more often a decision of individual families rather than groups. In some cases, large family groups are divided due to difficult conditions in displacement and in the place of origin. In Shawra Wa Um Jidir of Al Resafa district, some family members have chosen to remain in displacement, while others have returned." **[111c] (p6)**

Baghdad – Green Zone (International Zone)

8.30 On 19 August 2009 BBC News reported:

"Truck bombs and a barrage of mortars have killed at least 95 people and wounded more than 500 in Baghdad, in the deadliest attacks in months. One vehicle exploded outside the foreign ministry near the perimeter of the heavily guarded government Green Zone, leaving a huge crater. Another blast went off close to the finance ministry building. While Baghdad is often hit by attacks, it is unusual for them to penetrate such well-fortified areas of the city." **[4h]**

8.31 Reuters reported, on 25 October 2009, on further attacks near the Green Zone:

"Two suicide bombs tore through Baghdad on Sunday, killing 132 people, wounding more than 500 and leaving mangled bodies and cars on the streets in one of Iraq's deadliest days this year. … The first bomb targeted the Justice Ministry and the second, minutes later, was aimed at the nearby provincial government building, police said. Prime Minister Nuri al-Maliki's office said that the bombs were meant to sow chaos in Iraq similar to attacks on Aug. 19 against the finance and foreign ministries, and were aimed at stopping an election in January." **[7i]**

8.32 On 27 October 2009, BBC News reported that the Islamic State of Iraq, an umbrella organisation of radical Sunni militants linked to Al-Qaeda, claimed responsibility for the attacks of 25 October 2009. **[4m]**

See also Recent developments and Latest News

Al-Anbar

8.33 The UNHCR Guidelines of April 2009 stated "Al-Anbar is Iraq's largest governorate and has a predominantly tribal-oriented society that is almost entirely Sunni Arab." **[40b] (p95)**

8.34 The UNSC report, 6 November 2008, noted the transfer of Al-Anbar had "proceeded smoothly, without a significant rise in hostilities." **[38r] (p13)** The IOM report of December 2008 stated:

"Responsibility for security was handed over from MNF-I to local authorities in Anbar on the 1 September, which represented a milestone in the improvement of the governorate's security." **[111r] (p8)**

8.35 The UNSC report of 20 February 2009 recorded:

"Since the Iraqi Security Forces took responsibility for security in Al Anbar Governorate last September, they have been able to maintain a reasonably secure environment. Ramadi and the western reaches of the province are stable, but indications suggest Al-Qaida in Iraq is attempting a resurgence in Fallujah. In that city there has been a preponderance of large-scale suicide attacks, most frequently directed at security forces. It is in Fallujah that hostile groups were thought most likely to launch a direct attack on the provincial election process." **[38a] (p13)**

8.36 The UNHCR's Guidelines of April 2009, commented "Since 2007, however, security improvements have been significant, as overall levels of violence have sharply decreased. A lingering AQI presence in Al-Anbar nevertheless remains that is capable of targeted assassinations and mass casualty attacks by suicide and car bombs, and some suggest that as part of security operations in the Ninewa Governorate some AQI members may have moved (or moved back) into Al-Anbar." **[40b] (p95)** "In Al-Anbar Governorate, political rivalry between Sunni political parties and tribal groupings/parties has also resulted in targeted attacks on their representatives and offices." **[40b] (p161)**

8.37 The UNSC report, 2 June 2009, noted " Insurgent activity in Anbar province is still concentrated along the Ramadi-Fallujah corridor, with isolated incidents reported in the vicinity of Al-Qaim (border area) and Hit. Ramadi itself remains reasonably stable, but vehicle and suicide bombers have been consistently targeting Iraqi Security Forces and Awakening Council leaders in and around Fallujah." **[38b] (p13)**

8.38 The USDoD report of July 2009 recorded: "Since the previous report, attacks in Anbar Province remain constant at less than one per day. In Fallujah, there were few HPAs [high profile attack] during the last reporting period, and there was only one HPA during this reporting period. Many elements of the Sunni insurgency seem to have transitioned to either political activity, participation in the SoI [Sons of Iraq], or have otherwise ceased attacks on the ISF [Iraqi Security Forces].

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"Coalition, Iraqi Army (IA), Iraqi Police (IP), and tribal initiatives continue to make significant progress in the western region of Iraq against the capabilities and operations of AQI [Al-Qaeda in Iraq]. Significant discoveries of caches, combined with arrests of key AQI members, have made it difficult for AQI to carry out large scale operations or regain a foothold in the area. AQI in the West continues infrequent attacks in an effort to discredit ISF and the political process. AQI's attacks in the region focus on destabilizing security gains to intimidate and influence the local populace." **[103b] (p28-29)**

8.39 The IOM report of 1 October 2009 stated: "Security in Anbar deteriorated during the months of August and September, reflected by an increase in violent incidents such as suicide attacks and car and roadside bombings. As yet, no displacement movements have resulted, though any such events add to the apprehension of IDP families considering return. …"

"IDP families in Anbar who have still not transferred their PDS cards from their places of origin are spending a significant amount of their income on transportation, so that they can retrieve their monthly PDS rations. In some cases, families can only afford to make the trip every few months." **[111c] (p3-4)**

Diyala

8.40 The UNSC report, 6 November 2008, stated "… a pattern of the use of female suicide bombers has been noted in Diyala Governorate." **[38r] (p13)** The IOM December 2008 report also commented a "disproportionate number of female suicide bombers" was observed in Diyala. **[111r] (p8)** BBC News reported, on 4 February 2009, this was thought to be due to Sunni militants from the Ansar al-Sunnah group operating in Diyala province, "one of the last remaining centres of Sunni insurgency". **[4dt]**

8.41 The UNSC report, 20 February 2009, stated "Tensions between the Iraqi Security Forces and Kurdish Peshmerga forces in northern Diyala and Ninawa have subsided, but may not be fully resolved until the broader underlying political issues affecting these areas are addressed." **[38a] (p13)**

See also Security forces in KRG area; Iraqi Security forces

8.42 The UNHCR Guidelines of April 2009, stated "Despite massive military crackdowns, Diyala remains volatile and continues to see car bombs and suicide bombings, at times carried out by women, often targeting members of the ISF/MNF-I and SoI, but also civilians." **[40b] (p103)**

8.43 The UNSC report of 2 June 2009 recorded "In Baqubah, insurgents still pose a significant challenge to security forces both in the city and in surrounding rural areas, with even the Provincial Council complex remaining vulnerable, as was demonstrated when a suicide bomber circumvented all security measures to attack a visiting United States delegation." **[38b] (p13)**

8.44 The USDoD report of July 2009 stated:

"As it has been throughout Iraq, Sadr's [Muqtada, head of Mehdi Army] ceasefire continues to contribute to the decreased violence in Diyala, allowing ISF [Iraqi Security Forces] and Coalition forces to focus on

targeting AQI [Al-Qaeda in Iraq], Sunni rejectionists, and other, predominantly Sunni, criminal elements. GoI-led operations in Diyala continue to pressure AQI, forcing them into the sparsely populated areas within the Hamrin Mountains, where they still maintain freedom of movement. AQI continues to exploit the province's diverse ethno-sectarian tensions, uneducated populace, and rural areas. Although the ISF continues to make progress toward the GoI objective of improving security in the province by eliminating insurgent support and setting the conditions for economic recovery and the return of displaced citizens, the perception of disproportionate targeting of Sunnis has strained sectarian relations." **[103b] (p29)**

8.45 The IOM report of 1 October 2009 recorded:

"While security has been slowly improving in Diyala, certain parts of the governorate saw increased levels of violence this month. Bombings were almost daily in parts of Baquba district. Some returnees have been targeted, such as those in Al Ward village in Wajihiya. The whole village returned together, but they were attacked by groups from neighboring villages, causing them to displaced again to Al Dawagen village.

"However, returns are still continuing to other parts of Diyala governorate, as people are anxious to reclaim their homes and their lands, even in the face of possible violence." **[103b] (p29)**

Salah-Al-Din

8.46 The population of Salah al-Din is mostly Arab, although there are significant Turkmen and Kurdish minorities. (IOM, December 2008) **[111n] (p2)** The UNHCR Guidelines of April 2009 stated:

"Between 2004 and 2007, Salah Al-Din was one of the strongholds of AQI and other insurgent groups. With the establishment of the SoI, made up of tribal members as well as former insurgent fighters, these groups have been weakened and the overall number of attacks has decreased in 2008. However, the security situation remains unstable as insurgents continue to have a presence in parts of the Governorate. They engage in battles with the ISF/MNF-I and SoI and launch regular attacks on them. In addition, insurgents are still capable of launching attacks against civilians, including sectarian attacks targeting minority Arab and Turkmen Shi'ites." **[40b] (p117)**

8.47 The UNCHR Guidelines of April 2009 recorded "Salah Al-Din continues to see shootings, kidnappings and targeted assassinations of security officials, tribal leaders/SoI and government and party officials." The report also noted that security in the governorate's capital of Samarra had been tightened, with numerous ISF/Awakening Council-operated checkpoints being set up, and that local makets had reopened and the local administration had started to operate again. **[40b] (p117)**

8.48 The IOM's report of 1 October 2009 stated: "Security is relatively stable in Salah al-Din, with some violence and increased political tension recently. Precautions and checkpoints have been increased as a response to violence in Baghdad and Ninewa governorates." **[111c] (p20)**

SECURITY IN SOUTHERN IRAQ

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8.49 The UNHCR's Guidelines of April 2009, commented "In mainly the Southern Governorates, several officials and clerics affiliated with Muqtada Al-Sadr, ISCI [Islamic Supreme Council of Iraq] or Grand Ayatollah Ali Al-Sistani have been targeted for assassination or kidnapping." **[40b] (p160-1)**

See also Perceived collaborators and 'soft targets'

8.50 The same UNHCR's document stated:

"The situation in [Diwaniyah, Muthanna and Thi-Qar Governorates of the Lower South appears to be relatively stable, and there have been no major security incidents in 2008. Given that the MNF-I presence in these governorates is limited, car bombs, roadside bombs and grenade attacks are infrequent and usually specifically targeted at MNF-I convoys or the major MNF-I base at Tallil Air Station southwest of Nasseriyah.

"The capitals of the three Governorates (Diwaniyah, Samawa and Nasseriyah) have all seen occasional outbreaks of violence in the past, mostly clashes among the two Shi'ite rivals, the JAM and the Badr Organization affiliated with ISCI [Islamic Supreme Council of Iraq], that usually ended after MNF-I intervention." **[40b] (p124)**

8.51 The UNSC report, published on 30 July 2009, stated:

"Incident levels remained relatively low across southern Iraq, as the security forces, through interdiction operations, continued to discover weapons and ammunition caches in areas of Kut, Nasiriyah and Amarah. However, these have not stopped rocket and mortar attacks on multinational force locations across the region. A multiple car bomb attack killed 35 Iraqi civilians in Al Ba'tha, west of Nasiriyah, in Dhi Qar Province." **[38c] (p11)**

8.52 The USDoD reportof July 2009 recorded: "Reporting from the southern provinces remains markedly positive. The population supports the GoI's [Government of Iraq] security initiatives, preferring relative normalcy over lawlessness and violence. Shi'a militant groups remain the primary threat to southern Iraq." The report continued:

"During the last quarter, AAH [Asa'ib Ahl Haqq] and KH [Kata'ib Hizbollah] experienced difficulties in maintaining their networks and conducting operations in southern Iraq, while PDB [Promised Day Brigade] struggled to solidify leadership and establish an operational capacity. … ISF [Iraqi Security Force] control and positive presence in the Shi'a South helps ensure violence maintains a downward trend." **[103b] (p30)**

Basrah

8.53 The UNHCR Guidelines of April 2009, stated:

"Until spring 2007, Basrah was a battleground for Shi'ite militias including JAM [Jaish Al-Mahdi (Mahdi Army)], Fadhila, Thar Allah, the Badr Organization and other exclusively tribal formations, all vying for power and resources. Kidnappings and assassinations were common occurrences. On 25 March 2008, the ISF launched a massive military operation ('Charge of the Knights') to root out 'outlaws' and 're-impose law'. The operation in

Basrah ended partly due to US military support and partly due to the Sadrist leadership calling for an end to militia resistance. A truce was brokered in Iran on 31 March 2008. The Iraqi Army launched widespread clearing operations and declared full control of Basrah City centre on 24 April 2008. In the aftermath, the Iraqi Government dismissed 1,300 soldiers and policemen who deserted or refused to fight during the operation." **[40b] (p122)**

See also Shi'a militia

8.54 The IOM report, December 2008, stated:

"The security situation in Basrah has improved over the last six months, following a military operation led by the Prime Minister to rid Basrah of terrorist elements. Periodic searches for weapons caches, a high security presence in the governorate and frequent checkpoints have managed to lessen the effects of any disruptive forces in the area, and everyday security for IDPs in the governorate has since stabilized." **[111p] (p6)** The IOM report of 1 October 2009 recorded that security was stable in Basra. **[111c] (p8)**

See also Internally displaced people.

8.55 The USSD report for 2008 stated "Women's NGOs reported that during the beginning of the year [2008] warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. Several sources suggested the restrictions against women significantly decreased since the March ISF operations in Basrah." **[2o] (p29)**

See also Women, social and economic rights

8.56 The UNCHR Guidelines of April 2009, reported on the security situation in Basra and stated:

"On the surface, the situation has significantly stabilized as a result of the military offensive and the extensive presence of the Iraq Army. The grip Shi'ite extremist groups held on the local population seems to have eased and 'Un-Islamic' behaviour is no longer systematically punished with death, though occasional incidents continue to occur. The local police is known to be heavily infiltrated by militias despite some purges. Reviving the economy and reducing high unemployment are also seen as key to achieve lasting security as militias find it easy to attract young, unemployed and disillusioned men. Despite the allocation of funds for reconstruction and humanitarian aid in Basrah by the PM, spending has been slow. These delays coupled with rising intra-Shi'ite tensions among ISCI and Dawa, 'create favorable conditions for an increase in violence.'

"Despite the fact that overall levels of violence have decreased after the military operation in 2008 and the continued heavy presence of the I] [Iraq Army], targeted, often politically motivated killings, in particular of security officials, local government or party officials, religious and tribal leaders as well as professionals continue to occur." **[40b] (p122-3)**

See also Security forces, Infiltration

8.57 The UNSC report of 2 June 2009 commented "Continuing security operations in Basra and other major population centres have netted a large number of suspected militants and uncovered significant weapons caches across the region." **[38b] (p13)**

Babil (Babel/Babylon)

8.58 The multinational forces handed over control of Babil governorate to the Iraq government on 23 October 2008. (UNSC, 6 November 2008) **[38r] (p13)** The UNHCR's Guidelines of April 2009 stated:

"Given its mixed Sunni-Shi'ite population, Babel has seen extensive sectarian killings and insurgent activities between 2005 and 2007, in particular in the so-called 'Triangle of Death' south of Baghdad, which contains the towns of Yousifiyah, Mahmoudiyah, Iskandariyah, Musayyib and Latifiyah. As a result of extensive military operations in the governorate, the establishment of mainly Sunni SoI [Sons of Iraq (Awakening Councils)] and the 'freeze' of JAM [Jaish Al-Mahdi (Mahdi Army)] activities since 2007, levels of violence, in particular sectarian violence, have fallen significantly. According to the MNF-I, the number of attacks in Babel has decreased by 80% from an average of 20 per week in 2007. While security has improved in the governorate, Lt. Gen. Lloyd Austin, the second in command of the US Army in Iraq, cautioned that 'while the enemies of Iraq are down, they are not necessarily defeated'."

"Due to the Governorate's less homogenous population, ongoing power struggles between Shi'ite parties and militias and the proximity to Baghdad that allows Sunni insurgents to stage occasional attacks, the security situation in Babel, in particular its northern parts, remains tenuous." **[40b] (p119-121)**

8.59 The IOM's report of 1 October 2009 recorded: "Violent incidents and attacks increased in Babylon during August and September [2009], preventing access to some IDP sites for IOM monitors, particularly in Al Musayab district. Travel delays were frequent as more checkpoints were put in place throughout the governorate. …" The report continued:

"Lack of water has also affected rural areas of Babylon, and there is risk of future displacement among agricultural families there who may leave in search of areas with sufficient water." **[111c] (p5)**

Wasit

8.60 UNHCR's Guidelines of April 2009 reported "Wassit is a rural desert region that borders Iran and therefore also has a level of violence associated with smuggling operations. Militants moving between Baghdad and Basrah also use the remote areas of Wassit to transit undetected." **[40b] (p129)**

8.61 The multinational forces handed over control of Wassit governorate to the Iraq government on 29 October 2008. (UNSC, 6 November 2008) **[38r] (p13)**

8.62 The UNHCR Guidelines of April 2009 stated "Targeted assassinations and kidnappings of security officials and civilians continue to occur. Occasionally, local government and party officials, tribal and religious leaders as well as professionals have been targeted for assassination."

[40b] (p130-1) The IOM's report of October 2009 commented that security was stable in Wassit. **[111c] (p23)**

Qadissiya

8.63 In July 2008 multi-national forces transferred control of security in Qadissiya to Iraqi forces. (IOM December 2008) **[111m] (p7)** The IOM October 2009 report noted that security remained stable in Qadissiya. **[111c] (p19)**

Missan

8.64 IOM's December 2008 report stated "Security in Missan governorate is currently stable following the MNF-I/IF security operation which took place in June, mostly in and around the provincial capital, Amara. Movement around the governorate is now unhindered, though there continue to be checkpoints and occasional searches for wanted militants, particularly in the cities." **[111m] (p7)** The IOM's report of 1 October 2009 noted that security remained stable in Missan. **[111c] (p15)**

See also Freedom of Movement

Kerbala and Najaf

8.65 The UNHCR's Guidelines of April 2009 stated:

"Kerbala and Najef are tightly controlled by the ISF and, therefore, outbreaks of violence are relatively rare. Both governorates are sites of great significance to Shi'ite Islam and their holy shrines attract thousands of pilgrims for various religious festivities each year".

"… some insurgent groups still succeed in launching mass-casualty attacks against crowds of religious pilgrims. On 12 February 2009, a roadside bomb killed eight pilgrims and wounded 46 near the revered shrine of Imam Hussein in central Kerbala during the Arba'een religious rite." **[40b] (p125)**

8.66 The IOM report of 1 October 2009 mentioned: "The security situation in Kerbala governorate reflected more tension than in past months as campaigning begins for the national elections scheduled for January 2010." **[111c] (p12)** The report further noted that security in Najaf was stable. **[111c] (p17)**

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SECURITY IN 'DISPUTED AREAS' (TAMEEM (KIRKUK), NINEWA (MOSUL), SALAH AL-DIN AND DIYALA (KHANAQIN, BA'QUBA) GOVERNORATES)

8.67 The UNHCR's Guidelines of April 2009, stated "In 'disputed areas' of Ninewa, Kirkuk, Diyala and Salah Al-Din Governorates, targeted attacks on political, tribal and religious figures, including acts of intimidation, assassination and attacks on party offices, may be politically motivated." **[40b] (p161)**

8.68 The UNSC report of 30 July 2009 recorded:

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"Incident levels remained high in northern Iraq as armed opposition groups continued attempts to exploit tensions especially within the disputed territories. Attacks resulted in mass casualty events inside Mosul and in the rural areas of Ninawa Province. Significant violent incidents included a coordinated suicide bomb attack on 8 July [2009] that killed at least 38 people and injured 66 others in Tal Afar, north-west of Mosul. Tension remains high between the Iraqi security forces and Kurdish peshmerga in areas outside of Mosul. Despite ongoing security operations in and around Kirkuk, insurgents conducted mass casualty attacks, including a car bomb incident in Taza on 20 June in which 85 people were killed near a mosque, and a car bomb attack on 30 June that killed 41 civilians and injured 120 others, sparking concerns that extremists were seeking to ignite conflict between local groups." **[38c] (p11)**

8.69 The USDoD report of July 2009 stated:

"Violence in northern and central Iraq remains an issue, particularly in Ninewa, where AQI [Al-Qaeda in Iraq] remains focused on retaining an urban foothold and is actively targeting the ISF [Iraqi Security Forces], local government leaders, and Coalition forces. Consistent with past tactics, techniques, and procedures, AQI continues to employ VBIEDs [Vehicle-borne Improvised Explosive Devices] and suicide attacks to degrade security gains and improve its freedom of movement." The report continued:

"Despite their continued activities, AQI has been heavily targeted by the GoI and the Coalition and continues to lose operational capability. …The lack of an agreed mechanism for sharing authority and resources in northern Iraq among Kurds, Arabs, and other groups, including Turkomen, Christians, and Yezidis, continues to drive tensions. AQI, as well as other Sunni insurgent groups, seek to exploit this tension. The presence of Kurdish Peshmerga and Kurd-dominated IA [Iraqi Army] units beyond the KRG boundaries exacerbates tensions and fuels the belief that the GoI and the Coalition are allowing the Kurds to act unchecked. Coalition forces present in the disputed areas continue to play a key moderating role between Peshmerga and GoI forces.

"Attack levels in Ninewa have trended slightly upward since the last reporting period but remain below pre-November 2008 levels, a good indicator that AQI remains pressured in a key historical stronghold. As AQI has experienced a loss in operational capacity, Sunni insurgents throughout north and central Iraq remain less active due to Sunni involvement in provincial elections and positive effects from local SoI programs, though the group will likely continue to stage periodic HPAs, particularly against GoI targets." **[103b] (p29)**

8.70 The CSIS report of 7 October 2009 recorded:

"Tension between Arabs and Kurds contributes to most of the violence in Northern provinces like Ninewa, Tameem and Diyala. In the Ninewa province an average of 6 to 8 incidents were reported per day in 2009, most of them in the areas surrounding the main city of Mosul. In the province of Tameem crime, corruption and ethnic disputes also contribute to daily reports of violence. At the same time, the largely Sunni provinces like Salah al-Din and Anbar that have been centers of Sunni insurgent activity also continue to show relatively high levels of violence." **[63d] (p12)**

See also Sunni Arab insurgents

Kirkuk (Tameen governorate)

8.71 The UNHCR Guidelines of April 2009 stated:

"Most violence in the governorate is linked to the yet unresolved administrative status of Kirkuk and related power struggles between the various Arab, Kurdish and Turkmen actors. Security conditions in Kirkuk Governorate, and in particular in Kirkuk City, tend to worsen during political events related to the status of Kirkuk as armed groups aim at influencing political decisions. For example, during intense negotiations over a provincial elections law in summer 2008, a suicide attack on demonstrating Kurds resulted in an outbreak of intercommunal violence, in which more than 25 people were killed and over 200 injured. Conversely, tensions and sporadic violence can complicate future status negotiations. With the postponing of provincial elections in Kirkuk, the security situation has somewhat stabilized. However, simmering inter-communal tensions are prone to erupt into new violence ahead of decisions to be taken in relation to Kirkuk's unresolved status. Some observers note that tensions among ethnic groups over the unresolved status of Kirkuk could turn into another civil war. Insurgent groups such as AQI also aim at stirring inter-communal violence by attacking proponents of ethnic/religious groups. Furthermore, it has been reported that community groups in Kirkuk are arming themselves in preparation for future clashes." **[40b] (p106)**

See also Recent developments

8.72 The IOM's December 2008 report noted:

"Security in Kirkuk governorate, generally problematic, has deteriorated during the second half of the year, as political and ethnic tensions over control of the governorate grow. Occurrences of assassinations, kidnappings, attacks, and explosions have all increased. Much of the violence is ethnically motivated, and there have been reports of sexual abuse and murders as well." **[111n] (p7)**

See also Freedom of movement

8.73 The UNHCR Guidelines of April 2009, stated there were

"… regular roadside bombings, shootings, and occasional car bombs and suicide attacks.… There are also targeted kidnappings and assassinations, including of security officials, tribal leaders/SoI, government officials and employees, (mostly Kurdish) party officials, members of minority groups, and other professionals. Dead bodies continue to be found occasionally in Kirkuk Governorate." **[40b] (p107-9)**

8.74 The UNSC report of 2 June 2009 stated:

"In the disputed city of Kirkuk and the surrounding areas, there have been persistent low-level attacks against Iraqi and United States military forces by local armed groups. Particular attention has been paid to the potential increase in intercommunal friction, as well as to the risk of escalating

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tensions between the Iraqi Security Forces and Kurdish Peshmerga forces stationed in the disputed areas of Kirkuk Governorate and northern Diyala." **[38b] (p13)**

8.75 On 21 June 2009, Reuters reported on a suicide truck bomb detonated in Kirkuk killing 73 people which was "Iraq's deadliest bomb in more that a year". **[7b]**

8.76 The IGC report of 6 July 2009 mentioned the presence of Kurdish security police, the Asaesh, in Kirkuk. The director of the KDP's Asaesh, Esmat Argushi, stated their presence in Kirkuk was important for the security of the area. In spite of this, the presence of the Asaesh in Kirkuk caused anger and resentment among some ethnic groups. **[25d] (p38-39)**

See also Torture by security forces in the KRG area

8.77 The IOM report of 1 October 2009 recorded:

"Violent attacks continue to cause more casualties in volatile Kirkuk governorate. In addition, recent raids by Iraqi police in certain parts of the governorate have resulted in arrests, including members of IDP families in the areas. Some IDP families reported that their resulting fear may bring them to return to their places of origin, even though they do not yet feel it is safe to do so." **[111c] (p13)**

Mosul (Ninewa/Nineva governorate)

8.78 The UNHCR's Guidelines of April 2009 stated:

"Ninewa Governorate has a very diverse population of mostly Arabs, Kurds and Turkmen in addition to various religious and ethnic minority groups. Its demographic make-up and the fact that large parts of the governorate are contested between the KRG and the Central Government, make it a breeding ground for extremist groups seeking to destabilize the country. After AQI was forced out of most urban areas of Al-Anbar, Diyala and Baghdad Governorates, Mosul City, where the large majority of the population is living, has become its last urban stronghold. Unlike other Sunni-dominated governorates, where Awakening Councils/SoI substantially helped to confront AQI and other insurgent groups, there is only a limited presence of some 2,700 SoI [Sons of Iraq/Awakening Councils] in the Southern parts of Ninewa. The main reason for the lack of SoI presence in other parts of Ninewa is the Kurdish opposition to the establishment of Arab tribal councils. Some Arabs consider the *Peshmerga* to be an occupying force, a sentiment that AQI and other Sunni insurgent groups try to exploit." **[40b] (p110)**

See also Sunni Arab insurgents

8.79 The UNHCR Guidelines of April 2009 noted "After the displacement of over 10,000 of Mosul's Christians in September and October 2008, a massive ISF presence has been deployed into Mosul City ('Operation Mother of Two Springs 2'). Nevertheless, mass-casualty attacks, kidnappings and targeted assassinations continue to occur on an almost daily basis." **[40b] (p111)** The IOM December 2008 report noted "Although some of these Christians have returned and violence has calmed, many are still too fearful to return, and

security remains extremely tense and volatile, particularly in Mosul city." **[111o] (p2)**

See also Christians.

8.80 The UNHCR Guidelines of April 2009 also stated there were continued attacks on Ninewa's religious minorities, and that the ongoing presence of Sunni extremist groups in the governorate of Ninewa meant instability remained high. Further:

"In addition to suicide and IED attacks on the ISF/MNF-I, Ninewa continues to see significant numbers of targeted assassinations and kidnappings of security officials, local government officials and employees, party officials and offices (in particular from the KDP/PUK, the IIP and the Iraqi Communist Party), religious figures and tribal leaders/SoI, members of religious minorities as well as professionals and journalists." **[40b] (p114-5)**

8.81 The UNSC report of 2 June 2009 commented:

"Iraqi and United States forces launched a new series of joint offensives aimed at Al-Qaida and other militants across Ninawa province. To date, military operations have generally not been as effective in reducing insurgent influence in this area as they have in other provinces. Mosul recorded a weekly average of six to seven mass casualty events per month, including car bombs and suicide-vest attacks, as well as targeted killings of tribal and political leaders." **[38b] (p13)**

8.82 On 11 September 2009 the Society for Threatened Peoples stated:

"Kurdish villagers near the north Iraqi town of Mosul in the province of Nineveh are setting up security barriers outside their villages for fear of attacks. 'People have lost trust in the provincial government, which is mainly Arab, since terror attacks against defenceless civilians have been increasing', reported the chair of the Society for Threatened Peoples (GfbV), Tilman Zülch, in Göttingen on Friday. The five villages of Khatara, Sarijka, Doghata, Nafiria and Chushaba have with the help of the neighbouring autonomous federal state of Kurdistan already set up their own security guard, since there are rumours that the Iraqi-Arab police have been infiltrated by terrorists. On Thursday an attacker blew up his lorry right in the middle of the village Wardak and killed at least 24 people. 45 were injured." **[21a]**

8.83 The ICG report of 28 September 2009 noted a number of factors that explained the insurgency's "relative success" in Ninewa. These included:

"The governorate's border with Syria is difficult to seal, notably because of the area's long tradition of cross-border trade, much of it illicit and handled by extensive tribal networks. Its strong military tradition also played a part. Many residents had served in the army, whose 2003 disbandment created a large pool of disaffected former soldiers with the skills – and in some cases the motivation – to join insurgent groups. Ninewa's deeply-rooted religious tradition likewise prepared the ground for the insurgency." **[25d] (p6)**

8.84 The IOM report of 1 October 2009 stated: "Ninewa continues to be plagued by violent attacks and general instability. Some of the bombings, such as

those in Al Shirekhan, Wardak, Mosul City, and Zumar, have left many dead and injured. Some families at the site of each attack have lost their homes and businesses." **[111c] (p18)**

SECURITY IN THE KURDISTAN REGIONAL GOVERNMENT (KRG) AREA

8.85 The AI report of 14 April 2009 stated "The Kurdistan Region of Iraq, unlike the rest of the country, has generally been stable since the 2003 US-led invasion. It has witnessed growing prosperity and an expansion of civil society, including the establishment of numerous non-governmental organizations (NGOs) active in the promotion and protection of human rights." **[28b] (p5)**

8.86 The IOM December 2008 report further noted:

"Security in all three governorates has been relatively stable over the last six months. However, the fear that conflicts in neighbouring Ninewa and Diyala could spread has had security forces on alert. In August [2008], the stationing of Peshmerga forces in northern Diyala and a potential stand-off with Iraqi Army forces in that area raised tensions. Periodic cross-border shelling from Iran and Turkey causes alarm, although no new displacement has been reported, as families in those areas had previously fled, due to prior shelling incidents." **[111o] (p6)**

8.87 The IOM December 2008 report also commented "Nonetheless, the KRG's relative stability compared to the rest of the country has made in an attractive destination for families displaced from the south and center, regardless of ethnicity or religion." **[111o] (p2)**

See also IDPs in the KRG area

8.88 The UNSC report of 20 February 2009 commented:

"In the northern provinces of the Kurdish regional government, the security environment remained stable. Turkey has reportedly withdrawn a significant number of ground forces from the border areas of Dahuk and Arbil, but sporadic aerial bombardment continues. Most often these attacks do not hit populated areas. A similar scenario exists along the external border of Sulaymaniyah, where artillery fire from the Islamic Republic of Iran is periodically aimed at Kurdish Workers Party operations. Again, this activity rarely causes casualties, but it has displaced some rural communities." **[38a] (p13]**

8.89 The FCO report, 27 March 2009, stated:

"The BEO [British Embassy Office] Erbil stated that the overall security situation across the KR [Kurdistan Region] remains good, with only occasional isolated insurgent incidents recorded. The Interior Ministry in Erbil had been attacked with a truck bomb in 2007 and the Asayeesh (security force) post outside the Palace Hotel in Sulaymaniyah had been attacked in 2008….The BEO [British Embassy Office] Erbil stated that the final status of the cities of Mosul and Kirkuk, which have large ethnic Kurdish populations, has yet to be determined but violence rarely spills over from them to the KR, despite their proximity." **[66d] (p2)**

8.90 The UNHCR Guidelines of April 2009, stated "In the three Northern Governorates, there is relatively greater religious and ethnic tolerance, and non-Muslims and members of non-Kurdish ethnic groups are generally respected. Nonetheless, there are reports of arbitrary detention and ill-treatment of suspected political opponents by the authorities." **[40b] (p25)**

"There is anticipation that the conflict prevailing in the other parts of the country, in particular in neighbouring Kirkuk, Ninewa and Diyala Governorates where the Sunni insurgency has not yet been defeated, might spill over. Accordingly, the local authorities employ strict security measures, including on the admission of persons not originating from the area. The KRG's ambitions to expand its areas of control in the so-called 'disputed areas' in the Governorates of Kirkuk, Ninewa, Salah Al-Din and Diyala on the basis of Article 140 of the Constitution are met with opposition by the Arab and Turkmen communities in the concerned areas, but also the central Government has made it clear that it will not tolerate the Kurdish security forces' presence outside the Kurdistan Region. In some areas of the Central Governorates, where Kurdish parties already exert de facto full or partial control (e.g. Kirkuk, Khanaqeen), attacks on party and security offices and representatives are common." **[40b] (p132)**

8.91 The UNSC report of 2 June 2009 recorded "Overall, Kurdistan regional government areas remained stable, thereby allowing a more expansive programme of outreach activities by UNAMI and the United Nations country team. However, there is still a threat of militant elements infiltrating from other regions [such as bordering disputed areas, such as Mosul and Kirkuk]." **[38b] (p13)**

8.92 The USDoD report of July 2009 stated:

"The KRG remains the safest and most stable region of Iraq, although isolated acts of terrorism occasionally occur. The relatively homogenous Kurdish population and the presence of the Kurdish security forces mitigate the threat of AQI [Al-Qaeda in Iraq] or other terrorist attacks in the North and reduce ethnic tensions that plague other Iraqi cities. Turkey and Iran continue to attack Kurdish terrorist groups along their borders with the KRG. These attacks have been conducted against sparsely populated areas in the mountains and have not led to significant numbers of refugees or collateral damage." **[103b] (p30)**

See also Security forces in the KRG.

8.93 The IOM October 2009 report stated that security remained stable in Dahuk, Erbil and Sulaymaniyah, although the cost of rent was high in the three governorates. **[111c] (p9, 11, 20)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

PERCEIVED COLLABORATORS AND 'SOFT TARGETS'

8.94 The UNHCR Guidelines of April 2009, stated "While overall levels of violence, and particularly sectarian killings and high-casualty bombings, have decreased since mid-2007, targeted attacks against professionals are still a very common occurrence. While no official statistics are available,

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

different sources show that professionals have been and continue to be targeted in significant numbers." **[40b] (p180)** The UNHCR's April 2009 provided details of incidents targeting specific groups in all governorates of Iraq. **[40b] (p197-250)** UNAMI's report, covering 1 July-30 December 2008, also noted the trend of targeting police and military personnel, Awakening council members, religious and tribal leaders, judges and lawyers, government officials, civil servants and members of the government and Council of Representatives (CoR) continued. **[39b] (p10)**

8.95 The AI annual report 2009, published 28 May 2009, mentioned women, human rights defenders, judges, medical doctors and other professionals were targeted by armed groups. **[28f] (p3)**

8.96 The USSD report for 2008 stated that:

"According to the MOHR [Ministry of Human Rights], 340 university professors and 446 students were killed between 2005 and 2007 by insurgents and militias. In 2007, the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003. On August 26, the inspector general's office in the MOH stated that 650 of the 8,000 doctors who fled the country since 2003 returned to their jobs in July and August. On September 1, the minister of higher education reported that he recently received 150 applications from academics who want to return to the country. Following the successful military operations in Basrah, academics have started returning to their positions in the universities. Universities in Baghdad reported that professors have returned to their jobs following the improvement in security." **[2o] (p11)**

8.97 The UNHCR's Guidelines of April 2009, noted groups at risk included Iraqis affiliated with political parties engaged in power struggles: "In 2008, several political figures and tribal/religious affiliates were assassinated." **[40b] (p160)** The report also stated:

"Various armed groups are held responsible for targeting persons involved in the Iraqi Government and Administration at the federal and local levels, members of their families and bodyguards. The perpetrators and their motives are multi-layered. While certain acts may be motivated to delegitimize the Iraqi Government and spread fear, other attacks seem to clearly target government officials, be it for their belonging to a certain political party or their involvement in certain political affairs. As seen in the past, extremist groups are also stepping up their efforts ahead of sensitive political events such as elections or during negotiations of legislative projects….

"Since 2008, there has been a noted increase in assassinations of government officials and government-affiliated party officials by the use of 'sticky bombs' attached under vehicles as well as guns equipped with silencers." **[40b] (p161-2)**

8.98 The UNHCR Guidelines of April 2009 also stated:

"In 2008 and early 2009, there have been several targeted attacks on high-ranking government officials, including members of the CoR [Council of Representatives], (deputy) ministers, other senior ministry officials and

advisors to the PM. At the local level, governors, deputy governors, local mayors and members of provincial and municipal councils have been targeted. There are also many attacks on government employees, including by targeting their private or office vehicles, and government buildings. Family members, drivers and bodyguards, in particular of senior government officials, are also at risk of being killed or wounded in attacks or, in some case [sic], have been targeted deliberately." **[40b] (p162-4)**

"Iraqis openly criticizing or perceived to be opposing armed groups or political parties are at risk of being threatened, kidnapped or killed. This is in particularly [sic] true for tribal/religious leaders, journalists, human rights activists or other professionals that express their dissatisfaction with local parties or armed groups, refuse cooperation, allege their involvement in violence, corruption or sectarianism or engage in reconciliation efforts." **[40b] (p165)**

8.99 The UNHCR Guidelines of April 2009 commented:

"… civilians employed or otherwise affiliated with the MNF-I are at risk of being targeted by non-state actors. In areas where security has improved over the last year, the risks to persons affiliated with the MNF-I have diminished to some extent, but are still considerable given the continued influence of extremist groups. In areas where AQI and other insurgent groups continue to be present, in particular in Ninewa and Diyala Governorates, the risk of being targeted remains much higher. The risk is particularly high for persons working as interpreters for the MNF-I given their exposure and possible involvement in military activities, e.g. arrests, raids or interrogation of insurgent or militia members. Reportedly, some 300 interpreters have been killed in Iraq since 2003. There is also a heightened risk of attack in areas with a high concentration of foreign personnel such as the IZ or military compounds, particularly at checkpoints approaching these facilities and when travelling in military convoys …

"In addition, there are reports that the improved security makes it easier for people to settle old scores, i.e. to take revenge by killing persons, e.g. interpreters, that are held responsible for the arrest or killing of family members by the MNF-I.

"Iraqi nationals employed by foreign companies are at risk of being attacked when outside a secure compound such as the IZ [International Zone] or a military base." **[40b] (p169)**

8.100 The UNHCR report also stated: "Other groups perceived as having supported or received preferential treatment by the former regime have also been targeted by Shi'ite militias, e. g. Palestinian, Ahwazi and Syrian refugees, Roma (Kawliyah) as well as professionals such as professors, teachers and artists, whose careers were (seemingly) advanced by membership in the Ba'ath Party." **[40b] (p171)**

8.101 The UNHCR Guidelines of April 2009, commented: "… professionals such as academics, judges and lawyers, doctors and other medical personnel as well as athletes have been a prime target for various extremist groups." **[40b] (p179)** The UNHCR report also noted that in spite of incentives offered to coax these professionals back only a limited number had returned, blaming ongoing insecurity, political uncertainty, a lack of services. **[40b] (p184-5)**

8.102 The UNSC report of 30 July 2009 stated the targeting of political figures continued in Baghdad." **[38c] (p10)**

8.103 The USSD International Religious Freedom Report 2009, Iraq, released on 26 October 2009, covering events between 1 July 2008 to 30 June 2008 stated:

"Shopkeepers were targeted for providing goods or services considered to be inconsistent with Islam, and sometimes were subjected to violence for failing to comply with warnings to stop such activity. Liquor store owners, primarily Christians and Yezidis, were especially targeted. On April 20, 2009, the Governor of Karbala, Amal al-Din al-Hir, stated that he would 'take strong measures against liquor stores' because 'they violate the sanctity of the city,' although no official liquor stores were known to exist in the province. Some political figures complained that the Government was not licensing restaurants to sell alcohol in Baghdad. The Iraqi Parliament also debated the possibility of banning alcohol, but no formal legislation was introduced." **[2a] (Section II. Status of Government Respect for Religious Freedom, Abuses by Rebel or Foreign Forces or Terrorist Organizations)**

See also Security situation, southen Iraq; Security situation, Kirkuk and Mosul; Abuses by non-governmental armed groups; Awakening councils; ISF as targets for insurgents; Former members and associates of the Baath party/former regime; Human rights institutions, organisations and activists; Judges and Lawyers; Doctors and other health care workers, and Latest News

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9. CRIME

CRIMINAL GANGS

9.01 Jane's Sentinel, updated on 7 October 2008, stated:

> "For over a decade before the war, almost all crime, both domestic and involving transnational smuggling, was government-sanctioned and involved narrow fraternities of criminals. The new pattern of crime in Iraq has seen the emergence of a broadening criminal class. In addition to released criminals and former security personnel, high unemployment and inflation combine to create an ideal environment for corruption and the dangerous recourse to employment by criminal groups. The economy as a whole now suffers under other forms of extortion. Iraqis now receive incomes that are an order of magnitude better than their pre-war stipends and many businesses are now being taxed over a dozen times a day by 'mafia' groups, suggesting that they are amassing significant economic power bases." **[14d] (p15)**

9.02 The ICG report, 27 January 2009, commented criminality in Basra had receded somewhat since 2006. **[25n] (p8)**

See also Security in southern Iraq.

9.03 The UNHCR report of April 2009 stated some Shi'a militia groups were involved in criminal activities – see also Shi'a militia. **[40b] (p90)**

KIDNAPPING/HOSTAGE TAKING

9.04 Jane's Sentinel, last updated 7 October 2008, reported "Iraqi police officers have noted that under Saddam Hussein, abductions made up one per cent of their cases, while the phenomenon currently accounts for 70 per cent of reported crime." **[14d] (p14)**

9.05 The USSD report for 2008 recorded "During the year kidnappings and disappearances remained a severe problem; many individuals disappeared and incidents of child kidnapping increased in the latter half of the year. Unlike in the previous year, the majority of the reported cases were not sectarian related… Police believed that the great majority of cases were unreported." The report further mentioned that kidnappings were often conducted for ransom, and that religious minorities and politicians were often the target of kidnappings. Few kidnappings by members of the security forces' staff were reported – see Security forces, infiltration for further information. **[2o] (p3)**

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10. IRAQI SECURITY FORCES (ISF)

10.01 The USSD report for 2008 noted the Ministry of Interior (MoI) was responsible for "providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies…". The report continued:

"The MOI security forces included several components: the 280,000-member Iraqi Police Service deployed in police stations; the 41,000-member National Police, overwhelmingly Shia and organized into commandos and public order police; the 40,000-member Border Enforcement Police, as well as the 83,000 Facilities Protection Service security guards employed at MOI direction at individual ministries. The MOI was responsible for approximately 500,000 employees, nearly 10 percent of the country's male labor force." **[2o] (p8)**

10.02 The 2009 HRW report, covering the events of 2008, stated "Iraq's military launched offensives against insurgent and militia forces in various parts of the country. The government launched military operations with US military backing against loyalists of Muqtada al-Sadr in Basra and Baghdad in April and May." **[15a] (p1)**

See also Shi'a militia; Sectarian violence

10.03 The FCO human rights report for 2008, released 26 March 2009, stated the improvement in the overall security situation was partly due to "the improved capacity and effectiveness of the Iraqi security forces and the formation of the 'Sons of Iraq' – the mainly Sunni groups who have rejected Al Qaida's nihilism and driven it from many of its strongholds. The number of Iraqi units capable of conducting independent counter insurgency operations is increasing steadily." **[66e] (p1)**

10.04 The Long War Journal, last updated 31 May 2008, reported both the Ministry of Interior (MOI) and Minstry of Defence (MOD) shared responsibility for the ISF. The MOD was in charge of the Air Force, Navy, Iraqi Support Command (ISC), the Iraqi Training and Doctrine Command, Iraqi Corps of Engineers and Ground Forces. **[137a] (Page 1: ISF Organisation)**

10.05 The USDoD report of July 2009 stated: "As of April 30, 2009, the Iraqi Security Forces (ISF) numbered approximately 645,000 forces in the Ministry of Interior (MoI), Ministry of Defense (MoD), and the Iraqi National Counter-Terrorism Force (INCTF)." **[103b] (p37)**

10.06 The US Institute of Peace (USIP) reported, in July 2009: "Iraq's Ministry of the Interior (MOI) is responsible for the supervision, training and administrative support for Iraq's non-military security forces. These include: the Iraqi Police Service, the Iraq National Police, the Iraqi Border Enforcement Service and the Facilities Protection Service. In total, MOI is responsible for nearly 600,000 men under arms or a force that is three times the size of the new Iraqi Army, Navy and Air Force combined." **[9a] (p1)**

10.07 The USSD report for 2008 stated: "The inability of the overwhelmingly Shia ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement was a problem. However, the GOI's

commitment to assume payment for approximately 94,000 'Sons of Iraq' neighborhood security forces, largely Sunni tribesmen and former insurgents, with a commitment to integrate 20 percent of them in to the ISF, was a positive development." **[2o] (p8)**

See also Awakening Councils

10.08 The Congressional Research Service (CRS) report, 2 March 2009, commented there was evidence of maturation and grown [sic] of the ISF in 2008, and although there were signs of progress many ISF units remained ethnically unbalanced and penetrated by militias. The ISF were also severely underequipped and depended on donations of surplus equipment from coalition members. **[156a] (p40-41)** The UNSC report of 2 June 2009 however stated that "Officials of the Government of Iraq indicate that the capability of the Iraqi Security Forces is sufficient to take over from the departing multinational force." **[38b] (p12)**

10.09 The Center for Strategic and International Studies (CSIS) report, published on 20 April 2009, on Iraqi force development, noted "ISF capabilities are steadily improving and Iraqi forces are experiencing growing success in combat, but they still have serious flaws and face major uncertainties.… There are still grave problems in the quality and unity of the ISF, which are compounded by Iraq's sectarian and political divisions and slow programs towards political accommodation." **[63c] (pvi,x)**

"Sunni-Shi'ite tensions remain a serious issue within the ISF. Some Sunni members of the ISF fear the increasing power of Prime Minister Maliki, while some Shi'ite personnel fear that too many former Baathists are being integrated in to the ISF. These problems are compounded by the uncertain future of the Sons of Iraq and efforts to increase the Sunni share of the ISF, the challenges Iraq still faces in eliminating the sectarian character of some elements like the National Police, the sectarian and ethnic divisions within the regular police, and the continued existence of various Shi'ite militias and paramilitary elements." **[63c] (pxi]**

10.10 The UNHCR Guidelines of April 2009, stated "While the ISF's capabilities are growing, they continue to be a major target of armed attacks, are prone to infiltration and corruption and lack leadership, training, equipment and personnel." **[40b] (p156)** The report also commented that MoI and MoI budget constraints further affected the ISF's development. **[40b] (p83)**

10.11 The UNSC report of 30 July 2009 recorded: "Overall, the Iraqi security forces continue to sustain security gains achieved in Al Anbar region despite the regular targeting of the forces and Awakening Council leaders in and around the Ramadi-Fallujah corridor." **[38c] (p11)**

See also Security situation; Anbar, Diyala.

10.12 The CSIS report of 7 October 2009 stated:

"When asked about their perceptions of whether the Iraqi Security Forces (ISF) could now perform the security mission, 72% of Iraqis said they felt secure when they saw the Iraqi Army (IA) in their neighborhoods, and 66% said they felt secure when they saw the Iraqi Police (IP) in their neighborhoods. This showed a two-percent increase in trust in the IA and a

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four percentage-point increase in trust of the IP since January 2009. Nationwide, Iraqis had a substantially higher regard for the IA than the IP." **[63d] (p24)**

Training

10.13 The USDoD report of July 2009 stated Basic Recruit Training (BRT) was completed by entry-level Ministry of Interior (MoI) recruits. "The MoI training base is currently capable of training more than 88,000 Shurta [non-commissioned entry-level police men and women] per year. In addition, 5,600 resident and 9,720 non-resident officers can be trained annually, with a total student capacity of nearly 25,000 students at any given time.

"The Iraqi BPC [Baghdad Police College] instructor cadre train all basic officer and commissioner tasks, provide a basic Shurta curriculum for all MoI forces, and continue to take on an increasing proportion of the specialized and advanced course loads. MNSTC-I advisors and International Police Advisors (IPA) continue to assist by providing advice, overwatch, and quality control assistance in each of these courses. Coalition advisors assist the MoI TQI [Training Qualification Institute] in a continuous review of BRT and officer curricula to ensure the course standards are consistent with internationally acceptable practices and that courses meet the dynamic needs of the field." **[103b] (p46)**

10.14 The USDoD report of July 2009 stated:

"Diminishing budgets may make achieving total ISF (MoD and MoI) requirement goals less likely. The MoI struggles with training capacity due to generally poor facilities, budget shortfalls, and a lack of qualified instructors, and the MoD faces budget constraints, logistical and sustainment challenges, and a recruiting shortfall. These factors will delay achieving the desired 2009 force levels required for the present planned force structure." **[103b] (p37)**

"Operational since October 2007, the MoD's Ministerial Training and Development Center (MTDC) continues to provide valuable education and training to Iraqi security officials. … The MTDC offers courses in 11 different functions, with direct alignment to the MoD's departments: Policy and Requirements, Intelligence and Security, Finance and Budgeting, Contracting, Inspector General and Human Rights, General Counsel, English Language, Infrastructure, Information Technology, Personnel and Management, and Media and Communications. To date, the MTDC has conducted 170 classes, trained more than 3,000 GoI officials, developed 70 programs of instruction, and transitioned teaching responsibility for 30 courses to Iraqi instructors. The MTDC trains Iraqi Joint Forces (IJF) personnel, MoD civilians, and officials from the Ministries of Interior, Finance, and National Security, as well as the Counter-Terrorism Command (CTC) and the Prime Minister's National Operations Center (PMNOC)." **[103b] (p41)** MNSTC-I continues to use the Taji National Depot Complex as a fielding and training platform for the ISF. **[103b] (p42)**

Infiltration

10.15 The AI report, 'Blood at the crossroads: Making the case for a global arms trade treaty', published on 17 September 2008, stated:

"A severe shortage of translators to monitor and screen who was applying for posts within these various units [Iraqi National Guard, Iraqi army, Iraqi police, Iraqi border police and Iraqi facilities protection force] meant that there was effectively no accountability in place to ensure who was being armed. Those working on weapons distribution alleged that some military equipment was ending up on the illicit arms markets or in the hands of armed groups who had infiltrated the Iraqi police force and were using such weapons in armed attacks both against other armed groups and UK forces, carrying out indiscriminate attacks, resulting in killings of civilians and other serious human rights abuses." **[28q] (p56)**

10.16 The USSD report for 2008 recorded "MOI security force effectiveness, particularly the National Police, was seriously compromised, although less frequently than the previous year, by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity." The USSD report mentioned an internal criminal court system established to investigate and and punish abuse and corruption – see also Avenues of complaint. **[2o] (p9)**

10.17 The CSIS report, published 20 April 2009, noted "JAM [Jaish al-Mahdi army], ISCI/Badr, Daawa, Kurdish groups, Fadilah, Sunni Awakening groups, and a host of smaller groups all vie for control of the various parts of the ISF. In many areas, such as Basra and much of southern Iraq, the Coalition had effectively ceded control of security and local government to these parties." **[63c] (pviii)**

10.18 The UNHCR Guidelines of April 2009, mentioned the ISF in al-Anbar had been infiltrated by insurgents groups; a suicide attack on an Awakening Council and the MNF-I meeting in June 2008 was claimed by Al-Qaeda as an attack carried out by their members. **[40b] (p97)** The report also noted that the local police in Basra was "heaviliy infiltrated by militias despite some purges." **[40b] (p122)**

See also Security situation, Al-Anbar; Basra; Corruption

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POLICE

10.19 Jane's Sentinel, updated on 24 September 2008, stated:

"Since April 2006, the Iraqi police, who come under the control of the Ministry of the Interior, have been divided into two main elements, the Iraqi Police Service (IPS) and the Iraqi National Police (INP). The IPS and the INP come under the control of the National Command Centre in Baghdad, which also controls the Department of Border Enforcement (DBE) and the Facilities Protection Service (FPS)….[the] IPS is composed of patrol police, traffic police, the personnel who man police stations and the Iraqi Highway Patrol. The latter was merged with provincial police departments. The Highway Patrol was set up in late 2004, and has the role of providing law enforcement and security along Iraq's highways and major roadways…. The paramilitary capabilities of the police service has been enhanced by the development of Company Special Weapons and Tactics (CSWAT) units. By

summer 2008 there were 30 such units operating in Iraq's provinces." **[14f] (p1)** "At the local level, the IPS is part of the problem as often as it is part of the solution due to its local recruitment by factional leaders in provincial governance." **[14d] (p7)**

10.20 The UNSC report, 2 June 2009, recorded police recruitment had been frozen due to declining oil revenues. **[38b] (p1)**

Iraqi Police Service (IPS)

10.21 The USDoS report of July 2009 noted:

"The IPS consists of all provincial police forces (station, patrol, traffic, and special units) assigned to the 18 Iraqi provinces. The Directorate General of Police for each province oversees operations and sustainment of more than 1,300 police stations across Iraq. The IPS directs policy and strategic planning and has technical control over the training, vetting, and hiring of *Shurta* and officers. Other significant departments and directorates within the IPS are the Criminal Evidence Directorate, Criminal Investigations Directorate, Patrol Police, Traffic Police, SWAT/Emergency Response Unit, and the General Directorate of Crime Affairs." **[103b] (p48)**

As of 30 November 2008 there were: 334,739 (authorised); 309,965 (assigned); 219,342 (trained) Iraqi Police Service personnel. (US Bureau of Near Eastern Affairs, 28 January 2009) **[154b] (p29)**

10.22 Jane's Sentinel, last updated on 7 October 2008, stated:

"Development of the IPS has been slow, though not for lack of recruits. Despite the deaths of over 2,000 policemen and police recruits and ongoing concerns about payment, the IPS is not short of volunteers. In fact, tribal sheikhs and community leaders place a high premium on getting their tribal members into the IPS, thereby inserting them into prized long-term government jobs and positions of influence in the community. The critical problem remains ensuring adequate training for the force." **[14d] (p15)**

10.23 The CSIS report, published 20 April 2009, stated "Local and Provincial governments recruit forces on an ad-hoc basis, with little oversight from Baghdad … The MoD and MoI do not accurately track which personnel are trained as part of U.S.-funded programs, so this number is not reported." **[63c] (p25)**

10.24 Jane's Sentinel, updated on 7 October 2008, stated "The Highway Patrol's mission … includes responding to incidents involving insurgents and terrorists as well as car bombs and attacks on convoys. There had been a particular requirement for such a force to protect the 700 km road between Baghdad and the Jordanian border." **[14e] (p2)**

10.25 The US Bureau of Near Eastern Affairs reported, on 28 January 2009, "490 new Iraqi Policewomen graduated from the Baghdad Police College during a ceremony January 26... The women received training in checkpoint security, police operations, and Iraqi law and will serve throughout the nation with Iraqi Police, Border Police and other directorates." **[154b] (p28)**

10.26 The FCO human rights report for 2008, released March 2009, stated "There are now around 400,000 Iraqi Police Service (IPS) officers nationwide. The IPS has made significant progress in its capability to maintain public order, investigate crimes and arrest suspects." **[66d] (p1)**

10.27 The USDoD report of July 2009 stated:

"The MoI's ability to address basic equipping shortfalls remains a concern … While improving, training challenges, with equipment shortfalls, while improving, also remain a concern. …There are currently 249 Police Training Teams (PTT) across Iraq who advise and counsel IP leadership in effective law enforcement procedures, administrative processes, and organizational structure in accordance with the rule of law. The PTTs partner and mentor across the spectrum of the IPS organization (provincial headquarters, district headquarters, directorates, and local stations). Their training effectiveness varies, but all training classes are approved by MoI and MNSTC-I." **[103b] (p48)**

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Iraqi Federal Police (FP) (previously National Police)

10.28 The CSIS report of 6 October 2009 stated the National Police had now been renamed the Iraqi Federal Police, although it did not state the date of this change. **[63d] (p144)** The report provided a map of where the Iraqi Federal Police were stationed. **[63d] (p145)**

10.29 The Council on Foreign Relations (CFR) report, published on 27 March 2008, noted the National Police were stationed primarily in Baghdad and were tasked with responding to insurgent violence, terrorist strikes and public unrest. **[8j] (p2)**

10.30 Jane's Sentinel reported, on 9 September 2009: "National Police units have been fairly successfully 're-blued' (vetted and reorganised) so that they do not present a sectarian risk to one social faction or another, and so that they are an additional mobile reserve for the government." **[14a] (Counter-terrrorism)**

10.31 The USSD report for 2008 commented that the 41,000-member National Police were overwhelmingly Shi'a and organised into commandos, public order, and mechanized police. The report went on to note "MOI security force effectiveness, particularly the National Police, was seriously compromised, although less frequently than the previous year, by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity." **[2o] (p9)**

10.32 The UNHCR Guidelines of April 2009 stated:

"The National Police, which acted as a largely Shi'ite force and was deeply implicated in sectarian violence, has undergone considerable reforms, including vetting, training and purges since 2007, reducing Shi'ite dominance and incidents of abuse. However, it reportedly continues to be seen as a largely sectarian institution by many Iraqis and the process of

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turning the National Police into a truly non-sectarian organization has not yet been completed." **[40b] (p83-4)**

10.33 The Long War Journal Iraqi Security Forces Order of Battle (OOB), last updated on 30 April 2009, mentioned under the Standardized Iraqi National Police Division there was a Special Troops Battalion, a Quick Reaction Battalion and four National Police Brigades, each with a Brigade Special Troops Battalion and three National Police Battalions. **[137c] (p3)** The National Police Command Headquarters (operational headquarters) was located in Baghdad, the NP Basic Training Academy in Numaniyah and the NP Academy in Al Amarah. **[137b] (p1)**

10.34 The USDoD report of July 2009 mentioned there were 67 National Police (NP) units. The report further stated:

"The Italian Carabinieri continue to train, advise, and assist with the professionalization of the NP. In February 2009, NP training increased from 400 to 900 students every six weeks, significantly increasing the throughput of certified police officers." **[103b] (p40)**

"The NP will expand with the completion of the 3rd Division units in the northern region and continue generation of the 4th Division HQs and subordinate units in the southern region; however, the budget for 2009 will limit this. … With the planned addition of these missions, the 2009 authorization for the NP has increased to over 60,000 members. The NP had approximately 42,000 personnel assigned as of April 2009 and plans to recruit and train to meet the generation of the new 3rd and 4th Division units." **[103b] (p48)**

10.35 The CSIS report of 6 October 2009 recorded that:

"While serious problems remain, the widespread corruption and sectarian or ethnically motivated killings and intimidation seem to be a thing of the past. Since the withdrawal of most US forces from Iraqi cities in June 2009, the FP have taken up an additional role: providing escort duty to US convoys through Iraqi cities. As of September 2009 they appeared to be caring out this duty effectively. The FP are currently expanding to put a brigade headquarters in every province of Iraq, including in the KRG region. The Federal Police now are composed of four divisions and 17 brigades, with 42,000 personnel. This force will expand by absorbing Special Police and Emergency Police units from the provincial police forces. The FP stationed in the KRG will most likely be composed of the Kurdish Special Police that are transferring into the FP. The FP also appear to be establishing an aviation squadron." **[63d] (p144)**

Border Enforcement

10.36 Jane's Sentinel, last updated on 7 October 2008, reported the "[Iraq Border Police] suffers from the same flaws of corruption and overstretch as the police service. IBP personnel have been drawn away from points of entry and denial points along Iraq's land border to assist with the counter-insurgency …" **[14d] (p15)**

10.37 The USDoD report of July 2009 stated:

"The [Department of Border Enforcement] DBE and Ports of Entry Directorate (PoED) continue in their respective responsibilities to protect Iraq's 3,650 kilometers of international borders and 28 air, land, and sea ports of entry to prevent smuggling, sabotage, and infiltration activities. These organizations continue to enforce compliance with international treaties and protocols, with respect to international agreements and boundaries.

"The DBE is organized into five regions, with 13 brigades and 52 battalions, in addition to the Coastal Border Guard, which is under the command of Region 4 located in Basrah. Seven DBE battalions are mobile commando battalions that are under the command of the regional commander." **[103b] (p49)**

Facilities Protection Service (FPS)

10.38 The USDoD report of July 2009 observed:

"The Facilities Protection Service (FPS) is responsible for the protection of critical infrastructure throughout Iraq, including government buildings, mosques and religious sites, hospitals, schools and colleges, dams, highways, and bridges. Under CPA Order 27, FPS forces were decentralized within each ministry and province. If the FPS Reform Law is passed by the CoR, the GoI will consolidate all FPS within the MoI except forces currently detailed to the MoO [Ministry of Oil] and MoE [Ministry of Electricity], as well as the HJC [Higher Judicial Council]. The law still lingers between the CoM and the CoR. The FPS Directorate is spread across three divisions providing oversight of 28 ministry facilities and various other facilities in 14 provinces.

