Home Office
UK Border Agency

IRAQ

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

25 March 2011

SECURING OUR BORDER CONTROLLING MIGRATION

Contents

Preface

Latest News

EVENTS IN IRAQ FROM 2 FEBRUARY 2011 TO 24 MARCH 2011

Useful news sources for further information

REPORTS ON IRAQ PUBLISHED OR ACCESSED BETWEEN 2 FEBRUARY 2011 AND 24 MARCH 2011

Paragraphs

Background Information

1. GEOGRAPHY 1.01
   - **Size and population** 1.01
   - **Ethnicity and religion** 1.04
   - **Language** 1.06
   - **Measurements** 1.07
   - **Public holidays** 1.08
   - **Maps** 1.09
2. ECONOMY 2.01
   - **Currency** 2.05
   - **Employment** 2.07
3. HISTORY 3.01
   - **The rise of the Baath Party and Saddam Hussein's reign (1958-2003)** 3.01
   - **Security situation (2003 – 2009)** 3.05
     - Fall of Saddam Hussein and rise in sectarian violence (2003 – 2007) 3.05
     - Counter-insurgency operations ('The Surge' 2007 – 2009) 3.08
     - US military drawdown under the US-Iraq 'Security Agreement' (1 Jan 2009) 3.09
   - **Political situation (2003 – 2009)** 3.12
     - Creation of a new government (2003 – 2005) 3.12
     - De-baathification and political divide between Sunni and Shia groups (2003 – 2009) 3.14
     - Political reform and reconciliation (2008 – 2009) 3.18
     - Provincial elections 2009 ..... 3.21
   - **The Kurdistan Regional Government** 3.25
     - Creation of an autonomous region and government (1992 – 2006) 3.25
       - Constitutional reform and 2005 elections 3.28
     - The 'disputed territories' (2003 – 2009) 3.32
     - Kurdistan National Assembly elections 2009 ..... 3.34
4. RECENT DEVELOPMENTS (1 DECEMBER 2009 – 1 FEBRUARY 2011) 4.01
   - **Security Developments** 4.01
     - Security related incidents 4.01
     - US combat mission ends – August 2010 ..... 4.04
     - Wikileaks 'war logs' – October 2010 ..... 4.05
   - **Political developments** 4.06
     - Run-up to the 2010 parliamentary elections: Challenge to Maliki's rule 4.06
     - Election law signed (6 December 2009) 4.07
     - Disqualification of election candidates (January 2010) 4.09
     - March 2010 national elections 4.11

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Coalition government established (21 December 2010) 4.14
5. CONSTITUTION 5.01
6. POLITICAL SYSTEM 6.01
Executive 6.02
Legislature 6.04
Political parties 6.05
Kurdistan Regional Government 6.06
Executive 6.09
Legislature 6.11
Political parties 6.12

Human Rights

7. INTRODUCTION 7.01
8. SECURITY SITUATION 8.01
Overview 8.01
Main actors involved in the violence 8.06
Trends in the number of security incidents and fatalities 8.12
Limitations in quantitative data 8.18
Types of violence 8.22
Sectarian targeting 8.28
Security by regions 8.36
Southern Iraq 8.39
Basrah 8.42
Central and Western Iraq 8.44
Baghdad 8.44
Al-Anbar 8.49
Salah-al-Din 8.51
Northern Iraq 8.52
Diyala (Khanaqin) 8.56
Ninewa (Mosul) 8.59
Kirkuk 8.65
Kurdistan Regional Government area 8.67
9. CRIME 9.01
Kidnapping/hostage taking 9.02
10. SECURITY FORCES 10.01
Effectiveness of the security forces 10.05
Sectarian influence and divisions within the security forces 10.12
Targeting of security forces by insurgents 10.15
Police 10.16
Iraq Police Service (IPS) 10.21
Iraq Federal Police (IFP) (previously National Police) 10.25
Border enforcement 10.28
Facilities Protection Service (FPS) 10.32
Oil Police 10.34
Armed forces 10.37
Other government forces 10.41
Intellience Organisations 10.41
Awakening councils / Sons of Iraq 10.43
Daughters of Iraq 10.49
Human rights violations by government forces 10.51

Arbitrary arrest and detention 10.51
Torture, ill treatment and excessive force 10.56
Extra-judicial killings 10.62
Avenues of complaint 10.64
Security forces in the Kurdistan Regional Government area 10.69
Human rights violations by government (KRG) forces 10.73
Foreign security forces 10.77
US Forces – Iraq (USF-I) 10.77
Private contractors 10.84
11. MILITARY SERVICE 11.01
12. NON-GOVERNMENT ARMED GROUPS 12.01
Overview 12.01
Former regime elements / neo-Baathists 12.04
Sunni religious extremists (including al Qaeda in Iraq) 12.05
Sunni militia groups 12.10
Shia militia groups 12.14
Kurdish militia groups 12.18
13. JUDICIARY 13.01
Organisation 13.03
Higher Judicial Council (HJC) 13.06
Federal Supreme Court 13.09
Central Criminal Court of Iraq (CCCI) 13.11
Iraq High Tribunal (IHT) 13.13
Ministry of Interior and Ministry of Defence courts 13.15
Independence 13.17
Fair trial 13.24
Judicial efficiency and reform 13.29
Fair trial in special courts (including terrorist cases) 13.33
Judiciary in the Kurdistan Regional Government area 13.37
Tribal justice systems 13.42
Penal code 13.45
14. ARREST AND DETENTION – LEGAL RIGHTS 14.01
USF-I detainees 14.04
Amnesty laws 14.07
15. PRISON AND OTHER PLACES OF DETENTION CONDITIONS 15.01
Overview 15.01
Organisation 15.04
Conditions in detention 15.06
Overcrowding 15.12
Segregation of men, women and children 15.15
Monitoring of conditions 15.17
Prison and detention facilities in the Kurdistan Regional Government area 15.20
16. DEATH PENALTY 16.01
Death penalty in the Kurdistan Regional Government area 16.07
17. POLITICAL AFFILIATION 17.01
Freedom of political expression 17.01
March 2010 parliamentary elections 17.03
Freedom of association and assembly 17.10
Opposition groups and political activists 17.15
Political factions and sectarian insurgency 17.15
Persons linked to the former Ba'ath Party regime 17.24

 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Academics 17.28
Government officials and (perceived) 'western collaborators' 17.31
Political affiliation in the Kurdistan Regional Government area 17.36
Freedom of political expression and association 17.36
Political opponents 17.38
18. FREEDOM OF SPEECH AND MEDIA 18.01
Overview 18.07
Print media, TV and radio 18.07
Internet 18.09
Journalists 18.12
Attacks by sectarian insurgents 18.12
Government harassment and censorship 18.17
Freedom of speech and media in the Kurdistan Regional Government area . 18.22
Overview 18.22
Journalists 18.25
19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS 19.01
Institutional and legal framework 19.01
Human rights monitoring 19.08
Human rights activists/defenders 19.11
Human rights institutions, organisations and activists in the Kurdistan Regional Government area 19.15
20. CORRUPTION 20.01
Corruption in the Kurdistan Regional Government area 20.09
21. FREEDOM OF RELIGION 21.01
Overview 21.01
Respect for religious freedoms by the government 21.04
Political representation 21.05
Religious education 21.07
Religious conversion 21.09
Discrimination in accessing employment and documentation 21.11
Insecurity and human rights violations against religious groups 21.15
Muslim Sunni and Shia groups 21.16
Non-Muslim minorities Islam 21.20
Physical insecurity 21.20
Societal and political discrimination 21.24
Christians 21.27
Sabean mandeans 21.32
Yazidis 21.36
Kaka'i 21.39
Jews 21.41
Religious freedoms in the Kurdistan Regional Government area 21.43
22. ETHNIC GROUPS 22.01
Ethnic demography 22.01
Insecurity and human rights violations against ethnic groups 22.05
Insurgent violence against ethnic minorities 22.05
Arab – Kurdish tensions over the 'disputed territories' 22.09
Minority groups in the 'disputed territories' 22.14
Kurds 22.22
Faili Kurds 22.24
Turkmens 22.28
Chaldo-Assyrians 22.33

Shabaks 22.37
Roma 22.42
Tribes/Clan 22.45
23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS 23.01
Legal rights 23.01
Treatment by, and attitudes of, state authorities 23.08
Societal treatment and attitudes 23.14
Lesbian, Gay, Bisexual and Transgender persons in the Kurdistan Regional Government area 23.22
24. DISABILITY 24.01
25. WOMEN 25.01
Overview 25.01
Legal rights 25.05
Political rights 25.08
Social and economic rights 25.15
Marriage, divorce and guardianship 25.19
Inheritance and proerty ownership 25.22
Employment 25.22
Freedom of movement 25.29
Vulnerable women-headed households 25.33
Violence against women 25.39
Legal safeguards 25.39
Summary of types of violence and societal context 25.41
Domestic violence 25.47
Sexual violence (including sectarian related sexual abuses) 25.54
Forced/early marriages 25.60
'Honour' crimes 25.65
Female Genital Mutilation (FGM) 25.71
Prostitution and 'temporary marriages' 25.76
Assistance available 25.79
Provision of shelters 25.79
Insecurity and human rights violations against NGO staff 25.84
Outreach support and campaigning 25.85
26. CHILDREN 26.01
Overview 26.01
Basic legal information 26.03
Legal rights 26.04
Violence against children 26.09
Sectarian violence 26.09
Child soldiers 26.12
Detention of children 26.15
Child labour 26.18
Sexual exploitation 26.20
Childcare and protection 26.21
Education 26.24
27. TRAFFICKING 27.01
Trafficking in the Kurdistan Regional Government area 27.05
28. MEDICAL ISSUES 28.01
Overview of availability of medical treatment and drugs 28.03
HIV/AIDS – anti-retroviral treatment 28.11
Cancer treatment 28.14

 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Kidney dialysis **28.16**
Mental health **28.17**
Medical issues in the Kurdistan Regional Government area **28.20**
HIV/AIDS – anti-retroviral treatment 28.25
Cancer treatment 28.27
Mental health 28.29
29. HUMANITARIAN ISSUES **29.01**
30. FREEDOM OF MOVEMENT **30.01**
Entry arrangements into the Kurdistan Regional Government area **30.09**
31. INTERNALLY DISPLACED PERSONS (IDPS) **31.01**
Further sources of information on IDPs **31.08**
32. FOREIGN REFUGEES **32.01**
Palestinians **32.08**
Iranians **32.10**
33. CITIZENSHIP AND NATIONALITY **33.01**
Documentation **33.03**
Public Distribution System (PDS) Cards 33.06
Birth and death certificates 33.10
Nationality certificate 33.11
Passports 33.12
34. EXIT AND RETURN **34.01**

Annexes

Annex A – Chronology of major events
Annex B – Political organisations
Annex C – Prominent people
Annex D – Non government armed groups
Annex E – List of abbreviations
Annex F – References to source material

Preface

i This Country of Origin Information (COI) Report has been produced by the 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 1 February 2011. The 'Latest News' section contains further brief information on events and reports accessed from 2 February to 24 March 2011. The report was issued on 25 March 2011.

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 compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. 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 compilation of extracts produced by a number of information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. 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 UK Border Agency 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. 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.

Country of Origin Information Service
UK Border Agency
St Anne House
20-26 Wellesley Road
Croydon, CR0 9XB
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi

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 COI material. The IAGCI welcomes feedback on UKBA's COI Reports 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/

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.

Independent Advisory Group on Country Information contact details:
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspectorukba@icinspector.gsi.gov.uk
Website: http://icinspector.independent.gov.uk/country-information-reviews/

Return to contents

10 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Latest News

EVENTS IN IRAQ FROM 2 FEBRUARY TO 25 MARCH 2011

The Latest News provides a non-exhaustive selection of significant events since 2 February 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

24 March 2011

A roadside bomb exploded on a busy road in Zafaraniya district in south-eastern Baghdad, killing a civilian and wounding seven others. Meanwhile, in al-Hurriya district in north-western Baghdad, a bomb attached to a vehicle belonging to the Ministry of Electricity exploded and killed the driver and wounded two bystanders. In Amriya, western Baghdad, a bomb attached to a civilian car exploded and killed the driver. In Mosul, about 420 kilometers north of Baghdad, gunmen shot dead a police officer in the city center, using pistols equipped with silencers. Also in Mosul, Iraqi security forces shot dead a motorist when he was driving against traffic in central Mosul, thinking he was a suicide bomber.

Overall violence in Iraq has dropped dramatically since the peak of the sectarian violence in Iraq between 2005 and 2007, but such attacks still occur on a daily bases.
http://edition.cnn.com/2011/WORLD/meast/03/23/iraq.violence/#
Date accessed 25 March 2011

21 March 2011

Al Qaeda's Iraqi affiliate claimed responsibility for last week's car bomb attack on an Iraqi army unit which killed at least eight soldiers. The Islamic State of Iraq, an umbrella group for al-Qaeda-linked insurgents, claimed responsibility for the attack in a statement posted on a radical Islamic website.
http://www.khaleejtimes.com/displayarticle.asp?xfile=data/middleeast/2011/March/middleeast_March371.xml&section=middleeast&col=
Date accessed 22 March 2011

18 March 2011

Thousands of protestors rallied in mostly Shiite cities across Iraq against what some are calling 'sectarian attacks' by security forces against Shiite-led protestors in the Sunni-ruled kingdom of Bahrain. The demonstrations were among the largest in Iraq since the wave of dissent spread from Tunisia across the Middle East.
http://www.signonsandiego.com/news/2011/mar/18/iraqi-shiites-decry-sunni-crackdown-in-bahrain/#
Date accessed 19 March 2011

17 March 2011

Amnesty International has called on the authorities in the Kurdistan Region of Iraq (KRI) to release an Iraqi man who was sentenced today to five years in prison on charges it believes were fabricated to justify years of unlawful imprisonment. Walid Yunis Ahmad, who had already been detained without trial for 11 years, was convicted of 'sending

orders and instructions from prison to his followers in Kirkuk and Mosul to carry out terrorist attacks in Dohuk in 2009'. Although he has been held continuously since 2000, his detention was unlawful until 4 February 2010, leading the trial court to ignore those 10 years and decide that his five year sentence should be considered to start from the date when his detention became lawful, leaving him almost four years more to serve.
http://www.unhcr.org/refworld/country,,,,IRQ,,4d82fa223,0.html
Date accessed 18 March 2011

16 March 2011 A car bomb exploded in Kirkuk which killed 2 civilians and wounded 35. Seven police officers were among the wounded people who were in a police patrol parked on the side of the road.
http://edition.cnn.com/2011/WORLD/meast/03/16/iraq.blast/index.html#
Date accessed 17 March 2011

14 March 2011 A suicide bombing at an Iraqi military base north of Baghdad has killed at least 10 people and wounded 25 on Monday 14 March 2011. Most of the dead and wounded are Iraqi soldiers, as a truck bomber ran into a barracks.
http://edition.cnn.com/2011/WORLD/meast/03/14/iraq.violence/index.html
Date accessed 15 March 2011

At least 2 people were killed and 14 wounded when a riot erupted at a Tikrit, Iraq prison. The wounded included seven prison guards and seven inmates. Prisoners set fires in cells that hold hundreds of inmates. Police said the instigators were from insurgent groups such as al Qaeda, who were planning to escape after creating chaos in the facility.
http://edition.cnn.com/2011/WORLD/meast/03/13/iraq.prison.riot/index.html?hpt=T2#
Date accessed 15 March 2011

12 March 2011 Seven Iraqi soldiers were fatally shot in an ambush on Saturday [12 March 2011] morning as they left their base near Mosul to head home on vacation. It was the deadliest single attack on security forces in weeks. The soldiers, unarmed and wearing civilian clothes, were riding in a minibus when two vehicles pulled up and blocked their path. Four gunmen carrying automatic rifles jumped out of the cars, opened fire and then sped off down a dirt road. Security officials blamed Al Qaeda in Mesopotamia, which has carried out a campaign of assassinations and bombings against police officers, soldiers and politicians and government employees.
http://www.nytimes.com/2011/03/13/world/middleeast/13iraq.html?ref=iraq
Date accessed 13 March 2011

10 March 2011 Amnesty International have stated that a group of anti-government protesters missing since they were arrested this week in Baghdad are feared to be at risk of torture, after other recently released protestors

12 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

told Amnesty International they were tortured in detention. Two recently released activists said they were tortured or otherwise ill-treated in detention after they were arrested in connection with recent protests.
http://www.unhcr.org/refworld/country,,,,IRQ,,4d79c5241a,0.html
Date accessed 11 March 2011

6 March 2011

Masked attackers burned the tents of protestors in Sulaimaniya following demonstrations in the day against Massoud Barzani, president of the Kurdistan Regional Government. Some protestors blamed the attack on Kurdish security forces, who have denied any involvement.
http://edition.cnn.com/2011/WORLD/meast/03/06/iraq.kurdistan.protests/index.html#
Date accessed 10 March 2011

3 March 2011

A suicide bomber targeted a bank in the northern town of Haditha (Anbar province), which killed at least nine people. At least eight others were wounded in the midday blast, with reports that security personnel were among the dead.
http://www.bbc.co.uk/news/world-middle-east-12633980
Date accessed 4 March 2011

1 March 2011

An Iraqi journalist reporting for the satellite television *al-Ittijah* was among those killed in a blast that targeted a celebration in Ramadi. The killing occurred a week after another Iraqi journalist was shot in Mosul by a group of unidentified men.

A number of reporters were also detained over their coverage of the mass demonstrations that took place in Baghdad's al-Tahrir square. They were blindfolded, beaten and threatened by security forces, while held in custody for nine hours. An apology was later issued by the head of Baghdad Operation Command for the way the journalists were treated.
http://www.guardian.co.uk/media/greenslade/2011/mar/01/journalist-safety-iraq
Date accessed 2 March 2011

28 February 2011

Prime Minister Nouri al-Maliki told a news conference he would ask the parliament to pass a law allowing for the early elections for the councils that rule Iraq's 18 provinces and said the move was a response to the people's demands for change.
http://news.yahoo.com/s/ap/20110228/ap_on_re_mi_ea/ml_iraq
Date accessed 2 March 2011

Iraqi government plans for internally displaced persons and returnees may not be fully implemented this year because of a funding shortfall [said Deputy Minister for Displacement and Migration] Many big projects have been set up, but the ministry, according to the budget may not be able to implement its commitments.
http://www.irinnews.org/Report.aspx?ReportID=92060
Date accessed 2 March 2011

27 February 2011 Iraq's President, Nouri al Maliki, announced he had given his ministers 100 days to improve their performance, or risk losing their jobs. The performance of each Ministry would be evaluated separately, under an assessment that would also look into corruption issues, which is a key complaint for Iraqis. The move was seen by many observers as an attempt to appease the public following a number of high-profile demonstrations in the country.
http://www.foxnews.com/world/2011/02/27/iraq-pm-gives-govt-100-days-improve/
Date accessed 2 March 2011

25 February 2011 At least 19 people were killed and hundreds arrested after thousands of Iraqi's demonstrated in Baghdad on 25 February, an event popularly referred to as the 'day of wrath'. The protesters were demanding better living conditions, more jobs and less corruption. Similar protests had been reported across the country in other cities.
http://www.dw-world.de/dw/article/0,,14878317,00.html?maca=en-rss-en-all-1573-rdf
Date accessed 28 February 2011

21 February 2011 Iraqi police allowed dozens of assailants to beat and stab peaceful protestors in Baghdad on 21 February 2011. Dozens of men, some wielding knives and clubs, attacked about 50 protestors who had set up tents in Baghdad's Tahrir Square. The assailants stabbed and beat at least 20 of the protesters who were intending to camp in the square until 25 February. The attack came directly after the police had withdrawn from the square, and witnesses suggested the assailants were in discussion with the police before they attacked.
http://www.unhcr.org/refworld/country,,,,IRQ,,4d679e8714,0.html
Date accessed 24 February 2011

Amnesty International has urged the Kurdistan regional government to rein-in militias affiliated to political parties who killed two protestors on Sunday [20 February], as anti-government demonstrations continued in the north of Iraq. Security forces reportedly opened fire and used tear gas on protestors trying to reach the Kurdistan Democratic Party (KDP) building, apparently in order to burn it down. Armed KDP militias have killed three people in Sulaimaniya, since protests began outside the party's main offices on 17 February. The protests have been calling for an end to corruption.
http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4d679e621a
Date accessed 24 February 2011

17 February 2011 A journalist was murdered outside his home in the northern city of Mosul, when men in a car opened fire with a submachine-gun and then took off. Police have said they are investigating the case.
http://en.rsf.org/iraq-journalist-gunned-down-outside-his-17-02-2011,39576.html
Date accessed 20 February 2011

13 February 2011	48 people were killed and 80 wounded following a suicide attack against Shi'ite pilgrims near the city of Samarra, in what has been one of Iraq's worst attacks in recent weeks. According to a local leader of the government-backed Sunni Sahwa militia, the attack was carried out by Al Qaeda. http://uk.reuters.com/article/2011/02/13/us-iraq-violence-toll-idUSTRE71C0I020110213 Date accessed 14 February 2011
12 February 2011	A suicide bomber struck Shiite pilgrims near a shrine north of Baghdad that has been a flashpoint in sectarian strife, killing at least 25 people. The bomber blew himself up in a crowd of pilgrims just 200 yards outside the al-Askari mosque. http://www.newser.com/story/111884/suicide-bomber-kills-25-pilgrims-in-iraq.html Date accessed 13 February 2011
9 February 2011	Three car bombs aimed at Iraqi security forces has killed seven people and wounded 78 in Kirkuk. The first blast wounded an Iraqi police official, while the second was aimed at a police patrol. The third was outside a building used by Kurdish security forces. The explosions were the latest in a series of attacks on police by insurgents as US troops prepare to withdraw from Iraq by the end of the year. http://uk.reuters.com/article/2011/02/09/uk-iraq-violence-idUKTRE71818120110209 Date accessed 13 February 2011

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex F – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Reuters http://www.reuters.com/

Return to contents
Go to sources

REPORTS ON IRAQ PUBLISHED OR ACCESSED BETWEEN 2 FEBRUARY AND 25 MARCH 2011

The Home Office is not responsible for the content of external websites.

Amnesty International,
Kurdistan authorities must ensure fair trial of man held for 11 years, 4 February 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d51017fc,0.html
Date accessed 5 March 2011

Jamestown Foundation,
Muqtada al-Sadr and Iran Use "Soft Power" to Pursue Objectives in Iraq , 7 February 2011, Terrorism Monitor Volume: 9 Issue: 5,
http://www.unhcr.org/refworld/country,,,,IRQ,,4d4f99c92,0.html
Date accessed 10 February 2011

Refugees International,
Iraq's Displaced: A Stable Region Requires Stable Assistance, 16 February 2011
http://www.refugeesinternational.org/sites/default/files/021611_Iraq_stableregion_0.pdf
Date accessed 18 February 2011

Human Rights Watch,
At a Crossroads: Human Rights in Iraq Eight Years after the US-Led Invasion, 21 February 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d64e1d82,0.html
Date accessed 24 February 2011

Reporters Without Borders,
Death threats and targeted physical attacks in journalists on Iraqi Kurdistan, 28 February 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d6cad782,0.html
Date accessed 1 March 2011

Congressional Research Service,
Iraq: Politics, Elections, and Benchmarks, 1 March 2011,
http://www.unhcr.org/refworld/country,,,,IRQ,,4d8065dac,0.html
Date accessed 2 March 2011

International Committee of the Red Cross,
Iraq: facts and figures 2010, 1 March 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d6f354e2,0.html
Date accessed 2 March 2011

Reporters Without Borders,
Overview of media freedom violations of past few days, 8 March 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d79fa2e2,0.html
Date accessed 10 March 2011

Return to contents
Go to sources

Background Information

1. GEOGRAPHY

SIZE AND POPULATION

1.01 Iraq covers an area of 441,839 sq km. (Economist Intelligence Unit (EIU), *Country Profile*, Iraq, dated 4 August 2008) **[1a]** Baghdad is the capital city. (United States State Department (USSD*) Background Note: Iraq*, last updated 17 September 2010) **[2b] (p1)** The EIU Country Profile stated the main provinces of Iraq in terms of population were Baghdad, Nineveh, Basra and Babil. **[1a] (p2)**

1.02 Iraq's estimated population in July 2010 was 29,671,605 with an estimated annual growth rate of 2.449 per cent per year. (Central Intelligence Agency (CIA) *World Factbook* (CIA World Factbook), updated 26 January 2011) **[4a] (People)** The USSD Background Note mentioned: "Almost 75% of Iraq's population lives in the flat, alluvial plain stretching southeast from Baghdad and Basra to the Persian Gulf." **[2b] (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 [Erbil], 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)** The website of the Kurdistan Regional Government, explained that the three governorates that formed the Kurdistan region were Erbil, Suleimaniah and Duhok, with the regional capital in Erbil (city).[26b]

See also Maps

For access to specific information at a governorate level refer to the UN Inter-Agency Information and Analysis Unit's Information Portal which provides background material, statistical data on various indicators and useful weblinks.

ETHNICITY AND RELIGION

1.04 The 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 and Assyrians. Approximately 97 per cent of the population are Muslims, of which 60-65 per cent are Shi'a and 32-37 per cent are Sunni. (CIA World Factbook, updated 26 January 2011) **[4a] (People, Ethnic groups)** The CIA World Fact Book, updated 26 January 2011, observed that Christian or other non-Muslim groups made up 3% of the population, although the source further noted: "… while there has been voluntary relocation of many Christian families to northern Iraq, recent reporting indicates that the overall Christian population may have dropped by as much as 50 percent since the fall of the Saddam Hussein regime in 2003, with many fleeing to Syria, Jordan, and Lebanon."**[4a] (People, Religion)**

1.05 The Minority Rights Group report, *Still Targeted: Continued Persecution of Iraq's Minorities*, dated June 2010, explained that: "The Iraqi population is extremely diverse in terms of ethnicity and religion. In addition to the three larger groups – Kurds, Shi'a Arabs and Sunni Arabs – communities of Armenians, Bahá'ís, Black Iraqis, Chaldo-

Assyrians, Circassians, Faili Kurds, Jews, Kaka'i, Palestinians, Roma, Sabian Mandaeans, Shabaks, Turkmen and Yazidis are to be found." **[56b](p5)**

See also: Freedom of Religion and Ethnic Groups

LANGUAGE

1.06 Arabic and Kurdish are the two official languages of Iraq. (Iraqi Constitution 2005) **[5a](p2)** "Arabic is the most commonly spoken language. Kurdish is spoken in the north, and English is the most commonly spoken Western language." (The US State Department's *Background Note: Iraq*, dated 17 September 2010). **[2b](p2)** The Encyclopaedia Britannica website entry on Iraq, originally dated 2 June 2006 (last updated 11 November 2010) explained:

"More than three-fourths of the people speak Arabic, the official language, which has several major dialects; these are generally mutually intelligible, but significant variations do exist within the country, which makes spoken parlance between some groups (and with Arabic-speaking groups in adjacent countries) difficult. 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. Roughly one-fifth of the population speaks Kurdish, in one of its two main dialects. Kurdish is the official language in the Kurdish Autonomous Region in the north. 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. Bilingualism is fairly common, particularly among minorities who are conversant in Arabic. English is widely used in commerce." **[6](Languages)**

MEASUREMENTS

1.07 The EIU *Country Report: Iraq*, published January 2011, 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" [1d](p22)

PUBLIC HOLIDAYS

1.08 The EIU *Country Report: Iraq*, published January 2011, 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–August 30th 2011) and Eid al-Adha (Feast of the Sacrifice—November 6th 2011) are widely observed." **[1d](p22)**

MAPS

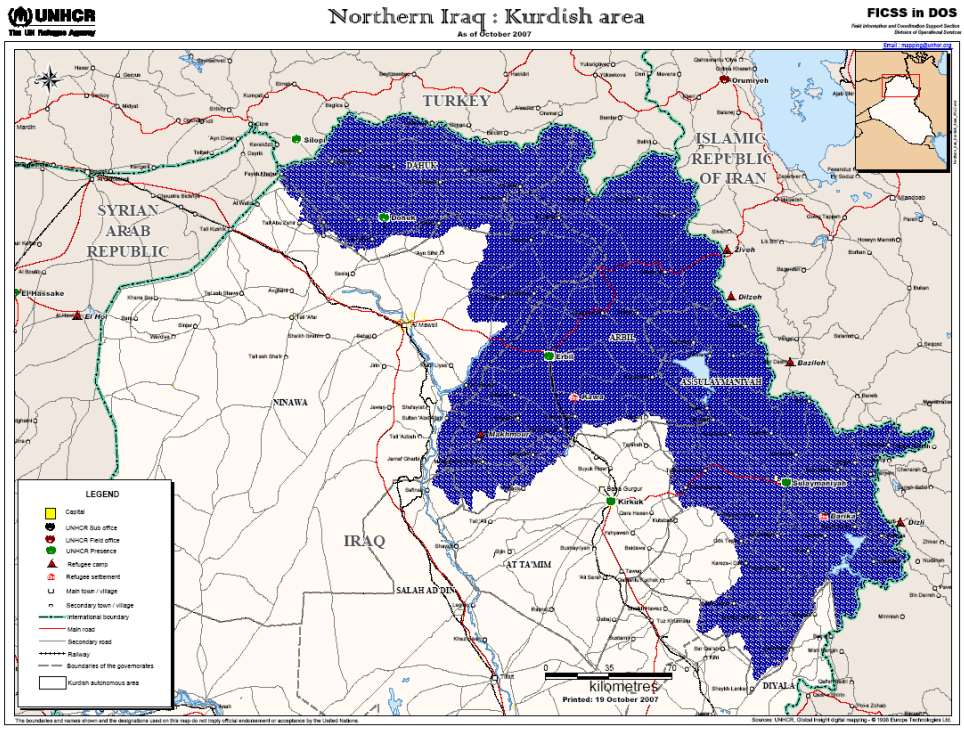
1.09 Congressional Research Service, *Iraq: Post-Saddam Governance and Security*, 28 October 2009 provided the following map [60d]:

See also the UN Office for the Coordination of Humanitarian Affairs (OCHA), Iraq – Reference Map dated March 2009.

For a map of the Iraqi Governorates, refer to the Humanitarian Coordinator for Iraq (HIC), Iraq Governorates 2010, undated; to access a map showing Iraq's 102 districts, refer to the HIC map Iraq Districts, undated.

Kurdish Regional Government area

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



See also the UN map of Northern Iraq, which outlines governorates, districts and sub-districts in the region, dated 2001; see also Ethnic demography for details of the ethnic make-up of Iraq. Other map sources: UN Assistance Mission for Iraq – Map Center; UN Inter-Agency Information and Analysis Unit – Map Centre; Relief Web – Map Centre, Iraq; ECOI.net – Iraq Maps

Return to contents
Go to sources

2. ECONOMY

2.01 The Economist Intelligence Unit (EIU) *Country Report: Iraq*, published January 2011, reported a rise in Gross Domestic Product figures per head in Iraq, from US$3,400 2006 (based on Economist Intelligence Unit estimates), to US$4,256 2011 (based on Economist Intelligence Unit forecasts). **[1d](p16)** According to the CIA *World Factbook*, last updated 26 January 2011, 25 per cent of the population were below the poverty line (based on 2008 estimates) **[4a](Economy)**

2.02 The CIA *World Factbook,* Iraq, updated 26 January 2011, stated:

"An improved security environment and an initial wave of foreign investment are helping to spur economic activity, particularly in the energy, construction, and retail sectors. Broader economic improvement, long-term fiscal health, and sustained increases in the standard of living still depend on the government passing major policy reforms and on continued development of Iraq's massive oil reserves. Although foreign investors

viewed Iraq with increasing interest in 2010, most are still hampered by difficulties in acquiring land for projects and by other regulatory impediments. … "Iraq's economy is dominated by the oil sector, which provides over 90% of government revenue and 80% of foreign exchange earnings. Since mid-2009, oil export earnings have returned to levels seen before Operation Iraqi Freedom and government revenues have rebounded, along with global oil prices. In 2011 Baghdad probably will increase oil exports above the current level of 1.9 million barrels per day (bbl/day) as a result of new contracts with international oil companies, but is likely to fall short of the 2.4 million bbl/day it is forecasting in its budget." **[4a](Economy)**

2.03 BBC News article entitled *IMF says Iraq has made good progress with its economy,* dated 1 October 2010, stated: "The International Monetary Fund (IMF) has praised Iraq for making 'good progress' in reconstructing its economy. It commended it for maintaining macroeconomic stability in the face of difficult security conditions. The IMF also gave the go-ahead for a $741m (£469m) loan to Iraq… designed to help the country rebuild its ravaged infrastructure." **[14j]**

2.04 As documented in the CIA *World Factbook*, updated on 26 January 2011, the main agricultural products included wheat, barley, rice, vegetables, dates, cotton, cattle, sheep and poultry. **[4a](Economy)** The World Bank *Country Brief: Iraq*, dated September 2010, stated: "Agriculture, which plays an essential role in Iraq's food security and rural economy and remains the largest contributor to GDP [Gross Domestic Product] after oil revenues, suffers from lack of investment and distorted input and output prices. It is (along with energy) one of the two priority sectors in the next five-year National Development Plan." **[61a]**

For a more detailed understanding of Iraq's economy and forthcoming challenges, refer to the Centre for Stategic & International Studies (CSIS) paper Iraq's Coming National Challenges: Economy, Demographics, Budget, and Trade, dated 5 January 2011

CURRENCY

2.05 The Economist Intelligence Unit (EIU) *Country Report, Iraq,* dated January 2011, listed the New Iraqi dinar (ID) as the currency since 1 October 2003. **[1d](p22)** The Central Bank of Iraq website, undated, accessed 1 February 2011, listed the currency denominations for the Dinar as being 50 Dinar note; 250 Dinar note; 500 Dinar note; 1000 Dinar note; 5000 Dinar note 10000 Dinar note and 25000 Dinar note. According to the source the 25 Dinar coin and 100 Dinar coin were not in circulation. **[97a]** To view specimens of the listed currency, refer to the link here.

2.06 The CIA *World Factbook*, updated on 26 January 2011, listed the exchange rate of Iraqi dinar per US dollar as 1,170 (2010 figures) **[4a](Economy)**

EMPLOYMENT

2.07 The Inter-Agency Information and Analysis Unit (IAU) report entitled *Iraq Labour Force Analysis 2003-2008,* dated January 2009 reported:

"The economy is unable to provide enough work for 28% of the labour force. Unemployment in Iraq is 18%. A further 10% of the labour force is part time workers wanting to work more hours… Unemployment is concentrated and rising among

younger men. 28% of the male labour force aged 15-29 is unemployed compared to the national average of 18%… Only 17% of Iraqi women participate in the labour force. Women without a university education make up the vast majority of non-participants… Opportunities for private sector job creation have been limited by a dominant public sector, the absence of a conducive regulatory environment, high dependence on oil revenues and security issues… The number of Iraqis employed in the public sector has doubled since 2005, with the public sector… currently providing 43% of all jobs in Iraq and almost 60% of all full time employment." **[62a](p1)**

2.08 A 2008 unemployment survey in Iraq showed that the unemployment rate for the age group 15-24 is around 30.0%, of which the male rate is about 30.1% and the female rate 29.7, total unemployment rate was 18%" (Iraq: National Report on the Status of Human Development, 2008)**[98a](p45)** To access governorate level breakdowns on unemployment and underemployment rates, refer to Table 25 and 26 in the Annexes of the report via the link here

Return to contents
Go to sources

3. HISTORY

The following section provides a brief summary of Iraq's modern history since the toppling of monarchy in 1958 and rise of the Ba'ath Party in 1968, with the focus of events on the last 15 years. For the period between 2003, following the invasion of Iraq, and 2009, the section has been split between describing the security situation and politcal events, as far as this is possible. Additoinally, there is a discrete subsection which describes the formation and development of the Kurdistan Regional Government from 1992 onwards.

Further historical information can be obtained from the BBC Country Profile on Iraq (last updated 22 December 2010), US Department of State Background Note on Iraq (last updated 17 September 2010) and the BBC Iraq timeline (last updated 1 February 2011)

THE RISE OF THE BAATH PARTY AND SADDAM HUSSEIN'S REIGN (1958 – 2003)

3.01 The BBC *Country Profile:Iraq*, last updated 22 December 2010, stated that: "The British-installed monarchy was toppled in 1958 and a coup in 1968 brought the Arab nationalist Ba'ath (Renaissance) party to power. **[14g]** The Economist Intelligence Unit (EIU) *Country Profile: Iraq*, dated 4 August 2008 observed:

"In July 1968 General Ahmad Hassan al-Baqr and army officers supporting the Baath party staged a successful coup d'état. The Baath party, founded in Syria during the 1940s, espoused Arab nationalism and socialism. General Baqr's nephew, Saddam Hussein, was an important figure in establishing Baath party rule, and asserted his dominance over the security services and the military. He formally took over from General Baqr as president in 1979, although had been the dominant force for some years before this. Saddam consolidated power around himself and an inner circle of his close relatives, as well as fellow tribal members from his home town of Tikrit, north of the capital, Baghdad." **[1a] (p4)**

3.02 A BBC article, dated 25 March 2003, provided further background to the Baath party:

"Though the Baath party was formally the institution that ruled Iraq, actual power, even in the early days, was in the hands of a narrow elite united by family and tribal ties, not ideology... Baathism was associated with radical Arab nationalism - a key barometer for this was a hardline approach to the Palestinian issue... In the late 1980s, the party claimed more than 1.5 million members, about 10% of Iraqis... The party had a highly regimented structure. At the lowest level - the village - it had cells of between three and seven people, rising up to regional commands and a national command... In Iraq, all major decisions went through Saddam Hussein who from 1979 was president, head of the Revolutionary Command Council and secretary general of the Baath party..." **[14k]**

3.03 The EIU *Country Profile: Iraq*, dated 4 August 2008 explained:

"Saddam's rule was characterised by external military adventure. A year after the 1979 revolution in Iran, Iraq invaded the Islamic Republic's southern provinces... A protracted war continued throughout most of the 1980s as Iran strove to win an outright military victory in the face of Iraq's attempts to negotiate an end to the conflict. By early 1988, however, a series of rapid Iraqi offensives succeeded in liberating significant pockets of Iranian-held territory and broke the Iranian will to fight, resulting in Iran's withdrawal from Iraqi territory and a UN-brokered ceasefire in July 1988." **[1a] (p4)**

3.04 The source went onto to explain that: "... [t]he dismal state of the post-war economy [in Iraq] caused mounting discontent at home..." which precipitated an Iraqi invasion of Kuwait in 1990, motivated by economic, historical and geopolitical reasons. The source further observed that:

"... [a]n international military coalition led by the US ejected the Iraqi army from Kuwait in early 1991 after a five-week air campaign and a four-day land offensive. Subsequent uprisings in Iraq by the Shia in the south and the Kurds in the north raised the prospect of political disintegration, but Saddam survived by ferociously suppressing the southern revolts, and exploiting the reluctance of the US to occupy Iraq or provide air cover for the Shia insurgents. In the north, however, the US-led Operation Provide Comfort helped to create a Kurdish safe haven. ..."

"Saddam retained political control, from 1991 until the collapse of his regime in April 2003, by further consolidating power within his own family. However, the Iraqi population suffered greatly from the imposition of international sanctions from late 1990. The lack of imports, hyperinflation and a weak Iraqi dinar brought poverty and widespread malnutrition. In May 1996 Iraq signed the UN oil-for-food agreement, which allowed it to export US$2bn of oil every six months to fund the importation of food and humanitarian supplies. In December 1999 the ceiling on oil exports was abolished and the process of import-approval streamlined. However, serious problems still plagued the oil for-food programme and most Iraqis remained mired in poverty." **[1a](p5) [1a](p5)**

SECURITY SITUATION (2003 – 2009)

Fall of Saddam Hussein and rise in sectarian violence (2003 – 2007)

3.05 The EIU *Country Profile: Iraq*, dated 4 August 2008 reported that: "In March 2003, citing the failure of Saddam Hussein to fully disclose his putative weapons of mass destruction programme, the US administration, in coalition with several, mainly Western,

allies, ordered the invasion of Iraq. US troops entered Baghdad a few weeks later, marking the end of Baathist rule [Saddam Hussein was finally apprehended, tried by a special tribunal and executed on 30 December 2006 [82a]]." [1a](p5)

3.06 The BBC *Country Profile: Iraq*, last updated 22 December 2010, noted that following the fall of Saddam's regime in 2003: "The majority Shia population, which had to a large extent been excluded from power, was initially jubilant... However, optimism gradually gave way to despair as insurgent groups - mainly drawn from embittered Sunnis, dismissed army officers and supporters of the former regime - began an increasingly bloody campaign of bomb attacks." **[14g]**

3.07 The Centre for Strategic and International Studies (CSIS) paper, *Iraq's Sectarian and Ethnic Violence and it's Evolving Insurgency*, published 2 April 2007, observed:

"The insurgency in Iraq has become a 'war after the war' that threatens to divide the country and create a full-scale civil conflict. It has triggered a mix of sectarian and ethnic violence that dominates the struggle to reshape Iraq as a modern state, which has emerged as a growing threat to the Gulf region, and which has become linked to the broader struggle between Sunni and Shi'ite Islamist extremism, and moderation and reform, throughout the Islamic world... Since its inception in the spring of 2003, the nature of the fighting in Iraq has evolved from a struggle between Coalition forces and former regime loyalists to a much more diffuse mix of conflicts, involving a number of Sunni groups, Shi'ite militias, and foreign jihadists... In the process, however, the insurgency has created complex patterns of conflict that have become a broad struggle for sectarian and ethnic control of political and economic space. Open violence has become steadily more serious, but other forms of violence and intimidation now dominate. Sectarian and ethnic 'cleansing' are dividing the country at every level, creating major refugee problems, and leading to the forced relocation of a significant amount of the population.

"Shi'ite, Sunni, and Kurdish factions increasingly organize to provide local security while seeking to push other factions out of areas where they have the majority. These problems have been compounded by de facto exclusion of many ex-Ba'ath members and professionals that form the secular and nationalist core of the country, and the slow purging of other nationalists who do not take a sectarian and ethnic side from Ministries and professions." [83a] (p2)

See also: De-baathification and political divide between Sunni and Shia groups (2003 – 2009)

Counter-insurgency operations ('The Surge' 2007 - 2009)

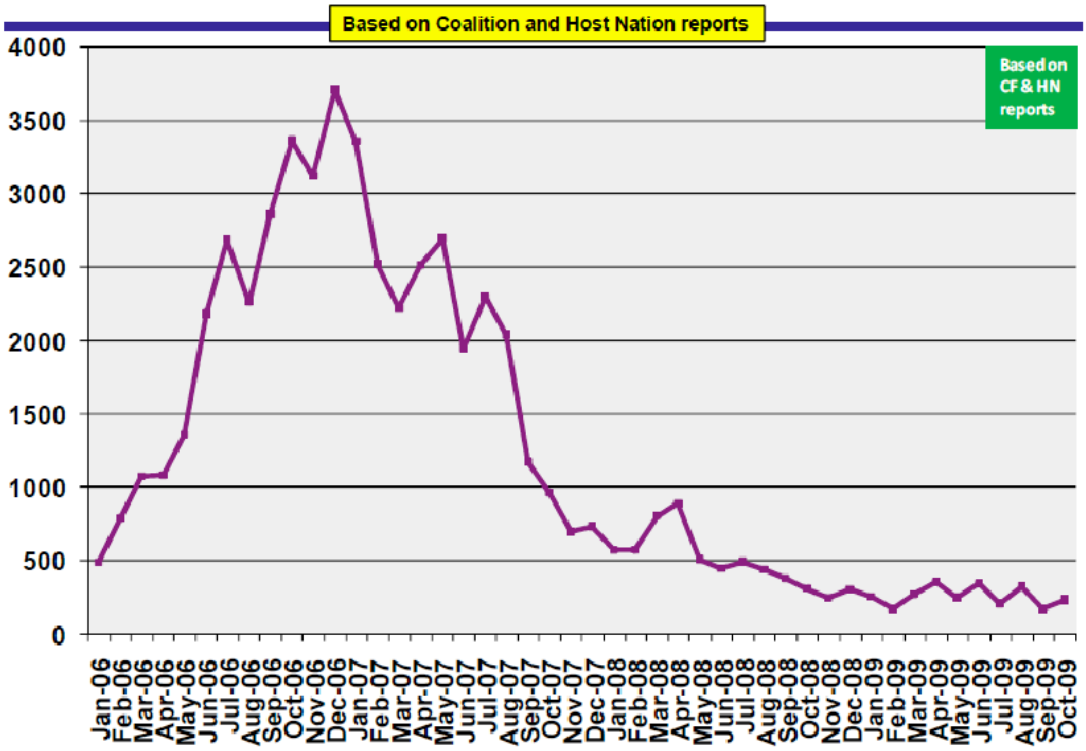
3.08 A briefing paper by the House Republican Conference entitled *Iraq War Troop Surge*, dated 2 March 2009, observed: "On January 10, 2007, with increasingly high levels of sectarian violence... President Bush announced a major course-correction in the strategy of the war. The so-called 'Iraq surge' deployed an addition[al] five Army brigades (20,000 soldiers) and extended the tours of 4,000 Marines', as well as a fundamentally embraced [sic] a counterinsurgency doctrine." **[99a]** The Brookings Institute report *Iraq Index, Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*, published 31 January 2011, clarified that coalition troop deloyment increased from 146,650 in January 2007 to a peak of 182,668 in October 2007.

[66b](p18)The BBC *Country Profile: Iraq*, last updated 22 December 2010, noted: "By 2008... a 'surge' in US troop levels to confront the insurgents, the co-opting of moderate Sunni tribesmen in the struggle against militants and an improving Iraqi army had succeeded in turning the situation around. The number of attacks lessened, although sporadic attacks continue." [14g]

3.09 A CSIS paper entitled *Iraq: Security Trends*, dated 18 November 2009 stated that:

"Iraq has made significant progress in defeating the insurgency and improving its security. 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 in Diyala, Ninewa, Salah ad Din provinces in central and northern Iraq. Although there have been several extraordinarily bloody bombings... Al Qa'ida in Iraq (AQI) and other Sunni insurgent and terrorist groups have lost much of their strength, influence, and the ability to carry out frequent operations." [18f](p4)

3.10 The following chart illustrates patterns of civilian casualties in Iraq over the period January 2006 – October 2009, published in the Centre for Strategic & International Studies, *Iraq: Security Trends*, dated 19 November 2009 (sourced by CSIS as "adapted from material provided by SIGACTS (CF & HN reports) [US-Multi National Force Significant Activity Reports] as of 7 November 2009") [18f](p12)



US military drawdown under the US-Iraq 'Security Agreement' (1 January 2009)

3.11 The UNHCR *Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum* Seekers, dated July 2010, clarified that under the Status of Forces Agreement (SOFA) – also known as the Security Agreement - the Iraqi authorities took over full military

responsibilties in the country. **[17b](p2)** The Congressional Research Service paper, *Iraq: Politics, Elections, and Benchmarks*, dated 14 January 2011 explained:

"U.S. implementation of the U.S.-Iraq 'Security Agreement' (sometimes referred to as the Status of Forces Agreement, or SOFA), which passed [through] the COR [Council of Representatives] on November 27, 2008, over Sadrist opposition [supporters of anti-US Shia cleric Moqtada Sadr]. The pact took effect January 1, 2009, limiting the prerogatives of U.S. troops to operate in Iraq and setting a timetable of December 31, 2011, for a complete U.S. troop withdrawal. President Obama, on February 27, 2009, outlined a U.S. troop drawdown plan that comports with the major provisions of the agreement. The President's plan provided for a drawdown of U.S. combat brigades by the end of August 2010..." **[60a]**

For further details of the US draw down refer to the Institute for the Study of War, *Fact Sheet: The Iraq Drawdown*, dated 27 August 2010. For a time line of events following the US-led invasion of Iraq, refer to the Interactive web-tool provided by the Council on Foreign Relations, via the link here. See also: Recent developments – US combat mission ends and US Forces – Iraq

Return to contents
Go to sources

POLITICAL SITUATION (2003 – 2009)

Creation of a new government (2003 – 2005)

3.12 The EIU Country Profile: Iraq, dated 4 August 2008 observed:

"The formal political process [post-Saddam regime] 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 ... [a 'permanent' Iraqi government, scheduled to hold office for a four-year term and headed by a prime minister, Nouri al-Maliki.]"**[1a] (p5)**

3.13 A BBC article, entitled *Q & A: Iraqi parliamentary polls*, dated 8 March 2010 observed:

"The first post-invasion general election was held in January 2005, when voters chose a transitional national assembly whose main job was to draft a constitution. The constitution was approved in a national referendum in October 2005 and Iraqis voted for a new parliament in December 2005... A national unity government, headed by the ... [Nouri Maliki] took office some weeks later… In the December 2005 elections, the United Iraqi Alliance, a broad Shia coalition won 58% of the votes and the main Sunni coalition (the Accord Front) came second with 19%... [allowing]... Nouri Maliki... to form a government with the support of the Kurds." **[14l]**

De-baathification and political divide between Sunni and Shia groups (2003 – 2009)

3.14 A briefing paper by the International Center for Transititional Justice, entitled *Iraq's New 'Accountability and Justice' Law*, dated 22 January 2008, explained:

"De-ba'athification is the name given to a number of processes initiated by the Coalition Provisional Authority (CPA) shortly after the fall of Iraq's Ba'athist regime. One was the complete dissolution of the Iraqi army as well as certain organizations (mostly security-related) that were either notorious for their role in enforcing Ba'ath Party rule, or whose resources might offer the party a means to return to power. These organizations included the Iraqi army, the intelligence services, the Olympic committee and others, dissolved by CPA order in May 2003... The other process was the dismissal of many thousands of civil service employees from their positions. This process was initiated by the Coalition Provisional Authority, but later continued and was controlled by Iraq's Higher National De-ba'athification Commission (HNDBC)... The assumption underpinning De-ba'athification procedures was that the elite of the Ba'ath party could not have achieved their level without committing acts that seriously violated human rights standards or were deeply corrupt." **[100a]**

3.15 The Freedom House Report entitled *Freedom in the World 2010,* Iraq, covering events in 2009, published May 2010 (Freedom House Report 2010) explained that following the US-led invasion, the Coalition Provisional Authority (CPA) set about disbanding the Iraqi military and prevented members of the Baath party from serving in government or the new security forces. **[8a]** The source further observed a sectarian aspect to this process:

"Sunni Arabs, who constitute roughly 20 percent of the population, were disproportionately affected by de-Baathification policies and wary of participating in a political transition that could hand power to the Shiite majority. Exploiting these sentiments, loose networks of former Baathist officials, Sunni Arab tribe members, and Islamist militants associated with Al-Qaeda [an international terrorist organisation] began organizing and funding an insurgency that rapidly gained strength in late 2003 and 2004... Insurgents threatened Sunni Arabs and ensured that they boycotted the 2005 elections for a Transitional National Assembly (TNA) and provincial governments. As a result, Shiite and Kurdish parties won a landslide victory, and Sunni Arabs were not well represented in the new Iraqi Transitional Government (ITG) or the drafting process for a permanent constitution. The charter was approved by referendum in October 2005, though more than two-thirds of voters in two largely Sunni Arab provinces rejected it..." **[8a]**

3.16 The same report also remarked that: "Sunni Arabs participated in the December 2005 elections... increasing their political representation... However, further political progress remained elusive; the main Sunni Arab bloc in parliament and a Shiite faction loyal to populist cleric and militia leader Moqtada al-Sadr both began a boycott of the legislature in 2007". **[8a]** The Congressional Research Paper, *Iraq: Politics, Elections, and* Benchmarks, dated 14 January 2011, similarly observed that following the 2005 parliamentary elections, there remained: "...Sunni-Arab grievances over their diminished positions in the power structure... [t]he Sunni-led insurgency accelerated in the two subsequent years, in turn prompting the empowerment of Shiite militia factions to counter the insurgency." **[60a](p3)**

3.17 Comments made by Reidar Visser, Research Fellow, Norwegian Institute of International Affairs, , in an interview conducted by the Council on Foreign Relations, dated 25 January 2010, explained that in practice, the Baath party under Sadam Hussein cut across sectarian lines but that the de-Baathification process had polarised Sunni and Shia groups:

"... the realities are that before 2003, lots of Iraqis were in one way or another cooperating with the regime--Shiites and Sunnis and Kurds-- in the tens of thousands. It was not, as is frequently portrayed in the West, an extremely Sunni-dominated regime. It was certainly Sunni-dominated at the very top, but there were tens of thousands of Shiites who worked for the system... The politicians who came to dominate after 2003 were the exiled politicians, and those politicians had not collaborated with the regime simply because they were not in the country at the time. They imposed this narrative of a squeaky clean de-Ba'athified society and a complete break with the Ba'ath Party, which of course was impossible... What happened was that this was done in a very selective way. The Shiites and Kurds were silently un-Ba'athified, to put it that way. They were silently put back in service, whereas Sunnis were very often excluded. So, in practice, de-Ba'athification turned into an attack on the Sunnis. ..." **[101a]**

See also: Fall of Saddam Hussein and rise in sectarian violence (2003 – 2007); for the further information on the de-Baathificiation process see the section directly below, together with Disqualification of election candidates (January 2010)

Political reform and reconciliation (2008 – 2009)

3.18 The Freedom House Report entitled *Freedom in the World 2010,* Iraq*,* covering events in 2009, published May 2010 (Freedom House Report 2010) noted:

"The parliament adopted several symbolic measures in 2008 to bring Sunni Arabs back into the political process. In January [2008] many former Baathists were permitted to return to jobs they lost under the CPA's de-Baathification process, and in February [2008] the government granted amnesty to thousands of mainly Sunni Arab prisoners. The largest Sunni bloc [the Iraqi Accordance Front], the largest Sunni faction returned to government in April [2008] after a boycott of almost a year, and six Sunni ministers subsequently joined al-Maliki's cabinet." **[8a]**

3.19 The *Report of the UN Secretary-General submitted pursuant to paragraph 6 of resolution 1770 (2007)* (UNSC Report April 2008), dated 22 April 2008, covering events since 14 January 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 [2008] 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 [a Kurdish coalition comprised of the two main political parties in the semi-autonomous Kurdistan region], the United Iraqi Alliance [a mainly Shia alliance], and Tawafuq [an alliance of Sunni politicians]. ..." **[16b]**

3.20 Commenting on the reform of de-baathification laws in 2008, a briefing paper by the International Center for Transititional Justice, entitled Iraq's New 'Accountability and Justice' Law, dated 22 January 2008 observed:

"On January 12, 2008, the Iraqi parliament passed the 'Law of the Supreme National Commission for Accountability and Justice.' The new law replaces the earlier frameworkgoverning Iraq's De-Ba'athification policies, and is the culmination of an epic struggle between De-Ba'athification opponents and supporters lasting more than eighteen months. Pressures for reform were exerted by some Sunni political blocs and the United States Government. Opponents of reform included parliamentary supporters of political cleric Muqtada al-Sadr and the Higher National De-Ba'athification Commission (HNDBC), the body that has overseen Iraqi De-ba'athification measures to date.

"The new law is not the major change that reformers had hoped. It essentially preserves the previous De-ba'athification system and extends its reach to a number of organizations not previously affected, including the Iraqi judiciary. The law also preserves the controversial Higher National De-Ba'athification Commission (HNDBC), which will be renamed rather than dissolved. Some positive changes have been made, however, mainly to do with clarification of pension rights and the level of membership at which dismissal and reinstatement procedures are to be applied. One other major development is a new requirement to dismiss some former employees of Iraq's notorious intelligence and security agencies from government service. This is likely to complicate greatly political reception of the new law." **[100a](p2)**

See also: Amnesty Laws and Freedom of Political Association

Provincial elections 2009

3.21 The latest released UN Assistance Mission for Iraq, *Human Rights Report, 1 July – 31 December 2009* (UNAMI Report 2009) 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 [note – the 2010 parliamentary elections applied this quota for women's representation]." **[15b] (p20)**

3.22 Freedom House Report 2010, published May 2010 reported: "The voting [in 2009] was largely peaceful, and turnout in most provinces ranged from 50 percent to 75 percent. On the whole, al-Maliki's Da'wa party emerged as the winner, though it needed to form coalitions to govern in most provinces. Sharp political and sectarian divisions remained, however; in five provinces the leading parties ... [delayed] the formation of governments. ... The January elections did not include the autonomous Kurdish region or the contested province of Kirkuk." **[8a]**

See also: History – The 'disputed territories' (2003 – 2009)

3.23 *The Report of the UN Secretary-General submitted pursuant to paragraph 6 of resolution 1830 (2008)* (UNSC Report February 2009), dated 20 February 2009, covering events since 6 November 2008 observed that the January 2009 provincial elections:

"... marked the successful culmination of months of political activity and security preparations ... 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.. Another positive development was the implementation of a robust national security plan throughout the electoral period, allowing Iraqis to cast their vote with confidence." **[16d] (p1)**

3.24 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, (UNHCR Guidelines) dated 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 [Islamic Supreme Council of Iraq] or the Sadrist competing for the second biggest number of seats. This fact makes it necessary to forge power-sharing alliances." **[17a] (p72)**

THE KURDISTAN REGIONAL GOVERNMENT

The following section provides a short summary on the history of the Kuridstan Regional Government (KRG) since 1992, with the focus on events since 2003 and the fall of Saddam Hussein's regime in Iraq. For further historical information on the KRG, refer to the BBC Timeline: Kurds last updated 1 August 2009.

Creation of an autonomous region and government (1992-2006)

3.25 The Freedom House Report 2010 explained: "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). The two factions fought openly in the mid-1990s, but they eventually reconciled and established an autonomous Kurdistan Regional Government (KRG)." **[8a]**

3.26 A paper by the Institute for the Study of War entitled, *The 2009 Kurdish elections*, dated 23 July 2009, further noted:

"The Kurdistan Regional Government was established in 1992 following the collapse of Saddam Hussein's government within the Kurdish region. Operation Provide Comfort, coalition-established no-fly and security zones, and repeated Kurdish rebellions led Saddam Hussein to withdraw from Kurdistan and blockade the borders along Kurdish-controlled territories. The effective collapse of the central government's authority within Kurdistan provided the opportunity for Kurdistan's two main political parties, the Patriotic Union of Kurdistan (PUK) [lead by Jalal Talibani] and the Kurdistan Democratic Party

(KDP) [led by Massoud Barzani] , to agree to hold an election to select members for a legislature and a president for Kurdistan. The election, held in May of 1992, seated Iraqi Kurdistan's first elected government, resulting in a virtual tie between the PUK and the KDP." **[102a](p1)**

3.27 The same source went on to explain that: "... long-established tensions between the two parties continued to rise in the 1990s", leading to a regional split in the country, with the PUK, controlling the south based in Sulaymaniyah and appealing to neighbouring Iran for support, whilst the KDP, in the north based in Erbil and Dohuk, sort to ally with Saddam Hussein's regime in Iraq. The source further remarked that greater reconciliation efforts in the late 1990s, led finally to a Unification Agreement, signed on 21 January 2006, under which the KDP and PUK agreed to mutually share power and governmental responsibility in the KRG. **[102a](p1-2)**

See also Political System

Constitutional reform and 2005 elections

For a further background to the 2005 elections see History – Creation of a new government (2003 – 2005), also see Political System for information on the Kurdish political institutions.

3.28 The Congressional Research Service paper (CRS), *The Kurds in Post-Saddam Iraq*, dated 1 October 2010 observed:

"The Kurds entered post-Saddam national politics on an equal footing with Iraq's Arabs for the first time ever by participating in a U.S.-led occupation administration (Coalition Provisional Authority, CPA). ... The Kurds supported the constitution in the October 15, 2005, referendum because it appeared to meet their most significant demands. The constitution not only retained substantial Kurdish autonomy but also included the Kurds' insistence on 'federalism'—de-facto or formal creation of 'regions,' each with its own regional government. The constitution recognizes the three Kurdish provinces of Dohuk, Irbil, and Sulaymaniyah as a legal 'region' (Article 113)—the Kurdistan Regional Government (KRG)—with the power to amend the application of national laws not specifically under national government purview; to maintain internal security forces; and to establish embassies abroad (Article 117). Arabic and Kurdish are official languages (Article 4)." **[60c] (p3)**

3.29 The Institute for the Study of War paper, *The 2009 Kurdish elections*, dated 23 July 2009, explained that in 2005 elections were held for the Kurdistan National Assembly (KNA) (the parliament of the semi-autonomous region), with the Kurdistani List, the bloc comprised of the two main political parties – the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) winning the vote **[102a](p3)** securing 82 out of 111 seats. (CRS The Kurds in Post-Saddam Iraq) **[60c](p4)**. With regard to the various elections that were held in January 2005 across Iraq, the CRS paper, *The Kurds in Post-Saddam Iraq*, dated 1 October 2010, clarified that there were national elections (to establish an interim government) and provincial council elections, in addition to the elections for the Kurdistan National Assembly. As noted:

"The Kurdish region fully participated in the Iraqi elections of January 30, 2005—which included provincial council elections nationwide and elections for the Kurdistan National Assembly (KNA), as well as national elections for an interim government [in Iraq]. After

the 2005 KNA elections, on June 12, 2005, the Kurdistan National Assembly (KNA, the separate parliament of the Kurdistan Regional Government) selected Masoud Barzani 'President of Kurdistan.' This reflected Barzani's strategy of shoring up his regional base in the north rather than focusing on the central government [in Iraq]. **[60c] (p3)**

3.30 A paper by the Institute for the Study of War entitled, *The 2009 Kurdish elections*, dated 23 July 2009, further explained the different elections which took place in 2005:

"Kurdistan held its second elections [for the Kurdistan National Assembly on 30 January 2005, the first having taken place in 1992], scheduled on the same day as the [national] elections for Iraq [to vote for the Transitional National Assembly]... After negotiations, Massoud Barzani was to become the President of Kurdistan while Jalal Talibani was to become President of Iraq [a post he has continued to hold]. The two parties intended to share the office of Prime Minister, although the KDP has held the position since the 2005 elections." **[102a](p3)**

3.31 The CRS paper, *The Kurds in Post-Saddam Iraq*, dated 1 October 2010 also explained that on 15 December 2005, there was a second national election vote in Iraq to establish a government to rule the next four years. **[60c](p3)** For further details see History – Creation of a new government (2003 – 2005).

The 'disputed territories' (2003 – 2009)

3.32 The Congressional Research Service (CRS) paper, *Iraq's Coming National Challenges: Transition Amid Uncertainty*, dated 5 January 2011, explained that the disputed territories comprised the governorates of Ninewa, Salah Al-Din, Diyala and Tameem (Kirkuk), although the focus of the dispute has been over Taamin (Kirkuk) and Ninewa (Mosul). **[18e]** A CRS paper entitled *The Kurds in Post-Saddam Iraq,* dated 1 October 2010 observed:

"... the Iraqi Kurds' political autonomy, and territorial and economic demands, have caused friction with Prime Minister Nuri al-Maliki and other Arab leaders of Iraq, and with Christian and other minorities in the north. As the United States transitions to a support role in Iraq, these tensions are assessed by U.S. commanders as having the potential to erode the security gains that have taken place in Iraq since 2007 ... Tensions increased after Kurdish representation in two key mixed provinces was reduced by the January 31, 2009, provincial elections. The disputes nearly erupted into all-out violence between Kurdish militias [peshmerga] and central government forces in mid-2009, and the Kurds continue not to recognize the authority of the Sunni Arab governor of Nineveh Province in Kurdish-inhabited areas of the province." **[60c](Summary)**

3.33 The CSIS report, *Iraq: Creating a Strategic Partnership*, dated 7 October 2009 provided the following historical background to the disputed territories:

"… 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." **[18g] (p32)**

For further information on disputed territories refer to the CRS publication, The Kurds in Post-Saddam Iraq, dated 1 October 2010. See also: Ethnic groups – Arab-Kurdish tensions over the 'disputed territories'

Kudistan National Assembly elections 2009

3.34 The CRS paper *The Kurds in Post-Saddam Iraq,* published 1 October 2010 reported that on 25 July 2009, the KRG held elections for the Kurdistan National Assembly (KNA), which included a vote for the presidency of the KRG which was won by the incumbent, Masoud Barzani, with around 70% of the vote. **[60](p4)** The elections for members of the KNA were more competitive than for the president:

"The KNA elections, in which voters chose members of the 111-seat KNA, shaped up to be the most competitive in the Iraqi Kurdish region. The KNA elections treated the Kurdistan region as one voting district in a closed-list system (voters vote for lists, not individuals). Twenty-four total lists registered, of which one was the joint KDP and PUK 'Kurdistani' list that has long dominated the region's politics and economy. However, the joint list faced stiff competition from an opposition 'Change List' (Gorran), headed by Nechirvan Mustafa, a former PUK leader who quit the party in 2006 because of alleged PUK corruption. Gorran, said to be populated by younger, well-educated urban Kurds, ran on a platform opposed to corruption and the dominance of the two main Kurdish parties, as well as on reducing confrontation with the central government. Prior to the election, the Kurdistani list proposed Barham Salih, who was deputy Prime Minister in the Iraqi central government, as Prime Minister of the KRG, should that list finish first.

"In the election, the Kurdistani list did finish first, winning 59 seats out of the 111 and thereby retaining its majority control of the KNA. This is a sharp drop from the 82 seats the bloc held in the previous KNA. However, Gorran did unexpectedly well, winning about 25% of the total vote and, under the election rules, winning 25 of the 111 seats. A joint Islamist and Socialist list (Reform and Service List) won 13 seats, and various parties won the remainder of the seats up for election. Under a quota system implemented by the KRG, out of the 111 seats, there are five reserved seats for Assyrian Christians, five for ethnic Turkmen, and one reserved seat for the Armenian community. There are no reserved seats for the minority Yazidi or Shabak communities, but there is one Yazidi who won election as part of the Kurdistani bloc…"

"...Politically, the strong showing of Gorran weakened the PUK, because Gorran is a breakaway faction of that party. Gorran apparently won about half of the votes in Sulaymaniyah Province, which is the PUK's main stronghold. Although the PUK was

weakened, the KDP still proceeded with the agreement to name Barham Salih as KRG Prime Minister. He and Masoud Barzani were sworn into their KRG offices on August 20, 2009. In January 2010, Dr. Rowsch Shaways, a KDP member, who had served as deputy Prime Minister in the 2004-2005 interim government, was named deputy Prime Minister to fill Salih's vacant central government slot." **[60c] (p4)**

3.35 The same source further clarified with regard to outstanding provincial council elections in the Kurdistan region and Kirkuk: "Because there has not been an agreement between the Kurds and the central government on the Kirkuk issue, the July 25 [2009] vote did not include provincial elections in Kirkuk or the three KRG provinces [which were delayed from January 2009]." **[60c](p4)**

3.36 The CRS paper also explained that:

"The Kurds had also considered including in the vote a referendum on a KRG regional constitution. A draft was adopted by the KNA on June 25, 2009. However, the Iraqi central government opposed it as an infringement on the nationally adopted constitution and as a Kurdish effort to assert rights to oil resources in the Kurdish region and to disputed territories ....In the face of that opposition, the KRG dropped the constitutional referendum, and it was not part of the July 25 elections. **[60c](p4)**

See also: Provincial elections 2009; History – The 'disputed territories' (2003 – 2009) and Ethnic groups - Arab-Kurdish tensions over the 'disputed territories'

Return to contents
Go to sources

4. RECENT DEVELOPMENTS (1 DECEMBER 2009 – 1 FEBRUARY 2011)

The following section provides a brief overview of key events in Iraq during the period 1 December 2009 – 1 February 2011, with more detailed information found in the particular human rights sections in the Human Rights part of this report. Further information on news events and developments in Iraq can be found in various online sources, including International Crisis Groups's Crisis Watch Database, The Guardian: Iraq, Voice of America: Iraq and Washington Post: Iraq

SECURITY DEVELOPMENTS

Security-related incidents

4.01 Information on security related trends are fully set out in the section Security situation. What follows are details of some of the main security related incidents, which occurred over the period 1 December 2009 to 1 February 2011, based on information taken from the International Crisis Group, *Crisis Watch Database*, accessed 1 February 2011:

- "[Entry dated 4 January 2010, covering events in December 2009] ... At least 127 killed by 5 bombings in central Baghdad 8 Dec[ember], in 3rd major attack targeting gov[ernmen]t institutions during last 4 months; al-Qaeda 10 Dec[ember] claimed responsibility. PM Maliki also blamed ex-Baathists, 10 Dec[ember] said at least 45 security force members involved. 24 killed, Anbar province governor wounded in twin suicide bomb blasts in Ramadi 30 Dec[ember]. 10 killed in twin

blasts at S[outh] Baghdad bus station 24 Dec[ember]; 8 killed in 7 Dec[ember] attack on Sadr City school. Dozens of Shiite pilgrims killed in separate sectarian attacks during late month Ashura pilgrimage; 15 Awakening militia members killed by gunmen during month." **[11e]**

- "[Entry dated 1 February 2010, covering events in January] ... 37 killed by 3 car bombs near Baghdad hotels 25 Jan[uary]; al-Qaeda-linked Islamic State of Iraq claimed attack. 26 Jan[uary] bombing of Interior Ministry facility killed 18. Attacks targeting security force members in Anbar province 7, 13 Jan[uary] killed at least 14; simultaneous bombs hit Najaf 17 Jan[uary]." **[11e]**

- "[Entry dated 1 March 2010, covering events in February] ... Scores killed in bomb attacks targeting Shiite pilgrims around Arbain holy day, including at least 41 in Baghdad 1 Feb[ruary], over 60 in Kerbala 3, 5 Feb[ruary]. 11 killed by suicide bomber 18 Feb[ruary] near govt offices, Ramadi. ... Christians protested in Baghdad, Mosul 28 Feb after 8 Christians killed in series of attacks." **[11e]**

- "[Entry dated 1 April 2010, covering events in March] ... At least 38 killed in attacks on polling day, mainly in Baghdad. In run-up to election 33 killed by bombings in Baaquba 3 March; 17 died in attacks on early voting, Baghdad, 4 March; at least 3 killed in 6 March bombing, Najaf. Attacks continued across country following polls: 15 killed by bombs in Falluja 15 March, Musayyab 16 March; 5 soldiers shot dead at checkpoint near Baghdad 24 March; bombs in Khalis 26 March killed 59; 6 killed in Qaim 28 March; 5 killed in Kerbala 29 March." **[11e]**

- "[Entry dated 1 May 2010 covering events in April] ... Scores killed by several coordinated bombings in Baghdad, including over 40 in attacks targeting embassies 4 Apr[il], claimed by al-Qaeda-linked Islamic State of Iraq; at least 49 by bombs in Shiite residential areas 6 Apr[il]; over 50 in 23 April bombings targeting Shiite districts and Sadrist HQ. Uniformed gunmen 2 Apr[il] killed 25, mostly Awakening supporters, south of Baghdad." **[11e]**

- "[Entry dated 1 June 2010, covering events in May] ... Bashar Hamid Agaidi, MP of Iraqiya bloc assassinated in Mosul 24 May. Over 100 reportedly killed, hundreds wounded in 10 May coordinated bombings, shootings in Baghdad, Basra, other towns blamed by govt on al-Qaeda. Scores killed in other bombings during month." **[11e]**

- "[Entry dated 1 July 2010, covering events in June] ... Faras al-Jubouri, candidate for Allawi's Iraqiya bloc, assassinated near Mosul 5 June. Up to 26 killed in 13 June coordinated bombings and storming of Iraq central bank; al-Qaeda group 17 June claimed responsibility. 2 senior members of govt-backed Sunni militia among dead following series of bombs across country 22 June. Scores killed in other bombings, gun attacks over month, targeting police, soldiers, politicians, former insurgents." **[11e]**

- "[Entry dated 1 August 2010, covering events in July] ... Senior Sunni cleric Saadi killed in Anbar province 2 July. Dozens killed, hundreds wounded 6-8 July in Baghdad bombings, at least 20 dead in 26 July attacks near Kerbala, all targeting Shi'ite pilgrims. At least 43 killed 18 July in 2 bombings targeting

Awakening Council members in southwest Baghdad and western Iraq, claimed by al-Qaeda 23 July. Other attacks over month included 15 killed in car bomb in Diyala province, 21 July; at least 4 killed in attack on Al-Arabiya TV station, 26 July; reportedly over 20 killed in attacks across country targeting security officials, 29 July." **[11e]**

- "[Entry dated 1 September 2010, covering events in August] ... At least 50 died 25 Aug[ust] in coordinated bombings and gun attacks targeting security forces across country, including 15 killed in bomb at Baghdad police station - claimed 28 Aug[ust] by al-Qaeda-linked group. At least 46 killed 17 Aug[ust] in suicide bomb at army recruitment centre; 2 judges killed same day in targeted attacks, both claimed by al-Qaeda affiliate. 5 police killed at Baghdad checkpoint 3 Aug[ust]; at least 6 killed same day in market bombing in Kut; over 40 died in Basra explosion 7 Aug[ust]; at least 8 soldiers killed in bombing in Diyala province 11 Aug[ust]." **[11e]**

- "[Entry dated 1 October 2010, covering events in September] ... Ongoing insurgent attacks: over 20 killed 19 Sept[ember] in car bombings in Baghdad, claimed by al-Qaeda; 12 killed in attack on Baghdad army base 5 Sept[ember]; 2 U.S. soldiers shot dead 7 Sept[ember] by Iraqi soldier in north; Sunni cleric beheaded and burned 9 Sept[ember]; 9 soldiers died in bombing in north 15 Sept[ember]; senior police official killed 28 Sept[ember]. At least 4 killed 11 Sept[ember] in clashes between security forces and militants in Diyala province; at least 6 killed 15 Sept[ember] in Iraqi-U.S. raid in Fallujah, reportedly targeting al-Qaeda leader." **[11e]**

- "[Entry dated 1 November 2010, covering events in October] ... At least 25 people killed by 29 Oct suicide bomb attack on café in Balad Ruz, north of Baghdad. At least 52 people killed 31 Oct during security forces rescue effort after gunmen seized Baghdad church during service, demanding release of jailed al-Qaeda militants. UNSRSG Ad Melkert's convoy attacked 19 Oct in Najaf following meeting with Ayatollah al-Sistani." **[11e]**

- "[Entry dated 1 December 2010, covering events in November] ... Attacks against Christian areas in Baghdad continued days after ... Maliki promised greater protection; 4 killed, 16 wounded in 10 Nov[ember] attacks. Ongoing insurgent attacks elsewhere: 10 killed, 35 injured in 8 Nov[ember] car bombing in Basra, 5 killed 24 Nov[ember] in bomb attack in Mosul, high ranking army officer assassinated 24 Nov[ember] in Saidiya district." **[11e]**

- "[Entry dated 1 January 2011, covering events in December] ... Insurgent attacks briefly peaked, targeting Shiite pilgrims as millions visited shrines across country for commemoration of Ashura; including series of bombs targeting Iranian pilgrims in Baghdad 4 Dec[ember] killing 14, injuring more than 80. 2 killed, 16 injured 30 Dec[ember] in series of bombings targeting Christians in Baghdad." **[11e]**

- "[Entry dated 1 February 2011, covering events in January] ... Month saw increase in bombings, highest casualty rate since Sept[ember]. Series of attacks targeted Shiite pilgrims including 3 suicide car bombs 20 Jan[uary] killing at least

50 near holy city of Karbala. Attacks on security forces, including suicide bombing 18 Jan[uary] killed up to 65 police recruits in Tikrit." **[11e]**

US combat mission ends – August 2010

4.04 International Crisis Group, in the paper *Loose ends: Iraq's security forces between U.S. drawdown and withdrawal*, dated 26 October 2010, explained "On 1 September 2010, President Barack Obama declared the U.S. combat mission in Iraq over. Two weeks earlier, the last combat brigade had crossed the border into Kuwait, leaving behind just under 50,000 U.S. troops, whose primary mission would be to 'advise and assist' Iraqi security forces until their withdrawal by the end of 2011." **[11e](Introduction)** A fact sheet by the Institute for the Study of War, dated 27 August 2010, explained that the "... last Brigade Combat Team left Iraq on August 19, 2010, two weeks ahead of the deadline ..." leaving 50,000 US troops in Iraq, who, under the existing security agreement, would be required to leave the country by 31 December 2011. **[102b]**

See also History – US military drawdown under the US-Iraq 'Security Agreement' (1 January 2009) and Security Forces: US Forces – Iraq (USF)

Wikileaks 'war logs' – October 2010

4.05 The website Wikileaks – War Logs, on 22 October 2010, reported that it had released 391,000 documents covering the war in Iraq from 2004 – 2009 into the public domain. **[103a]** A BBC news article entitled *Wikileaks: Iraq war logs 'reveal truth about conflict'*, dated 23 October 2010, reported that the website Wikileaks had released 400,000 US classified documents about the war in Iraq. According to the article the logs appeared to "… contradict earlier claims that the US did not keep records of civilians killed ..." and "... suggest[ed that] evidence of torture [by Iraqi security personnel] was ignored by [by US officials]." **[14m]** The BBC article also reported that "[t]he documents reveal[ed] many previously unreported instances in which US forces killed civilians at checkpoints and during operations." **[14m]** The website Iraq Body Count, in a press release dated 22 October 2010, stated that "... early analysis ... of the Iraq War Logs released by Wikileaks suggests the logs contain 15,000 civilian deaths not previously reported." **[28d]**

For further details on the Wikileaks disclosure, refer to the BBC article via the link here. See also Security forces – US Forces – Iraq (USF)

Return to contents
Go to sources

POLITICAL DEVELOPMENTS

Run-up to the 2010 parliamentary elections: challenge to Maliki's rule

4.06 A Congressional Research Service (CRS) paper entitled *Iraq: Politics, Elections, and Benchmarks,* published 14 January 2011, explained that: "[a]s 2009 progressed, Maliki's image as protector of law and order was tarnished by the several high profile attacks since June 2009, including several major multiple bombing attacks in cenral Baghdad" **[60a](p7)** The source further observed that the "... disturbances and criticisms during 2009 ... created a sense of open competition and an uncertain outcome [for the

2010 national elections]" with division among the Shiite factions, whilst "... on the Sunni Arab side of Iraqi politics, the Iraq National Movement ('Iraqiyya') of Iyad al-Allawi had strong appeal ... together with an openly Sunni slate, leaning Islamist, called Accordance slate ('Tawaffuq') [although this group was not expected to fare as well as Allawi's less sectarian block]. **[60a](p7)**

See also: Recent developments – Security related incidents

Election law signed (6 December 2009)

4.07 A paper by the UN Assistance Mission for Iraq (UNAMI), *Iraq Election 2010*, dated June 2010, explained that on 6 December 2009 a revised Election law was adopted by the Council of Representatives (COR) and subsequently approved by the Presidency Council. The agreement came after "... intense negotiations and a protracted legislative debate..." over the election law. **[15e](p5)** A Congressional Research Service (CRS) paper entitled *Iraq: Politics, Elections, and Benchmarks,* published 14 January 2011, commenting on he dispute explained:

"Because the provisions of the election law (covering such issues as voter eligibility, whether to allot quota seats to certain constituencies, the size of the next COR) have the potential to shape the election outcome, the major Iraqi communities were divided over its substance. These differences caused the COR to miss almost every self-imposed deadline to pass it. One dispute was over the election system, with many COR members leaning toward a closed list system (which gives the slates the power to determine who occupies actual COR seats after the election), despite a call by Grand Ayatollah Sistani for an open list vote (which allows voters to also vote for candidates as well as coalition slates)... There was also a dispute over how to apply the election in disputed Tamim (Kirkuk) province, where Kurds feared that the election law drafts would cause Kurds to be underrepresented." **[60a](p9)**

4.08 The CRS paper outlined the compromise version of the election law as follows:

- "Expansion of the size of the COR [Council of Representatives] to 325 total seats. Of these, 310 were allocated by province, with the constituency sizes ranging from Baghdad's 68 seats to uthanna's seven. The COR size, in the absence of a recent census, was based on taking 2005 population figures and addiing 2.8% per year growth...
- The remaining 15 seats are minority reserved seats (8) and 'compensatory seats' (7)—seats allocated from 'leftover' votes; votes for parties and slates that did not meet a minimum threshold to achieve any seats outright.
- No separate electoral constituency for Iraqis in exile, so Iraqis in exile had their votes counted in the provinces where these voters originated.
- An open list election system.
- An election date set for March 7, 2010." **[60a] (p10)**

See also Political Affiliation and Freedom of religion - political representation

Disqualification of election candidates (January 2010)

4.09 *The Report of the UN Secretary-General submitted pursuant to paragraph 6 of resolution 1883 (2009)* (UNSC Report February 2010), dated 8 February 2010, covering events since 11 November 2009 noted:

"On 7 January [2010], the Accountability and Justice Commission announced that 15 political entities would be excluded from participating in the upcoming national elections. On 14 January the Accountability and Justice Commission informed the Independent High Electoral Commission that it disqualified 496 candidate nominees. This figure was increased on 19 January to 511. The excluded candidates have the right to appeal the decision. A number of candidates filed appeals while in other cases political entities decided to replace the excluded candidates. The Board of Commissioners of the Electoral Commission accepted the exclusion of the named candidates and initially planned to certify candidate lists on 3 February, prior to the start of the campaign period scheduled to begin on 7 February. However, on 3 February the Court of Cassation ruled that the review of appeals filed by excluded candidates would be postponed until after the elections, allowing them to run in the elections. If elected, those candidates would have their privileges and immunities deferred until a final decision was made on their appeals.