"The MoI FPS numbers just over 16,000 IP employees. Another 90,000 FPS contractors work in other ministries; approximately 77,000 of these have met MoI hiring criteria, signed contracts, and had their salaries transferred to the MoI." **[103d] (p51)**

ARMED FORCES

10.39 The Iraqi Armed Forces, or Joint forces, fell under the control of the Ministry of Defence (MOD). (Long War Journal, 31 May 2008) **[137a] (ISF Organisation)** (CFR, 27 March 2008) **[8j] (p2)** These Joint Forces under MOD control consisted of the Air Force, Navy, Iraqi Support Command (ISC), the Iraqi Training and Doctrine Command, Iraqi Corps of Engineers and Ground Forces. **[137a] (Page 1: ISF Organisation)** As of May 2009, there were 185 Iraqi Army (IA) combat battalions and six Iraqi Special Operations Forces (ISOF) conductiong operations. (USDoD, July 2009) **[103b] (p40)**

10.40 A report by the CFR, published on 27 March 2008, stated: "The original Iraqi Army, with roughly nine-hundred thousand soldiers and security personnel, was disbanded (PDF) by the U.S.-led Coalition Provisional Authority in May 2003 and replaced with U.S.-trained fighters." **[8j] (p2)**

10.41 The USSD report for 2008 noted; "The army, under direction of the MOD, also played a part in providing domestic security. In an effort to strengthen IA [Iraqi Army] leadership, the government began a recall effort to attract

former IA officers and NCOs [noncomissioned officers] to return to service." **[2o] (p8)**

10.42 The CSIS report of 20 April 2009 stated "The regular Iraqi Armed Forces seem to be gradually becoming a more national force, with fewer highly Kurdish and Shi'ite elements, and reducing problems with Sunni officers. This progress, however, is slow and uncertain, and largely affects the regular military..." **[63i] (pvii)**

10.43 The report also noted there were desertion problems among the IA during fighting in Basra, March 2008, when IA personnel deserted and some even defected to the enemy's side, Jaish al-Mahdi army. **[63i] (p14)**

10.44 The USDoD report of July 2009 further stated:

"The IA currently has 13 infantry divisions and one mechanized division organized under the IGFC [Iraqi Ground Forces Command]. Ground forces include 185 fully generated and trained IA battalions and 56 IA brigades with a force generation focus on enabler units to complete the divisional force structure. Of the 185 battalions, 168 comprise the IGFC combatant battalions. The other 17 battalions make up the Presidential Brigade (5), the Baghdad Brigade (1), and the Independent Security Force battalions (11). Of the 56 brigades, 53 comprise the IGFC combatant brigades. The remaining three belong to the 1st and 2nd Presidential Brigade and Baghdad Brigade, respectively." **[103b] (p57)**

10.45 The CSIS report of 7 October 2009 recorded:

"Political and sectarian influence over the IA continues to be a problem, although this has improved greatly since 2006-2007. According to Najim Abed Al-Jabouri, the former governor of Tal-Afar and current fellow at NDU, 'The majority of these [Iraqi Army] divisions are under the patronage of a political party. For example, the 8th IA division in Kut and Diwanya is heavily influenced by the Dawa party; the 4th IA division in Salahadeen is influenced by President Jalal Talabani's Patriotic Union of Kurdistan; the 7th IA division in Anbar is influenced by the Iraqi Awakening Party, and the 5th IA division in Diyala is heavily influenced by the Islamic Supreme Council of Iraq.' While the extent to which these parties influence IA divisions is unclear, sectarian and/or political influence remains a problem in the IA and ISF." **[63d] (p131)**

See the CSIS report for the current structure of the Iraqi army. **[63d] (p135)**

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ISF as targets for insurgents

10.46 The Brooking Institution Iraq Index report, updated on 13 October 2009, provided figures of the numbers of Iraqi military and police killed monthly (although not the source of attack). The report stated that 42 Iraqi military and police were killed in August 2009 (compared with 47 in July and 51 in June 2009). **[88d] (p6)**

10.47 The UNHCR Guidelines of April 2009 noted:

"Members of the ISF are a major target for various armed groups and have been singled out for mass-casualty attacks (roadside bombs, suicide attacks), assassinations, and kidnappings. According to IBC [Iraq Body Count], the Iraqi Police in particular presents 'a relatively 'soft' occupation-associated target by comparison to well-armed and better protected foreign troops.' The Iraqi Coalition Casualty Count recorded on the basis of media reports that 8,916 members of the ISF have been killed since 2003. As with civilian casualties, monthly casualty rates have dropped significantly since the latter part of 2007, with an exceptional spike again during the military offensives in spring 2008 in Basrah, Sadr City and Missan. However, dozens of ISF continue to be killed every month, particularly in the Central Governorates. An analysis of recent attacks shows that a large number of ISF die in targeted attacks, at times when off-duty. Family members, guards and drivers of security officials are also at risk of being killed or wounded in attacks, which at times take place in their immediate vicinity, e.g. their homes or private vehicles." **[40b] (p165)**

See also Perceived collaborators and 'soft targets'; Awakening Councils

10.48 The CSIS report, dated 7 October 2009, recorded "Attacks on Iraqi security forces continue with some frequency but have not had a major impact on Iraqi politics and governance." **[63d] (p13)**

OTHER GOVERNMENT FORCES

Iraqi intelligence organisations

10.49 The CSIS report, published on 20 April 2009, stated:

"Iraq's national-level intelligence apparatus remains divided between a CIA-supported 'official' agency (the Iraqi National Intelligence Service or INIS) and a Shi'ite-run agency (under the auspices of the Minister of State for National Security (MSNSA), Shirwan al-Waely).… Iraq's intelligence capability continues to mature, and its many diverse intelligence institutions improved their initial operating capabilities during the course of 2008. MoD's Joint Headquarters M2 (Intelligence) and the Directorate General for Intelligence and Security (DGIS) are operational, providing intelligence support to ISF. Likewise, MoI's National Information and Investigation Agency (NIIA) has filled its ranks and markedly improved its operations at the provincial level. The Counterterrorist Command G2 is the least mature intelligence element, but has taken great strides in improving support to Iraqi Special Operations Forces." **[63c] (pxi)**

10.50 The USDoD report of July 2009 recorded:

"The Coalition continues to support GoI development of the Iraqi Intelligence Community (IqIC), created to support senior policy makers and ISF operations. ISF intelligence organizations include the National Information and Investigations Agency (NIIA) in the MoI and the Directorate General for Intelligence and Security (DGIS) and Joint Headquarters (JHQ) Directorate for Military Intelligence in the MoD. They have shown substantial progress in conducting credible intelligence operations and improvements in providing legally sufficient evidence for the Iraqi judicial process. The Intelligence and Military Security School (IMSS), which provides training for ISF intelligence professionals and investigators, has greatly expanded since the last

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reporting period. The IMSS has more than doubled its training cadre and course offerings, which now include intermediate and advanced courses in most intelligence specialties. Similarly, the NIIA's National Training Center in Baghdad has also expanded its student instructional capacity." **[103b] (p41)**

10.51 The USDoD report of July 2009 stated:

"The INCTF [Iraqi National Counter-Terrorism Force] is headed by the ministerial-level Counter-Terrorism Bureau (CTB) and includes the CTC and the ISOF Brigade. Under Prime Minister Directive 61, signed in April 2007, the INCTF is independent of both the MoD and MoI. A bill still awaits CoR approval to establish the CTB as a separate ministry, formalizing a ministerial-level position for the CTB Director and a dedicated State budget line." **[103b] (p63)**

Awakening Councils (Sons of Iraq)

10.52 The CRS report, 2 March 2009, stated:

"The Sunni Iraqi turn against AQ-I was begun by tribal figures calling themselves the 'Awakening' (As Sahawa) or 'Salvation Council' movement … In concert with the 2007 'troop surge,' U.S. commanders took advantage of this Awakening trend by turning over informal security responsibility to about 92,000 former militants now called 'Sons of Iraq' (SOI), in exchange for an end to their anti-U.S. operations. (About 80% are Sunni and 20% are anti-extremist Shiites, according to the U.S. military.) These fighters were first recruited in Anbar by the various Awakening and Salvation Council leaders. Other urban, nontribal insurgents from such groups as the 1920 Revolution Brigades later joined the trend and decided to cooperate with the United States. They were given some U.S. CERP [Commanders Emergency Response Program] funds and entered into information-sharing arrangements with U.S. forces – policies that were controversial because of the potential of the Sunni Iraqis to potentially resume fighting U.S. forces and Iraqi Shiites. … These fighters have been targeted by AQ-I and some Iraqi Sunni insurgents as collaborators." **[156a] (p30)**

10.53 The Freedom House report for 2009 stated: "In October 2008, the Iraqi government took command of all 54,000 members of the Awakening Councils." **[70a]** The USSD report for 2008 stated: "At the end of the year [2008], SOI transition was ongoing in Baghdad Province, with preparations underway for transition elsewhere in the country. The targeting of members of the SOI for arrest in connection with previous insurgent or Ba'athist activity hampered effectiveness." **[2o] (p8)**

10.54 The USDoD report of July 2009 stated: "The Coalition completed the transfer of the SoI program to GoI control, and as of May 30, 2009, 88,383 SoI in all provinces with a SoI program were under control of the GoI. However, concerns remain within the Sunni community over the continued arrests of SoI leaders and charges of late and non-payment of salaries. … The GoI's long-term goal remains the transition of 20% of the SoI into the ISF and the reintegration of the remaining 80% into public or private employment. However, to date, only approximately 6,300 SoI have transitioned since the GoI commitment in October 2008, of which approximately 1,700 transitioned into non-security sector jobs. **[103b] (piv)**

10.55 There were reports that as of March 2009, the Iraqi government recruited over 600 women to join the Daughters of Iraq (DoI), a female counterpart to the SoI community recruited because of the increase in female suicide bombings, carried out primarily in Diyala, Baghdad, and Anbar. (USDoD, March 2009) **[103a] (p21)** The UNHCR Guidelines of April 2009, stated:

"Given the increase in suicide bombings by women, some 1,000 women have been recruited by the MNF-I in various governorates in a programme called 'Daughters of Iraq'. These women are trained to search other females at security checkpoints and entrances to government facilities, thereby expanding the capabilities of the SoI, which for cultural reasons cannot search suspect females. In addition, the programme provides much-needed income to Iraqi women with few chances for employment." **[40b] (p89)**

See also Women; Security situation

10.56 The same UNHCR document recorded:

"Since tribal leaders and members of the Awakening Councils/SoI have turned against the insurgency, AQI and other insurgent groups started a systematic campaign against them. Tribal leaders and members of the Awakening Councils/SoI are considered 'traitors' for their alliance with the MNF-I or, after the transfer of responsibility, the Iraqi Government, and have been targeted by roadside bombs and suicide attacks as well as targeted kidnappings and killings. Family members are often caught up in such attacks." **[40b] (p169)**

See also Perceived collaborators and 'soft targets'; Abuses by non-governmental armed groups; Sunni Arab insurgents.

10.57 The UNSC report of 30 July 2009 stated: "In Diyala insurgents followed a similar pattern of daily assaults on 'Sons of Iraq' units in Baqubah and surrounding rural areas." **[38c] (p11)**

10.58 On 28 October 2009 Reuters reported: "Al Qaeda has also been driven out of much of Iraq by the decision of many Sunni tribal leaders over the past two years to turn on the extremist group and ally themselves with U.S. forces instead. That has sharply reduced the areas in which insurgents can operate freely and in which they can build public support." **[7j]**

See also Abuses by non-government armed forces; Sunni Insurgents

TORTURE BY THE SECURITY FORCES

10.59 The 2005 Constitution stipulates "All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law." **[82a] (p12)** The UNHCR Guidelines of April 2009 observed "In a positive move, Iraq ratified on 17 August 2008 the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). On 16 November 2008, the CoR approved the establishment of an Independent High Commission for Human Rights as mandated in the Iraqi Constitution (Article 102) to promote and protect human rights." **[40b] (p140)**

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10.60 The USSD report for 2008 noted:

"Numerous and serious reports of torture and abuse were leveled at MOI's Kadhamiya National Police detention facility and the MOD/MOJ Harithiya facility in Baghdad. As in previous years, reports of abuse at the point of arrest and during the investigation period, particularly by MOI's National Police forces and MOD's battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. In 2007, former detainees in MOI and MOD facilities reported that they suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and in some cases, gunshot wounds…There were other indications that disciplinary action was taken against security forces accused of human rights abuses. From 2006 to June, the MOI Internal Affairs, which has a staff of approximately 2000, investigated and convicted 218 lower-level officers of human rights violations. According to MOI Internal Affairs, many officers accused of major violations are arrested and fired although when there is a lack of evidence, the officers are only transferred. During the year the MOI Human Rights office, with a staff of 50 investigators, opened 42 investigations into human rights abuse cases and sent 28 cases to court for further investigation. At year's end 19 officers were being investigated. Several suspects have been convicted and sentenced, including high-ranking officials." **[2o] (p6)**

10.61 There was little judicial follow-up in older torture cases and officials accused of abusing detainees were generally not prosecuted. (USSD 2008) **[2o] (p6)** (UNHCR, April 2009) **[40b] (p139)** The UNHCR Guidelines of April 2009 further commented "The Iraqi law enforcement agencies continue to heavily rely on confessions rather than forensic evidence. In other cases, torture may be used to take revenge, e.g. if a person is accused of having killed a policemen, or as a means of extortion." **[40b] (p139)**

10.62 The HRW World Report 2009, covering events of 2008, stated:

"Reports of widespread torture and other abuse of detainees in detention facilities run by Iraq's defense and interior ministries and police continue to emerge. Detainees interviewed by Human Rights Watch at Iraq's Central Criminal Court in May recounted abuse by police and military personnel in initial detention; the United Nations Assistance Mission for Iraq (UNAMI) previously reported widespread allegations of abuse in pretrial detention. Iraq's presidency council in August [2008] ratified parliament's approval for Iraq to become a party to the UN Convention against Torture." **[15a] (p2)**

10.63 The FCO human rights report for 2008, released on 26 March 2009, mentioned "Anecdotal reports of physical abuse of detainees in MoI facilities to extract confessions remain of some concern. The Ministry of Human Rights has expressed its similar concern towards the treatment of detainees in MoI facilities." **[66e] (p5)**

10.64 The UNHCR Guidelines of April 2009, stated:

"Actual or suspected members or supporters of Sunni insurgent groups such as AQI, or Ansar Al-Sunna as well as Shi'ite militias (e.g. JAM or "Special Groups) are at risk of arbitrary arrest, often under violent

circumstances, and may face ill-treatment and human rights violations at the hands of the ISF. Individuals suspected of 'terrorist' or 'militia' links are often held incommunicado under precarious physical conditions and without access to a defence council. They are held without charge or trial for prolonged periods of time, in some cases several years." **[40b] (p167)**

See also Perceived collaborators and 'soft targets'; Abuses by non-government armed forces; Arrest and detention – legal rights

AVENUES OF COMPLAINT

10.65 The USSD report for 2008 stated:

"Unlike the previous year, there were new mechanisms to investigate and punish abuse and corruption, unproven. On April 17 [2008], the MOI established an internal criminal court system to try crimes committed by MOI officials, and the first cases were heard in July. There are five regional courts in: Erbil, Mosul, Baghdad, Hillah, and Basrah. All have conducted trials. There is a cassation court to hear appeals in Baghdad. By year's end, the five regional courts had reviewed 1,315 cases, returned 655 cases for further investigation, completed 314 cases, and have 346 cases pending. The officials convicted ranged from officers to police. In November, the court had convicted and sentenced 69 officials to jail and fined one official. In December, the court convicted and sentenced three officials to between five and 15 years, two officials to one to five years, and 91 officials to less than a year in jail, and fined one official." **[2o] (p9)**

10.66 The MNF-I website noted, on 30 March 2009:

"The Iraqi Ministry of Interior's (MoI) new Internal Security Forces Court system is helping build trust in the Iraqi Police and the MOI. The Internal Security Forces Penal Code and the Procedural Law of the Internal Security Forces were both passed by the Iraqi Parliament last year and signed into law in April 2008. The two laws established a court system for the MoI. …

"The MoI Court System now has five regional courts in Irbil, Mosul, Baghdad, Hilla and Basrah, with the Court of Cassation, or Appeals, also in Baghdad. These courts were established to focus on crimes committed by Policemen. Since the inception of the courts system a total of 1315 cases have been reviewed, and 309 Police officers and MoI officials have been sentenced to detention centers." **[19b]**

10.67 The USIP report of July 2009 further stated:

"A ministry court system was developed, which in the last two years removed 10 percent of ministry employees from their roles for various types of misconduct. Moreover, the Iraqi National Police leadership that was involved in sectarian violence was replaced. Approximately 1,500 policemen were fired and 2,000 were disciplined in 2008. For corrections, Minister Bulani appointed a Director of Human Rights to improve the deplorable conditions of MOI holding facilities. In June 2009, the MOI opened an inquiry into complaints of prisoners being tortured and the slow processing of cases in two jails in southern Iraq. …

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"While human rights abuses continue, the Ministry is creating an independent advisory, inspection, and accountability mechanism tied to 'IG-5000 Plan.' The goal of the plan is to increase the Inspectors General workforce to 5,000 people, including administrative and support personnel, to allow the Iraqis to build the infrastructure necessary to train and support a force of 5,000 IG employees. The ministry has a critical role in providing guidance, logistical support, and training for Iraq's various police forces. These efforts, while they have not made the MOI corruption- or sectarian-free, are a sign of institutional progress that improves the performance of Iraqi police." **[9a]**

SECURITY FORCES IN THE KRG AREA

10.68 The CFR report, published 27 March 2008, stated the Peshmerga consisted of around one-hundred thousand fighters. **[8j] (p2)** The FCO report, 27 March 2009, stated:

"The BEO Erbil stated that the KR is policed and secured effectively by a combination of the Peshmerga (the Kurdish military force that is technically part of the Iraqi armed forces), local police and the Asayeesh security force. The KRG maintains an effective border (the 'green line') between the KR and the rest of Iraq and controls entry into the KR to keep insurgent and terrorist elements out of the KR." **[66d] (p2)**

10.69 In a letter of 30 April 2009 to COI Service, Professor Stansfield of the Institute of Arab and Islamic Studies, University of Exeter, stated:

"Commonly and mistakenly assumed to be the intelligence service of the KDP and PUK, the asayeesh is in fact the secret security organization of the KRG, and is more analogous to the mukhabarat organizations in Arab states. … it would be almost unheard of for a non-PUK and non-KDP member to be employed in the asayeesh, which makes the division between it and the Parastin/Zanyari often more academic than practical. However, structurally they are separate and tasked with different roles, with the asayeesh more concerned with internal security issues (though this now takes on an anti-terrorist role) and the parties' security organizations focusing more on regime and party security. The dividing line is, however, tenuous." **[110] (p2-3)**

10.70 The USSD report for 2008 noted:

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

"The KRG functioned with two party-based Ministries of Interior. The PUK Party controlled the Ministry with oversight of the province of Sulaymaniyah, and the KDP controlled the Ministry with oversight of the provinces of Erbil and Dohuk. KRG officials stated that unification of the party-based Ministries

of Interior was their goal but missed two self-announced deadlines for doing so during the year." **[2o] (p9)**

10.71 The Amnesty International (AI) report, 14 April 2009, stated "The Asayish is the official security agency in the Kurdistan Region ….

"On 20 November 2004 a new law, Law 46 of 2004, was approved by the Kurdistan Parliament. The law sets out the purpose and role of the Asayish forces in the whole Kurdistan Region … The agency does not fall under any ministry, but reports directly to the presidency of the KRG. The agency enjoys financial and administrative independence and has its own budget (Article 2, 3). It is headed by a senior official with the rank of minister, who is appointed by the President of the KRG and reports to him directly (Article 4). The law does not include any provision about disciplinary procedures if a member of the Asayish commits a crime." **[28b] (p9)**

10.72 There were reports in August 2008 of a stand off between members of the Peshmerga and Iraqi security forces in the disputed area of Khanaqin, Diyala province. (IOM, November 2008) **[111l] (p2)** The USDoD report, December 2008, also reported on the incident in Khanaqin and further stated:

"The Peshmerga are well equipped and trained, and they remain dedicated to the security of the KRG region. Nevertheless, occasional attacks do occur in the region. Furthermore, the presence of Peshmerga forces in parts of some non-KRG provinces (e.g., Khanaqin in Diyala) has increased tensions between the GoI and the KRG and between Arabs and Kurds, hampering political cooperation." **[103d] (p26)**

10.73 The CSIS report stated: "The Kurdish police force, and its Peshmerga militia, often operate independently of the Iraqi Ministries and beyond MNSTC-I's [Multi-National Security Transition Command – Iraq] advisory effort. There are two Army divisions that are effectively Kurdish, and two more Kurdish divisions being formed out of the Peshmerga. **[63c] (pxi)**

10.74 The UNCHR Guidelines of April 2009, recorded: "The Kurdish *Asayish's* practice to arrest and transfer Arabs and Turkmen from Mosul and Kirkuk to prisons inside the Kurdistan Region, which had first been reported by the Washington Post in June 2005, has largely been stopped since summer 2008. However, some Arabs and Turkmen arrested previously continue to be held by the Asayish inside the Kurdistan Region pending investigation." **[40b] (p167)**

10.75 The LandInfo report of 6–23 March 2009 commented:

"When recruiting staff to the Asayish Argoshy explained that the word of available posts is spread through informal channels. The Asayish never announce available positions. Argoshy explained that if they need 100 persons, maybe 300 to 400 persons apply. Applicants fill out an application form. First there is a medical committee examining the applicants. Next there is another committee checking the applicants' backgrounds. There are some certain requirements. The applicant cannot be shorter than 160 cm, and not older than 30 years of age. Nine years of schooling is required as a minimum, and for higher ranks additional education is required. Officers must have a college degree. After the selection, the list of selected

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candidates is sent to the police to check their records. Accepted applicants are trained, e.g. in handling of weapon. The new recruits are finally distributed according to their qualifications and specialities. Argoshy informed that there are Christians, Turkmen and Kurds in the Asayish, but no Arabs. Argoshy informed that the monthly wage for the lowest ranking employee in the Asayish is approximately 1,400 to 1,500 US$. The wage of an Asayish officer is approximately 1,600 – 1,800 US$." **[34a] (p35, 4.7.3 Security forces (Asayish) in Kurdistan Region of Iraq (KRI) and the disputed areas)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

Torture by security forces in the KRG area

10.76 The USSD report for 2008 noted:

"Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police reportedly threatened and sexually abused detainees, including juveniles, and also committed acts of torture, including beatings and use of drills." **[2o] (p6)**

See also Prison and detention facilities in the KRG area

10.77 The AI report *Hope and Fear – Human Rights in the Kurdistan Region of Iraq*, 14 April 2009, commented:

"Allegations of serious human rights violations, including torture and other ill-treatment, have been made against both Asayish entities, and Amnesty International delegates received further such allegations when they visited the Kurdistan Region of Iraq in mid-2008. However, the KRG authorities have failed to establish prompt, impartial and independent investigations into such allegations, as international human rights standards require, and the agency appears to operate in a climate of impunity.

"… the Parastin or Dezgay Zanyari, have [both] committed serious human rights abuses in the secret detention facilities that they run. They are also reported to have threatened journalists, writers and academics who have spoken out against alleged corruption within the KDP and PUK." **[28b] (p9-10)**

10.78 The FCO report further mentioned "… UNAMI stated that the law enforcement authorities employ torture in KRG but this falls short of extra-judicial killing. Young men were most at risk of being detained arbitrarily by the police." **[66d] (p5)**

10.79 The UNHCR Guidelines of April 2009 stated:

"Actual or suspected members or supporters of Islamist armed groups such as Ansar Al-Islam may be at risk of ill-treatment and human rights violations at the hands of the Kurdish security forces. Individuals suspected of 'terrorist' links are often held incommunicado for prolonged periods of time, in some cases for several years, without charge or trial by the Kurdish

parties' security and intelligence services. Many are arrested under violent circumstances and on the basis of vague accusations." **[40b] (p168)**

See also Perceived collaborators and 'soft targets'; Abuses by non-governmental armed groups

10.80 A report by ICG of 8 July 2009 recorded: "Apart from armed forces, the Kurdish parties have Asaesh agents (security police) on the streets in the disputed territories, an issue that deeply rankles some of the other ethnic groups. These groups' leaders have accused the Asaesh of abusive practices, including the arrest of suspected armed elements and their transfer to prisons in the Kurdistan region." **[25a] (p14)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

MULTI-NATIONAL FORCES (MNF)

10.81 "The presence of the multinational force in Iraq is currently authorized by the Security Council at the request of the Government of Iraq, and, as stated in resolutions 1546 (2004), 1637 (2005) and 1723 (2006), the Council will review the mandate at the request of the Government. The Governments of Iraq and of the United States are currently holding bilateral discussions with regard to the conclusion of a status-of-forces agreement." (UNSC, 6 November 2008) **[38r] (p13)**

10.82 The HRW World Report 2009, covering the events of 2008, noted: "Stepped-up military operations by the US-led Multinational Forces (MNF) during the security offensive led to an increase in civilian casualties. UN officials reported that MNF airstrikes between March and May killed 88 civilians and called for investigations into the deaths." **[15a] (p1)**

10.83 On 30 March 2009, BBC News reported on the withdrawal of British troops from Iraq: "Most will leave by 31 May, the official date set for the end of combat operations, with only about 400 remaining after that … Under the current agreement with the Iraqi government, the bulk of British forces have to leave Iraq by the end of July." **[2b] (p1)**

10.84 The Congressional Research Service report, 2 March 2009, stated:

"On February 27, 2009, President Obama clarified U.S. plans to draw down U.S. troops in line with his stated policy and the U.S.-Iraq SOFA [U.S.-Iraq status of forces agreement]. He announced that all U.S. combat troops (about 100,000) would depart in 19 months 'by August 31, 2009,' leaving a 'residual presence' of about 35,000–50,000 primarily to train and advise the ISF and to perform counter-terrorism missions against AQ-I [Al-Qaeda in Iraq]. They would remain there until the end of 2011 at which time the SOFA requires all U.S. forces to be out of Iraq." **[156a] (p39)**

10.85 The UNAMI report for the period 1 July–31 December 2008 recorded "During the reporting period, several US soldiers were subject to court-martial proceedings under US law on suspicion of having committed crimes while stationed in Iraq as part of MNF-I." The report went on to list examples of this. **[40b] (p12-3)**

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10.86 The UNSC report of 2 June 2009 noted: "In line with the Bilateral security agreement, the ongoing transition of security responsibilities from the United States military to the Iraqi Security Forces continues. The United States military has begun to withdraw from a number of bases and joint security stations across the country, and the Iraqi Security Forces are increasingly taking over more domestic security responsibilities." **[38b] (p12)**

Extra-judicial killings by the MNF

10.87 UNAMI's report covering 1 July–31 December 2008 listed incidents in which civilians were killed or injured in MNF air strikes and ground attacks. **[39b] (p11-12)** The 2009 HRW report, covering the events of 2008, also noted "Military operations by the MNF continued against insurgents throughout the country, and continued also to cause civilian casualties." **[15a] (p1)**

PRIVATE SECURITY COMPANIES

10.88 The UNAMI report covering 1 July-31 December 2008 stated:

> "In the United States, former employees of Blackwater Worldwide were charged in December in connection with the killing of 17 civilians in Nisour Square in Baghdad on 16 September 2007. … The date of the trial has not been set...More than one year after the incident, on 31 August, an official from the US Embassy in Baghdad met the relatives of a 75 year-old Iraqi man shot dead by employees of Blackwater Worldwide in August 2007, for allegedly moving too close to a convoy protected by Blackwater. The official stated that the case has been brought to the attention of the US Department of Justice." **[39b] (p11)**

10.89 The CSIS report of 7 October 2009 commented:

> "The Iraqi-US Security Agreement now gives Iraq primary jurisdiction over all civilian contractors, bringing up serious questions about their ability to use lethal force even in self defense, and denying them the right to detain Iraqi citizens. There are no rigid deadlines as yet for total withdrawal of private security firms, but it is difficult to believe that the government will tolerate their presence even up to the deadline for the withdrawal of the US forces in 2011." **[63d] (p148)**

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11. MILITARY SERVICE

11.01 The Child Soldiers report for 2008, published on 21 May 2008, commented:

> "In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres." **[42a] (p1)**

11.02 The CSIS report, published 20 April 2009, commented on the high desertion rate from the ISF; there were reports that hundreds, possibly thousands, of soldiers defected from the Iraqi Army and Iraqi Police during fighting in Basra in March 2008, with some soldiers even changing sides to the Mahdi army. **[63c] (p30)**

See also Security in Southern Iraq: Basrah and Security forces

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12. ABUSES BY NON-GOVERNMENT ARMED FORCES

12.01 The UNHCR Guidelines of April 2009 stated:

"As a result of various factors, extremist groups have either changed their alliances, have been weakened or are lying low. Sectarian violence between the Shi'ite and Sunni communities, which accounted for a majority of the civilian casualties and was a main factor leading to the large-scale displacement of Iraqis in mainly 2006 and parts of 2007, has virtually halted, although extremist groups continue to aim at reigniting the violence. … Armed groups are still capable of launching attacks aimed at disrupting the security environment, but the intensity of hostilities and the impact on the civilian population has decreased in many parts of Iraq." **[40b] (p12)**

See also Sectarian violence

12.02 Jane's Sentinel of 9 September 2009 recorded:

"There is a strong argument that demilitarisation and demobilisation of militias is happening from the bottom-up. Strong recruitment of a continually enlarged Iraqi Army is sucking many militia elements – Shia and Sunni, although the latter community continues to complain about favouritism across most of the security forces structures that benefits the former – into government jobs, with the prospect that over time these forces will become enmeshed in the system. CLCs [Concerned Local Citizens/'Sons of Iraq'] have been partially paid by the Iraqi government as a line item in the Ministry of Interior budget since the beginning of 2008, drawing further militiamen into government employ, either temporarily or permanently. Iraqis highly value the steady wage of government employment and are slowly becoming accustomed to certain features of Iraqi Army roles (such as deployment outside their home area). The process is being unevenly applied, however, with certain Shia 'death squads' being singled out as 'accelerants' of sectarian conflict while US forces have been authorised to arrange local ceasefires with other militias, notably Sunni and Shia nationalists." **[14a] (Sectarian militias, Informal militias)**

See also Awakening councils ('Sons of Iraq')

12.03 The AI Report 2009, Iraq (covering 2008), published 28 May 2009, stated:

"Armed groups fighting against the government and US-led forces committed numerous gross human rights abuses, as did militia groups affiliated to Shi'a religious groups and political parties represented in the Iraqi parliament. The abuses included kidnapping, torture and murder. The groups also carried out bombings and other indiscriminate attacks against civilians, causing numerous deaths and injuries. Many attacks were apparently carried out by al-Qa'ida in Iraq. Those targeted for kidnapping or killing included members of religious and ethnic minorities, such as Christians and Palestinians; members of professional associations, such as doctors, lawyers and journalists; and women." **[28f] (p2, Abuses by armed groups)**

12.04 The UNHCR report, April 2009, stated that "AQI and other insurgent groups continue to target Sunni Arabs involved in the political process, in particular

members of the Iraqi Islamic Party (IIP), which they consider 'traitors' and 'collaborators'." **[40b] (p166)**

See also Perceived collaborators and 'soft targets'

12.05 The USDoD report of July 2009 commented that: "overall attack trends indicate that AQI is unable to return to the operational tempo it maintained in 2006 and early 2007 due to the ISF's increasing effectiveness, the maturation of the Sunni Awakening movement, and continued pressure on AQI networks by Coalition and Iraqi forces. …

"The insurgency in Iraq continues to decline but remains dangerous. Several Sunni nationalist groups, including Jaysh Muhammed, Jaysh Al Islami, the 1920s Revolutionary Brigade, and the Jaysh Rijal al-Tariq al-Naqshabandi (JRN), remain in armed resistance and continue to conduct attacks against U.S. and Iraqi forces. Most of the Shi'a militants that formerly belonged to the Jaysh al-Mahdi (JAM) militia are transitioning away from violence due to organizational changes and ISF pressure, although some Shi'a militants, particularly those in the Promised Day Brigade (PDB), Asa'ib Ahl-Haqq (AAH), and Kata'ib Hizbollah (KH), continue attacks against U.S. forces." **[103b] (p22, 1.3 Security Environment**

See also Annex D – Current insurgent/militia groups.

12.06 The CSIS report of 7 October 2009 stated:

"Al Qai'ida in Iraq, other Sunni Islamist factions, and various neo-Ba'athist groups still carry out bombings and targeted attacks in parts of the country. Insurgent groups continue to try to trigger a new round of Sunni-Shi'ite fighting. Since April 2009, these attacvks [sic] have included a series of large-scale bombings seeking to exploit the divisions between Shi'ite and Sunni, and Arab and Kurd; and to provoke a new round of civil conflict and sectarian and ethnic reprisals." **[63d]**

See also Sectarian violence

12.07 An article by Reuters of 28 October 2009 noted:

"Counter-terrorism experts say insurgent tactics in Iraq follow a typical pattern of targeting that cycles between the security forces, the wider public and economic institutions and government facilities or personnel. When one set of targets becomes too protected, or the public and government become inured and no longer shocked, a new set is selected. The aim is to keep the authorities guessing. The political aims of insurgents may also be shifting -- having failed to reignite sectarian war through attacks mainly on Shi'ites, insurgents may be focusing more specifically on destabilizing the political system and upsetting the elections." The report further noted that factors such as a shortage of resources used by AQI in suicide bombings and an increased number of checkpoints had led them to focus their resources on conducting less frequent attacks with a greater impact. **[7j]**

SUNNI ARAB INSURGENTS

12.08 Jane's Sentinel Country Risk Assessment of Iraq, updated on 31 October 2008, reported further on Sunni insurgent groups, stating:

"A multitude of insurgent groups have claimed attacks in Iraq since the US-led invasion in March 2003. It is extremely hard to verify the existence of many of these groups, since some groups probably use a variety of names to give an inflated impression of the strength of the insurgency or to distance themselves from activities that might cost them popular support. Identifiable groups include Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia), Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), Jaish Ansar al-Sunna (Army of the Traditions' Supporters), Ansar al-Islam, Islamic Army of Iraq, Mujahideen Army, Jaish Muhammad, National Front for the Liberation of Iraq, Mukawama al-Iraqiyya al-Islamiyya (Iraqi Islamic Resistance - 1920 Revolution Brigades), Al-Awdah (The Return), 11 September Revolutionary Group, and the Serpent's Head Movement New Baath Party." **[14g] (p2)**

12.09 The USDoD report, December 2008, stated:

"AQI's attack network is under considerable pressure and its capabilities have been significantly degraded by Coalition forces, ISF, and SoI security, policing, and border security operations … However, while AQI has lost numerous key leaders in the past several months, it retains limited freedom of movement in rural and some urban areas, as well as the ability and intent to carry out limited high profile attacks within key urban centers, such as Baghdad and Mosul." **[103d] (p18)**

"Low-level Sunni insurgent activity persists in Baghdad; however, due to ISF, SoI, and Coalition force operations, Sunni insurgents have limited freedom of movement and reduced support from the local populace. This has minimized their ability to conduct operations …

"During this reporting period, AQI attempted to reconstitute its severely degraded cells around Baghdad, primarily in the northwest and southeast portions of the Baghdad Security Districts. [Multinational force-led] Operations in Diyala have likely contributed to some of this increase of activity, as AQI members fled Iraqi and Coalition forces …

"AQI continues efforts to regain footholds in the Euphrates River Valley, and the Syria-Iraq border region continues to appear critical to AQI's external support network …

"AQI targets ethnic and religious minorities to highlight the Iraqi Government's inability to provide security for those groups and increase instability. Likely a result of upcoming elections and Article 140 determinations, AQI is currently focused on exacerbating tensions between Arabs and Kurds in the North, though it may target other minorities as opportunities arise." **[103d] (p23-24)**

See also Security in central Iraq; Security in Kirkuk and Mosul

12.10 The UNHCR Gudelines of April 2009, agreed, and stated: "The Sunni-dominated insurgency has been considerably weakened as a result of the establishment of mostly tribal-based 'Sons of Iraq' (SoI) and continuous military operations in its strongholds of the Central Governorates." **[103d] (p12)**

12.11 The Multi-National Force in Iraq (MNF-I) website, in an article of 1 August 2009, commented:

"The Sunni insurgency in Iraq continues to be weakened compared to its peak in 2006. Although presently experiencing diminished capabilities given the lack of a permissive operating environment, al-Qaida in Iraq (AQI), led by Abu Ayyub al-Masri, is the largest and most capable terrorist group in Iraq and continues to pose a threat to Iraqi and Coalition forces. Increased Iraqi and Coalition force operations against Sunni terrorist groups, combined with Sunni reconciliation efforts have created an increasingly difficult operating environment for terrorists and insurgents. This, combined with leadership losses, including the October 5, 2008 death of AQI deputy Abu Qaswarah, and dwindling Sunni support, have forced AQI to focus on survivability in Iraq rather than the group's long-term strategic objectives of establishing an Islamic state in Iraq." **[19a]**

12.12 The USDoD report of July 2009 stated:

"Reasons for Sunni Arab violence in Iraq are numerous, but some significant motivators include economic concerns, religious extremism, the continued presence of Coalition forces, the perception of GoI targeting of SoI leaders, and the perceived lack of assistance from the GoI for the Sunni community. Due to high unemployment and underemployment rates and an overall environment of economic difficulties, many low-level Sunni insurgents continue activities in order to earn an income. Inter-group cooperation at lower levels to achieve mutual goals is common. In addition to money, a small number of hard-line Sunni insurgents continue to draw motivation from a desire to return to power in Iraq. These individuals will continue attempts to destabilize Iraq with the intent of discrediting the GoI. Religion and nationalism also play a part for a small number of Sunnis who conduct attacks either to expel the 'occupiers,' remove perceived Iranian influences, or highlight instances where Islamic Law may have been violated. There is also an unknown level of Sunni violence attributable to common criminal activities, personal grudges, or tribal rivalries." **[103b] (p26, Sunni Insurgents)**

12.13 The CSIS report of 7 October 2009 recorded:

"Sunni Jihadists and neo-Ba'athist insurgents remain the second most serious threat to Iraqi security and stability. They are actively seeking to use terrorism and large scale bombings of Shi'ites and Kurds to provoke another round of civil conflict and reprisals. Nevertheless, it currently seems more likely that the vast majority of Sunnis will seek to play a peaceful role in Iraqi politics than return to serious sectarian violence." **[63d] (p44)**

See also Annex D – Current insurgent/militia groups for further information about Sunni Arab insurgent groups.

Torture by Sunni Arab insurgents

12.14 The USDoD report, December 2008, stated: "AQI has shifted its tactics to include using suicide vests and female recruits to carry out high-profile attacks. Recently, one third of suicide bombers have been reported as female." **[103d] (p18)** The USSD country report on terrorism for 2008 stated "AQI and its Sunni extremist partners also increasingly used Iraqi nationals and females as suicide bombers." **[2b] (p4-5)**

SHI'A MILITIA

12.15 The UNHCR Guidelines of April 2009 stated "Shi'ite armed groups, which engaged in sectarian killings and intra-Shi'ite power struggles, continue to largely adhere to a ceasefire, have been weakened or relocated." **[40b] (p12)** The report further stated that:

"Since 2004, Muqtada Al-Sadr and his JAM [Jaish Al-Mahdi (Mahdi Army)] played a pivotal role in defining the security and political environment in Baghdad and the Southern Governorates. Al-Sadr, who enjoys wide popular support among the young and impoverished Shi'ite population, has pursued his goals with military and, as of 2006, political means as well. …

"Since August 2007, Al-Sadr has imposed a series of unilateral ceasefires on the splintering JAM in order to regain control and enhance its distorted reputation. The unilateral ceasefires, which by and large have been honoured by the mainstream JAM, are widely considered a crucial factor in Iraq's improved security as specific types of violence associated with the JAM have noticeably declined, in particular sectarian killings. In addition, formerly open intra-Shi'ite violence has subsided to a large extent, although targeted assassinations of political rivals continue. Military operations and arrest campaigns in Basrah, Baghdad (Sadr City) and Missan have further weakened the JAM in its major strongholds.

"A number of JAM breakaway factions as well as allegedly Iranian-supported 'Special Groups' continue to confront the ISF/MNF-I and seek to destabilize the security environment irrespective of Al-Sadr's instructions. While these groups have reportedly been weakened during the recent crackdowns in their strongholds in Baghdad and the Southern Governorates, resulting in numerous deaths and arrests, many of their leaders are said to have fled to neighbouring Iran where they regroup, retrain and rearm themselves with the intent of returning to Iraq. Reports of arrests and discoveries of weapons caches in mainly Southern Governorates as well as a number of attacks in recent months seem to indicate that militiamen have indeed returned and maintain the ability to disrupt the security environment. Some of these groups are reportedly also involved in criminal activities." **[40b] (p90-1)**

12.16 Jane's Sentinel, last updated on 9 September 2009, noted: "In the Shia community, the key armed bodies include the militant wing of the Supreme Iraqi Islamic Council or SIIC (formerly the Supreme Council for Islamic Resistance in Iraq or SCIRI), the Badr Organisation and Moqtada al-Sadr's Jaish al-Mahdi. It is increasingly difficult to characterise Shia militias as unitary blocs, particularly in the case of the loose confederation of militias that owe their spiritual allegiance to the martyred Mohammed Sadiq al-Sadr, the father of Moqtada al-Sadr." **[14a] (Sectarian militias, Shia)**

12.17 The USDoD report, December 2008, stated Iraqi and multinational forces disrupted the operations of the Jaysh al-Mahdi (JAM) and Special Groups (SG), including Asa'ib Ahl Al-Haq (AAH). "Operations since April 2008 in Basrah, Baghdad, Maysan, and Diyala Provinces have displaced JAM and SG, causing their leadership to flee to Iran. Both JAM and AAH are training in Iran and have begun to attempt to re-infiltrate Iraq and conduct

operations. However, reporting indicates that JAM, SG, and AAH are having difficulties returning due to Iraqi and Coalition operations." **[103d] (p18)**

See also Annex D – Current insurgent/militia groups

12.18 The UNHCR Guidelines of April 2009 recorded:

"A number of JAM [Jaish Al-Mahdi (Mahdi Army)] breakaway factions as well as allegedly Iranian-supported 'Special Groups' continue to confront the ISF/MNF-I and seek to destabilize the security environment irrespective of Al-Sadr's instructions. While these groups have reportedly been weakened during the recent crackdowns in their strongholds in Baghdad and the Southern Governorates, resulting in numerous deaths and arrests, many of their leaders are said to have fled to neighbouring Iran where they regroup, retrain and rearm themselves with the intent of returning to Iraq. Reports of arrests and discoveries of weapons caches in mainly Southern Governorates as well as a number of attacks in recent months seem to indicate that militiamen have indeed returned and maintain the ability to disrupt the security environment. Some of these groups are reportedly also involved in criminal activities." **[40b] (p90)**

12.19 The MNF-I reported on 1 August 2009:

"Some Shi'a insurgent groups such as Jaysh al-Mahdi (JAM) and Asa'ib Ahl al-Haq (AAH) have conducted anti-Coalition and anti-Iraqi (primarily anti-Sunni) attacks; however, these attacks are not seeking the failure of the Iraqi government; rather, they seek to expedite the withdrawal of foreign military forces from the country. As security improves and the Iraqi Security Forces mature, a few Shi'a extremist groups are now attempting to engage the Government of Iraq in the reconciliation process." **[19a]**

12.20 The USDoD report of July 2009 recorded: "ISF and Coalition forces continue to target Shi'a extremist groups, impeding their operations. Nevertheless, leaders of these groups still trickle back into the country, attention of ISF and Coalition forces. …

"Shi'a extremist groups, including PDB [Promised Day Brigade], AAH [Asa'ib Ahl-Haqq], and KH [Kata'ib Hizbollah] continue to be plagued with internal problems, including personal rivalries, disagreements over plans, policy and direction, confusion over orders and operations, and the continued absence of leadership in Iraq, leaving them susceptible to increased ISF and Coalition targeting." **[103b] (p25-26, Shi'a Extremist Groups)**

See also Annex D – Current insurgent/militia groups

12.21 The CSIS report of 7 October 2009 stated:

"The Sadr Militia, or 'Mahdi Army,' has fragmented into a mix of largely ineffective factions and its influence and capabilities continue to diminish. The Sadrist movement seems focused on politics, rather than violence, and Sadr has done little to revitalize its military capabilities since the Iraqi Army's operations in Basra and Sadr City in early 2008. However, there are still violent 'special groups' that have splintered from the Mahdi Army, and that attack US and Iraqi government targets. Iran still provides some supplies

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and training for such groups, as well as some support and training to both the Sadrist and Supreme Council militias." **[63d] (piii)**

NON-GOVERNMENT ARMED FORCES IN THE KRG AREA

12.22 The UNHCR Guidelines of April 2009 stated:

"Radical Islamic militants, offshoots from Ansar Al-Islam, a home-grown indigenous Kurdish Islamist Movement, that seek to transform Iraq into an Islamic state based on a rigid Salafi ideology, reportedly have a limited presence in the Kurdistan Region, mainly in Sulaymaniyah Governorate near the Iraqi-Iranian border. The group was attacked by Coalition and Kurdish forces during the 2003 invasion for reportedly providing a safe haven to AQI. While Ansar Al-Islam (and its offshoot Ansar Al-Sunna) is mainly active in some areas of the Central Governorates, it is also accused of involvement in several (suicide) attacks in the Kurdistan Region in recent years, mainly directed against PUK and KDP officials as well as attacks on border guards on the Iraqi-Iranian border. Ansar Al-Islam at least temporarily cooperated with AQI and both groups are held responsible for a number of attacks in the Region since 2003. Threats from AQI and Ansar Al-Islam have prompted the KRG authorities to implement increased security measures, including by constructing a tunnel and security barricades segregating Erbil from Kirkuk and Ninewa Governorates and the deployment of 1,000 Peshmerga soldiers to the border with Iran in an attempt to stop possible infiltrations." **[40b] (p133)**

12.23 The MNF-I recorded, on 1 August 2009, that Ansar al-Sunna operated primarily in Kurdish-dominated northern Iraq. **[19a]**

See also Annex D – Current insurgent/militia groups; Political system in the KRG area. For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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13. JUDICIARY

13.01 Article 19 (1) of the Constitution stipulates "The judiciary is independent and no power is above the judiciary except the law." **[82a] (p7)** The USSD report for 2008 observed:

"Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements caused fear of retribution, impairing judicial independence in virtually all provinces. The MOI agreed to supplement security for judges." **[2o] (p11)**

13.02 The USDoD report of July 2009 noted:

"Courts hearing the most serious insurgent crimes are overwhelmed, particularly in Baghdad. Approximately 9,000 pre-trial detainees remain in Baghdad detention facilities awaiting trial despite the out processing of approximately 5,500 Rusafa detainees and their cases in the past 12 months. The courts' ability to process cases in a fair and timely manner is hampered by the sheer number of criminal cases, the lack of timely and complete investigations, insufficient detainee files, poor court administration, and judicial intimidation. However, the Central Criminal Court of Iraq offices located at Karkh and Rusafa are showing improvement in case processing time." **[103b] (p7, Rule of Law and Criminal Justice Development)**

ORGANISATION

13.03 The Canadian IRB report on Iraq, published in January 2008, stated "The Iraqi legal system is made up of the Higher Juridical Council, the Supreme Federal Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other federal courts." **[139a] (p4, Judicial System)** The Freedom House report for 2008, published on 16 July 2009, recorded: "The Higher Judicial Council (HJC) – headed by the chief judge of the Federal Supreme Court and composed of Iraq's 17 chief appellate judges and several judges from the Federal Court of Cassation – has administrative authority over the court system." **[70a] (p7)**

13.04 The USSD report for 2008 concurred and reported:

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

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

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"In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the federal government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government throughout the country. The Presidency Council appointed the nine members of the Federal Supreme Court." **[2o] (p12)**

13.05 The USDoD report, December 2008, stated:

"Individual judges continue to live in the first functioning Rule of Law Complex (RoLC) in Rusafa. The Ramadi RoLC is scheduled to open in December 2008. The traveling judge program sends judges from Baghdad to hear cases in areas where local judges are not able to do so because of threats and intimidation. A new class of judges recently graduated bringing the total number of HJC judges and prosecutors to approximately 1,225. Of this number, however, only approximately 300 are serving as investigative judges." **[103d] (p4)**

Iraqi High Tribunal (IHT)

13.06 The Freedom House report for 2008, published on 16 July 2009, stated:

"Persons accused of committing war crimes, genocide, and crimes against humanity fall under the jurisdiction of the Iraqi High Tribunal (IHT), previously known as the Iraq Special Tribunal. The IHT statute does not explicitly require that guilt be proven beyond a reasonable doubt and lacks adequate safeguards against self-incrimination. International observers noted numerous irregularities in the trial that culminated in the execution of Saddam Hussein in December 2006." **[70a] (p7)**

13.07 The UNHCR Guidelines of April 2009 stated:

"The Iraqi High Tribunal, set up to try the most senior members of the former regime, sentenced several former high-ranking party, army, security and government officials to death for their involvement in the killing of Shi'ites in the town of Dujail in 1983, the Anfal campaigns in 1988, the suppression of popular uprisings in Southern Iraq in 1991, the killing and displacing of Shi'ite Muslims in 1999 and the killings of dozens of merchants in 1992." **[40b] (p142)**

See also Perceived collaborators and 'soft targets'

13.08 The HRW 2009 report stated:

"In May the Iraqi High Tribunal (IHT) began trying former foreign minister and deputy prime minister Tariq Aziz, along with seven other defendants, for the former government's execution of merchants accused of profiteering while Iraq was under sanctions in 1992. Previous trials in the IHT, including that of former president Saddam Hussein for crimes against humanity, were marred by failure to disclose key evidence, government conduct undermining the independence and impartiality of the court, and violations of defendants' right to confront witnesses." **[15a] (p3)**

Central Criminal Court of Iraq (CCCI)

13.09 The CCCI was founded by the US-led Coalition Provisional Authority (CPA) in 2003 to hear cases involving serious criminal offences, such as terrorism, organized crime, acts of sabotage, governmental corruption, and sectarian or ethnic violence. (HRW, 14 December 2008) **[15x] (p1)** Further:

"While the jurisdiction of the CCCI is concurrent with local criminal courts, the CCCI has nationwide discretionary investigative and trial jurisdiction 'over any and all criminal violations.'…

"The court has two separate branches in Baghdad. The Karkh branch is located adjacent to the International Zone ('Green Zone')… This branch of the court hears cases of detainees held by Iraq's Ministries of Justice and Interior, and also a select number of cases of detainees held by the MNF and referred to the CCCI for criminal prosecution under Iraqi law. The Rusafa branch of the court is located within the heavily fortified 'Rule of Law' judicial complex in eastern Baghdad. The Rusafa branch only hears cases of detainees held by Iraqi authorities." **[15x] (p11)**

13.10 The USSD report for 2008 commented: "Investigative judges rarely referred security force officials to the Central Criminal Court of Iraq because of Section 136 (b) of the Criminal Procedure Code, which stipulates that such referrals are possible only with the permission of the minister responsible for the suspect. Permission was only given during the year for lower-level officials." **[2o] (p10)**

13.11 The CSIS report, published on 20 April 2009, stated:

"In many areas, the criminal justice system is thoroughly dominated by local, tribal, religious or sectarian interests, and in some areas criminal justice is effectively nonexistent …

"Judges and witnesses feared assassination, with 35 judges, lawyers, and judicial employees being assassinated in the past 3 years. In response, most provincial judges sent major terrorists cases to the main criminal court in Baghdad. The Rusafa criminal court in Baghdad is located in a secure 'Rule of Law Complex,' wherein court facilities, and employees, are protected from attacks and intimidation. 6 other secure complexes are either proposed or being built, in Ramadi, Hillah, Basrah, Baqubah, Tikrit, and Mosul." **[63c] (p135)**

See also Perceived collaborators and 'soft targets'

13.12 The HRW report on Iraq's CCCI, published 14 December 2008, stated:

"... [the CCCI] commands greater resources and broader authority than any other Iraqi criminal justice institution. Its mandate encompasses the critical task of coping with security related criminal cases under the framework of Iraqi law, including the country's constitution and penal code. The CPA decree that established the court cites the importance of 'development of a judicial system in Iraq that warrants the trust, confidence and respect of the Iraqi people.' Far from serving as a model criminal justice institution, the

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court has failed to provide basic assurances of fairness, undermining the concept of a national justice system serving the rule of law."

13.13 The HRW report also stated: "… [the CCCI] is seriously failing to meet international standards of due process and fair trials. Defendants often endure long periods of pretrial detention without judicial review, and are not able to pursue a meaningful defense or challenge evidence against them. Abuse in detention, typically with the aim of extracting confessions, appears common, thus tainting court proceedings in those cases." **[15x] (p1)**

INDEPENDENCE

13.14 Article 88 of the 2005 Constitution stated: "Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice." **[82a] (p26)** Further, as noted by Europa, date accessed 8 September 2009, that "Following the ousting of the Baath regime, the judicial system was subject to a process of review and de-Baathification." **[1a] (Iraq: Juicial System)**

13.15 Several sources, reported that the judiciary and judges were subject to political influence and pressure. (USSD 2008) **[2o] (p11)** (Freedom House, 2009) **[70a] (p7)** The FCO Human Rights Report for 2008 (published in March 2009) stated "There have been some encouraging signs of growing independence in the Iraqi judiciary. … The justice system does however still lack capacity in some areas, including a shortage of trained judges, and vulnerability to political and sectarian pressure." **[66e] (Justice system and death penalty)**

13.16 The CSIS report, published 20 April 2009, noted the criminal justice and courts system were unable to support the police. The report noted further:

"The establishment of reliable and impartial courts has been extremely slow, which has seriously harmed the development of effective MoI forces at the local level. The same is true of detention facilities and basic legal services. There is little official reporting on Iraq's jails, the availability of defendants to find counsel, the status of due process, and the role of religious and tribal courts." **[63c] (p154-5)**

See also Iraqi Police; Religious and tribal law.

13.17 The Freedom House report for 2008, published on 16 July 2009, stated:

"… judges have come under immense political and sectarian pressure and have been largely unable to pursue cases involving organized crime, corruption, and militia activity, even when presented with overwhelming evidence. Indeed, the Ministry of Justice is largely impotent for reasons linked both to the current situation and to Saddam-era politics. Iraqi citizens turn to local militias and religious groups to dispense justice before the Ministry of Justice." **[70a] (p7)**

See also Perceived collaborators and 'soft targets'

FAIR TRIAL

13.18 The UNHCR Guidelines of April 2009 commented:

"Despite some progress in expanding and reforming Iraq's judiciary and law enforcement agencies, Iraq continues to suffer from significant deficiencies to impose the rule of law.… The judiciary lacks sufficient numbers of judicial staff, in particular investigative judges, experience and basic equipment is prone to outside influence and corruption and generally enjoys little public confidence… the criminal justice and courts system is unable to support the police, provide defendants the procedural and substantive due process provided for by law, and provide for suitable jails and detainment facilities." **[40b] (p156)**

13.19 On the subject of threats, attacks and intimidation, UNHCR's Guidelines of April 2009 stated:

"Judges and lawyers have also been and continue to be targeted … According to the US Embassy in Baghdad, 38 Iraqi judges and six family members have been assassinated since 2003. In addition, 99 other judicial employees have been targeted since June 2004. According to Abdul Sata Bayrkdar, the speaker of Iraq's Highest Judicial Council, 'There is no judge in Iraq that hasn't been threatened.' In addition to the judges and judicial employees killed, Bayrkdar accounted for approximately 87 persons kidnapped or killed as a result of their family member's judicial profession." **[40b] (p182-3)**

See also Perceived collaborators and 'soft targets'

13.20 The UNSC report of 30 July 2009 stated: "UNAMI and OHCHR [Office of the United Nations High Commissioner for Human Rights] remain concerned that, at present, the Iraqi justice system does not have the capacity to guarantee fair trial procedures in accordance with, inter alia, article 14 of the International Covenant on Civil and Political Rights, to which Iraq is a party." **[38c] (p9-10)**

13.21 The USDoD report of July 2009 recorded:

"Iraq's criminal justice system faces serious challenges. Judicial security is progressing, but lack of resources and continuing threats of violence negatively affect the ability to implement a comprehensive countrywide strategic judicial security plan. Judicial intimidation in Iraq significantly hinders administration of the criminal justice system, impedes the rule of law, and has led to an overwhelming backlog of pre-trial cases – three years in some districts – and unfair criminal justice procedures in many parts of the country. To reduce judicial intimidation and accelerate case reviews, the Higher Judicial Council (HJC) has hired additional guards to increase protection for individual judges. Despite delays in ministerial approval and funding of the judicial security plan, interim implementation efforts continue. Key highlights of the plan that are currently being implemented include assessment of judicial protection requirements by the Ministry of Interior (MoI), creation of a separate judicial security division within the MoI, and judges choosing their own security detail personnel. Most significantly, the plan sets forth two phases for judicial protection: phase one focuses on protecting judges traveling to work, and phase two focuses on residential protection. The interim measures have created a closer relationship between the HJC and the MoI, as indicated by the HJC recently sharing with the MoI a list of all its judges and the names of the security members

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detailed to each. In addition, the MoI has agreed to waive many of the administrative requirements preventing judges from receiving registered firearms." **[103b] (p6, Rule of Law and Criminal Justice Development)**

JUDICIARY IN THE KRG AREA

13.22 The USSD report for 2008 stated:

"The constitution provides for an independent judiciary in all regions. In November 2007, the KRG passed the Judicial Power Law of 2007, which attempted to create a more independent judiciary. The Kurdish Judicial Council (KJC), which had been part of the KRG executive branch's MOJ, became legally independent and took responsibility for the creation of its own budget, human resource management, and reporting. The KRG MOJ no longer has direct operational control over the judiciary, the KRG Ministry of Finance relinquished control of the KJC's budget, and the chief justice was appointed by other judges and not by the executive branch. The executive's influence has been important in politically sensitive cases such as freedom of speech and the press." **[2o] (p8)**

13.23 The FCO report, 27 March 2009, stated:

"The BEO [British Embassy Office] Erbil met the KRG Justice Minister, Faruq Jamil Sadiq, in March 2009. The Minister stated that the judiciary had now been fully separated from the executive and had established its own independent administration, appointments and professional development system. …

"Khanim Latif of the NGO Asuda, which campaigns to end violence against women, stated that there is no legal aid system in the KR. US Provincial Reconstruction Teams have focussed on making the rule of law a priority in the KR and a major focus in their work has been to help poorer people access legal assistance.

"… Asuda stated that female lawyers and judges operate within the legal system in the KR but in many cases people feel that a male lawyer is needed to ensure that a legal case is taken seriously." **[66b] (p5-6)**

13.24 In an interview, posted on the KRG website on 11 February 2009, Dr Yousif Mohammad Aziz, Minister for Human Rights for KRG, stated:

"One of the biggest problems we face is the judicial system. The courts, judges and general prosecutors need to be reformed and some violations of human rights are even caused by the judicial system. At the celebration the 60th anniversary of the Universal Declaration of Human Rights, Prime Minister Barzani said that in 2009 more steps should be taken to improve the rule of law." **[150h]**

13.25 The KRG reported, on 12 December 2007:

"… the General Directorate for Identification of Criminal Evidence, supervises all evidence in Kurdistan Region and assists several Iraqi cities like Kirkuk, Mosul, Diyala, and sometimes Baghdad with its handling of evidence. The directorate boasts very skillful staff who received training in and outside Iraq, and several modern labs and equipment provided by the

American Civilian Police Assistance Training Team (CPATT) … which is based in Erbil city …

"[the] directorate is a technical establishment that investigates various types of criminal evidence, helping all security units and courts in the Kurdistan Region and other units that need to identify criminals …

"[the] directorate specialises in fingerprints, weapons, homicides, drugs, and forgery of passports, documents, handwriting, contracts, and university and school certificates." **[150g]**

13.26 The FCO report of 27 March 2009 stated:

"The BEO [British Embassy Office] Erbil met the KRG Justice Minister, Faruq Jamil Sadiq, in March 2009. The Minister stated that the judiciary had now been fully separated from the executive and had established its own independent administration, appointments and professional development system.

"… Other problems with the current system of justice in the KR include a lack of professional expertise amongst practitioners and a complex and inefficient bureaucracy. The KRG has acknowledged that the system is not perfect and does appear serious in its commitment to bring about improvements." **[66b] (p5)**

13.27 Amnesty International, in their report of 14 April 2009, commented on the lack of independence of the judiciary in the KRG administered area and judicial subordination to the requirements of the Asayish. The report mentioned that "a judge who wrote a newspaper article in which he criticized Asayish interference in the judicial process was subsequently threatened by a senior Asayish official that he should desist from such comments or face adverse repercussions." **[28b] (p25)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

RELIGIOUS AND TRIBAL LAW

13.28 Article 2 of the Constitution stipulates Islam "… is a foundation source of legislation" and that "No law may be enacted that contradicts the established provisions of Islam." **[82a]** The Minority Rights Group (MRG) report, April 2008, commented minority groups were concerned for their protection under the constitution; which refers to Islam as a "basic source of legislation in its Article 2", and also to the reference that "no law could be introduced in Iraq that contradicted the rules of Islam, as it could be used to repress minority rights and forbid conversion from Islam to other religions." **[121d] (p5)**

13.29 A National report on the status of human development 2008 by the Government of Iraq, 31 December 2008, noted:

"Article 41 states that 'Iraqis are free to abide by their personal status according to their religion, beliefs, doctrines or choices …', which has also raised concerns. It is feared that such provisions may allow for different interpretations of the Islamic Sharia, resulting in barriers to legal equality,

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especially in matters of civil code, such as marriage and divorce. Varying interpretations could set up different practices in different provinces, or between rural and urban populations and between members of different religions." **[135a] (p152)**

13.30 The UNHCR Guidelines of April 2009 further stated:

"Overall, Iraq largely remains a conservative and tribal-based society where social freedoms of the individual, and even more so of girls and women, are limited by the family's 'honour' and tribal and religious customs. The number of so-called 'honour killings' carried out against family members (most often women) by other family members for perceived or actual behaviour or attitude which is seen to have dishonoured their family, tribe or community, continues to be prevalent in all parts of Iraq." **[40b] (p193)**

See also Women; Honour killings

13.31 The LandInfo report of 6–23 March 2009 commented: "An international organisation (B) in Amman stated that tribal councils settle disputes between families and groups. The organisation had not heard of blood feuds taking place in recent times. The international organisation (B) in Amman explained that the increase of power of the tribal councils the past years is very much related to the lack of effective Iraqi authorities during these years. GoI is seen to encourage the tribal council's effort to settle local disputes.

"An international organisation (E) in Erbil stated that, in general, rule of law in Iraq is weak and tribal influence/settlements remain strong. When asked why tribal influence is more significant in the South the international organisation (E) answered that it might somehow be due to the presence of more religious factions, religious influence and a more conservative society in the South compared to the rest of Iraq. This in turn leads to more insecurity leaving the tribes with more room for manoeuvring and the police and the judicial system with less influence (in comparison to the North). When tribal influence is predominant and the rule of law is inefficient, minorities find themselves obliged to establish alliances with more powerful tribes in order to ensure protection.

"SSI [United Nations Security Section Iraq], Amman informed that tribal councils definitely still work in Iraq, and added that even international actors deal with these. For example had agreements of compensations for accidental killings been negotiated between the international forces and the tribal councils.

"PAO [Public Aid Organization], Erbil explained that there are disputes which never reach the [judicial] courts. These disputes are settled by a traditional conflict resolution mechanism, i.e. the local Diwan. Normally such cases are closed by an agreement or reconciliation between both parties. Civil disputes concerning car accidents and similar matters are often settled by the Diwan, but most often such cases are to the benefit of the person that has the strongest position in the local community. However, PAO, Erbil stated that the Diwans have a societal responsibility to protect the individual members of the tribe. A Diwan comprises respectable members of the community and its decisions are enforced. **[34a] (p29-30, 4.4 Tribal councils and courts in Iraq)**

See also Freedom of Religion

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14. ARREST AND DETENTION – LEGAL RIGHTS

14.01 The Freedom House report for 2008, published on 16 July 2009, recorded:

> "The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases. There have been credible reports of illegal detention facilities run by the Interior Ministry and party-sponsored militias. The constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but neither coalition nor Iraqi authorities have established effective safeguards against the mistreatment of detainees. Allegations of torture by security services have been serious and widespread." **[70a] (p7)**

14.02 The USSD report for 2008 commented "Lengthy detention periods without judicial action were a systemic problem." **[2o] (p10)** The UNSC report of 6 November 2008 further stated "Overall, slow bureaucratic procedures, insufficient resources and the absence of effective accountability measures delay the processing of detainee cases and result in a lack of due process." **[38r] (p12)**

14.03 The USSD report for 2008 noted:

> "The constitution prohibits 'unlawful detention' and mandates that preliminary investigative documents be submitted to an investigative judge within 24 hours from time of arrest, a period which can be extended only by one day. For offenses punishable by death, the defendant can be detained for as long as necessary to complete the judicial process. Under a state of emergency, the Prime Minister has the authority under 'extreme exigent circumstances' to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April 2007, although there were no reliable statistics available on such incidents." **[2o] (p10)**
>
> The law also required that detention facilities held women and juveniles separately from men; this was generally upheld, although there were some reported cases where women or juveniles were held with men. **[2o] (p7)**

14.04 The USSD report for 2008 noted: "In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention." **[2o] (p10)**

14.05 The USSD report for 2008 also commented: "In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place." **[2o] (p10)**

14.06 The UNAMI report, 1 July–31 December 2008, commented on the General Amnesty Law, passed on 27 February 2008, and stated:

"The law covers those Iraqi and non-Iraqi nationals who have been convicted of offences under the Iraqi Criminal Code. The General Amnesty Law does not provide amnesty for all offences and it has various exceptions. For example, persons sentenced for crimes resulting in death or permanent disability, premeditated murder, manslaughter, abduction, aggravated theft, rape, incest, forgery of Iraqi or foreign currency and official documents, drug offences, and the smuggling of antiquities are not eligible for consideration for amnesty. Those eligible for consideration include persons who have not been sentenced but who have been held in detention for more than six months without referral to an investigative judge or more than one year without referral to a competent court.

"To implement the General Amnesty Law, a committee has been established in each jurisdiction to review cases. Detainees or prisoners eligible for amnesty, or their relatives, can submit an application to have their cases reviewed and have the right of appeal to a competent court. The High Judiciary Council reports that, as of 31 December 2008, there were 127,431 cases, representing persons currently detained or at large, eligible for consideration under the law and 30,879 cases, representing persons ineligible due to the nature of their crimes." **[39b] (p22-3)**

14.07 The UNAMI report further stated:

"To date, while there are large numbers of detainees and prisoners eligible for amnesty, the actual application of the General Amnesty Law in practice remains limited. Since coming into force in February 2008, the number of eligible persons released under the law remains extremely small. Despite 127,431 cases of persons being eligible, according to some estimates received by UNAMI as of October 2008 only 2,000 detainees and convicted prisoners have been released since the law came into force." **[39b] (p23)**

14.08 The 2009 HRW report, covering events of 2008, further noted that the amnesty law had done little to ease the overcrowding of detainees. **[15a] (p1)** The USDoD report, March 2009, stated:

"… the large number of petitions granted is misleading because it reflects the number of petitions granted amnesty rather than the number of individuals requesting amnesty (in many cases, individuals filed multiple petitions). A large number of Iraqis who were granted amnesty were on bail, parole, or facing warrants. The total number of Iraqis granted amnesty reached 23,500; approximately 6,300 of these have been released from detention." **[103a] (p3)** The previous USDoD report, December 2008, recorded that:

"Release from custody for those granted amnesty has proceeded slowly due to political, logistical, and reintegration difficulties, as well as a lack of inter-ministerial cooperation. In various engagements with Ministry of Justice (MoJ), Ministry of Interior (MoI), and HJC officials, all have expressed concern that the law provides amnesty to terrorists. In addition, the existence of fraudulent orders has caused the MoJ to implement redundant authentication procedures to verify authenticity of orders." **[103d] (p3)**

14.09 The Justice Network for Prisoners (JNP) combined voluntarily, non-governmental, non-profit and independent organizations, and worked in the

field of human rights and monitoring prisoners and detainees' rights in Iraq, with a reference to the international and national standards. **[152]**

14.10 The UNSC report, published on 30 July 2009, stated:

"Concerns persist regarding the treatment of detainees, and protests continued during the reporting period against lengthy pretrial detentions, the abuse of detainees, and corruption in the law enforcement system. The relevant Iraqi authorities have responded to these concerns with further promises to investigate and improve the situation. During the month of June [2009], a number of detainees' hunger strikes were recorded in many detention facilities throughout the country. In one case, a hunger strike by some 300 detainees affiliated with the Sadrist movement was reported in the Rusafa detention centre in eastern Baghdad, prompting members of the Council of Representatives Human Rights Committee and the Baghdad Operations Command to inspect the facilities. The Minister of the Interior announced on 16 June that 43 Rusafa-based policemen would be prosecuted for human rights violations, while calls to improve the detention system were made by the High Judicial Council when it convened on 16 June." **[38c] (p9)**

See also Prison conditions

14.11 The USDoD report of July 2009 commented:

"As of April 2009, amnesty review committees have approved 131,644 amnesty petitions and denied 32,288. Despite the high number of approved petitions, only 7,946 individuals are confirmed as released from detention facilities since the beginning of January 2009 pursuant to amnesty release orders. The total number of petitions is much higher than the number of individuals in detention because some individuals have multiple convictions or investigations initiated against them, with each one getting a separate amnesty consideration. Also, thousands of amnesty applications are for those who have been charged for crimes but have not been detained or brought to trial." **[103b] (p7, Amnesty Releases)**

ARREST AND DETENTION IN THE KRG AREA

14.12 The Freedom House report for 2008, published on 16 July 2009, recorded: "KRG laws … prohibit inhumane treatment of detainees, but it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics." **[70a] (p7)**

14.13 The UNAMI report covering 1 July–31 December 2008 noted: "The KRG 2006 Anti-Terrorism Law, which forms the legal basis for many arrests, has been extended into mid-2010. Meanwhile, claims by detainees of insufficient legal assistance and of inordinate delays in investigations and trial proceedings were frequent." **[39b] (p26)** The UNHCR Guidelines of April 2009 stated that "In the Kurdistan Region, individuals continue to be held for prolonged periods of time, mostly on the basis of vague accusations (usually on suspicion of involvement in terror-related incidents)." **[40b] (p138)**

14.14 The USSD report for 2008 stated:

"There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees' family members were not allowed to know their location or visit them. Reportedly police across the country continued to use coerced confessions and abuse as methods of investigation." **[2o] (p10)**

14.15 The UNAMI report, covering 1 July–31 December 2008, recorded the number of detainees in the KRG area to be 2,707, as of December 2008. **[39b] (p22)** The UNAMI report, 1 January - 30 June 2008, documented cases of detainees "held at Asayish detention facilities in Erbil, [out of whom] 38 had been held for up to four years without referral to an investigative judge, charge or transfer to court. …" and added:

"Asayish Gishti officials maintained that these detentions were legal and reviewed by the court every six months. However, one judge informed UNAMI in March that he had no oversight over detainees who are not introduced before him, and that the responsibility for ensuring legality of detention lies with judicial investigators. The KRG authorities also failed to respond to UNAMI's earlier requests to process cases of detainees who remain in detention for over seven years without charges or trials. The Human Rights Committee of the Kurdistan National Assembly (KNA), which is mandated to review detention facilities, registered 140 cases of persons detained longer than 2 years without charges at Asayish detention facilities." **[39q] (p25)**

See also Prison conditions in the KRG area.