"The Accountability and Justice Commission and a number of political parties rejected this court ruling and some publicly stated that the Court of Cassation had no authority to postpone reviewing the appeals, but should instead rule on each case individually. The Electoral Commission, for its part, was uncertain as to whether the decision was binding and sought clarification from the Supreme Federal Court, resulting in the postponement of the [election] campaign period until 12 February [2010]. ... On 7 February, the Court of Cassation issued an announcement that it would review all appeals filed before the start of the electoral campaign period on or around 12 February [2010]." **[16i](p2)**

4.10 The Carnegie Endowment article entitled *De-Baathification Saga Verdict*, dated 25 February 2010, explained the outcome of the appeals:

"The Iraqi ad-hoc appeals panel set up to examine the banning of over 500 candidates by the Justice and Accountability Commission has concluded its work, reinstating only 26 candidates. Initially, the appeal panel unbanned all candidates provisionally, reserving the right to re-examine the cases of those who won seats in the election. Responding to outrage by Iraq's major Shi'i political parties as well as to political pressure, including from Prime Minister Nouri al-Maliki, the panel announced that it had gone beyond its legal responsibilities when it thought it should examine all bans and that it only needed to consider the 177 cases where candidates had appealed. Those cases could be examined and resolved before the March 7 elections. A few days later, most of the 177 banned candidates were excluded from the investigation process on the grounds that they had not filed their appeals properly; only 37 cases would be investigated. On February 11, Ali al-Lami, the head of the Justice and Accountability Commission, announced that 26 candidates (out of over 500) had been 'unbanned' and could run. ... The ban on Saleh al-Mutlaq and Dhafer al-Aani, two of the most critical Sunni players in the Iraqi National Movement [also known as 'Iraqiyya'] coalition was maintained. The banning decision apparently only applies to individuals, not to the parties they lead, contrary to what had been said earlier. Nonetheless, Saleh al-Mutlaq first decided to withdraw his entire party and to boycott the elections in protest against alleged Iranian interference, but later changed his mind. On February 25, Mutlaq stood

by Ayad al-Allawi's side and announced that his party would run 'for the sake of change' …" **[40b]**

See also: Political resolution: coalition government established (21 December 2010), which outlines how Saleh al-Mutlaq, one of the banned Sunni candidates was later reinstated and allowed to assume political office, defusing tensions over the ongoing de-Baathification process.

For background to the de-Baathification process, see De-baathification and political divide between Sunni and Shia groups (2003 – 2009); also see: Freedom of political association and assembly. For information relating to the treatment of former Baathists see Persons linked to the former Ba'ath Party regime

March 2010 national elections

4.11 A CRS paper entitled *Iraq: Politics, Elections, and Benchmarks,* published 14 January 2011, noted that:

"About 85 total coalitions were accredited for the March 7, 2010, election. There were about 6,170 total candidates running on all these slates and ... Iraqis were able to vote for individual candidates as well as overall slates. Aside from that of [Nouri al-] Maliki [State of Law Coalition], only a few of the coalitions were perceived as having major support [which according to the source included Iraqi National Alliance; Iraqi National Movement ('Iraqiyya'); Kurdistan Alliance; Unity Alliance of Iraq and Iraqi Accordance] ... Total turnout was about 62%, according to the IHEC [Iraqi Higher Election Commission]. Turnout was slightly lower in Baghdad because of the multiple insurgent bombings that took place there just as voting was starting." **[60a](p12)**

4.12 The same source reported that following the election, the final count was announced on 26 March 2010 with the Iraqiyya slate winning "... a plurality of seats ..." and providing "... a narrow two seat margin over Maliki's State of Law slate." However there were continued delays in certifying the election results which were finally announced by the Iraqi Supreme Court on 1 June 2010. **[60a](p12)**

4.13 The CSIS paper, *Iraqi's Coming National Challenges: Transition Amid Uncertainty*, dated 5 January 2011, noted that Maliki's State of Law Party had received 89 seats, and 27.4% of the vote; [Iyad] Allawi's Iraqiya party, 91 seats and 28% of the vote and the Iraqi National Alliance 70 seats [INA] or 21.5% of the vote (of which the Sadrists [followers of Muqtada al Sadr] had nearly 60%. The source also noted that the 7 March results had a "strong nationalist and anti-incumbent vote ... but still had a strong sectarian and ethnic character ..." **[18e](p16)**

For a full breakdown of the election results refer to the Special Inspector General for Iraq Reconstruction (SIGIR), *Quarterly report to the US Congress* dated 30 April 2010 and page 6 (report accessible via the link here). See also Freedom of political expression, for detailed information on the conduct of the election and whether it met with accepted international standards.

Coalition government established (21 December 2010)

4.14 An Economist Intelligence paper, dated 22 December 2010 reported:

"Nine months after an inconclusive parliamentary election [and political stalemate over the establishment of a new government coalition], a new Iraqi cabinet has been announced, bringing to an end an often bitter impasse. The new national unity government, headed by Nouri al-Maliki, brings together all of Iraq's main factions, and will need to work hard to make sure that security gains made over the last three years are consolidated, while also shifting focus towards improving basic services. Its all-inclusiveness is its principal strength, but could also prove to be a drag on policy implementation.

"One of the most important issues raised by the election was the level of participation by each of Iraq's ethnic and religious groups, with particular attention focused on Sunni representation. From this perspective, the Iraqi cabinet is more equitable than the previous one. There were fears that the Iraqi National Movement (INM), a Sunni-backed block led by a former prime minister, Ayad Allawi, that got the most votes in the election, would be marginalised by an alliance that brought together Mr Maliki's State of Law coalition and a conservative Shia group, the Iraqi National Alliance. The cabinet line-up suggests otherwise; a deputy prime minister, the speaker of parliament (perhaps the most important office in Iraq after the prime minister's own), and the finance minister all come from the INM. Furthermore, the deeply divisive issue of de-Baathification, which was dragged back into the political narrative just before the election [see xxxxx], seems to have been solved, with the reinstatement of Saleh al-Mutlaq, a Sunni Arab politician (and Iraq's new deputy prime minister)." **[1e]**

4.15 The same source further observed:

"There was no change at the foreign ministry, with Hoshyar Zebari (a Kurd) once again at the helm. However, a notable appointment was made in the finance ministry, which will be run by the former deputy prime minister, Rafi' al-Issawi. Mr Issawi, a Sunni Arab politician who is close to Ayad Allawi, is highly regarded across the political spectrum in Iraq as being a capable, consensus-seeking politician, and his appointment in one of Iraq's key ministries will go some way towards allaying fears that the country's Sunni Arab community will be marginalised ... The Sadrists, who gained 40 seats in parliament after a powerful showing in the election, have been rewarded with eight ministries, and will control the housing, public works, labour and, perhaps most importantly, the planning ministry- signalling a definite move by the controversial group to control important service ministries." **[1e]**

4.16 The SIGIR Semi-Annual Report dated 30 January 2011 explained:

"Prime Minister Nuri al-Maliki secured sufficient parliamentary support in late November [2010] to claim a second term. Under the power-sharing deal, al-Maliki's State of Law (SoL) Coalition controls the powerful Ministries of Interior and Defense and five other cabinet posts. Former Prime Minister Ayad Allawi's al-Iraqiya bloc has the chairmanship of the new National Council for Higher Policies (NCHP)—whose duties have yet to be defined—and 10 cabinet-level offices. The other two major blocs—the Shia Iraqi National Alliance and the Kurdistani Alliance—hold 12 and 7 cabinet seats, respectively... A major challenge for the new government will be managing its relationship with the anti-American cleric Muqtada al-Sadr, who returned from Iran this quarter [January 2011] and controls 39 seats in the Council of Representatives (CoR).

This significant political power places him in a position to demand policy concessions from Prime Ministe al-Maliki. ..." **[20c](p20**

4.17 The CRS paper, *Iraq: Politics, Elections, and Benchmarks,* published 14 January 2011, reported that "... the Kurdistan Alliance received major posts ..." with Jalal Talabani remaining as President and Rows Shaways, a Kurdish figure from the PUK, taking up the post of third deputy prime minister. Hoshyar Zebari (of the KDP), who had been foreign minister since the fall of Saddam Hussein's regime also retained his office. **[60a](p25)** See also: History – The Kurdistan Regional Government

To view a list of members of government of Iraq, refer to the SIGIR Quaterly report, 30 January 2011 and figure 1.3 via the link here **[20c] (p8)** See also Annex C Prominent people which provides the names of the Iraqi Ministers in cabinet, together with Political factions and sectarian insurgency, which outlines the various political blocs that contended the 2010 national election.

Return to contents
Go to sources

5. CONSTITUTION

5.01 The Constitution of the Republic of Iraq was adopted on 15 October 2005, after a national referendum. Jane's *Sentinel Country Risk Assessments* Iraq (JSCRA Iraq), Internal Affairs, last updated 19 January 2011, observed: "The new Iraqi constitution was drafted by a committee appointed by the Iraqi Transitional Government that was elected in January 2005. In order to include fair representative from the Sunni Arab minority, which boycotted that vote, additional members were co-opted onto the committee from outside the National Assembly [Iraqi parliament]." **[24a](Constitution)**

For further information on the history of the constitution, refer to History - Creation of a new government (2003 – 2005). A translated version of the full Iraqi constitution can be found here

Return to contents
Go to sources

6. POLITICAL SYSTEM

6.01 Jane's *Sentinel Country Risk Assessment Iraq,* (JSCRA Iraq) last updated 19 January 2011, gave the following overview of Iraq's political system:

"TYPE OF GOVERNMENT
Constitutional democracy

"HEAD OF STATE
President Jalal Talabani

"HEAD OF GOVERNMENT
Prime Minister Nouri al-Maliki

"RULING PARTY
Pending government formation negotiations [See Recent Developments]

"NEXT ELECTIONS

2014 (Parliamentary)" **[24d] (Political Overview)**

EXECUTIVE

6.02 The Freedom House Report entitled *Freedom in the World 2010*, Iraq, published May 2010 (Freedom House Report 2010) noted that: "... 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." **[8a]** The US State Department, *Background Note:* Iraq, dated 17 September 2010, referred to the executive as the "Presidency Council ([comprised of] one president and two vice presidents[...)] ... [and the] Council of Ministers ([comprised of] one prime minister, two deputy prime minister[s] and 37 cabinet ministers.)" **[2b]**

6.03 JSCRA Iraq, Internal Affairs, last updated 19 January 2011, reported that:

"The executive branch of the Iraqi government is composed of the president (part of the Presidency Council) and the cabinet (the Council of Ministers) ... The president is head of state and 'safeguards the commitment to the Constitution and the preservation of Iraq's independence, sovereignty, unity, the security of its territories in accordance with the provisions of the Constitution'. The president is elected by the Council of Representatives by a two-thirds majority, and is limited to two four-year terms. The president ratifies treaties and laws passed by the Council of representatives, issues pardons on the recommendation of the prime minister and performs the 'duty of the Higher Command of the armed forces for ceremonial and honorary purposes'. The constitution provides for a number of vice-presidents, one of whom shall assume the office of the president in case of the latter's absence or removal, with the approval of parliament. ... The Presidency Council is an entity operating under the auspices of the 'transitional provisions' of the constitution. According to the constitution, the Presidency Council functions in the role of the president until one successive term after the constitution is ratified and a government is seated. It currently consists of President Jalal Talabani (Kudish) and vice-presidents Abdel Abdul Mahdi (Shia Arab) and Tariq al-Hashemi (Sunni Arab). All have veto powers over legislation, although a parliament can override this with a three-fifths majority." **[24a] (Executive)**

LEGISLATURE

6.04 JSCRA Iraq, Internal Affairs, last updated 19 January 2011, stated:

"The legislative branch of the Iraqi government is composed of the Council of Representatives and the Federation Council. ... The Council of Representatives is the main elected body in Iraq. The Constitution defines the 'number of members at a ratio of one representative per 100,000 Iraqi persons representing the entire Iraqi people'. Members are elected for terms of four years. The council elects the president; approves the appointment of the members of the Federal Court of Cassation, the Chief Public Prosecutor and the president of the Judicial Oversight Commission on proposal by the Higher Juridical Council; and approves the appointment of the Army Chief of Staff, his assistants and those of the rank of division commanders and above, and the director of the intelligence service, on proposal by the cabinet... The Federation Council is composed of representatives from the regions and the governorates that are not organised in a region. The council is regulated in law by the Council of Representatives." **[24a] (Legislative)**

See also Recent developments – Election law disputes (6 December 2009), for details of the latest changes to the Council of Representatives.

POLITICAL PARTIES

6.05 The CIA *World Factbook* last updated 26 January 2011, noted that the following Iraqi political parties, with the leaders in square brackets:

"Badr Organization [Hadi al-AMIRI]; Da'wa al-Islamiya Party [Prime Minister Nuri al-MALIKI]; Da'wa Tanzim [Hashim al-MUSAWI branch]; Da-wa Tanzim [Abd al-Karim al-ANZI branch]; Fadilah Party [Hashim al-HASHIMI]; Hadba Gathering [Athil al-NUJAYFI]; Iraqi Charter Assembly [Ahmad Abd al-Ghafur al-SAMARRAI]; Iraqi Constitutional Party [Jawad al-BULANI]; Iraqi Front for National Dialogue [Salih al-MUTLAQ]; Iraqi Islamic Party or IIP [Usama al-TIKRITI]; Iraqi Justice and Reform Movement [Shaykh Abdallah al-YAWR]; Iraqi National Congress or INC [Ahmad CHALABI]; Iraqi National Accord or INA [former Prime Minister Ayad ALLAWI]; Islamic Supreme Council of Iraq or ISCI [Ammar al-HAKIM]; Kurdistan Democratic Party or KDP [Kurdistan Regional Government President Masud BARZANI]; National Gathering [Deputy Prime Minister Rafi al-ISSAWI]; National Movement for Reform and Development [Jamal al-KARBULI]; National Reform Trend [former Prime Minister Ibrahim al-JAFARI]; Patriotic Union of Kurdistan or PUK [Jalal TALABANI]; Renewal List [Vice President Tariq al-HASHIMI]; Sadrist Trend [Muqtada al-SADR]; Sahawa al-Iraq [Ahmad al-RISHAWI]; Tawafuq Front" **[4a]**

See also Political Affiliation

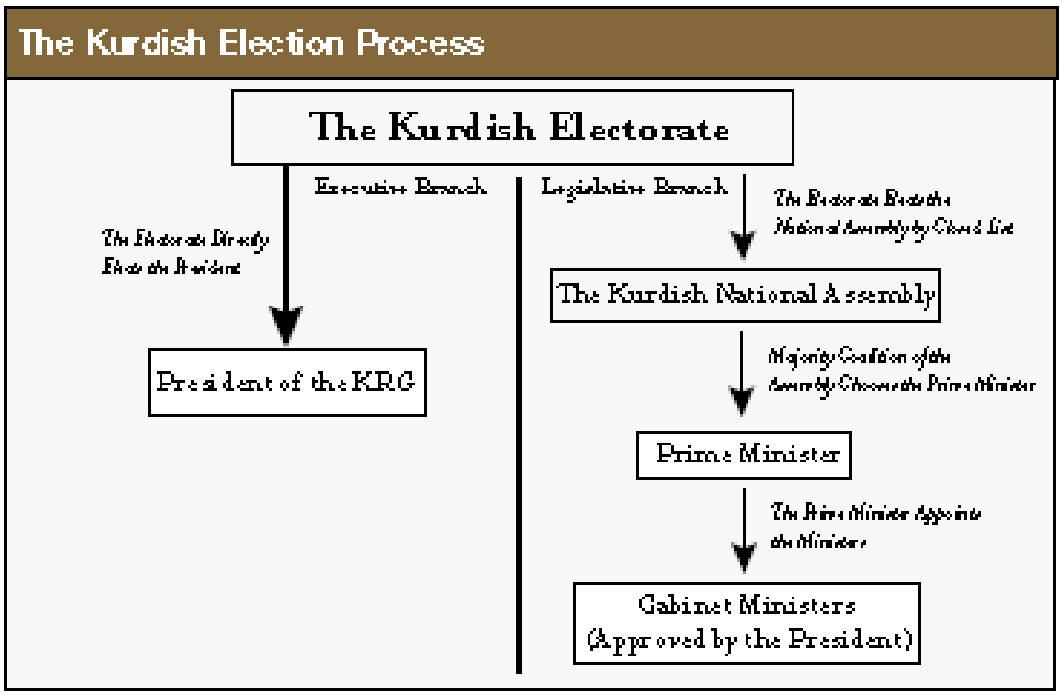
KURDISTAN REGIONAL GOVERNMENT

6.06 Kurdistan Regional Government's *Fact Sheet* (KRG Fact Sheet), circa October 2009, stated that:

"The Kurdistan Region is a federated region in Iraq. Its main institutions are the Kurdistan Regional Government, the Kurdistan Region Presidency, and the Kurdistan 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." **[26a]**

6.07 The same source noted that: "The Kurdistan Region comprises the three northern-most governorates or provinces of Iraq: Erbil, Suleimaniah and Dohuk. Each governorate has a democratically elected 41-seat Governing Council. The provincial Governors are Mr Nawzad Hadi in Erbil, Mr Behrouz Mohammad Salih in Suleimaniah, and Mr Tamar Ramadan Fattah in Dohuk." **[26a]**

6.08 A paper by the Institute for the Study of War entitled, *The 2009 Kurdish elections*, dated 23 July 2009, provided the following diagram to illustrate the political system in KRG **[102a]**:



See also: History – Creation of an autonomous region and government (1992 - 2006)

Executive

6.09 KRG Fact Sheet, circa October 2009, stated that:

"The Kurdistan Region Presidency (KRP) was promulgated as an institution by the Kurdistan Parliament in 2005. The President of the Kurdistan Region has the highest executive authority. He or she is elected by secret ballot in a popular vote every four years and can stand for election for a second term. ... Mr Masoud Barzani, the current president, was elected as the Kurdistan Region's first president on 31 January 2005 by the Kurdistan Parliament, and re-elected by secret popular ballot by the people of the Kurdistan Region in July 2009, with 70% of the vote."**[26a]**

6.10 The website of the Kurdistan regional government, accessed 1 February 2011, noted that: "The current government, led by Prime Minister Barham Salih, assumed office on 28 October 2009. His Deputy is Mr Azad Barwari. ... The government coalition consists of several political parties, reflecting the diversity of the Region's people, who are Kurds, Turkmen, Chaldeans, Assyrians, Syriac, Yazidis and others living together in harmony and tolerance." **[26c]**

For further information on the government of the KRG refer to the Kurdistan Regional Government website.

Legislature

6.11 A paper by the Institute for the Study of War entitled, *The 2009 Kurdish elections*, dated 23 July 2009 explained:

"The legislature, the Kurdish National Assembly, is a unicameral legislature composed of 111 representatives elected by closed party or coalition list rather than by individual candidate. Of the 111 representatives, thirty percent of which are guaranteed to female representatives, one hundred seats are open to general lists and eleven seats are

reserved for particular ethnicities: five seats for Chaldeans and Assyrians, five seats for Turkmen, and one seat for Armenians. All legislation passed by the Kurdish National Assembly must be ratified by the President for it to be enacted into law. ..." **[102a]**

Political parties

6.12 JSCRA Kurdistan Regional Government, last updated 22 June 2010, noted the following political parties in KRG:

"Two major parties dominate Kurdistan: The Kurdistan Democratic Party (KDP) and the ailing Patriotic Union of Kurdistan. The KDP-PUK coalition collected around 55 per cent of the vote during the Kurdistan regional parliamentary elections in July 2009 and accordingly formed a bloc of 59 seats, constituting a narrow majority. Second to the KDP-PUK is an emerging coalition under former PUK co-founder Nashirwan Mustafa, the Change List [*Gorran*], which received 23.75 per cent of the vote, or 25 of parliament's 111 seats. The remaining 20 per cent of the vote, or 26 seats, went to half a dozen of smaller groups that include Kurdish Islamist and leftist parties, Assyrian-Chaldean (Christian) parties, and Turkomen fronts. The Turkoman and Christian minorities are each allocated five seats in parliament, while Armenians have a one-seat quota." **[25a]**

(Internal Affairs)

See also Annex B: Political Organisations for further information on the political parties in Iraq (including KRG). See also Political Affiliation in the KRG area

Return to contents
Go to sources

Human Rights

7. INTRODUCTION

7.01 Human Rights Watch (HRW) *World Report 2011*, published 24 January 2011, and covering events of 2010 stated:

"Human rights conditions in Iraq remain extremely poor, especially for journalists, detainees, displaced persons, religious and ethnic minorities, women and girls, and persons with disabilities … Repeated attacks by armed groups targeted civilians ... Violence killed and injured hundreds of civilians each month, in one of the worst periods, more than 500 people died in August [2010] alone. Assailants targeted government buildings and officials, checkpoints, embassies, hotels, factories, markets, and mosques, as well as people gathered for religious pilgrimages, weddings, and funerals, mainly in Shia areas. Violent attacks have caused civilians to flee, creating internally displaced persons and refugees across borders. … The ongoing attacks, along with an abundance of abandoned landmines and cluster munitions, have created a disproportionately high number of persons with physical and mental disabilities, many of whom have not received support for rehabilitation and re-integration into the community." **[21e]**

7.02 The Amnesty International Report 2010 *The State of the World's Human Rights* Iraq (AI Report 2010), published 28 May 2010, covering events in 2009 stated:

"Government forces and armed political groups continued to commit gross human rights abuses, although the overall level of violence was lower than in previous years. Thousands of civilians were killed or seriously injured in suicide and other bomb attacks by armed political groups. The government ... continued to hold thousands of uncharged detainees on security grounds, some after several years, but released thousands of others. Torture and other illtreatment of detainees by Iraqi forces, including prison guards, remained rife and were carried out with impunity. At least 1,100 prisoners were reported to be under sentence of death, many following unfair trials. The government disclosed no information about executions, but at least 120 were reported and it appeared that some were carried out in secret. At least 1.5 million people were still internally displaced within Iraq and hundreds of thousands of Iraqis were refugees abroad. New human rights violations were reported in the semiautonomous Kurdistan region where conditions generally were much better than in the rest of Iraq." **[29a]**

7.03 The UNHCR, *Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated 28 July 2010 observed:

"Reports indicate concern over deficits in the administration of justice, the management of prisons and detention centres, violence against women, and the lack of child protection mechanisms. Significant progress is still needed to ensure the rule of law and to systematically address the issue of impunity for past human rights violations. Concern remains over the legality and integrity of criminal convictions based on evidence obtained through confessions under duress." **[17b](p5)**

7.04 The Danish Immigration Service report entitled *Security and Human Rights in South/Central Iraq: Report from the Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq – 25 February to 9 March and 6 to 16 April 2010,*

published 10 September 2010, referred to an interview conducted with a reliable source in Iraq. According to the report, the oral source stated that:

"... an improvement in the security and human rights situation in Iraq is very limited ... [and] added that the current security environment is fragile and unpredictable and one in which security deteriorates rapidly. There is no real improvement in security in Iraq. While the number of attacks and security incidents may have dropped, this is no indication of a safer environment... Concerning human rights, there are no real improvements in Iraq. Detention and prison conditions, deprivation of the rights of women, inequality and protection of civilians is as bad as ever." **[30a](p5-6)**

7.05 The same report, referring to the interview conducted with a reliable source in Iraq observed that due to the current security situation, it was generally "... difficult to come to a firm conclusion as to who is most at risk in S[outh]/C[entral] Iraq". Referring to their own experiences, the source explained that the security situation impacted on how they could operate, adding that escorts, which were mandatory for movement, were not always available. The source continued: "[a] movement of two kilometres in the city of Baghdad could take a week to organize and access to grass roots is not easy. According to information from sources in Baghdad, Basra, Kirkuk, Mosul and Erbil, direct access to what is happening on the ground is limited and one is always faced with lengthy procedures in order to carry out activities. For example, a visit to a prison would take months to prepare ...". In conclusion the oral source was of the opinion that only the "tip of the iceburg" was probably known when it came to obtaining information on human rights violations. **[30](p5-6)**

7.06 The Economist Intelligence Unit paper on Iraq, *Country Report - Main report*: January 17th 2011, stated:

"The Economist Intelligence Unit's 2010 democracy index ranks Iraq 112th out of 167 countries, putting it in the 'hybrid regime' category. Although its ranking is low, Iraq in fact occupies the fourth-highest position in the Middle East and North Africa region (20 countries in total), reflecting the relatively free and fair parliamentary elections in 2005 and 2010, as well as the fiercely contested local elections in early 2009. As a result, Iraq scores moderately highly in the electoral process and political participation categories, although the civil liberties score is hampered by the weak and politically partial judicial system, and the frequent use of arbitrary detention.

"**Democracy index**

"Regime type Overall score Overall rank

"2010 Hybrid regime 4.00 out of 10 112 out of 167

"2008 Hybrid regime 4.00 out of 10 116 out of 167

"… The main constraint on the overall score, however, is the functioning of government category. The authorities have a woeful record on implementing capital projects (although this at least is beginning to improve) and combating corruption. In addition, the unclear delineation of power between the government in Baghdad (the capital), the Kurdistan Regional Government, the local authorities and the growing, tribally oriented Awakening movement also hinders governance. However, the government's ability to

implement policy is beginning to improve nationally, as the recent security gains are consolidated.

"**Democracy index 2010 by category on a scale of 0 to 10)**

"Electoral process 4.33

"Functioning of government 0.79

"Political participation 6.11

"Political culture 3.75

"Civil liberties 5.00"

"Democracy index 2010: Democracy in retreat, a free white paper containing the full index and detailed methodology, can be downloaded from www.eiu.com/DemocracyIndex2010." **[1d]**

Return to contents
Go to sources

8. SECURITY SITUATION

For a background to the current insecurity in Iraq, refer to History – Security situation (2003 – 2009). For details on some of the main insurgent attacks to have taken place between December 2009 and February 2011 and for other recent information relating to security see: Recent developments

OVERVIEW

8.01 Jane's *Sentinel Country Risk Assessment*, Iraq (JSCRA Iraq), Executive Summary, dated 19 January 2011, provided the following overview on the security situation in Iraq:

"The government of Prime Minister Nouri al-Maliki has faced serious internal violence throughout its term and this violence is likely to persist for the foreseeable future as troop-contributing countries withdraw in 2009-2010 and the government assumes greater responsibility for security. However, since the US launched its 'surge' policy in mid-2007, bringing an additional 20,000 troops into Baghdad and Al-Anbar province [to the west of Baghdad], violence has been at a less intensive level than in 2006 and 2007. Political violence in Iraq is being driven by a complex mesh of sectarian and factional drivers with both Sunni and Shia insurgents posing a security challenge to the government ... The key problem since 2006 has instead been Iraqi-on-Iraqi violence. Initially, this primarily comprised sectarian attacks aimed at civilians, but increasingly attacks have taken the form of factional resistance to government security forces. Certain sections of the Sunni Arab community remain highly active insurgents, with attacks most prevalent in areas where a hard core of irreconcilable former regime elements and Islamic militants pay networks of unemployed Iraqis to perform attacks. Sunni Arab resistance is particularly prevalent in areas where Sunnis fear Kurdish or Shia dominance. Since the withdrawal of MNF troops from Iraqi cities in June 2009, and in the weeks after the March 2010 elections, violence in Baghdad did not exceed expected levels and remained sporadic. October 2010 saw the least number of Iraqi

civilian casualties since the outbreak of the war in March 2003, according to government figures." **[24e]**

8.02 A Centre for Strategic & International Studies, paper entitled *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats,* dated 5 January 2011, noted that "[a]ttacks in Iraq continue to occur on a daily basis ... [and that] ... [a]pproximately 100,000 civilians have died from violence the since the 2003 invasion." **[18d](p2)** The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, (UNHCR Guidelines) dated April 2009, (which were endorsed by UNHCR as still 'valid' in their interim paper, dated July 2010 **[17b](p1)**), stated that:

"… the widespread sectarian violence among Iraq's Sunni and Shi'ite communities that gripped parts of the country between 2005 and 2007 has largely abated due to several factors, including the turning of tribal and former insurgent groups' against AQI [Al Qaeda in Iraq], reported JAM [The Mahdi Army, also known as the Mahdi Militia or Jaish al-Mahdi (JAM), a paramilitary force created by the Shia cleric Muqtada al-Sadr] 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 [areas of Sunni, Shia and minority groups] due to sectarian cleansing." **[17a](p91)**

8.03 The US Department of Defense (USDoD) report, *Measuring Stability and Security in Iraq*, published June 2010, covering events between March and the end of May 2010, observed that despite indications the Iraqi population was overall less focused on sectarian issues:

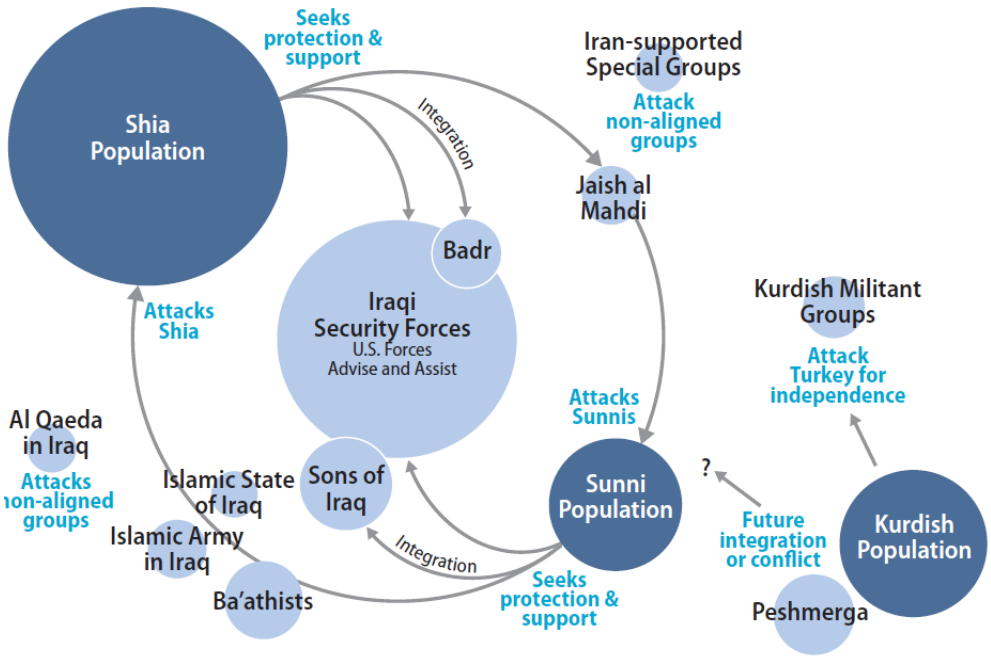
"... Sunni–Shi'a tensions persisted over Sunni marginalisation, exemplified by issues with the SoI [Sons of Iraq] transition program, the government's reluctance to reintegrate former detainees and regime elements, the on-going de-Ba'athification controversy, and the lack of progress on the return and reintegration of refugees and internally displaced persons (IDPs). Currently, however, political tensions have not rekindled the retributive violence that characterised ethno-sectarian fighting in past years. Additionally, throughout this election season [2010], national political leaders have continued to state their commitment to resolving disputes through the political and legal systems [rather than through sectarian violence]." **[10c](p2)**

8.04 JSCRA Iraq, Security, dated 19 January 2011, identified the key characteristics of the terrorist/insurgency threat to the security situation in Iraq. First, that "... the Iraqi government is recovering the monopoly over the legitimate use of force as the Iraqi Army (backed by Multi-National Forces) increasingly asserts itself as a leading military force in most locations ..."; second, that "... terrorist and insurgent groups have been whittled down to a hardcore, with many less-committed elements pared away ... [although the source cautioned that further reducing this remaining cadre wil be very slow and difficult ..."; and finally, the possibility that "... Iraq has significant potential to become a regional hub for organised criminal elements." **[24b]**

8.05 The CSIS paper *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats,* dated 5 January 2011, in examining post-election cycles of of violence, provided a graphical representation of the cycle of violence in Iraq, which was referenced to David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (2009) and David C. Gompert, Terrance K Kelly and Jessica

Watkins, *Security in Iraq: A Framework for Analyzing Emerging Threats as U.S. Forces Leave* (2010). **[18d](p26)**

CYCLE OF VIOLENCE IN IRAQ



MAIN ACTORS INVOLVED IN THE VIOLENCE

8.06 The Danish Immigration Service report entitled *Security and Human Rights in South/Central Iraq: Report from the Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq – 25 February to 9 March and 6 to 16 April 2010*, published 10 September 2010 (Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010) citing information provided by UNHCR Iraq noted that on the subject of armed groups "... the situation is fluid, and while there are some 'official' militias that are known, and each political party has its own militia, underneath this there are a number of 'invisible' militias that one does not know about. Many would say that one worries about the militias one does not know about." **[30a](p14)** JSCRA Iraq, Security, dated 19 January 2011, outlined several protagonist groups involved in the ongoing violence and insecurity in Iraq, these were former regime elements; religious militants (notably Sunni extremist groups such as Al Qaeda in Iraq) and sectarian milita groups which were broadly identified as linked to Shia, Sunni and Kurdish groups and political affilitations. **[24b]**

8.07 In considering wider regional influences which may have an impact on insecurity in Iraq, an *Economist* paper entitled *Iraq and its neighbours; A regional cockpit*, dated 19 November 2009, noted that Iran and Syria had for a time been considered as countries "… accused of backing insurgents in Iraq." **[104a]** According to an Agence France Presse article dated 21 July 2010, the then senior US commander in Iraq, General Ray Odierno said that Iran had been supporting three Shiite extremist groups in Iraq that had been attempting to attack US bases, these were Ketaib Hezbollah, Asaib Ahl al-Haq (League of the Righteous), and the Promise Day Brigade. Quoting Odierno, the article continued "'The Iranians... continue to fund, train and provide weapons and ammunition to Shiite

extremist groups ... [the Iranians have] gone to a more sophisticated program with a smaller set of extremists ... It's very difficult to say if the extremist groups are directly connected to the Iranian government .. But we do know that many of them live in Iran, many of them get trained in Iran, and many of them get weapons from Iran.'" **[105a]**