14.16 The FCO report, 27 March 2009, stated:

"… suspects could be held for 24 hours before a court order was required to detain them longer. Police are required to notify the courts that they are holding somebody within 24 hours of detaining them. Courts will determine how long a person can be held for investigation by the police before they are placed on trial. There is a special department in the police responsible for cases held up to six months."… [the] Forensic/Investigations Advisor to the Iraqi Police, based at the BEO [British Embassy Office], stated that the arrest rate was high in the KR as people could be held on suspicion of a crime. Police can hold a person for up to 24 hours before a court order to detain them longer was required from a court. Suspects can be held for lengthy periods without charges being brought against them or without being brought to trial." **[66d] (p2-3)**

14.17 The FCO report further mentioned:

"… UNAMI stated that there were concerns about the impunity of law enforcement forces, mistreatment of people held in custody and unlawful use of detention in the KR. UNAMI is aware of cases of people who have been held in detention for over a year, in some cases as much as six or seven years. UNAMI has heard allegations that there are people held in detention secretly but the KRG denies this. **[66d] (p3-4)**

14.18 The AI report of 14 April 2009 stated although the KRG had released over 3,000 detainees in response to AI's August 2008 memorandum on human

rights concerns, hundreds of prisoners were still being held without charge or trial. "The head of the Asayish Gishti in Erbil informed Amnesty International at the end of May 2008 that there were then 670 political detainees being held without charge or trial." **[28b] (p11)**

14.19 The Amnesty International (AI) report, 14 April 2009, commented "Amnesty International received information from a number of sentenced prisoners indicating that their trials had not met international fair trial standards … Detainees commonly were denied access to lawyers in the early stages of their detention, when they were usually held incommunicado, and were interrogated by the Asayish." **[28b] (p25)**

ARREST AND DETENTION BY THE MNF

14.20 Amnesty International, in their March 2008 report, stated:

"The MNF says UN Security Council Resolution 1546, passed in June 2004, authorizes it to detain people in Iraq. The Resolution provides for 'internment where this is necessary for imperative reasons of security'. In addition, internment policies are governed by CPA Memorandum No.3 (revised) of June 2004, which sets out the process of arrest and detention of criminal suspects as well as procedures relating to 'security internees' held by the MNF after June 2004. The Memorandum provides that anyone who is interned for more than 72 hours is entitled to have the decision to intern them reviewed within seven days and thereafter at intervals of no more than six months. These procedures deprive detainees of human rights guaranteed in international human rights norms. There is no time limit for the detention of security detainees, who also have no right to challenge the lawfulness of their detention before a court." **[28o] (p12)**

14.21 The 2009 HRW report, covering the events of 2008, also stated:

"As of early October 2008 the US military said it was holding about 17,000 detainees in Iraq; the previous month it said it had released approximately 13,000 since the beginning of 2008. Reviews of cases were limited to administrative hearings that fall short of internationally recognized due process norms. MNF officials estimated in May that no more than a tenth of detainees would be referred for criminal proceedings in Iraqi courts." **[15a] (p2)**

See also Juvenile prisoners for number of juvenile detainees held in MNF custody.

14.22 The USDoD report of July 2009 recorded, on the release of detainees by US forces under the Security Agreement:

"As of May 2009, the GoI has reviewed 4,500 detainee summary cases, has provided warrants for 353 of them, and has approved the remaining detainees for release. Of those approved by the GoI, Coalition forces have released 2,527 detainees since February 1, 2009. As agreed to in the JSC on Detainee Affairs, the U.S. will continue to release about 750 detainees per month, each month, starting in April 2009. These releases, in conjunction with transfers to GoI custody, will result in the release of approximately 1,250 detainees from Coalition force custody per month over the next several months. …

"As of May 18, 2009, there are 11,580 detainees in Coalition force custody. Most detainees released so far in 2009 are low-threat detainees who should pose limited danger to the safety and security of Iraq. After 2,527 releases, approximately 5,100 low-threat detainees remain in Coalition force custody, all of whom should be released or transferred by September 2009." **[103b] (p35)**

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15. PRISON CONDITIONS

OVERVIEW

15.01 The Iraqi Correctional Service, part of the Ministry of Justice, oversaw most prisons in Iraq. Detention facilities were also operated by the Ministry of the Interior, the Ministry of Defence, the Ministry of Labour and Social Affairs (juvenile detention facilities) and the Kurdish Regional Government. (Kings College London, 7 September 2009) **[16a]**

15.02 The UNSC report of 6 November 2008 noted: "The condition of detainees across the country, including in the region of Kurdistan, remains of concern… Pretrial detainees in particular are subject to violence during the investigation phase." **[38r] (p12)**

15.03 The USSD report for 2008 stated: "In August [2008], the MOHR [Ministry of Human Rights] reported that electricity and cold water, which leave few physical traces, were the most commonly used torture methods." **[2o] (p6)**

15.04 The USSD report 2008 stated:

"Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate Ministries: MOJ, MOI, MOD, and MOLSA for juvenile detention …

"At year's end there were 10 MOJ prisons and six pretrial detention facilities. The total number of MOI detention facilities was estimated to be six National Police facilities and 294 Iraqi Police facilities. Including police holding stations, there were estimated to be more than 1,200 official MOI detention locations. The MOD operated 51 Iraqi Army (IA) pretrial detention centers for detainees captured during military raids and operations. Additionally, there were reports of unofficial detention centers throughout the country. Continued detention beyond the date of ordered release and unlawful releases, as well as targeting and kidnapping of Sunni Arab detainees, were reported." **[2o] (p6-7)**

15.05 The UNSC report of 6 November 2008, noted: "The [UNAMI] Human Rights Office has continued to visit detention facilities and prisons to monitor the situation of detainees held by the Ministries of the Interior, Justice, Defence and Labour and Social Affairs. Many have been deprived of their liberty for months or even years, often under precarious physical conditions, without access to defence counsel or being formally charged with a crime, or being brought before a judge." **[38r] (p12)**

15.06 The UNSC report, 6 November 2008, stated: "As of 3 October [2008], the number of detainees in United States facilities in Iraq was down to 17,965 (from 24,514 at the end of 2007). The number in Iraqi detention facilities is reported to be 27,366. Persons held in Iraqi custody include a steady flow of individuals who are released by United States forces only to be rearrested by Iraqi authorities, in some cases without sufficient evidence." **[38r] (p12)** The UNHCR Guidelines of April 2009 noted that by January 2009 there were 35,000 detainees in Iraqi prison and detention facilities. **[40b] (p137)**The UNSC report of 2 June 2009 further commented there were no reliable statistics on prisoners in Iraq due to the "lack of accurate and transparent

reporting on the implementation of the amnesty law by the authories of Iraq." **[38b] (p11)**

See also Multinational forces in Iraq

15.07 UNAMI stated, in its 1 July–31 December 2008 report, that: "UNAMI … continued to receive reports of prolonged periods of detention without charge or access to legal counsel and the use of torture or physical abuse against detainees to extract confessions. During interviews conducted by UNAMI/HRO in a number of Iraqi run detention facilities, many detainees have complained of being physically abused by the police." **[39b] (p25)**

15.08 The USDoD report of July 2009 stated:

"Iraqi detention conditions and judicial efficiency have plateaued in many parts of Iraq. Key challenges include a significant backlog of cases, an insufficient number of investigative judges, and the GoI's inadequate commitment to conduct detention facility assessments. Despite the overcrowded facilities, U.S. Government agencies have made progress in coordination and training. Multi-National Security Transition Command-Iraq (MNSTC-I) advisors continue to work with the human rights teams for the MoI and the Ministry of Defense (MoD) to build assessment capacity. Improving detention capacity continues to be a challenge. The Ministries of Justice (MoJ), Interior, Defense, and Labor and Social Affairs detention facilities currently hold more than 15,000 pre-trial detainees, and the overwhelming majority of these cases await investigation." **[103b] (p6, Rule of Law and Criminal Justice Development)**

IRAQI-RUN PRISONS AND DETENTION FACILITIES

15.09 The USSD report for 2008 noted:

"The ICS [Iraqi Correctional Services] internal affairs department monitored abuse or violations of international standards for human rights in prisons. Increased allegations of harassment and abuse have resulted in the disciplining of ICS officers in some cases. On August 12, according to the deputy minister of justice, there were allegations that 19 Iraqi correction officers (ICO) physically abused detainees being transferred to Kadhamiya Maximum Security Prison. The deputy minister investigated and determined 16 were innocent; the other three were transferred to prisons in Samawah, Nasiriyah, and Hillah, with the possibility of future criminal prosecutions. In August, the MOHR reported that 14 deaths of detainees under investigation in 2007 were pending at year's end. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard." **[2o] (p7)**

15.10 The USSD report for 2008 stated: "Numerous and serious reports of torture and abuse were leveled at MOI's Kadhamiya National Police detention facility and the MOD/MOJ Harithiya facility in Baghdad." **[2o] (p6)** The UNHCR report, April 2009, commented that:

"According to an October 2008 report by The Independent, hundreds of prisoners have been summarily executed in the high-security detention centre in Kadhemiyah in Baghdad since 2003. Reportedly, those hanged are

mostly alleged insurgents as well as common criminals and there are no public records of the killings." **[40b] (p143)**

15.11 The USSD report for 2008 further stated: "Kadhamiya Female Prison, an ICS [Iraqi Correctional Services] facility, was reportedly infiltrated by JAM [Jaish Al-Mahdi (Mahdi Army)] and operated as a brothel at night. On August 22 [2008], the acting minister of justice acted to rectify the problem by relocating the inmates (174 females and 17 children) to a new female prison at the Rusafa Rule of Law Complex." **[2o] (p7)**

15.12 The HRW World Report 2009, covering the events of 2008, noted:

"The number of detainees in Iraqi government custody (excluding the northern Kurdish region) stood at approximately 24,000 in August [2008], according to a Human Rights Ministry official. Judicial authorities reported in August over 100,000 approved amnesty applications but as of September diplomats tracking amnesty implementation estimated releases stood at only 5,000-8,000; estimates from Iraqi officials in October suggested a lower figure." **[15a] (p2)**

15.13 The UNSC report of 6 November 2008 stated: "The number in Iraqi detention facilities is reported to be 27,366. Persons held in Iraqi custody include a steady flow of individuals who are released by United States forces only to be rearrested by Iraqi authorities, in some cases without sufficient evidence." **[38r] (p12)** The UNAMI report, 1 July - 31 December 2008, stated as of December 2008, the number of detainees under Iraqi authorities stood at 26,249. **[39b] (p22)**

15.14 The UNSC report, 6 November 2008, stated that upon conducting a visit to the central prison of Fallujah, the UNAMI Human Rights Office discovered that over 400 prisoners were being held in pre-trial detention in poor conditions, many for more than one year. **[38r] (p12)** UNAMI further commented, in their 1 July - 31 December 2008 report, that the detention facility in Fallujah was "seriously overcrowded". **[39b] (p25)**

15.15 The USDoD report of December 2008 commented:

"The quality of Iraqi detention facilities and detainee treatment continues to vary. MoI and Ministry of Defense (MoD) forces rely on confessions, often coerced, as a substitute for physical evidence when investigating criminal cases. Coerced confessions also account for the majority of detainee maltreatment reports. By contrast, MoJ facilities are generally staffed with Iraqi corrections officers who are not involved in case investigation. MoJ facilities usually provide adequate life support; however, many of them are overcrowded and receive inadequate healthcare support. Five new prisons, funded by the International Narcotics and Law Enforcement (INL), are scheduled to open over the next six months, increasing prison capacity by more than 6,500 beds." **[103d] (p4)**

15.16 The FCO human rights report for 2008 stated: "There have been documented (through UN reports) and well publicised allegations of cases of deliberate abuse in Iraqi prisons, and widespread reports of overcrowding. … The Iraqi Ministry of Justice has taken forward an initiative to speed up processing of paperwork, introducing rehabilitation and

vocational training and addressing overcrowding in detention centres." **[66e] (Justice system and death penalty)**

15.17 UNAMI further commented: "During the reporting period, UNAMI conducted visits to the al-Harithiya prison in Baghdad, to the al-Jazeera police station in Ramadi and the detention facility at the Central police station in Fallujah." The report mentioned that cells in al-Jazeera police station "looked new, were cleaned and equipped with functioning air conditioning". **[39b] (p25-6)**

15.18 The UNSC report, 20 February 2009, noted:

"… the overall situation of detainees under Iraqi custody across the country, including in the Kurdistan region, remains of great concern. Many detainees have been deprived of their liberty for months or even years, often in poor conditions, without access to defence counsel or without being formally charged with a crime or brought before a judge. The continuing allegations of torture and illtreatment of inmates by Iraqi law enforcement personnel remains a particular cause for concern. Pre-trial detainees in particular are subject to violence during the investigation phase to extort confessions." The report also mentioned that Iraq had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. **[38a] (p11)**

15.19 The UNHCR report, April 2009, commented:

"Overcrowding in Iraqi detention facilities remains a major concern in many facilities. For example, the Khamees detention centre in Diyala has a capacity for 200 inmates but currently houses more than 450 in unsanitary conditions. The building of five new prisons for over 6,500 prisoners and detainees in the coming six months, which are funded by the US Government, is expected to at least partially alleviate the problem of post-trial overcrowding in the future. Inmates often have inadequate access to healthcare and suffer from inadequate sanitation and hygiene conditions." **[40b] (p140)**

Prisons and detention facilities in the KRG area

15.20 The USSD report for 2008 noted: "During the year local and international human rights organizations and the MOHR continued to report torture and abuse… in KRG security forces' detention facilities." **[2o] (p5-6)** The UNHCR Guidelines of April 2009, stated:

"Despite some improvements, overcrowding and lack of basic hygiene and sanitation remain a concern in some detention facilities in the Kurdistan Region." **[40b] (p140)**

"In the Kurdistan Region, in particular, persons arrested on suspicion of involvement in terror-related incidents have been 'routinely singled out for violent treatment amounting to torture during investigations' by security and intelligence officials. UNAMI HRO also continues to receive reports of abusive treatment of detainees, particularly those held by the Asayish, in order to extract information or confessions." **[40b] (p139-140)**

15.21 The USSD report for 2007 noted: "On April 10 [2007], the Kurdistan National Assembly passed the General Amnesty Law No. 4 for the Kurdistan region and on July 1 published it in the official *Kurdistan Gazette*.

Pursuant to this law, the KRG formed committees in each governorate (Erbil, Dohuk, and Sulaymaniyah) that were headed by judges to review detainee cases and recommend releases. The law provided a one-time amnesty applicable to cases predating the passage of the law and was not applicable to detainees accused of terror-related offences." **[2l] (p8)** The USSD report for 2008 noted "The KRG minister of human rights reported on December 16 [2008] that over 660 of the approximately 4000 detainees had been amnestied." **[2o] (p11)**

15.22 The USSD report for 2008 stated:

"… the KRG Ministry of Labor and Social Welfare (MOLSW) operated prisons in the KRG, and the KRG MOI operated pretrial detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities as well…Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight internal security pretrial detention facilities." **[2o] (p6-7)**

15.23 UMAMI's report, for the period 1 July - 31 December 2008, stated that:

"UNAMI/HRO continues to document serious violations of the rights of suspects and those deprived of their liberties by the KRG authorities. These include claims of beatings during interrogation, torture by electric shocks, forced confessions, secret detention facilities, and a lack of medical attention. Abuse is often committed by masked men or while detainees are blindfolded. In general, detainees fear the interrogators and investigative personnel more than prison guards …

"In more positive developments, UNAMI noticed that several detention facilities were being renovated. … UNAMI also notes that all mid- and high-level Government officials addressed expressed a general commitment to human rights without acknowledging the existence of human rights violations in the KRG. UNAMI also notes with appreciation that a committee on detention conditions headed by the KRG Prime Minister lobbies for greater respect for human rights." **[39b] (p27)**

15.24 The FCO report, 27 March 2009, recorded that KRG authorities allowed UNAMI and the International Committee of the Red Cross (ICRC) access to prisions in the region.

"… ICRC stated that the central Iraqi Government runs one prison in the KR, Fort Suse near Sulaymaniyah, with capacity for up to 3,000 prisoners. The prison had previously been used by Multinational Forces in Iraq. The KRG had built a new prison in Sulaymaniyah Governorate but it has not opened yet. …

"General Rzgar Ali Aziz, Chief of Police in Sulaymaniyah stated that women are always accommodated separately from men in prisons and police stations." **[66d] (p19)**

15.25 The AI report, 14 April 2009, noted:

"Amnesty International has received numerous reports of torture and other ill-treatment of political suspects in prisons and detention centres under the

control of the Asayish and other security agencies throughout the Kurdistan Region of Iraq. Methods reported to Amnesty International include: the application of electric shocks to different parts of the body; beatings with fists and with a cable and/or metal or wooden baton; suspension by the wrists or ankles; beating on the soles of the feet (falaqa); sleep deprivation; and kicking. In a few cases, detainees are alleged to have died as a result. **[28b] (p25)**

See also Arrest and detention in the KRG area; Torture by security forces in the KRG area. For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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MNF-RUN PRISONS AND DETENTION FACILITIES

15.26 The UNHCR COI report, October 2005, stated "On the basis of UN Security Council Resolution 1546, the MNF are authorized to intern persons on compelling security grounds." **[40c] (p54)** UNAMI's report covering 1 July - 31 December 2008, reported that Camp Bucca, which held the majority of MNF-I detainees, was "old, the cells are too small and the generator does not provide sufficient power.

"During the reporting period, there was a substantial decrease in the number of detainees held in MNF-I custody. From a peak of 23,229 in July, by the end of December, the number had fallen to 15,058. However, detainees have remained in custody for prolonged periods without judicial review of their cases.

"Following the security agreement signed by the Iraqi and US governments on 17 November 2008, MNF-I will no longer be authorized to detain suspects in Iraq after 1 January 2009, unless specifically requested by an Iraqi decision issued in accordance with Iraqi law." **[39b] (p26)**

15.27 The UNSC report, 20 February 2009, mentioned:

"United States forces continue to release detainees in an effort to reduce the detention population. The original plan to transfer all United States detainees to Iraqi custody by 1 January 2009 had to be abandoned owing to a lack of space in Iraqi detention facilities and the inability of the Iraqi judicial system to process thousands of cases. Instead, the Iraqi authorities will review 1,500 cases per month while the United States forces retain physical custody of the detainees. Detainees for whom an Iraqi judge issues no arrest warrant will be released 30 days after the submission of the case file to the Iraqi authorities. As at 17 December 2008, the number of detainees in United States facilities in Iraq had dropped to 15,600 adult males and 58 minors." **[38a] (p11)**

15.28 The AI report 2009 stated: "US forces of the MNF held some 15,500 detainees, mostly without charge or trial, at Camp Bucca, near Basra; Camp Cropper, near Baghdad airport; and other locations. Some had been held for five years." **[28f] (p3)**

15.29 Radio Free Europe/Radio Liberty reported, on 17 September 2009, that the US military had closed Camp Bucca:

"Bucca once housed as many as 14,000 detainees, the majority held for months or years without any charges made against them and with no access to a lawyer. Some were kept in steel shipping containers with a toilet and air conditioning. The number of detainees dwindled before the camp's formal closure … when a transport plane carrying the last group of 180 detainees left Basra for another military prison in Baghdad, a U.S. military statement said.

"The security pact, which also calls for all U.S. troops to withdraw from Iraq by 2012, obliges the United States to release U.S. detainees who do not face Iraqi arrest warrants or detention orders. Since January [2009], 5,703 U.S. inmates have been released and 1,360 were transferred to the Iraqi government. Following Bucca's closure, around 8,300 detainees remain in U.S. custody in Iraq in two detention centers around Baghdad." **[22g]**

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16. DEATH PENALTY

16.01 The UNHCR Guidelines of April 2009 stated:

"The death penalty is extensively used and reportedly on the rise in Iraq. According to AI, nearly 130 people currently face imminent execution in Iraq, a figure that was confirmed by the Iraqi Supreme Judicial Council. AI reported at least 285 persons sentenced to death and 34 executions in 2008. In 2007, it documented at least 199 men and women sentenced to death and at least 33 prisoners were executed, while in 2006 it reported at least 65 persons executed, including two women. Persons sentenced to death were exempted from the limited amnesty granted under the Amnesty Law of 13 February 2008. Most death sentences were passed by the Central Criminal Court of Iraq (CCCI) following proceedings which failed to meet international fair trial standards. In particular, defendants alleged that the court used confessions extracted under torture as evidence against them and that they did not have adequate legal representation." **[40b] (p142)**

16.02 Hands off Cain, acccessed on 28 September 2009, observed: "According to Iraqi law a death sentence must be approved by the government, the President and the two Vice-Presidents." The report noted the method of execution to be "hanging and shooting". **[97a] (p1)**

16.03 UNAMI, in their report covering 1 July–31 December 2008, stated:

"From 1 July to 31 December [2008], the Central Criminal Court of Iraq [CCCI] and other criminal courts in the country have issued 192 death sentences. It is not known whether these sentences will be implemented as no death sentence has been executed in Iraq since February 2007 according the High Judiciary Council. However, according to Amnesty International web site, there were 34 executions in the year 2008. UNAMI/HRO was unable to attend CCCI proceedings during the reporting period due to the new security measures introduced which restricted access to the Court." **[39b] (p22)**

16.04 In their report of 24 March 2009, AI recorded that at least 34 exectutions were carried out in Iraq during 2008, and at least 285 individuals had been sentenced to death. These sentences were handed down mostly by the Central Criminal Court of Iraq or the Supreme Iraqi Criminal Tribunal. **[28e] (p17)**

16.05 The UNSC report of 30 July 2009 stated:

"UNAMI remains concerned by the ongoing executions by hanging of the death row inmates, as well as the lack of available information on the executions and the death penalties. There are currently at least 1,000 people on death row in Iraq, 150 of whom are reported to have exhausted all avenues of appeal. More than 100 execution orders have already been signed by the Iraqi Presidency Council. There have been 31 executions during the reporting period despite the calls by UNAMI, OHCHR [Office of the United Nations High Commissioner for Human Rights] and other international organizations to the Government of Iraq to institute a moratorium on the death penalty while undertaking an investigation into all allegations of abuse of authority in detention, reviewing the criminal

legislation and procedures in the light of international standards and Iraq's obligations under international law." **[38c] (p9)**

DEATH PENALTY IN THE KRG AREA

16.06 The FCO report, 27 March 2009, noted "Alexander Elliott, Forensic/Investigations Advisor stated that the death penalty was given for the most serious crimes in the KR, although at a very much lower level than in the rest of Iraq. There were a small number of executions by hanging in the KR every few months, made by order of judges. Cases of execution were not publicised." **[66d] (p7)**

16.07 The Amnesty International (AI) report, 14 April 2009, stated "Amnesty International was told by the KRG that as of June 2008 there were 33 people on death row in Erbil and about 47 in Sulaimaniya. With the four death sentences passed on 6 November 2008, this means that there are at least 84 people on death row, including some women. No execution has been carried out recently in Sulaimaniya or other areas where the PUK is predominant, apparently because of the PUK leadership's opposition to the death penalty. All death sentences have to be ratified by the President of the KRG before executions are carried out." **[28d] (p29)**

16.08 Hands off Cain recorded that as of 8 June 2009:

"… a man was sentenced to death for blowing up his car in front of the office of Kurdistan Democratic Party Branch 17 in Shangal town in Iraq in 2005, killing 15. The head of the Duhok court, Judge Muhammad Amin Sharafani, explained that the masterminds were a father and son. The father was declared innocent, the son, Rakan Abid Ahmed, was sentenced to death. 'Ahmed was the leader of the Islamic Iraqi State terrorist organisation.' The decision will now head to Erbil Judicial Court." **[97a] (Death penalty for terrorism)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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17. Political affiliation

Freedom of political expression

17.01 The USSD report for 2008 recorded:

> "The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April 2007, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency, the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats." **[2o] (p18)**

17.02 The USSD report for 2008 further stated: "The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party." **[2o] (p18)**

17.03 The UNHCR Guidelines of April 2009 reported: "Iraqis openly criticizing or perceived to be opposing… political parties are at risk of being threatened, kidnapped or killed. This is in particularly [sic] true for tribal/religious leaders, journalists, human rights activists or other professionals that express their dissatisfaction with local parties or armed groups, refuse cooperation, allege their involvement in violence, corruption or sectarianism or engage in reconciliation efforts." **[40b] (p165)**

See also Perceived collaborators and 'soft targets'

Freedom of political expression in the KRG area

17.04 The USSD report 2008 stated: "Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK reportedly prevented the government employment of non-party citizens." **[2o] (p23)**

17.05 The FCO report of 27 March 2009 noted:

> "Mala Bakhtiar, PUK Politburo Member and Supervisor of PUK's Foreign Affairs Office in Sulaymaniyah stated that the KR has been an excellent example of democracy building in the Middle East but the process was still evolving. The internal conflict between the PUK and KDP in the 1990s had held back progress. Even after nearly twenty years of independent politics in the KR today all political parties active in the KR were still learning how democracy works and how to co-operate constructively with parties that hold differing views. The younger generation in the KR has no problems politically. The KR enjoys full freedom of expression and is not a police state." **[66d] (p8)**

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

17.06 The AI report of 14 April 2009 stated: "Political opponents of the Kurdish authorities are subject to arrest, and sometimes torture, by the Asayish, the KRG security forces." **[28b] (p20)**

17.07 The UNHCR Guidelines of April 2009 reported: "In the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk as well as in areas under *de facto* control of the Kurdish parties, criticism of the ruling PUK and KDP can result in intimidation, beatings, arrest and detention and extra-judicial killings. Journalists are particularly at risk." **[40b] (p167)**

See also The media and journalists in the KRG area

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.08 The Constitution provides for "Freedom of assembly and peaceful demonstration, and this shall be regulated by law." It also stipulates that "The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law." It adds that "It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it." (The Constitution of Iraq) **[82a] (p12)**

17.09 The Freedom House report for 2008, published on 16 July 2009, recorded: "Rights to freedom of assembly and association are recognized by the constitution and generally respected in practice. The constitution guarantees these rights 'in a way that does not violate public order and morality.'" **[70a] (p6)**

17.10 The USSD report for 2008 stated:

> "The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April 2007, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency, the government continued to claim the right to declare curfews in late evening and on holidays in response to security threats." **[2o] (p17-18)**

Freedom of association and assembly in the KRG area

17.11 The USSD report for 2008 noted: "there were reports of abusive KRG practices against protesters … Unlike in 2007, there were reports that KRG security forces killed or detained protesters when demonstrations protested government acts." **[2o] (p17-18)**

17.12 The USSD report for 2008 also stated: "Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk." **[2ol] (p18)**

17.13 The IOM December 2008 report commented: "On the 29th, 30th and 31st of July [2008], IDPs in all three governorates organized peaceful protests against the provincial law implemented by the Iraqi Parliament to delay elections in Kirkuk. More than 100,000 people gathered across the three governorates to protest this motion." **[111o] (p6)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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GOVERNEMNT OFFICIALS, OPPOSITION GROUPS AND POLITICAL ACTIVISTS

17.14 The UNHCR Guidelines of April 2009 stated:

"Various armed groups are held responsible for targeting persons involved in the Iraqi Government and Administration at the federal and local levels, members of their families and bodyguards. The perpetrators and their motives are multi-layered. While certain acts may be motivated to delegitimize the Iraqi Government and spread fear, other attacks seem to clearly target government officials, be it for their belonging to a certain political party or their involvement in certain political affairs. As seen in the past, extremist groups are also stepping up their efforts ahead of sensitive political events such as elections or during negotiations of legislative projects." **[40b] (p161)**

See also Perceived collaborators and 'soft' targets

Former members and associates of the Ba'ath party/former regime

17.15 Article 135 (5) of the Constitution stipulates "Mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it." (The Constitution of Iraq) **[82a] (p39)**

17.16 Jane's Sentinel Country Risk Assessment of Security in Iraq, updated on 18 February 2008, stated:

"FRE [Former regime elements] cadres include elements in exile in Damascus and eastern Syria, and Iraq-based networks, which mainly draw their power from Baathist structures that continue to exist in the Sunni triangle, the old presidential security triangle between Baghdad, Balad and Tikrit. The objectives of this fractious and loosely connected network are increasingly mercenary, although FRE elements are clearly committed to the expulsion of foreign and Shia and Kurdish security forces from core Sunni triangle areas. Indicators suggest that Syrian-based Baathist leadership figures have split into two major factions; one under Izzat Ibrahim al-Douri, and another under Younis al-Ahmed, who appears to reside in Syria.

"Since mid-2007, former Baathists have been re-integrated into national structures, particularly the Iraqi Army, the National Police and the Emergency Reaction Units at provincial levels. This is gradually splintering the moderate former Baathists from the irreconcilables. The passage of the Accountability and Justice Law in Iraq's parliament on 11 January 2008 … may allow some more junior insurgents to be reintegrated, although this process informally began well before the law's passage and might even be upset by stirring up the issue of de-Baathification once again." **[14c] (Political, Former regime elements)**

See also Sunni Arab insurgents.

De-Ba'athification

17.17 "CPA Order No. 1, De-Ba'athification of Iraqi Society, was signed and went into effect on 5 May 2003. Under this Order, the Ba'ath Party was dissolved and senior party members (those in the upper tier, including members of the Regional Command, Branches, Sections and Groups) were officially removed from their positions and banned from any future employment in the public sector. In addition, they were evaluated for criminal conduct or threat to the security of the Coalition." (UNHCR, 2005) **[40a] (p15-16)**

17.18 The UNHCR Guidelines of April 2009 stated:

"Members of the former Ba'ath Party and the former regime may further face discrimination on the basis of their affiliation with the former regime. The Justice and Accountability Law of January 2008, which was aimed at (partly) reversing the effects of the previous 'De-Ba'athification' process, under which approximately 150,000 former Ba'athists, mostly Sunni Arabs, were excluded from government employment and pensions, is not yet being implemented, depriving many former Ba'athists and members of the former regime from government employment or pensions entitled under the law. There have also been reports that the Shi'ite-dominated Government is discriminating against former Ba'athists in public sector employment. Further, it cannot be ruled out that previous Ba'ath Party affiliation may increase the risk of a detainee to be subjected to unfair treatment or abuse if held in a Shi'ite dominated detention facility." **[40b] (p171)**

17.19 The USDoD report, March 2009, stated:

"The Council of Ministers (CoM) has yet to nominate the individuals to head the new De-Ba'athification Commission, leaving the original Coalition Provisional Authority-appointed commission in place, but with no authority. Even with universal agreement that the law needs to be amended, neither the CoM nor the CoR has made any effort to introduce the necessary legislation. Without this legislative attention, some Sunni groups have accused the Shi'adominated government of appointing former Ba'athists who are deemed politically reliable, while denying positions to those who are eligible but not politically acceptable." **[103a] (p2)** The July 2009 USDoD report further stated there had been no more legislative progress to achieve de-Ba'athification. **[103b] (piv)**

Reprisals against Ba'ath party members

17.20 The UNHCR Guidelines of April 2009, recorded:

"Since the fall of that regime, and in particular since the elections in 2005, when Shi'ite parties came to power, these persons [former Ba'athists] have been the subject to systematic attacks, mainly by Shi'ite militias. For various reasons, targeted attacks against former members and associates of the Ba'ath Party and the former regime also appear to have lessened to a large extent. One possible reason is that a large number of former Ba'athists and associates of the former regime have already fled Iraq since 2003 while those remaining have often been able to align themselves with the current parties in power and/or have been reemployed into the public sector or the ISF. Another reason is that Shi'ite militias have been lying low or were weakened after military operations in 2008. While members of the former Ba'ath Party and regime are no longer systematically targeted, they may still fall victim in individual cases, for example as a result of personal revenge of former victims or their families against perpetrators of detention, torture or other violations of human rights. While some killings of former Ba'athists or members of the former regime have been documented in the media in 2008 and 2009, mainly in the Central Governorates, other cases may go unreported, not the least because the exact motivation behind an attack may not always be known. Today, many former Ba'athists have found a new identity in the Iraqi society as politicians, professionals or tribal leaders."
[40b] (p170-1)

See also Perceived collaborators and 'soft targets'

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18. FREEDOM OF SPEECH AND MEDIA

18.01 Article 38 (a) of the Constitution provides for the "Freedom of expression using all means." Article 38 (b) provides for the "Freedom of press, printing, advertisement, media and publication." (The Constitution of Iraq) **[82a] (p12)**

18.02 The USSD report for 2008 stated:

"The constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years for any person who publicly insults the COR, the government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.

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

"The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party or for 'alterations to Iraq's borders by violent means.'" **[2o] (p15)**

18.03 The Freedom House report for 2008, published on 16 July 2009, recorded:

"Freedom of expression is protected by the constitution and generally respected by the authorities. However, it has been seriously impeded by sectarian tensions and fear of violent reprisals. Over a dozen private television stations are in operation, and major Arab satellite stations are easily accessible. More than 150 print publications have been established since 2003 and are allowed to operate without significant government interference. Internet access is not restricted." **[70a] (p5)**

NEWSPAPERS, RADIO AND TELEVISION

18.04 There were over a hundred daily and weekly publications in Iraq and dozens of radio and television stations. (USSD, 2008) **[2o] (p15)** (BBC, Country Profile on Iraq (updated 28 October 2009) **[4dc]** National, regional and local stations broadcasting in Arabic, Kurdish (two dialects), Turkmen and Syriac were nearly all privately owned, but were strongly influenced by ethnic or political groups. (USSD, 2008) **[2o] (p15)** Freedom House's 'Freedom of the press' 2008, Iraq stated "The popularity of foreign satellite television, previously banned under Saddam Hussein except in the northern Kurdish regions where it was legalized in 1991, has increased immensely since the 2003 invasion. Around one-third of all Iraqi families now own satellite dishes." **[70f] (p4)**

18.05 The BBC Country Profile on Iraq, last updated on 28 October 2009, noted the following newspapers were in circulation in Iraq:

- "Al-Sabah - sponsored by state-run Iraqi Media Network;

- Al-Zaman - private London-based daily, printed in Baghdad and Basra; English-language pages;
- Al-Mada - Baghdad, private daily;
- Al-Mashriq - Baghdad, private daily;
- Al-Dustur - Baghdad, private daily;
- Al-Manarah - Basra, private daily." **[4dc]**

18.06 The USSD report 2008 noted: "Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem." **[2o] (p15)** The BBC country profile for Iraq, updated 28 October 2009, concurred, stating "Private media outlets are often linked to the political, ethnic or religious groups…" **[4dc]**

18.07 The USSD report for 2008 reported incidents where the government acted to restrict freedom of expression. "The government's 2007 closure of the Baghdad office of the Dubai-based independent Al-Sharqiya satellite television channel continued, although the channel's informal office in the KRG continued to operate." **[2o] (p15)**

OTHER FORMS OF MEDIA

18.08 The Freedom House 'Freedom of the Press' 2008, Iraq noted "Internet use was severely limited during the Saddam Hussein era, but many internet cafés have opened up since 2003. There are no direct government restrictions on internet access, but owing to the security situation, power failures, and lack of infrastructure, the number of private internet users remains small even by regional standards. **[70f] (p4)**

18.09 The USSD report for 2008 stated:

> "There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally low for direct access due to a lack of infrastructure in homes. However, the prevalence of internet cafes contributed to extensive usage among Iraqi youth. According to International Telecommunications 2007 data, there were an estimated 14,900 subscribers and 275,000 users." **[2o] (p17)**

18.10 The Brookings Institution Iraq Index, last updated 13 October 2009, reported there were around 820,000 internet subscribers as of April 2009. **[88d] (p46]**

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JOURNALISTS AND OTHER MEDIA WORKERS

18.11 The Committee to Protect Journalists (CPJ) stated, on 18 December 2008, "For the sixth consecutive year, Iraq was the deadliest country in the world for the press, the Committee to Protect Journalists found in its end-of-year analysis. The 11 deaths recorded in Iraq in 2008, while a sharp drop from prior years, remained among the highest annual tolls in CPJ history." **[26n] (p1)** The Reporters sans Frontières (RSF) World Report 2009 noted "Over the past 18 months, Reporters without Borderrs [sic] has recorded a

reduction in violence against journalists. However, the death of two reporters in a suicide attack in March 2009 shows that the dangers still persist." **[20b] (p1)**

18.12 As of 22 June 2009, CPJ recorded that three journalists had been killed since the beginning of the year **[26b]** and RSF reported that 225 journalists and media assistants had been killed since the start of fighting in Iraq in March 2003, two were still missing and 14 had been kidnapped. **[20]** The USSD report for 2008, UNHCR April 2009 and UNAMI January-June 2008 papers all provided examples of such incidents. **[2o] (p16-17) [40b] (p185-190) [39q] (p18)**

18.13 The USSD report for 2008 also recorded "Media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was used actively against media workers." **[2o] (p17)**

18.14 The UNAMI report, covering 1 July–31 December 2008, stated "Journalists and media workers continue to be one of the most vulnerable professional groups in Iraq and are the target of armed groups. During the reporting period, UNAMI continued to receive reports of intimidation, harassment, arrest and killing and injuring of media professionals." The report further mentioned instances where journalists and media workers were targeted by non-governmental forces and also by law-enforcement personnel. **[39b] (p18-9)**

18.15 The UNHCR Guidelines of April 2009 stated: "Despite certain security improvements, the targeting of journalists and other media workers continues unabated. … [Journalists] have been targeted for investigating controversial political or other sensitive issues, including corruption or insurgent/militia activities. …

"There are also regular reports about journalists subjected to harassment by the ISF and the MNF-I for alleged links with armed groups, including unlawful searches, confiscation of computers and other personal belongings, arbitrary arrest and prolonged detention without being charged. … Some journalists have also been killed by MNF-I. There have also been reports of journalists being harassed, beaten and otherwise mistreated by the ISF." **[40b] (p185-7)**

See also Perceived collaborators and 'soft targets'

18.16 The RSF World Report 2009 stated "After years of impunity, the Iraqi authorities in 2008 set up a special police unit responsible for investigating murders of journalists and even providing armed protection for journalists requesting it. They also established a telephone hotline for journalists at risk." **[20b] (p1)**

18.17 The Freedom House report for 2008, published on 16 July 2009, recorded:

"Violent retributions against journalists have hindered their ability to report widely and objectively. As many as 222 journalists and media workers, most of them Iraqis, have been killed in the country since 2003, making the conflict the deadliest for journalists since World War II. Dozens have also

been abducted by insurgents and militias or detained without charge or disclosure of supporting evidence by U.S. forces on suspicion of aiding and abetting insurgents. The Interior Ministry established a hotline for journalists facing threats in 2008, leading to at least one arrest. The prime minister's office has proposed a new law protecting journalists that had not yet been made public or debated by the parliament at year's [2008] end." **[70a] (p5)**

18.18 Radio Free Europe/Radio Liberty reported, on 1 August 2009, that Iraq has announced a law to protect journalists' rights, but the country's journalists' syndicate said the bill was too vague and left them open to government interference. … The draft bill – which would apply only to Iraqi journalists – says anyone who attacks a journalist on duty will receive the same punishment as an attack on a government employee. It also lays out various levels of compensation for journalists killed or wounded." **[22a]**

For further information on the draft law, see the report by Article 19: Global Campaign for Free Expression, on "Comment on Draft Journalists Protection Law of Iraq", August 2009.

18.19 Iraq came 145th out of 175 countries in the RSF report Press Freedom Index 2009. RSF further stated:

"The situation of journalists in Iraq (145th) has evolved inasmuch as the problem is no longer the same. Instead of targeted threats from militias or terrorist groups, Iraqi journalists now have to cope with hostility from officials and politicians who deny the media access to certain areas. Abusive prosecutions and defamation actions against newspapers that expose corruption are now common. Even supposedly pro-government media are not spared. … Despite a slight improvement, the attitude of the United States towards the media in Iraq and Afghanistan is worrying. Several journalists were injured or arrested by the US military. One, Ibrahim Jassam, is still being held in Iraq." **[20a]**

Further details on individual incidents involving journalists can be found on the websites of the Committee to Protect Journalists and Reporters without Borders.

The Media and journalists in the KRG area

18.20 The Amnesty International report of 14 April 2009 stated: "In the past few years many media outlets, including satellite television stations, radio stations and newspapers and other publications, have emerged in the Kurdistan Region of Iraq. The majority are financially supported by the KRG. Some belong to the main political parties, the KDP and PUK, but even small political parties such as al-Jama'a al-Islamiya have their own TV stations and newspapers. Despite the increase in freedom of expression, however, the majority of the media outlets follow the official line and avoid criticizing the KRG, the Asayish, the intelligence agencies and the two main political parties." **[28b] (p42)**

18.21 The UNSC report, of 20 February 2009, stated that: "In the Kurdistan region, journalists were still subject to violent attacks, threats and lawsuits despite the entry into force of a liberal journalism law." **[38a] (p11)**

18.22 The RSF 2008 report noted: "Physical attacks on journalists increased even in Kurdistan, which is fairly safe for the media… Iraqi journalists face new restrictions imposed by the authorities, including a ban in May 2007 on filming the sites of bomb attacks and another in November on going to the Kandil mountains, near the Iraqi-Turkish border, to talk to Kurdish PKK rebels." **[20j] (p155)**

18.23 The UNAMI, 1 July–31 December 2008 report, noted:

"On 22 September, the Kurdistan National Assembly passed a new journalism law. It was ratified on 11 October by Kurdistan Region President Massoud Barzani and entered into force on 20 October 2008. Under the new law, which has partially decriminalised journalism offences, journalists can be fined, but no longer imprisoned. Newspapers cannot be confiscated or suspended. The vague demand that freedom of the press and the work of journalists must not violate 'public order and morality' has also been removed. Journalists are still prohibited from compromising the 'security of the nation,' a wording which is similar to the previously used 'security of the region,' but which should prevent the prosecutions of media workers for any activities deemed to be anti-Kurdish. Compulsory membership in the Kurdistan Union of Journalists was also abolished. However, journalists have expressed to UNAMI concern that the fines stipulated by such a law could be potentially crippling: one to five million Iraqi dinars (US $820 to 4,200) for any journalist who violates the journalism law, as well as fines of five to ten million Iraqi dinars (US$ 4,200 to 8,400) for newspapers that publish news that compromise security, spread fear, hatred, animosity, undermine religious beliefs, interfere with individual privacy or contain libel and slander." **[39b] (p19)**

The UNAMI report however recorded that there were reports judges were ignoring the new legistiation. **[39b] (p20)**

18.24 The UNSC report of 6 November 2008 stated: "The situation with regard to journalists and its implications for media independence and freedom was highlighted when a list of journalists who have been threatened because of their critical views of Kurdistan Regional Government policy was recently publicized." **[38r] (p11)**

18.25 The FCO report, 27 March 2009, noted:

"Farhad Awni, General Secretary of the Kurdish Journalists' Syndicate (KJS), founded in 1998, stated that there had been freedom of the media in the KR since 1991, when the KR established its autonomy from Saddam Hussein's Iraq. Prior to 1991 Kurdish newspapers had to operate underground. KR laws prohibit censorship of the media, protect sources of information and seizure of newspapers' assets. On many levels the KR has been ahead of most countries in the Middle East in its level of media freedom but there are still some difficulties faced by journalists that threaten their independence.

"… UNAMI stated that the media in the KR exercises self-censorship. Some subjects are taboo, particularly allegations of corruption in the KRG and powerful political families. The Kurdistan Journalists Syndicate is able to publicise incidents of harassment of journalists and is effective in protecting their rights. …

"Farhad Awni, KJS stated that there are cases of interference in the freedom of the media from KRG Ministries, politicians, the police and the courts. Journalists and newspapers risk heavy fines for alleged defamation and alleged criticism of religions. Journalists have also experienced detention and there have been cases of mistreatment by the police of detained journalists. In such cases the KJS has been able to intervene and secure their release from custody. The KJS publishes a report every six months listing cases of violations of media freedom and any incidents of violence against journalists." **[66d] (p18)**

18.26 The AI report, 14 April 2009, commented: "Recently, the nascent independent press, especially newspapers such as *Hawlati* and *Awene*, have shown themselves more willing to criticize KRG policies and raise other issues. Among such issues are human rights violations by the Asayish, alleged corruption, nepotism and lack of transparency in KRG ministries and within the two main political parties, and the extent of their influence on all aspects of life in the Kurdistan Region." **[28b] (p42)**

18.27 The UNHCR April 2009 paper stated that journalists and writers in the KRG area may be at risk of being targeted by Islamist groups, and gave an example of such a case. **[40b] (p189)**

See also Perceived collaborators and 'soft targets'

18.28 The Freedom House report for 2008, published on 16 July 2009, recorded:

"Journalists operate more freely in the Kurdish region and successfully fought a law introduced in 2007 that would have allowed prison terms and large fines for reporters and editors. A new version of the Kurdish press law was passed in October [2008]. The law prohibits the imprisonment of journalists and the closure or suspension of newspapers. While vague proposals to punish journalists threatening national security or 'common values' were dropped, it became a crime to create instability, spread fear or intimidation, cause harm to people, or violate religious beliefs. Journalists and newspapers face fines for violating the law. Journalists who offend local officials and top party leaders or expose high-level corruption remain subject to physical attacks, arbitrary detention, and harassment. Kurdish broadcast media are dominated by the two main political parties, but independent print outlets and internet sites have arisen in recent years." **[70a] (p6)**

Further details on individual incidents involving journalists can be found on the websites of the Committee to Protect Journalists and Reporters without Borders. See also the COI report on the KRG area of Iraq, 16 September 2009.

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

19.01 The UNHCR Guidelines of April 2009 commented:

> "Despite the fact that UN agencies and international NGOs are slowly strengthening their international presence in Iraq, parallel to the relative security improvements, aid workers and human rights activists continue to be at risk of targeted violence, including kidnappings and killings. …
>
> "Many UN and NGO workers and human rights activists are forced to disguise their employment, even within their families, out of fear. In most areas of Iraq, the UN remains dependent on the MNF-I to provide protection for its facilities and the facilitation of staff movements. This physical proximity to the MNF-I may be erroneously perceived as a lack of neutrality or support for the perceived 'occupiers' or 'invaders'. Like journalists, human rights workers are at additional risk because they typically criticize powerful and abusive structures or individuals. In addition, individual staff members remain at heightened risk of being kidnapped for the perceived financial value to be gained through ransom of a UN or NGO person." **[40b] (p190-1)**

See also Perceived collaborators and 'soft targets'

19.02 The USSD report for 2008 noted:

> "The government's cooperation with NGOs and with the UN and its agencies on human rights issues was minimal, generally citing varied security restrictions. On May 4 [2008], the government signed an agreement with the ICRC, granting it legal status and permanent representation in the country. ICRC also has increased access to visit detainees at central government detention facilities due to verbal agreements it has with several ministries that grant it unrestricted access to all detention facilities. A prime ministerial order declared that only ICRC and MOHR had unrestricted access to all detention facilities in the country except those run by the KRG. ICRC had a separate agreement with the KRG for unrestricted access to KRG detention facilities.
>
> "All nongovernmental investigations of alleged human rights violations, such as access to prison and detention facilities, continued to be highly restricted. The government attributed restrictions to the security situation and its policy of allowing only MOHR and ICRC unrestricted access to detention facilities. The government generally did not permit detention center or prison visits by NGOs. However, the MOHR did meet with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations.
>
> "During the year activity and advocacy by the country's relatively new NGOs remained weak overall. At the end of the year more than 6,000 NGOs were registered, although according to the director of the NGO Office, only approximately 1,800 were operational, including 235 human rights NGOs and 181 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern.

"The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. Only one office in the country, located in Baghdad, accepted registrations for NGOs. Unlike the previous year, NGOs did not have their assets frozen arbitrarily by the government, according to two well-established NGOs…

"During the year, unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur.

"Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs." **[2o] (p26-27)**

19.03 Amnesty International reported, on 11 March 2009, that "numerous NGOs have been established since the US-led invasion in 2003. Many of them focus on the empowerment of women in Iraq and cover a wide range of activities, including health care, income-generating projects, education, vocational training, legal assistance and protection of women at risk." **[28s] (p60)**

See also Women

19.04 The Freedom House report for 2008, published on 16 July 2009, recorded:

"Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, though security constraints severely limit their activities in many regions, and only large, well-funded international NGOs are able to operate under the necessary security precautions. The lack of a legal framework and registration system for NGOs also hinders their ability to function and attract donor funds." **[70a] (p6)**

19.05 The Norwegian Refugee Council, in a report of 15 September 2009, stated:

"Iraq's NGO community showed signs of consolidating and maturing after a period of rapid expansion. The estimated number of LNGOs [Local NGOs] was between 6300 and 12,000, from no organisations in 2003. There was evidence of improvements to overall effectiveness (strengthening of management and programme systems). However, the majority of LNGOs operate outside of international partnerships and are not registered with the Government. Profiling is difficult and there was anecdotal evidence from the field study that a significant number of LNGOs are not credible. Verification is difficult given prevailing security conditions, and in the absence of an enforceable regulatory framework." **[52a] (p7)** Further:

"Security was the most important challenge facing LNGOs. There were three sources of threat: (i) being caught in acts of violence on a random basis; (ii) targeted violence from armed groups who considered NGOs to be a foreign concept, or in competition with traditional structures of authority (religious or tribal), and; (iii) suspicion of collaboration with an international organisation. In response, LNGOs adopted a security strategy combining a low profile, acceptance and personnel security measures. Emphasis was placed on integration into communities, and developing relations with local authority, including state and non-state authority." **[52a] (p8)**

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS IN THE KRG AREA

19.06 The Internal Displacement Monitoring Centre (IDMC) report, published 29 December 2008, stated "Since 2004 international staff of most INGOs have relocated to KRG and neighbouring countries, and run the operations directly though national staff or in partnership with national NGOs." **[50b] (p20)**

19.07 The USSD report for 2008 commented: "The Kurdish areas, which have been largely autonomous since 1991, were able to develop a stronger NGO community, although many Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs." **[2o] (p27)**

19.08 The FCO report, 27 March 2009, stated:

"George Mansour, KRG Minister for Civil Society Affairs stated that the KRG worked closely with NGOs to develop and strengthen the civil society sector in the KR. The Ministry's main aim was to help organise, not interfere with, NGOs and civil society organisations (CSOs) and the Ministry enjoys good working relations with NGOs and civil society organisations.

"Minister Mansour stated that the law governing the licensing of NGOs and CSOs was passed by the KNA in 2001. Applications for licences for NGOs and CSOs are handled by the Interior Ministry. The Ministry of Civil Society Affairs can recommend and support licences for NGOs and CSOs to the Interior Ministry. To date all requests for licences have been granted…" **[66d] (p19)**

19.09 The Norwegian Refugee Council reported, on 15 September 2009:

"LNGOs [Iraqi NGOs] in the autonomous Kurdish region were better established than in all other parts of Iraq. [or sic] Kurdish organisations work under more permissive security and political conditions. Organisations in the sample group were established as early as 1988, with the median age of Kurdish organisations being almost three times greater than in the rest of Iraq. No Kurdish LNGO reported significant disruption to their operations in the Kurdish region resulting from security threats or violence. As a result, Kurdish LNGOs appeared to have greater experience and institutional capacity." **[52a] (p7-8)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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20. CORRUPTION

20.01 The Iraqi government ratified the United Nations Convention against Corruption in April 2008. (UNSC, 6 November 2008) **[38r] (p8)** The USDoD report of July 2009 further stated the Government of Iraq's future anti-corruption national strategy was based primarily on bringing Iraq into compliance with this convention. **[103b] (p6, Anti-Corruption Efforts)**

20.02 The USSD report for 2008 commented there was corruption within the government, security services, and courts. **[2o] (p1,9,11)** Transparency International's report, published on 25 June 2008, which ranked Iraq as 178th most corrupt out of 180 countries, stated corruption in Iraq was "one of the main obstacles to progress in the reconstruction process." **[51c] (p180)**

20.03 The AI report, published on 17 September 2008, stated:

"Very serious failures have occurred in the effective management of huge quantities of weapons and munitions supplied to Iraq since 2003… This mismanagement and the resulting diversion of arms have also exacerbated the high levels of armed violence and human rights abuse in large parts of Iraq. This has been compounded by the large scale of corruption within the Iraqi MoD involving millions of missing US dollars from funds allocated to defence contracts and the failure of the US government to ensure accountability and oversight." **[28q] (p42-3)**

20.04 The USSD report for 2008 further stated; "The law provides criminal penalties for official corruption; however, large-scale corruption pervaded the government, and public perception of government corruption continued to be high. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the 'de-Ba'athification' process to further political and personal agendas.

"Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role, partly due to a lack of effective legislation, as well as lack of political will to eliminate widespread corruption. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency." **[2o] (p24)**

20.05 The USSD report for 2008 noted:

"The COI [Commission of Integrity, formerly the Commission on Public Integrity], formed in 2004, is the government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The COI, with a staff of 1,285, which reports to the commissioner of integrity and legislature, has the authority to refer cases for criminal prosecution. Since its establishment, the COI sent to trial only 300 of more than 4,000 cases under investigation and 143 persons were convicted on corruption charges…

"Political parties subjected the COI to a number of high-level attempts to influence prosecutions. Members of the legislature also reportedly attempted to pressure the court on numerous occasions.

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

"There were allegations that during the year, government authorities along party lines avoided pursuing prosecutions of document fraud and misrepresentation of credentials." **[2o] (p24-26)**

20.06 The UNCHR Guidelines of April 2009 further stated: "The Iraqi Government has made little progress in holding accountable government officials for corruption or involvement in sectarian violence." **[40b] (p157)**

20.07 The USSD report also mentioned "Both the COI and the inspection system remained vulnerable during the year. There was widespread intimidation, but there were fewer killings and attacks than the previous year against COI employees, inspection personnel, witnesses, and family members involved with COI cases." **[2o] (p24)** The Freedom House report for 2008, published on 16 July 2009, stated: "Thirty-one members of Iraq's anticorruption authority were killed between 2003 and 2008." **[70a] (p5)**

See also Perceived collaborators and 'soft targets'

20.08 The Freedom House report further mentioned: "Iraq is plagued by pervasive corruption at all levels of government. The problem has seriously hampered reconstruction efforts, and the British Broadcasting Corporation [BBC] estimated in June 2008 that approximately $23 billion was missing, having been siphoned off from ministries or invested in projects with U.S. companies that were not property completed. Even an October 2008 cholera outbreak in Babil province was blamed on corruption, as local officials were reportedly bribed into using expired chlorine for water treatment." **[70a] (p5)**

20.09 On 25 May 2009, RFE/RL reported on the resignation of the trade minister, Abd al-Falah al-Sudani, over allegations of corruption connected to the Iraq's food import program. **[22b]** The *Independent* reported, on 2 June 2009, on the arrest of al-Sudani, and stated he "appeared in court yesterday on charges of corruption at the Trade Ministry which imports and distributes some $5bn (£3bn) worth of food aid rations. His arrest was reportedly ordered by the Iraqi Prime Minister Nouri al-Maliki who has pledged to clamp down on corruption." **[85b]**

20.10 The *Independent* further reported, on 29 May 2009, on the corruption scandal and stated:

"Corruption at the Trade Ministry is an important issue in Iraq because the ministry is in charge of the food rationing system on which 60 per cent of Iraqis depend. Officials at the ministry, which spends billions of dollars buying rice, sugar, flour and other items, are notorious among Iraqis for importing food that is unfit for human consumption, for which they charge the state the full international price.

"The scandal first erupted in April when police, entering the Trade Ministry in Baghdad to arrest 10 senior officials accused of corruption and embezzlement, were greeted with gunfire by the ministry's own guards." **[85a]**

20.11 RFE/RL reported, on 30 May 2009:

"An anticorruption bill recently submitted to the Iraqi parliament for approval has been amended to also combat graft and nepotism following Trade Minister Abdul Falah al-Sudani's resignation, RFE/RL's Radio Free Iraq (RFI) reports.… Judge Abdul-Rahim al-Ugaily, the head of the anticorruption commission, told RFI on May 28 that the anticorruption bill drafted by the commission and currently debated in parliament meets UN anticorruption standards … Al-Ugaily said that 396 people -- including five senior officials -- have been convicted of dishonest acts since the commission was set up in 2004. He underlined that the commission's work is of great importance to an ongoing campaign involving the security forces and the Prime Minister's Office in which 69 suspects have been arrested in May, including 33 detained on May 24 on arrest warrants issued against them by the judiciary." **[22c]**

20.12 The USDoD report of July 2009 stated:

"Corruption remains one of the largest challenges to the establishment of rule of law in Iraq. The GoI [Government of Iraq] is strengthening the mechanisms – principally through the Commission on Integrity (CoI), Board of Supreme Audit, and Ministry Inspectors General – to audit and investigate corruption, but capacity and ministry-level intervention remain problematic. The Iraqi Law on Criminal Proceedings, Article 136B, remains an obstacle to prosecuting public officials. Many investigative agencies refuse to move forward with a corruption investigation until a green light is first given by the ministry involved. As long as this article remains an option for GoI ministers to shield ministry officials from prosecution for their illegal actions, the CoI will not be able to effectively investigate corruption. The GoI is currently re-crafting last year's inadequate 18-point anti-corruption plan into a new national strategy. …

"The GoI publicly launched an anti-bribery campaign in April 2009. The campaign focuses on public outreach, encouraging reporting, and legal reform. There are also four pending legislation items, as well as a new Omnibus Anti-Corruption Bill. Additionally, the seating of the new provincial governments offers an opportunity to increase transparency." **[103b] (p6, Anti-Corruption Efforts)**

See also Economy

CORRUPTION IN THE KRG AREA

20.13 The USSD report of 2008 noted:

"On August 25 [2008], the KRG established a corruption committee, comprised of seven KRG ministries, to review the level of corruption and make recommendations on how to prevent corruption. KRG Minister of Planning Othman Shwani headed the committee. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures.

"Local business organizations in the KRG complained that the KRG did not publicly tender contracts in sufficient time to allow local business owners to compete, and that political and personal favoritism determined the results….

"There were reports that various government ministries employed a substantial, but undetermined number of nonexistent 'ghost' employees with multiple records and duplicate salaries. During the year in the KRG there were roughly one million employees on the government payroll out of a total population of approximately three million." **[2o] (p26)**

20.14 The FCO report, 27 March 2009, noted:

"Nawshiran Mustafa [a former deputy leader of the PUK and PUK Politburo member and now an independent politician] stated that the KR public was dissatisfied with the present political structures dominated by the governing PUK and KDP-led coalition. The main concerns are corruption and a lack of transparency in KRG budgets. The KRG receives 17% of Iraq's oil revenue, which to date amounts to US$25 billion, but the public do not feel that there is much evidence of this money being invested in infrastructure and public services. Budgets are not published and there is a feeling that much of the money allocated from Baghdad is expropriated by corrupt KRG politicians. Declared support for the two main parties is needed to secure employment in the KR public sector. The private sector is dominated by businesses affiliated to the two main parties. KRG overseas offices are run by family members and friends of the leaders of the KDP and the PUK." **[66d] (p8)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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21. FREEDOM OF RELIGION

OVERVIEW

21.01 Article 2 of the Constitution stipulates that Islam is the official state religion and that no law maybe enacted to contradict Islam. Article 2(2) states that the Constitution "… guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandean Sabeans." (The Constitution of Iraq) **[82a] (p2)** Article 41 of the Constitution stipulates "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law." Article 42 states "Each individual shall have the freedom of thought, conscience, and belief." (The Constitution of Iraq) **[82a] (p12)**

21.02 The Freedom House report for 2008, published on 16 July 2009, stated:

"Freedom of religion is guaranteed by the constitution, and religious institutions are allowed to operate with little formal oversight. However, all religious communities in Iraq have been threatened by sectarian violence, particularly since 2006. … Religious and ethnic minorities in northern Iraq – including Turkmens, Arabs, Christians, and Shabaks – have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security. While sectarian violence subsided in much of the country in 2008, formerly mixed neighborhoods are now much more homogeneous." **[70a] (p6)**

21.03 The UNHCR Guidelines of April 2009 commented on various targeted assassinations of religious groups. **[40b] (p171-179)**

21.04 The USSD report for 2008 noted: "Sectarian attacks appeared to decline during the reporting period. All groups continued to report receiving death threat letters demanding they leave their homes. The government took action to restrain and punish violence and discrimination, such as focusing military operations in areas with heavy militia activity and providing more security for groups facing sectarian threats." **[2o] (p19)**

21.05 The USSD report for 2008 also stated: "There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.

"Religious groups are required to register with the government. The requirements include having at least 500 followers. Unlike previous years, non-Muslims did not report that the government disregarded their religious holidays. On December 20, the MOI sponsored a public Christmas event in Baghdad, which was well attended by Christians and Muslims." **[2o] (p18)**

See also Christians; Sectarian violence

21.06 The UNHCR Guidelines of April 2009 reported religous minority groups inhabited some of the 'disputed areas' sought by the KRG to be incorporated into the Kurdistan region, such as the towns and villages in the Ninewa Plains and Sinjar District. **[40b] (p112)**

See also Security situation; Kirkuk and Mosul

21.07 The UNHCR Guidelines of April 2009 also recorded:

"In the current climate of religious intolerance, the conversion of a Muslim to Christianity would result in ostracism as leaving Islam is unacceptable in many communities and families. In certain cases, there is a risk that the convert might be killed by his/her own family members, who consider themselves disgraced by the person's conversion. According to Shari'a Law, a Muslim who converts to Christianity is considered an apostate and the punishment can be execution. Although not forbidden by law, Iraq does not recognize conversions from Islam to Christianity or to other religions. Converts have no legal means to register their change in religious status. Iraq's Personal Status Law (Law No. 188 of 1959) denies converts any inheritance rights. Furthermore, Muslims who convert to Christianity may, in practice, be subject to other forms of severe discrimination, as their family/community may force their spouses into divorce or confiscate their properties. In addition they are reportedly often harassed by government officials and police. It is highly unlikely that a crime committed against a convert, be it by his/her family or by Islamist groups, would be properly investigated and prosecuted in the Central and Southern Governorates." **[40b] (p175)**

21.08 The UNHCR report also commented:

"Since 2003, inhabitants in areas under control of Sunni and Shi'ite extremist groups have been increasingly pressured to follow strict Islamic rules and were otherwise intimidated or even killed. Liquor, music or barber shops were regularly attacked as were persons considered to be dressing or behaving in an 'un-Islamic' way. Numerous singers, musicians and other artists fled the country in recent years. This happened, for example, in Basrah, where Shi'ite extremists had been terrorizing the population. Recent security developments in some areas of Iraq resulted in the re-establishment of a certain amount of freedom for the civilian population and strict Islamic rules appear to have been eased. However, there continue to be occasional attacks on music stores, hairdresser saloons and alcohol shops in areas where extremist groups still have a presence, in particular in Mosul, Baghdad Kirkuk and Basrah." **[40b] (p171-2)**

See also Perceived collaborators and 'soft targets'

21.09 The LandInfo report, dated 6–23 March 2009, noted:

"An international organisation (B) in Amman had heard of very few cases of forced conversion, but had knowledge of many Iraqi refugees who feared forced conversion. Iraqi refugees [in Jordan] had referred to sisters or daughters who had been forced to marry a Muslim, and thereby forced to convert. Prior to such a marriage the woman had either been abducted or raped and then forced into the marriage. Especially Sabean-Mandeans seemed to be the victims of these violations. Iraqi refugees had also referred to relatives that had been killed for refusing conversion.

"IOM, Amman had not heard of forced conversion. Shamoun, CCS [Chaldean Culture Society] stated that forced conversion does not take

place in KRI. However it was stated that forced conversions were heard of in Mosul.

"Converting to Christianity is illegal for a Muslim, according to Shamoun, CCS. If the convert needs protection from family members wanting to kill him, he will be prosecuted rather than protected if approaching police. Furthermore, Shamoun, CCS explained that marriage between a Christian man and a Muslim woman is illegal. This couple will most likely be killed with impunity. Shamoun, CCS informed that the Anglican Church had been paying Muslims 1,000 US$ to convert. These converts were protected by the Government, when they due to their conversion had problems with their families [sic]." **[34a] (p44, 6 Conversion in Iraq)**

21.10 The USSD International Religious Freedom report 2009, published on 27 October 2009, stated: "Article 1 of the Penal Code No. 111 of 1969 mandates that criminal penalties can be imposed only by civil law. Under the country's civil law, there is no penalty for conversion and the Penal Code does not impose the Shari'a penalty, despite the Shari'a punishment for conversion from Islam to another religion. The Law of Civil Affairs No. 65 of 1972 explicitly allows non-Muslims to convert to Islam."

"At the end of the reporting period, national identity cards continued to note the holder's religion, which has been used as a basis for discrimination; however, passports did not note religion." **[2a] (Section II. Status of Government Respect for Religious Freedom, Legal/Policy Framework)**

21.11 The USSD report further mentioned:

"Since 2003 the Government generally has not engaged in the persecution of any religious group, and has called for tolerance and acceptance of all religious minorities. This commitment was publicly reinforced by the Prime Minister's deployment of additional police brigades to the city of Mosul following a series of killings targeting Christians in the city in October 2008. In addition, the Prime Minister, along with other high-ranking government officials and political party leaders, made numerous public statements in support of the country's religious minority communities." **[2a] (p1)**

See also Christians

SECTARIAN VIOLENCE

21.12 The Congressional Research Service paper, dated 2 March 2009, stated: "The severe phase of sectarian violence was set off by the February 22, 2006, AQ-I bombing of the Askariya Shiite mosque in Samarra, which set off a wave of Shiite militia attacks on Sunnis in the first days after the mosque bombing." **[156a] (p33)** The USSD report for 2008 stated that "Religious-based violence between Shia and Sunni Arabs continued to decline since mid-2007. The reduction in sectarian violence enabled Shia pilgrims to travel to Samarra and visit the remains of the Al-Askariya Shrine." **[2o] (p19)**

21.13 The IGC report, published on 7 February 2008, stated in Baghdad, sectarian fighting gradually came to an end by mid-2007. **[25i] (p8)** UNHCR's Guidelines of April 2009 reported this was due to factors "including the turning of tribal and former insurgent groups' against AQI, repeated JAM

ceasefires, the surge of 30,000 US troops and their enhanced presence in Baghdad's streets and, arguably, the de facto segregation of formerly mixed due to sectarian cleansing." **[40b] (p91)** Other sources also suggested that this decrease in fighting reflected the completion of sectarian cleansing in different areas. (IGC, 7 February 2008) **[25i] (p8)** This phenomenon occurred in Baghdad, which used to be a predominantly Sunni city in 2003 but subsequently became a Shi'ite-majority city. **[40b] (p92]**

21.14 The UNSC report of 20 February 2009 stated:

"The major religious event of the period, the Ashura commemoration of the death of Imam Hussein, was marred by violent attacks on pilgrims travelling to Baghdad and Karbala in the first week of January. Two mass-casualty attacks at the Imam Moussa al-Hussein Shrine in Baghdad in the lead-up to Ashura claimed the lives of over 50 pilgrims, with dozens of others killed or injured in roadside bombings or armed assaults in the same period." **[38a] (p12)**

21.15 The UNHCR Guidelines of April 2009 recorded:

"Despite a drastic reduction in sectarian violence between Sunnis and Shi'ites, there continue to be reports of attacks on Sunnis living in Shi'ite-dominated areas and Shi'ites living in Sunni-dominated areas. Commonly, this type of violence is committed by extremist groups stirring sectarian strife. Sunnis and Shi'ites displaced from formerly mixed areas or areas in which they used to be a minority most frequently choose to return to areas in which their sect now constitutes a majority. According to UNAMI HRO [Human Rights Office], the small Sunni community in Basrah continues to be targeted with intimidation and property damage to forcibly evict them, kidnappings and assassinations. UNAMI HRO received a report of 15 cases of kidnapping and the killing of 12 Sunnis in Basrah. However, latest reports indicate that Sunnis are increasingly returning to Basrah." **[40b] (p178)**

21.16 The CSIS report of 7 October 2009 stated:

"The decline in the Sunni Jihadist and Sadrist threats has also been offset by rising internal political tensions. These include serious tensions between Iraqi Arabs, Kurds, Turcomans, and other minorites in the north. Arab and Kurdish tensions are now the most serious near-term threat to Iraq stability and involve power struggles over control of a broad band of disputed territory from Mosul to the Iranian border in the area south of the three provinces that make up the Kurdish zone, as well as over control of the nation's petroleum reserves and income … **(piii)**: Most of the violence in Iraq remains concentrated in provinces with mixed ethno-religious demographics, particularly in the areas surrounding Baghdad and in Northern Iraq, in territories shared by both Arabs and Kurds. Shiites and Kurds have been the most frequent targets in these attacks, most likely carried out by Sunni insurgents or AQI." **[63d] (p12)**

See also Security situation

21.17 The USSD International Religious Freedom report 2009, published on 26 October 2009, stated:

"Many individuals from various religious groups were targeted because of their religious identity or secular leanings. Acts committed against them included harassment, intimidation, kidnapping, and murder. The general lawlessness that permitted criminal gangs, terrorists, and insurgents to victimize citizens with impunity affected persons of all ethnicities and religious groups. The overall magnitude of sectarian violence declined during the reporting period. The overwhelming majority of the mass-casualty attacks targeted the Shi'a population." **[2a] (Section II. Status of Government Respect for Religious Freedom, Abuses by Rebel or Foreign Forces or Terrorist Organizations)**

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Shi'a Muslims

21.18 Shi'a, although predominantly located in the south and east, are also a majority in Baghdad and have communities in most parts of the country. (USSD International Religious Freedom report 2009) **[2a] (Section I. Religious Demography)**

21.19 The Freedom House report for 2008, published on 16 July 2009, stated: "Given the Shiite majority presence in government, state preference has been given to protecting and funding Shiite holy sites and religious leaders. However, sectarian relations have improved along with the drop in violence; Sunni Friday prayers were broadcast on Iraqi television in 2007 for the first time since 2003." **[70a] (p6)**

21.20 The USSD country report on Terrorism for 2008, published 30 April 2009, stated:

"On April 19, in published comments in response to the operations, Muqtada al-Sadr threatened to wage 'open war until liberation' against the Iraqi government unless it agreed to stop targeting Mahdi Army members. Attacks by Mahdi Army members increased in Baghdad's Sadr City neighborhood after Sadr's statement. However, Iraqi Foreign Minister Hoshiyar Zebari vowed, in response, that the Iraqi government would continue to pursue militias. Although attacks by militants have since sharply decreased, Shia militant groups' ties to Iran remained a challenge and threat to Iraq's long term stability." **[2b] (p5)**

21.21 There were further reports of attacks on Shia shrines in 2008 and 2009; on 29 November 2008, BBC News reported that a suicide bomber killed nine people in an attack on a Shia shrine in Musayib, south of Baghdad. **[4dr]** On 4 January 2009, BBC News reported that a female suicide bomber had killed at least 25 Shia pilgrims near a shrine in Baghdad. **[4dq]**

21.22 Radio Free Europe/Radio Liberty recorded, on 31 July 2009, "A series of powerful bomb blasts has targeted Shi'ite Muslim worshippers as they emerged from mosques across Baghdad, killing at least 27 people and injuring more than 50." **[22d]**

Sunni Muslims

21.23 The USSD International Religious Freedom report for 2009 commented: "Sunnis form the majority in the west, center, and the north of the country." **[2a] (pSection I. Religious Demography)**

"Sunni Muslims also continued to claim general discrimination during the reporting period, alleging that it was due to an ongoing campaign of revenge by the Shi'a majority for the Sunnis' presumed favored status and abuses of Shi'a under the former regime, and also because of the public's perception that the insurgency was composed primarily of Sunni extremists and former regime elements with whom the majority of the Sunni population supposedly sympathized. Although some within the Sunni community supported and even assisted the insurgency, there was a broad Sunni rejection of al-Qa'ida in Iraq as evidenced by their participation in the government, provincial elections, and the anti-insurgency Awakening Councils." **[2a] (pSection III. Status of Societal Respect for Religious Freedom)**

Wahhabi branch of the Islam

21.24 The USSD International Religious Freedom report 2009 noted "… a 2001 resolution prohibits the Wahhabi branch of Islam. While provisions on freedom of religion in the new Constitution may supersede these laws, no court challenges have been brought to have [it] invalidated, and no legislation has been proposed to repeal [it]." **[2a] (Section II. Status of Government Respect for Religious Freedom, Legal/Policy Framework)**

Baha'i faith

21.25 The USSD report for 2008 noted: "Since the MOI's April 2007 cancellation of its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, six or seven Baha'is have been issued identity cards. There were reported implementation problems, limiting the numbers of Baha'is who received the identification cards." **[2o] (p19)**

21.26 The Brookings report, December 2008, stated Baha'i had few rights and were not recognised as citizens. **[88e] (p13)** UNHCR's Guidelines of April 2009 reported:

"Despite some improvements as regards the legal situation of the Baha'i in Iraq, members of this small religious community continue to face administrative discrimination due to their not yet fully clarified legal situation and bureaucratic ignorance or idleness. In addition, they are potentially at risk of persecution at the hands of extremist groups, who may consider them 'infidels' and/or supporters of Israel." **[40b] (p178)**

21.27 The MRG report of 24 September 2009 stated:

"Bahá'ís are considered 'apostates' or heretics under Sharia law due to their belief in a post-Islamic religion. The Bahá'í prophet Bahá'u'lláh denied that Muhammad was the last prophet and claimed that he, Bahá'u'lláh, was the latest prophet of God. Their situation in Iraqi society has therefore always been difficult and the ramifications of this, such as the fact that Bahá'ís born in the last 30 years have no citizenship documents including passports and therefore cannot leave the country, are still being felt today. According to the US Commission on International Religious Freedom (USCIRF), 'After the MOI [Ministry of Interior] cancelled in April [2008] its regulation prohibiting

issuance of a national identity card to those claiming the Bahá'í faith, four Bahá'ís were issued identity cards in May. Without this official citizenship card, the approximately 1,000 Bahá'ís experienced difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship.' The report noted that 'Despite the cancellation, Bahá'ís whose identity records were changed to 'Muslim' after Regulation 358 was instituted in 1975 still could not change their identity cards to indicate their faith.'" **[121b] (p6)**

NON-MUSLIM RELIGIOUS GROUPS

21.28 It was reported by the UNSC that in the lead up to provincial elections on disputed territories, the rights and security of minority groups in these regions (Ninawa, Tamin and Diyala) was of concern. Further: "Reports have also been received of minority groups being forced to identify themselves as either Arabs or Kurds and prohibited from using their own languages, which is contrary to the Iraqi Constitution, which protects minority rights." (UNSC, 6 November 2008) **[38r] (p11)**

See also Recent developments.

21.29 The USSD report for 2008 noted: "Religious groups are required to register with the government. The requirements include having at least 500 followers. Unlike previous years, non-Muslims did not report that the government disregarded their religious holidays. On December 20 [2008], the MOI sponsored a public Christmas event in Baghdad, which was well attended by Christians and Muslims." **[2o] (p18)**

21.30 The UNHCR Guidelines of April 2009 stated:

"Political and religious extremism after the fall of the former regime has had a particularly harsh effect on minority groups, which commonly do not have strong political or tribal networks and represent soft targets for radical elements that consider them as 'infidels' or supporters of the Iraqi Government and/or the MNF-I and pressure them to conform to strict interpretations of Islamic rules in terms of their dress, social patterns and occupations. Minority groups such as Yazidis, Shabak and Kaka'i, who are often identified as ethnic 'Kurds', have also been targeted based on their (perceived) Kurdish ethnicity. …"

"Since 2003, members of religious and ethnic minorities have become regular victims of discrimination, harassment and serious human rights violations, with incidents ranging from intimidation and threats to the destruction of property, kidnapping, rape, forced conversion and murder. As a result of sustained attacks on minority groups, their numbers have dwindled significantly since the fall of the former regime in 2003. According to UNAMI HRO, members of minority groups continue to be attacked with 'total impunity' and the US Commission on International Religious Freedom said that Iraq's leaders were tolerating attacks on religious minorities. Criminal groups have also singled out members of certain religious minorities given their particularly vulnerable status and/or their perceived wealth. …"

"[UNAMI HRO] further said that it had received reports that members of minority groups were allegedly forced to identify themselves as Kurdish or Arab in order to obtain access to education or health services." **[2o] (p171-173)**

21.31 The USSD International Religious Freedom report 2009 stated: "Conservative and extremist Islamic elements continued to exert pressure on society to conform to their interpretations of Islam's precepts. Although these efforts affected all citizens, non-Muslims were especially vulnerable to this pressure and violence because of their minority status and their lack of protection provided by a tribal structure." **[2a] (p? Section III. Status of Societal Respect for Religious Freedom)**

See also Perceived collaborators and 'soft targets'; Ethnic groups

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Non-Muslims in the KRG area

21.32 The USSD report of 2008 recorded: "Members of religious minorities continued to flee to the KRG to escape targeted violence, particularly against Christians. In October, violence against Christians in Mosul prompted over 2,000 families to flee to safe-havens in remote parts of Ninewa Province and the KRG. By year's end more than half the families had returned to their home.

"During the year, there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land." **[2o] (p18-19)**

21.33 The UNHCR's Guidelines of April 2009 reported "In the three Northern Governorates of Dahuk, Erbil and Sulaymaniyah, the rights of religious minorities are generally respected and they can worship freely without interference by the Kurdish authorities. A significant number of members of religious minorities, in particular Christians, have sought refuge in the region. The general population does not tolerate a Muslim's conversion to Christianity and, accordingly, law enforcement organs may be unwilling to interfere and provide protection to a convert at risk." **[40b] (p179)**

See also Christians in the KRG

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

21.34 The USSD International Religious Freedom report 2009 noted:

"There were allegations that the Kurdistan Regional Government (KRG) engaged in discriminatory behavior against religious minorities. Christians and Yezidis living north of Mosul claimed that the KRG confiscated their property without compensation and that it began building settlements on their land. Assyrian Christians alleged that the Kurdistan Democratic Party (KDP)-dominated judiciary in Ninewa routinely discriminated against non-Muslims and failed to enforce judgments in their favor. There were reports

that Yezidis faced restrictions when entering the KRG and had to obtain KRG approval to find jobs in areas within Ninewa Province administered by the KRG or under the security protection of the Peshmerga." **[2a] (Section II. Status of Government Respect for Religious Freedom, Abuses of Religious Freedom)**

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Christians

21.35 The MRG report of24 September 2009 stated:

"Iraqi Christians include Armenians and Chaldo-Assyrians, who belong to one of four churches: the Chaldean (Uniate), Jacobite or Syrian Orthodox, Nestorian, and the Syrian Catholic. Christians are at particular risk because of their religious ties with the West and thus, by association, with the multinational forces (MNF-I) in Iraq. The fact that Christians, along with Yazidis, were allowed to trade in alcohol in Iraq under Saddam Hussein has also made them a target in an increasingly strict Islamic environment. According to the US-based research facility the Brookings Institution, Christians in Iraq numbered 1-1.4 million in 2003, and today around 600,000-800,000 remain." **[121b] (p7)**

21.36 The Brookings Institution report, published on 30 December 2008, stated there were 6-800,000 Christians remaining in Iraq. **[88e] (p8)** The USSD report on International Religious Freedom 2009, recorded:

"Reported estimates from Christian leaders of the Christian population in 2003 ranged from 800,000 to 1.4 million. Current population estimates by Christian leaders range from 500,000 to 600,000. Approximately two-thirds of Christians are Chaldeans (an eastern rite of the Catholic Church), nearly one-fifth are Assyrians (Church of the East), and the remainder are Syriacs (Eastern Orthodox), Armenians (Roman Catholic and Eastern Orthodox), Anglicans, and other Protestants. Most Assyrian Christians are in the north, and most Syriac Christians are split between Baghdad, Kirkuk, and Ninewa Province. Christian leaders estimate that as much as 50 percent of the country's Christian population lives in Baghdad, and 30 to 40 percent lives in the north, with the largest Christian communities located in and around Mosul, Erbil, Dohuk, and Kirkuk. The Archbishop of the Armenian Orthodox Diocese reported that 15,000 to 16,000 Armenian Christians remained in the country, primarily in the cities of Baghdad, Basrah, Kirkuk, and Mosul. Evangelical Christians reportedly number between 5,000 and 6,000. They can be found in the northern part of the country, as well as in Baghdad, with a very small number residing in Basrah." **[2a] (Section I. Religious Demography)**

21.37 The ICG report of 28 September 2009 stated:

"In 2008, two events profoundly shocked Ninewa's Christian community. On 29 February, Monsignor Rahho was kidnapped by armed men outside his church. His body was found buried near Mosul two weeks later. The murder – which remains unresolved – had an enormous emotional impact, as he was the highest ranking Christian victim of sectarian violence. Accusations were quick to fly, an index of deep intercommunal suspicion. Despite earlier instances of insurgent attacks on Christians, some were quick to point fingers at the Kurds. …

"In the run-up to the provincial elections, a second incident reminded the Christians of their vulnerability. In October 2008, a series of attacks targeting Mosul's Christian residents triggered an exodus, first toward Kurdish controlled towns and villages in the plain and later outside Iraq. These occurred over several days, principally in the city's east bank; groups of armed masked men reportedly drove around, threatening to kill families if they did not depart and randomly murdering about a dozen people. Panicked Christian families are said to have given their keys to Muslim neighbours before fleeing; some 2,000 families (an estimated 11,000 persons) left their homes, moving in with relatives in the Kurdistan region or parts of Ninewa claimed by the Kurds. The events are mired in uncertainty, regarding, for example, whether the masked men spoke Arabic or Kurdish. Reflecting intra communal divisions, some Christians accused Kurdish parties, while others blamed Arab insurgents; many remained silent, seeking safety through anonymity." **[25d] (p25-26)**

21.38 The IOM, in their report of 1 November 2008, commented on Christians fleeing violence in Mosul, and stated: "The majority left to safer parts of Ninewa, while some also fled to Dahuk, Erbil, and Kirkuk governorates. Iraqi Security Forces have been deployed to secure the area, after which the murders and displacement have significantly decreased." **[111k] (p2)**

21.39 The UNHCR Guidelines of April 2009, stated "Given the Iraqi Government's commitment to provide protection to Mosul's Christians and somewhat improved security conditions, a number of displaced Christians decided to return to their homes; however, many are still too fearful to return." **[40b] (p173-174)**

21.40 UNAMI's report covering 1 July–31 December 2008 stated: "Towards the end of 2008, some 80% of the displaced Christians returned to their homes in and around Mosul." **[39b] (p16)** "By May 2009, however, 90 per cent of families displaced from Mosul had gone back." (MRG, 24 September 2009) **[121b] (p12)**

21.41 The Brookings Institution report of 30 December 2008 noted that al-Qaeda in Iraq had demanded protection money from Christian families. **[88e] (p12)**

21.42 The UNSC report of 30 July 2009 stated:

"Early in July [2009], the apparent orchestration of a series of attacks on Christian churches using explosive devices was reported in Baghdad and Mosul; that left at least four people dead and dozens wounded, including children. The attacks prompted fears of a re-emerging trend of renewed intimidation and harassment attacks aimed at terrorizing vulnerable groups and preventing the peaceful coexistence of different religious groups." **[38c] (p10)**

21.43 The ICG report, dated 28 September 2009, recorded:

"Christians also suffered from the rise of more radical forms of Islam and their increasing influence over public life. According to witnesses, some women were forced to don a veil, particularly at Mosul's university campus; predominantly Christian alcohol vendors have been killed; and Christians

living in insurgent controlled territory have had to pay the tax (jizya) owed by non-Muslims in exchange for protection.

"Christians also report that some of their Mosul coreligionists were forced to marry jihadist leaders, a claim that may say more about the degree to which the community has been traumatised than about what actually occurred." **[25d] (p25)**

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Christians in the KRG area

21.44 The USSD report for 2008 stated: "In October [2008], violence against Christians in Mosul prompted over 2,000 families to flee to safe-havens in remote parts of Ninewa Province and the KRG. By year's [2008] end more than half the families had returned to their home." **[2o] (p18-19)**

21.45 The IOM December 2008 report commented at the end of the reporting period (June-December 2008) Erbil was host to around 150 Christian families who had recently been displaced from Mosul into Ainkawa district, Erbil. **[111o] (p7)**

21.46 The Immigration and Refugee Board of Canada (IRB) reported, on 15 January 2009:

"The Kurdistan region has been a destination for internally-displaced Christians. According to Prime Minister Nechirvan Barzani of the Kurdistan Regional Government (KRG), 20,000 Christian families have settled in the Dohuk and Erbil governorates since 2003. This number could not be corroborated among the sources consulted by the Research Directorate. KRG Prime Minister Barzani has stated that Christians are welcome in the Kurdistan region and that the government is assisting Christians with employment, rebuilding 100 villages and helping families by providing monthly stipends.

"However, some Iraqi Christians in the Kurdistan region have complained of a lack of employment and opportunities… the cost of living is high and the monthly stipend (approximately 80 US dollars) lasts only about four days; there are also shortages of kerosene, water, electricity and accommodations.

"According to the Chaldean Culture Society, only Christians with sponsors are able to settle in the Kurdistan region. The US International Freedom of Religion Report 2008 and the IWPR report that the KRG has confiscated the property of Christians and that there are allegations of discrimination against non-Muslims." **[139b] (p4-5)**

21.47 The FCO report, 27 March 2009, noted:

"George Mansour, KRG Minister for Civil Society Affairs, stated that the position of Christians in the KR was good. Christians enjoy full freedom of worship in the KR. Christians are represented in the KRG and the Kurdish National Assembly (KNA), the KRG's parliament. There are currently two Ministers in the KRG who are Christians; Minister Mansour and the Tourism

Minister. The KRG's previous Finance Minister was a Christian. Christians are well represented in the KNA, with four seats reserved for Christians. This quota will be increased to five. There is also a seat reserved for a representative of the Armenian Orthodox community.

"Minister Mansour stated that there are no difficulties for Christians in the KR in day-to-day life. There is no discrimination in employment against Christians. The main obstacle to securing employment in the KR can be political affiliation rather than religion or ethnicity. The two main parties, the KDP and the PUK, are not religious based organisations." **[66d] (p10)**

21.48 Regarding employment prospects, a Brookings Institute report, published 30 December 2008, noted "there are reports that Christians cannot get jobs unless they join the Kurdish Democratic Party of KRG President Massoud Barzani." **[88e] (p13)**

21.49 The FCO report, 27 March 2009, noted:

"Minister Mansour and Rawand Polis Georgis, Director for Relations and Organisations' Affairs in the Ministry of Civil Society Affairs, stated that most large cities and towns in the KR had Christian areas. In Erbil for example the Ainkawa area is predominantly Christian. Non-Christians would not face any difficulties living in mainly Christian districts and Christians are able to live without difficulty in mainly Muslim districts. There are Christian newspapers in the KR and a Christian television station in Erbil.

"Minister Mansour and Rawand Polis Georgis stated that people in mixed religious relationships could face very real difficulties in the KR. All marriages in the KR are religious and it is not possible to have a legal mixed marriage. People very rarely form relationships outside their religion and those that do are likely to face ostracism from their families and communities.

"[The] UNHCR stated that the position of Christians in the KR was generally good. In addition to KR-resident Christians the KR hosted Christian IDPs from other parts of Iraq and looked after them well. Many of the Christian IDPs were from Kirkuk and Mosul, disputed areas close to the KR, but there were also Christian IDPs from other parts of Iraq.

"… the German Consulate, Erbil stated that Christians faced no difficulties in Erbil. The mainly Christian district of Ainkawa in Erbil has several churches, which operate without any difficulties. There are also stores and restaurants openly selling alcohol in Ainkawa that trade without any difficulties from either the authorities or non-Christian members of the community." **[66d] (p10)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

Armenian Christians

21.50 The MRG report of 24 September 2009 recorded:

"The ethnic and linguistic Armenian minority settled in Iraq before the birth of Christ. After the Armenian genocide committed by Ottoman Turks in 1915, more Armenians settled in Iraq, in areas including Basra, Baghdad,

Kirkuk, Mosul and Zakho. Since 2003, Armenians have faced the same targeting as other Christian groups. Grass-roots organizations have reported that at least 45 Armenians have been killed, while another 32 people have been kidnapped for ransom, two of whom are still missing. Armenian churches in Iraq have also been targeted and bombed." **[121b] (p6)**

Sabean Mandaeans

21.51 The MRG report of 24 September 2009 stated:

"The Sabian Mandaean religion is one of the oldest surviving Gnostic religions in the world, dating back to the Mesopotamian civilization. John the Baptist is its central prophet and access to naturally flowing water remains essential for the practice of the faith. Sectarian violence and political strife have placed Sabian Mandaeans in Iraq in jeopardy, forcing many of them to flee to Jordan, Syria and elsewhere. According to the Sabian Mandaean Human Rights Group, from January 2007 to February 2008, the Sabian Mandaean community in Iraq suffered 42 killings, 46 kidnappings, 10 threats and 21 attacks. It was also noted that some killings were not for money or ransom but to terrorize the families. A substantial number of the victims were women and children. In many cases the families were forced to sell everything to pay off the ransom. Many became issued threats to leave the country or else to be killed [sic]. Despite the ransom being paid, in some cases the killing was carried out nevertheless. Many became displaced when it was too dangerous for them to flee the country.

"There are thought to be around 60,000-70,000 Sabian Mandaeans worldwide, many of whom lived in Iraq prior to 2003. Today it is believed that there are around 5,000 left in Iraq. Their situation is made more fragile by the fact that the religion forbids the use of violence or the carrying of weapons, and therefore its adherents are effectively prevented from defending themselves from the violence being inflicted on the community. Compounded by the tenet that marriage outside the community is akin to religious conversion, the likelihood of Sabian Mandaean eradication from Iraq seems very real." **[121b] (p7)**

21.52 The USSD International Religious Freedom report 2009 recorded: "Estimates of the size of the Sabean-Mandaean community vary widely; according to Sabean-Mandaean leaders, 3,500 to 7,000 remained in the country, down from an estimated 50,000 to 60,000 in 2003." **[2a] (Section I. Religious Demography)**

"During the reporting period, Sabean-Mandaean leaders reported that their community continued to be targeted. In addition to being forced to convert, they reported kidnappings, with victims held for ransom. In some cases, ransom was paid. However, among those cases, only some were released; others were killed or remained missing. Women were pressured to wear the hijab and to marry non-Sabean-Mandaean men. Sabean-Mandaeans also reported that their gold and jewelry stores were burglarized." **[2a] (Section II. Status of Government Respect for Religious Freedom, Abuses by Rebel or Foreign Forces or Terrorist Organizations)**

21.53 The UNHCR Guidelines of April 2009 stated "The fact that Mandaeans generally have no tribal networks and live scattered in small groups, further increases their vulnerability. In addition, non-violence is a basic tenet of

their religion. … It was also reported that Islamic extremists threatened, kidnapped and killed Mandaeans for refusing to convert to Islam." **[40b] (p176-177)**

Yazidis

21.54 The ICG report of 28 September 2009 stated:

"Much about the Yazidis remains secretive and enigmatic. Their denomination itself is a matter of some controversy. Historically known in Arabic as 'Yazidiya', they have opted since the early 1990s for the slightly different term 'Ezidiya' that subsequently was adopted in the 2005 Iraqi constitution. The disputed terminology is a throwback to competing narratives surrounding the group's ethnic and religious identity. …

"Yazidi society centres on its faith, a strict social hierarchy and alms-giving by community members. Families of sheikhs sit atop the religious order, while its secular counterpart – also hereditary – is headed by a prince. Since 1945, the secular leader has been Tahseen Said Beg, whose political longevity has been ascribed to 'his extremely conservative attitude and a policy of support for the most powerful group at any given time, irrespective of its political outlook or ethnic identity'. Yazidi society is strictly endogamous: apostasy, religious conversion or marriage to a member of another group are strictly prohibited." **[25d] (p30-31)** Further:

"Ethnically and linguistically … Yazidis typically have been considered Kurdish, even though their Kurdish dialect borrows heavily from Arabic." **[25d] (p32)**

21.55 The MRG reportof 24 September 2009 stated:

"Yazidis are an ancient religious and ethnic group concentrated in Jabal Sinjar, 150 kilometres west of Mosul, with a smaller community in Shaikhan, in Nineveh Governorate east of Mosul, where their holiest shrine of Shaykh Adi is located. The 4,000-year-old Yazidi religion is a synthesis of pagan, Zoroastrian, Manichaean, Jewish, Nestorian Christian and Muslim elements. Yazidis are dualists, believing in a Creator God, now passive, and Malak Ta'us (Peacock Angel), executive organ of divine will. During the reign of Saddam Hussein, Yazidis were sometimes considered as Arabs rather than Kurds, and therefore were used to tilt the population balance in the northern Kurdish areas toward Arab control. This politicization of their ethnicity has been detrimental to Yazidi security. Since 2003, Yazidis have also faced increased persecution. Islamist groups have declared Yazidis 'impure' and leaflets have been distributed in Mosul by Islamic extremists calling for the death of all members of the Yazidi community. Between September and December 2004, the killing of more than 25 Yazidis was recorded, as well as more than 50 violent crime targeting members of the community.

"The Yazidi community suffered the most devastating single attack on any group in Iraq in August 2007, when four coordinated suicide truck bombings destroyed two Yazidi towns, killing at least 400 civilians, wounding 1,562, and leaving more than 1,000 families homeless. Their numbers have reportedly fallen from 700,000 in 2005 to approximately 500,000. The reduced numbers are the result of targeted attacks and due to so many having fled into exile, according to USCIRF. A July 2008 report from Iraq's

Ministry of Human Rights stated that between 2003 and the end of 2007, a total of 335 Yazidis had been killed in direct or indirect attacks. Despite a general reduction of violence in Iraq during 2008, attacks against Yazidis continued, including the shooting deaths of seven family members by armed militants in December 2008. At the end of the year [2008], a car bomb in the predominantly Yazidi town of Sinjar killed several people and wounded more than 40 others.

"Most Iraqi Yazidis have fled to Syria although there is a small number (about 900) in Jordan. The Yazidis interviewed in Syria were all located in Al Hasakah, in the North East, close to the Iraq border." **[121b] (p8)**

21.56 The UNAMI report covering 1 July–31 December 2008 stated "It has also been reported to UNAMI that over 50 Yezidis have been arrested and prevented from conducting peaceful political activities by Peshmerga forces in December. UNAMI has also received complaints that members of the Yezidi community in Ninawa have been forced to collect their food aid in Dohuk, therefore reducing the statistical presence of Yezidis in the area." **[39q] (p16-7)**

21. 57 The ICG report, dated 24 September 2009, further commented: "Two thirds live in the mountainous region of Sinjar, where they historically sought refuge from persecution. Most of the remaining third are in Sheikhan district, which is both the community's headquarters and its spiritual centre. A small number are spread across other disputed territories, including Bashiqa and several additional towns and villages in the Ninewa plain." **[25d] (p30)**

21.58 The UNHCR Guidelines of April 2009 recorded attacks on Yazidis and stated "In recent years, the Yazidis' most important ritual, the annual pilgrimage to the holy shrine in Lalish (Cejna Cemayya), has not been held or only with restrictions due to ongoing threats and attacks." **[40b] (p177)**

"Iraq's Yazidis, who are often considered 'infidels' and 'devil worshippers' by Islamic extremists, have been targeted since 2003 with 'killings, kidnappings, intimidations, and public campaigns to convert or kill them, as well as political and economic trespasses,' usually committed with impunity. In addition, they have been targeted for their (perceived) ethnic identity as Kurds as well as their (perceived) support for the US invasion and foreign presence in Iraq." **[40b] (p1767)**

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Kaka'i

21.59 UNHCR's August 2007 paper stated:

"The Kaka'i are a distinct religious group that mainly reside in the areas of Kirkuk (mainly Tareeq Baghdad, Garranata, Wahid Athar, Hay Al-Wasitty, Eskan and Shorja as well as in the District of Daqooq), Mosul (Kalaki Yasin Agha area) and Khanaqin (mainly Mirkhas and Kandizard areas) in the Governorate of Diyala, but also in villages in the Kurdistan Region close to the Iranian border. Kaka'i can also be found in major cities such as Baghdad, Sulaymaniyah and Erbil." **[40j] (p82)**

21.60 It also recorded that "Most are ethnic Kurds, but speak their own language called Macho (alternate names are Hawramani, Old Gurani)."

"Since the fall of the former regime, the Kaka'i living in the areas under central government administration have come under pressure by religious extremists who consider them 'infidels'. UNHCR has received information of threats, kidnappings and assassinations of Kaka'i, mainly in Kirkuk. UNHCR was informed that Muslim religious leaders in Kirkuk asked people not to purchase anything from 'infidel' Kaka'i shop owners. In addition, Kaka'i might be targeted on the basis of their Kurdish ethnicity. UNHCR received information that in Mosul, the Kaka'i no longer dare to reveal their identity as Kaka'i.

"It is believed that most Kaka'i have been displaced since the fall of the former regime. For example, in the end of November 2006, *Hewler Post*, a bi-weekly paper issued in Erbil, reported that 100 Kaka'i Kurds fled from the Urouba quarter in downtown Kirkuk after having received threats from 'terrorists'.419 UNHCR has received information that some 250-300 Kaka'i families from Baghdad were displaced to Khanaqin." (UNHCR, August 2007) **[40j] (p84)**

21.61 The UNHCR's Guidelines of April 2009 reported Kaka'i were still targeted by Islamic extremists for being un-Islamic and were perceived as supporters of foreign occupying forces or the Iraqi administration. **[40b] (p26)**

Jews

21.62 The MRG report of 24 September 2009 stated:

"… since the fall of the regime in 2003, the situation of Jews in Iraq has worsened dramatically. It states, 'Given the ongoing climate of religious intolerance and extremism, these Jews in Iraq continue to be at risk of harassment, discrimination, and persecution for mainly religious reasons.' Today, the community no longer has a rabbi in Iraq and lives in isolation, due to fear of targeted attacks. Since 2003, the population has been reduced considerably, now possibly numbering no more than 10 people." **[121b] (p7)**

21.63 The USSD International Religious Freedom report 2009 noted: "A March 2006 citizenship law specifically precludes Jews from regaining citizenship if it is ever withdrawn." **[2a] (Section II. Status of Government Respect for Religious Freedom, gal/Policy Framework)**

21.64 The USSD report for 2008 stated: "The country's Jewish population was virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. A 2006 citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship." **[2o] (p20)**

21.65 The UNHCR's Guidelines of April 2009 reported:

"By 2008, the number of Jews in Iraq has reportedly dwindled to less than ten, mostly elderly persons. Given the ongoing climate of religious intolerance and extremism, these Jews in Iraq continue to be at risk of harassment, discrimination and persecution for mainly religious reasons.

Their material existence is threatened due to the lack of support networks and they are prevented from exercising their religious rites publically. The remaining Jews might also be suspected of links to Israel, with which Iraq continues to be in a state of war. Anti- Zionist feelings are prevalent. Finally, they may also be targeted on account of their advanced education and professions such as doctors or goldsmiths." **[40b] (p179)**

See also Perceived collaborators and 'soft targets'

Shabaks

21.66 The MRG report of 24 September 2009 stated:

"The Shabak people of Iraq have lived mainly in the Nineveh plains, on a strip of land between the Tigris and Khazir, since 1502. There is also a small population of Shabak people in Mosul. They are culturally distinct from Kurds and Arabs, have their own traditions, and speak a language that is a mix of Arabic, Farsi, Kurdish and Turkish. About 70 per cent are Shi'a Muslim; the rest are Sunni. They have been recognized as a distinct ethnic group in Iraq since 1952. However, their status and lands are disputed by both the Kurds and Arabs wishing to extend land claims into the Nineveh governorate. Like other minorities in this position Shabaks are suffering targeted persecution and assimilation." **[121b] (p8)**

21.67 The USSD International Religious Freedom report 2009 noted: "Shabak leaders stated there are 200,000 to 500,000 Shabaks, who reside mainly in the north, near Mosul." **[2a] (Section I. Religious Demography)**

21.68 The UNAMI report covering 1 July–31 December 2008, stated that: "Members of the Shabak minority continued to be targeted in Ninawa." The report mentioned that several prominent Shabak leaders had been assassinated during the reporting period.

"Shabak groups reported that over 750 Shabaks have been assassinated by armed groups since 2004. UNAMI received several reports alleging verbal abuse and harassment of the Shabak by Peshmerga forces for their presumed lack of loyalty to Kurdistan and for insulting Kurdish leadership. … Intimidation allegations increased as the provincial elections approached: UNAMI received reports of threats by armed groups to kill anyone who voted for the Shabak, and against the KDP, candidate Hussein Abbas." **[39b] (p16)**

21.69 The UNHCR Guidelines of April 2009 further stated: "In May 2008, it was reported that the 'Islamic State in Iraq', which is dominated by AQI, distributed leaflets in Ninewa Governorate ordering the Shabak to leave the governorate immediately." **[40b] (p175-6)**

21.70 The ICG reported, on 28 September 2009, "Within Mosul itself, where they once had a notable presence, especially among lowskilled urban workers, their numbers have dropped significantly since 2003 as a result of mounting persecution.

"The Shabaks' faith has been shaped by Yazidi, Shiite and Sufi influences. If asked, they would assert they are Muslims like any other, though they do not follow Islam's core obligations – prayer, fasting, *zakat* (alms giving) and pilgrimage to Mecca – and possess their own sacred book, written in Iraqi

Turkoman. They believe in a trinity composed of Allah, the Prophet Mohammad and Ali. They have tended to be poor, landless peasants, stuck at the bottom of the social ladder and traditionally were protected and exploited by Mosul's Shiite notables, who, like them, revere Ali." **[25d] (p35)**

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22. ETHNIC GROUPS

22.01 The USSD report 2008 mentioned that discrimination against ethnic minorities was a problem, and further recorded:

"Ethnically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

"The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions." **[2o] (p31-32)**

22.02 The Brookings Institute report, published 30 December 2008, stated:

"Kurds and Sunni Arabs (other than Kurds) each made up around 20 percent of Iraq's population in 2003, thus making them numerical minorities in the country. However, their situation is considerably different than that of the estimated ten percent of Iraq's population which is made up of smaller minority communities, including religious minorities such as Armenian, Syriac, and Chaldo-Assyrian Christians; Baha'is; Jews; Mandaeans; and Yazidis as well as ethnic minorities such as Faili Kurds, Palestinians, Shabaks, and Turkomen. Most of these groups have long histories of living in Iraq and most (though not all) enjoyed a degree of protection as minorities under the Saddam Hussein regime." **[88e] (p9]**

The Iraqi Ministry of Displacement and Migration in Iraq estimates that nearly half of the minority communities have left the country. UNHCR estimates that 30% of Iraqi refugees seeking sanctuary in Jordan, Syria and elsewhere are from minority groups. **[88e] (p12)**

See also Freedom of Religion

22.03 The UNAMI report, covering 1 July–31 December 2008, stated "As efforts on the different political processes related to the governorate council elections and the resolution of the status of disputed territories increased in the second half of 2008, the situation of some minorities deteriorated. UNAMI remains concerned about the attempts to dilute the identity of minorities by forcing them to be identified either as Arab or Kurd and about the impunity of those responsible for abuses against minorities." **[39b] (p15-16)**

See also Recent developments

22.04 The UNHCR Guidelines of April 2009 reported ethnic minority groups inhabited some of the 'disputed areas' sought by the KRG to be incorporated into the Kurdistan region such as the towns and villages in the Ninewa Plains and Sinjar District. **[40b] (p112)** The report also noted that "Shabak, Turkmen and Faili Kurds, who primarily adhere to the Shi'ite

branch of Islam, have been targeted by Sunni Islamists on the basis of their sectarian identity." **[40b] (p172)**

22.05 The MRG report of 24 September 2009 stated: "Minorities in Iraq have continued to be targeted on the grounds of their religion or ethnicity since the US-led invasion of Iraq and fall of Saddam Hussein in 2003. They have suffered from killings, kidnappings, torture, harassment, forced conversions and the destruction of homes and property. Women have been subject to rape and forced to wear hijab." **[121b] (p9)**

See also Freedom of Religion

ARABS

22.06 The CIA world factbook (last updated on 5 May 2009) stated Arabs made up 75 to 80 per cent of the population of Iraq and were situated across most of the country. **[78a] (People, Ethnic groups)**

22.07 The MRG report, published March 2008, stated: "In April [2007] the central government approved an incentive package for Sunni Arabs forcibly settled in Kirkuk under Saddam Hussein to return to their original homelands in the south. According to an Iraq minister, by October 2007, around 1,000 Sunni Arab families had accepted approximately US $15,000 payment to leave their Kirkuk homes." **[121c] (p153-4)**

22.08 "Reportedly, some Sunni Arabs accuse the Shi'ite-dominated government of a discriminatory approach when reinstituting former Ba'athists into their former employment." (UNHCR, April 2009) **[40b] (p64)** UNHCR's Guidelines of April 2009 further recorded Arabs in Kirkuk had complained of intimidation, harassment, arbitrary arrests and demographic manipulation at the hands of Kurds who dominate the Governorate's political and security institutions. **[40b] (p106)**

KURDS

22.09 The Brookings Institute paper, published 30 December 2008, stated:

"While clearly a persecuted minority under the Saddam Hussein regime, the position of the Kurds has changed over the past five years. They participated actively in drafting the constitution which allowed them to include certain key issues into this document, such as Article 140 which provides for a referendum in Kirkuk. They have benefited from proportional representation and have 53 representatives in Parliament (out of a total of 230 seats allocated to the provinces) and the President of Iraq, Jalal Talabani, is a Kurd. They have consolidated their control of the Kurdistan Regional Government (KRG), in part through encouraging the return of Kurds from other part of the country, but also through the development of a strong military force, the Pesh Merga, and by consolidating Kurdish control of government services. The three provinces making up the KRG – Erbil, Sulaymaniyah and Dohuk – have emerged as an area of relative calm and stability in Iraq…

"Very few Kurds have sought refuge in neighboring countries since 2003; those who have felt unsafe in other parts of Iraq have tended to move to the

KRG region. UNHCR-Syria's figures, for example, suggest that there are very few Kurdish Iraqi refugees in Syria." **[88e] (p10-11)**

Faili Kurds

22.10 The MRG report of 24 September 2009 stated:

"The Faili Kurds are Shi'a Muslims by religion (Kurds are predominately Sunni) and have lived in Iraq since the days of the Ottoman Empire. They inhabit the land along the Iran/Iraq border in the Zagros Mountains, as well as parts of Baghdad. Faili Kurds were merchants and business people, active in politics and civil society, and founded the Baghdad Chamber of Commerce in the 1960s. Under the Ba'ath regime, they were specifically targeted and stripped of their Iraqi citizenship, and many were expelled to Iran on the charge that their Shi'a faith made them 'Iranian'. According to the United Nations High Commissioner for Refugees (UNHCR), at the beginning of 2003 there were more than 200,000 Iraqi refugees in Iran; of 1,300 living in Azna, 65 per cent were Faili Kurds. Many of them were under 20 years of age, were born in the camps and have known no other home. Now, their ethnicity and religion once again make their community the target of violent human rights violations in Iraq. Due to the ethnic cleansing and dispersal they have suffered and to their lack of citizenship rights under the Ba'ath regime, it is very difficult to gather evidence regarding how many remain there, and examples of specific ongoing violations they face. For those who felt return might be an option after the fall of Saddam Hussein, current conditions make this highly dangerous and difficult." **[121b] (p6-7)**

See also Citizenship and nationality

22.11 The UNHCR Guidelines of April 2009 stated religious groups including "Faili Kurds, who primarily adhere to the Shi'ite branch of Islam, may be targeted by Sunni Islamists on the basis of their sectarian identity." **[40b] (p26)**

TURKMENS

22.12 The MRG report of 24 September 2009 stated:

"The Iraqi Turkmen claim to be the third largest ethnic group in Iraq, residing almost exclusively in the north, in an arc of towns and villages stretching from Tel Afar, west of Mosul, through Mosul, Erbil, Altun Kopru, Kirkuk, Taza Khurmatu, Kifri and Khaniqin. Before 2003, there were anything from 600,000 to 2 million Turkmen, the former figure being the conservative estimate of outside observers and the latter a Turkmen estimate. Approximately 60 per cent are Sunni, while the balance are Ithna'ashari or other Shi'a. Shi'as tend to live at the southern end of the Turkmen settlement, and also tend to be more rural. Small Shi'a communities (for example, Sarliyya and Ibrahimiya) exist in Tuz Khurmatu, Ta'uq, Qara Tapa, Taza Khurmatu, Bashir, Tisin and Tel Afar.

"Although some have been able to preserve their language, the Iraqi Turkmen today are being rapidly assimilated into the general population and are no longer tribally organized. Tensions between Kurds and Turkmen mounted following the toppling of Saddam Hussein, with clashes occurring in Kirkuk. Turkmen view Kirkuk as historically theirs and, with Turkish assistance, have formed the Iraqi Turkmen Front (ITF) to prevent Kurdish

control of Kirkuk. UN reports and others since 2006 have documented that the Kurdistan Regional Government (KRG) and peshmerga militia forces are illegally policing Kirkuk and other disputed areas, that these militia have abducted Turkmen and Arabs, subjecting them to torture. Car bombs, believed to have been carried out by Arab extremist groups, have claimed the lives of many more Turkmen. A referendum on Kirkuk was set to take place in 2007, but has not yet occurred.

"Beyond competition for Kirkuk, both Sunni and Shi'a Turkmen have been targeted on sectarian grounds, and Turkmen women experience particular vulnerability. In June 2007, four Iraqi soldiers were charged with the rape of a Sunni Turkmen woman in Tel Afar, one of many such reported incidents." **[121b] (p8)**

22.13 The Brookings Institution report, published on 30 December 2008, reported in 2003 there were around 800,000 Turkomens living in Iraq, whereas in February 2007 approximately 200,000 were thought to remain in Iraq. **[88e] (p9)**

22.14 The IGC report, published 13 November 2008, stated: "Turkomans are descendents of Ottoman Empire-era soldiers, traders and civil servants. A predominantly urban population, they are distributed over a number of former garrison towns situated along prominent trade arteries in northern Iraq stretching from the Syrian to the Iranian border, including such major ones as Tel Afar, Mosul, Kirkuk, Tuz Khurmatu, Kifri, Khanaqin and Mandali." **[88e] (p9)**

22.15 UNAMI's report, covering 1 July - 31 December 2008, stated:

"UNAMI also received complaints from the Turkmen community that they continue to be denied the right to use their own language in Ninawa and reported restrictions to their freedom of movement by Peshmerga forces. Tensions between Kurdish and Turkmen communities remain high in Kirkuk. A suicide bombing and a mortar attack that took place at a Kurdish protest rally on 28 July escalated into deadly inter-ethnic clashes between armed Kurdish rioters, who blamed the Turkmen community for the attack on the rally, and armed guards protecting Turkmen facilities. Some 25 persons were killed and 180 injured and several buildings were attacked and burned." **[39b] (p16)**

22.16 UNHCR's Guidelines of April 2009 recorded Turkmen in Kirkuk had complained of intimidation, harassment, arbitrary arrests and demographic manipulation at the hands of Kurds who dominate the Governorate's political and security institutions. **[40b] (p106)** The report also recorded that many ethnic Turkmen lived in Tal Afar, Ninewa's second city after Mosul, and that they were often targeted in attcks on public places, such as mosques, restaurants and markets, in an attempt to reignite sectarian violence. **[40b] (p111)**

ASSYRIANS AND CHALDEANS

22.17 The MRG report of 24 September 2009 stated:

"Descendants of ancient Mesopotamian peoples, Assyrians live mainly in the major cities and in the rural areas of north-eastern Iraq where they tend

to be professionals and business people or independent farmers. They speak Syriac, which is derived from Aramaic, the language of the New Testament. Since 2003, Chaldo-Assyrian churches, businesses and homes have been targeted. In February 2008, the Chaldean Archbishop of Mosul was abducted and killed. In April 2008, Assyrian Orthodox priest Father Adel Youssef was shot to death by unidentified militants in central Baghdad." **[121b] (p6)**

22.18 Of Iraq's Christians (estimated at 500,000–600,000), about two-thirds are Chaldeans, nearly one-fifth Assyrians and the remainder are Syriacs, Armenians, Anglicans and other Protestants. (USSD Religious Freedom report 2009) **[2a] (Section I. Religious Demography)**

22.19 The UNHCR Guidelines of April 2009, recorded allegations of election violations in the Ninewa Plains were made by the Assyrian Democratic Movement (ADM) and the Assyria Council of Europe (ACE): "Reportedly, violence, threats and other means of pressure prevented thousands of Assyrians from participating in the elections." **[40b] (p71)**

See also Provincial elections of 31 January 2009 and Christians

ROMA

22.20 The MRG report of 24 September 2009 stated:

"Known as Kawliyah in Iraq, most are either Sunni or Shi'a Muslims, and are to be found in the Baghdad region and the South. The Ba'ath regime encouraged Kawliyah to pursue occupations such as playing music, dancing, prostitution and selling alcohol. Nevertheless, Kawliyah were not allowed to own property and did not have access to higher positions in the Government or the military. Since the fall of Saddam Hussein, they have been attacked by Islamic militias who disapprove of their different customs. Community leaders estimate their population at around 60,000." **[121b] (p7)**

22.21 The UNHCR Guidelines of April 2009 reported Roma (Kawliyah) individuals had been targeted by Shi'ite militias, due to them being perceived as having supported or received preferential treatment by the former Ba'athist government. **[40b] (p171)**

TRIBES/CLANS

22.22 An article in *Middle East Times*, published 9 June 2008, stated:

"Iraq has over 100 tribes, some of whose roots trace back 1,000 years. While modernization and urbanization have eroded tribal affiliations, tribal loyalties remain a bedrock of Iraqi society. Indeed, tribal affinities may matter as much as national, ethnic or religious identities. "Tribal influences in Iraq have a greater longer-term effect than religion in many parts of the country. The Iraqi tribes, with tens of thousands of members, are based on lineage. They are concentrated in parts of Iraq, yet branch across to Syria, Jordan, Lebanon and the Gulf region, including the United Arab Emirates." **[141a]**

22.23 The ICG report of 30 April 2008, stated:

"The insurgency – whether nationalist or Islamist – undoubtedly has been severely weakened by the tribes' return to prominence [since ousting of Saddam in 2003]. Thanks to the tribes' extensive knowledge of the local population and environment, they can exercise far more control than could the U.S. military on its own; in turn, their alliance with the U.S. makes it difficult for them to countenance any form of resistance." **[25j] (p11)**

"For tribal leaders who had been forced into exile due to confrontation with al-Qaeda in Iraq or the insurgency, this presented a unique chance for a comeback. It also offered them the opportunity to reap substantial financial rewards, whether by diverting funds the U.S. channelled through them (principally salaries for their armed volunteers) or by ensuring they benefited from reconstruction projects." **[25j] (p12)**

22.24 A report by the ICG of 28 September 2009 stated:

"… although the sahwat (awakening) [awakening councils] phenomenon has been of limited magnitude in Ninewa, several tribes nonetheless received U.S. financial and logistical support that they used to establish their own militias. One of the most prominent cases is that of the Shammar, whose armed militia is several thousand strong and helps provide security in several key areas, including both oil pipelines that cross through the governorate on their way to the Turkish and Syrian borders. **[25d ?] (p14)**

See also Awakening councils

ETHNIC GROUPS IN THE KRG AREA

22.25 The majority of the population of the KRG area is Kurdish, although Assyrian Christians, a smaller number of Chaldean Christians, Yazidis, Turkmens, Armenians and Arabs also reside there. (Jane's, 6 March 2008) **[14e] (p22)**

22.26 The USSD 2008 report stated:

"There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem (Kirkuk) frequently charged that Kurdish security forces targeted Arabs and Turkmen." **[2o] (p32)**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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23. Lesbian, gay, bisexual and transgender (LGBT) persons

Legal Rights

23.01 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) report of May 2009 stated:

"After the American invasion in 2003 the Penal Code of 1969 was reinstated in Iraq. This code does not prohibit same-sex relations. However, various reports have shown that self-proclaimed Sharia judges have sentenced people to death for committing homosexual acts, and that militias frequently have kidnapped, threatened and killed LGBT people. This has been confirmed by the UN-body UNAMI. The situation for LGBT people is all but safe in Iraq as of publication of this report." **[12a] (p23)**

23.02 The UNHCR Guidelines of April 2009 recorded: "While homosexuality is not prohibited by Iraqi law, it is a strict taboo and considered to be against Islam." **[40b] (p193)**

23.03 An in-depth report by HRW entitled '*They Want Us Exterminated': Murder, Torture, Sexual Orientation and Gender in Iraq*, 17 August 2009, recorded:

"Consensual homosexual conduct between adults is not a crime under Iraqi law. The 1969 Criminal Code, still in force, expressly mentions homosexual conduct only in paragraph 393, titled 'Rape, Homosexual Acts (Liwat) and Assault on Women's Honor (Hatk el 'Ard).' Despite the heading, however, the article is an attempt at a gender-neutral rape law. Its substance reads:

"'Any person who has sexual relations with a woman against her consent or has homosexual relations with a man or a woman without his or her consent is punishable by life imprisonment or temporary imprisonment.'

"Some sweeping and unspecific provisions in the criminal code give police and prosecutors broad scope to punish people whose looks, speech, or conduct they simply dislike." **[15c] (p27-28, III. Extortion and the State: Nuri's Story)**

23.04 The HRW report mentions several paragraphs in the 1969 Criminal Code that could be used to "restrict freedoms of expression, association, and assembly, or to penalize human rights defenders who take up unpopular issues." See the full HRW report for further information. **[15c] (p27-28, III. Extortion and the State: Nuri's Story)**

Treatment by and attitudes of state authorities

23.05 The UNHCR Guidelines of April 2009 stated:

"The Iraqi Government does not consider the killings of LGBT Iraqis a priority and a Ministry of Justice judge interviewed by Newsweek told the reporter not to waste time on an issue that he considered being 'very rare'. Generally, there is little tolerance towards homosexuality in Iraqi society and many Iraqis, including high-level officials, deny that homosexuality even exists in Iraq. Accordingly, those who commit acts of violence against homosexuals and others often do so with impunity." **[40b] (p194)**

23.06 The HRW report of 17 August 2009 recorded:

"Iraqi police and security forces have done little to investigate or halt the killings. Authorities have announced no arrests or prosecutions; it is unlikely that any have occurred. While the government has made well-publicized attempts since 2006 to purge key ministries of officials with militia ties, including the Ministry of Interior, many Iraqis doubt both its sincerity and its success. Most disturbingly, Human Rights Watch heard accounts of police complicity in abuse – ranging from harassing 'effeminate' men at checkpoints, to possible abduction and extrajudicial killing." **[15c] (p4, Introduction, Summary)**

23.07 The HRW report also mentioned incidents where corrupt Ministry of Interior officers had kidnapped and tortured individuals believed to be associated with international LGBT organisations and extorted money from them. **[15c] (p29, III. Extortion and the State: Nuri's Story)**

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SOCIETAL TREATMENT AND ATTITUDES

23.08 The UNHCR Guidelines of April 2009 commented:

"Since 2003, Iraq's largely marginalized and vulnerable lesbian, gay, bi-sexual and transgender (LGBT) community has frequently been targeted for attacks in an environment of impunity. In the Central and Southern Governorates, LGBT Iraqis continue to face threats, torture and extra-judicial killings at the hands of 'state and non-state actors,' including their own families, which consider them as violating the family's 'honour'. Iraqi LGBT, an Iraqi NGO based in London, accounted for more than 480 Iraqi gay men killed by Shi'ite militias since 2003, among them 17 LGBT activists." **[40b] (p193-194)**

23.09 On 11 March 2008, 365gay.com reported on the closure of three safe houses in November 2007, in southern Iraq, including one in Basra, due to lack of funds. These shelters were operated by Iraqi LGBT, a London based-group. **[72d]**

23.10 The 2009 HRW report, covering events of 2008, stated: "Lesbian, gay, bisexual, and transgender people are also vulnerable to attacks from state and non-state actors." **[15a] (p3)**

23.11 The FCO human rights report for 2008 stated: "We have received reports of violence committed against individuals because of their sexual orientation." **[66e] (Other vulnerable groups)** The USSD report for 2008 stated:

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

"Since 2003, the Iraqi Lesbian, Gay, Bisexual and Transgender Organization stated that 430 gay men have been killed because of their sexual orientation. The international NGO provided shelter for an estimated 40 men between 14 and 28 in several Baghdad safe houses. During the year there were reports of discrimination and violence against homosexual men and

women, mostly by militias. On September 25, a coordinator of the NGO was killed in Baghdad by militia members, according to press reports. There were no government statistics on discrimination or on government programs protecting such groups, and requests by news agencies for information have been largely ignored." **[2o] (p32)**

23.12 On 9 April 2009, Amnesty International reported:

"Over the last few weeks at least 25 boys and men are reported to have been killed in Baghdad because they were, or were perceived to be, gay. The killings are said to have been carried out by armed Shi'a militiamen as well as by members of the tribes and families of the victims. Certain religious leaders, especially in al-Sadr City neighbourhood, are also reported in recent weeks to have urged their followers to take action to eradicate homosexuality in Iraqi society, in terms which appear effectively to constitute at least an implicit, if not explicit, incitement to violence against members of the gay community." The article mentioned that two bodies had pieces of paper bearing the inscription 'pervert'. **[28a]**

23.13 The UNHCR Guidelines of April 2009 stated:

The latest killing reportedly took place in Baghdad's Sadr City on 2 April 2009, when two gays were allegedly killed by relatives in order to cleanse the family's "honour". Also, Iraqi Police said that on 25 March 2009, they had found the dead bodies of four more gays in Sadr City, each bearing a sign reading 'pervert' or 'puppie'" in Arabic on their chests, both derogatory words used to refer to homosexuals. Reportedly, Shi'ite clerics in Sadr City had recently urged a crackdown on the perceived spread of homosexuality. Also reported in the media was the 25 September 2008 killing of a leading gay activist in a barber shop in Baghdad. He was one of the organizers of safe houses for gays and lesbians in Baghdad and co-ordinator of Iraqi LGBT. Reports speak about "a systematic campaign of sexual cleansing". Iraqi LGBT currently runs two safe houses in Baghdad to provide a level of physical protection to a limited number of LGBT Iraqis; however, the men and women lack any prospects as mediation with their families is generally impossible and protection by the Iraqi authorities is not available." **[40b] (p194)**

23.14 On 6 July 2009, BBC News recorded that some gays found Saddam Hussein's dictatorship preferable to the threat of violence they face today:

"Evidence from various human rights groups suggests that some gay men have been subjected to appalling violent abuse. Some Iraqis blame militias, while others point the finger at religious leaders of fueling hatred of homosexuals, though some clerics have also recently condemned the attacks on gays. The Iraqi government and police also deny that there have been any state-sanctioned killings or torture of homosexuals in Iraq." **[4j]**

23.15 Human Rights Watch (HRW) reported, in an article of 19 August 2009:

"Across Iraq, a killing campaign has spread since early this year [2009]. Armed gangs have kidnapped men and tortured them, leaving castrated and mutilated bodies dumped in the garbage or in front of morgues. In April, during a Human Rights Watch research trip to Iraq, men told us tales of death threats, blackmail, midnight raids by masked men on private homes

and abductions from the streets. The targets? Men suspected of being gay, or of not being 'masculine' enough in their killers' eyes.

"Most survivors pointed to Moqtada al-Sadr's Mahdi army, the largest Shia militia in Iraq, as the driving force behind the killings. Sadrist mosques and leaders have warned loudly that homosexuality threatens Iraqi life and culture – though even some Sunni militias may have joined the violence, competing to show their moral credentials. No one can yet give an accurate tally of the victims, but some say the dead may number in the hundreds." **[15b]**

23.16 HRW further stated: "Some Iraqis buy the moral posturing. The Baghdad press has kept up a drumbeat of articles warning about the 'feminisation' of Iraqi men under the strains of a demoralising and emasculating occupation. A panic over endangered manhood and the spread of the 'third sex' has infected parts of Iraqi society." **[15b]**

23.17 In HRW's report of 17 August 2009, they recorded "… the campaign remains at its most intense in Baghdad, but it has left bloody tracks in other cities as well; men have been targeted, threatened or tortured in Kirkuk, Najaf, Basra." **[15c] (p2, Introduction, Summary)** The report also named the milita group "Ahl al Haq (the 'People of Truth')" had also claimed responsibility for some of the murders. **[15c] (p3 Introduction, Summary)**

23.18 The HRW report mentioned that "Cafes and gathering spots where gays discreetly met, especially in Baghdad, have been a target of the crackdown [attacks on gay individuals by militas]." **[15c] (p16)** Posters appeared on walls in Sadr City, Baghdad and Najaf, calling for gays to be punished. In Sadr City the names of men suspected of homosexual conduct was written on walls and other received death threats by phone or in notes. **[15c] (p22-23)** BBC News stated, on 17 August 2009, that "[n]early 90 gay men [?] have been killed in Iraq since the beginning of January [2009] and many more are missing, local gay rights campaigners say." **[4n]**

See also Abuses by non-government armed forces; Shi'a militias

'Honour' killings

23.19 The HRW report of 17 August 2009 stated:

"'Honor'– and patriarchal and tribal values around masculinity, sexuality, and shame – indeed exacerbate prejudice and incite harm …" **[15c] (p5 Introduction, Summary)** Further:

"Men … also bear the 'honor' of their families and tribes. Human Rights Watch heard testimonies from Iraqi men who faced violence or murder because they were not 'manly' enough, incurring shame on the whole extended household. These stories suggest the importance of treating 'honor' as an issue, and an incitement to rights violations, that cuts across genders. They also show how urgent it is to investigate gender-based violence and honor crimes in Iraq in all their forms – including the unexplored area of attacks against women suspected of sex with other women, or women whose dress or bearing brand them as not 'feminine.'" **[15c] (p43, V. Family, Gender, "Honor")**

Lesbian, gay, bisexual and transgender persons in the KRG

23.20 The FCO report of 27 March 2009 stated: "Hewa Jaff, Director of Foreign Affairs, Sulaymaniyah Governorate stated that gay men in the KR would usually be able to live freely and not face any difficulties if they kept a low profile. Gays are generally tolerated in the KR in local communities and would not usually experience any difficulties with law enforcement agencies." **[66d] (p17)** On the contrary, the UNHCR Guidelines of April 2009 report of April 2009 recorded that

"In the Kurdistan Region, homosexuality is also considered a taboo and in contradiction with religious and social mores. Overt homosexual relations are not possible to entertain, and homosexual persons would have to hide their sexual orientation. Persons known or suspected to be homosexual would face significant social pressure and be shunned. They would also face difficulties to find employment in the private sector. Individuals may be at risk of 'honour killings' at the hands of their families. Generally, the authorities would not provide efficient protection given that homosexuality is considered unlawful by religion and customs." **[40b] (p194)**

23.21 The HRW report of 19 August 2009 stated:

"Kurdish Regional Government prosecutors have used paragraph 403 [permits prison for 'obscene or indecent' publication or speech] terms against publicly raising issues of homosexuality. On November 24, 2008 an Erbil court sentenced Adel Hussein, a doctor as well as freelance journalist, to six months' imprisonment for indecent expression, because two years earlier he had published an article in the independent weekly Hawlati about health issues for men who have sex with other men." **[15b] (p28, III. Extortion and the State: Nuri's Story)**

See also Freedom of Speech and media. For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

Further information about LGBT issues in Iraq is available in the COI Response, LGBT issues June 2009, which includes the UK Lesbian & Gay Immigration Group (UKLGIG) sources update of 6 May 2009.

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24. DISABILITY

24.01 Article 32 of the Constitution stipulates "The State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law." **[82a] (p10-11)**

24.02 The 2008 Landmine Monitor (LM) report commented on assistance for victims of landmines, stating "The government of Iraq is unable to cope with the needs of persons with disabilities because of the huge demand for and the scarcity of services. Many persons with disabilities are only cared for within the family network and 90% of them live below the local poverty line. The IHSCO RE [Iraqi Health and Social Care Organization Risk Education] assessment found that only 4% of survivors interviewed had received assistance." **[98c] (p15,14)**

24.03 The USSD report 2008 stated:

"The law prohibits discrimination in employment, education, access to health care, and other state services against persons with physical disabilities. The government enforced the law in the government sector but not in the private sector.

"MOLSA operated several institutions for the education of children and young adults with disabilities. MOLSA also operated workshops and associations to provide employment opportunities to persons with mental disabilities.

"As of October, 17 institutes operated in Baghdad and the non-KRG provinces outside of the KRG for persons with mental and psychological disabilities and housed approximately 1,100 persons. Additionally, there were 34 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The government, through the Prime Minister's Office and Ministry of Health, provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment." **[2o] (p31)**

24.04 The ICRC report for 2008, published 27 May 2009, stated:

"The number of disabled people continued to rise. The eight physical rehabilitation centres supported by the ICRC and the ICRC's centre in Erbil were the only structures providing such services in the country.

"Three ICRC-supported crutch production units in Baghdad, Basra and Erbil significantly increased their output. Ongoing training programmes improved the technical skills of prosthetic/orthotic staff, physiotherapists and wheelchair technicians. Ideas on how to improve physical rehabilitation services in Iraq were shared during a nationwide workshop facilitated by the ICRC." The ICRC report also gave figures of patients receiving ICRC-supported physical rehabilitation at various centres in Iraq. **[43a] (p345-6)**

"A new physical rehabilitation centre was constructed in Falluja (Anbar province), and support was maintained to eight other such centres countrywide." **[43a] (p343)**

24.05 The IRRICO report, 5 May 2009, stated:

"… the government has approved a program proposed by the MoLSA [Ministry of Labor and Social Affairs] named Social Safety Network. While the Ministry has engaged in certain activities, such as some process listing persons, families, and vulnerable individuals, the scheme has not been implemented yet, pending finalization of the budget.

"This program aims to support handicapped people, vulnerable persons, female heads of households and widows. These will be paid monthly salaries not less than 150,000 Iraqi Dinars, depending on the number of children, age, and children in school, among other criteria." **[3a] (p9)**

24.06 A report by Handicap International of 30 September 2009 stated: "Iraq has legislation to protect the rights of persons with disabilities, but it was largely unimplemented and in need of review. In northern Iraq, this review was started in 2008 and ongoing as of August 2009. At federal level, review and disability policy development was started under a World Bank project in early 2008, but also shelved in November 2008 because of a lack of government capacity." **[33a] (p131)**

"In northern Iraq the situation was different, with two relatively strong and well coordinated regional mine action centers, dedicated and continuous UN support to VA, stable government involvement, and a varied network of service providers. Since 2005, the Kurdish Regional Government has taken increased responsibility for the management and financing of services, and while VA/disability services are efficient they remained in need of international support or increased regional government means for long-term sustainability. Coordination between northern Iraq and the federal level is weak." **[33a] (p131-132)**

See also Humanitarian situation; unexploded ordnance

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25. WOMEN

OVERVIEW

25.01 A report by AI, published 1 March 2009, stated "Iraq has ratified international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights, that oblige the authorities to take immediate steps to ensure women's equality and protect in practice the human rights of women and girls." **[28r] (p7)** The UNSC report, of 6 November 2008, however recorded "The broader situation regarding women's rights and conditions has also shown no significant overall improvement …" **[38r] (p11)**

25.02 The USSD report for 2008 stated:

"The constitution provides for equal treatment before the law without discrimination based on gender; however, in practice, discrimination existed, and enforcement of equal treatment was uneven.