8.08 The CRS paper, *Iran-Iraq Relations*, dated 13 August 2010 also observed that US-Iranian tensions were increased by Iranian backing for Shiite militias. **[60e](p2)** Specifically: "... U.S. officials feared that, by supplying armed groups in Iraq, Iran was seeking to develop a broad range of options that included: pressuring U.S. and British forces to leave Iraq; to bleed the United States militarily; and to be positioned to retaliate in Iraq should the United States take military action against Iran's nuclear program." **[60e](p2)** The Brookings Institute report *Iraq Index, Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*, published 31 January 2011, in table entitled *Estimated number of foreigners illegally crossing into Iraq to support the insurgency*. reported the number of foreign armed combatants illegally entering Iraq was around 10 – 20 per month in June – July 2009, compared to 80 -90 per month in January – May 2007. **[66b](p17)**

See also Abuses by non-government groups; additionally for information on border protection see Border enforcement

8.09 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, referring to an interview with an international NGO in Amman, commented that whilst it was "... hard to speculate on who make up the insurgent groups in in S[outh]/C[entral] Iraq ... it is commonly known that some are believed to have links to neighbouring countries." **[30a](p14)** The same source also remarked that "... small and medium-sized groups are organising themselves in[to] criminal gangs… " and that reports of kidnappings "... may well be linked to these sort of criminal gangs rather than political [sectarian] groups. Some of these criminal gangs or persons within the gangs [also] enjoy some sort of protection that may be tribally linked." **[30a](p15)** However the same report, citing information given by IOM Baghdad (David Helmey, Operations Officer and Rania Guindy, International Caseworker), noted that there was "... a fine line between criminal gangs and the newly-established ideologically-based [sectarian] groups." **[30a](p14)**

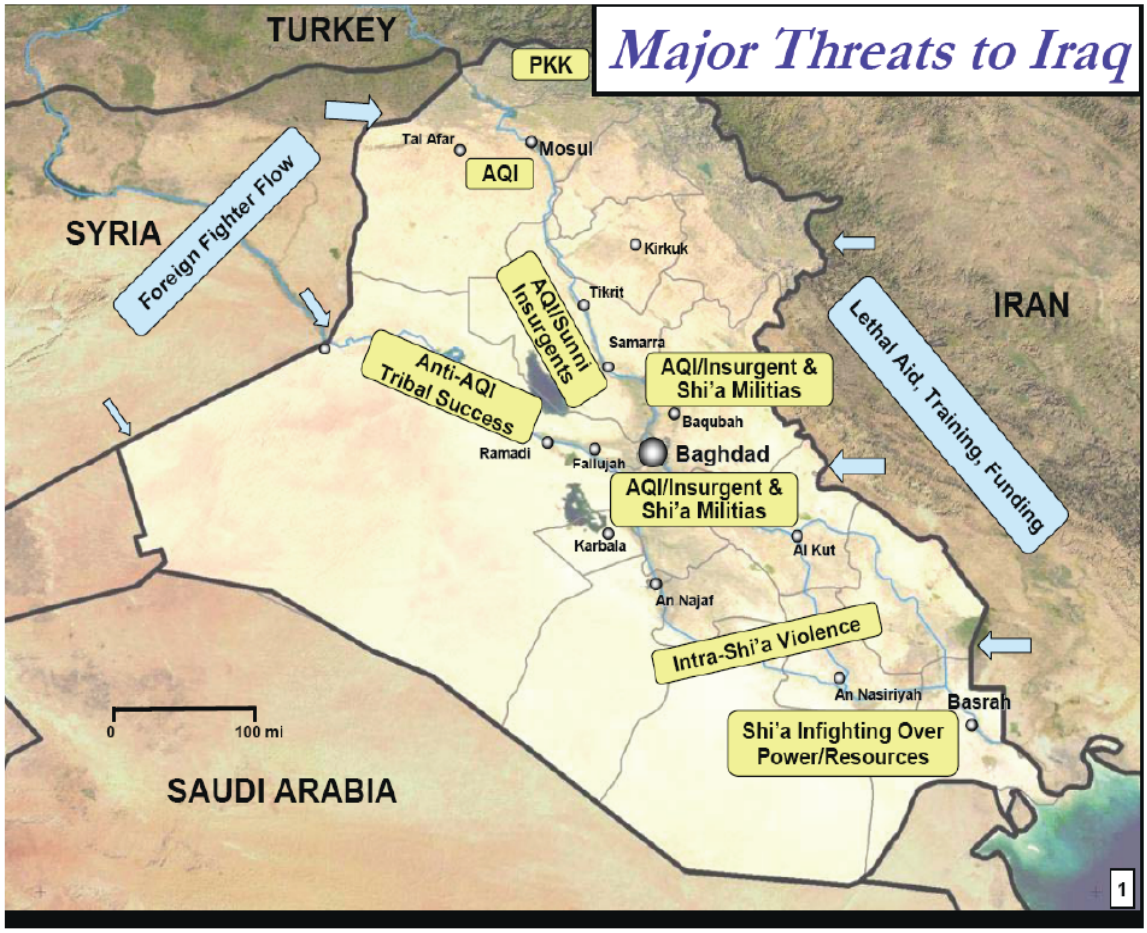
8.10 The CSIS paper by Anthony H Cordesman *Iraq and the Problem of Militias*, dated 8 May 2006, provides a useful background to understanding the inter-relationship between sectarian militias, local factions and criminal activity: "The lines between gang member, criminal, sectarian or ethnic force, insurgent, and security force are often tenuous, and the difference between criminal and corrupt is even harder to determine." **[18h](p2)** The source further explained:

"No one can really quantify the number of force relocations, killings, kidnappings, extortions, and other acts that are pushing Iraqis apart. No one, however, doubts that thousands of Iraqis have died, and ethnic cleansing, mixed with crime and local feuds, have affected the lives of tens of thousands. ... This cannot, however, be blamed simply on the militias. The dividing lines in Iraq are far more complex. Crime is a constant problem and a threat to security, and is often mixed with ties to sectarian groups or local political factions. If there are no local militias or security forces, there almost always are criminals. In many areas there are both, and sectarian and ethnic forces can extort while criminals can claim to serve an ethnic or sectarian cause. ... The more mixed a neighborhood or area is, the more the lines are blurred. In general, the more

homogeneous the area, the better organized local security forces are, although sometimes at the cost of more sectarian and ethnic 'cleansing.' In many such areas, however, it is not some party militia in the national sense that really is involved, but a local security force or element loyal to a local leader. In a number of areas, the police are also loyal to a given leader and there are no clear lines of demarcation. In others, the police simply do not act." **[18h](p1-2)**

See also: Ethnic Groups - Tribes/clans

8.11 The CSIS paper, entitled *Iraq's Coming National Challenges: Transition Amid Uncertainty,* dated 5 January 2011 provided the following graphical illustration to outline the major threats to Iraq. **[18e](p6)**



For a furher understanding of these various paramilitary groups, including their current level of activity see: Abuses by non-government groups; for information on criminal gangs refer to Crime.

TRENDS IN THE NUMBER OF SECURITY INCIDENTS AND FATALITIES

8.12 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted:

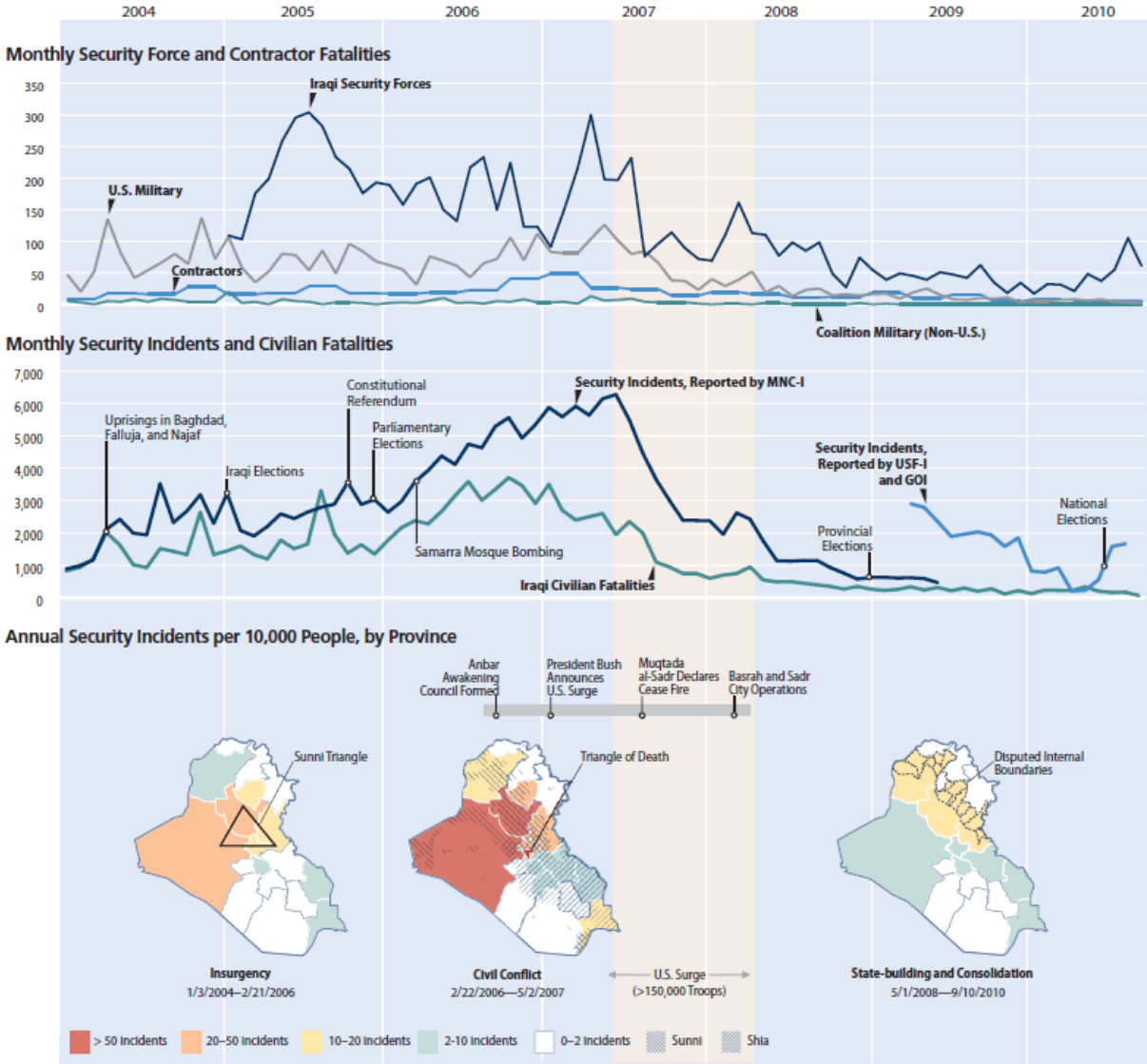
"The ISF [Iraqi Security Forces] continued to lead security efforts this period, and achieved overall success in securing the March 7, 2010 elections and Baghdad ballot recount. Consequently, the security environment has remained stable, with historically

low levels of incidents during the reporting period. While there was a spike in election day incidents, most consisted of either largely ineffective noise-making 'bottle' improvised explosive devices (IEDs), or found and cleared IEDs, with incidents failing to significantly affect voter turnout. Due primarily to the election day increase, average monthly security incidents throughout Iraq for March to May 2010 increased 15% compared to the last reporting period, but showed a 33% drop compared to the same period in 2009."**[10c](pvii)**

8.13 In providing an overall assessment of the security situation in Iraq, the same source noted that: "[p]rogress in the security environment remains steady, with security incidents remaining near the lowest levels in more than five years despite a spike in attacks during the March 7, 2010 election." **[10c](p28)** Similarly the The Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the United States Congress* (SIGIR Semi-Annual Report), dated 30 January 2011, stated: "As of December 31, 2010, the overall level of violence in Iraq was about 90% lower than the peak seen in 2007. Last year, the average number of daily security incidents nationwide was less than 25—making 2010 the least violent year since U.S. operations began in 2003." **[20c](p65)**

8.14 The CSIS paper *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats,* dated 5 January 2011, citing the SIGIR, Quarterly Report October 2010, provided the following graphs and maps describing the patterns of violence between 2004 and October 2010

[18d](p10):



8.15 However the Iraq Body Count (IBC) report entitled *Iraqi deaths from violence in 2010, Analysis of the year's civilian death toll from Iraq Body Count,* published 30 December 2010, stated that:

"[IBC] ... recorded 4,021 civilian deaths from violence in 2010 [since revised to 4,043 – see table below] (compared to 4,680 in 2009). ... We noted in our 2009 analysis that our six-monthly data for that year 'may indicate that the situation is no longer improving'. That somber observation is largely borne out by 2010's data, which showed the smallest year-on-year reduction (proportionally as well as in absolute terms) since violence levels began to reduce from late 2007 onwards: 2008 reduced deaths by 63% on 2007, 2009 by 50% on 2008, but 2010 only improved by 15% on 2009. While any reduction in the violence rate is welcome, the slowdown in reductions is indicative of an impassable minimum that may have been reached… Taken as a whole and seen in the context of immediately preceding years, the 2010 data suggest a persistent low-level conflict in Iraq that will continue to kill civilians at a similar rate for years to come. The within-year trend for 2010 is somewhat more hopeful: the US 'end of combat mission' on 31 Aug 2010 was followed by an immediate halving in the number of civilian deaths between August and September, and lowered levels have continued into the Winter

months (with December so far showing the lowest toll of the year). It remains to be seen whether this improvement will persist into 2011." [28c]

8.16 The IBC database, accessed 6 February 2011 provided the following figures for civilian deaths over the period 2008 – January 2011. To access the current database, refer to the link here. The IBC website explained that its database "... records the violent civilian deaths that have resulted from the 2003 military intervention in Iraq. Its public database includes deaths caused by US-led coalition forces and paramilitary or criminal attacks by others." [28a] For further details on the IBC methodology refer to the link here.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Monthly Average
2008	755	1016	1547	1266	767	678	592	596	536	522	476	522	9273	773
2009	276	343	416	486	327	491	394	585	300	404	205	454	4681	390
2010	260	297	334	380	377	368	430	517	252	311	300	217	4043	335
2011	387												N/A	387

8.17 However, several of sources interviewed as part of the Danish FFM Report on Security and Human Rights in South/Central Iraq conducted February – April 2010, published 10 September 2010, noted that the security situation in Iraq remained fragile and uncertain. For example, Francine Pickup, Head, Inter-Agency Information and Analysis Unit (IAU), Strategic Planning Advisor, Office of the Deputy Special Representative of the Secretary-General and Resident and Humanitarian Coordinator (ODSRSG RC/HC), Amman, stated that "...despite a downward trend in the overall number of security incidents in Iraq from August 2007 to December 2009, the proportion of civilian casualties [as a proportion of the total number of casualties] is shown to have increased steadily, with figures for December 2009 showing over 70% of all casualties classified as civilian ..." [30a](p5) Similarly, interviews conducted with IOM representatives noted "… the statistical downward trend in attacks and casualties 'does not prove anything' and that it is the civilian population that is suffering most. A significant factor is the volatile nature of attacks, which mean that the security situation could intensify very quickly from a period of relative calm." [30a](p10)

See also: Types of violence below

Limitations in quantitative data

8.18 Several sources highlighted inconsistencies or variations in data on fatalities or armed attack incidents, and that different sources collected data in different ways. For example, the CRS paper *Iraq Casualties: US Military Forces and Iraqi Civilians, Police, and Security* Forces, dated 7 October 2010 explained that casualty figures in "[s]ome media sources misrepresented the data by seeming to confuse the 'bodies found' category and adding it to the total of civilian deaths, which already included the 'bodies found' number." [60f](p2) Additionally the report noted that figures for civilian deaths, produced by the Ministry of Human Rights in October 2009: "… included only those deaths due to terrorist attacks, defined as 'direct bombings, assassinations, kidnappings, and forced displacement of the population' … In other words … [it] does not include in its total any civilian deaths that may have been due to coalition occupation or fighting between militias within Iraq." [60f](p2)

8.19 The CRS Report also raised limitations with US Department of Defence figures, and highlighted that there were variations in civilian casualty estimates between the joint coalition-Iraqi figures and the coalition only figures, which prompted revision of the data published in the *Measuring Security and Stability in Iraq* series when US forces drew down their military operation from 2009 (see paragraph 8.14 which illustrates this point). **[60f](p5)** For further information refer to the CRS report, Iraq Casualties: US Military Forces and Iraqi Civilians, Police, and Security Forces

8.20 Similarly, a report by Iraq Body Count (IBC) noted that: "There have been several survey-based attempts to roughly estimate the number of Iraqis killed as a result of the 2003 invasion and subsequent conflict. It is unfortunate that the most careful and well-resourced survey work in this area (from the UNDP and WHO) has been scarcely visible, while the most flawed and inadequate work has dominated public discourse." **[28e]**

8.21 In considering how the IBC collated and presented data it noted that variations in statisitcs could arise due to differing definitions of what to include in the various categories reported. For example IBC reported that:

"Use of the term 'civilian' by definition involves making a distinction between some people and others. We determine this distinction on a case-by-case basis through careful and systematic scrutiny of the data sources we consult. … The boundary between civilians and others is not always clear-cut. … Excluded from IBC are those aged 18 and over who, at the point of death, were reported as initiating deadly violence or being active members of a military or paramilitary organisation. We also exclude overseas 'contractors' providing security and other private services related to the occupation of Iraq." **[28f] (IBC, Methods, Data extraction)**

TYPES OF VIOLENCE

8.22 The IBC report, *Iraqi deaths from violence in 2010, Analysis of the year's civilian death toll from Iraq Body Count*, published 30 December 2010 observed that everyday terrorism in Iraq remained a problem and that "… after nearly 8 years, the security crisis in Iraq remains notable for its sheer relentlessness". **[28c]** The report further highlighted that 2010 averaged nearly two explosions per day by non-state forces and that such attacks could happen almost anywhere. According to the report "... [s]uch non-state bombings were responsible for 66% of all Iraqi civilian deaths in 2010." **[28c]** The SIGIR Semi-Annual Report, dated 30 January 2011, explained that despite reductions in the levels of violence taking place: "...Iraq remains the scene of indiscriminate mass-casualty attacks and frequent targeted attacks on government officials, security personnel, and religious minorities." The report illustrated this point: "On November 2 [2010], AQI [Al Qaeda in Iraq] launched the largest mass-casualty attack of the quarter, detonating 16 bombs that killed 70 people and injured at least 250 more in Baghdad." **[20c] (p65)**

8.23 The USDoD report, *Measuring Stability and Security in Iraq*, published June 2010 noted on the subject of high profile attacks [HPA]:

"From March to May 2010, the average number of monthly [high profile attacks] HPAs decreased slightly from the previous reporting period. AQI [Al Qaeda in Iraq] continued to focus its large-scale attacks primarily against GoI [Government of Iraq] institutions, ISF [Iraqi Security Forces], and Shi'a civilians, with the exception of the April 4, 2010

attacks against multiple foreign embassies. The April 4, April 6, April 23, and May 10, 2010 attacks were a continuation of AQI's campaign of conducting high-profile, potentially mass casualty attacks as a way of achieving greater impact with fewer resources. This attack cycle began in April 2009. These attacks occur less frequently, but tend to employ multiple devices concentrated against a particular target set on the same day. The intent of these mass casualty attacks is to influence public perceptions through increased media attention, and to create the perception that the GoI is unable to provide security." **[10c](p31)**

8.24 The IBC report, *Iraqi deaths from violence in 2010, Analysis of the year's civilian death toll from Iraq Body Count,* published 30 December 2010, noted that: "[l]arge-scale bombings killing more than 50 civilians per attack continue to have a severe impact, claiming 567 lives in 9 such incidents during 2010 (compared to 750 deaths in 8 attacks during 2009). [What is] Particularly devastating about these attacks is that they also produce 3 or more times as many wounded: 1,633 this year." **[28c]**

8.25 The *Washington Post* provides a useful interactive map which shows bomb attacks in Iraq between January 2006 and present day which had resulted in more than 20 deaths. According to the online tool, which is sourced from staff reports, the period late 2006 to mid 2007 was the most deadly in terms of fatality statistics. **[106a]** To access the map click on the link here

8.26 *The Guardian* website, Datablog, provided an interactive map based on the Wikileaks *Iraq War Logs* to provide "... a unique picture of every death in Iraq [based on Wikileaks data covering the period 2004 – 2009]" **[107a]** According to the website each event is mapped using Google Fusion tables. To access the site refer to the link here. A related *Guardian* article, dated 23 October 2010, also provided a summary table of the Wikileaks data, which detailed cause of death for fatalities, broken down by coalition forces; Iraqi forces; civilians and insurgents. According to the table, 66,081 civilians were reported killed between January 2004 and December 2009, with the main causes of death listed as improvised explosive devices (IEDs) (20,228) and murder (32,563). **[107b]** To access the article, refer to the link here.

8.27 With regard to the incidence of female suicide bombings the USSD report 2009 observed that: "Incidents of terrorist attacks by female suicide bombers continued to occur during the year [2009]. On February 13, a female suicide bomber blew herself up in the midst of a group of Shia pilgrims on their way to visit the shrine of Imam Hussein in Karbala, killing 30 and wounding 80 individuals. On February 15, a female suicide bomber in Khanaqin blew herself up inside a restaurant, killing 15 persons and injuring 13 others." **[2a] (Section 1a, Arbitrary or Unlawful Deprivation of Life)** However more recently the USDoD Report, *Measuring Stability and Security in Iraq*, published June 2010 (USDoD Report June 2010), covering events between March and the end of May 2010, noted that that: "Suicide attack trends remain low, and female suicide attacks remain infrequent." **[10c] (p31)**

See also: Women - Sexual violence (including sectarian related sexual abuses)

SECTARIAN TARGETING

8.28 The Special Inspector General for Iraq Reconstruction, *Quarterly Report to the United States Congress* (SIGIR Quarterly Report October 2010), published 30 October 2010, explained that the coordinated, mass-casualty attacks that continued to take place

appeared to be "... ethno sectarian targeting or attacks against GOI [Government of Iraq] institutions and their leadership. Leaders of the Sons of Iraq (SOI) continue to be targeted for assassination." **[20b] (p71)** The UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009) (UNSC Report July 2010), dated 29 July 2010, covering events since 14 May 2010, similarly noted that insurgent groups (such as Al-Qaida in Iraq and the Islamic State of Iraq): "… continue[d] their efforts to aggravate the sectarian divide by targeting officials of the Government of Iraq, Iraqi security forces and the pilgrims." **[16c] (p10)**

8.29 The US State Department International Religious Freedom Report 2010 (USSD IRF Report 2010), covering the period 1 July 2009 to 30 June 2010, published 17 November 2010 noted:

"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." **[2e] (Section I, Abuses by Rebel or Foreign Forces or Terrorist Organizations)**

8.30 The Brookings Institute report *Iraq Index, Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,* published 31 January 2011, provided a table entitled *Detailed breakdown of deaths associated with multiple fatality bombings in Iraq, since January 2007* **[66b] (p8)** from which the table below has been produced. According to the source, the data shown "... does not necessarily mean that each fatality was a member of that sectarian group, only that the bombing either targeted that group or occurred in an area in which that group was in the majority." **[66b] (p8)** To access the full list of recorded data (including month breakdown figures) refer to the source here

	Shiite	Sunni	Kurd	IND	Unknown	Iraqi Security Forces	US/Coalition Forces	Iraqi Government	Annual Totals
2007 Total	**2575**	**549**	**675**	**391**	**342**	**649**	**182**	**117**	**5480**
2008 Total	**566**	**413**	**25**	**542**	**285**	**364**	**50**	**61**	**2306**
2009 Total	**833**	**206**	**128**	**516**	**130**	**190**	**19**	**36**	**2058**
2010 Total	**638**	**129**	**28**	**391**	**71**	**193**	**2**	**26**	**1478**
Jan-11	128	0	0	73	0	6	0	0	207
Subset Total	**4740**	**1297**	**856**	**1913**	**899**	**1402**	**253**	**240**	**11529**

8.31 The UNHCR, *Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated 28 July 2010 observed:

"Reports indicate that the targeting of Government of Iraq officials, members of the Iraqi security forces, Awakening Council members and prominent citizens continue unabated. Among the frequently targeted are Shiite civilians and pilgrims as well as religious sites in different areas, religious and ethnic minority groups ... Profiles targeted include, in particular, government officials and employees, party officials, members of the *Awakening Councils or Sons of Iraq* (SoI), members of the ISF [Iraq Security

Forces] (including off-duty members), religious and ethnic minorities, Sunni and Shi'ite clerics, journalists, academics, doctors, judges and lawyers, human rights activists and Iraqis working for NGOs [Non-governmental Organisation] or the USF-I [United States Forces-Iraq] and foreign companies, alcohol vendors (which are commonly Christians or Yazidis), women and LGBT [lesbian, gay, bisexual and transgender] individuals." **[17b] (p4)**

8.32 However the Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010, referring to information provided by the UN Office for the Coordination of Humanitarian Affairs (OCHA): "[r]eporting limitations make it difficult to determine if violence could be considered indiscriminate or not... compiling analyses with reference to ethnic and religious indicators is complex as government and some organisations and agencies are against it." **[30a](p5)** The same report citing a reliable source in Baghdad observed that: "[i]ndividuals can be targeted for their professional background, due to their ethnicity or religion or other reasons. The environment of chaos and a lack of effective state authorities are behind this current [security] situation." According to the reliable source: "... to speak of or define systematic targeting of a certain group is difficult. It would be easy to interpret incidents that occur, including targeted killings, in this light, however they must be understood in the context in which they happen and the lack of state authority. Having said this, there are incidents that definitely are tainted by the appearance of systematic targeted killings." **[30a](p6)** The same report, citing Fyras Mawazani, Executive Director, NGO Coordination Committee for Iraq (NCCI), Amman, similarly remarked: "... even though insurgents target foreign and Iraqi troops and government institutions, including ministries it is very often civilians who become victims of such attacks." **[30a](p5)**

8.33 The same source, citing an international NGO in Amman also highlighted the significance that tribal affiliations could have when seeking protection. According to the international NGO: "When asked about threats against persons of certain professions, e.g. judges, doctors, or journalists the international NGO explained that such a person is better protected in case of threats if he or she is linked to a tribe or political network. ..." **[30a](p35)**

See also Ethnic Groups – Tribes/clans

8.34 In considering the impact of sectarian targeting and violence, Freedom House Report 2010 highlighted that: "While sectarian violence declined in 2009, formerly mixed areas are now much more homogeneous, and terrorist attacks continue to be directed toward sectarian targets." **[8a]** Similarly, the USSD IRF Report 2010, considering the impact that sectarian violence had had on the communities in Iraq noted: "Shi'a in Sunni-dominated neighborhoods, Sunnis in Shi'a-dominated neighborhoods, and religious minorities in both Sunni- and Shi'a-dominated neighborhoods reported receiving death threat letters demanding that they leave their homes, and in many cases individuals either complied or were killed. These incidents were fewer than in the prior reporting period." **[2e] (Section II, Forced Religious Conversions)**

8.35 However the same source also noted:

"By the end of the reporting period [June 2010], available evidence suggested that more sectarian integration was taking place than additional sectarian displacement. Although the UNHCR estimated that 22,200 refugees voluntarily returned to the country from abroad between July 2009 and March 2010, there was a net increase in the number of

refugee registrations by 2,000 during the first three months of 2010. During this period, the UNHCR recorded 7,400 refugees voluntarily returning but receiving 9,400 new refugee registrations. The UNHCR also estimated that 167,000 internally displaced persons returned to their homes in 2009 and that an additional 30,700 internally displaced persons had returned during the first three months of 2010." **[2e](Section II, Abuses by Rebel or Foreign Forces or Terrorist Organizations)**

See also: Ethnic demography and Internally Displaced Persons

SECURITY BY REGION

8.36 The Brookings Institute report *Iraq Index, Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,* published 31 January 2011 provided a chart which depicts the number of daily insurgent attacks in Iraq by province between February 2005 – May 2010. The chart indicated that Baghdad experienced the most number of attacks with an average of six attacks per day, followed by Ninewa; Diyala, Salah al-Din; Anbar and Kirkuk, which were under two attacks daily **(66b) (p19)** To access the chart, refer to the source via the link here. The UNHCR, *Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated 28 July 2010, also remarked that reports from 2009 and early 2010 showed that the mass casuality attacks carried out by insurgents, "... mostly took place in the central governorates of Baghdad, Diyala, Kirkuk, Ninewa and Salah al-Din as well as in Al-Anbar, which has seen an increase in violence since the summer of 2009." **[17b](p3)**

8.37 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March to the end of May 2010, published June 2010 observed that "Baghdad, Diyala, Ninewa and Salah ad Din contain approximately half of Iraq's population, but account for 71% of the security incidents this period." **[10c](p31)** More recently the UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1936 (2010) (UNSC Report November 2010), dated 26 November 2010 noted that: "While violence is sharply lower than the levels witnessed during the peaks of 2006 and 2007, the activities or armed opposition groups continue, concentrated in the northern, north central, western, central and upper south central areas of the country." **[16e] (p10)**

The following section of the report provides information relating to the security situation in specific regions of Iraq, concentrating on those areas where levels of insecurity are known to persist. For information on governorates not listed below, users can refer to the IAU Information Portal and access the required Governorate on the interactive map; the IAU Governorate profiles, circa February 2011 and additionally see the IOM Governorate profiles, November 2010 which includes a range of governorate-level information, including material related to security and protection.

8.38 Other material which may assist in understanding the security situation across different regions of the country includes:

- CSIS paper *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats*, dated 5 January 2011 and the section of the paper entitled *Iraqi Attitudes Towards Violence,* which provides a range of public perceptions surveys conducted by various agencies. To access the report, refer to the link here, and go to the relevant section. **[18d]**

- CSIS paper *The uncertain security situation in Iraq: Trends in violence, casualties, and Iraqi perceptions*, dated 17 February 2010 and specifically information in Figure II.12 which provides graphical trends in violence by Governorate between 2004 and 2009, sourced from various SIGIR reports.To access the report, refer to the link here and go to the relevant section.**[18j]**

- SIGIR Semi-Annual Report, dated 30 January 2011, which references the Stability Development Roadmap (SDR), dated October – December 2010. According to the report the SDR is used to provide "… an analysis of public opinion which measures the likelihood of a province to experience wide-scale civil unrest… [it is a tool to] measure how susceptible each province is to civil unrest and instability by analysing public opinion polling." **[20c](p58)** To access the report, refer to the link here, and go to Figure 4.1 (p59)

- Data on displacement levels and returns – for further information and access to source material, see Internationally Displaced Persons (IDPs)

Additionally consideration should also be given to the threat posed from insurgents – see Abuses by non-government groups; the capabilities of the Security Forces – see Effectiveness of the security forces and the political environment see Political factions and sectarian insurgency.

Southern Iraq

8.39 The UNHCR, *Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated 28 July 2010, observed that: "The relatively stable security situation in the Southern governorates is reportedly occasionally disrupted by mass-casualty attacks and low level violence mainly in areas close to Baghdad." **[17b] (p3))**

8.40 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March to the end of May 2010, published June 2010 observed that:

"Despite the improving security environment, Shi'a militant groups seek to rebuild their damaged networks and demonstrate their capabilities through low-level residual violence, which will continue to change based on the AAH [Asaib Ahl al-Haqq] reconciliation process and the re-posturing of U.S. Forces. … Overall, casualties increased in the southern provinces when compared to the last reporting period. Wounded and killed figures for Babil, Basrah and Wasit provinces were higher by approximately 305 total casualties (64 killed and 241 wounded) while the remaining five provinces showed decreased casualties. The string of attacks on May 10, 2010 accounted for over 60% of the period's total casualties and accounts for the overall increase in dead and wounded within the Southern region." **[10c] (p37)**

8.41 *The UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009)* (UNSC Report July 2010), dated 29 July 2010, covering events since 14 May 2010, observed that: "The provinces in the south central and south have continued to experience low incident numbers during the past three months. The majority of incidents observed in these regions have been improvised explosive device attacks on USF-I [US Forces in Iraq]. ..." **[16c] (p11)** More recently the IBN *Weekly security update for 26th January 2011*, posted 26 January 2011 for southern Iraq, stated:

"The area remains considerably quieter than the central and northern provinces of the country, although this should not be taken as grounds for complacency. Criminal and even politically motivated terrorist groups still operate in the region and foreign firms need to ensure that they are protected... As such, the threat posed by southern militants is much lower than in the years prior to 2008, but it has certainly not diminished." **[77a]**

Basrah

8.42 The SIGIR Semi Annual Report dated 30 January 2011 stated that:

"At the moment, Basrah is relatively stable, but insurgent violence still occurs. ... The definitive event in post-Saddam Basrah was Operation Charge of the Knights. Prime Minister al-Maliki launched this operation in late March 2008 to re-take Basrah from Shia militias, such as Muqtada al-Sadr's Jaish al-Mahdi [JAM], which had come to control large swaths of the city and neighboring port facilities. Several of these armed groups received substantial support from the Iranian Revolutionary Guard Corps. The Iraqi forces leading the operation initially encountered fierce resistance, and U.S. commanders rushed reinforcements to the theatre. But after several weeks of fighting, Iraqi Security Forces (ISF) consolidated their positions and cleared most of the remaining militia strongholds" **[20c] (p46)**

8.43 The same report noted that recent security incidents include:

"November 8 [2010] ... At least 12 people were killed and more than 30 others injured when a car bomb exploded on a busy street in southwestern Basrah.... November–December 2010 ... Basrah International Airport was sporadically subjected to rocket and mortar attacks. Although largely ineffective, these attacks interrupted scheduled service and, if they continue, could potentially dissuade investors from traveling there ... December 6 ... A roadside bomb detonated in western Basrah near a U.S. convoy, but no damage or injuries were reported." **[20c] (p46)**

See also – International Organization for Migration (IOM) Basrah Govenorate Profile November 2010

Central and western Iraq

Baghdad

8.44 The IBC report, *Iraqi deaths from violence in 2010, Analysis of the year's civilian death toll from Iraq Body Count*, published 30 December 2010 observed that based on IBC recorded civilian deaths Baghdad remained "... the city in which violence is most prevalent in absolute terms (but given its much greater size [estimated population of 6.5million], proportionally less so than Mosul [which has an estimated population size of only 1.8 million]. **[28c]**

8.45 USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 observed that:

"Iraqi forces continued to maintain a high level of security in Baghdad this period. The ISF's [Iraqi Security Forces] focus in Baghdad consisted of detailed, coordinated planning for election day security, security support to IHEC's [Independent High Electoral Commission] May 2010 ballot recount, and multiple operations to reduce

enemy effectiveness in the southwestern and southern Baghdad belts. … Overall security incidents in Baghdad and the surrounding areas increased to 830 for this reporting period, compared to 611 during the previous reporting period. This number of security incidents was the third lowest three month total in the last five years. Most of this increase is due to the election day spike of ineffective attacks, as incidents reverted to historically low levels the week after the elections. Casualties increased 29% from the previous period, but they also remain at historically low levels." **[10c](p34)**

8.46 The same report also remarked that Al Qaeda in Iraq (AQI) "... maintains a presence in Baghdad and the surrounding areas, though it continues to lack the freedom of movement and operation it enjoyed in 2006/07 ... [nonetheless] AQI and Shi'a extremist elements remain responsible for most violent activity within the Baghdad Security Districts." **[10c](p34)** The UNSC Report July 2010, dated 29 July 2010, covering events since 14 May 2010 further explained that:

"Baghdad has seen a consistent rotation of different methods of attack since April [2010]; armed opposition groups continue to modify and reemploy tried and tested tactics against targets who include Shi'a civilians, government employees and senior ranking officers of the Iraqi security forces. Attacks by indirect fire still continue to periodically occur in the Baghdad International Zone and at the Baghdad International Airport complex ..." **[16c](p10-11)**

8.47 The subsequent UNSC Report November 2010, published 26 November 2010, covering events since 29 July 2010 similarly remarked: "… armed opposition groups continue to demonstrate the ability to conduct operations such as the series of bombings on 3 November [2010] in Baghdad, which left 91 dead and over 380 injured." **[16c](p10)** The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010, citing an interview with a reliable source in Iraq commented that:

"... law enforcement and military forces in Iraq are unable to control the situation and protect the people from the security incidents that may occur. There are areas that even law enforcement authorities and military forces are unable to go ... Baghdad ... has areas that authorities will not go into. In such areas there may be a presence of Al Qaeda in Iraq (AQI) or insurgent groups that in fact have control and are harassing and targeting the local population." **[30a](p7-8)**

8.48 The same report, referring to information provided by Kent Paulusson, Senior Mine Action Advisor, United Nations Development Programme – Iraq (UNDP – Iraq), noted that the hand over of security operations in Baghdad from US to Iraqi forces raised concerns over the professionalism of the Iraqi forces. The report continued: "For example, there have been recent incidents of bombings where it is likely that forces at checkpoints have been bribed by terrorists wishing to pass. It appears as if the insurgents are able to influence forces." **[30a](p10)**

Al-Anbar

8.49 USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 observed that:

"USF-I [US Forces in Iraq], GoI [Government of Iraq], and tribal initiatives continue to make significant progress in western Iraq against the capabilities and operations of AQI [Al Qaeda in Iraq] and other Sunni extremist groups. Anbar Province is the first region in Iraq that has turned over security primacy from the military to police forces to enable the military to shift focus from the cities to training for external defense. The focus of ISF [Iraq Security Forces] operations in western Iraq this period included interdicting illegal border activities and public relations. Border security operations resulted in multiple illegal border crossing interdictions, and seizures of weapons, mines, and illegal goods shipments. ... As noted last reporting period, attacks in Anbar Province remain constant at approximately one per day. Casualties in Anbar Province were lower than in the previous period, with a single SVEST [suicide vest] attack causing a large percentage of total casualties. Many elements of the Sunni insurgency appear to have transitioned to either political activity or participation in the SoI [Sons of Iraq], or have otherwise ceased attacks. Although AQI has lost significant ground in Anbar over the last three years and has been rejected by the populace, the area remains important for the group as a symbolic representation of the notional Islamic State of Iraq, and AQI has shown a renewed emphasis on the region. The group has moderately strengthened its presence in the province and has the capability to conduct HPAs [high profile attacks]. AQI also continues to target local ISF as part of its efforts to undermine confidence in the security forces." **[10c](34-35)**

8.50 The UNSC Report November 2010, dated 26 November 2010, covering events since 29 July 2010, noted that: "In Anbar Governorate, there were several high impact attacks targeting the Iraqi security forces in Ramadi and Fallujah. In addition, improvised explosive device attacks targeting Iraqi police officers in Fallujah occurred on an almost daily basis." **[16e](p10)** International Organisation for Migration (IOM) *Anbar Governorate Profile November 2010 IOM IDP and Returnee Assessment*, dated November 2010, reported that: "… incidents of sectarian violence are becoming less frequent in the governorate although IDPs still report low feelings of personal security due to employment and health concerns." **[51b]**

Salah-al-Din

8.51 The UNHCR Guidelines dated April 2009 stated: "Between 2004 and 2007, Salah Al-Din was one of the strongholds of AQI [Al Qaeda in Iraq] and other insurgent groups. With the establishment of the SoI [Sons of Iraq], made up of tribal members as well as former insurgent fighters, these groups have been weakened and the overall number of attacks has decreased ..." **[17a](p117)**. A more recent source, IOM *Salah-al-Din Governorate Profile November 2010*, dated November 2010, reported that:

"The bombing of the Al-Askari mosque in February 2006 and the sectarian violence which ensued marked the beginning of a watershed in Iraqi displacement. Located in the district of Samarra, this major event took place in Salah al-Din, making this one of the key sites of sectarian tensions in the country. Since then, the security situation in the governorate has improved dramatically, but while bombings are less frequent than in previous years, they do continue to occur." **[51c]**

Northern Iraq

8.52 The USDoD, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010, observed that: "… the lack of an agreed mechanism for sharing authority and resources in northern Iraq among Kurds,

Arabs and other [minority groups including Christians] continues to exacerbate the [security] problem [in the area]", allowing al Qaeda and other Sunni insurgent groups to exploit the situation. **[10c](p36)** However the report further highlighted that:

"The number of security incidents in northern Iraq for this reporting period was the lowest three-month total in the last five years. Sunni insurgents throughout north and central Iraq remain less active due to Sunni involvement in provincial politics and positive effects from local SoI [Sons of Iraq] programs, though the groups will likely continue to stage periodic attacks against USF-I [US Forces in Iraq], ISF [Iraq Security Forces], and GoI [Government of Iraq] targets."**[10c](p36)**

8.53 The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010, citing an international NGO in Amman, noted that whilst Iraqi security forces were in place in the disputed areas: "... the control is de-facto in the hands of the KRG [Kuridstan Regional Government] forces ... [however according to the international NGO in Amman] ... the security in the disputed areas in actuality is better compared to other areas of Iraq. The unresolved status of the disputed areas is a great source of tension, however until a solution is found, a fragile security will probably remain." **[30a](p11)**

8.54 The United States Commission on International Religious Freedom (USCIRF) Annual Report 2010, released in May 2010, provided a useful overview on the population movement by religious minorities to the north, and the continued difficulties they face in the area:

"The vast majority of the non-Muslim minorities displaced by violence within Iraq in recent years have gone to the north, mainly to Nineveh governorate and the three governorates controlled by the KRG. Northern Iraq, particularly the Nineveh Plains area of Nineveh governorate, is the historic homeland of Iraq's Christian community, and the Yazidi community is indigenous to Nineveh and the KRG governorate of Dahuk. Although the three KRG governorates are relatively secure, Nineveh governorate, particularly in and around Mosul, remains one of Iraq's most dangerous and unstable areas, as both insurgent and extremist groups continue to be active there. Moreover, control of this ethnically and religiously mixed area is disputed between the KRG and the central Iraqi government. The minorities are caught in the middle of this struggle for control and have been targeted for abuses and discrimination as a result, allegedly by both sides." **[59a] (p69)**

8.55 The UNSC Report July 2010, dated 29 July 2010, covering events since 14 May 2010, also observed that: "In north central Iraq, the threat from vehicle-borne improvised explosive devices continues to exist, resulting in frequent incidents. Most attacks appear to be aimed at the Iraqi security forces and provincial government employees and property. Assassination attempts of prominent figures continue. The Governor of Anbar recently survived the third assassination attempt aimed at him." **[16c](p11)**

See also: Insecurity and human rights violations against religious groups; Insecurity and human rights violations against ethnic groups and Arab-Kurdish tensions over the 'disputed territories', which provides details on violations against minority groups in northern Iraq.