"The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. Women's rights activists continued to be targeted by militant groups. On December 18, Nahla Hussain, the leader of the women's league of the Kurdish Communist Party, was killed by gunmen in Kirkuk. The MOHR reported in its annual Victims of Terrorism report that 580 women were killed and 1,940 wounded in various acts of violence during the year." **[2o] (p27-28)**

25.03 UNAMI's report for 1 July-31 December 2008 stated:

"Research conducted by UNAMI/HRO [Human Rights Office] on the situation of women indicates that gender based violence continued to claim the lives of many women, most of which remains unreported. The sensitivity of Iraqi communities to issues concerning women is such that families are frequently not reporting to the authorities incidents of violence against women. The vast majority of Iraqi women still face at least one form of domestic violence on a regular basis. In a statement on 25 November 2008, the United Nations Special Rapporteur on Violence against Women declared that 'Iraqi women have seen their rights eroded in all areas of life'. The declaration explained that 'Women are victims of rape, sex trafficking, forced and early marriages, murder, and abduction for sectarian or criminal reasons; many are driven or forced into prostitution […] To escape the cycle of violence many women turn to suicide, sending a clear message of despair to their society.' UNAMI remains concerned by the threats and harassment women are facing regarding their dressing mode. Access to education for women is less protected than for men, 26.8% of Iraqi women have no education, compared to 14.6% for men. A large percentage of Iraqi women, 86.79% are not working outside their home." **[39b] (p13)**

25.04 The UNHCR Guidelines of April 2009 stated: "Women in Iraq are victims of societal, legal and economic discrimination, abductions and killings for political, sectarian or criminal reasons, rape, forced displacement, domestic violence, including 'honour killings' and other harmful traditional practices, (sex) trafficking, prostitution and forced recruitment by armed groups." **[40b] (p144)**

"While women fall victim to a range of human rights violations, those with specific profiles are specifically targeted on account of their (perceived) political, sectarian or social role. In particular, women perceived or actually transgressing traditional roles and/or exposed in society have been subjected to intimidation and targeted attacks, including murder, at the hands of mainly non-state actors, including party militias, insurgents, Islamic extremists as well as their own family or community. This may include women engaged in politics, professionals, civil society activists or women that transgress social or religious mores." **[40b] (p195)**

LEGAL RIGHTS

25.05 The UNHCR Guidelines of April 2009 recorded: "Although the Iraqi Constitution provides for gender equality and female political representation is guaranteed at both the national and the provincial level, a number of Iraqi laws continue to discriminate against women." **[40b] (p145)**

25.06 The UNAMI report, covering 1 January–30 June 2008, stated… "…courts continue to practice leniency in honour-related crimes, despite recent assurances from KRG officials of greater commitment to investigate and prosecute." Further: "…there is a tentative support from some religious figures regarding possible amendments to the 1959 Personal Status Law, aiming to restrict the practice of polygamy and to seek a more equitable role for women in marriage and society. However, the passage of more progressive laws through Parliament remains fraught with difficulties." **[39q] (p15)**

25.07 The Women for Women Institute Iraq report for 2008 noted:

"Another complicating factor directly tied to women's legal rights and status is that when a husband is kidnapped or a woman is divorced, she does not have the right to register her children, which means they cannot attend school. By some estimates, there are currently 2 million widows in Iraq and 6 million orphans, which in a country of 27 million people is nearly a third of the population. Unless this situation is remedied, the country will be faced with a generation of uneducated children." **[130] (p25)**

See also Education; Children

25.08 The FCO report, 27 March 2009, noted "… Asuda [women's NGO] stated that in Iraqi law men and women are officially equal but in the case of divorce a woman seeking the divorce will often have to give up her rights to property and in some cases rights to custody of or access to her children to win the divorce." **[66d] (p6)**

25.09 The FCO report further mentioned:

"Nawshiran Mustafa, an independent politician in Sulaymaniyah stated that while women have equality under the law in the KR the position of women varies according to location. In remote rural areas women can be disadvantaged in traditional legal systems and can be discouraged from seeking legal redress for grievances. There have been isolated cases in remote rural areas of women being given as compensation to settle disputes." **[66d] (p12)**

See also Womens's rights in the KRG area

25.10 The LandInfo report, dated 6–23 March 2009, commented:

"[An] international organisation (A) in Amman [stated] that is was not aware of any ongoing process to change the *Personal Status Law* in Iraq. It was added that female parliamentarians are not very optimistic regarding any future changes in favour of women. There is still leniency in the sentencing of honour crimes. Generally women [issues] are not a priority in Iraq. Although there are 25% of women in the Parliament, many of these women have adopted the conservative agenda of their party. Only a few of them voice women's rights, and they receive little attention." **[34a] (p45, 7 Women issues in Iraq)** Further:

"According to … WEO [Women Empowerment Organisation] there is a positive motion on legislation concerning honour crimes in KRI [Kurdish Region of Iraq] and there is a follow-up on this legislation. However, it is important that women become aware of their rights and the legal assistance that they can get. Many women are unaware of their rights, but training of women and awareness campaigns in schools and among women, as well as eradication of discriminatory laws would eventually lead to a reduction in the number of honour killings in KRI. It was added that many women are still in need of legal and social assistance.

"Latif, ASUDA stated that the *Personal Status Law* is in the process of being amended but considered that 'this is just in wording'. KRI is still an Islamic state. Secular law on women issues is needed, in order to fulfil the rights of women." **[34a] (p49, 7.1.2.1 Law on honour crime/Personal Status Law in Kurdistan Region of Iraq (KRI))**

POLITICAL RIGHTS

25.11 A report by AI, 11 March 2009, recorded:

"Many Iraqi women human rights defenders who are employed by or affiliated to NGOs offering support and assistance to women are also involved in advocacy work for women's rights. The creation of formal networks as well as ad hoc alliances of Iraqi women's organizations has contributed to strengthening women's voices in the political process. In 2004 Iraqi women's rights activists successfully lobbied the US-headed Coalition Provisional Authority to introduce a minimum quota for women members of the Iraqi National Assembly. The minimum quota of 25 per cent for women parliamentarians was later incorporated into the Iraqi Constitution of 2005 (Article 49). However, many women's rights defenders are concerned that the Constitution reopened the debate about a review of the Personal Status Law (Article 47) which they fear will lead to greater influence of religious authorities in personal status matters, including marriage, divorce and inheritance." **[28s] (p60-1)**

25.12 The ICG report, 27 January 2009, on provincial elections scheduled for January 2009, stated "Women are assured seats via a quota system: regardless of votes collected by their candidates, parties are enjoined to give every third seat to a female candidate on their list, although the share

of seats that will ultimately be filled by women in each council will depend on the distribution of votes among parties." **[25n] (p11)**

25.13 UNHCR's Guidelines of April 2009 reported the Minister of State for Women's Affairs had resigned in February 2009, complaining that she was unable to do anything to address the needs of women following the cut of her budget and lack of power. **[40b] (p145)**

25.14 A report on the participation of women in Iraq's election, prepared for the United Nations Development Programme by YouGov Plc in August 2009, recorded: "In *The Iraqi Provincial Election Study ...* which explored voting behaviour at the provincial elections, on the whole, fewer women said they were likely to vote in the Provincial Elections than men. This was particularly pronounced for younger women." The report further mentioned that women with no formal education were less likely to vote and some were influenced by their husbands. **[30a] (p4)**

SOCIAL AND ECONOMIC RIGHTS

25.15 The USSD report for 2008 further stated: "Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported pressure to wear veils. Women were targeted for undertaking normal activities, such as driving a car, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam." **[2o] (p29)**

25.16 The USSD International Religious Freedom report 2009 stated: "Regardless of religious affiliation, women and girls were often threatened for refusing to wear the hijab, for dressing in Western-style clothing, or for failing to adhere sufficiently to strict interpretations of conservative Islamic norms governing public behavior. Numerous women, including Christians, reported opting to wear the hijab for security purposes after being harassed for not doing so." **[2a] (Section II. Status of Government Respect for Religious Freedom, Abuses by Rebel or Foreign Forces or Terrorist Organizations)** The USSD report for 2008 also noted women continued to be targeted by Islamic extremists for wearing Western-style clothing or not covering their heads while in public. **[2o] (p29)**

See also Security situation, Basra; Christians.

25.17 The UNAMI Human Rights report, covering 1 January-–30 June 2008, commented:

"UNAMI also received reports of instances where women faced harassments or threats at checkpoints for similar reasons [as what? Not being veiled?]. Female students at universities reported increasing pressure on them by their families to conform to a more conservative style of dress and behaviour in order to avoid harassment by guards of university campuses affiliated with various militias. Where female students failed to comply, retaliatory measures outside the university grounds were reported against them. Certain areas formerly controlled by radical elements have witnessed a lessening of such pressures on women and girls since it came under the control of Iraqi Security Forces or the Awakening Councils. This

includes the ability to move more freely, report to work or attend educational activities." **[39q] (p15)**

25.18 The USSD report for 2008 recorded: "The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport." **[2o] (p29)** The problem was compounded by the fact that, according to UNAMI, "70,000 [women] have been widowed in the past 4-5 years." (UNAMI, 9 March 2008) **[39p]**

25.19 The USSD report for 2008 also noted: "Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.

"The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need." **[2o] (p29)**

See also Domestic Violence

25.20 The AI report of 1 March 2009 stated:

"Girls in Iraq remain less likely than boys to obtain a school education – in particular beyond primary school – and other qualifications, and so are less likely to fulfil their potential in all areas of employment. This is in part a result of girls' and women's lack of safety and security in education and work environments. Disparities in access to education and the labour market, as well as other factors that restrict women's choices, increase their vulnerability to violence by men. Disempowered and subordinated, women become dependent, often trapped and unable to escape abusive relationships." **[2o] (p29)**

See also Children, education

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VIOLENCE AGAINST WOMEN

25.21 The Constitution states that "All forms of violence and abuse in the family, school, and society shall be prohibited." **[82a] (p10)** However AI reported, on 1 March 2009:

"Many men who commit violent crimes against women are never brought to justice because the authorities are unwilling to carry out proper investigations and punish the perpetrators. Six years after the overthrow of former President Saddam Hussein, Iraqi legislators have yet to amend legislation that effectively condones, even facilitates, violence against women and girls.

"The Penal Code, for example, provides that a convicted murderer who pleads in mitigation that he killed with 'honourable motives' may face just six

months in prison. It also effectively allows husbands to use violence against their wives. The 'exercise of a legal right' to exemption from criminal liability is permitted for: 'Disciplining a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by Islamic law (Shari'a), by law or by custom.'" **[28r] (p4-5)**

25.22 The UN Security Council report of 28 July 2008 stated: "A database containing more than 400 published reports revealed more than 21,000 cases [of violence against women? rape?] in Iraq over the past five years. Given the severe and often fatal consequences for victims who report acts of sexual violence, the analysis indicates that only a fraction of the incidents are known." **[38q] (p8)** The UNAMI report for the period 1 January-30 June 2008 noted a decision made on 12 May 2008 by the KRG Prime Minister to reorganise the existing Directorates to Combat Violence against Women into a single body to facilitate the centralisation of data analysis. **[39q] (p16)**

25.23 The 2009 HRW report, covering events of 2008, stated: "Violence against women and girls in Iraq continues to be a serious problem, with members of insurgent groups and militias, soldiers, and police among the perpetrators. Even in high-profile cases involving police or security forces, prosecutions are rare." **[15a] (p3)** The UNAMI report for the period 1 January - 30 June 2008 concurred, and stated that "Although reporting incidents involving violence against women to the authorities is a significant step forward, investigators and judges are often hampered by insufficient reliable evidence and the reluctance of witnesses, who are often family members, to testify." **[39q] (p16)**

25.24 The 2009 HRW report, further stated: "Insurgent groups operating in Basra and Baghdad have specifically targeted women who are politicians, civil servants, journalists, and women's rights activists. They have also attacked women on the street for what they consider 'immoral' or 'un-Islamic' behavior including not wearing a headscarf. The threat of these attacks keeps many Iraqi women at home." **[15a] (p3)** The UNHCR Guidelines of April 2009 also noted:

"Iraqi women face violence at the hands of a range of actors, including party militias, insurgents, Islamic extremists, members of law enforcement agencies, their families and community. …Women also fall victims to the disproportionate use of force by members of the ISF and the MNF-I. With the rise in religious extremism since 2003, both Muslim women and women of other religious groups have increasingly been pressured to conform to strict Islamic dress and morality codes. In areas that are no longer under the control of insurgents or Shi'ite militias a certain amount of freedom has been re-established that allows women and girls to move more freely, pursue their work or attend school. However, in many parts of Iraq, pressures remain high on women to conform to conservative attire and behaviour." **[40b] (p144)**

See also Perceived collaborators and 'soft targets'

25.25 Amnesty International reported, on 1 March 2009, "Women and girls have borne the brunt of the violence that has permeated so much of Iraqi society in recent years. Many have been targeted by Islamist armed groups in connection with their profession – as politicians, journalists or civil servants – or because of their religious affiliation or ethnic origin. Members of minority groups appear to be particular vulnerable." **[28r] (p3)** AI further noted

that "Women who have taken the lead in confronting violence against women and promoting women's rights have become targets themselves. Members of Islamist armed groups have threatened, targeted and killed women political leaders and women's rights activists." **[28r] (p7)**

25.26 The UNSC report of 2 June 2009 stated "Violence against women remained one of the key unaddressed problems throughout Iraq. Honour-related killings and other forms of violence against women continued to be reported as accidents, attempts at suicide or suicide." **[38b] (p11)**

25.27 The LandInfo report, dated 6–23 March 2009, commented:

"An international organisation (F) in Erbil added that it had no reports of incidences where a woman in genuine danger has been refused assistance from the police. However, there are many cases in which the police have tried to reconcile the parties. This reconciliation takes place by issuing an accord that has to be signed by the parties involved and the accord is kept by the police. Typically the husband, father and/or brother will have to sign an accord promising not to violate the woman's rights and not to expose her to any violence. When asked if this kind of reconciliation always works the international organisation (F) stated that there are some reports that women have been victims of violence and even killings [killed] in spite of the signed accord.

"When asked if it had ever been necessary to resettle women abroad in order for her to be protected against violence from husbands or relatives, Latif, ASUDA stated that this has been the case for a total of twelve women in KRI since 2002. However, Latif, ASUDA considered this to be an undesirable solution as this could inspire some women not in need of protection to seek asylum abroad regardless. However, these 12 cases were well known cases in the victim's communities." **[34a] (p54, 7.1.2.4 Reporting and investigation of violence against women in Kurdistan Region of Iraq (KRI))** Further:

"ASUDA concurred that it is difficult for a woman to approach the police. There are reports revealing that women have been sexually assaulted by the police when reporting to a police station. However, it was emphasized that a woman who approaches the police in order to be assisted and protected against violence will be assisted and protected, and she will directly be admitted to a shelter. The courts are doing the outmost to secure women against violence, even in cases concerning adultery to ensure they are protected from being killed.

"… WEO [Women Empowerment Organisation] rejected that the police has the will to assist and protect women against violence. In most cases the police would close down cases concerning violence against women considering that the issue is a private matter. The perpetrator can also bribe the police not to investigate the case. In reality, KRG police officers are not aware of the concept of human rights in general and women's rights in particular." **[34a] (p54, 7.1.2.4 Reporting and investigation of violence against women in Kurdistan Region of Iraq (KRI))**

Domestic violence

25.28 The UNHCR Guidelines of April 2009 stated domestic violence against women was on the rise in Iraq. **[40b] (p145)** The USSD report for 2008 stated: "There are no specific laws that concern domestic violence. Under the Penal Code, a husband is legally entitled to punish his wife 'within certain limits prescribed by law or custom.' Existing laws were widely unenforced, including those on domestic violence…. During the year, NGOs reported that domestic violence against women increased, although no reliable statistics existed. On June 23, the NGO Iraqi Women's Network reported that violence against women increased in the first half of the year." **[2o] (p28)**

25.29 The UNAMI report for the period 1 January–30 June 2008 commented; "In the Kurdistan Region, UNAMI continued to receive reports of violent killings, domestic violence and burning of women." **[39q] (p15)**

"Official statistics provided by the Erbil-based Directorate to Combat Violence against Women showed that 145 cases of women victims of violence were registered in January and February [2008], including using women as compensation in disputes and domestic violence. A higher incidence of such cases in rural areas in Erbil and Dohuk continued to be recorded." (UNAMI, 1 January-30 June 2008)." **[39q] (p16)**

25.30 MADRE reported, on 4 December 2007, that, along with the Organization of Women's Freedom in Iraq (OWFI), it:

"… supports women in Iraq by creating a safe network of women's shelters, serving as an Underground Railroad to help these women escape honor killings." **[143b] (p1)** The USSD report for 2008 recorded:

"Private shelters for women exist; however, space was limited. Information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the government. On May 11, armed gunmen attacked the women's shelter Asuda, a Sulaimaniyah-based women's NGO that provided shelter for victims of violence and abuse, seriously wounding one of the shelter's residents. Asuda had worked since 2000 to highlight the plight of female victims of violence, domestic abuse, and tribal honor killings." **[2o] (p28-29)** AI also recorded that Iraqi authorities did not provide shelters for women, those that did exist clandestinely and were managed by NGOs. (AI, 1 March 2009) **[28r] (p5)**

25.31 UNHCR, in their Guidelines of April 2009, further stated: "In the Central Governorates, there are no official shelters, although some women's organizations provide victims with temporary shelter. Such arrangements are, however, not to be considered as a form of effective protection given the lack of prospects for the women in the shelter, the shelter's unclear legal and financial status in addition to the general intolerance visà-vis such institutions and associated security risks." **[40b] (p159)**

25.32 Women for Women International, an international NGO with operational programs in Baghdad, in their report published 3 March 2008, stated "The collective advocacy of NGOs and community groups has amplified the voices of women and achieved some hard-fought measures of success." **[130] (p31)** The report noted some of the NGOs that helped collect data for the survey detailed in the report, including The Unified Women's League in

Baghdad, Asuda for Combating Violence Against Women, Al-Majed Women's League and Turkmen Women's Association. **[130] (p16)**

25.33 The USSD report for 2008 commented:

"Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice." **[2o] (p28)**

25.34 The LandInfo report of 6–23 March 2009 stated… "… there are only women shelters in KRI, and none in S/C [central/southern] Iraq. IOM, Amman also stated that it is doubtful if there are any women shelters in S/C Iraq." **[34a] (p46, 7.1.1.1 Shelters and assistance in South/Central Iraq (S/C Iraq)**

Sexual violence and abuse

25.35 The USSD report for 2008 noted: "The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators.It was difficult to estimate the incidence of rape or the effectiveness of government enforcement of the law; however, there were many allegations of rape at police stations during the initial detention of prisoners." **[2o] (p28)**

25.36 AI reported, on 1 March 2009:

"Acts of sexual violence against women in Iraq are severely under-reported, not least because of the victims' fear of reprisal, and reported incidents are not systematically recorded. However, the majority of women who responded to a survey conducted through networks of Iraqi women organizations and published by Women for Women International in 2008 said that violence against women was rising. Many women are trapped indoors as they fear the risks of stepping out of their homes." **[28r] (p3)**

25.37 The UNHCR Guidelines of April 2009 stated "An alleged female recruiter for Ansar Al-Sunna in Diyala, who was arrested in January 2009, reportedly confessed to the use of organized rape as a way of recruiting female suicide bombers by convincing them that martyrdom was the only way to escape the shame." **[40b] (p151)**

See also Security situation, Diyala

25.38 The LandInfo report of 6–23 March 2009 commented:

"The international organisation (A) in Amman explained that reporting sexual abuse is stigmatizing and often will destroy a woman's reputation. It could be as destructive as suicide. It was added that there was reason to believe that the problem of sexual abuse was increasing. It was further added that although violence against women was much more reported in KRI than in the rest of the country, this does not mean that it is not an equally serious problem all over Iraq. Supporting this statement, the international organisation (A) in Amman referred to a Family Health Survey that was conducted in 2007 by ICRC. The survey showed that 32% of women in all of

Iraq had been subject to domestic violence, compared to 10% in KRI." **[34a] (p45, 7 Women issues in Iraq)**

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'Honour' killings/crime

25.39 "Gender-based violence, murders, suicides, so-called 'accidents' and other suspected 'honour crimes' also continued to be documented in the region of Kurdistan." (UNSC, 28 July 2008) **[38q] (p7-8)** 'Honour crimes' continued to be reported with "alarming regularity", the most recent UNSC report noted. (UNSC, 6 Novmeber 2008) **[38r] (p11)**

25.40 The UNHCR Guidelines of April 2009 stated:

"So-called 'honour killings', i.e. murders committed by a family member to protect the family's honour, are reportedly also on the rise. Many women and girls, and, to a lesser extent, men and boys, are at risk of death if they are accused of behaviour believed to have brought shame on the family, such as loss of virginity (even by rape), infidelity, a demand for divorce or a refusal of marriage. Women can be killed based solely on suspicions or rumours without the opportunity to defend themselves. The Iraqi Penal Code (Law No. 111 of 1969) contains provisions that allow lenient punishments for 'honour killings' on the grounds of provocation or if the accused had 'honourable motives'. The punishment is between 6 to 12 months imprisonment. Article 409 further provides that if a person surprises his wife or a female relative committing adultery and kills/injures one or both immediately, the punishment will not exceed three years. The law does not provide any guidance as to what 'honourable motives' are and therefore leaves the door open for wide interpretation and abuse." **[40b] (p145-6)**

25.41 The USSD report for 2008 stated:

"'Honor killings' were a serious problem. Legislation in force permits 'honor' considerations to mitigate sentences. During the first three months of the year before ISF operations in Basrah, 35 women were killed. From April to December [2008] 37 women were killed, including six honor killings and nine killings from domestic violence. On December 19 [2008], the Basrah Police spokesman reported that honor killings had dropped 90 percent during the year compared to 2007 due to the improved security situation." **[2o] (p28)**

25.42 The UNHCR Guidelines of April 2009 recorded:

"Women in all parts of Iraq may be at risk of 'honour killing' at the hands of their families for perceived shameful behaviour. 'Honour killings' are most frequently committed with impunity given the high level of social acceptance vis-à-vis this type of crimes, including among law enforcement officials. On the rare occasions where perpetrators are arrested and charged, they are given lenient punishments. As a result, women and girls are reluctant to even report sexual attacks for fear of being ostracized or even killed by their family." **[40b] (p195)**

See also Sexual violence and abuse

25.43 The UNHCR Guidelines of April 2009 further commented: "In the case of women at risk of 'honour killings', women shelters established by NGOs or the local authorities in the Kurdistan Region are not to be considered as providing effective protection to potential victims. While they offer physical protection, social, legal and psychological counselling to women at risk, they cannot generally offer any longer-term solutions to the women affected." **[40b] (p195)**

Female Genital Mutilation (FGM)

25.44 The USSD report for 2008 stated; "Female genital mutilation (FGM) is not illegal and was reported in the rural areas of the Kurdish region. The government offered no substantive assistance for victims of FGM." **[2o] (p29)**

25.45 The UNHCR Guidelines of April 2009 stated:

"In the Kurdish areas of Iraq, the harmful practice of FGM continues to be reported, which UNICEF regards as 'one of the most persistent, pervasive and silently endured human rights violations.' Though no national estimates are available, most recent statistics from by German NGO WADI revealed that over 60% of women in mostly rural areas of the Kurdistan Region have been mutilated. However, the practice can also be found in urban areas. According to Susan Faqi Rasheed, President of the Erbil branch of the Kurdistan Women's Union, as many as a third of the young girls have been circumcised in the Kurdistan Region's capital. Surveys showed that the practice, which is encouraged by some clerics, is prevalent among Kurds, Arabs and Turkmen. Since 2007, human rights and women activists, physicians, and lawyers have been campaigning to ban FGM ('Stop FGM in Kurdistan'), thereby breaking a strict taboo. In a recent breakthrough, a draft law that would criminalize FGM was submitted to the KNA. It is hoped that the KNA will debate the draft law during its new legislative term in 2009; however, women's advocates believe that senior Kurdish leaders will be reluctant 'to draw international public attention to the little-noticed tradition.' In addition, campaigners say that in addition to a legal ban of FGM, a wide range of other measures such as assistance to victims and awareness-raising campaigns, are required to eradicate the practice that is 'deeply rooted in society and tradition' and for which 'Islam is used as justification'." **[40b] (p146-7)**

See also Women's rights in the KRG area

Forced marriage and Mut'a (temporary marriage)

25.46 The USSD report for 2008 stated: "Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas." **[2o] (p30)** The AI report, 1 March 2009, recorded:

"Iraqi women human rights defenders say that many abused wives were forced to marry – often as a teenager without obtaining the judicial approval formally required under Iraqi law for a marriage of anyone aged between 15 and 18. Marriages of girls younger than 15 are illegal, but they continue to be conducted in private or religious ceremonies without those responsible being held to account." **[28r] (p6)**

See also Children

25.47 The UNHCR Guidelines of April 2009 stated: "Women and girls are further at risk of specific types of violence perpetrated against them on the basis of conservative and traditional norms, including early/forced marriages and, in mostly rural areas of the Kurdistan Region, FGM." **[40b] (p196)** The report also stated:

"Furthermore, women and girls in Iraq may be exposed to other harmful traditional practices such as forced and/or early marriage, including exchanging of women between families for purposes of marriage, and marriages between young women with much older men. The right of men and women to enter into marriage only if they freely and fully consent is not enshrined in the Constitution. It does provide, however, that the State must protect childhood and prohibits all forms of violence and abuse in the family. In addition, Iraq is party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of Discrimination Against Women (CEDAW), both of which guarantee the right to marry at one's free will. Under Iraq's Personal Status Law (Law No. 188 of 1959), which governs the manner in which courts settle disputes in marriage, divorce, child custody, inheritance, endowments and other similar matters, forced marriage is prohibited and punishable by up to three years' imprisonment. The legal age for marriage is 18. However, a 1979-amendment to the Personal Status Law lowered the minimum age for marriage to 15 years when there is consent of the parents, an adult brother or an adult married sister. Despite these legal provisions, many women and young girls are forced to marry and risk enduring violence if they reject their families' choice, including 'honour killings'. Marriages of girls below the age of 15 are done according to religious customs and are not legally recognized. The Iraq Family Health Survey 2006-2007 revealed that 9.4% of the girls were married at the age of 15.

"In rural areas of Northern Iraq, a practice called Jin bi Jin, meaning 'a woman for a woman', can be a form of forced marriage as it involves the exchange of women between two families where no bride price is paid. Similar practices can also be found in other areas of Iraq. Another custom, known as 'exchange-for-blood marriage', involves giving a girl or woman in marriage to another family as compensation for a killing." **[40b] (p148-9)**

See also Women in the KRG area

PROSTITUTION

25.48 UNHCR's Guidelines of April 2009 stated that female internally displaced persons (IDPs) risked being forced into prostitution. **[40b] (p150)**

See also IDPs

25.49 The USSD report for 2008 stated; "Prostitution is illegal. During the year, reports of prostitution increased. According to the NGO Organization for Women's Freedom in Iraq, some women have resorted to prostitution in order to provide for their children. On June 15, the Kurdish Lvin magazine published a detailed report on police involvement in a major Kirkuk prostitution ring, which routinely bribed government officials with prostitutes. The woman who ran the network asserted that there are over 200 brothels

in Kirkuk. The author of the Lvin article, Soran Hama, was killed on July 21. The case remained unsolved at year's end." **[2o] (p29)**

SINGLE WOMEN AND FEMALE-HEADED HOUSEHOLDS

25.50 IRIN News reported, on 1 January 2009, "After the US-led invasion in 2003, an Iraqi social welfare programme was created. It provides widows, divorced women, orphans, disabled people and the unemployed with a monthly allowance of 50,000-75,000 Iraqi dinars (US$50-70). However, many aid experts say the money is insufficient." The article however further noted that:

"Iraqi widows, especially internally displaced widows in camps, are having a tough time… 'We have reports that some… are being harassed and blackmailed by government officials…' al-Shihan [head of Baghdad's Displacement Committee] told IRIN… Citing figures and estimates from government bodies and NGOs, al-Shihan said Iraq had about one million widows, including those whose husbands had died of natural causes, but a further breakdown was not available." **[18cz]**

25.51 The UNHCR's Guidelines of April 2009 stated "Single women face further difficulties to access employment as for cultural reasons they are often depending on their family/tribe to support them economically." **[40b] (p57)**

25.52 An article by IOM, published on 2 October 2009, recorded that on average one in ten displaced families was headed by women. "Largely widowed and almost entirely all without any employment, the female-headed households live in constant threat of eviction with few if any alternatives, making them especially vulnerable to exploitation and violence as they search for other means to find food and shelter." **[111d]**

See also Internally displaced people (IDPs)

25.53 The LandInfo report, dated 6–23 March 2009, commented:

"The international organisation (A) in Amman stated that among all conflict related deaths since 2003, 80-85% [of the victims] have been men. In a patriarchal society like Iraq, women have been very affected by the death of male relatives due to war. Most women lack both education and work experience, and in addition they have children to tend to. Traditionally, a woman who looses her husband returns to her family. Today, however, this is more difficult, since the family often cannot support her and her children. Complicating matters further, many of the relatives have also lost male family member(s), which make their economic situation difficult as well. Some relatives may offer shelter for a widow and her children, but often they cannot provide food and other basic needs for them. Most families are struggling just to support themselves, even without taking care of additional family members." **[34a] (p45, 7 Women issues in Iraq)**

WOMEN IN THE KRG AREA

25.54 The USSD report for 2008 stated:

"Honor killings were also widespread in the Kurdish region. The KRG minister of human rights reported on December 16 [2008] that the KRG

does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The KRG MOHR reported that between January and August [2008], 77 women were killed in honor killings. During this period, 211 women were burn victims. According to the Erbil hospital, 154 women were killed in Erbil between January and November. On April 2, three persons accused of an honor killing in Sulaymaniyah were arrested by the Asayish, according to press reports, but were later released. The suspects reportedly fled the country. The KRG reported that there were 528 honor killings in 2007; civil society observers and UNAMI in its human rights report considered the number to err on the low side. During the year, there were anecdotal reports from an NGO that between 200 and 250 women self-immolate in the region each year." **[2o] (p28)**

25.55 These figures were corroborated by UNAMI's human rights report, 1 July–31 December 2008, who reported:

"The number and pattern of incidents of gender-based violence [in the KRG area], recorded in the second half of 2008, remained comparable to that of the first half of the year. UNAMI has reported 139 cases of gender based violence in the last six months of 2008 in five governorates in northern Iraq. Out of the total number, 77 women were seriously burned, 26 were victims of murder or attempted murder and 25 were cases of questionable suicide. The total number of women killed as result of gender based violence documented by the KRG Ministry of Human Rights for the year 2008 has slightly decreased to 163 from 166 in 2007." **[39b] (p13)**

See also 'Honour Killings'

25.56 The USSD report for 2008 further mentioned:

"On May 13, two days after a shooting at a women's shelter, the KRG Violence Against Women Commission, which is under the direct supervision of the prime minister and deputy prime minister, created monitoring boards to ensure that the region's existing laws to protect women are upheld and enforced by the courts. The commission also recommended that 'komalayati' bodies, or traditional panels led by village elders to reconcile disputes, no longer play a role in deciding legal cases. The monitoring boards are reportedly underfunded, and members lack appropriate training. Komalayati boards still play a role. In October and November [2008], five murder cases were resolved by these boards." **[2o] (p28)**

25.57 The UNAMI report, 1 July-31 December 2008 stated:

"… the KRG Minister of Human Rights established on 29 October 2008 committees on violence against women in the three governorates of the Kurdistan region [Directorate Combating Violence against Women]. These committees have held their initial meetings, with the participation of ministerial officials, police officers, forensic specialists and prosecutors. The committees admitted that the investigation of crimes against women was still being hampered by a lack of skills, training equipment and awareness. Two committees recommended that specialized courts should be created for gender-based violence cases or that at least specially trained judges should handle such cases. Such specialized courts or victims/witness units within specialized courts should provide protective measures and security

arrangements, counselling and other appropriate assistance during the investigation and the trial phases and during any subsequent period of time when safety of the victims or witnesses so requires." **[39b] (p14)**

25.58 The UNAMI report, 1 July–31 December 2008, further stated:

"UNAMI/HRO has been alerted by local advocates for women's rights in the KRG of the frequency of the so-called 'honour killings' and cases of female self-immolation in the Kurdish region, despite efforts from the KRG to raise public awareness regarding violence against women. In cases reported to UNAMI, women have been attacked, wounded and left to die and the death characterised as 'accidental' by family members." The report went on to mention examples of this. **[39b] (p14)**

"The practice of female genital mutilation (FGM) remains underreported in the KRG. The KRG Ministry of Women Affairs, the women's committee in the Kurdish National Assembly, and international and national human rights organizations have been collecting information and advocating for a decision on the amendment of the criminal code to make FGM a crime. To date, no clear decision has been made by the government and the Kurdish National Assembly. Women's rights groups in the KRG are campaigning to change the perception that FGM is harmless and required under Islam. Despite these efforts, the latest statistics collected by the German organization WADI during the last three months of 2008 showed that 98% of women living in 54 villages in Rania and Qalat Dazei districts in the area of Bishdar in the Sulaimania governorate have undergone FGM." **[39b] (p14)**

See also Domestic violence; 'Honour' killings/crime; Female genital mutilation

25.59 The Amnesty International (AI) report, 14 April 2009, stated:

"Over the past decade lobbying and campaigning by women human rights defenders in the Kurdistan Region of Iraq have achieved some important improvements concerning protection for women from violence and women's legal status. Since the late 1990s shelters for women at risk have been established by women's organizations and, more recently, also by the authorities. Further, women's organizations are involved in many activities contributing to strengthening women's role in society – including education, vocational training, income-generating projects, legal assistance, awareness and advocacy work." **[28b] (p31)** The report further commented:

"In recent years, the Kurdistan Parliament has addressed violence against women. It has established specialized bodies tasked with monitoring and preventing violence against women – including at the police and at inter-ministerial level. Law 14 of 2002 amended the Iraqi Penal Code in order to prevent inappropriately lenient sentences against perpetrators of crimes against women who claimed they had acted with 'honourable motives.' In October 2008 the Kurdistan Parliament passed Law 15 of 2008 amending the Personal Status Law enhancing women's rights. These amendments included restrictions on polygamy, but many Kurdish women's rights activists keep calling for a total ban as they see the retention of discriminatory laws on polygamy as a capitulation to religious interests.

"Other positive steps taken include the Draft Law on Violence in the Family, which was drafted by the Kurdistan Parliament's Women's Committee and aims to improve protection of women and children. Among other issues, the draft law proposes to facilitate judicial procedures against perpetrators and envisages improved protection measures for victims or persons at risk. …

"Violence against women by family members spans the spectrum from depriving women of economic necessities through verbal and psychological violence, to beatings, sexual violence and killings. Many acts of violence apparently have some social sanction, including 'crimes of honour', forced marriage, including early marriage, 'Jin be Jin' (a practice involving the barter of women to avoid paying dowries and other marriage expenses) and female genital mutilation. Husbands, brothers, fathers and sons are responsible for most of these abuses - sometimes acting on the orders of family councils, gatherings of family or clan elders." **[28b] (p31-32)**

See also Forced marriage and Mut'a (temporary marriage)

25.60 The UNHCR Guidelines of April 2009 recorded:

"While women shelters in the Kurdistan Region can provide temporary protection from domestic violence to some women, including those at risk of 'honour killings', longer term solutions are often not available. Mediation between the women and their families aims at enabling the women's return, but this may not always be possible and there have been cases of fathers assuring their daughters that they have forgiven them, only to murder them once they are back in the family home. Some families may agree to spare the life of their daughter but may subject her to other types of violence, including, for example, forced marriage with the rapist, which, by Iraqi law, results in the closing of all related criminal proceedings. Therefore, in some cases there are no alternatives other than remaining in the protection centre or finding solutions outside Iraq." **[40b] (p195)**

25.61 The LandInfo report of 6–23 March 2009 mentioned the Directorate Combating Violence against Women (DCVW) in the KRG area of Iraq, and mentioned it "investigates violence against women. Reports are published every four month and a final report is published each year. The reports include statistics concerning killings, convictions etc." **[34a] (p50, 7.1.2.2 The Directorate Combating Violence against Women (DCVW) in Kurdistan Region of Iraq (KRI))** However, the report futher stated:

"… the DCVW is no longer involved in the investigation of cases concerning violence against women as its tasks have recently been changed. Each case of violence is being registered not only by the police but also at the DCVW and the DCVW will follow up on certain cases. Today it is KRG police that undertake investigation but the DCVW will receive a copy of these cases and it is mandated to inspect such cases that are not being carried our properly and according to the law. The DCVW can request the police to undertake further investigations in cases where it is found that this is needed. It was emphasized that the DCVW is superior to the police and that the police is instructed to report to the DCVW. It was emphasised that all cases reported to the police will be copied to the DCVW; even if they heard of any case they will do their follow up. The task of the DCVW is only to inspect." **[34a] (p51, 7.1.2.3 The ability of DCVW to assist victims of honour crimes in Kurdistan Region of Iraq (KRI))**

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

25.62 The LandInfo report of 6–23 March 2009 commented:

"An international organisation (F) in Erbil stated that the governmental Nawa shelter for women is a safe place for victims of honour crime. The shelter is guarded by the police. However, a victim cannot be expected to stay in a shelter forever. When asked if the Nawa shelter could be regarded to be as safe as the shelter run by the NGO ASUDA in Sulaymaniyah, the international organisation (F) stated that one cannot compare a governmental shelter with a shelter run by an NGO as a governmental shelter would be safer than an NGO shelter. There will simply be more police to protect a government-run shelter. It was added that the quality and the facilities provided at the two shelters would probably be the same, but the Nawa shelter has more capacity than ASUDA's shelter. Those women that can not be accommodated in a shelter will be accommodated in the women protection facilities established at the detention centre. …

"When asked further about women shelters, the international organisation (E) in Erbil stated that women shelters are not 100% effective for several reasons, including lack of resources and/or lack of capability of physical protection. Even if there are guards, there is no secure guarantee for the women's security. Examples of security [breaches] and bribery attempts by the husband or perpetrator in order to get to the woman in question were mentioned." **[34a] (p56, 7.1.2.5 Shelters and assistance in Kurdistan Region of Iraq (KRI))**

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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26. CHILDREN

OVERVIEW

26.01 The USSD report for 2008 noted: "The government in general was committed to children's rights and welfare, although non-citizen children were denied government benefits. They had to pay for services that were otherwise free, such as public schools, health services, and, except for several hundred Palestinian families, were not eligible for the national food rationing program." **[2o] (p29)**

See also Foreign refugees

26.02 The UNICEF humanitarian action report for Iraq, published 25 June 2008, noted Iraq ranked as the 41st worst country in a global survey of under-five mortality rates and 34th worst concerning infant mortality rates. **[27g] (p130)** The UNSC report, 20 February 2009, noted the maternal death rate in Iraq was 84 deaths per 100,000 live births. **[38a] (p10)**

26.03 The UNAMI report, covering 1 January - 30 June 2008, recorded:

"In April, the UN Special Representative of the Secretary-General for Children in Armed Conflicts… highlighted widespread violations of children rights, including more than 1,000 children facing legal processes and those held by MNF-I, child recruitment into armed militia groups, and in general diminished access to essential services including safe water, education and health care. She recommended the creation of a high-level, inter-ministerial body to establish appropriate child protection policies, particularly for the Iraqi judicial process. She also called for the creation of a monitoring and reporting mechanism inside Iraq to gather more data on grave human rights abuses affecting children such as child recruitment." **[38q] (p18)**

Basic Legal Information

26.04 The OHCHR reported that Iraq ratified the Convention on the Rights of the Child on 15 June 1994. **[146a] (p3)** The report, last updated on 2 July 2008 further stated "The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect to article 14, paragraph 1, concerning the child's freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the *Islamic Shariah*." **[146a] (p11)**

26.05 The age of consent in Iraq for male-female sex was 18. (Avert, accessed 23 June 2009) **[147]**

For further information on age of marriage see Women; Forced marriage and Mut'a (temporary marriage)

26.06 The Child Soldiers global report of 2008 stated:

"In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former

military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres." **[42a] (p179)**

26.07 "Under the Iraqi Child Welfare Law, children between the ages of 9 and 18 are considered juveniles, and can be arrested and detained for both criminal offenses and for status offenses such as being homeless or begging. The law states that those accused of criminal offenses must be held separately from adults. Upon arrest, children must be transferred immediately to the custody of juvenile police forces. The law also stipulates that the questioning of children be undertaken by a specialized juvenile investigative judge. If an investigative judge deems the evidence sufficient for referral of a juvenile case, the judge is then directed to transfer the child for psychological examination. The law sets no limit on how long a child can be held pending trial, age determination, or the court ordered psychological examination." (HRW, 14 December 2008) **[24x] (p25)**

LEGAL RIGHTS

26.08 Article 29 (3) of the Constitution stipulates "Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection." **[82a] (p10)** In spite of this, the USSD report for 2008 stated that "Despite laws against child labor, children often worked illegally on farms or in street commerce." **[2o] (p30)**

26.09 The UNHCR Guidelines of April 2009 further stated:

"Iraq is a signatory to the Convention on the Rights of the Child and ILO Convention 182 on the Worst Forms of Child Labour. The Iraqi Constitution prohibits economic exploitation of children in all its forms as well as forced labour and slavery. The Iraqi Labour Law (Law No. 71 of 1987 as amended by CPA Order No. 89) provides for a minimum working age of 15 and lists types of work that children below the age of 16 are not allowed to perform as it is 'likely to harm their health, safety and morals.' However, the Ministry of Labour and Social Affairs (MoLSA), which is responsible for overseeing labour inspections, is unable to fulfill its obligations under the law in enforcing child labour laws and removing children from exploitive labour situations for lack of inspectors and resources. Child labour is prevalent in Iraq and reportedly on the rise due to increasing poverty. In 2006, 12.4% of the children aged between 5 and 14 years have been engaged in child labour. Many children are selling items on the streets or are begging. In urban areas, children also work in automobile shops and on construction sites, often in hazardous conditions. In rural areas, children are engaged in seasonal manual labour. There are reports of children working in the sex industry and drug trade. Child labour is also common among IDPs and returnees. IDP and returnee monitoring by UNHCR revealed that at least 16% of the IDP children, 4% of the IDP returnee children and 41% of the refugee returnee children were engaged in some kind of labour, including as porters, rubbish collectors or in the agricultural sector. The need to work in order to support the family was also cited as a major reason for non-attendance at school." **[40b] (p154-5)**

26.10 The FCO report, 27 March 2009, recorded "… UNICEF noted some incidence of child labour but believed that the phenomenon has been

declining with economic growth and greater prosperity in the KR in the last few years.

"Dr Yousif Aziz (Dr Shwan), KRG Minister for Human Rights stated that there was a problem in some parts of the KR with the use of child labour but he did not believe the problem to be on a large scale. The Ministry of Human Rights works closely with the Ministry of Social Affairs and NGOs to resolve the problem of child labour. The Ministry of Social Affairs is able to provide funding to enable children who are found working to return to school." **[66d] (p16)**

VIOLENCE AGAINST CHILDREN

26.11 The UNSC report of 28 July 2008 stated:

"The continuing conflict and resulting psycho-social impact of violence and deprivation on millions of Iraqi children is of tremendous concern. Violations against children are being committed on a large scale and include child recruitment, attacks on schools and hospitals, killing and maiming by indiscriminate attacks and lack of humanitarian access due to insecure conditions." **[38q] (p8)**

26.12 The UNAMI report for 1 July–31 December 2008 commented:

"Despite the improvement in the security conditions, the promotion, protection and respect of children's rights remain a major challenge in Iraq. Children and young adults are exposed to a wide range of grave violations including death and injury from sectarian violence, military operations and unexploded ordinances and other remnants of war. Iraq has experienced attacks on areas where children and young adults congregate, including schools. Media, police and military sources and NGOs have reported limited but increasing use of children and young adults by a range of non-state armed groups, including as suicide bombers. Abduction of children and young adults has also been reported, usually for ransom or similar criminal motives. Gender-based violence is affecting women, children and young adults. Increasing reports show that women and children are becoming victims of sexual violence, forced marriages, 'honour crimes' and trafficking. The difficult access to essential social services for children and young adults is also widely reported. Detention of children and young people also remains a major concern." **[39b] (p15)**

26.13 The UNHCR Guidelines of April 2009 stated:

"Children and adolescents continue to be killed and injured in violence in Iraq. It is estimated that tens of thousands of children have lost a parent to violence and/or have been internally displaced. Children living near one of the 4,000 identified areas contaminated with mines and unexploded ordnances are at constant risk of being killed or maimed. A high number of Iraqi children suffer from severe psychological trauma and domestic violence against children is reported to be on the rise. Many children lack access to education, health care and clean water. Among IDP children in all areas of Iraq, indications of economic and social vulnerability have been found, including child labour, begging in the streets, children not attending school, child heads of household and early marriages. IDP protection

monitoring revealed that physical and mental abuse of children, in particular girls, is rife due to high unemployment and economic hardship." **[40b] (p151-2)**

See also Internally displaced people (IDPs)

26.14 The USSD report for 2008 commented:

"In April, the UN Special Representative of the Secretary-General for Children in Armed Conflict issued a report that highlighted widespread child recruitment into armed militia groups throughout the country. There were numerous reports of children being used to fight government forces during military operations in Sadr City in March and April. The MOHR reported in its annual Victims of Terrorism report that 376 children were killed and 1,594 wounded from various acts of terrorism during the year." **[2o] (p30)**

26.15 The Child Soldiers global report 2008 noted "The two main child recruiters were al-Qaeda in Iraq and Jaysh al-Mahdi (Army of the Mahdi), according to research conducted by an Iraqi NGO. These groups reportedly used money to entice children into the group. **[42a] (p179)**

26.16 The UNHCR Guidelines of April 2009 stated:

"While statistics are hard to come by, anecdotal evidence and a number of confirmed cases suggest that the problem of children associated with armed groups is significant and has rapidly escalated after the Samarra bombings in 2006. It has been reported that hundreds of them, some as young as ten years, have been used in varying tasks, including scouting, spying, planting roadside bombs, videotaping attacks and more traditional combat roles. Especially troubling are reports of use of children, including mentally handicapped children, by AQI and associated groups as suicide bombers. Other groups that have allegedly recruited children are the Awakening Councils and JAM [Jaish Al-Mahdi (Mahdi Army)]. The ISF is not known to use children under the age of 18 years. Some families have become destitute and cannot provide for the barest necessities for their children, due to poverty and/or the absence of a head of household to provide protection. Many children are also not able to attend school due to poverty or insecurity and have little or no access to basic care. Children join armed groups for various reasons, one of which is the strong economic incentive." **[40b] (p153-154)**

See also Abuses by non-governmental armed forces, Security situation And Trafficking

CHILDCARE AND PROTECTION

26.17 The USSD report for 2008 stated NGOs had seen an increasing number of street children since mid-2007. "MOLSA operated 19 orphanages for older children in Baghdad and the provinces, housing a total of 392 children, and 40 orphanages for young children, housing approximately 2,000 children.

"In June 2007, an orphanage in Baghdad was discovered to be housing 24 severely malnourished boys from three to 15 years-old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment (six had cholera) and moved to another orphanage. Arrest warrants were issued for three

employees of the orphanage, all of whom remained at large at year's end." **[2o] (p30)**

26.18 The FCO report, 27 March 2009, stated:

"… UNICEF stated that children from very poor families might be encountered as street children. IDP children, whose families have moved to the KR from elsewhere in Iraq, may also be seen on the streets. This problem has begun to decline as families are returning to their homes as the security situation improves across Iraq. UNICEF is working with the KRG Ministry of Social Affairs to address the issue of street children." **[66d] (p16)**

26.19 The FCO report also mentioned "… UNICEF stated that the KRG runs three orphanages, in Erbil, Sulaymaniyah and Dohuk. A new orphanage had recently opened in Erbil, part-funded by the United States and run by the Ministry of Labour and Social Affairs. The facility is large with good facilities. [It also provided accommodation for elderly men, but in a separate facility to the children's home.]

"… UNICEF stated that while UNICEF does not generally support the use of institutional care for children it has worked in the KR with existing orphanages to help support children to access schools and accelerated learning programmes." **[66d] (p17)**

EDUCATION

26.20 Article 34 of the Constitution provides for the right to free education to all Iraqis. In order to prevent illiteracy the Constitution states that primary education is mandatory. **[82a] (p10-11)** RFE/RL reported, on 8 September 2009:

"Despite the brutality of its former regime, Iraq was once seen as a model of education in the Arab world. The country boasted some of the region's highest literacy rates …Today, up to one-quarter of Iraq's adults are illiterate.

"Years of war and instability have left their mark. Rather than focus on education, many Iraqis give priority to basic survival, while a decline in the skills of the country's teachers has taken its toll on those students who do seek to learn." **[22e]**

26.21 The following table showing education indicators is adapted from the Brooking Institution report, last updated on 13 October 2009. **[88d] (p41)**

		Number/% of students
Number of Children Enrolled in Primary Schools Nationwide		3.5 million
		3.7 million (5.7% increase)
Number of Children Enrolled in Middle Schools and High Schools Nationwide		1.1 million
		1.4 million (27% increase)
Percentage of High-School-aged Iraqis Enrolled in		33%

School in 2003		
Percentage of Iraq's 3.5 million students attending class 2007		30%
Number of government-run schools in Iraq (not including Kurdish region)		17,300

Note on education indicators: Education numbers do not include the Kurdish regions, which are administratively separate. Iraq's population increased to 26 million (8% increase) from 2002 to 2005. **[88d] (p41)**

26.22 The USSD report for 2008 stated:

"Free primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. According to the Ministry of Education, total elementary school enrollment during the 2007-2008 school year was 4.33 million students, an increase from 4.15 million during the 2006-2007 school year.

"According to information from the Central Organization for Statistics and Information Technology in the Ministry of Planning, literacy (15 to 45 years-old) was 65 percent. There was an increase in the number of illiterate children between the ages of six to 11 who are not in school due to security, poverty, and homelessness. NGOs and international organizations noted increasing numbers of street children since mid-2007." **[2o] (p29-30)**

26.23 An article by RLE/RL of 8 September 2009 noted that school attendance stood at 86 per cent in Iraq. Further: "The lowest rate of primary enrollment is among rural girls. It's around 68 percent. However, that rate decreases when they shift from elementary education to secondary education. It's around 15 percent…" **[22e]**

26.24 The UNAMI report of 1 January–31 June 2008, stated that children may be forced to drop out of school at an early stage and work if either of their parents died as a result of the social and economic difficulties faced by the widowed parent. **[39q] (p15)**

26.25 The IRRICO report, 5 May 2009, noted information on access to primary and high schools in Iraq, including in the KRG area, and differences between private and public schools. The report stated that "So far there is no special education available for vulnerable cases in Baghdad and southern Iraq. In the KRG, there are special schools for people with special needs and some of those schools include vocational training centres to help make them self-sufficient." **[3a] (p7)**

See also Disability

26.26 The USSD International Religious Freedom report 2009 stated:

"The Government permits religious instruction in public schools. In most areas of the country, the curriculum of both primary and secondary public schools includes three class periods per week of Islamic education, including study of the Qur'an, as a requirement for graduation. Non-Muslim

students throughout the country are not required to participate in Islamic studies; however, some non-Muslim students reported that they felt pressure to do so. Private schools such as Al-A'araf Elementary School and the Al-Massara School for Girls, which is run by the Eastern Orthodox Church, are now operating in the country. To operate legally, private schools must obtain a license from the Director General of Private and Public Schools and pay annual fees.

"The Kurdistan Region Ministry of Education funds Aramaic-language public schools (elementary and high school) where students are taught in Aramaic, Arabic, and Kurdish. The majority of these (more than 30 elementary schools and eight secondary schools) are in Dohuk and supply appears to meet demand. These schools have operated since the late 1980s and are overseen by a special division within the Ministry staffed by Christians." **[2a] (Section II. Status of Government Respect for Religious Freedom, Legal/Policy Framework)**

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HEALTH AND WELFARE

26.27 The WHO situation update on Diarrhoea and Cholera in Iraq, 21 December 2008, recorded that of the 925 laboratory-confirmed cases of cholera to date, 47% of the cases had been found in children below the age of five. **[23g] (p1)**

See also Medical issues; Health Issues.

27.28 UNICEF reported, on 16 May 2009, that "... one million doses of measles vaccines arrived by plane into Baghdad. The vaccines will be used by the Ministry of Health, WHO, and UNICEF in an emergency vaccination campaign to prevent the spread of a major measles outbreak in the country." Around 835,000 under-five children were due to be vaccinated with the supply.

"The current number of cases in Iraq is nearly three times more than in all of 2008. Since the beginning of the year, over 22,000 children have been infected with around 1,000 cases continuing to be recorded every week. At the end of March ninety-three children had perished. The rise is due to the increasing low immunity of the population that has resulted from reduced coverage of routine vaccinations from 2005-2008 due to insecurity." **[27a]**

27.29 A weekly feedback report on measles by the Government of Iraq and World Health Organization (WHO), dated 28 September 2009, stated: "On 24 May, WHO and UNICEF supported the 3 northern governorates to conduct a 10 days house to house campaign to prevent the spread of measles outbreak to Kurdistan Region in Iraq. By the 10th day of the campaign, 93% of the target children aged 9-59 months were reached and vaccinated by measles." **[32a] (p2)**

JUVENILE PRISONERS

26.30 The USSD report for 2008 stated:

"MOLSA's [Ministry of Labour and Social Affairs] juvenile facilities lacked adequate resources and space and did not adequately support rehabilitative programs. On July 13, international media reported that two Sunni juveniles were killed in the facility, but these allegations were unsubstantiated by investigations. There have been other allegations of torture but no confirmed cases. There were no reports by juvenile detainees of abuse or torture cases in MOLSA facilities. According to MOLSA officials, children were often abused and tortured during interrogation while detained by MOI and MOD security forces, particularly by National Police, before their transfer to MOLSA facilities. … A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MOI and MOD personnel and adult prisoners. Additionally pretrial detainees and convicted prisoners were often held in the same facility due to space limitations." **[2o] (p7)**

26.31 HRW commented, in its World Report 2009, covering the events of 2008:

"The number of children in MNF custody dropped during 2008 from a high of nearly 900 in December 2007 to approximately 170 as of mid-September 2008. The sharp decrease appears to reflect faster MNF processing of children's cases, transfers to Iraqi custody for trial, and a shift from arrests by the MNF to arrests by Iraqi forces. Juvenile detainees in MNF custody continue to lack access to independent legal counsel to challenge detention." **[15a] (p2)**

26.32 The UNAMI report, covering 1 July - 31 December 2008, stated "The situation of children under MNF-I detention is no longer at crisis level, as detainee figures dropped from 874 on 8 December 2007 to approximately 500 in mid-May 2008, and then further to 50 by the end of December 2008." **[39b] (p15)**

26.33 The HRW report also stated "The United Nations Children's Fund (UNICEF) in August reported some easing of overcrowding at al-Tobchi juvenile detention facility-where detainees had told UNAMI of sexual abuse in custody in 2007-following the release of hundreds of detainees under the amnesty." **[15a] (p2)**

26.34 The UNAMI report, covering 1 July–31 December 2008, stated:

"The Iraqi juvenile justice system continues to be characterized by the lack of community based actions to prevent juvenile crime. Lack of alternatives to the formal justice system (including appropriate diversion mechanisms) and an almost automatic tendency to remand juvenile suspects into custody pending trial remained constant. By the end of 2008 there were 1017 children in detention and reformatories out of which 368 (360 boys, 8 girls) were in pre-trial detention and 556 (531 boys, and 25 girls) as convicts in reformatories. Correction facilities holding children in Iraq are critically overcrowded, their infrastructure has been neglected over the years and minimum standards of hygiene not being observed, leading frequently to the spreading of contagious diseases.

"According to UNICEF, children and adolescents in contact with Iraqi security forces have been, and continue to be, exposed to physical and mental abuse, particularly upon arrest and during the early stages of investigation. The Iraqi criminal justice system places an overwhelming weight on confessions, thus detained children are almost inevitably

subjected to threats, ill-treatment and torture by investigators with the aim of obtaining a confession. Children are likely to spend lengthy periods in pre-trial detention in violation of the provisions of the Convention on the Rights of the Child and other relevant standards. Key actors, service providers and institutions lack knowledge of modern juvenile justice procedures. The social support systems are inadequate, obsolete and under-funded." **[39b] (p15)**

26.35 The UNHCR Guidelines of April 2009 recorded:

"HRW reported that in Iraqi detention facilities, children are at times held together with adult detainees. Overcrowding and mistreatment of children and adolescents has been reported in Iraqi detention centres. On the basis of the SOFA, detainees must be transferred to Iraqi custody or be released. Children transferred to Iraqi custody are at risk of abuse and poor conditions of confinement. In July 2008, Knight Ridder reported that US investigators probing allegations of torture at the Iraqi-run Tobchi Juvenile detention facility for boys in Baghdad found evidence of torture and abuse of children and adolescents, including the extrajudicial killings of two Sunni children while in detention. A recent visit to Al-Karrada Female Juvenile Detention Centre in Baghdad, which is currently hosting 14 girls between the age of 14 and 17, found the centre to be in better condition than Tobchi. By January 2009, all but one of the juveniles held by the MNF-I have been transferred to Iraqi custody." **[40b] (p152-3)**

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27. TRAFFICKING

27.01 The UNHCR Guidelines of April 2009 stated:

"The Iraqi Constitution prohibits trafficking in women or children. However, there is evidence that traffickers are exploiting the unstable situation in Iraq and have built up child trafficking networks inside and outside the country. According to CATCH (Conference Against Trafficking of Children), child trafficking is increasing in Iraq due to extreme political chaos, poverty and war, although it is not known to what extent and reliable information is difficult to come by. …

"According to CATCH, thousands of young Iraqi women and girls are engaged in prostitution in Syria and Yemen 'under conditions constituting severe forms of trafficking in persons'. It also said that orphans, including at least 5,000 in Baghdad alone, were particularly vulnerable to many forms of exploitation and abuse. According to CATCH, there is currently no anti-trafficking training for law enforcement officials and relevant laws are not enforced. There are also only a few NGOs or international organizations working specifically on trafficking issues." **[40b] (p155)**

27.02 The USSD Trafficking in Persons report of June 2009 stated:

"Iraq is both a source and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Iraqi women and girls, some as young as 11 years old, are trafficked within the country and abroad to Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran, and possibly Yemen, for forced prostitution and sexual exploitation within households in these countries." **[2c] (p162)**

"The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In particular, despite the serious security challenges facing the government, it is committed to enacting comprehensive anti-human trafficking legislation, which it began to draft during the past year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws or identifying and protecting victims of trafficking." **[2c] (p163)**

27.03 The FCO report, 27 March 2009, stated:

"Soran Qadir Saeed, NPA [Norwegian People's Aid] stated that there were cases of women being trafficked to, from or through the KR [Kurdistan Region]. Trafficking was a recent phenomenon in the KR. The women were exploited either for labour or sexual purposes. Some women from the KR had been trafficked to Syria and Turkey and there were cases of women from Syria and the Philippines being trafficked to the KR and working in private houses operating as brothels. The people traffickers involved are also trafficking drugs." **[66d] (p13)**

See also Women

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28. Medical issues

28.01 Article 31(1) of the Constitution stipulates: "Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions." Article 31(2) states that "Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law." **[82a] (p10)**

Overview of availability of medical treatment and drugs

28.02 The IRRICO report, 5 May 2009, stated: "The health system [in Iraq] has private and public sectors. Because of the attention paid by the government and international organizations to developing this system, the differences between the two sectors are not great. "No public health insurance system is available in the country. Only those that work for special companies and organizations have access to health insurance schemes." **[3a] (p3)**

28.03 The IRRICO report further stated: "Treatment in the public sector can be obtained as follows:

- "The patient needs to visit the nearest clinic to be examined by the doctors there. In clinics available in most neighbourhoods, towns and villages simple cases can be treated. For more complicated cases patients are usually referred to specialized hospitals where doctors with different specialities examine patients during working days (Saturday to Thursday), from 8am to 1pm.
- Treatment in private sector is usually a choice for those who want special care and can afford it. Specialized doctors who work in hospitals during regular working hours usually have their own private clinics, which they open it in the afternoon. These do not have specific working hours or days, though the majority of them do not open on Fridays, with fewer clinics also being closed on Thursdays. There are also private clinics for taking MRIs, x-rays, and ultrasound examinations.
- There are private hospitals for those who cannot wait for appointments for surgery. In private hospitals surgery can be performed immediately. In public hospitals patients have to wait for a long time for surgery with waiting times sometimes exceeding months." **[3a] (p3)**

28.04 The MSF Annual report for 2008 stated "The Iraqi government has made recent efforts to develop health services, but there are still enormous gaps and thousands of Iraqis receive either no or insufficient medical care. This situation results from years of neglect of health services—particularly for primary health care—and the loss of medical staff who have fled Iraq out of fear of assassination or abduction." **[151a] (p4)**

28.05 The UNSC report, 20 February 2009, stated "WHO and the United Nations Children's Fund (UNICEF) also supported the Ministry of Health to implement polio national immunization days in October and November 2008. The campaigns reached nearly 5 million children under the age of five. Iraq has now been polio-free for eight consecutive years." **[38a] (p9)**

See also Humanitarian Issues, health issues

28.06 The ICRC's annual report for 2008, published 27 May 2009, further stated "The number of weapon-wounded remained high, and medical facilities continued to be overstretched." The report further listed assistance provided by ICRC to hospitals in Iraq. **[43a] (p345)** The ICRC also stated, on 29 October 2008, that health care was expensive and although health services were more readily available in larger cities in Iraq, persons from rural areas may have to travel. **[43g]**

28.07 The IRRICO report, 5 May 2009, stated:

"Most kinds of medication are available in Iraq, but not necessarily in public hospitals. Public hospitals have medications bought by the government and the patients cannot have chosen medicines from different manufacturers, as is the case in private hospitals and pharmacies.

"Medicines prescribed by doctors in private clinics or private hospitals can be bought from private pharmacies only. A wide range of medicines made by different manufacturers are available, ranging from Swiss, Indian and those manufactured in Iraq.

"There is a shortage of cancer medicines in Iraq. These can be received from specialized cancer hospitals which are government-run. Waiting times for medication are known to be months, and in some cases even years. As a solution, patients usually buy those medicines from other countries, mainly Jordan, where those drugs are available in private pharmacies." **[3a] (p3)**

28.08 The IRRICO report, 5 May 2009, further noted "For vulnerable cases public hospitals usually do not charge for medication and they note on the receipts that it concerns a vulnerable case. In this way, the finance department of the hospital will not charge the patient. "People who are suffering from chronic diseases have a Medical Card; they receive their medications every month free of charge from a nearby clinic, usually located in the same district." **[3a] (p4)**

28.09 The IRRICO report, 5 May 2009, recorded:

"Psycho-social support is available in public hospitals (departments in some hospitals in the main cities) and in private clinics where the same psychiatrists in public hospitals are working.

"Cases needing urgent treatment and hospitalization for a short time (acute cases) depend on public hospitals (psychiatric departments), available in Suleimanya, Dahuk and Erbil. For these admissions, the treatment period should not exceed one month and in most cases it is allowed for the doctor to hospitalize the patient for only two weeks.

"For cases with a longer term or permanent need of hospitalization, the government has established rehabilitation centres (for female cases only), like Soz Rehabilitation centre in Tasluja – Sulaimaniyah. The government is planning to open more centres.

"Most of the current psychotropic drugs are available in Suleimanya; some of these are generic." **[3a] (p3-4)**

28.10 The USDoD report of July 2009 stated: "Several projects to improve healthcare in Iraq are ongoing. There have been 27 medical partnership training events conducted, through which 314 Iraqi healthcare professionals and support staff personnel were trained in-country by U.S. military medical units." **[103b] (p20, Healthcare)**

Doctors and health care workers

28.11 The following table is adapted from the Brookings Institution report of 13 October 2009. **[88d] (p41)**

Iraqi Physicians Registered Before the 2003 Invasion	34,000
Iraqi Physicians Who:	
Have Left Iraq Since the 2003 Invasion	20,000 (estimate)
Returned to Iraq in 2007	200
Returned to Iraq in 2008	1,000
Returned to Iraq in 2009 (through April)	325
Number of Physicians in Iraq (December 2008)	16,000
Iraqi Physicians Murdered Since 2003 Invasion	2,000
Iraqi Physicians Kidnapped	250
Average Salary of an Iraqi Physician	7.5 million Iraqi dinars per year (or ~$5,100 per year)
Annual Graduates from Iraqi Medical Schools	2,250
Percentage of Above That Will Work Outside of Iraq	20%

NOTE: Numbers are estimates. (Adapted from The Brookings Institution, 13 October 2009.) **[88d] (p41)**

28.12 The Iraq Doctors' Syndicate, the official medics' register, estimated that 1,500 medical professionals (doctors, nurses, dentists and pharmacists) had fled Iraq in 2006 **[136a] (p2)** and that the Minstry of Health had lost more than 720 physicians, many of whom were assassinated. **[136a] (p4)** By September 2008, it was reported that over 800 physicians had returned to Iraq during 2008. (USDoS, December 2008) **[103d] (p16)** (BBC, 20 November 2008) **[4dl]**

28.13 On 17 October 2008, the Independent reported that the Iraqi government had passed a law permitting Iraq doctors to carry guns for personal protection. **[85f]**

28.14 The UNAMI report, covering 1 July - 31 December 2008, stated that doctors continued to be targeted in indiscriminate attacks. **[39b] (p2)**

28.15 The UNHCR Guidelines of April 2009 stated:

"The number of doctors and other medical personnel that have been kidnapped and/or killed since 2003 goes into the thousands and continued also in 2008. Many more have left their jobs or fled the country altogether. Some doctors in Baghdad have been virtually shut out from their clinics as they are located in a neighbourhood that is under control of another sect. Those that continue to work in places like Baghdad, speak of conditions

comparable to house arrest as they often live on the hospital premises." **[40b] (p181-2)**

See also Perceived collaborators and 'soft targets'.

28.16 The USDoD report of July 2009 recorded:

"The MoH [Ministry of Health] is working with the Prime Minister's Special Advisor on Health and Higher Education to assist with the repatriation of physicians that fled the country since 2003. This remains a priority for the MoH and the GoI, and efforts are beginning to show progress. The number of repatriated physicians from January 2008 through March 2009 is 1,150, a significant increase over the 200 doctors who returned in 2007." **[103b] (p2, Healthcare)**

MEDICAL ISSUES IN THE KRG AREA

28.17 On 5 December 2007, the KRG announced the opening of the Erbil Cardiac Centre; "the largest and best equipped heart surgery hospital in Iraq … It has a staff of 300 medical professionals, and both pediatric and geriatric care units." **[150a]**

28.18 The WHO reported, on 28 January 2009, "Psychosocial and mental health services for people in Iraq with focus on northern governorates are being strengthened through a new project endorsed by the World Health Organization (WHO) and Iraqi authorities and funded by The Netherlands. This two-year project… aims to improve and strengthen the quality of social and mental health care services by rebuilding psychiatric infrastructure to care for Iraqis, particularly women suffering from mental disorders and substance abuse." **[23h]**

See also Mental Health

28.19 The FCO report, 27 March 2009, stated:

"Dr Khalid Ali Abdullah, Director General of the Department of Health in Erbil Governorate stated that there are 16 hospitals in the Erbil Governorate serving a population of around 1.5 million. Eight are in Erbil city and eight are in rural locations. There are a further 200 health centres and clinics. There are around 15,000 staff and they dealt with two million patient visits in 2008, including over 14,000 emergency surgery cases. There are an additional eight private hospitals but access to these is dependant on ability to pay fees.

"… the KR has a large number of medical facilities, in both the public and private sectors in major cities and towns. Smaller towns have community clinics, which can cover minor illnesses and offer a range of basic medical services including infant vaccinations. Such clinics will often be manned by physicians' assistants rather than qualified doctors. The level of service can be inconsistent between different locations. A new emergency hospital is being built in Dohuk, financed by the World Health Organisation (WHO). A new emergency hospital is also under construction in Erbil.

"[The] ICRC stated that medical facilities in the KR were often of a low standard. Although there are sufficient funds to invest in the public health

sector the KRG lacks a clear strategy to develop the sector effectively. The ICRC works with the KRG to train health workers and enjoys a good and open dialogue with KRG Ministries. The ICRC has assisted 22 hospitals across Iraq and has built new facilities such as a cardiac clinic in Kirkuk. A key focus for the ICRC is basic hygiene in health facilities and the KRG is investing resources to improve standards…

"Dr Khalid Ali Abdullah, Director General of the Department of Health in Erbil Governorate stated that medical treatment is almost free in the KR. A patient is currently required to pay a fee of 1,000 Iraqi Dinar (around US$1) for a consultation and emergency treatment is free…

"Dr Khalid Ali Abdullah stated that the KR currently does not have a 999-style emergency medical service. Patients are usually taken to hospitals in private vehicles. There are plans to introduce a paramedic style ambulance service in the KR with ambulances stationed on main roads. There are a number of facilities, funded by the WHO and South Korean air programmes, in Erbil and wider KR. …

"… Frontier Medical stated that dental and optical services are available to a high standard and provided by both the public and private sectors. Public sector facilities charge fees for dental and optical services. Dental services are available to a high standard but the level of service would depend on an individual's ability to pay the fees. Optical services such as laser treatment are available in the KR. The KR does not have a universal eyecare programme. Some KR hospitals have eye clinics.

"… Frontier Medical stated that in clinics that he had visited the children received a full series of routine vaccinations. Japan had provided funding for the child vaccination programme in the KR." **[66d] (p20-22)**

28.20 The FCO report, 27 March 2009, also noted: "NPA [Norwegian People's Aid] stated that hygiene standards in KR hospitals and health facilities were poor. Water supply and sewerage systems were maintained badly. **[66d] (p23)**

See also Humanitarian issues

28.21 The FCO report, 27 March 2009, recorded:

"… Frontier Medical stated that pharmaceuticals are supplied centrally by the Iraqi Government from Baghdad to KR medical facilities. The central supply is supplemented at local level in the KR from local budgets. Stephen Bushe has noted that some hospital and clinic administrators in the KR have expressed a belief that KR medical facilities are disadvantaged in relation to the rest of Iraq in terms of pharmaceutical supply. It is claimed that supplies can arrive late and pharmaceuticals supplied to the KR are often sourced in India or Egypt rather than Jordan or Europe and are believed to be of inferior quality and more likely to be counterfeit. All hospitals have pharmacies and all cities and towns have private pharmacies stocking a wide range of medicines.

"… Frontier Medical stated that general and emergency hospitals in the KR are equipped, run and deliver services to a reasonable standard and, while not to Western standards, are adequate for people's needs. Hospital

administration varies in quality and can often appear chaotic. Hospitals that Steve Bushe had visited in the KR had gynaecological and surgical departments, accident and emergency and x-ray facilities and offered outpatients services. Demand for all services was high and medical facilities can be overcrowded." **[66d] (p21)**

28.22 The FCO report, 27 March 2009, mentioned "… Frontier Medical stated that doctors in the KR were trained and performed to a high standard. Most Iraqi (including KR) doctors have been trained to Western standards, either overseas or in Iraq, which follows a UK-based curriculum." **[66d] (p21)**

See also Doctors and health care workers

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

28.23 The UNAIDS report, 'Muslims responding to AIDS', published January 2007, stated:

"The reported number of HIV/AIDS cases to health authorities in Iraq is very low, with 150 cumulative HIV cases reported at the end of 2000, and a total of 124 cases reported at the end of 2001. The majority of HIV infection has been reported among young men with hemophilia through infected blood products, and the mode of transmission among reported AIDS cases is 86.1% via blood products, 9.3% heterosexual, and 4.6% mother to child transmission (MTCT).… The health authorities believe that these figures now largely underestimate the current situation because of limited health facilities and ability to cope with STD care and prevention." **[132a] (p126)**

28.24 The WHO Epidemiological Fact Sheet on HIV and AIDS for Iraq, published October 2008, showed there was no data on persons living with HIV and AIDs in Iraq, nor on individuals receiving antiretroviral therapy, although the paper indicated that most recent statistics from 2005 suggest less than 100 people to be receiving treatment. **[23a]**

28.25 On 14 January 2009, IRIN News stated: "To be HIV-positive in Iraq means social isolation - and even death at the hands of religious extremists who believe the virus is proof that an HIV-positive person must have engaged in indecent acts. Iraq has a very low HIV prevalence rate: only 44 people are HIV-positive, according to Ihsan Jaafar, who heads the Health Ministry's public health directorate, responsible for combating HIV/AIDS."

"The virus first came to Iraq in 1985 via contaminated blood imported from a French company. It was detected the following year in scores of people suffering from haemophilia, a hereditary blood disorder, said Wadah Hamed, the head of Iraq's AIDS Research Centre.

"Some 482 cases have been detected since 1986. Of these, 272 were Iraqis and the rest foreigners. Today only 44 are still alive, he said. **[18cx]**

28.26 IRIN further stated:

"Patients get the equivalent of about US$85 per month from the government, as well as a clothing allowance. Those infected in 1985 are paid an extra $200 monthly.… They get free monthly check-ups; their partners are examined every three months, and other family members are checked every six months. Baghdad has at least 11 medical centres for this purpose and there is also one such centre in each province …

"In cooperation with the World Health Organization (WHO), the ministry prescribes combination therapy involving three antiretroviral drugs free of charge.

"Tentatively, the ministry is launching a campaign to raise awareness about HIV/AIDS, coordinating with local media outlets, distributing posters and holding workshops. Awareness programmes have also been included in the curricula of secondary schools, and a hotline has been set up to enable people to get advice.

"The Iraqi health and security authorities have no data on HIV-positive persons killed by gunmen." **[18cx]**

28.27 The FCO report, 27 March 2009, noted:

"… Frontier Medical stated that HIV/AIDS is acknowledged as a condition by the KRG and there is no general taboo regarding the condition, although reported numbers of cases are extremely low. Steve Bushe had not identified any dedicated facilities in KR for treating HIV/AIDS patients. There is no reliable local source of anti-retroviral drugs for HIV and all stocks would need to be imported and would need to be privately financed. A main concern for HIV/AIDS patients in the KR would be the generally poor level of hygiene in medical facilities, which would heighten the risk of infection for people with weakened immune systems. Business visitors to the KR are required to produce a certificate confirming that they are HIV free to obtain a visa for more than six months." **[66d] (p22)**

See also Medical issues in the KRG area

MENTAL HEALTH

28.28 The WHO report, 28 January 2009, stated: "While mental health services have long been present in Baghdad, northern areas of the country have been without psychiatric inpatient facilities… An assessment found that some 182,000 people had been affected, predominantly women, who faced rape, psychological abuse, and physical and mental torture." **[23h]**

See also Medical Issues in the KRG area.

28.29 BBC News reported, on 21 May 2009, "Iraqi psychiatrists say the war and violence has taken a real toll on mental health of the entire nation, and that the number of mental disorders is on the rise across the country. 'Demand for psychiatric treatment will rise, as the nation digests and comes to terms with what has happened over the last years,' says Dr Emad Abdulrazoy, National Adviser for Mental Health at the Ministry of Health." The article

reported on al-Rashad in Baghdad, Iraq's only mental healthcare institution. **[4d]**

28.30 The USSD Bureau of Near Eastern Affairs, on 27 May 2009, further commented: "At the al-Rashad, Iraq's only mental institution, approximately 1,200 patients are cared for by seven doctors; the country itself only has 70 psychiatrists. The majority of the patients at al-Rashad suffers from chronic schizophrenia and, although nearly half [the] doctors say [they] could live at home, stigma and the violence has kept the patients hospitalized." **[154c] (p14)**

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29. HUMANITARIAN ISSUES

29.01 The USDoS report, December 2008, stated:

"The lack of essential services has now replaced security as the most important concern in the minds of most Iraqis, many of whom are not satisfied with the quality or availability of food, clean water, electricity, sewage services, and healthcare. Unemployment and underemployment remain high, further contributing to the dissatisfaction of those seeing little or no improvement in their personal economic situations. While the GoI [Government of Iraq] has made important gains in developing economic capacity, much additional effort will be required to translate these gains into tangible quality-of-life improvements." **[103d] (pvi)**

29.02 Refugees International, in their report published 15 April 2008, commented "Returnees also have a hard time renewing their PDS cards. Although most government bias seems to be in favor of Shiites, aid groups note that in provinces that are in the hands of Sunnis, such as Salahedin governorate, Shiite areas face a sectarian bias against them from local officials and receive an inferior quality of help." **[119c] (p6)**

29.03 IRIN News recorded, on 28 April 2009 that droughts, high levels of salinity and desertification had badly affected crops. **[18d]** The CSIS report further stated:

"Population growth, growing water problems, war, mismanagement, and a lack of competitiveness with neighboring states has also had a major impact on the agriculture sector. Iraq was once a country that exported food around the region, but it is now one of the world's biggest rice and grain importers." **[63d] (p102)**

29.04 On 3 September 2009 IRIN News reported: "High levels of salinity in Iraq's Shat al-Arab waterway, formed by the confluence of the Tigris and Euphrates in the southern province of Basra, have forced hundreds of families to abandon their once relatively fertile farms, local officials said on 2 September [2009]." **[18f]** RFE/RL further reported, on 2 October 2009:

"Local Iraqi officials say hundreds of families have left their villages in the northeastern province of Diyala in recent weeks after drought and low river levels from Iran turned their agricultural fields into a wasteland, RFE/RL's Radio Free Iraq reports. Farmers told RFI that dams erected by Iran have reduced the flow of the Harran River from Iran to a trickle, and they cannot afford the price of fuel to pump the remaining water up to their fields." **[22h]**

29.05 The UNSC report, 20 February 2009, stated: "Recent assessments conducted in Babil, Qadissiyah and Basrah reveal that only 31 per cent of households report reliable access to safe drinking water during Iraq's ongoing drought conditions. In those same communities, less than 35 percent of all surveyed households have functional sanitary systems." **[38a] (p9-10)**

29.06 UNHCR's Guidelines of April 2009 reported:

"… access to food is limited due to families' lack of income or difficulties to access markets due to insecurity, curfews, checkpoints, road and

neighbourhood closures or military operations. In response to the priority of food needs of IDPs, WFP [World Food Programme] launched in January 2008 an emergency operation to provide complimentary food rations to up to 750,000 food-insecure post-2006 IDPs, who have crossed governorate boundaries and cannot access their PDS rations. The food assistance will phase out once the PDS meets the needs of these people." **[40b] (p48)**

"Water and sewage systems in Iraq are generally poorly functioning and dilapidated. UNHCR Protection Monitoring showed that in areas where water networks/sewage systems exist or connect to areas, they are either overstretched or deficient. Lack of sufficient potable water for drinking and cooking was reported to be most common among IDPs and has been reported in all parts of Iraq." **[40b] (p49)**

29.07 The ICRC's annual report for 2008, published 27 May 2009, stated "Water, sewerage and electrical power infrastructure remained vastly inadequate to meet the needs of the population." **[43a] (p345)**

29.08 The IOM report, June 2009, recorded that "IDP families are living in uncertain circumstances, sometimes occupying land or property illegally and connecting to nearby water or electrical networks without permission. Returnee families are coming home to destroyed property and infrastructure; in some cases they need assistance simply to repossess their occupied properties." **[111b] (p1)** The IOM report gave further information on access to facilities such as healthcare and water. **[111b]**

See also Internally Displaced Persons.

29.09 On 19 May 2009, IRIN News recorded:

"Iraq's state-run food rationing system is crumbling and corruption in high places could be partly to blame. A new survey by the Ministry of Planning and Development Cooperation of 120,000 families which had qualified for state food handouts in 15 of Iraq's 18 provinces, found that 18 percent of families had not received the nine-item food ration for 13 months; 31.5 percent for 7-12 months; 14.5 percent for 4-6 months; 22 percent for 2-3 months and 14.5 percent for one month. The survey also revealed concerns about the quality of food items: 16 percent of the surveyed families said the ration items in April were bad, 45 percent said they acceptable, while 29 percent said they were good. …

"Iraq's food rationing system, known as the Public Distribution System (PDS), was set up in 1995 as part of the UN's oil-for-food programme following Iraq's invasion of Kuwait 17 years ago. However, it has been crumbling since the US-led invasion of Iraq in 2003 due to insecurity, poor management and corruption. Monthly PDS parcels are supposed to contain rice (3kg per person); sugar (2kg per person); cooking oil (1.25kg or one litre per person); flour (9kg per person); milk for adults (250g per person); tea (200g per person); beans (250g per person); children's milk (1.8kg per child); soap (250g per person); detergents (500g per person); and tomato paste (500g per person)." **[18c]**

29.10 The UNSC report, 2 June 2009, stated:

"Persistent environmental hazards are also resulting in humanitarian and development challenges. Iraq is facing another year of drought after low winter rainfall in many areas, which threatens its environment and agriculture. Dwindling natural water sources are compounding the problem. The Deputy Minister of Water Resources noted this quarter that only 32 per cent of the country's water is locally sourced, leaving Iraq greatly dependent on its neighbours. The flow of the Tigris and Euphrates rivers in Iraq is diminishing, with the reduction in water quantity also affecting water quality. Agriculture and power production are also affected, with projects to irrigate large tracts of farmland and build additional power stations under threat because of water shortages. The Ministry of Agriculture reported in March [2009] that Iraq is using only 50 per cent of its arable land owing to lack of irrigation and poor soil quality." **[38b] (p9)**

See also Economy

29.11 The Inter-Agency Information and Analysis Unit (IAU) report of 31 August 2009 stated:

"Food prices in the local Iraqi markets have grown at a steeper rate than global food price inflation. Between 2004 and 2008 food prices in Iraq increased by 101%, representing an average monthly increase of 1.7%. This steeper rate of increase has been influenced by the rise in international prices combined with rising local fuel and light prices. Between 2004 and January 2008, the Iraq fuel and light price index rose by over 800%. Despite the subsequent fall in the fuel and light price index of over 14% over the course of 2008, the average fuel and light index for that year was still far higher than in 2004."

29.12 The USDoD report of July 2009, recorded:

"Progress in delivering essential services, such as electricity, water, and healthcare, varies by locale. Demand for electricity still exceeds supply, but the gap between supply and demand is shrinking. Also, GoI [Government of Iraq] investments in electrical generation have stabilized the national grid, which has resulted in improved reliability and recent all-time-high generation. Although many Iraqis still report limited access to potable water, construction of major new water supply and treatment plants continues. Improvements have been made to Iraq's telecommunications infrastructure, and initial steps are being taken to restore and expand the country's transportation infrastructure." **[103b] (p18, Essential Sevices)**

29.13 A report by the United Nations Human Settlements Program (UN-HABITAT), dated 30 June 2009, noted work done to upgrade slum areas in all governorates of Iraq; in particular 464 housing units in Thi-Qar and 252 in Diwaniya districts were developed and rehabilitated during the reporting period (April to June 2009). **[31a] (p1)** "In coordination with the Ministry of Displacement and Migration, UNHCR Iraq continues to provide shelter rehabilitation to needy returnee families and to support their sustainable reintegration in the communities. ... [Over] 600 [internally displaced people] shelter units have been completed." **[31a] (p4)**

See also Internally displaced people

Health issues

29.14 The UNSC report of 6 November 2008 stated:

"During August, a number of cholera cases were reported and the disease remains endemic in Iraq, with outbreaks common in the summer months. Although the caseload in 2008 was below the annual average, 27 districts in 10 governorates were affected and seven people died. Three of the deaths were reported in Babil, the most affected governorate with 222 confirmed cases. WHO and UNICEF, working with non-governmental partners, assisting the Government at the central and local levels in containing the outbreak through surveillance, technical assistance for cholera testing, water tankering, provision of household water purification kits, public information drives and medical supplies.…

"A cholera preparedness plan that was revised and adopted by the Ministry of Health has been activated. The United Nations water and sanitation sector outcome team has increased its support to Iraqi efforts to rehabilitate water and sewerage infrastructure, which lie at the heart of the issue in central and southern Iraq (Basra, Kerbala and Muthana and Suleimaniya)." **[38r] (p8)**

29.15 UNICEF reported, on 19 January 2009:

"The cholera outbreak of 2008 is considered to have subsided as the gradual decrease in new cases has now reduced to zero cases by mid December. Since cholera is endemic in Iraq, however, cases are expected to be reported sporadically, and monitoring of the situation continues. Up to and including week 49 of 2008, a total of 925 cases of cholera were confirmed, the vast majority of those occurring between weeks 33 to 41. 47% of cases were of children below five years of age. There were a total of 11 deaths (representing a fatality rate of less than 1.2%), 36% of which were children under five." **[27k] (p2)**

29.16 The UNSC report, 20 February 2009, further recorded "Cholera cases (an outbreak was first reported during the last quarter of 2008) were reported at a declining rate during the period under review. The Ministry of Health and the World Health Organization (WHO) confirmed a total of 925 cholera cases and 11 deaths as at 21 December 2008." **[38a] (p9)**

29.17 The FCO report, 27 March 2009, mentioned "… Frontier Medical stated that in addition to a significant outbreak of cholera in 2007/08, small localised outbreaks occur in the KR, usually caused by poor hygiene and sanitation. Hepatitis A and B are prevalent and poor hygiene standards in medical facilities can place patients at some risk of contracting hepatitis but numbers of deaths are low. Infant mortality levels are high in the KR, with dehydration from diarrhoea being the main cause of death." **[66d] (p23)**

29.18 IRIN News noted, on 14 October 2009, that in Basra, "… war remnants [from Iraq's three recent wars – the Iran-Iraq war in the 1980s, the Gulf War in 1991 and the US-led invasion in 2003] in Iraq had become one of the main causes of cancer – along with smoking, emissions of harmful gases, and other kinds of pollution.

"[a study found] that 340 cases of leukaemia had been registered between

2001 and 2008 in Basra. This compares with 17 cases in 1988 and 93 cases in 1997 … It also found that the amount of uranium in Basra's soil had jumped from 60-70 becquerels per kilogram of soil prior to 1991 to 10,000 becquerels per kilogram in 2009. As much as 36,205 becquerels per kilogram have been recorded in areas with abandoned remnants of war." **[18g]**

See also Medical Issues.

LANDMINES, UNEXPLODED ORDNANCE (UXO AND DEPLETED URANIUM (DU))

29.19 The International Campaign to Ban Landmines (ICBL) report, published on 21 November 2008, recorded "The Republic of Iraq acceded to the Mine Ban Treaty on 15 August 2007, becoming a State Party on 1 February 2008. Iraq's treaty deadline for destruction of all stockpiled antipersonnel mines is 1 February 2012, and its deadline for destruction of all antipersonnel mines in mined areas under its jurisdiction or control is 1 February 2018." **[98c] (p2)**

29.20 The ICBL report further noted "Iraqi government and Coalition forces continue to find antipersonnel mines in arms caches across the country. From February to April 2008, Coalition soldiers discovered weapons caches that included at least 13 mines. It was reported in July 2008 that during 'Operation Peace' (which began in May 2008) in the Sadr City district of Baghdad, the Iraqi Army had recovered 230 weapons caches, including 120 antivehicle mines and one antipersonnel mine. **[98c] (p3)**

See also Security in Baghdad; Shi'a militia.

29.21 IRIN News recorded, on 8 June 2009, that "According to the Environment Ministry, there are some 25 million landmines in Iraq and more than 25 million UXO pieces, including cluster bombs.

"Three companies are working with Iraq's Environment Ministry in mine clearance operations and 17 others are expected to have their licenses 'within days', she added. Iraq must be declared free of landmines by 2018, she said, in reference to the country's obligations after signing in 2007 the Ottawa Convention banning anti-personnel mines.

"Since 1980, Iraq has endured three major wars: the Iran-Iraq war from 1980-88, the first Gulf War in 1991 and the US-led invasion that toppled Saddam Hussein in 2003. All have had a part in making Iraq one of the most heavily mined countries in the world." **[18c]**

29.22 The Institute for War and Peace Reporting stated, on 3 July 2009:

"Iraq is one of the most heavily mined countries in the world and has made little progress towards removing them. … Iraq is estimated to have 20 million landmines and 2.66 million cluster bombs spread out over more than 1,700 square kilometres. Only 20 square kilometres have been cleared by demining organisations since Iraq signed up to the UN's Mine Ban Treaty in February 2008." **[11c]**

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30. FREEDOM OF MOVEMENT

30.01 Article 44 (1) of the Constitution stipulates that "Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq." **[82a] (p13)** The EIU country profile 2008, noted Iraq has a 39,000km road network, although only 2,000km of this was motorway. Many roads and bridges were damaged during the US-led war by insurgents in an attempt to paralyse the country, although much of this damage was subsequently repaired. **[58a] (p17)**

30.02 The FCO also stated, in a letter of 27 August 2008:

"Road travel around Iraq remains dangerous, and there continues to be fatal roadside bombings throughout Iraq – the exception being the autonomous Kurdish Region where the threat posed by roadside bombs is low. There is also a substantial criminal threat from car jacking, kidnapping and robbery. Illegal road blocks and false check points are common place throughout Iraq, from which violent attacks have often been mounted. The dangers of travelling by road vary according to the ethnicity or tribal bias of the area being transited; even a legitimate road block/checkpoint could be problematic due to the ethnicity of those manning it differing from that of the travellers." **[66q]**

30.03 In July 2004 the Iraqi Interim Government (IIG) passed the Order for Safeguarding National Security allowing the Prime Minister to declare a state of emergency in any part of Iraq suffering ongoing violence for up to 60 days at a time. (UNHCR COI, October 2005) **[40c] (p17)** Under the emergency laws and subject to judicial review, the Prime Minister has the power to restrict freedom of movement by imposing curfews or cordoning off certain areas. In several cities and towns curfews were place, restricting people's freedom of movement, mainly during the night. (UNHCR COI, October 2005) **[40c] (p139)** In its paper of August 2007, UNHCR reported that "Curfews exist in all areas of Central and Southern Iraq (23:00 to 06:00), and may be lengthened at short notice. In Baghdad the current curfew is from 22:00 to 05:00." **[40j] (p154)**

30.04 A report by International News Safety Institute (INSI), published on 4 September 2009, stated: "All of Iraq's roads remain potentially dangerous. There is an increased risk while in the vicinity of vehicle checkpoints and security forces where there is a higher likelihood of terrorist attacks or clashes between militants and the authorities. Areas where vehicles are overlooked (such as around bridges) or are forced to slow down (for example at traffic control measures or even just bends in the road) are also potentially hazardous." **[142c] (p2)** The INSI report commented on the safety of travel on specific roads in Iraq. **[142c]**

30.05 The IDP working group report, published 28 March 2008, commented:

"Freedom of movement is facing serious limitations in Iraq: six governorates are still restricting physical access. Although it is difficult to prevent Iraqis from moving from one governorate to another, authorities at checkpoints will not allow a family through if it is clear that they are planning on settling in the governorate (e.g. they travel with their furniture). Eight other governorates are imposing measures which constrain registration." **[135] (p19)**

30.06 Entry into the cities of Kirkuk governorate is highly restricted by checkpoints. (IOM, December 2008) **[111n] (p2)**

30.07 The EIU report for 2008 stated "Al Najaf Airport, which was previously a military base, has been transformed into an international airport, with the first civilian flights commencing in July 2008… Baghdad airport was returned to Iraqi control in August 2004. Iraqi Airways has joined Royal Jordanian on its pre-war Baghdad-Amman route… Incoming aircraft, however, remain at significant risk of attack." **[58a] (p18)**

30.08 The UNHCR Guidelines of April 2009 stated:

"Travel by road within the Central and Southern Governorates has become fairly safe in many areas, but all roads remain potentially dangerous. Roadside bombings, robbery and carjacking remain a daily occurrence mainly in the population centres. The main routes from Baghdad to the North, i.e. the Baghdad Western North route from Baghdad through the Governorates of Salah Al-Din and Ninewa and further North to Dahuk as well as the Baghdad Eastern North route from Baghdad through the Governorate of Diyala up to Kirkuk, see daily roadside bombings. In the South, there is a high risk of attacks on most routes in the Governorates of Babel and Wassit, especially in the districts lying closest to Baghdad. Travelling prior or during religious festivities also involves a heightened risk as armed groups aim at launching mass casualty attacks on Shi'ite pilgrims. Military operations among armed groups and the ISF/MNF-I continue mainly in the Central Governorates. Travelling is often delayed by ISF/MNF-I checkpoints and convoys, which also increases the risk of being targeted by armed groups or criminals or being caught in armed clashes. Moving near official government convoys is particularly dangerous as they are a frequent target of armed groups, including by roadside bombs and 'sticky bombs' attached under vehicles. Reportedly there has been a rise in the deployment of false vehicle checkpoints from which violent attacks have been mounted. Grenades and explosives have been thrown into vehicles from overpasses, particularly in crowded areas. Areas where vehicles are overlooked (e.g. around bridges) or are forced to slow down (e.g. traffic control measures, bends in the road) are also potentially hazardous. Movement may further be limited by curfews and vehicle bans, which can be enforced at short notice (e.g. around religious holidays or elections). Travel by air from Baghdad International Airport has also relatively improved. Though there have been no recent attacks on civilian aircraft, the potential threat still exists." **[40b] (p45)**

30.09 The IRRICO report, 5 May 2009, stated:

"The transportation system in the Middle and South of Iraq mainly depends on land transport (cars, buses, and vans). No public transportation exists although there are some train lines between Baghdad and Basra; however these are not yet effective and reliable enough. A project has been adopted by the Baghdad Municipality to establish a metro in Baghdad. This metro will serve a huge number of people every day as its line will pass through many of Baghdad's districts. The project schemes have been finalized and they are ready for implementation, which will be done by some of the big international companies (according to the official statements). Lately, the air transportation system has become more effective. The airports in Baghdad, Erbil, Suleimanya and Basra were reopened. A new airport was established

in Najaf, with another one to be set up in Karbala province. People tend to prefer air transportation because it is more secure than travelling by land.

"The cost of land transportation between cities is about 21 US$ (16 Euro) for buses or vans, while the air fares are about 100 US $ (76 Euro)." **[3a] (p11)**

Access to the KRG area

30.10 The INSI report, 4 September 2009, stated: "There remains a risk of military action by Turkish and Iranian forces on the border with Iraqi Kurdistan, but this is unlikely to specifically implicate road travel, although there is a risk of delays and traffic queues around border crossing points such as around ad-Durnaq in ad-Dahuk province (which leads on to Cizre in Turkey)." **[142c] (p2)**

30.11 The EIU country profile for 2008 stated: "The KRG has been seeking to encourage foreign airlines to fly into Irbil, and, in a major coup, in December 2006, Austrian Airlines began flying weekly services to the northern Iraqi city. In addition, direct flights from Istanbul in Turkey to Irbil and Suleimaniyah in the KRG run three times a week, as do flights from Jordan. In an indicator of the KRG's ambition, a new terminal, large enough to process 2.75m passengers a year, is being built alongside the existing airport at Irbil." **[58a] (p18)**

30.12 The FCO report, 27 March 2009, noted: "Dana Ahmed Majed, Governor of Sulaymaniyah stated that residency requirements in the KR were in accordance with Iraqi law. The KR hosted 64,000 IDPs from other parts of Iraq, which demonstrated that there is freedom of movement to and residence in the KR.

"Khanim Latif, Asuda stated that people wishing to move to the KR from other parts of Iraq had to register with the Asayeesh to secure legal residence.

"The BEO [British Embassy Office] Erbil understood that for people from other parts of Iraq to obtain legal residence in the KR if they had no prior connection to the KR it had been necessary for many years to have a sponsor in the KR but the Iraqi Government has pressed for this requirement to be dropped recently. It is usual for non-KR residents entering the KR to undergo many security checks to qualify for residence.

"Abdullah Ali Muhammad, Asayeesh Security Director, Erbil stated that people being returned to the KR from countries such as the UK require only the prior permission of the KR Interior Ministry to return to and reside in the KR.

"Abdullah Ali Muhammad stated that Iraqi citizens from other parts of Iraq are free to reside in the KR under normal Iraqi law. One form of identification is required to confirm a person's identity. If police staffing checkpoints on the boundary of the KR are satisfied with a person's identity they are granted permission to enter the KR for ten days, after which they need to register at one of eighteen centres across the KR, where they can apply to stay longer. At present there are over 13,000 families from outside the KR residing in Erbil. The aim of the checks is to keep terrorists out of the KR." **[66d] (p23)**

See also Internally displaced people (IDPs).

30.13 The UNHCR's Guidelines of April 2009 stated:

"Travelling to the three Northern Governorates of Sulaymaniyah, Erbil and Dahuk continues to be fraught with risks. In particular the main routes from Baghdad to the North, i.e. the Baghdad Western North route from Baghdad through the Governorates of Salah Al-Din and Ninewa and further North to Dahuk as well as the Baghdad Eastern North route from Baghdad through the Governorate of Diyala up to Kirkuk, see daily roadside bombings. Urban areas such as Ba'quba, Tikrit, Mosul and Kirkuk are particularly prone to security incidents. The roads from Kirkuk to Erbil and Sulaymaniyah are guarded by the Kurdish Peshmerga and are considered safe. The roads from Mosul to Dahuk and Erbil outside Kurdish control are considered unsafe. There are regular flights operated by Iraqi Airways from Baghdad and Basrah to Erbil and Sulaymaniyah. A one-way ticket from Baghdad to Erbil or Sulaymaniyah costs US $85 US $175 from Basrah to Erbil and Sulaymaniyah, an amount that cannot be borne by many for economic reasons. Travelling from Baghdad to Erbil or Sulaymaniyah by air is considered fairly safe and there have been no recent security incidents involving civilian aircraft.

"In order to access the three Northern Governorates from other parts of Iraq, all Iraqis, including Kurds, must go through checkpoints at the unofficial borders (the so-called 'green line') between the central part of the country and the KRG-administered area. Other areas along the unofficial border have been heavily mined in the past decade and are regularly patrolled by Kurdish Peshmerga. Such conditions make it nearly impossible for persons to cross into the three Northern Governorates through the countryside without endangering themselves. Therefore, entry through the few major roads and their checkpoints is, practically, the only option available." **[40b] (p52)**

30.14 The IRRICO report, 5 May 2009, stated: "In the Northern part of Iraq, taxis and buses are the main methods of transport between different cities, towns and villages." The report also listed taxi prices between some main cities in the KRG. **[3a] (p11)**

30.15 A fact-find misson report by LandInfo, dated 6–23 March 2009, stated:

"An international organisation (B) in Erbil emphasised that, generally, ethnic affiliation or religious orientation does not determine KRG authorities' decision on whether or not a person will be permitted entry. The only concerns for the authorities are the IDP's identity and security considerations. If Christian IDPs from the south are finding it easier to process their residence papers, it is not because of their religious orientation but because many of them already have family ties, relatives, friends etc living in KRI and are thus easily identified, and someone will readily guarantee their identity. An international organisation (A), Erbil stated that residents of the disputed areas are free to enter KRI. …

"M. Kaiwan, Responsible for KRG checkpoints, Agency of Kurdistan Protection [and] Security, Ministry of Interior confirmed that there is no longer a need for a sponsor or guarantor to confirm a person's identity if he/she wants to take up residency in KRI [Kurdish Region of Iraq].

"An international organisation (A) in Erbil stated that the [entry] conditions for Arabs is more relaxed in Dahuk and Sulaymaniyah Governorates than in Erbil Governorate, but an Arab must still have someone to prove his identity if he carries cargo into one of these provinces from outside. Arabs are at risk of facing more delays than Kurds when passing the checkpoints into Erbil. Generally, Arabs face more difficulties travelling through KRI compared to Kurds. While a Kurd may easily pass the checkpoints between the Governorates, an Arab will have to spend more time. Arabs get a different treatment than Kurds. The international organisation (A) in Erbil explained that an Arab who is well connected will be able to pass the checkpoints more easily. There is petty corruption at the checkpoints, which enables Arabs to pass with less constraint. However, to smuggle people through the checkpoints would be very difficult as there is hardly any corruption at the checkpoints between the disputed areas and KRI.

"According to the Governor of Sulaymaniyah, Dana Ahmed Majed, the KRG [authorities] perform a five minute security check on everyone who enters and no further security check takes place. People are, however, not in need of a residence permit in Sulaymaniyah. This has also become easier in Erbil, the Governor of Sulaymaniyah added. All persons entering KRI from other parts of Iraq will be registered." **[34a] (p14-15 1.5 Conditions for entry into Kurdistan Region of Iraq (KRI) from South/Central Iraq (S/C Iraq) and from the disputed areas)**

30.16 The LandInfo report further stated:

"According to Kaiwan, all Iraqis have free access to KRI unless they are on the suspect list. Although all who enter [?] have to pass the checkpoints, there is no proper investigation taking place there apart from checking if their names are on the list of suspects. It would have taken too much time to do the thorough security check at the checkpoint itself. Only persons who are suspects of terrorism or other serious crime are on the list. Everyone else may pass.

"Kaiwan stated that Christians have easy access to KRI. They only need to show their ID-card at the checkpoint. All Iraqi ID-cards state the holder's religion. Kaiwan informed that Christians are not suspected terrorists – 'it is like they live in KRI'. If a Christian who enters lacks his ID-card, a relative or a friend of the applicant who resides in one of the Kurdish provinces will be contacted to confirm his ID." **[34a] (p14-15 1.5 Conditions for entry into Kurdistan Region of Iraq (KRI) from South/Central Iraq (S/C Iraq) and from the disputed areas)**

30.17 The LandInfo report also noted:

"A Christian from Baghdad who claims not to have an ID-card will still be able to get a residence permit in KRI. They can apply for a new ID-card. Kaiwan added, however, that this is not a problem, because everyone above the age of 18 has an ID-card.

"The Christians who fled Mosul last fall due to violence were not subject to the same security check that normally applies for IDPs. It was an emergency situation. A person does not need a KRG ID-card to visit KRI.

"The chairman of a local NGO in Erbil, addressing minority issues, explained that going from Sinjar to Lalish one has to travel 160 kilometres partly through Arab populated areas, controlled by GoI troops. In addition, false check points are set up and/or travellers are being ambushed on the roads by [non-state] armed groups and killed. However, this could happen to any traveller, but Yazidis and Christians have been particularly targeted." **[34a] (p14-15 1.5 Conditions for entry into Kurdistan Region of Iraq (KRI) from South/Central Iraq (S/C Iraq) and from the disputed areas)**

30.18 The fact-find misson report by LandInfo of 6–23 March 2009, stated:

"People's movement both within the KRI and between the KRI and the disputed areas is controlled by manned checkpoints. According to Kaiwan there are about 70 checkpoints under the control of Erbil authority in Erbil, Dahuk and Soran. There are no mobile checkpoints in KRI. Kaiwan reiterated that within the three Kurdish Governorates everyone has full freedom of movement. There are about 200,000 persons entering Erbil city every day. 'We cannot check them at the time, as it would not be possible'. Everyone that has legal residence in the Kurdish provinces have equal access to the city.

"An international organisation (A) in Erbil stated, however, that the checkpoints around Erbil city are the most difficult to pass. There is a three meter deep trench around the city. There are six entry points around this trench. Each road leading to the gates have five checkpoints. These precautions have improved security in Erbil considerably.

"Concerning entry to the KRI from the disputed areas or S/C Iraq, Kaiwan, the person responsible for checkpoints in the KRG, explained that all persons who enter KRI are going through body search and search of the car for security reasons. Unless you are just entering to visit someone, everyone has to apply for either a tourism, working or residence permit. The checkpoints at the border have computers with lists of names of people wanted for crimes related to terror, drugs, smuggling or other serious issues compromising national security. If the traveller's name is on the list, he is not allowed to enter. The person would be arrested." **[34a] (p 15-16 1.5.1 Procedures at the Kurdistan Regional Government (KRG) checkpoints)**

30.19 The LandInfo report further mentioned: "The purpose of the check points is to protect KRI against terrorists from Mosul and Kirkuk in particular. These security measures will continue until the fulfilment of paragraph 140 of the Iraqi Constitution.

"The check points are not located exactly at the border between the disputed areas and KRI. They are outside the cities mostly. There is a no-man's land until you reach Korkan. On the road between Erbil and Mosul there are 10 checkpoints. Five of them are near Erbil and five are near Mosul. In between there is 'no-man's land'.

"When asked if the [KRG] checkpoints had computers to check for suspects, an international organisation (A) in Erbil said 'no'. The checkpoints have, however, a list of suspects or wanted people. Every person who enters KRI, who is not already a resident, is checked. If the person's name doesn't appear on the list, he or she may pass. It was added that it may take a long time to get the approval for a residence

permit. The security check may take 20-30 days. If a person's name appears on the list, he is arrested. Persons on the list of suspects [?] are suspected criminals, insurgents or terrorists.

"Argoshy informed that the list of suspects available to the check point staff contained the names of persons who have committed, or are suspected of, either terror actions and other security related crimes, or serious crimes such as robbery and murder. If stopped at a check point these persons would immediately be arrested. Apparently there is cooperation with GoI in Baghdad regarding this list of suspects. If a wanted person from Baghdad is caught, the person is returned to Baghdad authorities. Argoshy informed that there is a daily update of the list of suspects. At the main checkpoints and on borders to neighbouring countries there are computers. Argoshy confirmed that false ID documents are often seen at the checkpoints." **[34a] (p 16-17 1.5.1 Procedures at the Kurdistan Regional Government (KRG) checkpoints)**

See also Internally displaced people (IDPs)

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

DOCUMENTATION FOR TRAVEL WITHIN IRAQ

30.20 "In Iraq, five key documents are necessary to access public services: PDS [Public Distribution System] identification cards, and certificates of nationality, birth, marriage, and death. These are interlinked, as birth certificates are necessary for nationality certificates, which are necessary for PDS cards. PDS cards, in turn, are required for voter registration. Access to marriage and death certificates is necessary for widows to access their legal rights, including to property and inheritance." (Brookings, June 2009) **[88a] (p20)**

30.21 Documents available to Iraqis included the Residence Address Card, which certifies the holder's address. Iraqis could also obtain a one-time document certifying a person's residence from the local mayor (mukhtar) instead of the Residence Address Card. In the KRG area, only one-time documents certifying a person's residence are available. (UNHCR COI, October 2005) **[40c] (p132)**

30.22 The food ration card, which allows its holder to obtain the monthly food ration, is issued by the Ministry of Trade and is also widely accepted as an identification document. In the KRG area, the food ration card is issued by the Directorate of Food/Ministry of Trade (Governorate of Sulaymaniyah) and the General Company for the Trade of Food Items/Ministry of Finance and Economy (Governorates of Erbil and Dohuk). (UNHCR COI, October 2005) **[40c] (p132)**

30.23 The UNHCR COI report, October 2005, recorded:

"Birth certificates are usually obtained in public hospitals or health centres. A Death certificates are issued by public hospitals indicating the time, date and reasons of the death. Deaths occurring outside a hospital need to be approved by the Civil Status Court. Birth or death certificates were required

to add or remove a person from the food ration card. In the KRG area, birth/ death certificates need to be sent to the Directorate of Food (Governorate of Sulaymaniyah) and the General Company for the Trade of Food (Governorates of Erbil and Dohuk) for (de)registration of a person." **[40c] (p132)**

30.24 The UNHCR assessment, August 2006, stated:

"The nationality certificate and civil ID card are the most urgently needed forms of documentation for returning refugees as they restore the right to access all entitlements of Iraqi citizenship. Returnees still carrying old Iraqi documentation are able to renew documents easily. For those without these documents, further investigation into records must be carried out to prove entitlement. A non-Iraqi (e.g. Iranian) spouse of a returnee can apply for all the documents listed below except the civil ID card and the nationality certificate, which he/she may qualify for after legally remaining in Iraq for five years according to current Iraqi Nationality Law." **[40e] (p20)**

30.25 Civil ID cards are still believed to be in use in Iraq; the UNHCR RNA report for Dahuk mentioned these cards are required for IDP relocation for the governorate. **[40q] (p14)**

30.26 The UNHCR Guidelines of April 2009 recorded: "… the registration process is often bureaucratic as IDP families are required to produce a range of documents including Public Distribution System (PDS) card, nationality certificate and photograph of the head of household, civil ID card for all family members, housing card from the place of origin and a letter of approval from the local mayor (mukhtar), the city council and/or the police." **[40b] (p46)**

See also Internally displaced people (IDPs).

30.27 The FCO report, 27 March 2009, stated:

"Abdullah Ali Muhammad stated that the issuing of national identity cards is under the authority of the central Iraqi Government not the KRG. After the fall of the Saddam Hussein regime in 2003 the KRG had started to issue its own identity cards but had returned the responsibility to the central Iraqi Government after it had been restored in 2004. KR residents arriving in the KR from elsewhere in Iraq can send a scanned copy of their identity card in advance to the KRG Interior Ministry to facilitate their passage through airport immigration or road checkpoints.

"Azad A Mahmoud, Regional Co-ordinator, International Organization for Migration stated that identity documents were needed to enter the KR from other parts of Iraq. On arrival at the KR border it was necessary to show proof of residence in the KR.

"The BEO [British Embassy Office] Erbil clears names of anyone being returned from the UK to the KR in advance with the KRG Interior Ministry before finalising the return arrangements. No additional documentation is required to confirm the returnees' resident status in the KR." **[66d] (p24)**

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31. Displaced persons

31.01 The UNSC report of 30 July 2009 stated: "Improvements in security inside Iraq have contributed to increased returns of refugees and internally displaced people in Iraq." The report also noted there were "pockets of insecurity in the country and uncertainty among some refugee populations…" **[38c] (p14)**

Iraqis in neighbouring countries

31.02 "Of Iraq's neighbours, Syria and Jordan are the most common destinations for refugees, and this is also the case for minorities. Many refugees are also to be found in Egypt, Lebanon and Turkey." (MRG, 24 September 2009) **[121b] (p13)** A report by UNHCR on Iraqi refugees in Syria, Jordan and Lebanon, January 2009, recorded:

"… the UNHCR estimates that at present Syria hosts 1.2 to 1.4 million Iraqis, Jordan 500,000 to 600,000 and Lebanon 20,000 to 30,000. These countries have no specific legislation concerning refugees. As such, their policies towards Iraqi refugees have in large part been formulated on an *ad hoc* basis. Moreover, the presence of so many Iraqis on their territories has had destabilizing effects, further compromising Iraqi refugee protection." **[40d] (p1)**

31.03 The Refugees International (RI) report, 11 March 2009, stated "The number of displaced Iraqis remains high, both inside the country and in neighboring ones. They remain reluctant to go back due to lack of security, the creation of ethnically cleansed neighborhoods, and poor government services. …

"Since November 2007, the Government of Iraq (GOI) has been actively encouraging the return of displaced Iraqis. Since November 2007, the Government of Iraq (GOI) has been actively encouraging the return of displaced Iraqis. However, in its strategy to encourage returns, the Government of Iraq has failed to take political, social and economic reality into consideration and examine the country's capacity to absorb large numbers of returns. … In Syria, Jordan, and Egypt the GOI has made buses and planes available to help refugees return to their country and has provided them with a small sum upon their return home. **[119g] (p1)**

31.04 The RI report further stated that only 8% of the 250,000 returnees were from neighbouring countries. **[119g] (p2)**

31.05 The USDoD report, of July 2009 recorded: "The GoI has offered to facilitate the return of [Iraqi] refugees [in Syria] seeking to repatriate; however, the vast majority of refugees are not currently returning to Iraq due to housing, employment, or security concerns. In the meantime, the social and economic burdens of refugees impede improvements in diplomatic, security, and economic relations between the two countries." **[103b] (p9, Syrian Influence)**

See also Freedom of movement

Internally displaced people (IDPs)

31.06 The UNHCR Guidelines of April 2009 stated: "In 2008 and the first quarter of 2009, Iraq saw only limited displacement, often temporary, arising out of military operations in various areas of the country. There have been slow, but increasing returns of mainly IDPs." **[40b] (p12)** The IOM reported that displacement caused by the bomb attack on the Al-Askari Mosque in Samara in February 2006 had since slowed, although it continued in some locations and the humanitarian situation of those already displaced is worsening. **[111b] (p1)**

31.07 The IOM report of 1 November 2009 estimated the number of displaced people since February 2006 to be more than 1.6 million individuals. **[111i] (p1)** Figures from UNHCR stated that as of March 2009 the number of displaced people since February 2006 was 1,695,899, with 1,021,962 of these IDPs having been displaced before 2003. **[40g] (p2)**

31.08 The UNAMI report covering 1 January–30 June 2008 stated: "At least eleven out of Iraq's 18 governorates imposed informal and formal restrictions on IDPs entry and residence, or denied them registration as displaced persons, which prevented them from accessing public services and aid. These measures, designed to restrict entry into some governorates, areas or cities, were motivated by reasons of security, political considerations or due to saturation of social services." **[39q] (p21)**

31.09 The UNSC report, 20 February 2009, stated:

"Returns of internally displaced persons and refugees continued over the reporting period, with nearly 40,000 returnee families registered in Iraq by the end of 2008. One of Iraq's largest camps for internally displaced persons closed in Najaf and 300 families were provided with compensation to resettle. While the trend in returns is positive, returnees are increasingly confronted with occupied homes and damaged properties." **[38a] (p9)**

See also Land and property rights

31.10 The UNHCR Guidelines of April 2009 stated:

"In late 2007, MoDM in Baghdad launched a monthly stipend of 150,000 ID (approximately US $120) for a six-month period to each IDP family registered with MoDM. There were significant delays in extending this programme to the Kurdistan Region and payments through DDM were only made as of late 2008. To date, nearly 32,000 IDP families in the three Northern Governorates applied for and were found eligible for the stipend. However, funds transferred from MoDM Baghdad are not sufficient, covering only 17,000 families and only for a three months period. Also, as MoDM issued a directive to no longer register new IDPs from the Centre/South… newly arriving IDPs do not qualify for the stipend. New IDPs will also not be entitled to receive the return grant of one million ID, as this is directly linked to the previous registration as an IDP by DDM. Monitoring revealed that many IDPs had not received any humanitarian assistance since in displacement." **[40b] (p58)**

31.11 A UNHCR Factsheet, published on 31 August 2009, commented: "As at 12 August 2009, the Ministry of Displacement of Migration (MODM) reports that 32,135 families have received returnee cash grant of one million Iraqi

dinars (approx. 850 USD)/family, as part of the Government of Iraq's support to returnees." **[40i] (p1)**

31.12 A report of 28 December 2008 by the International Displacement Monitoring Centre (IDMC) stated:

"The humanitarian situation remains dire for displaced and non-displaced alike with inadequate access to protection, shelter, food, clean water, health and employment opportunities. Though the humanitarian crisis was recognised in March 2007 by the United Nations and the international community, the humanitarian situation still remains precarious for millions of Iraqis. Limited by insecurity and lack of humanitarian space, international efforts to assist the internally displaced have been significant yet insufficient in view of the immensity of the crisis." **[50b] (p1)**

31.13 The UNSC report of 6 November 2008, stated "Some 50 per cent of the returnee totals represent families returning to Baghdad." **[38r] (p9)** The IDMC report, 28 December 2008, agreed "A small but growing number of people have returned, mainly in Baghdad." **[50b] (p1)** The IOM report of 1 November 2009 further commented that: "Baghdad is currently receiving, and will likely continue to receive, the largest number of returnees of all Iraq governorates." **[111i] (p11, Returnees and Return Potential: Baghdad)**

31.14 The IDMC report, 28 December 2008, stated:

"Though the sectarian violence and displacement abated, it left a pronounced sectarian divide, most visibly in Baghdad. The partitioning by MNF-I and ISF of certain areas of Baghdad with concrete barriers helped to reduce violence but reinforced sectarian divides. Though some barriers have since been removed, others have been erected while many neighbourhoods remain ethnically homogeneous." **[50b] (p9)**

See also Sectarian violence

31.15 The UNAMI report, covering 1 July - 31 December 2008 stated "The main concerns of returnees continue to be the security situation, lack of income and housing as well as lack of electricity and access to services. Access to Government support, enhancing the safety to returnees and assisting with critical aid interventions are supported by UN agencies and NGOs." **[39b] (p17)**

31.16 On 22 January 2009, IRIN News reported:

"Internally displaced persons (IDPs) returning home lack decent public services and the resources with which to repair their damaged houses, local and international NGOs have said… Al-Azawi, who heads the Baghdad-based Commission for Civil Society Enterprises, an umbrella group of over 1,000 Iraqi NGOs, said: 'Some of these families have run out of resources, and found their houses damaged and furniture looted. And they have not been given any government aid.'" **[18cy]**

31.17 The UNHCR Guidelines of April 2009, stated that IDPs faced problems relating to food, housing, health, education, income and employment – see UNHCR paper for further information. **[40b] (p47-51)**

"Groups of IDPs in the Centre and the South reported pressure to return or relocate elsewhere from local authorities, armed groups and host communities. For example, the provincial authorities of Salah Al-Din declared that all IDPs originating from Diyala must return home for security reasons." **[40b] (p45)**

31.18 The LandInfo report further recorded:

"The procedure for IDPs and others to register for residency in KRI was by Argoshy [General Director, KRG Asayish forces forces in Erbil] described as follows: a person seeking residence permit at the checkpoint receives assistance from an Asayish officer to fill out the application form. After a brief check, the person is able to cross the checkpoint within 10 to 15 minutes.

"Argoshy stated that investigation procedures in the cities take longer time than they do in smaller places. The procedures at the checkpoint are done rapidly. Any person not on the list of suspects is allowed access. After a few days the applicant must approach the local *Asayish* office to receive the residence permit." **[34a] (p17, 1.5.1 Procedures at the Kurdistan Regional Government (KRG) checkpoints)**

See also Access to the KRG area

31.19 The USDoD report of July 2009 recorded:

"As of its latest update, the International Organization for Migration (IOM) has identified 49,432 returnee families (approximately 296,600 individuals) across Iraq since early 2008. Of this total, an estimated 11% (roughly 32,600) are returned refugees. Over 32,000 of the total number of returnee families identified by IOM have returned to Baghdad. According to the IOM, while new displacements in Baghdad and elsewhere in Iraq have all but stopped, an estimated 2.8 million Iraqis remain displaced internally. In February 2009, the Ministry of Displacement and Migration issued a Ministerial Order terminating new registration of IDPs. The Order cites improvements in security and asserts that most families have returned to their homes as a basis for ending IDP registration. This raises humanitarian concerns for IDPs who have not yet registered, as access to benefits is contingent on registration. Prime Minister's Order 101 and Decree 262 implementation by the ISF in Baghdad have facilitated returning the displaced and enforcing property rights. However, bureaucratic challenges have prevented many returnees from accessing Decree 262 entitlements, and those outside Baghdad are ineligible." **[103b] (p9, Internally Displaced Persons and Refugees**

31.20 The MRG report of 24 September 2009 stated: "…'Christians and other minorities have been moving to KRG-controlled areas, provided they have the necessary documentation and support of relatives and friends or independent financial means to enter and stay.'

"As the crisis has worsened, strain has been put on basic services and local authorities have struggled to cope. Some local authorities responded by closing provincial borders or restricting access to IDPs, although it is understood that some of these restrictions have been lifted. Those who do get in lack basic food and access to education, according to the UNHCR

Iraq support unit. As such, the conflict has had the effect of turning diverse regions into areas with little or no minority representation at all. Moreover, the closing of internal borders seriously affected the choice of destinations for fleeing minorities. Minority IDPs usually opt for either the comparatively more stable KRG-controlled areas, or the highly diverse Nineveh Plains area, which is already home to a large community of Christians, Shabaks and Yazidis." **[121b] (p11)**

See also Christians

31.21 The IOM's displacement report, published on 1 October 2009, gave country-wide statistics of the places of origin, religion, ethnicity, living arrangements, intentions and top priority needs of IDPs from each governorate. **[111c]** The report further stated

"To date, IOM monitors have identified 55,940 returnee families, and this number is still increasing. However, these families need timely assistance to ensure a chance at sustainable return and to avoid secondary displacement. Returnees need help rebuilding houses and other property, income opportunities, and general community support for basic and social services." **[111c] (p1)**

Map

31.22 See following hyperlink for map of IDPs and Returnees dated?:

http://www.unhcr.org/refworld/pdfid/4940f43e2.pdf

IDP CAMPS

31.23 The IOM's camp assessment report, published August 2008, stated:

"Although displacement has continued to slow during the first half of 2008, small numbers of internally displaced persons (IDPs) in Iraq continue to live in tent camps. Shelter is consistently ranked as a top priority need among IDPs throughout the country, and those who reside in tent camps are often the most vulnerable among a population which is already insecure and in need of humanitarian assistance.

"Camp residents generally do not have access to basic services, cannot protect themselves against the elements or extreme weather, and are located far away from medical care, education, and other needs. These harsh conditions, combined with a cultural aversion to living without familial privacy and personal dignity, make tent camps a last resort for Iraqi IDPs. As a result, the number of camps and the size of camp populations vary periodically." **[111a] (p1)**

31.24 The IOM February 2009 report stated: "Al Manathera camp [Najaf], formerly the largest IDP tent camp in the country, was officially closed this month. Families departing the camp were given a stipend of 4 million IQD (approximately 3443 USD) and given options for assistance with return transport, integration with the local community, or secondary displacement to another governorate." **[111t] (p14)**

31.25 The UNHCR Guidelines of April 2009 stated: "About half of the IDPs assessed by UNHCR live in rental accommodation, often in overcrowded conditions in sub-standard properties. IDPs in some governorates are forced to pay exorbitant rental fees and others must pay a year's rent upfront. Others live with relatives or host families (23%), in collective towns or settlements (12%), in former military or tented camps (8%) or in public buildings (7%)." **[40b] (p48)**

31.26 The USDoD report of July 2009 recorded:

"Shelter remains a high priority for Iraq's IDPs, particularly the estimated 40% who rented their homes and have nowhere to return. The IOM estimates that 22% of Iraqi IDPs live in collective settlements, public buildings, or other makeshift housing; however, the number of IDPs living in tented camps remains small in contrast to the overall population of Iraq's internally displaced." **[103b] (p9, Internally Displaced Persons and Refugees)**

IDPS IN THE KRG AREA

31.27 The IOM December 2008 report noted "KRG authorities, wary of the burden that the influx of IDPs places on infrastructure and resources, have tightened restrictions on entry into the governorate. The demographic shift that displacement causes is also a sensitive issue in this region." **[111o] (p2)**

27.28 The FCO report, 27 March 2009, stated:

"… UNHCR Erbil stated that many IDPs moved to the KR from other parts of Iraq. The KR has accommodated around 35,000 IDPs. The IDP population is made up of people from all communities in Iraq, including Arabs, Christians and Kurds from Mosul and Kirkuk. Nearly half of the IDPs have been located in Dohuk Governorate, given its proximity to Mosul, which had witnessed a high level of ethnic and religious based conflict…

"[The] UNHCR stated that few IDPs in the KR are located in camps. There are only two small IDP camps in the KR, accommodating around 150 families. IDPs mainly live in private rented accommodation. IDPs are given resident status in the KR and are allowed to work, although are unlikely to gain employment in the public sector. Some IDPs with professional backgrounds can find employment in their professions. Many though come from low or unskilled backgrounds and can find it difficult to find work. IDPs are eligible for a displacement allowance from the KRG and about two thirds of the IDPs in the KR had received this.

"[The] UNHCR stated that IDP children have good access to schools in the KR, although schools in the KR are overcrowded owing to high levels of enrolment and many schools have to operate a shift system. IDPs have access to medical facilities in the KR but these are under resourced. Ration cards can be transferred from IDPs' home Governorates to the KR but this is often a lengthy process; only 12% of IDPs have been able to transfer their ration cards and the World Food Programme has had to provide supplementary assistance to IDPs in the KR.

"[The] UNHCR stated that there had been little movement of IDPs from the KR returning to their former homes within Iraq to date. Returnees receive a

return allowance of one million Iraqi Dinars (£595 at March 2009 exchange rate) from the Iraqi Government. For IDPs wanting to return home road travel between the KR and other parts of Iraq is now generally safe other than to Mosul.

"Nawshiran Mustafa, an independent politician in Sulaymaniyah stated that there are still some IDPs from within the KR itself, who relocated during the internal conflict between the KDP and the PUK in the 1990s." **[66d] (p10)**

See also Freedom of movement in the KRG

31.29 The UNHCR Guidelines of April 2009 reported:

"A significant number of persons from mainly the Central Governorates have found refuge in the three Northern Governorates since 2003. With recent security improvements, the flow of new arrivals has decreased significantly; however only few have yet returned to their places of origin. According to the KRG, 34,566 families (207,396 persons) have been displaced from the Centre and the South to the three Northern Governorates since 2003, the majority of whom were displaced after February 2006. The influx of IDPs has had a significant impact on the host communities, including increasing housing and rental prices, additional pressure on already strained public services and concerns about security and demographic shifts. At the same time, the three Northern Governorates have also benefited from the migration of professionals bringing with them skills and disposable incomes that boost the local economy. Unskilled IDPs have also provided cheap labour for the construction industry.

"The KRG authorities continue to implement controls on the presence of persons not originating from the Kurdistan Region. Depending on the applicant, especially his or her ethnic and political profile, he/she may not be allowed to relocate to or take up residence in the three Northern Governorates for security, political or demographic reasons. Others may be able to enter and legalize their stay, but fear continued persecution as they may still be within reach of the actors of persecution or face undue hardship to make their living, as unemployment is high and assistance is provided to few." **[40b] (p51)**

See also Freedom of movement

For further information on the KRG area of Iraq see the COI report on the KRG area of Iraq, 16 September 2009.

31.30 In August 2009 the IOM produced governorate profiles for Dahuk **[111f]**, Erbil **[111g]** and Sulaymaniyah **[111h]** on IDP and returnee assessment. In its Dahuk report, the IOM noted:

"As part of the northern Kurdistan Regional Government (KRG), Dahuk's relative stability and tolerance of minorities brought to Dahuk many Kurds, Christians, Yazidis, as well as others displaced after the 2006 Samarra mosque bombing. Dahuk IDP families fled sectarian violence and military operations, leaving their property and livelihoods behind. … Almost half of IOM-assessed IDPs in Dahuk are Christians." **[111f] (p1)**

31.31 The IOM's report for Erbil stated: "Internally displaced persons (IDPs) in Erbil are a diverse group who arrived primarily from Baghdad and Ninewa throughout 2006 and 2007. Many of these families would like to return home, pending the improvement of security and other necessities such as regaining their homes and former livelihoods.

"Including Kurds, the KRG is host to 39% of IDP families belonging to religious or ethnic minorities, with the majority in Dahuk." **[111g] (p1)**

31.32 The IOM's report for Sulaymaniyah stated:

"Internally displaced person (IDP) families in Sulaymaniyah governorate are mostly Arab and Kurd Sunni Muslims who fled sectarian targeting in Baghdad and Diyala during 2006 and 2007. The majority of IOM-assessed families in Sulaymaniyah intend to return to their places of origin if allowed by security and other key factors such as regaining former property and livelihood.

"60% of IDP families are Arab Sunni, and 26% are Kurd Sunni families. … The majority of IDPs (64%) fled after being targeted for sectarian reasons." **[111g] (p1)**

33.33 A fact-finding mission report by LandInfo, dated 6–23 March 2009, stated:

"An international organisation (B) in Erbil explained that in the past, the newly arriving IDPs were provided with a three months residence permit on the condition that they were identified by relatives or others in KRI in addition to presenting identity cards. This is no longer the requirement. The residence permit was [is] extended every three months. Persons who had [have] already been identified were [are] not required to have a guarantor. The authorities say the identification requirement was [is] mainly for security reasons as KRG is still alert on the threat of terrorist attacks. The international organisation (B) emphasized that it had not heard of any IDP family being denied extension of their residence permit.

"When asked whether people [IDPs] still need a guarantor to get a residence permit in KRI [Kurdish Region of Iraq], an international organisation (A) replied that it did not believe so. However, an ordinary person without work or connection in the region may end up in a camp for IDPs. Such persons may get a residence permit after about six months. An international organisation (A) added that it is not easy to live in such a camp. People who are waiting for their residence permits may stay in an IDP camp or they stay with relatives or in rented apartments." **[34a] (p14, Section 1.5)**

ARABISATION AND DE-ARABISATION

31.34 The Brookings Institution report, published 3 March 2008, stated:

"During the Arabization campaigns, some 250,000 Kurds and other non-Arab minorities were displaced from this territory and replaced by Arabs from central and southern Iraq. The Operation Anfal of 1988 was an ethnic cleansing campaign in which 100,000 Kurds were killed and other hundreds of thousands were rendered homeless. The program of Arabization continued in Kirkuk until the eve of the Ba'ath regime's toppling; throughout the 1990s, Kurds and other non-Arab Kirkukis continued to face harassment

and pressure to change their ethnic identity and join the Ba'ath party. During this period, 120,000 persons were driven out of Kirkuk and other territory under Baghdad's control." **[88c] (p1)**

31.35 The UNSC report of February 2007, stated "…Orders Nos. 3 and 4, which were intended to commence the process of relocating Arab families that moved to Kirkuk during the 'Arabization' campaign of Saddam Hussein" were announced:

"The Orders, which require approval by the executive branch, offer compensation to relocated families. The announcement by the Commission was followed by demonstrations in Kirkuk by opponents of the measure, who claimed it was tantamount to forced displacement. In response, Commissioners clarified that the relocation and compensation mechanisms were strictly voluntary and that 7,000 families had reportedly registered for relocation. **[38i] (p3)**

31.36 The Brookings Institution report, 3 March 2008, further commented:

"In an attempt to reverse Saddam Hussein's Arabization campaign, the 'normalization' plan outlined in Iraq's constitution will facilitate the return of Arab families to their places of origin. Those who voluntarily relocate will receive about $16,000, but despite offers of compensation, many do not want to leave their current homes. Some settlers have established strong ties to their Kirkuk neighborhoods, through working and raising families. The official response from the Kurdish authorities is that relocation is voluntary and any family who chooses to stay will be welcome." **[88c] (p13)**

Land and property rights

31.37 The Refugees International report, published on 15 April 2008, commented:

"A mechanism, created by the Coalition Provisional Authority in 2004 and later endorsed by the Iraqi Transitional National Assembly, exists for the resolution of property right violations perpetrated during the Baathist period pre-dating the 2003 conflict: the Iraq Commission for the Resolution of Real Property Disputes (CRR PD).… Iraqis who have property claims dating after April 2003 have no other recourse today than to turn to the severely deficient Iraqi judicial system or local armed groups. The current situation in Iraq remains too violent to design and implement a large-scale effort to compensate and provide restitution to those who have lost their homes." **[119c] (p16)**

31.38 The UNSC report of 6 November 2008, stated:

"Housing in many cases has been problematic, as many of the returnees' houses have been occupied by others or damaged. To encourage the return of displaced people, on 2 August the Government issued a directive to evict illegal occupants from private homes and government buildings across the country. Eviction started in Baghdad on 2 September [2008] following a one-month notice period and is applicable countrywide. The Government has established a reconciliation council to arbitrate property disputes and is offering a one-off payment of 1 million dinars (around $830) to each returning family. In addition, the Government is committed to paying 1.8 million dinars (equivalent to six months' rent) to displaced persons evicted

from houses in Baghdad and unable to return to their original homes. Unfortunately, the Government continues to face challenges in the actual implementation of the assistance programme." **[38r] (p9-10)**

31.39 The UNSC report, 20 February 2009, stated that:

"Orders of the Government of Iraq on property restitution (order 101) and grants for returnees (order 262) have gone some way to securing their legal rights on property restitution]… As at early November 2008, the property committee responsible for restitution of occupied properties to returnees has received 259 claims; 220 claims have been referred to the Baghdad operation centre and 209 evictions have been carried out, often by the Iraqi Security Forces." **[38a] (p9)**

31.40 The IRRICO report, 5 May 2009, recorded that: "Iraq is suffering from a housing crisis because since 1982 no housing projects have been implemented. Recent reports indicate that Iraq needs three million housing unit. Officials have stated that this crisis can only be solved by the private sector, as the government has no ability to build such a huge number of units.