Diyala (Khanaqin)

8.56 USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted that:

"ISF continue to focus on targeting AQI [Al Qaeda in Iraq] and Sunni insurgents in Diyala. ISF [Iraq Security Forces], along with [Kurdish] Peshmerga and U.S. Forces have conducted numerous operations throughout the region. ... ISF [Iraq Security Forces] continue 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; however, the perception of disproportionate targeting of Sunnis has strained sectarian relations, allowing Shi'a extremists and criminal elements much greater freedom of movement." **[10c] (p36)**

8.57 However the UNSC Report November 2010, dated 26 November 2010, covering events since 29 July 2010 noted that: "Al-Qaida in Iraq remains active, particularly in the Governorate of Diyala. Despite several security operations in the vicinity of Baqubah against Al-Qaida in Iraq, their capability remains intact." " **[16e] (p10)**

8.58 The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010, citing material provided by an international NGO in Amman, explained that Diyala was comparable to Baghdad because it was "... a mixed governorate of Shia and Sunni Arabs and Kurds… " and had:

"... some of the same militias and armed groups operating as in Baghdad..."Regarding the recent deterioration of the security situation in Diyala, the international NGO in Amman informed that this is also due to an increase in the presence of armed groups in the governorate. Furthermore, the level of sectarian discourse has increased in Diyala. An example of this trend is that Sunnis increasingly are feeling marginalized and fear being subject to arbitrary arrest, all the while Shia are claiming that they simply are applying the law. Security challenges present in Diyala are comparable to those in Baghdad." [30a](p13)

Ninewa (Mosul)

8.59 Human Rights Watch report *On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories*, dated November 2009, noted that Ninewa represented "… one of the main battle fronts… " in the ongoing conflict between Arabs and Kurds over the disputed territories. The source further explained that the disputed territories, which included Ninewa were "... historically one of the most ethnically, culturally and religiously diverse regions in Iraq ... inhabited by Turkmens, Assyrians and Chaldean Christians, Yazidis, Shabaks, and other minorities, as well as Kurds and Arabs." **[21g](p5)** The report also noted that as Iraq disintegrated into sectarian violence, following the fall of Saddam Hussein's regime in 2003: "Extremist elements among the insurgents ... viciously attacked the Chaldo-Assyrians, Yazidi and Shabak communities, labelling them crusaders, devil-worshippers, and infidels, respectively." **[21g](p6)**

8.60 Commenting on the situation more recently, the Special Inspector General for Iraq Reconstruction, Quarterly Report to the United States Congress (SIGIR Quarterly Report October 2010), published 30 October 2010, noted that:

"As in much of Iraq, security in Ninewa province has improved significantly

since 2007.According to ISF [Iraq Security Force] statistics, approximately 4,000 attacks occurred in August 2007, 500 in August 2008, 125 in August 2009, and 70 in August 2010. But violence remains a daily fact of life in Mosul City, with recent incidents appearing to target ISF members, in contrast to the indiscriminate marketplace bombings of years past." **[20b](p60)**

8.61 The IBC report, *Iraqi deaths from violence in 2010, Analysis of the year's civilian death toll from Iraq Body Count*, published 30 December 2010 observed that based on IBC recorded civilian deaths Mosul remained: "... extraordinarily violent relative to its size [estimated population 1.8 million] with more events recorded there than in Baghdad for the early part of the year [2010]."**[28c]** The UNSC Report July 2010, dated 29 July 2010, covering events since 14 May 2010 stated that: "Despite regular military operations throughout the city of Mosul, armed opposition groups continue to target Iraqi security forces and civilians." **[16c] (p11)**

8.62 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted that:

"Violence in northern and central Iraq continues to be a challenge, particularly in Ninewa, where AQI [Al Qaeda in Iraq] remains focused on maintaining its logistical and operational hub in the face of debilitating pressure from U.S. and ISF [Iraq Security Force] operations. From January to February 2010, AQI resumed conducting HPAs [high profile attacks] in Mosul. March and April 2010 security raids that removed several northern Iraq AQI leaders likely disrupted these attacks. Despite these losses, the group is still capable of conducting HPAs in the area, though not at previous levels. Additionally, the group continues its efforts to gain funds through widespread extortion efforts. Both Sunni insurgents and AQI continue their campaign to intimidate the ISF, local government leadership, and civilians throughout the region with the goal of disrupting the government formation process. All Sunni armed groups have propaganda campaigns designed to give the impression of strength and relevance to their members and future recruits." **[10c](p35-36)**

8.63 The SIGIR Quarterly Report October 2010 also explained: "Mosul's Sunni Arab orientation and its strategic location near Iraq's long rebellious Kurdish territories made it a natural northern bastion for the Ba'athist regime. ... One report estimates that Mosul and its environs contributed more than 300,000 residents to the security apparatus of the Ba'athist state [under Saddam Hussein's rule]" **[20b](p59-60)**

8.64 The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010, citing a reliable source in Baghdad stated that:

"In Ninewa, there are efforts towards stabilizing the area in which the US is playing a supportive role. KRG involvement in the areas that are disputed result in those areas being more secure. It should be considered however, that the KRG involvement is based on its determination to get those areas under official KRG control and therefore leads to tension in the areas. ... Mosul is probably the worst place when considering security conditions, but also minorities within disputed areas may be in a tough situation. However, disputed areas themselves are relatively safe compared to many other areas in the vicinity of the disputed areas... Fyras Mawazani, NCCI, Amman referred to the recent violence against Christians in Mosul. OCHA reported on 28 February 2010 that 'between 20 and 27 February 2010, some 683 Christian families

(4,098 people) became displaced from Mosul city to Ninewa governorate; most of the displacement occurred between 24 and 27 February. This follows increased attacks by unidentified armed groups, which have left at least 12 individuals dead.'" **[30a](p12-13)**

The SIGIR Quarterly Report October 2010 also provides several further useful information on security in Mosul, including a timeline on security 2003 – 2010 and details of security incidents and trends. Access the source here, and refer to page 60-61.

Kirkuk

8.65 The UNSC Report July 2010, dated 29 July 2010, covering events since 14 May 2010 noted that: "Kirkuk has been generally stable since the previous reporting period. On 8 June [2010], shots were fired at a USF-I/United Nations convoy travelling in Kirkuk, resulting in one USF-I soldier being wounded. No UNAMI staff members were injured and the convoy immediately returned to Forward Operating Base Warrior." **[16c](p11)** However the subsequent UNSC Report November 2010, published 26 November 2010, observed that: "[t]he withdrawal of the United States Forces in Iraq is likely to have a short- to medium-term effect on the security situation" **[16e](p10-11)**

8.66 The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010 citing a reliable source in Iraq stated: "... that Kirkuk, with its unique status, is a completely different matter. The situation is fragile and Iraqi Security Forces (ISF) and US forces have a strong presence in the area. AQIs [Al Qaeda in Iraq] and insurgent groups' presence contribute to making the situation particularly volatile, and there are reports that AQI is using children as suicide bombers or combatants in Kirkuk." **[30a] (p13)**

Kurdistan Regional Government area

8.67 The UNHCR, *Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated 28 July 2010, observed that: "The Kurdistan Region remains relatively stable, though there have been reported assaults on journalists and political opponents." **[17b] (p3)** An Iraqi Business News *Weekly security update for 26th January 2011*, posted 26 January 2011, stated: "Terrorism remains a potential risk in Kurdistan, although conditions are significantly safer than the rest of the country, not least because of the professionalism of the local security forces." **[77b]**

8.68 USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted:

"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 KSF [Kurdistan Security Forces] mitigate the threat of AQI [Al Qaeda in Iraq] and other terrorist attacks in the North and reduce ethnic tensions that plague other cities in Iraq. Turkish and Iranian operations against Kurdish terrorist groups along their borders with the KRG have not led to significant numbers of refugees, collateral damage, or political fallout, but they remain potential flashpoints in the GoI's efforts to improve bilateral relations." **[10c] (p37)**

8.69 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq)* conducted 6 to 23 March 2009, published July 2009, reported that:

"An international organisation (E) in Erbil explained that in KRI the authorities are much more in control of the security situation than in the rest of Iraq. ... An international organisation (A) in Erbil stated that KRI is an oasis of security in Iraq. KRG [and its ruling parties] have a quite efficient intelligence service comprising Parastin, Darastin and Asayish. It is not, however, anywhere near as good as the British secret service, but functions well mostly due to its very large network of informers. It is efficient and has a good outreach. It was added that there is an official network and a subnet of unofficial informants." **[30b](p9-10)**

Return to contents
Go to sources

9. CRIME

9.01 Jane's *Sentinel Country Risk Assessment* Iraq, (JSCRA Iraq), Security, last updated 6 September 2010, gave the following overview of organised crime in Iraq: "Iraq is becoming a thoroughfare for all forms of organised criminal activity and trafficking... Violent crime presents an ever-present threat to anyone operating in Iraq and constitutes a prime concern for Iraqis [and] ... The formation of an effective police service is critical to reversing these trends, yet development of this force is many years away, allowing organised crime time to consolidate its foothold in Iraqi society." **[24b]**

KIDNAPPING/HOSTAGE TAKING

9.02 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, noted that:

"During the year kidnappings and disappearances remained severe problems. The majority of the reported cases appeared to be financially motivated, with large ransom demands, rather than sectarian-based. Police believed that the majority of cases went unreported. Unlike in previous years, there were fewer reports that police arrested civilians without an arrest warrant and held them for ransom. On November 17 [2009], a Baghdad police lieutenant was arrested for the kidnapping and murder of his neighbor's [sic] son. The officer had demanded ransom before he killed the child. He remained in custody awaiting trial at year's end. The report further mentioned that "Kidnappings were often conducted for ransom, and religious minorities and children were often the target of such kidnappings. Kidnappers who did not receive ransom often killed their victims." **[2a] (Section 1b, Disappearance)**

9.03 Danish Immigration Service report entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central Iraq (S/C Iraq),* (Danish KRG Report), dated July 2009, stated: "SSI [United Nations Security Section Iraq], Amman confirmed that kidnappings still take place [in Iraq]. The reason can be either money or political, religious or ethnic affiliation. If the reason is one of the latter there is usually not a demand for ransom, but the victim will rather be tortured or killed. It was added that people do not trust the police." **[30b] (p73)** The report further noted:

"Returnees from Europe are self-illuminating targets for kidnappers. The reason being, that they are perceived to have money. SSI, Amman explained that after having lived in Europe for a while people walked, talked and dressed differently. They are targeted because they are perceived to have money and are easy to spot. The returnees are also considered easy targets since they usually enjoy very little support from tribes or the receiving community in general." **[30b] (p73)**

See also: Main actors involved in the violence

Return to contents
Go to sources

10. SECURITY FORCES

10.01 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated that:

"The ISF [Iraq Security Forces] consists of MOI [Minister of Interior] security forces and MOD [Ministry of Defence] military forces. The MOI exercised its responsibilities throughout the country, except in the KRG [Kurdistan Regional Government] area ... [and was responsible for] providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies…" **[2a] (Section 1d, Role of the Police and Security Apparatus)**

10.02 The Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the United States Congress* (SIGIR Semi-Annual Report), dated 30 January 2011, reported that as of 31 December 2010 there were 799,620 security force personnel serving in the Ministry of Defence (MOD), Ministry of Interior (MOI), and the Iraqi National Counter-Terrorism Force. The same source explained that the Ministry of Defence was made up of the Iraqi army (IA), air force, navy and a training and support function. The Ministry of Interior comprised the Iraqi Police, Iraqi Federal Police, Border Enforcement, Oil Police and Facilties Protection Service (FPS). **[20c](p68)**

10.03 Amnesty International, *New Order, Same Abuses: Unlawful detentions and torture in Iraq*, dated September 2010, stated that under the Status of Forces Agreement (SOFA) US forces would pull back from urban areas by the end of June 2009, beginning the transition of a national security function back to Iraq's forces. In June 2010, Iraqi security forces took over control of the security checkpoints leading to the Green Zone in Baghdad (a heavily secured area which is the political and diplomatic centre of Baghdad). Under current plans all US troops (including the remaining 50,000 strong force in place to 'advise and assist' the Iraq security forces **[20c](p65)**) will be withdrawn from Iraq by the end of 2011. **[29b](p10)**

10.04 The US Department of Defense (USDoD) report, *Measuring Stability and Security in Iraq*, published June 2010 explained further that: "The pace of the [US] drawdown will be commensurate with Iraq's improving security while providing U.S. commanders sufficient flexibility to assist the Iraqis with emerging challenges." **[10c] (Executive summary)**

See also: US Forces – Iraq (USF – I) and History – US military drawdown under the US-Iraq 'Security Agreement' (1 January 2009)

EFFECTIVENESS OF THE SECURITY FORCES

Further information on individual security agencies is provided in the sections covering these groups below.

10.05 In considering how the Iraqi security forces have responded to these challenges, including the ongoing threat faced by sectarian insurgents, the International Crisis Group paper, *Loose Ends: Iraq's Security Forces between US Drawdown and Withdrawal* (ICG Security Forces Report), published 26 October 2010 observed some positive indicators:

"Violence, albeit still far above what ought to be tolerable, has levelled off in the past two years. Iraqi security forces have taken the lead in several important operations. Recently, they have withstood three noteworthy tests: the departure of close to 100,000 U.S. troops since January 2009; the March 2010 parliamentary elections; and, over the past several months, political uncertainty prompted by institutional deadlock. If insurgents remain as weak as they are and find no fresh opportunity to exploit political fractures, security forces operating at less-than-optimal levels still should face no serious difficulty in confronting them. On the regional front, while neighbours are actively involved in Iraqi politics, none has displayed aggressive behaviour that would suggest a serious military peril in the foreseeable future. ... Measured by their professionalism and logistical capabilities, and assessed against likely threats, the security forces remain a work in progress, yet are faring relatively well. ..." **[11d](pExecutive Summary)**

10.06 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 observed similarly: "With the improvements in security and continued international support, the Iraqi Security Forces are growing in confidence and the Iraqi Police Service is improving in its capability to maintain public order, investigate crimes and arrest suspects." **[32a] [p.120]**

10.07 The SIGIR Semi-Annual Report, published 30 January 2011 noted:

"One of USF-I's main goals in 2011 will be working with ISF to help it achieve the 'Minimum Essential Capability'(MEC) it needs to effectively provide for Iraq's internal and external defense. Iraq is making some security investments of its own, but a recent report by DoD's Office of Inspector General cautioned that the ISF's logistics system remains beset by myriad challenges. USF-I echoed these concerns, noting that additional investments will have to be made to ensure that the ISF achieves MEC prior to December 2011." **[20c](p13)**

10.08 The same report provided the following assessment on the readiness of the Ministry of Defence (MOD) and Ministry of Interior (MOI):

"USF-I reports that the ISF is now regarded as counter insurgency (COIN) capable, and the qualified Iraqi trainers necessary for sustaining the Iraqi Army (IA) COIN force are in place. ITAM [Iraqi Training and Advisory Mission] reported that more than 191,000 IA personnel have been fielded in 13 light infantry divisions and 1 mechanized division. More than 54,800 IA soldiers graduated from initial and specialized training programs during 2010, and training in mechanized and specialized equipment schools continues on a schedule that is coordinated with the IA's equipment modernization program. The MOD conducts IA training at 20 locations, which provide for a range of individual, leader, and collective training courses. Current training is focused on preparing the IA for stability operations and external defense.The 'train-the-trainer' concept has now

transitioned from USF-I to the MOD, and the fielding of division-level Iraqi trainers is said to be almost complete." **[20c](p69)**

10.09 However the same souce cautioned:

"According to DoD assessments, both MOI and MOD security forces are behind in the attainment of Minimum Essential Capability (MEC)—the standard that indicates 'Iraqi security ministries, institutions, and forces can provide internal security and possess foundational capabilities to defend against external threats.' Among the various MOI forces, only the Federal Police (FP) and Oil Police are currently assessed to be operationally capable. The IP [Iraqi police], Department of Border Enforcement (DBE), and Port of Entry services are assessed as having a basic capability and improving technical skills. All MOI security forces, however, are expected to have gaps in funding, command and control, and logistical infrastructure through the time USF-I withdraws in December 2011." **[20c](p69)**

10.10 The ICG Iraq Security Forces Report, published 26 October 2010, commenting on the intelligence capabilities of the Iraqi Service Forces noted:

"To date, according to a view widespread within U.S. and Iraqi military circles, as well as within Baghdad's political class, Iraqi forces lack the ability to independently collect, process, share and analyse intelligence data. This is despite, indeed partly due to, the presence of several, often competing national intelligence agencies, in addition to the army's and police's tactical intelligence capabilities. Yet, rather than a symptom of a repressive authoritarian state, today's intra-intelligence rivalries reflect the polity's deep divisions." **[11d](p8)**

For further information on delivery against the MEC objectives, refer to USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 or later publications.

10.11 The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010 provided a number of oral accounts from various interviewees regarding the Iraqi security forces and its effectiveness in protecting Iraqi citizens. For further information refer to the source via the link here, and refer to part 4 of the report (page 33)

Sectarian influence and division within the security forces

10.12 The US State Department *Country Report on Human Rights Practices 2009*, Iraq (USSD Report 2009), published 11 March 2010 observed that: "Although oversight by MOI and MOD Internal Affairs increased, problems continued with all security forces, arising from sectarian divisions, corruption, and unwillingness to serve outside the areas in which personnel were recruited ..." The source further commented that the ability of an "... overwhelmingly Shia ISF [Iraqi Security Force] to convince Sunni communities that the ISF was not biased ... remained a problem." **[2a](Section 1d, Role of the Police and Security Apparatus)** However a CSIS report *Withdrawal from Iraq: Assessing the Readiness of Iraqi Security Forces*, dated August 2009, commented that the:

"... overall balance of Shi'ites, Kurds, and Sunnis in the ISF has improved over time. The ISF has become less Shi'ite-dominated, at least numerically. Although there are no official or reliable estimates, the *Christian Science Monitor* may be roughly correct in

estimating that the ISF is now 54 percent Shi'ite, 31 percent Sunni, and 15 percent Kurdish. If so the resulting ratios resemble the sectarian makeup of the overall population if [sic] Iraq.

"Nevertheless, sectarian issues continue to plague the ISF. Iraqi Sunnis and Kurds complain that key command [positions go to Shi'ites and Prime Minister Maliki uses temporary staff appointed to put loyalists in place while bypassing the CoR Council of Representatives] and other reviews called for by the constitution. ... There is, however, another side to this story. The prime minister has made clear that he fears that Sunni and former Ba'athist influence in the Army and other elements of the ISF pose a threat to the government – both direct and through the failure to take decisive action against insurgents. Other Shi'ite political leaders have much sharper fears of Sunni and Ba'athists. Moreover, the central government has good reason to fear the various ... hard-line Shi'ite elements and had made clear it will operate against Shi'ite as well as Sunnis." **[18i](p121-122)**

10.13 The ICG Security Forces Report, published 26 October 2010, commenting on the loyalty of the security forces noted:

"The loyalty of the security apparatus remains a source of profound anxiety to many Iraqis. Various political factions and their leaders fear it may fall under the sole control of their rivals. Mutual distrust is palpable in the Green Zone, which houses the executive and legislative branches: the area is divided among different security outfits guarding various institutions, including private security firms employing foreign workers to carry out vehicle and body searches. All political parties and leading political personalities have bodyguards, hired by them or provided by the state, who at times get into confrontations in shared spaces such as parliament.

"These fears stem from Iraq's uneasy transition. Two related trends stand out: the fragmentation that occurred in the immediate aftermath of the 2003 U.S. invasion, which took the lid off a cauldron of competing claims and set in motion an ethno-sectarian dynamic; and the attempt by Shiite Islamist and Kurdish parties, in power since 2005, to place security forces under the control of their loyalists at the expense of more experienced officers associated with the former regime." **[11d](p17)**

10.14 The United States Commission on International Religious Freedom, *Annual Report 2010* (USCIRF Annual Report 2010), covering the period from 1 April 2009 to 31 March 2010, published May 2010, noted that: "In past years, many serious sectarian abuses were attributed to actors from the Shi'a-dominated Ministries of Interior and Defense and by armed Shi'a groups with ties to the Iraqi government or elements within it. Since 2007, such sectarian violence has markedly diminished."**[59a] (p71)**

Targeting of Iraq Security Forces by insurgents

10.15 The SIGIR Semi Annual Report, published 30 January 2011 stated that Iraqi Security Force personnel continued to be killed in violent incidents in 2010. **[20c](p10)** The Brookings Institute, *Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,* published 31 January 2011 provided details of Iraqi military and police killed monthly, many of whom were targeted by insurgents groups. To access the report refer to the link here and see page 5. See also the Iraq Body Count: Database, Individuals which provides details on the occupation of those killed, illustrating first hand the frequency in which civilian security personnel are attacked.

When considering insecurity in Iraq and violence against Iraqi security forces, users should also read sections on Abuses by non-government groups; Political factions and sectarian insurgency and Security situation to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the Iraqi Security Forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats. Additionally see: Awakening councils / Sons of Iraq for details of attacks against this group, which is regarded to be affilitated to the Government of Iraq.

Return to contents
Go to sources

POLICE

10.16 Jane's *Sentinel Country Risk Assessment,* Iraq (JSCRA Iraq), Security and Foreign Forces) last updated 6 September 2010 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), which underwent a name change to Iraqi Federal Police (IFP) in 2009. The IPS and the IFP 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)." **[24c] (Iraqi Police Forces)**

10.17 According to the USDoD Report, *Measuring Stability and Security in Iraq*, published June 2010 (USDoD Report June 2010), covering events between March and the end of May 2010, the Oil Police were also part of the Ministry of Interior, however it was not clear if they also were under the control of the National Command Centre in Baghdad. **[20c](p60)**

10.18 With regard to the risk of insurgents infilitrating the police, JSCRA Iraq, Security and Foreign Forces, reported that: "As civil strife worsened in Iraq, concern increased over the infiltration by militia elements into the Iraqi police, and the use of some Shia elements in the police to carry out attacks on the Sunni population. However, in recent years it has been claimed that the IFP [Iraq Federal Police] has improved ethnic and religious diversity, and that a code of police ethics has been implemented." **[24c](Iraq Federal Police Service)**

10.19 The ICG Security Forces report, published 26 October 2010, reported:

"Fewer former officers were brought into the new [police] force, which was rebuilt from scratch after its collapse in 2003. However, politicisation of the interior ministry's security forces has raised ... concerns. From 2003 onward, militias infiltrated their men into these forces; after Shiite Islamist parties gained government control in May 2005, their fighters were more formally incorporated. Moreover, tribal and sectarian loyalties have driven police recruitment in some geographic areas ..." **[11d](p20)**

10.20 The source went onto observe that while the police had become "more professional", there was still a need for improvement. Commenting on the ongoing risk of insurrection within the police, the report noted:

"Lower ranks remain filled with officers who are little trained, underpaid and of suspect loyalty. This has serious security implications. The wave of spectacular attacks in Baghdad that began in August 2009 raised the question whether insurgents had infiltrated the security apparatus either directly or through bribes. An intelligence official said ... 'If I were head of the Baghdad Operations Command, I would remove 75 per cent of the city's checkpoints, which snarl traffic for no reason. They are infiltrated by all kinds of players who buy the silence of soldiers and police with a handful of dollars. Oftentimes, trucks loaded with explosives are escorted by 'hired' police vehicles, a fact that prevents them from being searched'". **[11d](p20)**

Iraqi Police Service (IPS)

10.21 Assigned personnel: 303,000 as of 31 December 2010 (SIGIR Semi-Annual Report, published 30 January 2011) **[20c](p68)**

10.22 JSCRA Iraq, Security and Foreign Forces, stated that:

"The Iraqi Police Service (IPS) is composed of the provincial police forces assigned to Iraq's 18 provinces, comprising patrol police, traffic police, the personnel who man police stations, and some special units. The IPS role is to enforce the rule of law, provide local security and generally safeguard the public. Significant departments or directorates within the IPS include the Criminal Evidence Directorate, and the General Directorate of Crime Affairs. The Iraqi Highway Patrol, which was set up in late 2004 with the role of providing law enforcement and security along Iraq's highways and major roadways, was later merged with the provincial police departments. The Highway Patrol's mission also 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." **[24c]**

10.23 The same source also observed: "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. Members of the IPS get eight weeks training, and are deployed at police stations around Iraq, rather than organised on the basis of battalions." **[24c]**

10.24 USDoD Report June 2010 noted: "The IPS continued progress throughout Iraq this quarter in several areas that support efforts to establish counter-insurgency capability and capacity that provides national stability through counter explosive and anti-narcotic efforts. …investigative intelligence sharing, domestic and family violence initiatives, and sexual assault prevention initiatives were established in support of promoting democratic policing." **[10c] (p57-58)**

Iraqi Federal Police (IFP) (previously National Police)

10.25 Assigned personnel: 45,000 as of 31 December 2010 (SIGIR Semi-Annual Report, published 30 January 2011) **[20c](p68)**

10.26 JSCRA Iraq, Security Forces and Foreign Forces, stated that: "The IFP is composed of specialised elements with a particular role in counter-insurgency operations. The force was formerly known as the Iraqi National Police (INP) - the name was changed in August 2009." **[24c]** The report further observed:

"In recent times the IFP was organised on the basis of four divisions and 17 brigades, including a mechanised brigade, and other elements, including a sustainment brigade. The 1st and 2nd Motorised Division, headquartered in Baghdad, were formed from what were termed the Commando Division and the Public Order Division. The 3rd Motorised Division has its headquarters in Mosul. The 4th Motorised Division is headquartered in Basra.... The Baghdad-based 1st IFP Mechanised Brigade comes under the control of IFP command headquarters." **[24c]**

10.27 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 turning the National Police into a truly non-sectarian organization has not yet been completed." **[17a] (p83-4)**

Border Enforcement

10.28 Assigned personnel: varies between 60,000 (SIGIR Semi-Annual Report, published 30 January 2011, providing figures as of 30 December 2010) **[20c](p68)** and 40,000 personnel (USDoD Report June 2010) **[10c](p62)**

10.29 JSCRA Iraq, Security and Foreign forces, last updated 6 September 2010, stated that: "The DBE [Department of Border Enforcement] was one of a number of security agencies set up by the Coalition in 2003. The DBE is controlled by the Ministry of Interior. It replaces a number of organisations that functioned during the Saddam Hussein era, and has the role of monitoring and controlling the movement of persons and goods to, from and across the borders of Iraq." **[24c]**

10.30 USDoD Report June 2010 published June 2010 stated:

"DBE's key tasks include: fixed-point surveillance from border forts and annexes; security patrolling between fixed sites and ports of entry; interdiction of personnel, goods, and equipment in the international border regions and the coastal area; and detention, processing, and exploitation of foreign fighters and contraband. The DBE is organized into five regions with 14 brigade headquarters, 45 line-battalions assigned to sections of the Iraqi border, and one Coastal Border Guard battalion. There are eight Commando Battalions throughout Iraq, which serve as mobile reaction forces for each regional commander." **[10c] (p62)**

10.31 Commenting on the effectiveness of the DBE, the CSIS report *Withdrawal from Iraq: Assessing the Readiness of Iraqi Security Forces*, dated August 2009 observed:

"Unfortunately, the DBE faces many of the same problems as the IP [Iraqi Police]. It is underfunded and undermanned. It also faces severe officer ... shortages, equipment shortages, fuel shortages, poor logistical support, inadequate maintenance capability, and poor facilities. The DBE also faces problems with the loyalty of its personnel, as many are locally recruited and loyal to, or complicit with, smugglers. ... Even if many of these problems could be overcome, Iraq's borders will always be porous. Smuggling

routes have crossed in and out of Iraq for thousands of years. Even if, as some US analysts have suggested. Coalition troops were sent to the borders, smuggling would continue. Iraq's borders are too long, too remote, too rugged, and have too many long-established smuggling routes and tribes dependent on smuggling to ever truly be secure. ..." **[18i](p182)**

Facilities Protection Service (FPS)

10.32 Assigned personnel: Varies between 94,000 (17,000 police and 77,000 contractors) (USDoD Report, *Measuring Stability and Security in Iraq*, published June 2010) **[10c](p61)** and 96,000 (SIGIR Semi-Annual Report, published 30 January 2011, providing figures as of 30 December 2010) **[20c](p68)**

10.33 SIGIR Quarterly Report dated October 2010, stated:

"The FPS is tasked with securing and protecting more than 13,000 critical infrastructure locations throughout Iraq. These facilities include government buildings, mosques and religious sites, hospitals, schools and colleges, dams, highways, and bridges. First created by the Coalition Provisional Authority, the FPS comprises contractor and GOI employees who are assigned to particular ministries and operate under priorities set by those individual ministries. On January 1, 2007, the FPS was established as a general directorate, under the MOI. According to DoD, all but the Higher Judicial Council and the Ministries of Oil, Electricity, Industry, and Defense have transferred their FPS personnel to the new directorate." **[20b] (p77)**

Oil police

10.34 Assigned personnel: 30,000 (SIGIR Semi-Annual Report, published 30 January 2011, providing figures as of 30 December 2010) **[20c](p68)**

10.35 JSCRA Iraq, Security and Foreign Forces, last updated 6 September 2010, reported:

"This force has the role of protecting Iraq's oil infrastructure, which has been under particular threat from insurgents. It guards oil fields, refineries, pipelines and convoys. The force came under the control of the oil ministry but in 2008 was brought under the direct control of the interior ministry. ... The force also has the role of combating the theft and smuggling of oil in the south. Other Iraqi forces, including the Iraqi Army, also have a role in guarding the country's oil production facilities." **[24c](Security and Foreign forces)**

10.36 USDoD Report, *Measuring Stability and Security in Iraq*, published June 2010 noted:

"[The oil police]… are organized into four directorates: North, Central, South, and Headquarters. Each directorate has a mobile emergency battalion assigned. The OP [oil police] is currently manned at approximately 29,000 personnel. There are 16 IA [Iraq Army] battalions assisting the OP in their mission by securing various sections of Iraq's strategic pipelines. Although the OP is a capable force, they do not have the manpower to relieve the IA battalions from the pipeline now or in the near future." **[20c](p60)**

Return to contents
Go to sources

ARMED FORCES

10.37 Assigned personnel: 206,000 Iraq Army; 47,000 training and support, 5,000 Air Force and 3,500 Navy (SIGIR Semi-Annual Report, published 30 January 2011, providing figures as of 30 December 2010) **[20c](p68)**

10.38 The USDoD Report June 2010 noted that: "The IA [Iraqi Army] currently has 13 infantry divisions and one partially fielded mechanized division organized under the IGFC [Iraqi Ground Forces Command]. Ground forces include 196 IA battalions in 55 combat brigades organized into 51 infantry, three mechanized, and one tank brigade." **[10c] (p72)** The USSD Report 2009 stated that "The army, under direction of the MOD, also plays a part in providing domestic security." **[2a] (Section 1d, Role of the Police and Security Apparatus)** CSIS report entitled *U.S. & Status of Iraqi Security Forces*, dated 21 October 2010 noted that: "The Iraqi Army is functioning as a counterinsurgency force, the Navy is providing offshore oil terminal defense, and the Air Force is increasing capability and capacity in mobility, airspace control, and ground attack." **[18b] (p1)**

10.39 JSCRA Iraq, Army, last updated 19 January 2011 observed:

"The army consists primarily of light infantry. The move to develop IA [Iraqi Army] armoured elements was boosted after combat operations in 2004, when the intensity of combat needed to assault rebel-held cities such as Najaf, Samarra and Fallujah required armoured support from US units. In order to give the Iraqis their own capability in conducting high intensity warfighting operations, it was decided to launch a mechanised brigade as part of the 9th Division, the move that led to the development of what is now the 9th Armoured Division.

"While the intensity of the insurgency has diminished, the threat remains and the army is focused primarily on maintaining internal security. It is generally considered that the army and the special forces (which are under separate command) have become more proficient in counter-insurgency and counter-terrorism operations, with the special forces in particular considered to be highly capable and effective." **[24f]**

10.40 The ICG Security Forces Report, published 26 October 2010, provided a useful analysis on the development of the Iraqi Army since 2003:

"In dismantling and then seeking to rebuild the army in May 2003, the U.S. faced two challenges. One was to strike a balance between installing freshly minted officers drawn from militias attached to former exile-based opposition parties (some of whom also had served in the Baathist regime's army at some point during their career) and bringing back experienced officers from the former army whose loyalty to the new order was questionable. The other challenge was to find a balance among officers drawn from the first group, since the militias to which they belonged and the parties to which the militias were linked were and continue to be based primarily on ethnic and confessional identities. Whether U.S. military commanders saw their task through this dual prism is unclear; indeed, the army's rebuilding looked mostly like an exercise in expediency. …

"Competing sectarian claims drove the 2005-2007 civil war and remain alive today, even if the fighting has ended. They are expressed throughout society and institutions and at the very least affect how people perceive these institutions' loyalty, or that of its individual members, to the state. Khalaf al-Ulayan, a Sunni politician and former military officer, claimed: 'The security forces are not independent. They are loyal to different parties and are not working for the sake of all' …. [Major General Najim Abed al-Jabouri, the former police chief and mayor of Tel Afar] … offered his view o[n] the

breakdown in political affiliation and loyalty of the leadership of various army divisions: [']The majority of these divisions are under the patronage of a political party. For example, the 8th IA [Iraqi Army] division in Kut and Diwaniya is heavily influenced by the Daawa party; the 4th IA Division in Salahideen 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['']" **[11d](p17-18)**

OTHER GOVERNMENT FORCES

Intelligence organisations

10.41 The CSIS report, How Soon Is Safe? Iraqi Force Development and 'Conditions-Based' US Withdrawals, 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." **[18c] (pxi)**

10.42 More recently the ICG Iraqi Security Forces Report, published 26 October 2010 indentified the main intelligence agencies as:

"The interior ministry's National Information and Investigation Agency (Wikalat al-Maalumat wa al-Tahqiqat al-Wataniya), which is functionally similar to the U.S. Federal Bureau of Investigation, albeit with a greater focus on domestic intelligence. It collects and analyses human intelligence on both security and criminal threats. Its officers have police powers, including arrest.

"The defence ministry's Directorate General for Intelligence and Security (Al-Mudiriyat al-Aama lil-Istikhbarat wa al-Amn), which collects intelligence both at home and abroad, where it is based in Iraqi diplomatic missions. It also provides security for ministry facilities.

"The National Intelligence Service (Jihaz al-Mukhabarat al-Watani), attached to the council of ministers, which is functionally similar to the U.S. Central Intelligence Agency, though with a significant role in domestic intelligence. It collects and analyses human intelligence on internal and external threats and reportedly enjoys close ties to the Central Intelligence Agency.

"The Ministry of State for National Security Affairs (Wizarat al-Dawla li-Shuoun al-Amn al-Watani), mentioned above, has no close analogue. It collects human intelligence on internal and possibly also external threats. Under its current director, Sherwan al-Waeli,it has become a rival to the National Intelligence Service (see below).