"Housing has become one of the major problems in the Northern part of Iraq, especially after the 2003 events when lots of Iraqis left their houses in the disturbed areas and fled to the KRG seeking a secure life.

"Because of those IDPs demand on rental houses or houses for sale increased dramatically and the prices soared. In 2008, when the security situation in the rest of Iraq improved, prices decreased in the KRG (but not that much and still very expensive) and prices in the South and Middle of Iraq increased.

"The government is trying to solve these problems by using different methods, like giving housing loans up to 12000000 ID and promoting housing investments by providing land for companies wanting to establish housing projects and modern towns.

"These efforts by the government were fruitful in terms of increasing the number of housing projects in the Northern part of Iraq but did not solve the prices as no agreement was made between the government and the construction companies regarding prices." **[3a] (p4)**

31.41 For further information on property prices for individuals or families see the IRRICO report. **[3a] (p4-5)** The report stated that in order to buy a property in Iraq "The buyer should be an Iraqi, having Iraqi Nationality, an ID card and an Iraqi Civil Status ID." The report also mentioned "The only grants available for housing are governmental housing loan, bank loans and the loans from the government to the companies to build housing compounds and modern cities. … No special housing provisions are available for vulnerable cases." **[3a] (p5)**

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32. FOREIGN REFUGEES AND OTHER NATIONALS

32.01 Article 21 (2) of the Constitution stipulated: "A law shall regulate the right of political asylum in Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled." Article 21 (3) states that "Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq." **[82a] (p8)**

32.02 The USSD report for 2008 stated:

"The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish by year's end an effective system for providing protection to refugees. In practice, the government provided protection against 'refoulement,' the return of persons to a country where their lives or freedom would be threatened." **[2o] (p22)**

32.03 The USCRI World Refugee Survey 2009, published on 25 June 2009, covered the issues of residency, freedom of movement, employment and access to services for refugees in Iraq, further stated that:

"A still-valid Coalition Provisional Authority order assigns the Ministry of Displacement and Migration responsibility for recognized refugees. The Permanent Committee for Refugee Affairs, established under the 1971 Refugee Act and reactivated in 2005 lacks the capacity to determine refugee status, which leaves UNHCR in charge of the procedure. The Committee disputes the status of certain refugee groups, such as the Syrian Arabs." **[44a] (p2)**

"The 1971 Refugee Act provides for refugees' right to work, and in the Kurdish areas, they can work legally under permission from the President's office, but there is no authorization for asylum seekers. In the Kurdish governorates, refugees work in farming, trade, and construction. Refugees in Dahuk and Erbil can get work permits too, but in Sulaymaniyah, Iranian asylum seekers do not need to obtain work permits to work as laborers, shopkeepers, mechanics, and construction workers. Although technically under the 1971 Refugee Act, refugees enjoy the same labor rights as citizens, current conditions make this impossible. Refugees in central and southern Iraq have difficulty finding jobs because of their lack of documentation.

"The 1971 Refugee Act does not specifically provide for refugee property ownership, but earlier legal provisions benefit Syrian refugees. Refugees are unable to register businesses, own land, or open bank accounts, as all of these activities require Iraqi national identification documents." **[44a] (p3)**

32.04 The USCRI report 2009 also noted: "Iraq hosted 41,600 registered refugees, primarily in Baghdad and the Kurdish-administered regions, as well as nearly 2,600 asylum seekers. They included Palestinians and various ethnic and ideological minorities fleeing persecution in Iran, Syria, and Turkey." **[44a] (p1)**

"Refugees recognized by the former regime held Iraqi identity cards, but with its fall the new Government ordered Palestinian, Syrian, and Ahwazi

refugees to obtain residence permits from the Residence Directorate, despite being exempted from that requirement by the 1971 Refugees Act. Administrative roadblocks prevented most from renewing their cards or obtaining residence permits, but the Government began issuing identity cards to Palestinians in mid-2008, and UNHCR provides certificates to Syrians, Ahwazis and Kurds from Iran, and Sudanese refugees. Turkish refugees in Makhmour camp received identity cards in 2007. UNHCR provides asylum seekers, most of whom reside in Kurdish areas, with certificates in Arabic, English, and Kurdish." **[44a] (p2)**

32.05 The USCRI report 2009 commented: "Although there are no legal restrictions on refugees' freedom of movement or choice of residence, the general lawlessness, physical attacks, and arbitrary detention restrict refugees' movement in southern and central Iraq … The Government does not issue international travel documents to refugees." **[44a] (p3)**

32.06 There were also reports that groups not affiliated with the government threatened Palestinians, Syrian Baathists, and Ahwazi Iranians in southern Iraq whom they felt the previous regime had favoured. (USCRI 2009) **[44a] (p1)** The USCRI report 2009 noted:

"Multinational forces and Iraqi Security Forces detained refugees during the year, usually on allegations of terrorism but never filing official charges. UNHCR was unable to obtain reliable information on detainees or detention conditions, but reports from UNHCR implementing partners, the Palestinian embassy, and refugee comunities suggested as many as 70 Palestinians and 7 Syrian refugees remain in detention. UNHCR and the UN Mission in Iraq received reports of abuse and possible torture of detainees, which the Iraqi Government denied." **[44a] (p2)**

32.07 The USSD report for 2008 also noted: "Refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. "**[2o] (p22)**

32.08 The IRC report, published on 28 May 2008, mentioned the Iraq Red Crescent provided humanitarian assistance to refugees in the Sudanese camp, 370 km from the centre of Anbar governorate; the Ahwasian camp, located at the borders with Jordan; and the Al-Waleed Palestinian camp, in the Tanaf area in Anbar, which housed over 292 families. **[134a] (p2)** In addition to these, the IRC report noted it had set up "42 camps in 15 governorates to shelter IDP families. Two of these camps were set-up jointly with the MODM. A total of 19 camps were in Baghdad governorate. By end of 2007, most of these camps were dismantled. These camps temporarily sheltered 3,253 families in 3,674 tents." **[134a] (p4)**

32.09 The UNSC report of 6 November 2008 noted: "UNAMI continued to monitor closely the situation of the People's Mujahedin of Iran [PMOI] members who are living in the Ashraf camp in Diyala Governorate. They are still under the protection of the United States army following an agreement signed in 2004, but the Government of Iraq has expressed its intention to take full control of the camp in the near future." **[38r] (p12)** The UNAMI report, covering 1 July - 31 December 2008, further commented on Camp Ashraf in Diyala and stated:

"The situation of the estimated 3,300-3,500 residents of Camp Ashraf in Diyala remains of concern to UNAMI. On 19 October UNAMI/HRO visited

Camp Ashraf to discuss concerns expressed by PMOI leadership and to meet with camp residents. However, discussions with residents always took place in the presence of a PMOI representative. The status of the residents of Camp Ashraf and PMOI members remains undefined as the hand-over of the security of the camp from MNF-I to the Iraqi Armed Forces was scheduled to occur on 1 January 2009. The US government has consistently reassured residents that they had guarantees from the Iraqi government for the safety of Camp Ashraf's residents. MNF-I has also reaffirmed that they will monitor the situation after 1 January 2009." **[39b] (p18)**

32.10 The USCRI report 2009 stated that: "Despite limited access to Al Waleed camp, through the Italian Consortium for Solidarity (ICS), UNHCR gives residents rations, non-food items, electricity, and fuel. ICRC provides water, sanitation services, and medical supplies. ICS takes seriously ill patients to a hospital every two weeks." **[44a] (p3)**

PALESTINIANS

32.11 The MRG report of 24 September 2009 stated:

"In 2003 Iraq's Palestinian community, who are mostly Sunni Muslims, numbered approximately 35,000; between 10,000 and 15,000 remain. Most arrived in the country as refugees from Palestine in 1948, after the Arab-Israeli war of 1967 or from Kuwait and other Gulf states in 1991, settling in Baghdad and Mosul. Although not granted Iraqi citizenship during Saddam Hussein's rule (they were restricted to 'official refugee' status), their Palestinian identity and Sunni Arab status made them useful to the Ba'ath Party. They were given subsidized or rent-free housing and free utilities, and were exempt from military service. They were encouraged to take roles in Iraqi political life and allowed to travel more freely than most Iraqi citizens. According to some, resentment about their perceived special treatment during the regime is behind the violent attacks they now face on a daily basis. Since 2003, Iraqi MOI [Ministry of Interior] officials have arbitrarily arrested, beaten, tortured, and in a few cases forcibly disappeared Palestinian refugees. The MOI has also imposed onerous registration requirements on Palestinian refugees, forcing them to constantly renew short-term residency requirements and subjecting them to harassment, rather than affording them the treatment to which they are entitled as refugees formally recognized by the Iraqi government." **[121b] (p7)**

32.12 "Approximately 34,000 stateless Palestinians have lived in Iraq since 2003. Since the beginning of U.S. military operations in Iraq, many suffered persecution at the hands of the Iraqi government and other armed groups. More than 3,000 fled to the Syrian-Iraqi border, where they live in makeshift tents in the desert with limited access to basic services." (RI, 28 January 2009) **[119e]**

32.13 The USSD report for 2008 mentioned that 15,000 Palestinians were granted refugee status, and stated:

"According to UNHCR, there has been a reduction in general violence in central Iraq and attacks against Palestinians. There were some credible reports that police targeted Palestinians for arbitrary arrest, detention, house raids, and extortion. On May 22, police arrested 15 Palestinian refugees

from Al Waleed camp. UNHCR intervened and secured the release of all detainees by May 25. The arrested refugees alleged that they were subjected to beatings, threats, and intimidation. Some of the refugees had fresh marks consistent with their claim that they were beaten with cables and burned with cigarettes. According to the refugees, they were made to confess verbally under duress that they had participated in terrorist activities. According to UNHCR hundreds of Palestinian refugees left Baghdad to seek refuge in Jordan and Syria during the year; however, there were very few numbers of Palestinians trying to flee Baghdad for Al Waleed camp. UNHCR reported that it was working with MODM to provide ID cards to the 15,000 Palestinians remaining in Iraq. MODM reported in August that it had registered 10,500 Palestinians in Baghdad and expected to provide ID cards to an estimated 3,000 Palestinians in Basrah and Ninewa." **[2o] (p22)**

32.14 On 20 November 2008, Refugees Interntional (RI) reported that al Al Hol camp housed about 340 Palestinians, Al Tanf had a population of 940, and Al Waleed was home to 1,750 Palestinians refugees. **[119d] (p2)**

32.15 The USCRI report 2009 stated:

"Palestinians received privileged status in Iraq under Saddam Hussein's rule, sparking resentment particularly among Iraq's armed Shiite groups. Only about 14,500 Palestinians remained in Iraq at the end of 2008 out of some 35,000 that arrived beginning in 1948 through the 1991 Gulf War, as continued threat of targeted attacks and sectarian violence caused thousands to flee. Some 2,700 Palestinians remained stranded in poor conditions in desert camps on the Iraqi borders of both Syria and Jordan, following the refusal of the Jordanian and Syrian government to permit entry." **[44a] (p1)**

32.16 The USCRI report 2009 recorded: "Most attacks on Palestinians during 2008 were individual shootings or abductions, as opposed to the mortar attacks on Palestinian areas common in late 2006 and early 2007." **[44a] (p1-2)**

"In April, UNHCR and the Government began reregistering Palestinian refugees, and in June began issuing identity cards to those in Baghdad. Officials estimated in August that another 3,000 eligible Palestinians lived in Nineva and Basra. Approximately 250 Palestinians crossed into Syria in May after an appeal from the Palestinian Authority. A majority of the refugees had been stranded at the Iraqi-Jordanian border for about two months, but many Palestinians within Iraq and Palestinians stranded at the Iraqi-Syrian border joined the group after learning about Syria's acceptance." **[44a] (p2)**

32.17 As of 31 March 2009 there were 12,855 Palestinian refugees registered with UNHCR. (UNHCR, 23 June 2009) **[40g] (p2)**

IRANIANS

32.18 An article by Refugees International, published 25 February 2008, commented that Al-Tash had closed, and the 230 Iranian Kurdish refugee families (totalling 1,350 individuals) had been rehoused in Kawa Settlement, near Arbil. **[119b]**

32.19 A report by the United Nations Consolidated Appeals Project 2008, commented: "The security situation and physical safety of … Ahwazi refugees in the South deteriorated significantly and remain acute." **[138] (p35)** The report further noted that "There are approximately 2,000 Ahwazis in Iraq, primarily in the southern governorates. Overall, they live in extremely poor conditions impacting their ability to access basic services and limiting freedom of movement. There are currently 113 Ahwazis at this location in a highly precarious situation." **[138] (p42)**

32.20 The Iraqi Red Crescent report, published on 27 February 2008, commented on the Ahwasian camp, and stated: "This camp is located at the borders with Jordan (Traibeel area) and sheltered 300 Iranian families from Ahwaz area (at the Iraqi-Iranian border). Some of those families moved to the north of Iraq and others moved to Tash area since 1980 hoping that they will migrate to European countries. The majority of the families already migrated leaving behind 40 families. The Iraqi Red Crescent assists those families through distributing food and relief aid." **[134b] (p3)**

32.21 The USSD report for 2008 stated that groups of Iranian Kurd refugees were generally able to integrate successfully in the KRG. "For the majority of the 11,135 Iranian Kurds registered by UNHCR as refugees in the north, local integration remained the best and most likely option." **[2o] (p22)** Further:

"In the Kurdish governorates, Iranian refugees possess identity cards that let them travel in the area, but need permission from the regional government to go to other parts of Iraq." (USCRI 2009) **[44a] (p3)**

32.22 The USCRI report 2009 recorded "U.S. troops protect the Iranian Mujahideen al-Khalq at Camp Ashraf outside Baghdad, since the U.S. Defense Secretary declared them protected persons under the Fourth Geneva Convention." **[44a] (p2)** "UNHCR helps Iranian Kurdish refugees who moved to the Kawa camp in Erbil with vocational training, and the agency provides internal roads, water, and electricity to the residents." **[44a] (p3)**

32.23 The USCRI report 2009 also stated: "The Government declared in August that members of the People's Mojahedeen Organization of Iran, an Iranian opposition group based at Ashraf camp, were considered part of a terrorist organization and should be sent back to Iran." **[44a] (p2)**

32.24 As of 31 March 2009 there were 10,831 Iranian refugees registered with UNHCR. (UNHCR, 23 June 2009) **[40g] (p2)**

SYRIANS

32.25 The USCRI report 2009, noted that: "Syrians in Iraq included Kurds and Baathists fleeing the regime that numbered over 1,200." **[44a] (p1)**

32.26 As of 31 March 2009 there were 535 Syrian refugees registered with UNHCR. (UNHCR, 23 June 2009) **[40g] (p2)**

TURKS

32.27 The USSD report for 2008 commented that generally refugee groups of Turkish Kurds were able to integrate successfully in the KRG. "For the 15,553 Turkish Kurds registered by UNHCR as refugees, UNHCR's

strategies included voluntary repatriation and local settlement, subject to negotiations with Turkey and the Iraqi government on a Tripartite Voluntary Repatriation Agreement and a Local Settlement/Resettlement Protocol for those willing to remain and integrate." **[2o] (p22)**

32.28 The USCRI report 2009, noted that Turkish Kurds numbered 16,120. **[44a] (p3)** "Turkish refugees in Makhmour refugee camp can move freely within the district, but they risk detention if they do not carry identification and authorization from camp authorities to leave the district for more than a day." **[44a] (p3)**

32.29 As of 31 March 2009 there were 15,758 Turkish refugees registered with UNHCR. (UNHCR, 23 June 2009) **[40g] (p2)**

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33. CITIZENSHIP AND NATIONALITY

33.01 Article 18 (2) of the constitution stipulates that: "Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi." Article 18 (3) states that "A: An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the right to demand its reinstatement. This shall be regulated by a law." And "B: Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law." The Constitution also provides for the right to multiple citizenship. **[82a] (p6)**

33.02 UNHCR's October 2005 COI report also stated: "… they are facing multiple problems linked to their status as previously stateless persons (e.g. proof of documentation of being an Iraqi national, access to PDS, right to vote). For those who were deprived of Iraqi nationality for other reasons and for whom the TAL stipulates the possibility of reacquiring Iraqi nationality, no reacquisition procedures have yet been put in place." **[40c] (p30)** The report further noted:

"Stateless persons originating from the three Northern Governorates have to provide documents showing their first degree relatives' Iraqi nationality in order to recover their nationality. As it is well known that Faili Kurds have often been stripped of all documentation and may therefore not be able to present the requested documents, local authorities have established mechanisms to review such cases. In the PUK-area, a committee comprised of representatives of the Governor's Office, the Ministry of Interior and prominent Faili Kurds has been established, while in the KDP-administered areas an interview at the Ministry of Interior will be conducted. Based on these interviews, a stateless person will be reinstated with his/her nationality if Iraqi origin can be confirmed." **[40c] (p138)**

33.03 An article by IRIN news, dated 12 December 2005, reported: "Ever since the enactment of new regulations after the fall of Saddam Hussein, the children of Iraqi women married to foreign nationals are no longer entitled to the same rights and services offered by the government to those of full Iraqi parentage." **[18w]** The UNHCR COI report, October 2005, mentioned:

"Persons that would de jure recover their nationality because of the retroactive cancelling of Decision No. 666 have, at this stage only received Interim Civil Status Identity Cards from the Civil Status Offices after having provided proof of their former Iraqi nationality (e.g. through the presentation of old Iraqi IDs, birth registration certificates or after the authorities' checking of the nationality registries in coordination with the Nationality Directorate within the Ministry of Interior). Furthermore, because the central authorities have not been providing sufficient blank certificates to the different governorates, the issuance of these documents is delayed. Iraqis whose Iraqi nationality was withdrawn for political, religious, racial or sectarian reasons and who have, according to Article 11(d) TAL the right to reclaim their nationality, are currently not able to do so due to the lack of any procedures in this regard." **[40c] (p138)**

33.04 The Refugees International report, 11 March 2009, stated: "UNHCR reports that 130,000 stateless persons are in Iraq. Children of mixed marriages,

specifically with an Iraqi mother and non-national father, face statelessness." **[119f] (p51)**

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34. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

34.01 No information was available to COI Service at the time of writing.

35. EXIT AND RETURN

35.01 The USSD report 2008 stated: "The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.

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

"There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced." **[2o] (p20-21)**

35.02 The Refugees International report, published on 15 April 2008, noted: "Syria and Jordan, the main safe havens for Iraqis since 2003, have now virtually closed their borders to new Iraqis." **[119c] (p12)** The ICG report of 10 July 2008 agreed, stating that "host countries that earlier welcomed refugees have since sealed their borders." **[25k] (p12)**

35.03 A report by Amnesty International, published in March 2008, stated: "the authorities in both Syria and Jordan introduced strict visa requirements on Iraqi nationals. A decree in Syria that took effect on 10 September 2007 barred Iraqi passport holders from entering the country except for business people and academics. The same month the Jordanian government said it would impose visa requirements on Iraqis entering the country, but did not say when. In reality, however, the Jordanian authorities had already introduced strict requirements for Iraqis wishing to enter the country after Iraqi suicide bombers attacked hotels in Amman at the end of 2005. For example, Iraqi men aged between 18 and 45 are frequently barred from entering the country. These new restrictions have all but cut off the last escape routes for Iraqis needing refuge from the violence in their country." **[28o] (p10)**

35.04 The same report also noted: "On 6 February 2008, UNHCR warned that Iraqis were once again leaving Iraq for Syria in greater numbers than they were returning. According to UNHCR, in late January 2008 an average of 1,200 Iraqis fled to Syria every day compared to around 700 who returned." **[28o] (p10)**

35.05 A UNHCR report on Iraqi refugees in Syria, Jordan and Lebanon, January 2009, stated:

"In October 2007, Syria imposed a requirement permitting only certain categories of Iraqis to obtain visas … this restriction marked the first time that Syria had imposed a visa requirement on a fellow Arab state… In November 2005, following the multiple suicide bombings in Amman, Jordan introduced tighter entry requirements, in particular for single males. In May 2008, Jordan extended visa requirements to the entire Iraqi community. These requirements necessitate applying for visas in Iraq before travelling or through Jordanian diplomatic missions abroad.

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

"As is the case with Syria and Jordan, Lebanon requires Iraqis to have visas to enter the country, but does not issue them at the border with Syria, thus forcing many Iraqis to enter Lebanon illegally." **[40d] (p19)**

35.06 The CSIS report, published 20 April 2009, stated "…Iraq's borders will always be porous. … Iraq's borders are too long, too remote, too rugged, and have too many long established smuggling routes and tribes dependant on smuggling to ever truly be secure. Smuggling into and out of Iraq is a problem that can be managed, but never eliminated." **[63c] (p133)**

35.07 The IRRICO report, 5 May 2009, commented: "The main [issue] is proving Iraqi nationality when return takes place with an emergency travel document. In case of a passport type S or G no problems are known. Customs regulations were set by the Iraqi government in 1984, but modifications were made to adapt to current trade situations." **[3a] (p10)**

35. 08 The MRG report of 24 September 2009 stated: "Saudi Arabia is building a fence along its border, primarily as a security measure to prevent the crossing of insurgents; it also has the effect of stopping Iraqis fleeing persecution from entering. The Iraqi government itself has in the past encouraged its neighbours to restrict access to asylum." **[121b] (p14)**

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS IN THE KRG AREA

35.09 The FCO report, 27 March 2009, noted:

"Mala Bakhtiar, PUK Politburo Member and Supervisor of PUK's Foreign Affairs Office in Sulaymaniyah stated that while he understood why countries sought to remove those with no legal basis to remain the UK's policy of enforced repatriation was unpopular. The PUK has publicised the negative aspects of migrating illegally overseas to discourage people from staying overseas without legal permission.

"Mala Bakhtiar, PUK stated that returnees, whether voluntary or involuntary, faced no difficulty with the KR authorities and were welcome to return to their normal life. However, many returnees had committed all their resources to leaving the KR and when returned forcibly from overseas they returned to nothing. It was hard for returnees to find work. Mala Bakhtiar suggested that countries wishing to return people should work collaboratively with the KRG to find a solution to the problem, particularly to address the causes of migration. Countries returning people should fund projects to assist returnees with their reintegration in the KR, particularly help with employment, accommodation and educational needs. Children born or raised overseas might not speak Kurdish proficiently and would need tuition to help them integrate.

"Dana Ahmed Majed, Governor of Sulaymaniyah stated that returnees from overseas faced difficulties securing employment and accommodation. Funding for enforced returnees from the countries sending them home to the KR was insufficient. Returnees were always welcome home but there is public concern about enforced returns. Emigrants had given up everything to leave and face hardship on return. There had been a few cases of people from the KR being returned to Baghdad but they had faced difficulties in Baghdad. It was better to bring returnees directly to the KR. Sweden also

enforced returns to Iraq. Other EU countries considering starting enforced returns had visited the KR recently.

"Governor Dana Ahmed Majed stated that some returnees found it hard to find work as employers were reluctant to accept them as they usually had no record of their work experience while they were overseas.

"Hewa Jaff, Director of Foreign Affairs, Sulaymaniyah Governorate, also stated that enforced returns from the UK were unpopular in the KR. He stated that countries returning people forcibly to the KR should offer to support returnees and suggested assisting returnees with professional backgrounds to secure employment.

"Nawshiran Mustafa, independent politician, former PUK Deputy Leader and Politburo member, Sulaymaniyah, did not consider that there was any stigma faced by returnees to the KR who had been removed forcibly from the countries in which they could no longer remain legally. The main challenge they face is in re-establishing themselves in the KR, particularly in gaining employment. It is difficult for returnees to secure work in the public sector, where political affiliation to the KDP or PUK is a prerequisite for recruitment and advancement.…

"Dr Khalid Ali Abdullah, Director General of the Department of Health, Erbil Governorate stated that returnees from overseas would face no difficulty accessing health services in the KR." **[66d] (p24-25)**

See also Medical Issues

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36. EMPLOYMENT RIGHTS

36.01 The Iraqi constitution provides for the right to form and join unions freely. **[82a]** The Freedom House report for 2008, published on 16 July 2009, further stated:

"The constitution provides for the right to form and join professional associations and unions, although Iraq's 1987 labor law remains in effect, prohibiting unionization in the public sector. Union activity has flourished in nearly all industries since 2003, and strikes have not been uncommon. In 2005, the ITG promulgated Decree 8750, which gave authorities the power to seize all union funds and prevent their disbursal. Though it promised that a new labor law would be passed under the permanent government, no such law has been forthcoming, even though a pro-union parliamentary committee was established to revise the decree and advance International Labor Organization-compliant labor laws that were drafted in 2004." **[70a] (p6)**

36.02 The UN World Food Programme report: Food Security and Vulnerability Analysis in Iraq, published 14 February 2008, commented that "Decades of conflict and economic sanctions have had serious effects on Iraqis. Their consequences have been rising unemployment, illiteracy and, for some families, the loss of wage-earners. …

"Unemployment: is a major problem in Iraq. Human capital and skills of the poor are very low and there are serious problems for the poor to enter into the current labour market where prevailing security conditions do not necessarily make it an attractive proposition. Job creation is key to reducing vulnerability to food insecurity in Iraq. Private and public sector job creation activities could serve the dual purpose of improving infrastructure and transferring cash to Iraq's poorest households." **[145a] (p2)**

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Annex A: Chronology of major events

1958 **14 July**: The monarchy is overthrown. The new Government consists of military and civilian members under Brigadier Abd Al-Karim Qassem. **[4i]**

1963 **February**: Qassem is ousted in a coup organised by nationalist and Ba'athist officers, who then seizes power under Abd Al-Salam Aref. **[4i]**

1968 **17 July**: A group of Ba'athist officers led by Ahmad Hasan Al-Bakr organise another coup.
30 July: Ahmad Hasan Al-Bakr made President, and Saddam Hussein is appointed Deputy President. **[4i]**

1979 **16 July**: Ahmad Hasan Al-Bakr resigns as President in favour of Saddam Hussein. At this time, real power moves away from the Ba'ath Party and almost exclusively to Saddam Hussein. **[4i]**

1980 **September**: Saddam Hussein orders Iraqi forces into western Iran, which starts the Iran/Iraq war (also at the time, called the 'Gulf War'). Around this time, Saddam also expels many Iraqis of possible Iranian extraction, mainly Shi'a, from Iraq. They are taken to the Iranian border and left. Many remain there, although some travel to other countries and claim asylum. **[4i]**

1987 **June**: The UN pass Resolution 598, which calls for a cease-fire of the Iran/Iraq war. **[4i]**

1988 **16 March**: Saddam launches the Anfal Campaign. This involves chemical bombing against the Kurds residing in the north of Iraq. Many thousands of Kurds are killed or disappear during this campaign. Halabja is the most publicised town; as many as 5,000 people were poisoned there by chemical gases. This campaign is initially set up to resettle Kurds to where they are more easily controlled. **[4i]**

20 August: A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIIMOG). **[4i]**

1990 **2 August:** Iraq invades Kuwait and is condemned by UN Security Council (UNSC) Resolution 660 which calls for full withdrawal. **[4i]**
6 August: UNSC Resolution 661 imposes economic sanctions on Iraq. **[4i]**

29 November: UNSC Resolution 678 authorises the states co-operating with Kuwait to use 'all necessary means' to uphold UNSC Resolution 660. **[4i]**

3 March: Iraq accepts the terms of a cease-fire. **[4a] [4i]**

October: The Iraqi Government withdraws its armed forces from the north, together with police units and pro-Ba'ath employees from the governorates of Erbil, Sulyamaniya and the Dahuk areas which it had occupied.

1994 **29 May:** Saddam Hussein becomes Prime Minister. **[4i]**

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

The main text of this COI Report contains the most up-to-date publicly available information as at 10 November 2009. Further brief information on recent events and reports has been provided in the Latest News section to 10 December 2009.

1995 **15 October:** Saddam Hussein wins a referendum allowing him to remain President for another seven years. **[4i]**

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

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

16-20 December: 'Operation Desert Fox' - The US and UK launch air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes. **[1a] (p488 - 489) [1b] (p2185)**

1999 **January and February:** Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft causes the latter to respond in self-defence. **[1a] (p489)**

December: The UNSC adopts Resolution 1284 (1999) which creates a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body is established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. **[1a] (p490)** Iraq rejects the resolution. **[4i]**

2001 **February:** Britain and US carry out bombing raids in an attempt to disable Iraq's air defence network. **[4i]**

May: Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party. **[4i]**

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

16 October: Saddam Hussein wins 100 per cent vote in a referendum ensuring him another seven years as President.

27 November: UN weapons inspectors resume inspections within Iraq after a four-year absence. They are backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms. **[4i] [1b] (p2188)**

2003 **March:** Chief weapons inspector Hans Blix reports that Iraq has accelerated its co-operation with the UN but says inspectors need more time to verify Iraq's compliance. **[4i]**
20 March: American missiles hit targets in Baghdad, marking the start of a US-led campaign to topple Saddam Hussein. In the following days US and British ground troops enter Iraq from the south. **[4i]**

9 April: US forces advance into central Baghdad. Saddam Hussein's grip on the city is broken. In the following days Kurdish fighters and US forces take control of the northern cities of Kirkuk and Mosul. There is widespread looting in the capital and other cities. **[4i] [1b] (p2189)**
April: US lists 55 most-wanted members of former regime in the form of a

deck of cards. Former deputy prime minister Tariq Aziz is taken into custody. **[4i]**

1 May: President Bush officially declares an end to 'major combat operations'. **[1b] (p2189)**
May: UNSC approves resolution backing US-led administration in Iraq and lifting of economic sanctions. US administrator abolishes Ba'ath Party and institutions of former regime. **[4i]**

July: Interim Governing Council (IGC) meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay are killed in gun battle in Mosul. **[4i]**

October: UNSC approves amended US resolution on Iraq giving new legitimacy to US-led administration but stressing early transfer of power to Iraqis. **[4i]**

15 November: IGC unveils accelerated timetable for transferring country to Iraqi control. **[1b] (p2189)**

13 December: Saddam Hussein is captured. **[1b] (p2190)**

2004 **1 February:** More than 100 people are killed in Erbil in a double suicide attack on the offices of PUK and KDP. **[21c] [4i] [6s] (p14)**

March: IGC agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands. **[1b] (p2190)**

April: US forces surround and blockade Fallujah. 100 Iraqis are reportedly killed in five days of fighting. Two members of the interim cabinet resign in protest. **[1b] (p2190)**
29 April: Photos, many of which were taken in Autumn 2003, released of US human rights abuses in Abu Ghraib. **[18m] (p1) [6s] (p7)**

28 May: The 25 members of Iraq's IGC choose Ayad Allawi, a former Ba'athist turned CIA supporter, to serve as the country's interim prime minister after the June 30 handover. **[6s] (p5)**

28 June: Iraq's US-led administration transfers sovereignty to the IGC in a surprise move two days ahead of the scheduled handover. Paul Bremmer, the US governor, signs over control of the country and responsibility for dealing with its escalating security troubles to the interim Prime Minister, Ayad Allawi, in Baghdad. **[6s] (p3)**

1 August: A series of co-ordinated explosions on churches across Baghdad and Mosul. Twelve people are killed and 40 others wounded. **[3a] (p46177)**
August: Ferocious fighting erupts in Najaf breaking a cease-fire agreement. **[6s] (p1)** Clashes also break out in Baghdad's Sadr City slum, and in the southern towns of Kut and Amara, while demonstrators in Nassiriya torch prime minister Ayad Allawi's political party office. **[67a] (p1)**
27 August: The 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shi'a leader. Iraqi Shi'a militants are instructed to lay down their arms and leave the Imam Ali shrine – Shi'a Islam's holiest. **[4c]**

8 November: The US and Iraqi forces began their offensive against the Sunni rebel city of Fallujah. **[20a]**

2005 **30 January:** The multi-party national elections are held in Iraq. **[6v]** The Shi'a United Iraqi Alliance (UIA) wins with 48 per cent of the votes cast and 140 seats in the 275-seat National Assembly. **[4n] [17c]** The Kurdistan Alliance List, led by Jalal Talabani, obtains 26 per cent of the vote and 75 seats in the National Assembly, while the Al-Qaimah al-Iraqiyah (Iraqi List), led by the interim Prime Minister Ayad Allawi, gains third place with 14 per cent and 40 seats. **[4r] [6t]**

April: Parliament selects Kurdish leader Jalal Talabani as president; Ibrahim Jaafari, a Shi'a, is named as prime minister. The formation of a new government comes amid escalating violence. **[4i]** A new Council of Ministers is approved by the TNA on 28 April 2005. **[1c] (The Government) [6j] (p6) [38b] (p2)**

May: The Iraqi government announces a huge counter-insurgency operation in Baghdad, with 40,000 troops being deployed on the streets over the next week to stop the attacks that have killed more than 650 people in the past month. **[6j] (p3)**

June: Massoud Barzani is sworn in as regional president of Iraqi Kurdistan. **[4i]**

August: Draft constitution is endorsed by Shi'a and Kurdish negotiators, but not by Sunni representatives. **[4i]**

14 September: Al-Zarqawi, leader of Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers), declares all-out war on the majority Shi'ite community. **[18i] (p3)**

15 October: Voters approve a new constitution in a national referendum. **[4i] [18i] (p4)**
19 October: Saddam Hussein goes on trial on charges of crimes against humanity; his supporters in the Sunni community demonstrate in the streets, demanding that US-led forces be put in the dock instead. **[4i] [18i] (p4)**

15 December: Iraqis vote for the first, full-term government and parliament since the US-led invasion; they had a choice of 228 registered coalitions and political entities, including the full participation of the Sunni parties. **[4i] [18i] (p4)** The Independent Electoral Commission of Iraq (IECI) announces a 70 percent turnout for the elections, but says 200 reported cases of fraud could delay final results. Violations in 18 polling stations countrywide are reported by IECI officials who launch an investigation. **[18i] (p5)**
20 December: Sunni Arab parties claim the results of the parliamentary contests are inaccurate after initial results show nearly 59 per cent of the vote going to the Shi'ite United Iraqi Alliance. Sunnis represent about 20 per cent of the Iraqi population, while Shi'ites are generally recognised as comprising about 60 per cent. **[18i] (p5)**

2006 **20 January:** Preliminary results show that the Shia-led United Iraqi Alliance emerge as the winner of December's parliamentary elections, but fail to gain an absolute majority. **[4i]**

22 February: A bomb attack on the al-Askari holy Shia shrine in Samarra, unleashes a wave of sectarian violence. **[4i]**

22 April: Nouri Kamel al-Maliki (also known as Jawad al-Maliki) is approved as prime minister ending four months of political deadlock. **[18a]**

8 June: Parliament elects the final three key security posts to complete the government of national unity. **[38g] (p2)**
14 June: Government launches a security plan for Baghdad. **[38g] (p2)**
25 June: Al-Maliki unveils the National Reconciliation Plan. **[38g] (p2)**

7 September: The US military formally transfer command of the Iraqi armed forces to the Iraqi government. **[22s]**

November: Saddam Hussein is found guilty of crimes against humanity and sentenced to death. **[4i]** Iraq and Syria restore diplomatic relations after nearly a quarter century. **[4i]**

30 December: Saddam Hussein is executed by hanging. **[4i]**

2007 **January:** Barzan Ibrahim - Saddam Hussein's half-brother - and Awad Hamed al-Bandar, former head of the Revolutionary Court, are executed by hanging. **[4i]**

February: A bomb in Baghdad's Sadriya market kills more than 130 people. It is the worst single bombing since 2003. **[4i]**

March: Insurgents detonate three trucks with toxic chlorine gas in Falluja and Ramadi, injuring hundreds. Former Vice-President Taha Yassin Ramadan is executed on the fourth anniversary of the US-led invasion. **[4i]**

12 April: A bomb blast rocks parliament, killing an MP. **[4i]**

18 April: Bombings in Baghdad kill nearly 200 people in the worst day of violence since a US-led security drive began in the capital in February. **[4i]**

May: The leader of al-Qaeda in Iraq, Abu Ayyub al-Masri, is reported killed. **[4i]**

August: The main Sunni Arab political bloc in Iraq, the Iraqi Accordance Front, withdraws from the cabinet, plunging the government into crisis. Truck and car bombs hit two villages of Yazidi Kurds, killing at least 250 people - the deadliest attack since 2003. Kurdish and Shia leaders form an alliance to support Prime Minister Maliki's government but fail to bring in Sunni leaders. **[4i]**

October - Turkish parliament gives go-ahead for military operations in Iraq in pursuit of Kurdish rebels. Turkey comes under international pressure to avoid an invasion. The number of violent civilian and military deaths continues to drop, as does the frequency of rocket attacks. Karbala, the mainly Shia province, becomes the 18th province to be transferred to local control. **[4i]**
December - Turkey launches an aerial raid on fighters from the Kurdish PKK movement inside Iraq. Britain hands over security of Basra province to

Iraqi forces, effectively marking the end of nearly five years of British control of southern Iraq. **[4i]**

2008 **January** - Parliament passes legislation allowing former officials from Saddam Hussein's Baath party to return to public life. **[4i]**

February - Suicide bombings at pet markets in Baghdad kill more than 50 people in the deadliest attacks in the capital in months. Turkish forces mount a ground offensive against Kurdish rebels in northern Iraq. **[4i]**

March - Unprecedented two-day visit by Iranian president, Mahmoud Ahmadinejad, to Iraq. Prime Maliki orders crackdown on militia in Basra, sparking pitched battles with Moqtada Sadr's Mehdi Army. Hundreds are killed. **[4i]**

April - Sadr threatens to scrap Mehdi Army truce which he declared in August 2007. US military commander in Iraq, General David Petraeus, tells Congress he plans to halt US troop withdrawals because of fragile security gains. **[4i]**

June - Australia ends its combat operations in Iraq. Mr Maliki pays third visit to Iran since taking office as premier. He seeks to allay Iranian fears over proposed indefinite extension of US military presence in Iraq by saying he will not allow his country to be used as a launch pad for an American attack on Iran. **[4i]**

July - Prime Minister Maliki for the first time raises the prospect of setting a timetable for the withdrawal of US troops as part of negotiations over a new security agreement with Washington. The main Sunni Arab bloc, the Iraqi Accordance Front, rejoins the Shia-led government almost a year after it pulled out. **[4i]**

September - US forces hand over control of the western province of Anbar to the Iraqi government. Once a flashpoint of the anti-US insurgency and later an al-Qaeda stronghold, Anbar is the first Sunni province to be returned to Baghdad's Shia-led government. Iraqi parliament passes provincial elections law after long debates. Issue of contested city of Kirkuk set aside so that elections can go ahead elsewhere. **[4i]**

October - Members of the Baghdad Awakening Council, estimated to number about 54,000, move to the Iraqi government payroll, with other members of the Sunni militia councils set to follow. The US military says al-Qaeda in Iraq's second-in-command has been killed during a raid in the northern city of Mosul, and that the group's top commander in east Baghdad has also been killed. The government sends extra police to Mosul to protect the city's Christians after a spate of killings blamed on al-Qaeda. **[4i]**

November - The Iraqi cabinet approves a military pact which will allow US troops to stay in Iraq until the end of 2011. Iraq's parliament is to vote on the agreement. **[4i]**

2009 **January** - Iraq takes control of security in Baghdad's fortified Green Zone and assumes more powers over foreign troops based in the country. Prime Minister Nouri Maliki welcomes the move as Iraq's "day of sovereignty".

A suicide bomber kills and wounds dozens at a feast for Sunni Arab electoral candidates and tribal leaders in the town of Yusufiyah, near Baghdad.

The new US embassy in Baghdad - one of the largest and most expensive ever built - is officially opened amid heavy security. **[4i]**

February - The political bloc headed by Prime Minister Nouri al-Maliki scores big wins in provincial elections. **[4i]**

March - US President Barack Obama announces withdrawal of most US troops by end of August 2010. Up to 50,000 of 142,000 troops now there will stay on into 2011 to advise Iraqi forces and protect US interests, leaving by end of 2011.

Three suicide attacks in a week kill 33 people at a reconciliation conference in western Baghdad, more than 30 in the east of the city at the main police academy, and ten at a cattle market in Babel.

Commander of UK forces in southern Iraq hands over to a US general, marking the beginning of Britain's official withdrawal. **[4i]**

April - Parliament elects Ayad al-Samarrai of Sunni Arab Alliance as speaker, filling vacancy left when Mahmoud al-Mashhadani stepped down in December 2008. The post is reserved for Sunni Arabs by agreement among political leaders. **[4i]**

2009 June - US troops withdraw from towns and cities in Iraq, six years after the invasion, having formally handed over security duties to new Iraqi forces. **[4i]**

2009 July - New opposition forces make strong gains in elections to the regional parliament of Kurdistan, but the governing KDP and PUK alliance retains a reduced majority. Masoud Barzani (KDP) is re-elected in the presidential election. **[4i]**

2009 October - Prime Minister Al-Maliki announces the formation of a new political grouping of 40 parties, called the State of Law, after a split in the broad Shia United Iraqi Alliance that won the 2005 elections. **[4i]**

Two car bombs near the Green Zone in Baghdad kill at least 155 people, in Iraq's deadliest attack since April 2007. **[4i]**

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Annex B: Political organisations

Assyrian Socialist Party
Refounded 2002. The Assyrian Socialist Party calls for the establishment of an Assyrian nation. (Europa, Date accessed 8 September 2009) **[1a] (Political Organisations)**

Bet-Nahrain Democratic Party (BNDP) www.bndp.net
Founded 1976 **[1a] (Political Organisations)** The BNDP sought the establishment of an autonomous state for Assyrians in Bet-Nahrain (Iraq). Its Secretary-General was Youash Jon Youash. **[1a] (Political Organisations)**

Democratic Assyrian Movement (Zowaa Dimuqrataya Aturaya – Zowaa)
www.zowaa.org
Founded 1979. The Democratic Assyrian Movement recognised the Assyrian rights within framework of democratic national government. Its Secretary-General was Younadam Yousuf Kana. **[1a] (Political Organisations)**

Free Officers and Civilians Movement
Formed 1996. It was formerly known as the Free Officers' Movement. Its founder and Leader was Brigadier-General Nagib as-Salihi. **[1a] (Political Organisations)**

Independent Democratic Movement (IDM) (Democratic Centrist Tendency)
Founded 2003. It sought a secular and democratic government of Iraq. Its founder Adnan Pachachi returned from exile in the United Arab Emirates in 2003. **[1a] (Political Organisations)**

Independent National Elites and Cadres
The Independent National Elites and Cadres were apparently linked to Shi'ite cleric Muqtada as-Sadr. Its leader was Fatah esh-Sheik. **[1a] (Political Organisations)**

Iraqi Communist Party (ICP) www.iraqcp.org
Founded 1934. It became legally recognised in July 1973 on formation of National Progressive Front. It left National Progressive Front in March 1979 and contested elections of January 2005 on People's Union list. Its first Secretary was Hamid Majid Moussa. **[1a] (Political Organisations)**

Iraqi Constitutional Monarchy (ICM) www.iraqcmm.org
Founded 1993; fomerly Constitutional Monarchy Movement; 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] (Political Organisations)

Iraqi Islamic Party (IIP) (al-Hizb al-Islami al-'Iraqi) www.iraqiparty.com
Founded 1960. The Sunni party, had affiliations with the wider Muslim Brotherhood in the Middle East. **[4q] (p6-7)** The IIP boycotted elections of January 2005. **[1a] (Political Organisations)** Although the Iraqi Islamic Party branded the elections illegitimate and refused to participate in the transitional administration, the party had been in negotiations with the veteran Sunni politician Adnan Pachachi, who wanted Sunni groups to take part in shaping the new constitution. **[4q] (p6-7)** Its Secretary-General was Tariq al-Hashimi. **[1a] (Political Organisations)**

Iraqi List (Al-Qaimah al-Iraqiyah)

Formed prior to the January 2005 elections. **[1a] (Political Organisations)** The IWPR report (accessed on 27 January 2005) observed that "The Iraqi List, or Al-Qaimah al-Iraqiyah, is a bloc led by [former] Prime Minister Ayad Allawi, and put together by his National Accord Party." **[11p]** The Iraqi List consists of a number of political organisations, including the INA. **[1a] (Political Organisations)** The Iraqi List included a mixture of Sunnis and Shi'as, although most of its leading figures were Shi'as. **[6p]**

Iraqi National Accord (INA) www.wifaq.com
Founded 1990. **[1a] (Political Organisations)** The former interim Prime Minister, General Dr Ayad Allawi, was the founder and Secretary-General. **[1a] (Political Organisations)**

Iraqi National Alliance (INA) (at-Tahaluf al-Watani al-Iraqi)
Founded 1992. The Iraqi National Alliance was formerly based in Syria. It was opposed to sanctions and US-led invasion of Iraq and supported a constitutional multi-party government. Its leader was Abd al-Jabbar al-Qubaysi. **[1a] (Political Organisations)**

Iraqi National Congress (INC) www.inc.org.uk
Founded 1992 in London, United Kingdom, as a multi-party coalition supported by the US Government; following the removal of the regime of Saddam Hussain, the INC moved to Baghdad and was transformed into a distinct political party; contested Jan. 2005 elections as part of the United Iraqi Alliance (UIA), but split to form National Congress Coalition for Dec. 2005 legislative elections, at which it failed to win any seats. Leader Ahmad Chalabi. **[1a] (Political Organisations)**

Iraqis (Al-Iraqiyun)
Founded 2004; moderate; includes both Sunnis and Shi'ites; joined INL to contest Dec. 2005 legislative elections. Leader Sheikh Ghazi Mashal Ajil al-Yawar.
[1a] (Political Organisations)

Iraqi Turkmen Front (Irak Türkmen Cephesi) www.kerkuk.net
Founded 1995. The Iraqi Turkmen Front is a coalition of 26 coalition of Turkmen groups. It seeks autonomy for Turkmen areas in Iraq and recognition of Turkmen as one of main ethnic groups in Iraq, and supports establishment of multi-party democratic system in Iraq; contests status of Kirkuk with Kurds. Its leader was Sadettin Ergeç and the Secretary-General was Yunus Bayraktar. **[1a] (Political Organisations)**

ICG noted, in their report of 28 September 2009, that the Iraqi Turkomen Front were "a coalition of Turkoman parties as well as social and cultural associations that was founded and is still funded and heavily influenced by Turkey – has espoused a more 'nationalistic' and unitary view of Iraq. … The front comprises mainly Sunni members, many of whom served at high levels in the Baath government and national army." **[25d] (p34)**

Islamic Action Organization (Munazzamat al-Amal al-Islami)
Founded 1961; also known as Islamic Task Organization; Shi'ite; contested Jan. 2005 elections as mem. of UIA. **[1a] (Political Organisations)** Leaders Sheikh Muhammad Taqi al-Mudarrisi, Hassan Shirazi, Muhammad Hussain Shirazi.
[1a] (Political Organisations)

Islamic Dawa Party (Hizb ad-Da'wa al-Islamiya) www.islamicdawaparty.org
Founded 1957 in Najaf; banned 1980; formerly based in Tehran, Iran, and London, re-established in Baghdad 2003; contested Jan. and Dec. 2005 elections as part of UIA coalition; predominantly Shi'ite, but with Sunni mems; advocates government

centred on the principles of Islam. General Secretary Nuri Kamal (Jawad) al-Maliki. **[1a] (Political Organisations)**

Islamic Group of Kurdistan (Komaleh Islami)
Founded in 2001 as splinter group of the Islamic Movement of Iraqi Kurdistan (IMIK), described by Europa as moderate Islamist aligned with the PUK. Its founder and leader was Mullah Ali Bapir. **[1a] (Political Organisations)**

Islamic Movement in Iraq
The Islamic Movement in Iraq was a Shi'ite party and also a member of SCIRI. Its leader was Sheikh Muhammad Mahdi al-Kalisi. **[1a] (Political Organisations)**

Islamic Movement in Iraqi Kurdistan (IMIK) www.bzotnawa.net
Founded 1987. Its founder and leader was Sheikh Uthman Abd al-Aziz. **[1a] (Political Organisations)**

Islamic Supreme Council of Iraq (ISCI) www.almejlis.org
Founded 1982 as the Supreme Council for the Islamic Revolution in Iraq; name changed as above in 2007; Shi'ite; seeks government based on principle of *wilayat-e-faqih* (guardianship of the jurisprudent). The military arm of SCIRI, the Badr Organisation, formerly known as the Badr Organization (formerly Badr Brigade), is mainly active in Shi'a-dominated southern Iraq. **[1a] (Political Organisations)** Its leader is Abd al-Aziz al-Hakim. **[1a] (Political Organisations)**

Jamaat as-Sadr ath-Thani (Sadr II Movement)
Founded 2003. It was a Shi'ite group that opposed the presence of US-led coalition in Iraq. Its leader was Hojatoleslam Muqtada as-Sadr. **[1a] (Political Organisations)**

Jund al-Imam (Soldiers of the [Twelfth] Imam)
Founded 1969. Jund al-Imam was a Shi'ite group and a member of SCIRI. Its leader was Sa'd Jawad Qandil. **[1a] (Political Organisations)**

Kurdistan Alliance List (Democratic Patriotic Alliance of Kurdistan – DPAK)
Founded 2004, The Kurdistan Alliance List was a coalition of 11 parties, including the PUK, the KDP, the Kurdistan Communist Party, Kurdistan Islamic Union and Kurdistan Toilers Party. **[1a] (Political Organisations)**

Kurdistan Communist Party www.kurdistancp.org
Founded 1993. The Kurdish Communist Party was a branch of the Iraqi Communist Party. Its leader was Kamal Shakir. **[1a] (Political Organisations)**

Kurdistan Democratic List
The Kurdistan Democratic List was a coalition list of seven parties formed to contest the elections to the Iraqi Kurdistan National Assembly in January 2005. It included the KDP, the BNDP and the Assyrian Patriotic Party. **[1a] (Political Organisations)**

Kurdistan Democratic Party (KDP) www.kdp.pp.se
Founded 1946. Europa World Online (accessed on 31 August 2005) noted that the KDP "seeks to protect Kurdish rights and promote Kurdish culture and interests through regional political and legislative autonomy, as part of a federative republic." Ali Abdullah was the vice President of the KDP and Masoud Barzani was the President. **[1a] (Political Organisations)**

Kurdistan Islamic Union www.kurdiu.org

Founded 1991. The Kurdistan Islamic Union seeks establishment of an Islamic state in Iraq which recognises the rights of Kurds. It was also a branch of the Muslim Brotherhood. Its Secretary-General was Salaheddin Bahaeddin. **[1a] (Political Organisations)**

Kurdistan Socialist Democratic Party (KSDP) www.psdkurdistan.com
Founded 1994. The KSDP was a splinter group of the KDP, aligned with the PU. It joined Kurdistan Alliance List for December 2005 legislative elections. Its leader was Muhammad Haji Mahmud. **[1a] (Political Organisations)**

Kurdistan Toilers Party (Hizbi Zahmatkeshani Kurdistan) www.ktp.nu
Founded 1985 The Kurdistan Toilers Party advocated a federal Iraq and was closely associated with the Kurdistan Socialist Democratic Party (KSDP). Its leader was Qadir Aziz. **[1a] (Political Organisations)**

National Democratic Party (al-Hizb al-Watani ad-Dimuqrati)
Founded 1946. It's leaders were Nasir Kamal al-Chaderchi, Hudayb al-Hajj Mahmoud. **[1a] (Political Organisations)**

National Foundation Congress
Founded 2004. The National Foundation Congress was a multi-party coalition that included Nasserites, pre-Saddam Hussein era Ba'athists, Kurds, Christians, Sunnis and Shi'ites. It sought secular government of national unity and peacefully opposed the presence of the US-led coalition in Iraq. It is led by 25-member secretariat. Its General Secretary was Sheikh Jawad al-Khalisi. **[1a] (Political Organisations)**

National Rafidain List (Al-Rafidayn)
Founded 2004. The National Rafidain List was an Assyrian-Christian list headed by the Assyrian Democratic Movement. Its leader was Younadam Kana. **[1a] (Political Organisations)**

Patriotic Union of Kurdistan (PUK) www.puk.org
Founded 1975. Europa World Online (accessed on 31 August 2005) explained that the PUK "seeks to protect and promote Kurdish rights and interests through self-determination." **[1a] (Political Organisations)** The BBC also noted, on 6 April 2005 that:

"The party has traditionally drawn its support from among the urban population and radical elements in Kurdish society. The PUK stronghold is Sulaymaniya and the south-eastern part of Iraqi Kurdistan – with the rival Kurdistan Democratic Party, KDP, to the north and west. It commanded a militia force of more than 20,000 peshmerga fighters – making it a key military asset for its US allies." **[4r]**

Socialist Nasserite Party (Hizb al-Ishtiraqi an-Nasiri)
Founded 2003. Europa World Online (accessed on 31 August 2005) mentioned that it was a merger of Iraqi Socialist Party, Vanguard Socialist Nasserite Party, Unity Socialist Party and one other party. Its leader was Mubdir al-Wayyis. **[1a] (Political Organisations)**

Turkmen People's Party (Turkmen Halk Partisi) http://www.angelfire.com/tn/halk/
Its leader was Irfan Kirkukli. **[1a] (Political Organisations)**

United Iraqi Alliance (UIA)
The UIA was a list of 22 mainly Shi`ite parties, that included Hizb ad-Da`wa al-Islamiya, SCIRI, the Islamic Action Organization and the INC. The UIA was apparently backed by Iraq's most senior Shi`ite cleric, Ayatollah Ali as-Sistani. Abd

al-Aziz Hakim was the leader of the UIA. **[1a] (Political Organisations)** The BBC report, dated 31 January 2005, observed that "The list is dominated by Shia Muslims, but also includes Christians, Turkomans, Sunnis and Kurds." **[4q] (p3)**

United Iraqi Scholars' Group
Founded 2004. It was a pan-Iraqi coalition of 35 parties who were opposed to the presence of US-led coalition in Iraq. Its leader was Sheikh Jawad al-Khalisi. **[1a] (Political Organisations)**

Worker Communist Party of Iraq (WCPI) www.wpiraq.net
Founded in 1993 by Mansoor Hekmat and held its first congress in July 2004.) **[77a]** Political Parties of the World 2005 noted that "The WCPI is based in Kurdistan, and although the party considers Kurdish autonomy as regression into non-progressive nationalism it demands a referendum on the issue of Kurdish autonomy so that 'the people of Kurdistan control their own destiny'. … In 2003 it launched ferocious verbal assaults on and arranged large demonstrations against the US 'annihilation war' against Iraq." **[56a] (p316)**

The WCPI was an illegal communist party in both the PUK and KDP controlled areas. It was opposed the Saddam regime as well as the PUK and KDP administrations. **[77a]**

Dr Rebwar Fatah Associates claim in a report, dated 28 November 2005, that members of the WCPI were at risk from persecution in the PUK and KDP controlled areas and as most member of the WCPI were Kurds there was a strong possibility that they were not generally safe in the rest of Iraq. **[77a]**

The WCPI were very critical of 'honour killings' as well as the Quran. They also publicly condemned Islamic beliefs replacing them with autistic and western ideas, including freedom of gender equality. This angered many Islamists. **[77a]**

The WCPI publish a news letter called Iraq Weekly. **[77a]** Its leader was Rebwar Ahmad. **[77a]**

ILLEGAL POLITICAL ORGANISATIONS

Ba'ath Arab Socialist Party (Hizb a-Baath al-Arabi al-Ishtiraki)
The UNHCR guidance note, October 2005, stated that "The Iraqi Ba'ath Party was founded in 1951 and had 500 members three years later. The party came to power on 8 February 1963 in a coup backed by the Army, overthrowing Brigadier Abdel Karim Qasim – who himself had overthrown the British-installed Iraqi monarchy in 1958." **[40a] (p38)** The party was banned in 2003 following the US invasion of Iraq. **[56a] (p312)** Political Parties of the World 2005 stated that "Thereafter Ba'ath party members were excluded from participation in political life and national administration by the occupying powers, a position that proved increasingly untenable in the face of the rise of Islamist and other groups previously kept under control by the Ba'ath regime." **[56a] (p312)**

The UNHCR guidance note, October 2005, noted that: "At the lowest level, (Ba'ath Party) study circles (halaqa) and cells (kheliya) held weekly meetings with a dozen or so activists from the same neighbourhood or sector. They talked about current events, or the party version of them, in line with the inclinations of the regime. Basic instructions were issued; any irregularities observed during the week were discussed with the cell leaders and written up in obligatory reports. The party's divisions (firqa), which included all the cells within a district office or factory, occupied the next highest

level, and then the sections (shu'ba) and branches (fara') which made up urban areas or Governorates (Iraq has 18 Governorates, three of which have Kurdish majorities and are currently autonomous).

"Unlike the cells, the sections and branches enjoyed considerable privileges. They were legally authorized to incarcerate suspects using extra-judicial procedures; they took over many of the traditional functions of police, especially outside Baghdad; and they ran specialized bureaus for cultural, agricultural and other matters. In each Governorate, the organizational command (qiyadat al tanzim) was the supreme authority, alongside the traditional civil service. The Ba'ath Party duplicated, infiltrated, subverted and competed with the state apparatus.

"On top of this structure sat the regional command (quiyadat al qutr) which in theory was made up of directors democratically elected at party conventions; in reality such voting only served to confirm Saddam's nominees. The regional command's bureaus served as quasi-ministries responsible for military and cultural affairs. They also oversaw a parallel diplomatic corps, together with vast social groups, including farmers, workers and young people. Party membership was a prerequisite for military personnel, and the army was divided into cells that reported to the Ba'ath Party military bureau and monitored any dissent within the ranks. The Party's security services guaranteed loyalty and orthodoxy within the party." **[40a]**

The FCO on 20 September 2004 categorised the ranks of the Ba'ath party as below, from junior to senior:

> "Sadiq (friend)
> Mu'ayyid (supporter)
> Nasir (partisan)
> Nasir Mutaqaddam (Senior Partisan)
> Rafiq (Comrade)
> Udw Firqa (Division Leader)
> Udw Shu'ba (Section Leader)
> Udw Fara' (Branch Leader)" **[66b]**

The UNHCR guidance note, October 2005, stated that: "The basic organizational unit of the Ba'ath was the party cell or circle (halaqah). Composed of between three and seven members, cells functioned at the neighbourhood or village level, where members met to discuss and to carry out party directives. A minimum of two and a maximum of seven cells formed a party division (firqah). Divisions operated in urban quarters, larger villages, offices, factories, schools and other organizations. Division units were spread throughout the bureaucracy and the military, where they functioned as the eyes and ears of the party. Two to five divisions formed a section (shabah), which operated at the level of a large city quarter, a town or a rural district. Above the section was the branch (fira), which was composed of at least two sections and which operated at the provincial level. There were twenty-one Ba'ath Party branches in Iraq, one in each of the 18 Governorates and three in Baghdad. The union of all the branches formed the party's congress, which elected the Regional Command.

"The Regional Command was both the core of the party leadership and the top decision-making body. It had nine members who were elected for five-year terms at regional congresses of the party. Its Secretary General (also called the regional secretary) was the party's leader, and its Deputy Secretary General was second in rank and power within the party hierarchy. The members of the command were theoretically responsible to the Regional Congress that, as a rule, was to convene

annually to debate and approve the party's policies and programmes. In actuality, the members to be 'elected' by the Regional Congress were chosen by Saddam Hussein and the other senior party leaders, a formality seen as essential to the legitimation of party leadership.

"Above the Regional Command was the National Command of the Ba'ath Party, the highest policy-making and coordinating council for the Ba'ath movement throughout the Arab world. The National Command consisted of representatives from all regional commands and was responsible to the National Congress, which convened periodically. It was vested with broad powers to guide, coordinate, and supervise the general direction of the movement, especially with respect to relationships between the regional Ba'ath parties and the outside world. These powers were to be exercised through a National Secretariat that would direct policy-formulating bureaus.

"The Ba'ath Party retained much of the secret compartmentalized structure and the clandestine methods by which it, like many revolutionary parties, ensured its survival. Direction of the Party came from the Regional Command, which represented sixteen provincial units. The members of the Regional command were elected from a network of sections and cells not unlike the local communist party committees in many countries. They functioned everywhere – in the workplace, in neighbourhoods, and in all ranks of the military forces – to reinforce the party's doctrines of traditional Arab unity, nationalism, socialism and spiritual revival. Membership in the party, which numbered approximately half a million in 2002, was required of all regular officers and diplomats.