"The Office of Information and Security (Maktab al-Maalumat wa al-Amn), an agency within the prime minister's office, carries out undefined special intelligence and security missions for the prime minister and reports solely to him. It ostensibly pursues senior Baathists, although critics charge that it has targeted political." **[11d](p8)**

Awakening councils / Sons of Iraq

10.43 The ICG report entitled *Loose Ends:Iraq's Security Forces Between U.S. Drawdown and Withdrawal*, dated 26 October 2010 stated:

"In 2007, the U.S. established the Sons of Iraq program, building on Awakening councils that had emerged in response to AQI [Al Qaeda] atrocities. The focus – particularly at the outset – was on Anbar and Baghdad, principal targets of the U.S. surge. In order to bring erstwhile insurgents into the political order, the U.S. paid local fighters, mostly Sunni Arabs, to provide security in their own neighbourhoods and gather intelligence on AQI. The exact number of these fighters is disputed. U.S. officials estimate there were approximately 95,000 by early 2009, roughly half in Baghdad; an Iraqi government count found only 56,000." **[11d] (p25)**

10.44 JSCRA Iraq, Foreign and Security Forces, dated 6 September 2010, explained further:

"[Sons of Iraq] ... was set up initially among Sunni Arab tribes as a loosely-organised, non-governmental paramilitary force with salaries financed by the US. Some members are former insurgents. Revulsion against Al-Qaeda terrorist attacks on the Sunni population was one of the factors that led tribal leaders to co-operate with US forces in setting up the force. The Awakening Councils (also known as the Sons of Iraq) began forming in Anbar province in late 2006, spreading to other regions during 2007 and 2008. Members take an oath to be law-abiding citizens and are given small-arms. They ... patrol their local areas, to maintain security and to protect their local communities. They provide security for roads, public buildings, key facilities, local infrastructure and power lines." **[24c]**

10.45 The CSIS report *Withdrawal from Iraq: Assessing the Readiness of Iraqi Security Forces,* dated August 2009 observed:

"... the Sons of Iraq (SoI), which were originally known as the Concerned Local Citizens (CLC) groups, played a key role in fighting the insurgency in 2007 and 2008 and in providing local stability in parts of Iraq. ... These largely Sunni and tribal forces are now being absorbed in ensuring stability and security ... The political parties associated with the SoI also now play a major role in Sunni and national politics. At the same time, if the SoI personnel are not carefully converted into jobs and made part of Iraq's efforts at political accommodation, they may present a serious potential political and security problem in the future. " **[18i](p193)**

10.46 However the SIGIR Semi-Annual Report, published 30 January 2011 noted that SoI members continued to be targeted by insurgents, with at least 387 SOI personnel having been reported killed since October 2009. The report also noted that government ministeries had "... hired just over 39,000 SOI members, out of approximately 95,000." **[20c](p13)** The USDoD Report June 2010 similarly reported:

"SoI transitions to the ISF [Iraq Security Forces] and civil ministries continued to be delayed this period ... The Sunni community remains concerned about SoI leader

arrests, attacks by AQI [Al Qaeda in Iraq] insurgents, late payment of salaries, and halted transitions to permanent government jobs. ... Insurgent groups, including AQI, seek to diminish the effectiveness of SoI through targeting, intimidation, and infiltration. The extent of infiltration varies by region." **[10c] (p29)**

10.47 The ICG Security Forces Report dated 26 October 2010 noted:

"In practice, the reintegration's nature and pace as well as the overall relationship between the Sons of Iraq and the government have been problematic. Many former fighters who received government jobs are unhappy with their new positions, which are often menial and far from their Baghdad homes. Many deemed it a loss of status to go from carrying a weapon in defence of one's place of residence to sweeping at a ministry across town, and some viewed it as a sign of the government's disregard for their well-being." **[11d] (p25)**

10.48 Brookings Institute report entitled *Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,* published 31 January 2011 provided figures on the numbers and ongoing integration of SoI accessible via the link here **(p15)**

See also: Abuses by non-government armed groups – Sunni militia groups

Daughters of Iraq

10.49 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." **[17a] (p89)**

10.50 The USDoD Report June 2010 stated that: "Daughters of Iraq (DoI) continue to support local IP [Iraqi Police] checkpoints in Diyala. The DoI do not carry weapons, but are stationed at checkpoints in pairs to conduct searches of females for weapons and explosives. USF-I still holds the DoI contract, but is working with IFCNR [Implementation and Follow-up Committee for National Reconciliation] to transfer responsibility in accordance with the GoI's request." **[10c] (p29)**

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

The following refers to the security forces generally, except where specific references are made to the individual agency concerned. Information on the treatment of specific groups by the security forces can additionally be found in the relevant chapters later in this report.

Arbitrary arrest and detention

10.51 The Amnesty International Report 2010: *The State of the World's Human Rights, Iraq,* covering events of 2009 (AI Report 2010), published 28 May 2010, reported that the Iraqi security forces committed various human rights violations including arbitrary arrest

and did so "largely with impunity". **[29a](p.178)** The Freedom House report, *Freedom in the World 2010*, Iraq, covering events in 2009, (Freedom House Report 2010) published on May 2010, stated that: "The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases." **[8a]** The USSD Report 2009 similarly stated that despite constitutional safeguards: "[i]n practice there were many instances of arbitrary arrest and detention." **[2a] (section 1d, Arbitrary arrest and detention)**

10.52 Amnesty International report *New Order, Same Abuses: Unlawful detentions and torture in Iraq*, dated September 2010 reported that since 2003 under US led forces, and subsequently the Iraqi authorities, there were reports of unlawful detention , with some cases in which detainees had "... been held arbitrarily, without charge or trial, for seven years." The report further explained that: "The vast majority of detainees are Sunni Arabs from central, western and north-western Iraq, held on suspicion of involvement in or supporting the Sunni armed groups ... However, many hundreds are Sh'ia Muslims suspected of supporting the al-Mahdi Army – followers of the religious figure Muqtada al-Sadr." **[29b](p5)**

10.53 With regard to illegal detentions the source specifically observed:

"Amnesty International knows of many cases of people who have been detained without charge or trial in Iraq for very long periods, often several years, though the identities of many others have remained undisclosed. These cases illustrate a deep-seated and continuing pattern of serious abuse in which human rights violations have been, and are, justified in the name of security. Yet, as is also evident, the security situation in Iraq remains precarious ... The policy of locking people up on mere suspicion and denying them justice has contributed to, not alleviated, this situation and has increased sectarian divisions and insecurity. It has also established a pattern which has become entrenched and may prove very difficult to break ... Urgent action is needed to reverse this continuing slide and there are real fears for the safety of detainees who, having been held for years without trial by US forces, have now been handed over to an Iraqi state that is rent with internal divisions and whose record in relation to the treatment of prisoners is nothing less than abysmal." **[29b](p20)**

10.54 The paper *The Iraqi Criminal Justice System, An Introduction,* dated 30 November 2010 by Dan Warnock (an attorney with the United States Air Force Judge Advocate General's Corps.) observed with regard to pre-trial detention that there were cases in which detaineees had been held for two or three years without seeing a judge and that some were "accused of crimes whose maximum potential sentences were less than the time they had spent in detention." **[108a](p35)**. The source continued:

"Notwithstanding the maximum pretrial detention periods mandated in the [Criminal] Code, there is no incentive for any government official to actually order release from pretrial confinement. Prison funding appears to be based on occupancy rates, so the warden wants to retain as many individuals as possible. Judges don't want to be known as having ordered the release of an individual later found to be guilty or who commits other crimes after being released. Accordingly, the default is that —temporary pretrial detention orders are automatically renewed unless affirmatively overridden. Correlative to the foregoing, the granting of bail seems to be a rare phenomenon. **[108a](p37-38)**

10.55 Human Rights Watch article *Iraq: Secret Jail Uncovered in* Baghdad, dated 1 February 2011, reported the existence of a secret detention centre in Baghdad's Camp Justice

military base in northwest Baghdad, in which nearly 300 detainees, the majority of which were held on terrorism related charges, were denied access to lawyers or family members and prison inspectors were not permitted to conduct visits. **[21f]** In April 2010 it was also noted that a similar secret detention facility was in operation at the Old Muthanna airport in west Baghdad, before being shut down. (*Los Angeles Times*, *Secret prison revealed in Baghdad*, dated 19 April 2010) **[109a]**

See also Arrest and detention – Legal Rights

Torture, ill-treatment and excessive force

10.56 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." **[15i] (p12)**

10.57 The Amnesty International Report 2010: *The State of the World's Human Rights, Iraq,* covering events of 2009 (AI Report 2010), published 28 May 2010, reported that the Iraqi security forces committed various human rights violations including torture and ill treatment and did so "largely with impunity". **[29a](p.178]** Freedom House Report 2010, published May 2010 stated: "The constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but authorities have not established effective safeguards against the mistreatment of detainees." **[8a]** Human Rights Watch (HRW) *World Report 2011,* Iraq, published 24 January 2011, and covering events of 2010 noted that: "Reports continued of widespread torture and other abuse of detainees in the custody of the defense and interior ministries and police. **[21e]**

10.58 The USSD Report 2009, observed:

"During the year [2009] local and international human rights organizations, the MOHR [Ministry of Human Rights], and the human rights directorates of the MOI and MOD continued to report allegations of torture and abuse in several MOI and MOD detention facilities. A MOHR prisons report for 2009 indicated that there were 326 documented cases of torture and ill-treatment at MOI facilities, 152 cases at MOD facilities, 14 cases at Ministry of Labor and Social Affairs (MOLSA) facilities [and] one case at MOJ facilities, ... during that year." **[2a] (Section 1c, Torture and other cruel, Inhumane, or Degrading Treatment or Punishment)**

10.59 Human Rights Watch in their article entitled *Iraq: Wikileaks Documents Describe Torture of Detainees*, dated 23 October 2010, reported on the "Hundreds of documents released on October 22, 2010, by Wikileaks [that] reveal beatings, burnings, and lashings of detainees by their Iraqi captors." **[21a]** The article continued:

"The Iraqi government should investigate credible reports that its forces engaged in torture and systematic abuse of detainees…The US government should also investigate whether its forces breached international law by transferring thousands of Iraqi detainees from US to Iraqi custody despite the clear risk of torture. Field reports and other documents released by Wikileaks reveal that US forces often failed to intervene to prevent torture and continued to transfer detainees to Iraqi custody despite the fact that they knew or should have known that torture was routine. ... The 391,831 documents released by Wikileaks, mostly authored by low-ranking US officers in the field between 2004 and 2009 ... indicate that US commanders frequently failed to follow up on

credible evidence that Iraqi forces killed, tortured, and mistreated their captives. According to the documents, US authorities investigated some abuse cases, but much of the time they either ignored the abuse or asked Iraqis to investigate and closed the file." **[21a]**

10.60 Amnesty International Report entitled *New Order, Same Abuses: Unlawful Detentions and Torture in Iraq* (AI Report New Order, Same Abuses), dated September 2010, observed:

"Rape or the threat of rape. Beating with cables and hosepipes. Prolonged suspension by the limbs. Electric shocks to sensitive parts of the body. Breaking of limbs. Removal of toenails with pliers. Asphyxiation using a plastic bag over the head. Piercing the body with drills. Being forced to sit on sharp objects such as broken bottles. These are just some of the torture methods used against men, women and children by Iraqi security forces that have been described to Amnesty International in recent years... One of the detention facilities from which there have been many reports of torture and ill-treatment is situated in the Green Zone and shared by the Counter-Terrorism Unit and Brigade 56, formerly the Baghdad Brigade that is under the authority of the Ministry of Defence and is responsible for the protection of the Green Zone. Detainees in these facilities are said to be denied visits by lawyers and family members ... On 12 December 2009 a parliamentary committee, established to look into the treatment of detainees, visited this facility. It reported that some detainees in the custody of the Counter-Terrorism Unit told them that they had been tortured by interrogators to force them to confess. Most detainees stated that their families had not been informed about their whereabouts since their arrest. Some detainees were disabled, others suffered from various illnesses, and a few were elderly. Some still had marks of torture on their bodies." **[29b] (p32-33)**

10.61 The Freedom House report entitled *Women's Rights in the Middle East and North Africa 2010*, (FH Women's Rights Report 2010) published 3 March 2010 commented that in some detention facilities: "... some female inmates allege that they are sexually assaulted, tortured, beaten, and raped by Ministry of Interior guards and police investigators seeking confessions. According to one report, the women's prison of Kadhamiya in Baghdad was infiltrated by Jaish al-Mahdi (JAM), the Shiite militia, and operated as a brothel at night. Its 174 female inmates and 17 children were later relocated to a new women's prison." **[8b](Autonomy, Security, and Freedom of the Person)**

See also Sexual violence (including sectarian related sexual abuses)

Extra-judicial killings

10.62 The USSD Report 2009, dated 11 March 2010 and covering events in 2009, noted that: "During the year there were reports that the government or its agents committed arbitrary or unlawful killings in connection with the ongoing conflict. According to personal accounts and ... press reports, government security forces caused civilian deaths during operations that targeted and killed armed fighters or persons planning to carry out violence against civilian or military targets." **[2a] (Section 1a, Arbitrary or Unlawful Deprivation of Life)** However the same source went onto note: "Unlike in previous years, with the increased exercise of central government authority over security forces, the phenomena of widespread and unconfirmed unauthorized government agent involved in extrajudicial killings largely ceased." **[2a] (Section 1a, Arbitrary or Unlawful Deprivation of Life)**

10.63 The AI Report 2010, published 28 May 2010, reported that the Iraqi security forces committed various human rights violations in Iraq, including extrad-judicial executions and did so "largely with impunity". **[29a](p.178]** AI Report New Order, Same Abuses, dated September 2010, reported that: "Several detainees are known to have died in custody, apparently as a result of torture or other ill-treatment by interrogators and prison guards. In some cases, the circumstances surrounding deaths in custody remain unknown." **[29b](p37)** The same report went on to highlight several documented cases.

For information on the general security situation in Iraq, refer to Security situation

AVENUES OF COMPLAINT

10.64 USSD Report 2009 noted that:

"There were indications that some disciplinary action was taken against security forces accused of human rights abuses and some judicial follow-up in torture cases. During the year [2009] the MOI [Ministry of Interior] Human Rights Directorate, with a staff of 50 investigators, opened 55 investigations into human rights abuse cases and sent 15 cases to court for further investigation. At year's end nine of the 15 investigations had substantiated allegations of torture against 14 officers including one general, five colonels, and three majors." **[2a] (Section 1c, Torture and other cruel, inhumane, or degrading treatment or punishment)**

10.65 The same source further noted that: "In an environment where allegations did not often lead to convictions, there were more allegations of MOI and MOD [Ministry of Defence] abuses than in the previous year. … Unlike in the previous year, MOI [Ministry of Interior] employees accused of serious human rights abuses were generally investigated and punished rather than transferred. The MOI Internal Affairs division punished 103 officers and opened 66 new investigations into wrongdoing" **[2a] (Section 1d, Arbitrary arrest or detention)** The report further observed: "On February 14 [2009], thousands of protesters called for Diyala provincial police chief Ghanim al-Quraishi to be fired for several incidents of torture; he was relieved of duty in mid-August [2009]." **[2a] (Section 1c, Torture and other cruel, inhumane, or degrading treatment or punishment)**

10.66 However an AI publication, *Iraq: Human Rights Briefing*, dated March 2010, reporting on impunity in Iraq noted:

"The Iraqi authorities have on numerous occasions announced the setting up of investigations into incidents of torture, deaths in custody, or killings of civilians but the outcomes of such investigations have never been made public. This raises the suspicion that such investigations may not have been carried out seriously or at all. This failure to seriously and effectively deal with torture and other human rights violations by the Iraqi security forces has encouraged a climate of impunity and a continuation or repetitions of these violations. ... Following allegations of widespread torture of detainees in Diwaniya and al-Rusafa prisons in June 2009 ... the Iraqi government announced at the time that it had set up investigations into these allegations. It also announced that it had set up an investigation into the 12 June 2009 killing, in suspicious circumstances, of Hareth al-'Ubaidi, the head of the human rights committee within the Council of Representatives. In June 2009 Amnesty International publicly urged the Iraqi government to set up independent inquiries in the incident of torture and the killing of Hareth al-'Ubaidi. However, as of February 2010 the outcome of such investigations, if indeed they were set up and completed, was not made public by the government." **[29j](p11)**

10.67 In regard to criminal investigations conducted into police conduct, the USSD Report 2009 explained:

"In April 2008 the [Ministry of Interior] MOI established the Internal Security Forces disciplinary and criminal court system to adjudicate disciplinary violations and crimes committed by MOI police. The court began hearing cases in July 2008. Although the MOI Internal Security Forces Courts continued to process cases during the year, their effectiveness in holding high-level officials accountable for serious violations remained unproven. There are five regional courts: Erbil, Mosul, Baghdad, Hillah, and Basrah. All but the First Regional ISF Court, in Erbil, heard cases. A court of cassation heard appeals in Baghdad. The regional courts have reviewed 5,937 cases, returned 1,475 cases for further investigation, issued 1,495 sentences, and had 814 cases pending as of July [2009]. In July alone the Internal Security Forces Courts convicted and sentenced 272 police and acquitted two. Courts sentenced six police officers to five to 15 years, eight police officers to one to five years, and 258 police officers to less than one year in jail. Two police officers were assessed fines." **[2a] (Arbitrary arrest or detention)**

10.68 More recently the USDoD Report June 2010: observed that "From January 2009 thru February 2010, the Internal Security Forces Courts received 10,807 cases and issued 2,812 sentences to Iraqi police." **[10c] (p65)** The report went onto explain that the courts had returned 5,755 cases for "… additional investigation and correction of procedural problems". This high number of cases returned was being reviewed by MoI Legal Advisors and the Internal Security Forces Cassation Court Chief Justice, however preliminary analysis of regional courts written decisions indicated that the high return rates "does not reflect badly on the ... [regional courts]. Rather, the refusal of the courts to decide cases that are not legally sufficient or procedurally correct. ..." **[10c] (p65)**

For details on reform initiatives being taken forward in the Ministry of Interior Internal Security Forces courts, refer to page 65 – 66 of the *USDoD Report, Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010.

Additionally see also Judicary – Ministry of Interior and Ministry of Defence courts and Fair trial in special courts (including terrorist cases). For further information on human rights monitoring and investigations within places of detention see Prison and other places of detention conditions and Human rights institutions, organisations and activists

Return to contents
Go to sources

SECURITY FORCES IN THE KURDISTAN REGIONAL GOVERNMENT AREA

10.69 SCRA Iraq, Security and Foreign Forces, dated 6 September 2010 noted:

"The semi-autonomous Kurdistan Regional Government (KRG) in the Kurdish region of northern Iraq ... operates its own pro-US militia forces composed of fighters known as peshmerga. Estimates of the strength of the peshmerga forces have varied widely. One US estimate put the figure at 75,000 in 2007. However, a Kurdish official indicated in early 2008 that the strength was 190,000. The militia is overseen by the KRG's Ministry of Peshmerga Affairs, in effect the KRG's ministry of defence. The forces are drawn from the peshmerga militias operated by the Kurdistan Democratic Party (KDP) located in the provinces of Arbil and Dahuk, and the Patriotic Union of Kurdistan (PUK) located

in As Sulaymaniyah province. The Iraqi Army is also deployed in the Kurdish region, with troops recruited from the ranks of peshmerga fighters. It was reported in 2005 that Kurdish leaders had agreed to augment Iraqi army and interior ministry units by providing the forces with more than 30,000 peshmerga personnel." **[24c]**

10.70 USSD Report 2009 stated: "The variety of borders and areas of authority remained a cause of confusion, and therefore concern [in KRG], with regard to the jurisdiction of security and courts. During the year the KRG merged its two KDP and PUK-based Peshmerga forces under an entity for Peshmerga affairs. KRG internal security forces remained separated in practice along party lines." **[2a] (Section 1d, Role of the Police and Security Apparatus)** The SIGIR Quarterly Report, October 2010, stated: "The Kurdistan Regional Government (KRG) continues to make progress in its strategic goal of clarifying the roles of its Kurdish Security Forces, which include: Peshmerga (military), Zervani (police), Asai'ish (internal security), and Parastin/ Zenyari (intelligence)." **[20b] (p75)**

10.71 The same report also explained that:

"In addition to patrolling the external and disputed internal borders of the Kurdistan Region, Peshmerga troops have also been called on by the GOI [Government of Iraq] to participate in ISF security operations in Iraq's other 15 provinces. In conversations with SIGIR, the KRG's Minister of Peshmerga Affairs stated that current plans call for raising two new Peshmerga divisions, each numbering about 15,000 troops. He noted that Peshmerga soldiers require more advanced training—especially in intelligence collection and analysis—but the KRG lacks a sufficient budget to fund such programs." **[20b](p75)**

10.72 The UNHCR guidelines dated April 2009 noted on the subject of Peshmerga deployment in the 'disputed areas':

"Among other security related developments worth noting is the start of the implementation of an interim joint security plan for Kirkuk and other internally disputed areas by the USF-I [US Forces – Iraq]. The plan is based on joint action and coordination by the Iraqi Army and Police as well as the Kurdistan Regional Government (KRG) Peshmerga. Thus far, the joint security plan has resulted in the establishment of a network of checkpoints and joint patrols around major cities, and the training of security personnel." **[17b](p3)**

See also: History – The Kurdistan Regional Government and Security by region – Kurdistan Regional Government area

Human rights violations by government (KRG) forces

10.73 The USSD Report 2009 stated that "Unlike in the previous year, there were no confirmed reports of KRG security forces using excessive lethal force [in 2009]." In August 2008 it was reported police opened fire on residents participating in a demonstration in Sreshma village, Erbil, killing a 15 year old boy and injuring others. The chief of police was suspended but an investigation was "… unable to fix responsibility for the incient. **[2a] (Section 1a, Arbitrary or Unlawful Deprivation of Life)** Freedom House Report 2010 observed that: "While KRG laws… prohibit inhumane treatment, it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics." **[8a] (p10)** UN Assistance Mission for Iraq, Human

Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) reported that it remained "... concerned about abuse and ill-treatment of prisoners and detainees at prisons and places of detention in the Region of Kurdistan." **[15c] (p23)**

10.74 AI Report *New Order, Same Abuses*, dated September 2010 reported that there were "scores of people ... detained without charge or trial in ... [KRG], some for years ... Possibly the longest serving detainee in Iraq is Walid Yunis Ahmad [who] has been detained without charge or trial for more than 10 years. ... The Director of the Asayish [the internal security forces] in Erbil told Amnesty International delegates that Walid Yunis Ahmad was 'too dangerous to be freed' but gave no details." **[29b](p25-26)** The same report also noted that Walid Yunis Ahmad had been allegedly subject to torture following his arrest. **[29b](p25)**

10.75 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq)* conducted 6 to 23 March 2009, published July 2009, reported that:

"An international organisation (C) in Erbil explained that its office in KRI opened in 2005, one of their main tasks being to monitor detention facilities and the treatment of detainees. An accomplishment of the international organisation (C) in Erbil in cooperation with KRG is the closing of the Asayish [internal security force] detention facilities in Akre in 2007. The international organisation (C) also informed that the situation for the detainees has improved to the extent where most detainees now are detained based on a court order. This is a major improvement compared to the situation before 2006, and is explained by frequent unannounced visits of the international organisation (C) to the different detention facilities. Allegations of the establishment of new secret detention facilities keep emerging, and in some instances the international organisation (C) has actually disclosed such new secret detention facilities. The international organisation (C) does in most cases succeed in finding the persons it searches for."

"According to an international organisation (F) in Erbil torture occurs in detention centres, especially those run by the Asayish [internal security]. In some cases detainees have been forced to sign statements against themselves and the victim will not get a chance in court to state that his or her confession was given under torture." **[30b](p31)**

10.76 AI publication, *Iraq: Human Rights Briefing*, dated March 2010, reporting on human rights in KRG, stated that: "… tangible progress has been made in the protection and promotion of human rights in the last few years in the Kurdistan region. Hundreds of political detainees, held without charge or trial for lengthy period of time, were released ... However, despite this progress, human rights violations continue to be reported ... [including] arbitrary detention ..." **[29j](p14)**

See also Political opponents in the Kudistan Regional Government area; Kurdish militia groups and Prison and detention facilities in the Kurdistan Regional Government area

Return to contents
Go to sources

FOREIGN SECURITY FORCES

US Forces – Iraq (USF-I)

10.77 JSCRA Iraq, Security and Foreign Forces, updated 6 September 2010 noted: "United States Forces - Iraq (USF-I) is the military command that oversees US forces in Iraq, and is part of the US Central Command. USF-I came into operation from January 2010, replacing the previous commands, Multi-National Force – Iraq [MNF-I], Multi-National Corps - Iraq and Multi-National Security Transition Command. …" **[24c]**

10.78 The website for the USF – I, last updated 20 December 2010, explained the major units comprised United States Division North – "responsible for the area including the cities of Balad, Kirkuk, Tikrit, Mosul, and Samarra. USD-N is headquartered by the 4th Infantry Division"; United States Division Center – "headquartered by the 25th Infantry Division, operating out of Victory Base Complex, Baghdad, responsible for the cities of Ramadi, Fallujah and Baghdad" and United States Division South – "[which] assists Iraqi Security Forces with security and stability missions in the area south of Baghdad ranging from Najaf to Wasit provinces extending to Basrah. USD-S is headquartered by the 1st Infantry Division." **[87b]**

10.79 USF-I are in the process of an ongoing 'draw-down', which, under the existing US-Iraqi Security Agreement, will see all US forces leave the country by December 2011. From September 2010 United States Forces – Iraq undertook an 'advise and assist' role, aiding the Iraqi Security Forces, although in practice the US forces have been carrying out this function for some time. (Institute for the Study of War, The Iraq Drawdown) **[102b]** For further information see History – US military drawdown under the US-Iraq 'Security Agreement' (1 January 2009).

10.80 UNAMI Report 2009 covering 1 July to 31 December 2009, noted that: "In the United States and in the United Kingdom court proceedings took place during the reporting period to address cases in which soldiers have committed violations of international humanitarian law while serving in Iraq [it should be noted that UK forces are no longer serving in Iraq]." **[15c](p11)** Amnesty International Report entitled *New Order, Same Abuses: Unlawful Detentions and Torture in Iraq* (AI Report New Order, Same Abuses), dated September 2010 reported that US and Iraqi security forces were responsible for "… grave human rights violations." **[29b](p5)**

10.81 Human Rights Watch article *Iraq: Wikileaks Documents Describe Torture of Detainees*, dated 23 October 2010, reporting on the release of nearly 400,000 US classified documents on the war in Iraq from 2004 – 2009, noted the released material revealed US forces in Iraq were aware of ongoing human rights violations perpetrated Iraqi Security Forces. The article continued:

"The US government should ... investigate whether its forces breached international law by transferring thousands of Iraqi detainees from US to Iraqi custody despite the clear risk of torture. Field reports and other documents released by Wikileaks reveal that US forces often failed to intervene to prevent torture and continued to transfer detainees to Iraqi custody despite the fact that they knew or should have known that torture was routine." **[21a]**

10.82 A BBC news article entitled *Wikileaks: Iraq war logs 'reveal truth about conflict'*, dated 23 October 2010, also noted that the released documents (circa 2004 – 2009): "… contradict earlier claims that the US did not keep records of civilians killed ..." and

documented "... many previously unreported instances in which US forces killed civilians at checkpoints and during operations." **[14m]**

10.83 AI Report New Order, Same Abuses, dated September 2010 reported that US forces held around 23,000 detainees in mid-2007 "… the majority without charge or trial", but that since the beginning of 2009 US detainees had been either released or handed over to the custody of the Iraqi Security Forces. The report also commented that some detainees may have been tortured by US or Iraqi forces. **[29b](p6)** Brookings Institute report, *Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,* dated 31 January 2011 listed there as being 200 detainees in US custody in July 2010 (the latest figures listed). **[66b](p16)**

For background information on the US armed forces mission in Iraq see History – US military drawdown under the US-Iraq 'Security Agreement' (1 January 2009); for details on the legal provisions to allow arrest and detention of Iraqi nationls by US forces see Arrest and Detention – Legal rights: US – Force detainees. See also: Recent Developments – WIkileaks 'war logs' – October 2010

Private contractors

10.84 JSCRA Iraq, Security and Foreign Forces, updated 6 September 2010 stated:

"Private Security Contractors (PSCs) play a major role and provide a wide range of security services in the hostile environment of Iraq. Services have been provided for the US government and other governments, and entities such as international organisations and non-government organisations. From a US government point of view, PSCs are considered vital for the protection of persons and property as the US strives to reconstruct and stabilise Iraq. Some observers believed that the requirement for PSCs in Iraq, especially on the part of the US Department of State, would greatly increase as the US withdrew troops from Iraq. PSC personnel are deployed in a range of roles, including the provision of protective services for individuals, buildings and other installations, and for transport convoys. In the case of the US, the Department of State and the Department of Defense have been the two main employers of PSCs in Iraq. Accurate information was unavailable in recent years as to how many foreign nationals were employed in Iraq with PSCs.

"According to one report in 2007, more than 182,000 civilians - including Americans, foreigners and Iraqis - were providing security services in Iraq under US contracts or sub-contracts. It was estimated that about two-thirds - some 118,000 - were Iraqis and some 43,000 third-country nationals, while some 21,000 were believed to be from the US. According to figures given at hearings held in the US in June 2010 by the Commission on Wartime Contracting in Iraq and Afghanistan, there were about 19,000 PSC employees working in Iraq; about 14,000 of them under US Department of Defense contracts and about 5,000 working for the US Department of State and the US Agency for International Development (USAID).

"There has been considerable controversy about PSC activities in Iraq, with the US firm Blackwater Worldwide coming under particular focus. In September 2007 the Iraqi interior minister moved to ban Blackwater from operating in Iraq, following the deaths of a number of civilians in Baghdad. In January 2009, the Iraqi government stated it would not renew Blackwater's operating licence. Blackwater, since renamed Xe Services,

withdrew from Iraq in May 2010, after the US State Department failed to renew annual contracts for the company." **[24c]**

10.85 AI publication, *Iraq: Human Rights Briefing*, dated March 2010 reported:

"Until the end of 2008 foreign private military and security contractors working in Iraq were immune from the Iraqi legal process under an order signed in June 2004 by the head of the CPA, US diplomat Paul Bremer. Thus dozens of shooting incidents, in which foreign contractors were involved and which resulted in Iraqi civilian casualties, went unpunished. One of such incidents was that involving five Blackwater security contractors who were accused of killing 14 unarmed Iraqi civilians in Baghdad and wounding 20 others, in an allegedly unprovoked attack at a crowded checkpoint in al-Mansour district, when they were accompanying a US diplomat on 16 September 2007. More than two years later, on 31 December 2009, a US federal judge dismissed criminal charges against the five former Blackwater operatives on the grounds that the men 'had had their constitutional rights violated by the way confession statements they had made had been used by the prosecution.' The collapse of the case in a US court outraged Iraqis, including the Iraqi government." **[29j](p11)**

Return to contents
Go to sources

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." **[81a] (p1)**

Return to contents
Go to sources

12. NON-GOVERNMENT ARMED GROUPS

This section provides background on the main insurgents groupings and information about human rights violations they have committed. Further background information is available in Annex D – Non government armed groups

OVERVIEW

12.01 A paper by Alpaslan Ozerdem entitled *Insurgency, militias and DDR as part of security sector reconstruction in Iraq: how not to do it*, dated 5 May 2009 explained:

"One of the most demanding challenges since the occupation of Iraq in 2003 has been the establishment of security and stability. The continuation of violence by myriad armed groups is yet to be tackled as part of a comprehensive security sector reform initiative in

which effective disarmament, demobilisation and reintegration (DDR) of former combatants will constitute a litmus test of success or failure. In Iraq, much insurgent and militia activity is shadowy and difficult to trace. However, those involved can be divided into two main categories: insurgent groups; and Shi'a militias." **[110a]**

12.02 The Amnesty International Report 2010: *The State of the World's Human Rights, Iraq*, covering events of 2009 (AI Report 2010), published 28 May 2010, stated:

"Armed political groups committed gross human rights abuses, including kidnapping, torture and murder. Suicide bombings and other attacks targeted public places, apparently aiming to inflict civilian casualties. Many attacks were mounted by al-Qa'ida in Iraq and by Sunni armed groups. Shi'a militia also committed abuses, including kidnapping, torture and murder. The victims included members of ethnic and religious minorities, journalists, women, gay men and other civilians." **[29a] (p177)**

12.03 Amnesty International, *Iraq Civilians Under Fire,* dated April 2010 observed:

"The Islamic State of Iraq and other armed groups, most of them Sunni Iraqi and not necessarily linked to al-Qa'ida, have claimed responsibility for many violent attacks on civilians. However, in many other incidents no one has claimed responsibility and it is often impossible to determine precisely who was responsible. Often, attacks are attributed to particular armed groups without clear evidence but on the basis that they resemble their pattern of behaviour. Generally, the most devastating attacks involve suicide bombers and often appear intended to cause large numbers of civilian casualties. These are believed to be the work of armed groups opposed to the Iraqi government and the presence of US troops, and whose aims include undermining public confidence in the government and its security forces by making Iraq appear ungovernable."

"Civilians in Iraq are also being targeted by political militias, most of them linked to Shi'a political parties represented in the Iraqi parliament. Armed groups and militias with an extremist Islamist agenda – including al-Qa'ida and affiliated Sunni Islamist groups as well as the Mahdi Army, a Shi'a militia – have killed women and men because of their political views, their religious or other identity, and their perceived or alleged transgression of traditional gender roles or moral codes." **[29c](5)**

The CSIS paper *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats*, dated 5 January 2011 includes a section entitled *Mapping the Key Patterns of Violence: 2003 - 2010,* which provides a range of material, primarily maps, outlining the threats posed by armed insurgent groups, according to various sources. To access the report, refer to the link here, and go to the relevant section. **[18d]**

For more general information on sectarian violence see Security Situation. For information about insurgent attacks or violence directed against particular groups for example, political activist, women, children, religious groups, ethnic minorities or lesbian, gay, bisexual or transgender persons, refer to the specific sections on these groups accessible via the Contents page of this report. For further background information on the insurgent groups see: Annex D – Non government armed groups

FORMER REGIME ELEMENTS / NEO-BAATHISTS

12.04 Jane's *Sentinel Country Risk Assessments* Iraq (JSCRA Iraq), Security, last updated 19 January 2011, explained that:

"Though it is difficult to disentangle the different strands of the Sunni insurgency, it is clear that irreconcilable Baathist FRE [former regime elements] have played a key role in fomenting and facilitating anti-coalition and anti-government activities in Sunni-majority areas of Iraq. This network has lost its Baathist appearance, and perhaps much of its commitment to a Baathist return, but it continues to exist as a number of linked associates. FRE 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 resides in Syria.

"Although such Baathist notables appear to provide financial and networking support to the FRE effort, a stratum of former colonels and majors numbering in the high hundreds makes up the current leadership. FRE make two key inputs to the insurgency. The first is money (at least USD500 million of Baathist funds remains unaccounted for and the total in FRE hands is probably considerably higher), which is used to pay the incidental costs of the insurgency, to commission 'paid-for' attacks and to maintain loyalty relationships. The second is facilitation through a network of mid-level organisers and cash couriers drawn from the ranks of the various intelligence and regime security organisations, anchored at the local community level by fugitive Baath Party officials with strong tribal connections... FRE networks facilitate entry into Iraq for secular and religious militants. They maintain strong ties with the Sunni Arabs of eastern Syria. This area retains close tribal links to the Sunni triangle and remains a Baathist stronghold after decades of falling under the footprint of Baathist television stations from Iraq. This community knows the long and largely open Iraqi-Syrian border better than anyone due to their economic dependence on cross-border smuggling. Once fighters are inside Iraq, FRE networks facilitate travel and meetings through a network of 'minders' that facilitate the movement of fighters, money and key bomb components. These are typically former members of the intelligence services, Special Republican Guard and Republican Guard or the former local Baath Party officials in each province. At the local level, FRE affiliates directly commission Iraqi resisters (criminals, the unemployed or the aggrieved) to carry out 'paid-for' attacks on foreign or government forces, often with bonuses for successful attacks. In many cases, FRE co-operate with local Sunni Arab militias that have previously entered into negotiations with the central government and which may eventually join the political process." **[24b]**

Also see Persons linked to the former Ba'ath Party regime

SUNNI RELIGIOUS EXTREMISTS (INCLUDING AL QAEDA IN IRAQ)

12.05 JSCRA Iraq, Security, last updated 19 January 2011 explained that:

"Baathist diehards are difficult to untangle from the second rejectionist strand of the Sunni Arab community, the militant Islamist groups, with many former Baathists having joined militant Islamist movements, or appropriating religious rhetoric to operate within

and exploit the radicalised Sunni Arab community. This strand of the resistance has survived the death of senior figures, including that of Abu Musab al-Zarqawi in June 2006, and is likely to continue operations for the foreseeable future. The grouping al-Zarqawi led is the principal militant Islamist grouping in Iraq, 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 ... [with the] long-term aim of expelling [foreign forces] 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 [religious Sunni group] 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 [such as the Sons of Iraq]. **[24b]**

See also Security Forces – Sons of Iraq for specific information on the formation of this Sunni nationalist group and attacks perpetrated against it.

12.06 JSCRA Iraq, Security, explained that popular support for militant Islamist groups such as Al Qaeda appeared to be declining in Iraq and that indications were AQI was losing ground in all Sunni areas. Consequently JSCRA considered the militant group may re-establish itself as a "… true clandestine terrorist network of disparate cells based in Iraqi cities (particularly Kirkuk and Mosul)…" **[24b]** The source further observed that the substantial drop in fatalities between July and February 2009 indicated the organisation had been "… significantly undermined in Iraq…", although further remarked that there was "... a surge in AQI [Al Qaeda in Iraq] and other Islamist violence in mid-2010 after major parliamentary blocs ... failed to form a government." **[24b]**

12.07 UNHCR *Note of the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated 28 July 2010, stated that: "Since early 2010, the ISF [Iraq Security Forces], with the help of the USF-I [US Forces – Iraq], have arrested or killed a large number of senior insurgent leaders, in particular members of Al-Qa'eda in Iraq. [but that o]ngoing attacks illustrate that the groups are still intent on, and capable of, attacks." **[17b] (p4)**

12.08 The USDoD Report, *Measuring Stability and Security in Iraq*, (USDoD Report June 2010) covering events between March and the end of May 2010, published June 2010 similarly noted:

"Iraqi-led, U.S.-supported operations have continued to sustain pressure on the al-Qaeda in Iraq (AQI) network over this period. Between March and May 2010, AQI suffered some of its most significant leadership losses since the 2006 death of Abu Musab al-Zarqawi. During this period, Iraqi and U.S. forces killed or captured 34 of the top 42 AQI leaders, including the group's top two leaders – Abu Ayyub al-Masri and Abu Umar al-Baghdadi – in security operations conducted on April 18, 2010. Moreover, on May 3, 2010, U.S. and Iraqi forces captured Abu Abdallah al Shafi'i, the leader of Ansar al Islam and the longest serving and most senior Sunni extremist leader detained in Iraq. Al Shafi'i's leadership status, knowledge of current operational planning and international networks, and historic connections to al-Qaeda senior leaders make him one of the most important detainees held in U.S. custody in Iraq. ... However, AQI and extremist groups still retain some capability to conduct operations, as demonstrated by AQI's high-profile attacks ... [which took place in April and May 2010]." **[10c](pviii)**

12.09 The International Institute for Strategic Studies [IISS], Armed Conflict Database, *Iraq Military Developments 2010* , undated, accessed on 6 February 2011, stated:

"Al-Qaeda and its affiliates notably targeted particular groups, such as Sunnis and Christians. In a particularly violent incident, at least 48 members of the Sunni Awakening movement were killed on 18 July [2010] as they queued for their pay outside the Radwaniya army base in Baghdad. In late October [2010], more than 50 Christians were killed and many others injured when ISI gunmen seized a Catholic church in Baghdad during mass, and Iraqi security forces stormed the building. Twelve suspected militants were arrested in police raids the following month, including the Baghdad head of ISI, Huthaifa al-Batawi. Shia pilgrims travelling through Iraq were also targets for violence on numerous occasions, though not specifically by al-Qaeda." **[76a]**

SUNNI MILITIA GROUPS

12.10 JSCRA Iraq, Security, last updated 19 January 2011, reported:

"Sunni militias are less formally organised and have not historically been tolerated in the same way as Shia, Kurdish or Turkoman militias due to their lack of affiliation with established Sunni Arab political parties and because of their involvement in anti-coalition activities. Such Sunni militias are likely to exist as long as the community feels itself threatened and disenfranchised and it will be many years before Iraq's Sunni Arabs come to a community-wide acceptance of their demographic and political minority status. **[24b]**

12.11 The same source also observed that, with regard to US and subsequent Iraqi-Sunni engagement: "...US-paid Sunni Concerned Local Citizens (CLC) or 'Sons of Iraq' groups have emerged across central and northern Iraq, and such groups will likely remain inactive as insurgents as long as either the US or Iraqi governments continue to fund them or find them alternative employment." **[24b]**

See Security forces – Sons of Iraq

12.12 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted that:

"Religion, nationalism, and attempts to destabilize Iraq to discredit the GoI motivate a small number of Sunni groups who conduct attacks either to expel U.S. Forces or reduce the influence of the GoI [Government of Iraq] in their area. These groups include the 1920 Revolutionary Brigade, the Mujahidin Army, Ansar al-Sunna (AAS), JAI, Hamas al-Iraq (HaI), Jaysh al-Rashidin (JAR), and the JRTN [Jaysh Rijal al-Tariqa al-Naqshabandia], an insurgent group affiliated with the Iraqi Ba'ath party that conducts operations throughout the central and northern regions of Iraq." **[10c](p32)**

12.13 However according to the USDoD report: "... the[se] groups are reduced in size and effectiveness from previous reporting periods." **[10c](p28)** The same source also observed that: "Additionally, there is some level of violence attributable to common criminal activities, personal grudges, or tribal rivalries, making it difficult to differentiate between insurgent and criminal activities. These acts of violence often have no specific motivation other than greed, interpersonal relationships, or general discontent with the current situation." **[10c](p.32)**

See also: Crime

SHIA MILITA GROUPS

12.14 JSCRA Iraq, Security, last updated 19 January 2011, explained:

"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. ... Although SIIC has a highly centralised party apparatus, the Badr Organisation has become an increasingly loosely-knit network of local militias that often serve local power-brokers and engage in freelance criminal and sectarian violence. The discipline that SIIC built during its years in exile has frayed to some extent since the organisation returned to Iraq and absorbed huge numbers of Iraqis into its ranks. In the case of the Jaish al-Mahdi [Mahdi Army], the organisation was never more than a loose confederation of highly autonomous local militias ... [and quickly grew beyond the direct control of Sadr's organisation and undermined the loose control he held over the Jaish al-Mahdi, resulting in uprisings with little centralised control. Individual chapters of the Jaish al-Mahdi undertook violent crime, engaged openly in drug dealing and recruitment, striking deals with foreign agents or choosing to honour temporary truces with the Iraqi government ...Since mid-2007, Sadr has sought to re-centralise and politicise his disparate movement by keeping Jaish al-Mahdi on ceasefire, but his success has been patchy. The movement's hard core anti-occupation and anti-Sunni elements will likely lay low and return - either from exile in Iran, areas outside Baghdad or from being embedded in Iraqi Army units - with their basic proclivities unchanged. Across the nine southern provinces, Sadrist and SIIC forces contend violently for local control ... [Following Iraqi government offensives against Jaish al-Mahdi in Basra and Baghdad in 2008 which undermined much of its local control] ... Sadrist militiamen have suffered defeats and evictions in Baghdad (including Sadr City) and in Maysan province, from which many of the Sadrist tribes tend to originate. As of 2010, the Jaish al-Mahdi has maintained its ceasefire." **[24b]**

12.15 More recently, several reports in 2010 highlighted that other Shi'ite militia groups continued to pose a threat to internal security. For example according to an Agence France Presse article dated 21 July 2010, the then senior US commander in Iraq, General Ray Odierno reported that Iran had been supporting three Shiite extremist groups in Iraq that had been attempting to attack US bases, these were Ketaib Hezbollah, Asaib Ahl al-Haq (League of the Righteous), and the Promise Day Brigade.**[105a]** Similarly the *Long War Journal* article *Iranian-backed Shia terror group remains a threat in Iraq:General Odierno*, dated 13 July 2010, reported that fighters and leaders from the Shia group, Hezbollah Brigades, had returned to Iraq following training in Iran, leading the US General to announce "'in the last few weeks there's been an increased threat [from Hezbollah Brigade]". **[111a]**

12.16 The USDoD Report June 2010 also noted:

"Many Shi'a militant members have transitioned from violence to political action. Remaining Shi'a militants have reorganized themselves into three different entities. Trained and funded by Iran, the Promised Day Brigade (PDB), the reorganized militant

arm of Muqtada al-Sadr's movement, and Kata'ib Hizbollah (KH) continue limited attacks against U.S. Forces, but are considerably smaller in size than they were in years past. The Shi'a militant group Asaib Ahl al-Haqq (AAH) [League of the Righteous] has been in reconciliation discussions with the GoI [Government of Iraq], and has largely refrained from attacking U.S.Forces. However, the organization has fractured, with some militants returning to violence. The organization's fracturing has made it difficult to assess the leadership's commitment to reconciliation." **[20c](p28)**

12.17 The same source also remarked that Hezbollah Brigade (KH), some members of the League of the Righteous (AAH) and the Promised Day Brigade were conducting attacks primarily against Iraq Security Forces and US Forces – Iraq, however "... internal conflicts over plans and policy and an absence of senior leadership still plague the Shi'a militant groups." **[20c](p33-34)**

The *Long War Journal* explained further provided a useful background both on Iranian support to Shia militia groups and the groups themselves, notably the League of the Righteous, The Promise Day Brigade and Hezbollah Brigades. For further information refer to the link here.

See also Political Affiliations – Political factions and sectarian insurgency

KURDISH MILITIA GROUPS

12.18 JSCRA Iraq, Security, dated 19 January 2011 explained:

"In the Kurdish community, militias are deeply embedded safeguards against central government aggression as well as features of the internal power balance between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Although such militias may claim to be folding their troops into central government security forces, individual affiliations remain to their sectarian blocs and the few functional Iraqi National Guard units are little more than thinly veiled sectarian militias. Smaller communities also maintain unofficial militias. For instance, Iraq's Turkoman have developed militia forces with training and support from Turkey." **[24b]**

See also Security forces operating in the Kurdistan Regional Government area

Return to contents
Go to sources

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." **[15i] (p7)**

13.02 US Department of Defence (USDoD) report entitled *Measuring Stability and Security in Iraq,* (USDoD Report June 2010) dated June 2010, stated:

"Rule of Law efforts in Iraq are ongoing and progress is being made, but there is still much work to do to ensure that credible and transparent judicial and criminal justice institutions are in place to complement an increasingly capable police force and to bolster the rule of law in Iraq. Efforts to improve the judicial and criminal justice systems continue to focus on judicial security, cooperation between police and judges,

processing of criminal cases, and detention facility oversight and capacity." **10c] (p7, Rule of Law and Criminal Justice System Reforms)**

ORGANISATION

13.03 Jane's *Sentinel Country Risk Assessments* Iraq (JSCRA Iraq), Internal Affairs, last updated 19 January 2011, observed: "The federal judiciary in Iraq is composed of the Higher Judicial Council, the Supreme Court, the Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other federal courts regulated by law. …" **[24a]** The website Travel Document Systems, Iraq country page, undated but dated circa 2010, noted that:

"Iraq's judicial branch is independent, and is under no authority but that of the law. The federal judicial authority is comprised of the Higher Judicial Council, Federal Supreme Court, Court of Cassation, Public Prosecution Department, Judiciary Oversight Commission, and other federal courts. The Higher Judicial Council supervises the affairs of the federal judiciary. The Federal Supreme Court has limited jurisdiction related to intra-governmental disputes and constitutional issues. The appellate courts appeal up to the Court of Cassation, the highest court of appeal. The establishment of the federal courts, their types, and methods for judicial appointments are set forth by laws enacted by the Council of Representatives." **[112a]**

13.04 The Global Justice Project: Iraq, University of Utah, (GJPI) in a paper entitled *Special Courts and Tribunals*, dated 29 November 2009, clarified that outside the administration of the Higher Judicial Council there existed several other courts and tribunals. **[34b]** The source also provided provided a useful Court diagram structure and and Criminal cassation pathways diagram, both dated November 2009, which illustrate the organisational structure of the judiciary.

13.05 The US State Department *Country Report on Human Rights Practices 2009*, Iraq (USSD Report 2009), published 11 March 2010, noted that:

"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 go first 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. The Law on Criminal Proceedings provides for the use of traditional tribal justice. Usually, arbitration (al-Fasil) is accepted in all governorates or other forms of extrajudicial procedures. Cases are referred to government courts when tribal arbitration is unable to reach a verdict." **[2a] (Section 1e, Denial of Fair Public Trial)**

13.06 GJPI in a paper entitled *Judicial Independence* undated but circa 2009, explained that:

"[The] ... Higher Judicial Council (HJC) ... is the administrative body which also oversees the affairs of federal courts and court staff. ...Under Article 91 of the Constitution the HJC is mandated ... [to] ... manage the affairs of the judiciary and supervise the federal judiciary and prosecution system. ... To nominate the Chief Justice and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Chief Justice of the Judiciary Oversight Commission, and to present those nominations to the Council of Representatives to approve their appointment ... [and finally] ... To propose the draft of the annual budget of the federal judicial authority, and to present it to the Council of Representatives for approval." **[34a]**

13.07 The Freedom House report, *Freedom in the World 2010*, Iraq, covering events in 2009, (Freedom House Report 2010) stated: "The Higher Judicial Council—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." **[8a] (p9)** USSD Report 2009 reported: "The HJC also includes representatives of the Judiciary Oversight Committee (a judicial oversight board that hears charges of judicial misconduct) and regional judicial councils." **[2a] (Section 1e, Denial of Fair Public Trial)**

13.08 JSCRA Iraq, Internal Affairs, last updated 19 January 2011 reported: "The Higher Judicial Council manages and supervises the affairs of the federal judiciary. It oversees the affairs of the various judicial committees, nominates the chief justice and members of the Court of Cassation, the chief public prosecutor and the chief justice of the Judiciary Oversight Commission and drafts the budget of the judiciary." **[24a]**

Federal Supreme Court

13.09 JSCRA, Iraq Internal Affairs, last updated 19 January 2011 explained:

> "The independent Supreme Court interprets the constitution and determines the constitutionality of laws and regulations. It acts as a final court of appeals, settles disputes among or between the federal government and the regions and governorates, municipalities and local administrations, and settles accusations directed against the president, the prime minister and other ministers. It also ratifies the final results of elections for the Council of Representatives." **[24a]**

13.10 GJPI in a paper entitled *Federal Supreme Court Decisions* undated but circa 2009, noted that the Federal Supreme Court was established under Articles 92 and 94 of the 2005 Constitution:

> "Article 92 (Second) of the 2005 Constitution states that ... The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and legal scholars, whose number, the method of their selection, and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives. ... However no such law has yet been enacted and the experts in Islamic Jurisprudence and Legal Scholars have not yet been incorporated into the operation of the court. ... At present, there are 9 members of the Federal Supreme Court. ... Article 93 of the Constitution sets out the jurisdiction of the Federal Supreme Court ..." **[34c]**

Central Criminal Court of Iraq (CCCI)

13.11 USSD Report 2009 stated: "The [Central Criminal Court of Iraq] CCC-I, located in Baghdad, hears cases involving serious criminal offenses, including detainees referred for prosecution. It has nationwide discretionary investigative and trial jurisdiction over all criminal violations, with focus on terrorism, governmental corruption, organized crime, sabotage, and sectarian or ethnic violence." **[2a] (Section 1e, Denial of Fair Public Trial)** GJPI in a paper entitled *Special Courts and Tribunals*, dated 29 November 2009, reported: "The Central Criminal Court of Iraq (CCCI) ... operates within the federal system administered by the Higher Judicial Council. However it is different from the other criminal courts in that it has a national jurisdiction covering all crimes but focused upon terrorism, organised crime and government corruption." **[34b]**

13.12 The paper *The Iraqi Criminal Justice System, An Introduction,* dated 30 November 2010 by Dan Warnock (an attorney with the United States Air Force Judge Advocate General's Corps) stated:

"During its short-lived tenure as the de facto Government of Iraq, the Coalition Provisional Authority (CPA) attempted a limited overhaul of the Iraqi criminal justice system. One change was the creation of the Central Criminal Court of Iraq (CCCI), a court with sweeping, nation-wide criminal jurisdiction but a specific mandate to focus on terrorism, organized crime, corruption, and other serious cases. Fortunately for the Iraqis, the CPA did not try to impose procedures or substantive law from common-law systems on the new court. Instead, the CCCI is configured and runs in the same way as the regular provincial criminal courts in Iraq. Each branch of the CCCI consists of an Investigative Court and a Felony (trial) Court. The Court implements Iraqi substantive and procedural criminal law the same as other courts. Appeals travel directly to the Court of Cassation. The Iraqi Criminal Procedure Code thus applies to all cases processed through the CCCI, from arrest and detention through investigation, trial, and punishment." **[108a]**

Iraqi High Tribunal (IHT)

13.13 Freedom House Report 2010 noted: "Those 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." **[8a](p9)** USSD Report 2009 observed: "In 2003 the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 17, 1968, through May 1, 2003." **[2a] (Section 1e, Denial of Fair Public Trial)** The same source further stated that: "During the year the IHT continued to investigate a number of crimes allegedly committed by members of the former [Baath] regime, including other atrocities following the 1991 uprising, the draining of the southern marshes, and the invasion of Kuwait. The IHT also dropped charges against some detainees. At year's end the IHT had nine trials in process." **[2a] (Section 1e, Denial of Fair Public Trial)**

13.14 GJPI in a paper entitled *Iraqi High Tribunal*, dated 13 September 2009, explained:

"The Iraqi High Tribunal, also (more accurately) translated as the Supreme Iraqi Criminal Court is the body established to try Iraqi nationals or residents accused of genocide, crimes against humanity, war crimes or other serious crimes committed between 1968 and 2003. ... The Iraqi High Tribunal is not part of the federal court system which is administered by the Higher Judicial Council and it would appear that there is no plan to bring the judges and staff working at the Iraqi High Tribunal into the mainstream criminal justice system when their task is completed." **[34d]**

The Case Western Reserve University School of Law, *Grotian Movement: The International War Crimes Trial Blog* provided a series of special reports on Iraqi High Tribunal trials. To access the source refer to the link here

Ministry of Interior and Ministry of Defence courts

13.15 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted:

"The MoI Internal Security Forces Courts were formed in April 2008. The Internal Security Forces Courts serve as the disciplinary and criminal justice courts for the 500,000 MoI police. The Internal Security Forces Courts were created to instill discipline and enhance the professionalism of the Iraqi police, thus restoring public confidence through a transparent, accountable, and predictable system of law enforcement and public safety. The Internal Security Forces Court system consists of six Regional Courts and the Internal Security Forces Cassation (Appeals) Court, the highest court in the system." **[10c] (p65)**

13.16 GJPI in a paper entitled *Special Courts and Tribunals*, dated 29 November 2009, reported:

"The Ministry of the Interior and Ministry of Defence each operate their own system of criminal justice with a trial and cassation level. ... The Ministry of Interior Courts have jurisdiction over crimes stipulated in the Internal Security forces Penal Law No. 14 of 2008, the Penal Code No. 111 of 1969 or other penal laws if a policeman commits the crime provided that the victim is not a civilian. [Article 25 of Internal Security Forces Criminal Procedure Law No. 17 of 2008]." **[34b]**

See also Security Forces – Avenues of Complaint

INDEPENDENCE

13.17 Centre for Strategic and International Studies (CSIS) Report *How Soon is Safe? Iraqi Force Development and 'Conditions Based' US Withdrawals,* 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. ..." **[18c] (p135)**

13.18 USSD Report 2009, dated 11 March 2010 stated:

"The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country rendered the judiciary weak and dependent on other parts of the government. Threats and killings by insurgent, sectarian, tribal, and criminal elements impaired judicial independence in many places. The courts in Baghdad were notable exceptions, particularly the Central Criminal Court of Iraq (CCC-I), Kharkh, and the Felony Court, Rusafa, (formerly the Rusafa CCC-I), which operated in heavily guarded locations. The MOI agreed to supplement security for judges and allowed judges to select which police officers would be assigned to their security detail. Approximately 2,000 police officers under MOI authority have been assigned to protect judges." **[2a] (Section 1e, Denial of Fair Public Trial)**

13.19 Freedom House Report 2010, published in May 2010 stated that:

"Judicial independence is guaranteed in the constitution. … however, 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. Iraqi citizens often turn to local militias and religious groups to dispense justice rather than seeking redress with official law enforcement bodies that are seen as corrupt or ineffective." **[8a]**

See also Tribal justice systems

13.20 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted:

"Judicial intimidation has been an ongoing issue throughout Iraq, particularly in the northern provinces of Ninewa and Diyala. During the reporting period, continued progress occurred in the area of judicial security to combat intimidation. At the February 2010 National Rule of Law Conference at the U.S. Embassy Baghdad, Chief Justice Medhat Mahmoud spoke about the need to defend an autonomous judiciary, free to make neutral and unbiased decisions. ..." **[10c] (p7, Rule of Law and Criminal Justice System Reforms)**

13.21 Similarly, the Special Inspector General for Iraq Reconstruction (SIGIR) Quarterly and Semiannual Report to the United States Congress (SIGIR Semi-Annual Report), published 30 January 2011 stated that judicial security remained a problem and that the HJC had attempted to secure budgetary funding for 4,000 judicial security personnel, but the request had been rejected by the Council of Ministers leaving the judiciary short on trained personnel to guard the 1,260 judges currently in Iraq. **[20c](p11)**

13.22 The Danish Immigration Service report entitled Security and Human Rights in South/Central Iraq: Report from the Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq – 25 February to 9 March and 6 to 16 April 2010, (Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010), published 10 September 2010, citing information provided by Sylvia A. Fletcher and Mohamed El Ghannam, UNDP - Iraq, Amman, explained that the separation of the judicial system from the Ministry of Justice, in 2003 by the Coalition Provisional Authority and establishment of a separate administrative system under the Higher Judicial Council meant that the judiciary remained independent and outside the "… interference from the executives [ie government]". The report also commented that the Chief Justice, who heads up the HJC "... enjoyed a level of credibility, and the personal influence of the Chief Justice is a desirable 'force' behind the judiciary that kept the judicial branch out of the political affairs [for example] ... keeping the de-Baathification process away from the judiciary, a process which had been detrimental to important institutions like the police and army." **[30a](p40-41)**

13.23 More generally the two UNDP sources referred to in the Danish Immigration Service report explained:

"The judiciary makes up one of the better institutions in Iraq and has always had a proud tradition based on strong principles. ... As of today UNDP could not be certain that the independence of the judiciary is the case for all of Iraq, i.e. throughout all governorates. There will always have been extreme cases, however, as a general rule UNDP - Iraq has been informed by different sources that the judiciary is one of the

institutions that has been allowed to function largely independently. It was added that Iraqis have always had an extremely proud tradition for fair justice." **[30a](p39)**

See also Fair trial in special courts (including terrorist cases)

FAIR TRIAL

13.24 USSD Report 2009 observed:

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

"In May 2008 the Baghdad Legal Defense Center opened at the Rusafa Detention Complex, providing 25 attorneys, including three female attorneys, to assist the 7,500 detainees in the facility. Since the center's opening, the attorneys have met with more than 10,000 detainees, including detainees held at the Rusafa women's prison." **[2a] (Section 1e, Denial of Fair Public Trial)**

13.25 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing a reliable source [in] Iraq explained that:

"... there is no evidence of corruption in the courts system as such. However, one must consider that the traditional position of judges and the rather weak legal framework in Iraq. Criminal procedures and codes are particularly lacking. Furthermore, policies of going after 'terrorists' and the attitudes of judges add to an inefficient and unjust system. Basically, persons on trial are not given access to their basic rights and the utmost reliance on confessions in making judgements is problematic. There is a need to shift from the French Code Napoleon system, i.e. a confessional, inquisitor based system to an evidence-based system in order to ensure a more just system. Efforts are made towards addressing this, including the education of judges and establishment of forensic institutes. When asked if the involvement of different countries in developing the courts system and law enforcement in different parts of Iraq is problematic, it was stated that the principles that need to be addressed are particularly universal guarantees, and therefore it is not really an issue that different countries are involved in the process. It was added that the issue is rather whether or not implementation is actually taking place and thereby changing a deficient system." **[30a](p39)**

13.26 UN Assistance Mission for Iraq (UNAMI), *The Iraq Briefing Book*, published December 2010, stated:

"Iraq's Constitution guarantees the right to counsel in all stages of a criminal investigation and trial. That said, reforms are required to fully realize this commitment. Some courthouses have a lawyer's room where attorneys available to represent people may congregate, but the quality of the services provided by attorneys varies greatly. Lawyers are appointed, typically from the lawyer's room, to represent criminal defendants at public expense, but counsel is usually appointed well after the time of arrest, which leaves defendants without representation at the crucial investigative phase, and in any event, police often restrict access to pre-trial detainees, case

documents, and files. The quality of representation can be low as a consequence of a compensation system that offers little incentive to provide a zealous defence. In civil litigation, Iraqi law does not provide for free legal representation, while access to justice is limited for the poor.

"Legal awareness within civil society is another important gap, as most Iraqis have little understanding of their rights or how the legal system functions. There need to be more government-sponsored mechanisms to inform the public about their rights, on how the justice system functions, and on how to access legal assistance would greatly raise awareness within civil society on access to justice. Young people face particular obstacles in obtaining access to justice, as do those living in rural and peri-urban communities, who often rely on traditional justice mechanisms. Access to justice for women remains a serious challenge, especially with regard to impunity for perpetrators of violence against women." **[15h] (p29-30)**

13.27 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing a reliable source in Iraq stated: "...There is no evidence that tribes are actively interfering in courts, however civil courts may be susceptible to bribes or out of fear to be biased in relation to local tribes ... persons involved in private disputes could in some cases have access to a fair trial, however it is difficult to break with how trials are conducted regardless of whether it may be in a civil or a criminal courts context." **[30a](p44)** When asked if Iraqis have access to an independent judiciary: "... the source explained that in terms of interference from e.g. tribes in the work of the judiciary, this might occur less in urban areas as opposed to smaller towns and rural areas." **[30a](p44)** The same report also observed that sources from the UN Development Programme (UNDP) Iraq had explained to the fact finding delegation that displacement in Iraq had led to: "… massive legal work ... [to resolve] ... ownership, transfer of residence and issues related to documentation ...", such cases were also "... complex, particularly as many include an overlay of sectarianism. It was added that it is hard to know whether this is related to sectarianism or purely a matter of property related issues/disputes." **[30a](p38)**

See also Judiciary – Independence

13.28 *The UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009)* (UNSC Report May 2010), dated 14 May 2010, covering events since 9 February 2010, raised "... concern about the legality of safety of criminal convictions based on evidence obtained through confessions under duress... ". **[16f] (p11)** For further information see Fair trial in special courts (including terrorist cases); see also Death penalty and Human rights violations by government forces

For further information on actual trial procedures refer to the *USSD Report 2009*, which provides a useful overview on trial procedures, under Section 1e, Denial of Fair Public Trial. Also see the paper by Dan Warnock, entitled *The Iraqi Criminal Justice System, An Introduction.*

Judicial efficiency and reform

13.29 The SIGIR Semi-Annual Report, dated 31 January 2011 observed:

"… between July 1 and September 30, 2010, the HJC [Higher Judicial Court] reported that Karkh Central First Investigative Criminal Court completed only 950 of the 3,677

cases it received, amounting to a case completion rate of 26% and leaving a total backlog of 2,727 cases at the investigative stage. During the same period, however, the HJC reported that the al-Anbar Investigative Criminal Court completed nearly 90%of the cases before it. RoLC [Rule of Law Coordinator] also reported that the Federal Appellate Court reduced the number of old cases on its docket in 2010. Although a distinct variance in case completion rates among Iraqi investigative courts remains, RoLC [Rule of Law Coordinator] reported that the average completion rate for investigative courts throughout Iraq has consistently improved and is currently at approximately 75%." **[20c]**

13.30 The USDoD Report June 2010 noted:

"Notwithstanding progress in judicial processes, and efforts to assist specific groups such as detainees, legal representation and services remain beyond the reach of a large number of Iraqis. USAID's new Access to Justice Program seeks to widen and strengthen legal services and clinics, especially for disadvantaged groups such as the indigent, women and war widows, IDPs [Internally Displaced Persons] and returnees, juvenile offenders, and others. The program works to upgrade legal education as well as the capacity of lawyers, the GoI [Government of Iraq], and NGOs to provide services." **[10c](p8)**

13.31 The SIGIR Semi-Annual Report, dated 31 January 2011 explained that as of 31 December 2010 the US had ear-marked: "... $1.97 billion and expended $1.67 billion to improve the rule of law, including the observance of human rights, in Iraq." Current reform programmes focused on "... increasing judicial security, processing criminal cases more efficiently, and improving oversight and capacity of detention facilities ..." **[20c](p75)**

13.32 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing Sylvia A. Fletcher and Mohamed El Ghannam, UNDP - Iraq, Amman, noted:

"UNDP is focused on the modernization of the judiciary to enable it to manage the current huge caseload of court cases that exists in Iraq. Currently, the system cannot cope with a sizeable caseload, which has suffered a serious backlog since 2003, and modernization will first of all increase productivity of the qualified people in place. Secondly, UNDP is focused on bringing the judiciary into the 21st century and establishing shared norms of human rights practices. Finally, efforts are made towards cleaning out effects of influences of bad practices that exist caused by forty years of Baathist regime rule." **[30a](p39)**

Fair trial in special courts (including terrorist cases)

13.33 The Freedom House Report 2010, published May 2010, observed that "[t]hose committed of committing war crimes, genocide, and crimes against humanity fall under the jurisdiction of the Iraqi High Tribunal [IHT]. ... The IHT statute does not explicitly require that guilt be proven beyond a reasonable doubt and lacks adequate safeguards against self-incrimination." **[8a] Detention)** The Amnesty International Report 2010: *The State of the World's Human Rights*, Iraq, covering events of 2009 (AI Report 2010), published 28 May 2010 reported that the "independence" and "impartiality" of the Supreme Iraqi Criminal Court (SICT) had been tainted by political interference "... In late October 2009, more than 50 members of Parliament called for the SICT to be detached

from the Council of Ministers headed by the Prime Minister and placed under the sole authority of the Supreme Judicial Council." **[29a](p178)**

13.34 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010 also made reference to variations in practice between the various courts:

"… in considering access to fair trial, Christine Fowler and Mohamed El Ghannam, UNDP – Iraq, Amman clarified that it was important not to generalise when it comes to the judicial system. It was stated that there is an important difference between 'regular' and 'irregular' courts and that when it comes to regular disputes, the regular courts were considered more credible and they enjoy a higher level of credibility by Iraqi citizens. Iraqis get a fair trial when their cases are reviewed before civil and regular criminal courts. However, when the raised accusations are within terroristic activities, then the Central Criminal Court of Iraq (CCCI) is in charge. Fair trial rights are not up to the international standards within these courts. However in relation to those trials which have adjudicated terrorists, there have been so many irregular courts set up, for example by the Ministry of Interior and Ministry of Defence. This together with violations of human rights in pre-trial detention facilities, which are overseen by a number of different Ministries, has been problematic. It was added that the intelligence forces also have their own detention facilities." **[30a] (p44)**

13.35 The same report, referring to information provided from a reliable source in Iraq, noted:

"... monitoring of criminal courts in Baghdad has shown that persons accused of terrorism do not have access to a fair trial. Monitoring revealed that a detainee would only upon arrival to the court have a lawyer appointed to him, however without getting the chance to speak with the lawyer. Detainees were not made aware of their rights and a court case would typically take from 20 to 30 minutes. No witnesses were brought forth and there were no statements or presentation of evidence. These court cases are solely confession-based and it is more likely than not that confessions come about through duress in detention. The same procedures continue today." **[30a](p46)**

13.36 Human Rights Watch in a report entitled *The Quality of Justice: Failing of Iraq's Central Court*, dated 14 December 2008 provided further details on alleged failings in the CCCI to meet international standards of due process and fair trial.

See also Death penalty. For details on the various courts which exist in Iraq, including the Central Criminal Court – Iraq ad Iraqi High Tribunal, refer to Judiciary – Organisation.

JUDICIARY IN THE KURDISTAN REGIONAL GOVERNMENT AREA

13.37 The Global Justice Project: Iraq, University of Utah, (GJPI) in a paper entitled *The judiciary and the law in the Kurdistan region of Iraq*, dated 14 August 2009, noted:

"The structure of the Kurdistan Regional court and judicial system closely follows that of the Federal judiciary. ... Decree No. 11 of August 1992 and the Judicial Authority Law No. 44 of December 1992 set out the basis for the judiciary in the region as an autonomous independent establishment of the Kurdistan Regional Government. The Courts were to sentence in the name of the people of Iraqi Kurdistan and had authority over all people, including the members of the Kurdistan Regional Government. ... The

Courts applied the laws of Iraq as they existed as at 1991 unless subsequently repealed or amended by the Kurdistan Parliament. Save for laws relating to the exclusive federal powers as listed in Article 110 of the 2005 Constitution, post 1992, new laws and amendments to existing law originating from Baghdad are not recognised as applicable in the Kurdistan Region of Iraq unless expressly endorsed by legislation of the Kurdistan Parliament." **[34e]**

13.38 USSD Report 2009 noted:

"In 2007 the KRG passed the Judicial Power Law, which attempted to create a more independent judiciary. The Kurdish Judicial Council (KJC), which had been part of the executive branch's MOJ [Ministry of Justice], became legally independent and took responsibility for its own budget, human resource management, and reporting. KRG judicial authorities no longer have direct operational control over the judiciary, the KRG financial authorities relinquished control of the KJC's budget, and the chief justice was appointed by other judges and not by the executive branch." **[2a] (Section 1e, Denial of Fair Public Trial)**

13.39 The Foreign and Commonwealth Office (FCO) *Report of Information Gathering Visit to Kurdistan Region of Iraq,* (FCO Information Report 2009) dated 27 March 2009, noted: "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. …" **[32b](p5-6)** The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009*, published July 2009, referring to information given by Judge Ahmad Abdulla Zuber, Chief of Judicial Council of Iraqi Kurdistan Region outlined the court system in KRG as follows: Court of Cassation (High Court); Court of Appeal; Criminal Court; Court of 1st Instance; Juvenile Court; Personal Status Court (Muslims); Misdemenaours Court; Labour Court; Court of Investigations; Personal Article Court (Christians, Yazidis and other religions). **[30b](p24)**

13.40 The FCO Information Report 2009 also commented:

"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… 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." **[32b] (p5-6)**

13.41 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." **[63b]**

See also: The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009*, published July 2009 and section 4, Rule of law and state protection via the link here

TRIBAL JUSTICE SYSTEMS

The following information should be read togetthr with Tribes/clans

13.42 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010 citing an International NGO in Amman stated: "Generally, customary tribal law is well-accepted and it is likely for persons to seek out settlements through tribal mechanisms. This is partly due to the fact that the vacuum after the fall of the former regime in 2003 was filled by militias and tribal arrangements." **[30a](p35)** The report went on to cite information given by Christine Fowler and Mohamed El Ghannam, UNDP - Iraq, Amman, who explained:

"... Iraq is a tribal society and people are very proud of their tribes. Tribal influence is the 'mind and soul' of Iraqis ... [i]ssues which could be considered at a tribal level would include family law, divorce, marriage and disputes between families of the same tribe. Where the issue is between two tribes or more or the grievance was more problematic to resolve, often such disputes would be resolved by the courts... **(p35)** It was added [again from an interview with the same UNDP representatives] that tribal verdicts are being implemented quickly and to a much larger degree than court verdicts. Generally, persons who risk unjust treatment in a customary law setting are children and women. Issues of domestic violence are, for example, not put before the courts as it is generally accepted in society that such cases sort under the tribal domain." **[30a](p42)**

13.43 The UN High Commissioner for Refugees (UNHCR) Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, dated April 2009 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 ..." **[17a] (p193)** See also: Women

13.44 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009*, published July 2009 it was noted:

"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 [Government of Iraq] 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." **[30b] (p29-30, 4.4 Tribal councils and courts in Iraq)**

PENAL CODE

13.45 To access a translation of the Iraqi Penal Code. No 111 of 1969 (as amended to 14 March 2010), refer to the link here (accessed via the website Global Justice Project: Iraq, University of Utah)

Return to contents
Go to sources

14. ARREST AND DETENTION – LEGAL RIGHTS

For information on violations of legal rights by the security forces see Security forces/Arbitary arrest and detention.

14.01 The US State Department *Country Report on Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated:

"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 that 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. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency law expired in 2007, although there were no reliable statistics available on such incidents. ... The law allows [for] release on bond [bail] ..." **[2a] (Section 1d, Arrest Procedures and Treatment while in Detention)**

14.02 The paper *The Iraqi Criminal Justice System, An Introduction,* dated 30 November 2010 by Dan Warnock (an attorney with the United States Air Force Judge Advocate General's Corps) provided the following outline of arrest and detention procedures:

"The Iraqi Criminal Procedure Code, consistent with the overarching theme of the investigative judge leading the charge to determine whether and by whom a crime has been committed, envisions an orderly process where an arrest is authorized by the investigative judge only once the investigation has progressed sufficiently to identify a suspect. In fact, the default position in the Code is that arrests must be effectuated pursuant to a judge-issued warrant, barring other legal authority. The warrant specifically identifies the suspect and the general nature of the crime he is accused of committing. Unlike summonses, which are issued for witnesses or petty criminals, arrest warrants are not limited by the judge's jurisdictional limits and thus are enforceable throughout the entire country. Police or court officers have authority to make warrantless arrests under a variety of specified circumstances [see ICPC Article 103, *supra* note 140]. Citizen's arrest is also authorized. Force may be used to enter a place to accomplish an arrest or (apparently to include lethal force in cases where the alleged offense merits the death penalty) to subdue a person being arrested.