"Since its emergence from the underground and following a decade of experience in power, the Ba'ath leadership had been able to train a second elite group to operate at all levels of the bureaucracy and the military forces. These were the commissars, and they were often from peasant or lower-class village backgrounds; few of them had been abroad for university degrees and much of their training had been from the military academy." **[40a] (p38-40)**

The party remained banned. **[56a] (p312)**

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Annex C: Prominent people

MEMBERS OF IRAQ'S GOVERNMENT

Jalal Talabani (Kurd) – Kurdistan Alliance/KDP President **[4a] [66a]**
The EIU Country Profile 2008 reported Talabani was "Chosen by the Iraqi parliament as the president of Iraq after the January 2005 election, and selected again following the election in December of that year, Mr Talabani is also the head of one of two main Kurdish parties, the Patriotic Union of Kurdistan. His good relations with Iraq's myriad political blocs and the country's neighbours (including Iran) have seen him take an active mediatory role, although he is in a difficult position as head of state whenever Kurdish and Iraqi national interests conflict." **[58a] (p9)**

Dr Adel Abdul Mahdi (Shi'a) – UIA/SCIRI Vice-President **[4a]**
The BBC noted, on 6 April 2005, that "Adel Abdul Mahdi is a francophone Islamist and free-marketeer who belongs to the Shia-led list that won a majority of seats in the Iraqi parliament. … He fled Iraq in the 1960s after being condemned to death for his political activities, and has spent time in France, Lebanon and Iran." **[4u]** The CSIS report, dated 19 June 2006, stated that "Mahdi was senior leader in SCIRI and would have become prime minister if Sadr had not opposed him. He was widely seen as a competent leader and had been effective as the former finance minister. Mahdi was a French-trained economist who had originally been a Marxist before becoming active in SCIRI and a economic pragmatist." **[63a] (p14)**

Dr Tariq al-Hashemi (Sunni) – Tawafuq/IIP Vice-President **[63a] (p15) [66a]**
The CSIS report, dated 19 June 2006, stated that "Hashemi was new to government, but had been a successful businessman. He was the head of Iraqi Islamist Party, which had emerged as the largest Sunni Arab party in the December 15, 2005 election. He was seen as a Sunni leader who could help bring former supporters of Saddam Hussein back into the political process and split the Sunni insurgency." **[63a] (p15)**

Nouri Kamel al-Maliki (aka Jawad al-Maliki) (Shi'a) – UIA/Da'awa Prime Minister **[63a] (p16) [66a]**
The EIU Country profile 2008 reported that Maliki was "Exiled in Iran and Syria between 1980 and 2003, the leader of al-Daawa, Mr Maliki, was viewed with more suspicion by the US administration than his predecessor, Ibrahim al-Jaafari. The internal politics of the United Iraqi Alliance and Iranian support facilitated Mr Maliki!s emergence as prime minister of Iraq in April 2006. Regarded for much of his premiership as weak and ineffectual, Mr Maliki boosted his standing in early 2008 by ordering a military crackdown on rogue Shia militias." **[58a] (p9)**

Dr Baarham Salih (Kurd) – PUK Deputy Prime Minister **[4a] [63a] (p16) [66a]**
The CSIS report, dated 19 June 2006, stated that "A former prime minister of the autonomous Kurdish area, closely tied to President Jalal Talabani and the PUK, Salih was given special responsibility for the economy and its reconstruction." **[63a] (p16)**

Dr Salaam al Zawba'i (Sunni) – Tawafuq/GCIP Deputy Prime Minister **[4a] [63a] (p16) [66a]** The CSIS report, dated 19 June 2006, stated that "A new figure from the main Sunni party, the Accordance Front, the main Sunni Arab grouping. His background was more tribal than religious. He was given special responsibility for oversight of the security forces." **[63a] (p16)** Europa World, when accessed on 28 May 2007, listed Dr Barham Salih as Deputy Prime Minister. **[1a]** The ACCORD/UNHCR

COI report, published November 2007, listed both Barham Salih and Salam al-Zubai as Deputy Prime Ministers. **[40m] (p59)**

Bayan Jabr (aka Baqir Jabr al-Zubaydi) (Shi'a) – UIA/SCIRI Finance Minister **[63a] (p16) [66a]**
The CSIS report, dated 19 June 2006, stated that "Jabr was a senior leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the strongest component of the Shi'ite alliance. He had previously been Minister of the Interior, but had come to be seen as tolerating police death squads and giving men from the Badr Organization, SCIRI's armed wing, positions in the police. As Minister of the Interior, he had overspent his budget." **[63a] (p16-17)**

Dr Hussain al Shahristani (Shi'a) – UIA Oil Minister **[63a] (p17) [66a]**
The CSIS report, dated 19 June 2006, stated that "Shahristani had a technical background, as a physicist he had been jailed and tortured when he would not work on Saddam Hussein's nuclear weapons program. He had no petroleum background, and no practical background in managing large-scale industrial systems. His political experience was as ex-deputy parliamentary speaker." **[63a] (p17)**

Lt General Abdul Qadir Obeidi (Sunni) – Technocrat Defence Minister **[4a] [66a]**
The BBC noted, on 22 May 2006, that "Lt Gen Obeidi served in the Iraqi army under Saddam Hussein, but was demoted for opposing the 1990 invasion of Kuwait. He says that he was forced to retire in 1992 and detained two years later. He faced a military court which ordered the confiscation of his house and other assets. He insists that he has no links to any Iraqi political faction." **[4a]**

Dr Hoshyar Zebari (Kurd) – KDP Foreign Affairs Minister **[4a] [66a]**
The BBC noted, on 22 May 2006, that "Mr Zebari was the foreign spokesman for the Kurdistan Democratic Party for more than 10 years. He frequently represented the KDP in meetings with US State Department officials throughout the 1990s. He was born in 1953 in the Kurdish town of Aqrah, but grew up in the mainly Arab city of Mosul. He is a graduate of the University of Essex in the UK. **[4a]**

Hashim al-Shibli (Sunni) – Iraqiya Justice Minister **[4a] [66a]**
Previously appointed human rights minister, he rejected the post after being approved by parliament on 8 May, saying he had not been consulted. **[4a]** This post was listed as vacant by Brookings Institute on 13 October 2009. **[88d] (p36)**

Dr. Nawal Majid Hamid al-Samarr (Sunni) – Tawafiq/IIP Minister of State for Women's Affairs **[88d]**
On 3 February 2009, al-Samaraie resigned from her post, saying she lacked the resources to implement her plans to help improve women's lives. (IRIN News, 11 February 2008) **[18db]** The USSD report for 2008 concurred, stating "The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees." **[2o] (p28)**

Sherwan al-Wa'ali (Shi'a) – UIA/Da'awa Tanzim Minister of State for National Security Affairs **[4a] [66a]**

Dr. Muhammad Munajid Ifan al-Dulaymi (Sunni) – Tawafuq Minister of State for Foreign Affairs **[88d] (p36)**

Dr Liwa Sumaysim (Shi'a) – UIA/Sadrist Minister of State for Tourism and Archaeology Affairs **[4a] [66a** As of 28 May 2008, Europa World online listed the

Acting Minister of State for Tourism and Archaeology Affairs as Muhammad Abbas al-Oreibi. **[1a]**

Thamir jaraf al-Zubaydi (Shi'a) – UIA Minister of State for Civil Society **[88d] (p36)**

Dr Safa al-Safi (Shi'a) – UIA/Sadrist Minister of State for Council of Representatives Affairs **[4a] [66a]**

Muhammad Abbas al-Uraybi (Shi'a) – Iraq National List Minister of State without Portfolio **[88d] (p36)**

Akram al-Hakim (Shi'a) – SIIC Minister of State for National Dialogue **[88d] (p36)**

Jawad Bulani (Shi'a) – UIA nominee Minister of Interior **[4a] [66a]**

Mrs Wijdan Mikha'il (Kurd/Christian) – Iraqiya Human Rights Minister **[4a] [66a]**

Karim Wahid (Shi'a) – Independent Electricity Minister **[4a] [66a]**

Fawzi al-Hariri (Kurd/Christian) – KDP Industry Minister **[4a] [66a]**

Mohammed Tawif Allawi (Shi'a) – Iraqiya Communications Minister **[4a] [66a]**

Latif Rashid (Kurd) – KA/PUK Water Resources Minister **[4a] [66a]**

Mrs Narmin Othman (Kurd) – KA/PUK Environment Minister **[4a] [66a]**

Mrs Bayan Diza'i (Kurd) – KA/PUK Construction and Housing Minister **[4a] [66a]**

Dr Khudair al-Khuza'i (Shi'a) – Da'awa Tanthim Education Minister **[4a] [66a]**

Salih al-Hasnawi (Shi'a) – Independent Health Minister **[88d] [p36]**

Dr Abd al-Falah al-Sudani (Shi'a) – Da'awa Tanthim Trade Minister **[4a] [66a]**

Ali al-Bahadli (Shi'a) – Independent Agriculture Minister **[88d] [p36]**

Mahmud Muhammad Jawad al Radi (Shi'a) – UIA/Badr Labour and Social Affairs Minister **[4a] [66a]**

Amir Abd al-Jabar Ismail (Shi'a) – UIA Transport Minister **[88d] [p36]**

Mahir Dalli Ibrahim al-Hadithi (Sunni) – Tawafiq/GCIP Culture Minister **[88d] [p36]**

Dr Rahid Fahmi (Sunni) – Iraqiya/Com Party Science and Technology Minister **[4a] [66a]**

Dr Abd al-Samad Rahman Sultan (Fayli Kurd/Shi'a) – UIA Displacement of Migration Minister **[4a] [66a]**

Jaim Muhammad Ja'far (Shi'a) – UIA/ITF Youths and Sports Minister **[4a] [66a]**

Dr. Abd Dhiyab al-Ujayli (Sunni) – Tawafuq Higher Education Minister **[88d] (p36)**

Riyad Ghurayyib (Shi'a) – UIA/Badr Municipalities Minister **[4a] [66a]**

Ali Baban (Sunni) – Unaffiliated Planning Minister **[88d (p36)**

Mahmound al-Mashhadni (Sunni) – Tawafuq Speaker **[63a] (p15) [66a]**
The CSIS report, dated 19 June 2006, stated that "A Sunni Islamic that Saddam's regime had sentenced to death for secretly joining illegal Sunni Islamist groups, and who was seen as a Sunni sectarian. Selected in part to broaden the inclusion of Sunnis and lay the ground work for compromise with moderate insurgents." **[63a] (p15)**

Tariq al-Hashimi
The EIU Country Profile 2008 reported al-Hashimi was "Vice-president and head of the largest Sunni Arab political party, the Iraqi Islamic Party (IIP). Although the parliamentary coalition in which the IIP participates, the Iraqi Accord Front (Tawafuq), withdrew from the government in August 2007, Mr Hashimi retained his post, and eventually played a central role in negotiating the group's return a year later. Three of his siblings have been killed by Shia militia death squads, and he has been a vocal advocate of retaining the US military presence in Iraq until stability is secured." **[58a] (p9)**

OTHER PROMINENT PEOPLE

Abdul Aziz al-Hakim
The EIU Country Profile 2008 reported that "In 2003 Abdel-Aziz Baqr al-Hakim took over the leadership of the Supreme Council for the Islamic Revolution in Iraq (now the Islamic Supreme Council of Iraq, or ISCI) from his brother, Ayatollah Mohammed Baqr al-Hakim, who was assassinated by a car bomb in Najaf. Mr Hakim has continued to maintain strong connections with Iran, with which the ISCI is the most closely aligned of the Iraqi Shia groups. Although remaining ambitious and outspoken, he has thus far declined to take up a government position since the transfer of sovereignty. He reportedly has lung cancer, and has recently spent prolonged periods of time in Iran and the US receiving treatment." **[58a] (p9)** On 1 September 2009 BBC News reported that al-Hakim had died of lung cancer and his son, Ammar al-Hakim, had succeeded his father as leader of the Supreme Islamic Iraqi Council. His nomination was confirmed in a vote of the Sura, the group's governing body. **[4e]**

Abdul Majid al-Khoei
The BBC noted, on 27 August 2004, that al-Khoei was a moderate Shia leader who was killed two days after the fall of Baghdad. An arrest warrant has been issued for Moqtada Sadr for the alleged involvement in the murder. **[4f] (p1-2)**

Abu Musab Al-Zarqawi
The FCO on 22 October 2004, stated that, "Abu Musab Al-Zarqawi, a Jordanian-born terrorist with links to Al-Qua'eda, claims to have been behind several of the most devastating suicide bomb attacks as well as the beheading of Western hostages." **[66c] (p4)** Al-Zarqawi was head of Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers), was killed during a US-led air raid while attending a meeting on 7 June 2006. **[5b]**

Ahmed Chalabi
The Guardian report (Date accessed on 31 August 2005) stated that "The former banker once touted in the US as a successor to Saddam Hussein and founded the Iraqi National Congress (INC) opposition party while in exile for 30 years. The INC is now part of the United Iraqi Alliance. The British educated 57-year-old was convicted

of fraud in absentia in Jordan in 1992 and sentenced to 22 years in jail. He denied the charges." **[6w]**

Grand Ayatollah Ali Sistani

The EIU Country Profile 2008 stated that "The most senior Shia religious figure in Iraq, Grand Ayatollah Sistani, is revered by Shia both in Iraq and elsewhere as a *marja' al-taqlid* (source of emulation) in Islamic jurisprudence. Born in Mashad, Iran, in 1928, he ranks more highly in theological terms than any of the clerics in Iran, including the supreme leader, Ayatollah Ali Khamenei. Ayatollah Sistani, in common with Iraq!s three other living grand ayatollahs, continues to espouse a tradition that encourages scholars to interpret texts in light of necessity and political realities. Thus he and his senior colleagues have an adaptive approach to Islamic texts, which encourages scholarship and political quietism, rather than support for an overt role for clerics in the political process. However, he has wielded considerable political influence at times of major inter-Shia strife in Iraq." **[58a] (p9)**

Masoud Barzani

The Guardian report (accessed on 31 August 2005) stated that "Leader of the Kurdistan Democratic party (KDP), which rules the western part of the Kurdish self-rule area from the regional capital, Irbil. Represents the more traditional, tribal elements in Kurdish society, and controls a fighting force of up to 35,000." **[6h]**

Moqtada Al-Sadr

The EIU Country Profile 2008 reported that "Although the young cleric, who is in his early 30s, lacks religious credentials in the eyes of many other Shia clerics, his impressive familial lineage (he is the son and son-in-law of two of Iraq's most famous Grand Ayatollahs (both assassinated by Saddam Hussein) and decision to remain in Iraq during the rule of Saddam Hussein have won him respect among poorer members of the Shia community. He has staunch support in the populous Shia area in Baghdad known as Sadr City, as well as in many of the southern cities, and has sought links with both Shia and Sunni Arab political forces, believing that he can eventually play a leading national role in post-occupation politics. However, the sectarian atrocities carried out by his movement's militia, the Mahdi Army, has undermined his popularity, and he has stayed out of the public eye recently." **[58a] (p9)**

On 7 March 2008, BBC News reported that "Moqtada Sadr had not been seen in public since 25 May [2007] because he [had] resumed his religious studies in a Shia seminary in Najaf. … He has reportedly resumed his religious studies to gain the title of ayatollah. The statement comes two weeks after the cleric renewed a unilateral ceasefire his powerful Mehdi Army militia has been observing for the past six months." **[4cn]** The UN Security Council report, published 28 July 2008, reported the ceasefire was still in effect. **[38q] (p1)**

Saddam Hussein

Former President of Iraq and commander-in-chief of military. Captured by coalition forces 13 December 2003. War crimes claims against the Iraqi leader include genocide of the Kurds, 'ethnic cleansing' in which tens of thousands of Kurds, Turkmen, Assyrians around the oil-rich city of Kirkuk were expelled as part of an 'Arabisation' programme, mass civilian executions after the Kurdish and Shi'a uprisings in 1991, and religious persecution. **[4l]** Saddam Hussein was sentenced to death by the Iraqi High Tribunal (IHT) on 15 November 2006 over the torture and executions of 148 Shias from the town of Dujail in the 1980s. He was subsequently executed on 30 December 2006. **[5g]**

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Annex D: Current insurgent/militia groups/non-state armed groups.

Ahel Al-Sunnah Al-Munasera (Supporters of the Sunni People in Iraq)

The UNHCR COI report, October 2005, mentioned that:

"This group only recently announced its establishment, stating that it is fighting 'to defend our people in middle and south Iraq' against what it calls Shiite aggression and 'systematic genocide' of the Sunnis in Iraq. It has claimed responsibility for the abduction and killing of Ali Shakir Eidan, the President of the Iraqi Karate Union, an attack on members of the Badr Brigade on the Baghdad-Basrah highway and a suicide operation targeting a Shiite shrine in southern Baghdad." **[40c] (p73)**

According to Al-Jazeera News, this group claimed responsibility for a car bombing in a Baghdad market in July 2006, in which at least 62 people were killed. The Supporters of the Sunni People claimed the attack was to avenge Sunnis killed by Shia Muslims. (Al-Jazeera, 4 July 2006)

No more up to date reports could be found about this group.

Al-Awda (Return Party, Al-Awdah)

Jane's Sentinel, last updated 18 February 2008, reported this group was one that had claimed responsibility for attacks in Iraq since the US-led invasion in March 2003. **[14c] (p1)**

Ansar al-Islam (Protectors of Islam) See also Ansar al-Sunna

The AI report, dated 25 July 2005, noted that Ansar al-Islam is an Islamist group reportedly linked to al-Qa'ida. **[28c] (p5)** An article by RFE/RL, dated 2 April 2005, stated that:

"Ansar Al-Islam is a relatively new organization in Iraq, but has roots in the Islamist movement in Kurdistan. It is an outgrowth of a group called Jund Al-Islam (Soldiers of Islam) that was formed in 2001 by splintered factions from the Islamic Movement of Kurdistan. Jund Al-Islam, later renamed Ansar Al-Islam (Supporters of Islam) initially based its activities in the villages of Biyara and Tawela, along the Iranian border northeast of Halabjah." **[22i] (p1)**

The UNHCR COI report, October 2005, noted that "…at present is held responsible for continuing (suicide) attacks in Northern Iraq, mainly directed against senior PUK/ KDP political and military officials." **[40c] (p66)**

The RFE/RL article noted that Ansar fighters subsequently gave "credible" details about Al-Qaeda training camps in Afghanistan. "Documents obtained by 'The New York Times' in Al-Qaeda guesthouse in Afghanistan also pointed to an Al-Qaeda link.

"The PUK claims that dozens of Al-Qaeda fighters joined Ansar Al-Islam in Iraq after the 11 September 2001 terrorist attacks, with as many as 57 'Arab Afghan' fighters entering Kurdistan via Iran that month. Dozens of other Al-Qaeda fighters came later. The PUK has dozens of Ansar fighters in custody in Al-Sulaymaniyah, many of whom admitted the group's link to Al-Qaeda. Reports indicate, however, that the

confessions may have been extracted through the PUK's torture of detainees." **[22i] (p1)**

The UNHCR COI report, October 2005, noted that "In addition, Ansar Al-Islam seems to have affiliated itself with other extremist groups and expanded its field of operation. It claims to have been involved in major attacks in other parts of Iraq, however it is not clear how large a role they play and even whether Ansar Al-Islam still exists as an organization." **[40c] (p67)**

Ansar al-Sunna (Ansar al-Islam, Partisans of Islam, Protectors of Islam, Supporters of Islam, Devotees of Islam, Jaish Ansar al-Sunna, Ansar al-Sunna Army, Army of Ansar al-Sunna, Jund al-Islam, Soldiers of Islam, Protectors of the Sunna Faith, Jaish Ansar al-Sunna (Army of the Traditions' Supporters)) – See also Ansar al-Islam.

According to the Canadian IRB report for Iraq, published January 2008, noted "This army claims to have at least 13 brigades made up of several dozen to several hundred members." **[139a] (4. Armed groups and other non-state actors)**

Jane's Sentinel, updated on 18 February 2008, stated: "Working alongside, and often together with, AQI are a range of nationalist-religious militant groups. The best known is the Army of the Protectors of the Sunni Traditions (Ansar Al-Sunna). Like other Sunni nationalist-religious groups, this faction is known for its principally Iraqi membership, its strong focus on the sectarian concerns of the Sunni Arabs and its blend of nationalist and radical Islamic themes and objectives. The group has demonstrated advanced terrorist capabilities, both in day-to-day insurgent attacks and in devastating suicide bombings. … Many indicators also point to the growing status of Ansar al-Sunna, an organisation that has increasingly begun to co-brand, using its old Ansar al-Islam pseudonym." **[14a] (Religious militant, Sunni extremist)**

The UNSC report of 28 July 2008, noted that Ansar al-Sunnah were "still present and capable of carrying out deadly attacks" in the Kirkuk region. **[38q] (p13)**

Jane's Sentinel updated on 31 October 2008, that as of 28 November 2007, the group had agreed to revert to using the group's original name, Ansar al-Islam. **[14g] (p1-2)** Further to this, "The current leader of Ansar al-Sunna is unclear. The last national-level emir identified by the group was Abu Abdullah al-Hassan bin ahmud." **[14g] (p2)**

See also Ansar al-Islam.

The MNF-I report of 1 August 2009 stated:

"The Ansar al-Sunna Sharia Council, which members were formerly part of Ansar al-Sunna, is a militant salafi group in Iraq. The group is based in northern and central Iraq, and includes Kurdish and Sunni Arab as well as foreign fighters. The original group was founded in September 2003 as an umbrella organization for guerrillas, with former members of Ansar al-Islam, a Kurdish Islamic organization based in the mountains near Halabja in northeastern Iraq before the U.S-led invasion, at its core. This date coincides with the first released message from the group stating their existence. Their goal is to expel U.S. occupation forces from Iraq. Ansar al-Sunna Sharia Council is thought to have links with other Islamic organizations operating in Iraq. In October 2004 Ansar al-Sunna released a video beheading of a Turkish truck driver on its website. The kidnappers on the video identified themselves as members of al-Tawhid wal-Jihad. Initially, both the United States and the Iraqi interim

governments reportedly linked Ansar al-Sunna to al-Qaeda. However a letter intercepted by the American military in January 2007 exposes violent conflict between the two groups. In July 2007 representatives of the Ansar al-Sunna Sharia Council were instrumental in forming an alliance of Sunni militant groups to prepare for the withdrawal of American and allied forces. The new alliance is composed of seven groupings explicitly excluding al-Qaeda and the Baath-party. This delimitation reveals a growing split between al-Qaeda and Ansar al-Sunna Sharia Council over tactics, alleged attacks on Iraqi civilians being a main point of difference that is fighting the U.S.-led occupation and the elected government led by Nouri al-Maliki." **[19a]**

Army of the First Four Caliphs (Jaych al-Rachidin)

The Canadian IRB report for Iraq, published January 2008, commented "This army is reported to have 6 brigades made up of several dozen to several hundred members. It defines itself as an Iraqi Islamist and nationalist group." **[139a] (4. Armed groups and other non-state actors)**

Asa'ib Ahl al-'Iraq (the Clans of the People of Iraq) [25c] (p3) Asa'ib Ahl al-Haq (AAH)

The MNF-I reported on 1 August 2009:

"Asa'ib Ahl al-Haq (AAH). AAH is a Sadrist splinter organization formed by detained senior Sadrist Qays al-Khazali and currently led by AAH co-founder Akram al-Kabi. AAH claims to uphold the teachings of Sadr's father, the late Grand Ayatollah Muhammad Sadiq al-Sadr. AAH opposes the Coalition presence and has publicly claimed over 6,000 attacks. AAH employs IEDs, EFPs, and conducts IDF attacks. It was formed as an elite Jaysh al-Mahdi group in late 2004 with the support of Iran's Islamic Revolutionary Guard Corps – Qods Force (IRGC-QF). AAH leadership fell out with Sadr in mid-2006. Muqtada al-Sadr has publicly challenged AAH leaders and implied that they have abandoned the resistance by negotiating with the Coalition." **[19a]**

Badr Organisation

The UNHCR COI report, October 2005, mentioned that "The Badr Organization (previously Badr Brigades or Badr Corps) was set up by former SCIRI leader Mohammed Bakr Al-Hakim during his exile in Iran and is made up of mainly Shiite militiamen." **[40c] (p60)**

The Canadian IRIB fact sheet for Iraq, published January 2008, stated "In 2005, this group consisted of 8,000 to 10,000 men." **[139a] (4. Armed groups and other non-state actors)**

The UNHCR COI report, October 2005, noted that "Sunni politicians have raised accusations against the Badr Organization – which has restructured itself as a political organization and is represented in the TNA and ITG – of being responsible for the killing of Sunni clerics and the raiding of Sunni mosques. SCIRI and the Badr Organization refute these accusations and US officials say that there is little evidence to indicate that members of the Badr Organization have been implicated in such crimes." **[40c] (p60)**

The same report noted that "Since the fall of the former regime, the Badr Brigade has been accused of killing numbers of former Ba'ath party officials and members of the

former security and intelligence services, making use of hit lists and benefiting from impunity. It has been reported that since the Shiites won the 30 January 2005 elections, increased attacks against former Ba'athists have taken place. At particular risk seem to be Shiites that live in predominantly Shiite or mixed Sunni-Shiite neighbourhoods. According to Misha'an Al-Jibouri, a Sunni member of the TNA, many former Shiite Ba'ath Party members were forced to seek refuge in Sunni-dominated areas in Central Iraq. Hadi Al-Amri, the leader of the Badr Brigade, denied allegations that his organization was behind attacks against former Ba'athists." **[40c] (p61)**

The report also noted that "…the Badr Organization's new political presence has not stopped Badr militiamen from operating openly and playing a role in providing security to Sadr City and Southern cities with provincial councils dominated by SCIRI representatives." **[40c] (p61)**

The UNHCR report continued "After a number of sectarian killings, tensions between Sunni leaders and the Badr Organization ran high, blaming each other for sponsoring terrorism. After the killing of Sunni Sheikh Hassan Al-Nuaimi, a prominent member of the AMS, in May 2005, AMS leader Harith Al-Dhari publicly stated that 'the parties that are behind the campaign of killings of preachers and worshippers are ... the Badr Brigade'. The leader of the Badr Brigade, Hadi Al-Amri, denied the charges and blamed Harith Al-Dhari for supporting Abu Musab Al-Zarqawi, whose main victims are Iraq's Shiites." **[40c] (p62)**

According to the CSIS report, dated 22 June 2006, "… Sunnis feel particularly threatened by the Badr Organization many of whom have been incorporated into the special security forces." **[63b] (p254)** The Congressional Research Service report, 2 March 2009, further stated that:

"Most Badr militiamen have now folded into the ISF, particularly the National Police and other police commando units. The Badr Brigades were originally recruited, trained, and equipped by Iran's hardline force, the Revolutionary Guard, during the 1980-88 Iran-Iraq war, in which Badr guerrillas conducted forays from Iran into southern Iraq to attack Saddam regime targets. Badr fighters were recruited from the ranks of Iraqi prisoners of war held in Iran. … This militia is led by Hadi al-Amiri (a member of the COR from the 'Badr Organization' of the UIA)." **[156a] (p33)**

Defenders of Khadamiya

The CFR report, dated 9 June 2005, noted that "This group is comprised of roughly 120 loyalists to Hussein al-Sadr, a distant relative of Muqtada al-Sadr and a Shiite cleric who ran on former Prime Minister Ayad Allawi's ticket in the January 30 elections. The brigade was formed to guard a shrine in northern Baghdad popular among Shiites, and is one of a number of similar local forces that have emerged." **[8a] (p2)**

No more up to date reports could be found about this group.

Faylaq 'Umar

The ICG report, dated 19 December 2006 noted that "… a group that was established in late 2005 or early 2006 to retaliate against attacks on Sunnis, professes to focus its operations exclusively on SCIRI's militia, the Badr corps, and on the Sadrist Mahdi army (Jaysh al-Mahdi)." **[25e] (p7)**

No more up to date reports could be found about this group.

Iman Al-Hassan Al-Basri Brigades

The UNHCR COI report, October 2005, noted that "This group has claimed responsibility for several attacks in Basrah in recent months, targeting mainly Iraqi police patrols and British intelligence. It has also claimed responsibility for the killing of Abdul Hussein Khazal, a journalist from the US-funded Al-Hurrah TV channel in Basrah. In a message posted on an Islamist website, the group said it had 'liquidated the apostate agent Abdul Hussein Khazal' and accused him 'of being a member of the Badr Brigade' and an 'Iranian agent'." **[40c] (p71)**

No more up to date reports could be found about this group.

Harakat al Muqawama al-Islamiya fil-'Iraq (the Islamic Resistance's Movement in Iraq)

The ICG reported, on 15 February 2006, that "…at some stage has been joined by Kata'ib Thawrat 'Ashrin (the 1920 Revolution Brigades), now its military wing." **[25c] (p3)**

No more up to date reports could be found about this group.

Al-Jabha al-Islamiya al-'Iraqiya al-Muqawima (the Islamic Front of the Iraqi Resistance)

The ICG report, dated 15 February 2006, stated that it was "… known by its initials as Jami' (mosque or gathering)." **[25c] (p2)** The same report noted that "According to a credible source, it could be more akin to a 'public relations organ' shared between different armed groups, rather than an armed group in itself. It issues weekly updates of claimed attacks, has a comprehensive website and publishes a lengthy, monthly magazine, Jami'. Deeply nationalistic, but with a salafi taint, its discourse counts among the more sophisticated of the groups." **[25c] (p2-3)**

The Canadian IRB factsheet for Iraq, published January 2008, commented "The military faction of this organization consists of the Kata'ib Salah al-Din al-Ayyubi brigades." **[139a] (4. Armed groups and other non-state actors)**

Jama'at Jund Al-Sahaba (Army Squad of the Companions of the Prophet Muhammad)

The UNHCR COI report, October 2005, noted that "Jama'at Jund Al-Sahaba has only recently emerged as insurgency group. In its first communiqué issued on 14 March 2005, it explained that its mission is 'to defend and protect our religion [Sunni] and stop the rising storm coming from the Shiites and invading the land of the Muslims'. The group's leader is Sheikh Abu Abbas Al-Omari, and it has claimed responsibility for a number of attacks against Iraq's Shiite Muslims …." **[40c] (p70)**

No more up to date reports could be found about this group.

Al-Jaysh al-Islami fi al-'Iraq (the Islamic Army in Iraq) (IAI)

The UNHCR COI report, October 2005, noted that "This group has been actively organizing and carrying out attacks on foreign military and civilian targets. It has initiated a brutally violent campaign against foreigners in Iraq, specifically anyone

believed to be cooperating with the US-led Coalition. It was responsible for the killing of a number of foreign hostages … The Islamic Army in Iraq does not limit its attacks to non-Iraqis however; the group has frequently targeted Iraqis who join Iraq's police and military services or who are involved in the political process. Ahead of the elections of 30 January 2005, this group, Ansar Al-Sunna and the Army of the Mujahedeen, threatened to strike at anyone taking part in the elections which they consider 'un-Islamic'." **[40c] (p70)**

The ICG report, dated 15 February 2006, stated that: "Thirteen brigades have claimed allegiance to this group, which also issues daily statements, runs a website (shut down in November 2005 and subsequently reactivated), and publishes al-Fursan, a monthly magazine of up to 50 pages. Again, a highly salafi discourse blends with a vigorously patriotic tone. It is widely seen in both Iraq and the West as one of the more nationalistic of the armed groups" **[25c] (p2)**

Jane's Sentinel, updated on 31 October 2008, reported that: "[IAI] cannot galvanise support from a large enough constituency. Nevertheless, it remains a large and sophisticated insurgent group that is capable of conducting almost daily attacks upon US forces in Iraq. At its peak it claimed 22 major attacks per day in the period around 2005-2006. The IAI is also involved in a running confrontation with Al Qaeda in Iraq (AQI)…" Further to this, "The current leader of IAI is believed by US authorities to be Brigadier General Muhammad Abid Mahmoud Ali al-Luheibi (Abu Osama)." **[14g] (p2)**

The UNHCR Guidelines of April 2009 stated that: "The 'Islamic State of Iraq' is an umbrella organization of a variety of Sunni Islamist and insurgent groups, including AQI, and was established on 15 October 2006. It is reportedly dominated by AQI and created to strengthen AQI's credentials as an Iraqi movement. It is allegedly headed by Abu Omar Al- Baghdadi, whose existence/identity has remained a source of controversy. ISI's aim is to establish an Islamic state in the Sunni-dominated areas of Iraq. Despite becoming relatively isolated in recent years, the group continues to claim responsibility for major suicide attacks, including a bombing that killed 28 people, mostly police recruits, on 12 March 2009 in Baghdad." **[40b] (p101)**

Jaysh al-Mahdi (Imam Mahdi Army, Mahdi Army, Mehdi Army, Army of the Messiah, Al-Mahdi Army, Al-Sadr's Groups)

The UNHCR COI report, October 2005, noted that: "The Imam Mehdi Army is the armed wing of the movement of radical Shiite cleric Muqtada Al-Sadr. … His supporters are largely young, unemployed and often impoverished men from the Shiite urban areas and slums in Baghdad and the southern Shiite cities. The Imam Mehdi Army operates mainly in an area stretching from Basrah to Sadr City in Baghdad. Some activity has also been noted in Baqouba and Kirkuk, where Shia minorities exist among the Turkmen and the Arab populations." **[40c] (p62)**

It also mentioned that: "Supporters of Muqtada Al-Sadr are driven mostly by nationalist and ultra-conservative religious tendencies and demand the withdrawal of all foreign forces from Iraq. Their stated goal is to establish an Islamic state in Iraq under Islamic law." **[40c] (p62)**

The ICG report, dated 11 July 2006, stated that: "His newspaper regularly published lists of so-called collaborators, tacitly enjoining its readers to kill them." **[25b] (p10)**

The ICG report, dated 11 July 2006, noted that: "… the Sadrist movement remained a paramilitary organisation, holding military parades and hinting it could resume fighting. Unlike other militias, Jaysh al-Mahdi was highly visible, erecting checkpoints

in Baghdad, enforcing social mores, patrolling neighbourhoods and engaging in social work. Armed attacks continued to be sure: the Sadrist militia killed alleged Baathists and Wahhabis, while conducting raids against coalition forces, albeit without claiming responsibility." **[25b] (p13)**

The report also noted that: "… Muqtada engaged in the political process, participating in the 2005 elections, and, in that context, allying with some Shiite rivals. … in January 2005, Sadrists won 23 out of 275 parliamentary seats and performed well in local elections in Baghdad, Maysan and Basra. In December, they increased their representation to 32 seats, giving them quasi veto power within the dominant Shiite bloc over designation of the next government." **[25b] (p14)**

The report mentioned that: "Shiites intent on undermining Muqtada's credibility refer to Muqtada-ists (Muqtada'iyin), not Sadrists. More broadly, they describe his power base as a mob-like gang of extremists, dubbing Jaysh al-Mahdi either Jaysh al-wardi (in reference to the cheap drug popular among poor Iraqis) or Jaysh Umm Raydi (in reference to a Sadr City market that is known as the 'thieves' souk')." **[25b] (p17)**

On 7 February 2008, International Crisis Group (ICG) also reported that the Mahdi army had redeployed to southern Iraq, away from multinational force presence in Baghdad. **[25i] (p1)**

Jane's Sentinel, updated on 18 February 2008, stated that: "After the fall of Saddam Hussein, Muqtada al-Sadr quickly established a significant power base in Baghdad's massive Saddam City (renamed Sadr City) Shia slum, but was excluded from the new political order. He subsequently emerged as one of the most vocal opponents to the US-led Coalition and the interim authorities established after the fall of Saddam Hussein." **[14c] (p2)**

The CSIS report, published 28 May 2008, stated: "There is no question that many elements of the JAM have been guilty of sectarian cleansing, and that the Sadr movement in general is hostile to the US and is seeking to enhance Muqtada al-Sadr's political power. There is also no doubt that the rogue elements in the JAM continued acts of violence in spite of the pre-invasion ceasefire, and that some had ties to Iran." **[63i] (p12)**

The USDoS report, December 2008, stated that: "Sadr continues with the reform announced in June 2008 to transform JAM into a social and cultural movement named *al Mumahiddun*, while retaining a small residual militia capability that can target his adversaries (including Coalition forces) and support his power base. Sadr is emphasizing control over the various elements of his organization to prevent rogue elements from conducting operations while he seeks to rebuild JAM's popularity prior to provincial elections in 2009. Sadr will not allow his organization to participate directly in upcoming provincial elections but will likely endorse candidates, form political alliances with other parties, and run candidates as independents or as part of front parties. He is attempting to use *al Mumahiddun* as a provider of services to the Shi'a people." **[103d] (p19)**

The MNF-I reported on 1 August 2009 that:

"Jaysh al_mahdi (JAM/Promised Day Brigade (PDB). Muqtada al-Sadr announced the formation of JAM in July 2003 to oppose the Coalition's presence. JAM members employ improvised explosive devices (IEDs), explosively formed projectiles (EFPs), and indirect fire (IDF) attacks. It staged two uprisings against the Coalition in April and August 2004. It mobilized against its rival Shia faction, the Badr Organization, in

August 2005 and was heavily involved in the sectarian conflict that erupted after the February 2006 bombing of the al-Askari Shrine in Samarra. Several splinter factions have emerged since Sadr first demobilized JAM following the second uprising. This has challenged Sadr's command and control. In August 2007, Sadr ordered a 'freeze' on all JAM activity after his followers assassinated two Shia governors and desecrated a major Shia religious festival in Karbala. In June 2008, Sadr announced that the majority of JAM would be transitioned into a socio-cultural organization to oppose secularism and Western thought while a small group of hand-picked fighters would continue to target the Coalition. In mid-November 2008, Sadr announced the formation of the PDB, providing a name for the authorized militia. Sadr is continuing to assert his personal control over the direction of the Sadrist movement by attempting to call on AAH members to join his new armed wing. While progress in forming the PDB has been slow, the group has conducted some intermittent attacks." **[19a]**

"Muqtada al-Sadr's primary objectives remain transforming the Sadrist movement and public outreach, in an attempt to repair the movement's negative public image in preparation for national elections. Muqtada al-Sadr's statements in January and March 2009 continue to convey anti-western and anti-Coalition sentiment but have become increasingly conciliatory toward the GoI. The recent increased public outreach is intended to draw Shi'a back to his movement, undermine opposition groups, and demonstrate his personal control over the Sadrist support base. Sadr's focus has been on transforming his JAM militia into the social, religious, and cultural group, al Mumahiddun. He has pursued a parallel effort in developing his militia wing, the PDB, which continues to slowly develop. While al Mumahiddun claims to be non violent, the PDB has shown they have the capability to conduct attacks and has recently published video of attacks for which they claim responsibility. Sadr maintains focus on reestablishing his importance through the growth of al Mumahiddun and by using the PDB's continued militancy to recruit disenfranchised militants from his rival AAH. This effort is intended to unite those opposed to the presence of Coalition forces." (USDoD, July 2009) **[103b] (p26, Shi'a Extremist Groups)**

Jaish-e-Mohammad (JeM) (Army of Mohammed, Army of the Prophet, Jaish-e-Mohammad Mujahideen E-Tanzeem, Jaish-e-Mohammed, Jaish-e-Muhammad, Jaish-e-Mtthammed, Jaish-i-Mohammad, Jaish-i-Mohammed, Jaish-i-Muhammad, Jaishi- Muhammed, Jamaat ul-Furqan (JuF), Jesh-e-Mohammadi, Khudamul Islam, Khuddam ul-Islam (Kul), Kuddam e Islami, Mohammed's Army, National Movement for the Restoration of Pakistani Sovereignty and Army of the Prophet, Tehrik al-Furgan and Tehrik Ul-Furqaan) [129]

The UNHCR COI report, October 2005, noted that: "This organization is made up mostly of Sunni Muslims whose main aim is to liberate Iraq from foreign occupation. US Government sources report that former members of Saddam Hussein's security forces are incorporated into the organization's leadership, although it is reported to operate under the guise of an Islamist organization. In November 2004, the (then) Prime Minister Iyad Allawi announced the capture of this group's leader (Mu'ayyed Ahmed Yassin, also known as Abu Ahmad) and other members of Mohammed's Army in Fallujah. The group was reportedly responsible for some beheadings and was known to have cooperated with Al-Qaeda in Iraq. However, in an interview with IWPR, an alleged spokesperson of the group denied any connection with Al-Qaeda and denounced killings of Muslims by Muslims. It also rejected the idea that a significant number of foreign fighters are among its ranks and stated that most members are Iraqi farmers." **[44f]**

The UNHCR COI report, October 2005, noted that: "In early 2005 Raad Al-Doury, the new leader of Jaish Mohammed, was arrested just days after he took over from the previous chief who had been detained two months earlier in Fallujah. Members of Mohammed's Army and a possibly related organization, the Armed Vanguards of Mohammed's 2nd Army, have taken responsibility for videotaped attacks that aired on Arabic television networks. The latter group also claims responsibility for the bombing of the UN Headquarters on 19 August 2003. Jaish Mohammed warned Iraqis against aiding the MNF, saying that such persons would be attacked with the same fury that is directed against the US military. Jaish Mohammed is said to have participated in talks with US officials in June 2005." **[40c] (p68-69)**

The ICG report, dated 15 February 2006, noted that Jaysh Mohammed "…issues periodic communiqués and videos focusing on IED17 attacks in the Anbar governorate." **[25c] (p3)**

Jane's Sentinel, updated 18 February 2008, briefly mentioned that one of the identifiable insurgents groups to have emerged in Iraq since the US-led invasion in March 2003 were the Jaish Muhammad, or National Front for the Liberation of Iraq. **[14c] (p1)**

Jaysh al-Mujahedeen (Army of the Mujahedeen)

The UNHCR COI report, October 2005, noted that "Little is know[n] about this group. It appears to work closely with Ansar Al-Sunna and the Islamic Army as they have jointly claimed a number of attacks and issued statements warning Sunnis against participating in the political process. The Army of the Mujahedeen has also issued a statement denying any contacts with Iraqi/US officials." **[40c] (p71)**

The ICG report, dated 15 February 2006, stated that "This group, too, puts out weekly updates and operates a website, which was briefly shut down in December 2005." **[25c] (p3)**

The Canadian IRB fact sheet for Iraq, published January 2008, commented on a groups called "Mujahidin Brigades (Katq'ib al-Mujahidin)", stating "This organization of Iranian dissidents formerly supported by Saddam Hussein is based in southern Iraq. It targets Iraqi and Kurdish forces. It was founded in 2004. Its leader is Massoud Rajavi." **[139a] (4. Armed groups and other non-state actors)**

Jaysh al-Ta'ifa al-Mansoura (Victorious Army Group)

The UNHCR COI report 2005 mentioned that: "This previously unknown group appeared in May 2004 when it claimed responsibility for the kidnapping of two Russian electrical workers and called for the withdrawal of foreign citizens from Iraq. The group issued a number of communiqués in July 2005 claiming responsibility for the killing of Saleh Mahdy Al-Ameri, a leader in the Badr Organization, and various attacks on US military convoys." **[40c] (p72)**

The ICG report, dated 15 February 2006, noted that "At least three brigades are known to have pledged alliance to this group, which also issues weekly updates." **[25c] (p3)**

No more up to date reports could be found about this group.

Jaysh al-Rashidin (The First Four Caliphs Army)

The ICG report, dated 15 February 2006, noted that "As many as six brigades reportedly operate under its banner. The group issues regular updates on its activities and recently set up a website." **[25c] (p3)**

No more up to date reports could be found about this group.

Jund al-Islam (See Ansar al-Islam)

Kataeb al-Jihad al-Tawheed (the Brigades of Holy War and Unity) (aka: Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), Jamaat al-Tawhid wa'l-Jihad / Unity and Jihad Group, Tanzim Qa'idat Al-Jihad in Bilad al-Rafidayn (Organization of Jihad's Base in the Country of the Two Rivers))

The Times reported, on 17 April 2007, that this group may be linked to al-Qaeda, although its existance was doubted in the article. **[5m]**

Jane's Sentinel Country Risk Assessment of Iraq, updated 18 February 2008, also mentioned an insurgent group called Jamaat al-Tawhid wa al-Jihad (Unity and Jihad Group), which may be the same group. **[14c] (p1)**

Kata'ib Hizballah (KH)

The MNF-I reported on 1 August 2009 that Kata'ib Hizballah (KH) were:

"A small, but lethal Shia insurgent group that carries out attacks against Coalition forces in Iraq with advanced weapons from Iran, such as improvised rocket assisted mortars (IRAMs), man-portable air-defense systems (MANPADS), IEDs, and EFPs. It formerly claimed attacks under the banner of the Shia Islamic Resistance in Iraq and has actively opposed the Coalition since 2003. KH strongly condemned the signing of the Iraq-US bilateral security agreement, even going so far as to threaten Iraqis who signed or facilitated the signing of the agreement, a reversal of its standing prohibition against targeting Iraqis." **[19a]**

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)

The Council on Foreign Relations report on the PKK, 19 October 2007, noted that PKK, known after their Kurdish name, Partiya Karkeren Kurdistan, were formed with Marxist-Leninist roots in 1974. **[8i] (p1)** They sought to create an independent Kurdish state in southeastern Turkey and parts of Kurdish-inhabited neighbouring countries. **[8i] (p1)** "The group turned to terrorist tactics in the mid-1980's, relying on guerrilla warfare that included kidnappings of foreign tourists in Turkey, suicide bombings, and attacks on Turkish diplomatic offices in Europe." (CFR, October 2007) **[8i] (p2)**

There has been a recent increase in violence in late 2007-early 2008, which prompted Turkey's call for revenge. (CFR, October 2007) **[8i] (p2)** (BBC News, 1 November 2007) **[4ch]**

The PKK are regarded as a terrorist organisation by Turkey, the EU and the US. **[4ch]**

Jane's Sentinel Country Risk Assessment of Iraq, updated on 31 October 2008, stated that "[The PKK] retains the ability to conduct hit-and-run attacks on targets in southeast Turkey, where the conflict has claimed approximately 1,800 lives since June 2004. As part of its two-front strategy, the PKK also conducts an urban bombing

campaign in western Turkey, primarily targeting the tourism industry. The bombing campaign has claimed approximately 55 lives since June 2004, including those of seven foreigners." **[14g] (p3)**

Jane's report continued to note that in practice the PKK is run by Murat Karayilan, since the imprisonment of their president, Abdullah Öcalan, in 1999. **[14g] (p3)**

al-Muqawama al-'Iraqiya al-Wataniya al-Islamiya – Fayaliq Thawrat 1920 (the Iraqi National Islamic Resistance – the 1920 Revolution Brigades; Mukawama al-Iraqiyya al-Islamiyya (Iraqi Islamic Resistance - 1920 Revolution Brigades))

The MNF-I reported on 1 August 2009:

"The 1920 Revolution Brigades is an anti-occupation resistance group in Iraq, which includes former members of the disbanded Iraqi army. The group has used improvised explosive devices, and armed attacks against U.S occupation forces. The 1920 Revolution Brigades describes its aim as to establish a liberated and independent Iraqi state on an Islamic basis. It has been active in the area west of Baghdad, in the regions of Abu Ghrayb, Khan Dari and Fallujah and in the governorates of Ninawa, Diyala and al-Anbar. The name of the group (Literally "Brigades of the Revolution of the Twenty") refers to the 1920 revolution against British colonial rule in Iraq, drawing an implicit parallel between the nationalist resistance against that occupation with the guerrillas fighting coalition forces today. On March, 2007 some of its members broke off from the 1920 Revolution Brigades to form Hamas of Iraq.

"In a statement issued on 18 March 2007, the 1920 Revolution Brigades stated that it had dissolved into two new brigades, Islamic Conquest and Islamic Jihad. Islamic Conquest became Hamas of Iraq and is the name chosen for its military wing. Islamic Jihad took over the name Twentieth Revolution Brigades, promising to uphold its jihadi inheritance." **[19a]**

Munazzamat Al-Alam Al-Aswad (Black Banner Organization of the Islamic Army)

The UNHCR COI report, October 2005, stated that "This radical Sunni organization is believed to be composed of mainly non-Iraqi fighters and is led by Iraqi Omar Al-Hadid. Said to have links to Al-Qaeda, this organisation was one of a number of different groups that had control over Fallujah until the US military operation there in October 2004. They are said to have imposed strict Islamic law in Fallujah, including a ban on everything from tobacco to popular music cassettes. The organization has also claimed responsibility for a number of kidnappings, including three Indians, two Kenyans and an Egyptian truck driver working for a Kuwaiti company.… Together with two other militant groups, the Mujahedeen Army and the Mutassim Bellah Brigade, it also claimed responsibility for the kidnapping of 10 Iraqis working for a US security and reconstruction company in Iraq." **[40c] (p69)**

No more up to date reports could be found about this group.

Naqshbandia; Men of the Army of al-Naqshbandia Way'; Jaysh Rajal al-Tariqah al-Naqshbandia (JRTN)

The MNF-I recorded on 1 August 2009:

"The 'Men of the Army of al-Naqshbandia Way' (Jaysh Rajal al-Tariqah al-Naqshbandia, or JRTN) is a Sunni jihadi group that first announced insurgency operations against the Coalition in Iraq in December 2006 in response to the hanging of Saddam Hussein (December 30, 2006). Since then, the Naqshbandi army has claimed numerous attacks against the Coalition, posting links to video clips of these attacks in various jihadi forums. Like some other insurgency groups, JRTN publishes a monthly magazine promoting the group's ideology and enumerates its operations against Coalition forces while soliciting donations.

"The Naqshbandia, founded in 1389 by Sheikh Muhammad Baha' al-Naqshbandi, is one of the major Sufi orders of Islam. The Naqshbandia magazine contains both religious and secular articles promoting Sufism and jihad, such as 'A series of facts about Sufism.'

"The Naqshbandia army claims to have carried out jihadi operations against the Coalition in Baghdad, al-Anbar, Ninawa, Diyala and Salah al-Din provinces, where they launched over 17 rocket attacks using Katyusha, Grad and Iraqi-made Tariq rockets, five mortar attacks, 14 road bombs, four sniper attacks and two massive assaults with light weapons on U.S. military bases. In regular military fashion, the JRTN attributes these attacks to platoons and detachments attached to certain brigades of the JRTN. It is a common perception that Sufism is a non-violent form of Islam, guiding its adherents away from political confrontation toward a more spiritual facet of the religion. Hence, Sufism was tolerated by totalitarian regimes such as in Iraq and – in some cases – practiced by the statesmen in such regimes. It is apparent from the regular military terminology used in the Naqshbandia magazine that ex-Iraqi military officers are the main core of JRTN and are using the Naqshbandia order to legitimize their insurgency. Although Sufism is in stark contrast with Salafism, both sects push their religious differences aside to unite against a non-Muslim enemy. However, any Sufi-Salafi alliance is not expected to survive in the absence of a common enemy, possibly even emerging as a new and bitter conflict in strife-torn Iraq." **[19a]**

Omar Brigades

A Sunni group that was set up in response to the Badr Brigades and the Madhi Army. The Omar Brigades enjoy sympathy among the population. **[88b] (p13)**

No more up to date reports could be found about this group.

Peshmerga ('those who face death')

The CSIS report, dated 22 June 2006, noted that "The two major Kurdish parties, the Kurdish Democratic Party (KDP) headed by Masoud Barzani and the Patriotic Union of Kurdistan, headed by Jalal Talibani, retain powerful militias, known collectively as the Peshmerga. Their current strength is difficult to estimate, and some elements are either operating in Iraqi forces or have been trained by US advisors. The Iraqi Kurds could probably assemble a force in excess of 10,000 fighters – albeit of very different levels of training and equipment." **[63b] (p278)**

The CFR report, dated 9 June 2005, stated that "They are a Kurdish liberation army whose name translates literally to 'those who face death.' Elements of the force, whose roots stretch back to the 1920s, fought against Saddam Hussein during the Iran-Iraq war and provided military backup during the U.S.-led coalition's ousting of Saddam Hussein in 2003. The peshmerga is now believed to comprise some 100,000 troops …." **[8a] (p1)**

The UNHCR COI report, October 2005, stated that "In the North, the Kurdish Peshmerga continues to control the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah; since the fall of the former regime it has also expanded its area of influence south into Kirkuk, Mosul and Diyala Governorates." **[40c] (p59)** The peshmerga serve as the primary security force for the KRG in the northern Iraq. (CFR, 9 June 2005) **[8a] (p1)** (UNHCR COI, October 2005) **[40c] (p61)** (CSIS, 22 June 2006) **[63b] (p278)**

The UNHCR COI report, October 2005, stated that "Unlike the other militias, the Peshmerga were not prohibited from existing under the TAL." **[40c] (p61)** The same report noted that "In June 2005, the Kurdish parties agreed to assign about 30,000 Peshmerga fighters to the National Government while the rest will come under the control of a planned unified Peshmerga Ministry in the KRG." **[40c] (p61)**

The CSIS report, dated 19 June 2006, stated that "A Kurdish word meaning 'those ready to die,' the Peshmerga were created in 1946 to fight for an independent Kurdish state. The forces number up to 140,000 with loyalties divided between the two main Kurdish political parties: the Kurdish Democratic Party, and the Patriotic Union of Kurdistan. About 20,000 Peshmerga had been integrated into Iraq's army by the spring of 2006, but were still largely based in the Kurdish provinces to the north." **[63a] (p58)**

Qatta'ab Al-Imam Al-Hussein (Imam Al-Hussein Brigades)

The UNHCR COI report, October 2005, stated:

"This group claimed responsibility for a number of attacks in Baghdad and in the South directed against the 'occupation forces' and those persons, including Iraqi civilians, suspected of supporting them. Furthermore, it claims the assassination of a Ministry of Commerce official and member of the Badr Brigades. …Given the group's name, which refers to one of the most venerated Shiite imams, it is assumed that this insurgency group (unlike most others) is Shiite." **[40c] (p72-73)**

Saraya Al-Ghadhab Al-Islami (the Islamic Anger Brigades) **[25c] (p3)**

Saraya Usud Al-Tawhid (the Lions of Unification Brigades) **[25c] (p3)**

Saraya Suyuf al-Haqq (the Swords of Justice Brigades)

The ICG report, dated 15 February 2006, noted "Previously unknown, this group took responsibility for the November 2005 kidnapping of four peace activists from the Christian Peacemaking Team. Its origins and affiliation remain murky, although it claims to operate under the banner of Jaysh al-Sunna wal-Jama'a, a recent offshoot of Jaysh Ansar al-Sunna." **[25c] (p3)**

No more up to date reports could be found about this group.

Shura Council of Mujahedeen (SCMI)

Jane's Sentinel noted on 9 September 2009:

"The Mujahideen Shura Council of the Mujahideen in Iraq (SCMI) was established in January 2006 as an umbrella movement of militant Islamist groups that sought to confront the'Crusaders and their Rafidi (Shiite) and secularist followers who have

seized Baghdad'. The movement brought together six militant Islamist groups: AQI; the Jaysh al-Taifa al-Mansura; Ansar al-Tawhid; Al-Ghuraba; Al-Jihad al-Islami; and Al-Ahwal. Using both foreigners and Iraqis, these groups have carried out a range of suicide bombings and assassinations inside Iraq." **[14a] (Religious Militant, Sunni extremist)**

Supreme Iraqi Islamic Council (SIIC)

According to Jane's Sentinel, last updated 9 September 2009, the Supreme Iraqi Islamic Council was one of the key armed Shia groups. **[14a] (Sectarian militias, Shia)**

Tandhim Qa'idat al-Jihad fi Bilad al-Rafidayn (al-Qa'ida of Jihad Organization in the Land of Two Rivers, Al-Qaeda in Iraq (AQI), Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia))

The MNF-I reported on 1 August 2009:

"Al-Qaida Organization in Iraq (AQI) is the name of the terrorist group formerly led by Abu Musab al-Zarqawi until being killed in a Coalition force airstrike on June 7, 2006. Abu Ayyub al-Masri replaced al-Zarqawi as leader of the group following his death. The goals of this group are to overthrow the Iraqi government and establish an Islamic state in Iraq by forcing out the U.S.-led coalition. Elements of the Kurdish Islamist group Ansar al-Islam, and indigenous Sunni Iraqis comprise much of this group.

"AQI has issued claims of responsibility in Iraq for attacks on American and Iraqi security forces, often claiming several attacks in one day. The group uses a variety of tactics that include RPG attacks against armored vehicles, guerilla style attacks by armed militants, suicide bombings, and the kidnapping and beheadings of foreigners.

"AQI (sometimes referred to as Al-Qaida in the land of the Two Rivers) has focused on attacking Shiite Arabs and the Iraqi security forces (Iraqi Army and Iraqi Police). This group is blamed for the bombing of a Shia shrine in Samarra in February of 2006 and June of 2007, which set off a series of deadly reprisal killings between Sunnis and Shias.

"In addition to these frequent smaller scale attacks in Iraq, the group claimed responsibility for the bombing of three hotels in Amman, Jordan that left 67 people dead and injured more than 150." **[19a]**

See also Sunni Arab insurgents.

Jane's reported, on 31 October 2008, that the current leader of AQI to be Abu Ayyub al-Masri, also known as Abu Hamza al-Muhajir. **[14g] (p13)**

Jane's Sentinel, updated on 9 September 2009, stated "… the principal militant Islamist grouping in Iraq, [is] a network known as Al-Qaeda in the Land of the Two Rivers (Tanzim Qaedat Al-Jihad fi Bilad Al-Rafidayn), or Al-Qaeda in Iraq (AQI). AQI's purpose is jihad, the struggle against infidels and apostate Muslims (primarily Shia). …

"Elements of the broader Al-Qaeda network appear eager for AQI to focus on ends rather than means by adopting objectives that include the intermediate aim of bloodying the MNF, and the long-term aim of expelling them and creating an Islamist state in Iraq. There are strong indicators of growing tension between the Sunni

nationalist resistance and militant Islamist factions. The Salafists have been increasingly overt in criticising Sunni nationalists for taking part in the secular political process or security forces, and militant Islamist cells have begun to target senior Sunni community leaders and clerics that support such steps. Sunni nationalist cells such as the 1920 Brigades, the Anuman Brigades and the Islamic Mujaheddin Army have formed their own shura council to co-ordinate protective measures and retaliatory strikes against militant Islamist cells. The militant Islamist effort is becoming increasingly isolated from the Iraqi people and has displayed some loss of operational capability as a result of its loss of local safe havens. The movement has invested considerable effort in seeking to rhetorically defuse its feuding with Sunni Arab tribes. On 28 September 2006, al-Muhajir issued an audio recording offering reconciliation during the month of Ramadan and a chance to 'repent' for past sins. The reconciliation effort was given further backing by Sheikh Harith al-Dari, the senior religious authority in the Association of Muslim Scholars. Some tribal confederations such as the al-Bu Baz appear to have accepted the reconciliation as a means of backing away from damaging feuds with formidable jihadist elements and used Ramadan to enforce a break in tit-for-tat killings.

"They are increasingly focusing their efforts on cementing their new base in the Sunni triangle areas of the Tigris valley. These comprise Baghdad and the northern provinces of Diyala and Salah al-Din, with smuggling routes principally operating in the northwest from the Rabiya border crossing with Syria to Tall Afar and from there to Mosul. AQI has provided Iraqi insurgent groups operating in this area with specialised support (anti-helicopter capabilities for instance) and otherwise sought to weave itself into the fabric of the mainstream Sunni anti-occupation attacks.

"However, residents in these areas appear to be increasingly turning against AQI as generally happened in Anbar after 2005 and in specific locations such as Fallujah and Ramadi in 2004. Residents have been alienated by AQI attempts to bring the population to heel through violent attacks, such as the use of chlorine bombs in populated areas. Local insurgent movements such as the 1920 Brigades have turned against AQI elements in Diyala, and the MNF has established a Diyala Salvation Front to mirror the Anbar Awakening Council of anti-AQI tribes in Anbar. The US offensive into the upper Tigris river valley since early 2007 appears to have dislodged AQI from Diyala and pushed its centre of gravity further up the Tigris to areas such as Balad, Tikrit, Kirkuk and Mosul. The organisation appears to be losing ground in all Sunni areas.

"AQI may begin its transition into a true clandestine terrorist network of disparate cells based in Iraqi cities (particularly Kirkuk and Mosul) and utilising remote border crossings, largely cut off from Sunni community support bases and allied movements within Iraq. AQI is likely to attempt to nest itself within the Sunni Arab communities in northern Iraq who are most threatened by Kurdish expansionism. In the latter months of 2007, AQI cadres were increasingly forced to operate out of northern Iraqi cities, as anticipated by many observers, and have focused their efforts on intimidating the Sunni Awakening movements. In 2008, they have gradually been pushed out into remote rural areas where there are fewer civilians to provide tip-offs to the security forces and where the much-reduced AQI cadres can dominate small rural communities. As of mid-2009, Mosul is the only major urban area in which AQI continues to try to hold terrain in order to keep its lines of communication from Syria to Baghdad through the Ninewa province intact." **[14a] (p3)**

"Despite significant leadership losses and a diminished presence in most population centers, AQI continues to conduct periodic, targeted HPAs [high profile attacks],

albeit at a reduced rate compared to 2006-2008. AQI is increasingly focusing its rhetoric and its attacks against Iraqis, including the GoI, ISF, and civilians, in an effort to discredit the GoI and incite sectarian violence as Coalition troops prepare to draw down. In upcoming months, AQI may attempt to take advantage of political and security changes, including detainee releases and growing ISF responsibility for security, in an effort to reassert its presence in some areas of Iraq.

"AQI is experiencing significant hardship in northern Iraq, although Ninewa Province remains the group's logistical and support center. Improved security, combined with Coalition forces and ISF operations, continue to degrade AQI's leadership and operational capabilities. These internal network pressures in late 2008 caused AQI to reduce foreign fighter movement into Iraq. Despite the increase in HPAs in recent months, the overall low number of attacks, combined with AQI's degraded media apparatus, has diminished external support and funding for AQI. Nevertheless, AQI has remained viable by evolving into a more indigenous organization, increasingly relying on Iraqis for funding and manpower." (USDoD, July 2009) **[103b] (p27, Al Qaeda in Iraq)**

Turkoman Front militia

Jane's Sentinel, updated 18 February 2008, stated that "The Turkoman Front is an ethnically based political party supported by Turkey. Its militia, with an estimated strength of 300, was established in the 1990s to safeguard the interests of Iraq's Turkish-speaking minority. It is believed that the Turkish military has played an extensive role in supporting the militia as a proxy force that could be used against Kurdish forces in northern Iraq. Turkoman gunmen have clashed with KDP forces in the important oil city of Kirkuk in northern Iraq, which both communities claim to control." **[14c] (p3)**

For further information about militia/insurgent groups see the following links:

National Consortium for the Study of Terrorism and Responses to Terrorism (START): Global Terrorism Database
http://www.start.umd.edu/gtd/

Memorial Institute for the Prevention of Terrorism (MIPT): MIPT Terrorist Information Centre
http://library.mipt.org/uhtbin/cgisirsi.exe/TDKJc2KGR9/0/274110006/60/502/X

OTHER MILITIA/INSURGENT GROUPS

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

al-Jabha al-Wataniya litahri al-'Iraq (the National Front for the Liberation of Iraq);

Jaysh Tahrir al-'Iraq (the Iraqi Liberation Army);

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

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

Armed Islamic Movement for Al Qaeda - Falluja Branch

Actual linkages to Al Qaeda, if any, are not known.

Nasirite Organization [28c] (p5) [33b]

Other groups mentioned in the Canadian IRB factsheet on Iraq, published January 2008, included "Active Religious Seminary, al-Faruq Brigades, al-Qiyadah al-Amah li Jaysh al-Iraq (General Command of the Iraqi Army), al-Sadr's Group, Armed Vanguards of Mohammad's Second Army, Ba'ath Arab Socialist Party, Black Banner Organization, Fallujah Branch, Hasad al-Muqawamah al-Iraqiyah, Imam al-Mahdi Army, Iraq's Revolutionaries, Iraqi National Islamic Resistance, Iraqi Organization of Liberation, Iraqi Resistance Brigades, Iraqi Resistance Islamic Front (JAMI), Islamic Jihad Brigades of Muhammad's Army, Islamic Movement of Kurdistan, Jamaat al-Tawhid wa'l-Jihad (Unification and Jihad Group), Jaysh Muhammad, Jund al-Sham (God's Wrath), Kata'ib al-Zilzal al-Mujahidah (Jihadist Earthquake Brigades), Kurdistan Islamic Group, Liberating Iraq's Army, Mafariz al-Intiqam (Martyrs Brigades of the Hamas Movement), Mujahedin Allahu Akbar (God is Great Fighters), Mujahideen Battalions of the Salafi Group of Iraq, Muslim Fighters of the Victorious Sect, Muslim Youth, National Iraqi Commandos Front, Resistance Front, Sa'd bin Abi Waqqas, Salafist Jihad Group, Snake Party, Sons of Islam, Tha'r Allah (Vengeance Detachments), Usbat al-Huda (Daughter of Guidance), Wakefulness and Holy War, White Flags." **[139a] (4. Armed groups and other non-state actors)**

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Annex E: Past insurgent/militia groups

This information relates to the situation prior to the fall of the Saddam regime. It should be considered in that context.

Fedayeen Saddam
The paramilitary unit responsible for security duties was also used for specific propaganda objectives. Over the years the Fedayeen Saddam became better equipped and earned a healthy wage under Iraqi standards. There were also some elite units. The Fedayeen Saddam was made up of both Sunnis and Shiites. There were several brigades of the Fedayeen Saddam in the southern towns of Najaf, Kerbala, Amara, Nasiriyya and Basra who had partially taken over the duties of the local police. **[30b] (p9)**

Recruitment was not performed according to the same, rigid procedures each time. In view of the fact that there were enough young men who wanted to join the unit, it seemed very unlikely that new recruits had to be forced to join the Fedayeen. An unconfirmed press report noted that they were allowed to perform summary executions. **[71a] (p72)**

Many young people were recruited through teachers and lecturers at schools and universities affiliated to the Ba'ath party. This occasionally involved forced recruitment, but it was possible for them to be put under pressure, for example, by a leader of their own tribe, or if they have shown that they possessed special (physical and other) capabilities. If they refused to join, they would quite possibly run the risk of being picked up and tortured. Young people sometimes fled or went into hiding to evade the Fedayeen Saddam. Early resignation from the Fedayeen Saddam was not accepted and could have attracted problems, such as arrest, intimidation or physical violence. The gravity of the problems encountered depended on the specific circumstances. Young girls and young women could join the Fedayeen Saddam; it couldn't be completely ruled out that they may have also been forced to join.
[71a] (p72)

Al Quds
Initially this army unit was known as the 'Volunteer Forces of Jerusalem Day'. This army, was, according to the Ba'ath authorities, supposed to be made up of volunteers, and was used for the liberation of the Palestinian areas. It was used in particular for propaganda purposes and had little military power. The name of the army was changed in February 2001 to 'Jerusalem Liberation Army/Al Quds Army'. Although the term 'voluntary' no longer featured in the name, the authorities still considered it to be a volunteer army, which is why no formal legislation had been issued making it an offence to refuse to serve in the army. Officially no charges were brought against people who refused to join. This would have run counter to the alleged voluntary nature of the army. Nothing was recorded in Iraqi criminal law about the 'Jerusalem Liberation Army'. **[71a] (p75)**

Although a volunteer army in principle, in practice it appeared that people were urgently sought to enlist. In general, 'volunteers' (men aged from approximately 18 to 50) were being recruited during house calls by representatives of the Ba'ath party. Men who refused to join (and were unable to bribe the recruitment officer) might have been punished, although the lack of legislation meant that the punishment was not clearly defined. It could have included food ration restrictions, problems at work, or forced termination of studies. Those who refused also found themselves registered as disloyal to the Ba'ath government in the security service files. This could possibly

have led to (serious) problems for the relevant 'volunteer' and the members of his family at a later stage. As a result few probably refused. If you were already recorded as being disloyal, prior to the recruitment (because you came from a 'tainted' family, for example), refusal to serve in the 'Jerusalem Liberation Army' could have been considered a political act. Detention and maltreatment could have then be used. This was a rare category, however. **[71a] (p75-76)**

It was relatively simple to bribe the relevant recruitment officer. You were then released from the 'obligation' to put yourself forward as a 'volunteer'. Apparently Iraqis living abroad could have bought themselves free for USD 1,000 (€ 988). They would have had to pay this sum at the Iraqi embassy in the country where they were living and once they had paid, they were issued with a written declaration which could have been presented to the (military) authorities should they have entered Iraq. They were then no longer called up for Al Quds. Although the above amount was high in Iraqi terms, settlement has shown that the Iraqi authorities were accommodating towards people who did not want to serve as volunteers in this army. **[71a] (p76)**

Jash

Kurdish militias who were allied to Saddam Hussein's regime and operated as mercenaries outside the regular army (popularly derided as 'Jash' or 'Jahsh') were located in central Iraq, especially in and around Mosul. After the intifada in 1991, large groups of Jash deserted to the Kurdish resistance. The KDP and the PUK gave the militias a 'general pardon'. The Jash were incorporated in the existing military structures there or surrendered their weapons. As far as it is known, there was little if any meting out of retribution or settling of scores. The former members of the Jash generally experienced no problems in KAZ because they came from strong tribes, who could defend themselves (if required) in the area. **[71a] (p73-74)**

Initially the Jash were responsible for espionage, ensuring that no anti-Government opinions were voiced and no anti-Government activities were attempted by the local Kurdish population in the north of Central Iraq. These activities also included contacts with the KDP or the PUK. They were responsible, in conjunction with the Central Iraqi security troops, for maintaining order in the district where they were serving. **[71a] (p74)**

Because of the military nature of the Jash-militias and the authoritarian culture in the Ba'ath regime of central Iraq, some of these militias regularly abused their power and employed (excessive) violence. There were reports of intimidation, threats and extortion employed against the local Kurdish population. However, there were also Jash-militias who adopted a more accommodating attitude towards the local population. According to reports, the militias were no longer created purely on the basis of clan and tribal relations, unlike in the past, and members also joined on an individual basis. Privileges and financial reward could have been considered the most important motives for joining. **[71a] (p74)**

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Annex F: List of abbreviations

AI	Amnesty International
CCCI	Central Criminal Court of Iraq
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPA	Coalition Provisional Authority
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FFM	Fact-Finding Mission
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IECI	Independent Electoral Commission of Iraq
IED	Improvised Explosive Devices
IFRC	International Federation of Red Cross and Red Crescent Societies
IIG	Iraqi Interim Government
IMF	International Monetary Fund
INIS	Iraqi National Intelligence Service
IOM	International Organisation for Migration
IRC	Iraqi Red Crescent
ISF	Iraqi Security Forces
IST	Iraqi Special Tribunal
KDP	Kurdistan Democratic Party
KRG	Kurdish Regional Government
MNFI	Multi-National Force in Iraq (also MNF; MNF-I)
MOI	Ministry of the Interior
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NPA	Norwegian People's Aid
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OFF	(UN) Oil for Food program
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PUK	Patriotic Union of Kurdistan
RSF	Reporters sans Frontières
SICT	Supreme Iraqi Criminal Tribunal
SIIC	Supreme Islamic Iraqi Council
STD	Sexually Transmitted Disease
STC	Save The Children
TAL	Transitional Administrative Law

TB	Tuberculosis
TI	Transparency International
TNA	Transitional National Administration
UIA	United Iraqi Alliance
UN	United Nations
UNAMI	United Nations Assistance Mission to Iraq
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSCR	United Nations Security Council Resolution
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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