"The orderly process anticipated by the Code is that the accused is presented to the investigative judge for initial questioning within twenty-four hours of arrest. Following this interrogation, the judge determines whether the arrestee should be detained, and for how long. The Code prescribes a range of pretrial restraint time periods depending on the punishment prescribed for the crime of which the person is accused:

- "death penalty cases: the judge may order the accused to be held indefinitely
- "crimes punishable by up to three years detention, imprisonment for a term of years, or life imprisonment: the judge may order successive fifteen-day periods, but may release either on bail or on a written pledge to appear
- "crimes punishable by no more than three years of detention or a fine: the judge must order the release of the accused unless 'he considers' that such release will frustrate justice
- "persons accused of mere 'infractions': no pretrial restraint may be imposed unless the person is homeless

"Under all of the foregoing circumstances, detention should in no case exceed one-quarter of the maximum potential sentence, and in no case longer than six months; the criminal court must approve any detention beyond six months and may not approve any detention longer than one-quarter of the maximum potential sentence. Detention is meant to be a temporary status—a person is to be held only so long as is necessary to conduct the investigation. If a detainee is exonerated, he is to be released immediately." **[108a](p35)**

To access the Criminal Procedure Code 23 of 1971 (as amended to 14 March 2010) refer to the link here

14.03 Amnesty International Report entitled *New Order, Same Abuses: Unlawful Detentions and Torture in Iraq* (AI Report New Order, Same Abuses), dated September 2010, also commented that the Iraqi Criminal Procedure Code contained certain safeguards for detainees. Article 123 for example specified that the examining magistrate or investigator "must question the accused within 24 hours of his attendance ..." **[29b](p13)**The AI report also explained that amendments to this article, provided for under

Memorandum Number 3 issued by the Coalition Provisional Authority in June 2004 and still in force, provided for the following:

"(b) Before questioning the accused the examining magistrate must inform the accused that: ... he or she has the right to remain silent and no adverse inference may be drawn from the accused's decision to exercise that right; ... he or she has the right to be represented by an attorney, and if he or she is not able to afford representation, the Court will provide an attorney at no expense to the accused;

"(c) The examining magistrate or investigator must determine if the accused desires to be represented by an attorney before questioning the accused. If the accused desires an attorney the examining magistrate or investigator shall not question the accused until he or she has retained an attorney or an attorney has been appointed by the Court." **[29b](p13)**

USF-I detainees

14.04 SIGIR Quarterly Report October 2010, noted: "At the end of this quarter [July to September 2010], 219 detainees remained in U.S. custody. Since January 1, 2010, U.S. forces have released 405 detainees and transferred approximately 5,591 detainees to GOI [Government of Iraq] custody." **[20b] (p82)**

14.05 AI Report *New Order, Same Abuses…* published September 2010 noted the legal jurisdiction for US forces to arrest and detainee Iraqi nationals was mandated under Article 22 of the November 2008 US-Iraqi Security Agreement (also known as the US-Iraq Status of Forces Agreement (SOFA)). Article 22 (2) stated: "In the event the United States Forces detain or arrest persons as authorized by this Agreement or Iraqi law, such persons must be handed over to competent Iraqi authorities within 24 hours from the time of their detention or arrest." **[29b](p11)**

To access the US-Iraq Status of Forces Agreement (November 2008) refer to the link here

14.06 Amnesty International Report entitled *New Order, Same Abuses: Unlawful Detentions and Torture in Iraq* (AI Report New Order, Same Abuses), dated September 2010, explained that detainees suspected of terrorism related offences (as per the 2005 anti-terrorism laws) who were transferred into the custody of Iraqi Security Forces, were "... questioned ... under the provisions contained in the 1971 Criminal Procedure Code [ICPC] ... [t]he same provisions [which] apply in relation to arrest of ordinary criminal suspects. **[29b](p12-13)**

See also Security Forces: US Forces - Iraq (USF –I)

Amnesty laws

14.07 USSD Report 2009 noted:

"The COR [Council of Representatives] passed a general Amnesty Law that became effective in February 2008. Pursuant to the law, the HJC formed an amnesty committee in each province headed by four judges and a prosecutor to review all detainee cases and, when appropriate, to recommend release. The law, designed to foster national reconciliation because detainees are disproportionately Sunni, allowed amnesty for certain cases predating the passage of the law. It was not applicable for detainees

sentenced to death, and it excluded from amnesty other specified crimes, such as murder and acts of terrorism. Since passage of the Amnesty Law, the HJC has reviewed more than 171,000 cases and determined that more than 137,000 cases affecting individuals who were fugitives, on bail, or held in pretrial and posttrial confinement--a total of 25,000 detainees--were eligible for amnesty. Since the Amnesty Law came into effect, there have been more than 35,000 persons granted amnesty and more than 19,000 detainees released, according to MOHR data." **(Section 1d, Arbitrary Arrest or Detention)**

14.08 However, AI report New Order, Same Abuses, observed that:

"In practice, the Amnesty Law appears to have been widely ignored and to have had little effect or impact on prisoner numbers. Some detainees have been released but thousands of others have continued to be detained, including some who judicial committees have said should be released. The reasons are manifold – the outdated and bureaucratic nature of the judicial system, including the lack of a computerized data recording system; the reluctance of judicial officials, especially at the governorate level, to free detainees on release orders that they fear may be forged; and the difficulties faced by judicial and other officials in travelling around the country because of the dangerous security situation." **[29b] (p14)**

14.09 USSD Report 2009 noted that "In 2007 the Kurdistan National Assembly passed a General Amnesty Law for the KRG. A KRG human rights official reported that more than 644 of the approximately 1,054 convicted prisoners in KRG social welfare authorities' prisons received amnesty by the end of 2007, which was the only year in which the KRG Amnesty Law was in effect." **[2a] (Section 1d, Arrest Procedures and Treatment while in Detention)**

Return to contents
Go to sources

15. PRISON AND OTHER PLACES OF DETENTION CONDITIONS

The following information should be considered together with Human rights violations by government forces

OVERVIEW

15.01 The International Centre for Prison Studies, Kings College, London, *World Prison Brief,* Iraq, last modified 17 June 2010 provided the following information:

Country	IRAQ
Ministry responsible	Ministry of Justice - but detention facilities are also operated by the Ministry of the Interior, the Ministry of Defence, the Ministry of Labou and Social Affairs (juvenile detention facilities and the Kurdish Regional Government
Prison administration	Iraqi Correctional Service (Ministry of Justice)

Head of prison administration (and title)	Juma'a Hussein Zamil (Director General)
Prison population total (including pre-trial detainees / remand prisoners)	31,645 at 31.12.2009 (United Nations Assistance Mission for Iraq - UNAMI. This is the total in the custody of the Iraqi governmer and the Kurdish Regional Government. They consist of 20,263 held by the Iraqi Correctiona Service (Ministry of Justice), 7,006 by the Ministry of the Interior, 695 by the Ministry of Defence, 992 by the Ministry of Labour and Social Affairs and 2,689 by the Kurdish Regional Government. UNAMI reports that a further 6,036 were being held by the multi-national force (USF-I), making an overall total of 37,681 detainees, security detainees and sentenced prisoners.)
Prison population rate (per 100,000 of national population)	101 based on an estimated national populatio of 31.3 million at end of 2009 (from United Nations figures. If prisoners held by the multi-national force (USF-I) are included the prison population rate rises to 120.)
Female prisoners (percentage of prison population)	1.6% (of prisoners in Iraqi government custody, 31.12.2008)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	3.9% (of prisoners in Iraqi government custody, 31.12.2008 - juveniles)
Number of establishments / institutions	* The ICS (Ministry of Justice) operated 9 prisons and 7 pre-trial detention facilities at th end of 2007, and the Kurdish regional authorities operated 7. The Ministry of Defenc operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during military raids and operations. The number of Ministry of the Interior facilities at the end of 2007 was unknown but, including police station holding facilities, official Ministry of the Interior detention locations were estimated to number over 1,000 facilities. Additionally, ther were reports of unofficial detention centres throughout the country (US State Department Human Rights Report).
Official capacity of prison system	14,698 (2005 - capacity of Iraqi Correctional Service facilities)
Occupancy level (based on official capacity)	59.7% (2005 - occupancy of Iraqi Correctiona Service facilities)

114 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Recent prison population trend (year, prison population total, prison population rate)	2004 c.15,000 (c.60) 2007 26,472 (86)

[113a]

15.02 United Nations Assistance Mission for Iraq (UNAMI), *The Iraq Briefing Book*, published December 2010, stated that Iraq's prisons and detention facilties were:

"Operated by the MoJ [Ministry of Justice] and MoI [Ministry of Interior] [and fell] ... short of international standards. This shortfall stems from a lack of capacity and resources within police services. This problem is compounded by the rapid growth in the prison population, and a lack of standardization in prison procedures and training to ensure the humane treatment of detainees. Inadequate hygiene conditions, substandard food and water, severe overcrowding, poor medical care (contributing towards the spread of disease) and understaffing are common deficiencies. The professional training of officers and staff was nonexistent under the previous regime and corruption was endemic, resulting in the victimization of prisoners, their families, and lower-level prison staff." **[15h] (p33-34)**

15.03 The Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the United States Congress* (SIGIR Semi-Annual Report), dated 30 January 2011, reported on the findings of a public perceptions survey called the Stability Development Roadmap (SDR), which was used by the Office of Provincial Affairs to provide "'analysis of public opinion which measure the likelihood of a province to experience wide-scale civil unrest'" **[20c](p58)**, SIGIR observed that under the category of Rule of Law, according to the SDR findings: "... Iraqisreported being most concerned about the conditions of prisoners in Iraqi correctional facilities. In all 18 provinces, this metric was rated as 'very unstable', indicating much pent-up public frustration that could spark unrest if a high-profile instance of prisoner mistreatment occurs." **[20c](p59)**

ORGANISATION

15.04 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, noted that:

"Despite a law mandating that detention facilities be under the sole control of the MOJ, four separate ministries operated detention facilities: the MOJ [Ministry of Justice], MOI [Ministry of Interior], MOD [Ministry of Defence], and MOLSA [Ministry of Labour and Social Affairs], whose facilities are exclusively for juvenile detention. KRG social welfare authorities operated prisons in the KRG, and KRG security authorities operated pretrial detention facilities. KRG internal security forces and KRG intelligence services operated separate detention facilities as well. Kurdish authorities operated eight detention facilities that combined pretrial and postconviction housing and eight additional internal security pretrial detention facilities.

"Although the government had not yet adequately resourced the MOJ with the personnel, supplies, equipment, and facilities to assume complete control over all detention operations throughout the country, there was significant progress in transferring MOD detainees to MOJ detention facilities. ... At year's end there were 11 MOJ prisons and seven MOJ pretrial detention facilities. Under the direction of the

previous acting minister of justice, the Baghdad Central Prison (formerly Abu Ghraib) was reopened in November 2008 with a plan to hold as many as 5,000 posttrial prisoners. A prison riot occurred on September 10 [2009] that damaged the facility and required relocation of the entire prison population of 2,630 inmates. At year's end the MOJ did not have plans to reopen or further use Baghdad Central Prison, and to accommodate the relocation of its inmates, the MOJ formally activated the 3,000-bed posttrial facility at Chamchamal in Sulaymaniyah Province.

"MOI detention facilities comprise an estimated six Federal Police facilities and 294 Iraqi Police facilities. There are an estimated 1,200 smaller MOI police holding stations throughout the country managed, staffed, and operated by the Federal Police, Iraqi Police Services, Criminal Investigations Division, and the National Investigative and Information Agency. Although there were no independently verified statistics, it was estimated that the MOI facilities held as many as 8,000 pretrial detainees.

"The MOD operated 27 Iraqi Army pretrial detention centers for detainees captured during military raids and operations. There were reports of unofficial detention centers throughout the country. The MOD lacks the legal authority to detain civilians and is required to transfer detainees to MOI or MOJ facilities within 24 hours. In May the MOD began transferring its civilian detainees to MOJ custody. At year's end an estimated 75 percent of MOD detainees (approximately 1,500 persons) had been transferred. Approximately 650 civilian detainees remained in MOD custody at year's end, the majority located in a detention facility in the International Zone in Baghdad, operated by the 56th Iraqi Army Brigade, and the Old Muthanna Airfield in Baghdad, operated by the 54th Iraqi Army Brigade." **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.05 Special Inspector General for Iraq Reconstruction, *Quarterly Report to the United States Congress* (SIGIR Quarterly Report October 2010), published 30 October 2010, noted that: "GOI [Government of Iraq] prisons are overseen by the MOJ [Ministry of Justice], with the Iraqi Corrections Service (ICS) conducting daily operations. As of September 30, 2010, the ICS prison population included 11,750 pre-trial detainees and 12,269 convicts." **[20b] (p82)**

See also paragraph 15.01 and the reference to International Centre for Prison Studies, Kings College, London, which includes details on the organisation of prisons in Iraq. For further details on the transfer of detainees from the US to Iraqi security forces, see Arrest and detention – legal rights: USF-I detainees and US Forces - Iraq

CONDITIONS IN DETENTION

15.06 According to the USSD Report 2009:

"The MOHR's [Ministry of Human Rights] fourth annual report covering 2009 was generally critical of prison standards across the country and addressed general conditions and populations of detention facilities, judicial processes, and torture allegations. It reported 326 confirmed cases of torture or abuse within the MOI [Ministry of Interior], 152 cases within the MOD [Ministry of Defence], 14 cases within MOLSA [Ministry of Labour and Social Affairs], 12 cases in Peshmerga facilities in the Kurdistan region, and one case in the MOJ [Ministry of Justice] for the year. The Higher Judicial Council (HJC) was investigating the cases at year's end [2009]." **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.07 The *UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1936 (2010)* (UNSC Report November 2010), dated 26 November 2010, covering events since 29 July 2010, observed:

"UNAMI has observed some improvement in the conditions of detention facilities in the Kurdistan Region over the past ten months, including better living conditions and access to medical services in the facilities run by Asayesh in Sulaymaniyah and Dahuk. There was also a marked improvement in the holding periods for detainees awaiting charges, with no reports of detainees being held beyond the legal limit in those facilities. However, there was little improvement in conditions inside prisons and detention centres under the authority of the Ministry of Interior. In prisons under the authority of the Ministry of Labour and Social Affairs in Erbil and Sulaymaniyah, UNAMI observed considerable overcrowding and detention in cells with no ventilation or natural light." **[16e](p9)**

15.08 The Danish FFM Report on Security and Human Rights in South / Central Iraq conducted February – April 2010, published 10 September 2010, citing information provided by Christine Fowler and Mohamed El Ghannam, UNDP – Iraq, Amman, noted:

"Most human rights violations are committed in pre-trial detentions. Pre-trial detention is by far the gravest period of detention. The main penitentiary system is under the Ministry of Justice that implements the verdicts from the regular courts. The regular prisons enjoy far better conditions than other detention centres under other institutions. UNDP visits to detention facilities in Iraq have shown that regular prisons are far better in respecting human rights and providing a higher standard of custodial care. ... Mohamed El Ghannam, UNDP - Iraq, Amman explained that he had personally visited many regular as well as irregular prisons in Iraq and commented that regular prisons were far better for respecting human rights and providing a higher standard of custodial care." **[30a](p45)**

15.09 The USSD Report 2009 also explained:

"In MOI and MOD detention facilities, conditions and treatment of detainees were generally reported as poor. The MOI Human Rights Directorate conducted 120 inspections during the year and found that most facilities had shown improvement from the previous year, but overcrowding remained widespread. Many lacked adequate food, exercise facilities, medical care, and family visitation. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not provided consistently, and there continued to be allegations of abuse and torture in some facilities. At the MOD's detention center in the International Zone in Baghdad, detainees were denied family visits or access to counsel, were held in overcrowded cells, and exhibited evidence of torture and abuse.

"Despite limited resources and funds, MOJ detention facilities provided detainees with better treatment and living conditions than MOI and MOD detention facilities. Medical care in MOJ's ICS [Iraqi Corrections Service] prisons in some locations exceeded the community standard. ICS personnel made significant progress in meeting internationally accepted standards for prisoner needs. The MOJ is responsible for training ICS guards and correctional executive management staff, providing the facilities with necessary supplies and equipment, addressing overcrowding, facilitating case processing, and

providing prison rehabilitation programs. …" **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.10 UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009) (UNSC Report July 2010), dated 29 July 2010, covering events since 14 May 2010, observed:

"The UNAMI Human Rights Office continued to monitor government detention centres in Kirkuk, Basra and Erbil, in which poor conditions have been reported. In the detention centre in Basra, the Human Rights Office reported that the physical conditions of the prison did not meet minimal international standards. In another incident of concern, on 12 May, seven detainees suffocated while in transit from Al-Taji detention centre to Al-Tasfirat pretrial detention facility in Baghdad. It was reportedly the result of Iraqi army personnel transporting 100 detainees in two windowless vehicles whose capacity was for only 15 persons." **[16c](p9)**

15.11 The latest released UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) observed: "UNAMI remains concerned as allegations of abuse, ill-treatment, detention without charge and poor conditions in prisons and detention centres continued to be received during the reporting period." **[15c] (p22)** The report also recommended that the Government of Iraq: "Take meaningful measures to reduce overcrowding in prisons and detention facilities and improve sanitation and hygiene conditions; in particular, institute urgent measures to examine conditions at all detention facilities in respect of transmittable diseases, mental health of detainees and lack of adequate rehabilitation programs." **[15c] (p4-5)**

Overcrowding

15.12 Human Rights Watch (HRW) *World Report 2011,* published 24 January 2011, and covering events of 2010 observed:

"Government-run detention facilities struggled to accommodate almost 30,000 detainees, and serious delays in judicial review exacerbated overcrowding; some detainees have spent years in custody without charge or trial. The situation worsened in 2010 as the US military transferred most of its remaining prison sites and detainees to Iraqi custody. On July 15, US forces handed over their last prison, Camp Cropper, which housed about 1,700 detainees. ..." **[21e]**

15.13 USSD Report 2009 noted:

"The majority of individuals in MOI and MOD facilities were pretrial detainees. Overcrowding of pretrial detainees remained a problem in all detention facilities throughout the country, due to slow case processing. ,,, The MOJ is the only government entity with the legal authority to hold, care for, and guard posttrial detainees. The total capacity of MOJ's Iraqi Corrections Service (ICS) facilities was 20,295 beds (not including emergency capacity), which included 304 dedicated beds for women. The total number of prisoners in the ICS was 20,223, 47 percent of whom were pretrial detainees." **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.14 The latest released UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) observed:

"UNAMI … received reports of severe overcrowding in facilities run by the Ministry of Justice. In July [2009], UNAMI conducted a prison monitoring visit to Fort Suse in Sulaymaniyah governorate. Although located in the Kurdistan Region, it is under the authority of the Ministry of Justice in Baghdad. UNAMI received the full cooperation of the authorities during the visit and noted that due to construction, prisoners were detained in conditions of overcrowding. UNAMI also received reports of overcrowding at the Ministry of Justice facility in Samawah, Muthanna governorate. Additionally, in the newly re-opened Baghdad Central Prison—formerly known as Abu Ghraib—on 10 September [2009] prisoners rioted demanding better conditions, the replacement of guards who mistreated prisoners and cited overcrowding amongst their grievances. The incident required the intervention of the Iraqi army with support from USF-I helicopters to restore order and, according to a member of the parliamentary Human Rights Committee, two inmates died during the riot. The riot also caused the temporary evacuation of the prisoners as the facility had been rendered unusable." **[15c] (p22)**

Segregation of men, women and children

15.15 USSD Report 2009 observed that:

"The law mandates that women and juveniles be held separately from adult males. Although this law was generally observed, in some cases women were held in the same detention facility as men, but in segregated quarters and cellblocks. An MOD inspection of a facility in Baghdad's International Zone found women at the facility, albeit in separate cells. Juveniles were also occasionally held with adults. MOD inspections of its own International Zone facility and Old Muthanna detention facilities found juveniles living in the same cells as adult detainees. Additionally pretrial detainees and convicted prisoners were sometimes held in the same facility due to space limitations.

"During the year MOLSA's juvenile facilities improved. In June [2009] the Tobschi juvenile facility in Baghdad completed renovations and increased its capacity from 265 to 327 beds. The current population at Tobschi is 279 pretirial juveniles. The Kharq juvenile facility remained overcrowded, with a capacity of 245 and a total population of 435 posttrial juveniles." **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.16 The Christian Science Monitor *Witness: Secret Iraq Prison for Women and Children,* dated 26 May 2010, reported that the Muthanna Army base also detained women and children. **[3a]**

See also: Detention of children

Monitoring of conditions

15.17 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 observed that: "Gaining unrestricted access to Iraqi prisons is often difficult." **[32a] (p122)** Similarly the UNSC Report November 2010, covering events since 29 July 2010 commented that: "In ... parts of Iraq, notably Basra and Baghdad, UNAMI continues to experience access problems to State-run prison and detention facilities." **[16e](p9)** The USSD Report 2009 observed that:

"National detention facilities permitted visits by representatives of the national MOHR and members of parliament, and KRG detention facilities permitted visits by the national MOHR and KRG human rights authorities. In accordance with a directive from the prime

minister, the national MOHR continued its own program inspecting every detention facility monthly apart from those run by the KRG, which were inspected jointly... Domestic and international human rights NGOs and intergovernmental organizations generally did not have access to national MOI detention and pretrial facilities, although the MOHR initiated a program during the year to train NGOs in how to conduct prison inspections. Some intergovernmental organizations had access to similar facilities of the KRG internal security and intelligence forces. Only the ICRC visited several detention facilities and prisons under the MOI, MOD, MOLSA, and MOJ around the country and had access to KRG detainees, some of whom were held in Asayish facilities. The ICRC visited these facilities in accordance with standard modalities. During the year the ICRC carried out 76 visits to 26 central government detention facilities. The ICRC also regularly visited 32 KRG detention facilities." **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.19 UNSC Report November 2010, covering events since 29 July 2010 stated:

"In its efforts to strengthen the monitoring of all detention facilities and prisons, UNAMI held a series of meetings between September and October [2010] with senior government officials, lawyers, and non-governmental organizations (NGOs) monitoring prisons and detention centres. The latter two groups alleged that Iraqi domestic law and international human rights standards are being systematically violated, citing allegations of torture, ill-treatment and rape of detainees to extract confessions in both State and non-State illegal detention centres. UNAMI is currently working to secure unconditional access to all places of detention and prisons across Iraq, and encourages the Government of Iraq to ensure respect for the rights of detainees and to investigate allegations of illegal prisons and detention centres." **[16e] (p9)**

See also Human rights monitoring

PRISON AND DETENTION FACILITIES IN THE KURDISTAN REGIONAL GOVERNMENT AREA

Several of the sources in the preceding section comment on prison conditions in the KRG area. Users are recommended to also refer to these sections when considering prison and detention facilities in the KRG area. See also: Human rights violations by government (KRG) forces

15.20 SIGIR Quarterly Report October 2010, published 30 October 2010, noted: "The KRG operates its own corrections service, with a reported total prison population of approximately 2,223." **[20b] (p82)** USSD Report 2009 stated that:

"KRG social welfare authorities operated prisons in the KRG, and KRG security authorities operated pretrial detention facilities. KRG internal security forces and KRG intelligence services operated separate detention facilities as well. Kurdish authorities operated eight detention facilities that combined pretrial and postconviction housing and eight additional internal security pretrial detention facilities... KRG security authorities operated male pretrial detention facilities and KRG social welfare authorities operated male posttrial and female and juvenile pretrial and posttrial detention facilities in the Kurdistan region. The national MOHR and a KRG human rights official visited several detention facilities run by KRG social welfare authorities during the year. The KRG internal security forces and the KRG intelligence services operated separate detention facilities. Domestic and international human rights NGOs and intergovernmental organizations generally had access to pretrial and posttrial facilities. Access by

independent organizations to the facilities of the KRG internal security and intelligence services was limited to the MOHR, International Committee of the Red Cross (ICRC), and UN." **[2a] (Section 1c, Prison and Detention Centre Conditions)**

15.21 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 observed: "... the Prime Minister's Special Envoy for Human Rights in Iraq, the Rt Hon Ann Clwyd MP visited a women's and juvenile prison in Erbil in March [2009]. Embassy officials also visited a prison in the Kurdish region of Iraq in November. Both visits revealed the Kurdish Regional Government's commitment to providing adequate facilities and focus on rehabilitation. ..." **[32a] (p122)**

15.22 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009*, published July, stated: "According to the international organisation (C) in Erbil the condition[s] in police detention centres complies with international minimum standards. The prison in Erbil and the Asayish prison [internal security] in Zarga, Dahuk, both comply with international minimum standards." **[30b] (p73)**

Return to contents
Go to sources

16. DEATH PENALTY

16.01 The website Hands off Cain, Iraq country page, undated but circa early 2011, noted that the death penalty was reinstated in Iraq on 8 August 2004 for "... a limited range of crimes including murder, kidnapping, rape, drug offences and theats to national security." The source further observed that the first executions since the fall of Saddam Hussein's regime in April 2003, took place on 1 September 2005. **[36b]** The report also noted that "... On October 4, 2005, Iraqi lawmakers approved the death penalty for anyone financing or 'provoking' terrorism. The tough new anti-terrorism law set capital punishment for those who 'commit ... terror acts' as well as those who 'provoke, plan, finance and all those who enable terrorists to commit these crimes." **[36b]**

16.02 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 observed:

"... Obtaining precise information from the Iraqi authorities on the number of prisoners on death row and details of executions is often difficult. The head of the Supreme Court, Medhat al-Muhmad said in a statement that '77 death sentences were enforced in 2009'. However, international organisations estimate at least 117 people were executed in 2009, and at the end of the year around 900 prisoners were on death row. These figures mean Iraq has one of the highest rates of capital punishment in the world." **[32a] (p121)**

16.03 The Amnesty International Report 2010: *The State of the World's Human Rights, Iraq,* covering events of 2009 (AI Report 2010), published 28 May 2010, stated: "At least 391 people were sentenced to death [in 2009], bringing the total under sentence of death to at least 1,100, including at least 900 people who had exhausted all legal remedies. At least 120 executions were carried out but the true figure may have been higher as the authorities disclosed little information on executions ..." **[29a] (p177)** The source further observed that: "Most death sentences were imposed after unfair trials for involvement in armed attacks, murder and other violent acts. … On 10 June [2009], 18 men and one

women were hanged at al-Kadhimiya prison, Baghdad. The executions were not officially announced." **[29a] (p177)** The website Hands Off Cain, Iraq country page, undated but circa early 2011, noted that there were 835 prisoners on death row (sourced from an AFP (Agence France Presse) article dated 13 December 2010 (which was not accessible via the website) **[36b]**, the web page also noted that Hands Off Cain had "... counted 33 executions in 2007 and at least 34 in 2008" **[36b]**

16.04 The latest released UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) observed:

"Between 1 July and 31 December [2009], the Ministry of Human Rights reported that death sentences were carried out by the Government in 93 cases, including three women, bringing the total number of persons executed in 2009 to 124 (120 men and 4 women). No executions took place in the Region of Kurdistan during the reporting period. According to the Ministry of Human Rights, as of 31 December [2009], 1,254 prisoners were facing executions. UNAMI and OHCHR reiterate their concern with the issuance of the death sentence by Iraqi courts and urge the Government of Iraq to declare a moratorium on all executions with a view to abolishing the death penalty." **[15c] (p3)**

16.05 Hands off Cain website in their article entitled *Iraq: Tareq Aziz Sentenced to Death,* on 26 October 2010 reported that: "The court today issued the death sentence on Tareq Aziz and four others for committing crimes against humanity. The charge of elimination of religious parties was classified as crimes against humanity … The death sentence was the first to be handed down to Aziz, who was well known in foreign capitals and at the United Nations before Saddam's downfall." **[36a]**

16.06 The UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009) (UNSC Report May 2010), dated 14 May 2010, covering events since 9 February 2010, highlighted that despite concerns about the:

"... legality of safety of criminal convictions based on evidence obtained through confessions under duress... the Central Criminal Court of Iraq continued to hand down death sentences without due regard to international standards enshrined in article 14 of the International Covenant on Civil and Political Rights. Most recently, on 13 January, 11 persons were executed, bringing the total number of executions since June 2009 [up until 14 May 2010] to over 122. This is despite evidence indicating systemic problems in the application of due process and fair trial guarantees that fall short of international standards. Consequently, UNAMI and agencies in the United Nations country team have called upon the Government of Iraq to suspend application of the death penalty in line with the moratorium called for by the General Assembly, in its resolution 62/149." **[16f] (p11)**

See also Fair trial in special courts (including terrorist cases) and Human rights violations by government forces. For further details on the legal process through which a death sentence is passed in Iraq refer to *Hands Off Cain website, Iraq country page*, undated but circa early 2011, and the paper *The Iraqi Criminal Justice System, An Introduction,* dated 30 November 2010 by Dan Warnock, which provides details on the death penalty from page 61.

Death penalty in the Kurdistan Regional Government area

16.07 The Foreign and Commonwealth Office (FCO) *Report of Information Gathering Visit to Kurdistan Region of Iraq*, dated 27 March 2009, noted: "Alexander Elliott, Forensic/Investigations Advisor stated that the death penalty was given for the most serious crimes in the KR [Kurdistan Region], 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." [32b] (p7)

16.08 An Amnesty International appeal paper (*Iraq: Death penalty/Risk of imminent execution,* (AI Index: MDE 14/032/2008)) dated 12 December 2008, provided a useful background on the death penalty in the Kurdistan Region of Iraq and noted:

"In the KRG region the use of the death penalty was extended in July 2006 when the KRG parliament passed the Anti-terrorism Law making a number of offences, such as kidnapping, membership of terrorist organizations and espionage, punishable by death. The death penalty was rarely used in the KRG region until September 2006, when 11 people were executed in Erbil province. There were four more executions in May 2007 and two others at the beginning of 2008. The KRG has stated that as of June 2008 there were 33 people on death row in Erbil province and about 47 in Sulaimaniya province. With four death sentences passed on 6 November 2008, there are at least 84 people, including women, on death row. Death sentences are ratified by president Mas'ud Barzani before they are carried out." **[29c]**

16.09 UNAMI Report 2009 observed: "Between 1 July and 31 December [2009], the Ministry of Human Rights reported that ... No executions took place in the Region of Kurdistan during the reporting period." **[15c] (p3)**

See also: Human rights violations by government (KRG) forces

Return to contents
Go to sources

17. POLITICAL AFFILIATION

This section should be read in conjunction with information provided in Human rights institutions, organisations and activists, and Freedom of speech and media

FREEDOM OF POLITICAL EXPRESSION

17.01 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, noted that: "In 2005 citizens voted in a referendum to adopt a permanent constitution that included protections of human rights including the right of citizens to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right in 2005 when they elected the 275 members of the COR. [Council of Representatives – which has since been expanded to include 325 members]" **[2a] (Section 3, Respect for Political Rights: The Right of Citizens to Change Their Government)**

17.02 The Freedom House Report entitled Freedom in the World 2010, Iraq, covering events in 2009, published May 2010 (Freedom House Report 2010) noted: "[In 2009] Iraq is not an electoral democracy. Although it conducted meaningful elections, the country remains under the influence of a foreign military presence and impairments caused by sectarian and insurgent violence." **[8d]** According to the source, Iraq was rated in 2009 as 'not free' and given a political rights score of 5 out of 7 and a civil liberties score of 6

out of 7. [8a] On 11 January 2011, Freedom House released comparative ratings for 2010 – there was no change in Iraq's scores from 2009 and it remained categorised as 'not free'. (Freedom House, *Freedom in the World 2011: The Authoritarian Challenge to Democracy*)[8d]

For a full understanding on the methodology used by Freedom House, including definitions attributed to 'political rights' and 'civil liberties' refer to the link here.

March 2010 parliamentary elections

17.03 *UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009),* (UNSC Report May 2010) dated 14 May 2010, covering events since 8 February 2010 noted that: "An estimated 12 million of the 18.9 million eligible voters, or approximately 62.4 per cent, turned out to cast their ballots [for the Council of Representatives vote on 7 March 2010]." The report further observed: "Prominent religious, civil society and political figures encouraged the active participation of the Iraqi people in the electoral process. UNAMI, the international diplomatic community, international and national observers and monitors all welcomed the overall integrity and transparency of the electoral process, which was widely assessed as having been conducted according to international standards." [16f](p2)

17.04 A report from three local Iraqi NGO missions, the Tammuz Organisation for Social Development; Election Integrity Monitoring Team and Shams Network for Monitoring Elections, *The Preliminary Report of Three Major Election Observation Networks on the Parliamentary Elections in Iraq*, dated 13 March 2010 (accessible via the NCCI website) observed:

"41,652 observers for the 'three networks' who were based in 41,652 polling stations out of 52,000 polling stations across the governorates noticed the broad participation of voters, which exceeded 62% of the total number of registered voters. That doesn't mean that there were not a few who have been deprived of their right to vote. This occurred either as a result of being military personnel who they were not registered in the list, or the fact that some voters did not have their names transferred to the lists of voters in polling stations. The elections took place in the presence of a very large number of independent local observers, as well as representatives of political entities and Arab and foreign observers." [114a]

17.05 The Foreign Policy website in their article entitled *Iraq's Election was Free and Fair,* dated 30 March 2010, stated: "The March 7 [2010] election, despite sporadic problems, was genuinely competitive. Every available objective measure tells the same story: The will of the people was expressed in the election results. These results can and should form the basis for the country's governance." [37a] The article further stated:

"The Independent High Electoral Commission (IHEC) and U.N. officials who assisted the commission, though acknowledging some problems, have strongly defended the election process, denying there were systemic shortcomings and discounting the possibility of systematic fraud. There is no reason to doubt the IHEC or the United Nations, but we don't have to take their word for it. Other major indicators, including the conclusions of independent election monitors and the results of public opinion polls, indicate that the will of the Iraqi people was accurately expressed in the balloting." [37a]

17.06 The report of the International Election Monitors Institute, Iraq Team *Final Report Iraq Elections – March* 2010, undated, also outlined the following key observations:

"We think the [Iraqi] Independent High Electoral Commission (IHEC) should be praised for its commitment to ballot integrity and a state of the art reporting network. ... All of us were impressed with the courage of the voters. In the face of nearly 50 explosions in the city of Baghdad, Iraqis of all ages and political affiliations went to the polls to vote. Their commitment to shape the future of Iraq is truly inspirational. ... We found that the 25 polling stations we were able to visit were properly staffed and equipped and followed proper protocols. Other international and domestic observers with whom we had contact reached the same conclusions. ... We were troubled by recurring issues centered on valid voter registration rolls. It is our hope that these problems will be solved for future elections." **[115a]**

17.07 With regard to the actual voting process, a Congressional Research Service (CRS) paper, *Iraq: Politics, Elections, and Benchmarks*, published 14 January 2011, explained that election law reforms in 2009 provided 'compensatory seats' for minority groups and confirmed that the election would be run under an open, rather than closed list election system. **[60a](p10)** An article from Al Jazzera, *Q&A Iraq's 2010 elections*, dated 3 March 2010, explained that under a 'closed list' electoral system, which was previously adopted for security reasons (where votes selected a party or coalition list that in turn selected the individual party member), there were "...widespread accusations of corruption and fraud with allegations that some parties relied on family ties and allies to allot seats. ...". **[116a]** However under the open list, the article explained: "... Iraqis will be able to cast their votes for either a political party, coalition or an individual candidate in an 'open list' system that allows for direct representation and greater transparency. While the voter can choose to elect a list, they can also choose a preferred candidate within that list. ..." **[116a]**

17.08 The United Nations Assistance Mission for Iraq (UNAMI) report *Iraq Election 2010,* published June 2010, also clarified that a 25 per cent quota would be maintained for women's representations in the Council of Representatives. **[15e](p19)**

For further information see Women – political rights. For further information on the election law reforms introduced in 2009 see Recent Developments – Election law signed (6 December 2009)

17.09 An interview conducted with Safia al-Souhail, a member of Iraq's Council of Representatives (who was a supporter of Prime Minister Nouri al Maliki's State of Law coalition), however highlighted concerns over what in reality democracy meant in Iraq. According to Ms al-Souhail there was: "... widespread disillusionment among Iraqi voters who have difficulty understanding how democracy has improved their lives. She asserted that a lack of good jobs and educational opportunities feeds this cynicism, resulting in a citizenry that does not trust the institutions of state. In her view, the optimism about the possibilities of democracy that greeted the toppling of Saddam has dissipated ..." (Special Inspector General for Iraq Reconstruction, *Quarterly Report to the United States Congress* (SIGIR Quarterly Report October 2010), published 30 October 2010) **[20b](p9)**

Return to contents
Go to sources

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.10 The Constitution provides for "Freedom of assembly and peaceful demonstration, and this shall be regulated by law." It also stipulated that: "The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law." It continued 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) **[15i] (p12)**

17.11 The Freedom House Report entitled *Freedom in the World 2010*, Iraq, covering events in 2009, published May 2010 (Freedom House Report 2010), stated: "Rights to freedom of assembly and association are recognised by the constitution and generally respected in practice. The constitution guarantees these rights 'in a way that does not violate public order and morality.'" **[8a] (p8)** USSD Report 2009 noted: "Political parties and candidates had the right to propose themselves or be nominated by other groups. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views, apart from the legal prohibition on supporting the Ba'ath Party." **[2a] (Section 3, Respect for Political Rights: The Right of Citizens to Change Their Government)** Al Jazzera, in the article, *Q&A Iraq's 2010 elections*, dated 3 March 2010 observed with regard to the parliamentary elections of 2010: "According to the Iraqi High Electoral Commission (IHEC), 6529 candidates representing 86 political entities put in their bids before nomination closed on December 20, 2009 [for the 2010 national elections]." **[116a]**

17.12 USSD Report 2009 stated further:

"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 protestors. The emergency law was in effect until 2007, giving the prime minister 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, 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 participants violated a curfew. 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." **[2a] (Section 2b, Freedom of Peaceful Assembly and Association)**

17.13 However Human Rights Watch (HRW) *World Report 2011,* published 24 January 2011, and covering events of 2010 observed:

"After thousands of Iraqis took to the streets in June [2010] to protest the government's inability to provide sufficient electricity and other basic services, the authorities cracked down on demonstrations. On June 25 the Interior Ministry issued onerous regulations about public protests, and the Prime Minister's Office apparently issued a secret order the following day instructing the interior minister to refuse permits for demonstrations about power shortages. In the months that followed the government refused to authorize numerous requests for public demonstrations, with no explanation. Authorities arrested and intimidated organizers and protesters, and policing actions led to deaths and injuries. The clampdown created a climate of fear among demonstrators." **[21e] (p4)**

17.14 More recently a HRW article dated 17 September 2010, entitled *Iraq: Stop blocking Demonstrations*: "… observed that ... in the past few months, the government has

refused to authorise numerous requests for public demonstrations, with no explanation Authorities have also arrested and intimidated organizers and protesters, and police actions have led to deaths and injuries. The clampdown has created a climate of fear among organizers and demonstrators." **[21h]**

For further background information on the Debaathification process see History - De-baathification and political divide between Sunni and Shia groups (2003 – 2009). Also refer to Judiciary and specifically information on the Iraqi High Tribunal, which has responsibility for prosecuting persons who committed crimes under the Baath regime, together with Fair trial. See also Treatment of persons linked to the former Ba'ath Party regime for details on how former Baathist are treated within society more generally. Additionally see Former Regime Elements/neo-Baathists for information about those Baathists involved in the ongoing insurgency campaign.

Return to contents
Go to sources

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

When considering the current insecurity in Iraq and violence against political figures or activists (including those listed below), the following information should be read together with material in the sections Abuses by non-government groups and Security situation to provide the reader with a wider understanding of the inter-play which exists between non-government armed groups, political rivalries and the sectarian conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats. Also see Human rights violations by government forces

Political factions and sectarian insurgency

17.15 The USSD Report 2009 explained: "The country's political parties tended to be organized along either religious or ethnic lines. Shia Islamist parties, such as the ISCI, al-Dawa al-Islamiyya Party, and Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement." **[2a] (Section 3, Respect for Political Rights: The Right of Citizens to Change Their Government)**

17.16 A BBC article entitled *Q&A: Iraqi parliamentary polls*, dated 8 March 2010 provided a useful overview on the main political groups participating in the 2010 national parliamentary elections. These were:

" ...State of Law coalition – This alliance is led by Prime Minister Nouri Maliki and ostensibly cuts across religious and tribal lines.[;] ... Iraqi National Alliance (INA) – This mainly Shia alliance is seen as one of the biggest rivals to the prime minister's coalition and includes the radical cleric Muqtada al-Sadr. [;] ... Kurdish alliance - The Kurdish coalition is dominated by the two parties administering Iraq's northern, semi-autonomous Kurdish region. [;] ... Al-Iraqiyya (Iraqi National Movement) – This alliance includes the national Vice-President, Tariq al-Hashemi, a Sunni Arab, former prime minister Iyad Allawi, a secular Shia, and senior Sunni politician Saleh al-Mutlaq, who has been barred from standing. [;] Unity of Iraq Coalition – This group brings together a range of significant political figures, including Interior Minister Jawad Bolani and a

leader of the Sunni anti-al-Qaeda militia in al-Anbar province, Ahmad Abu-Risha. [;] ... Iraqi Accord Front/Al-Tawafuq Front – The Iraqi Accord Front, an alliance of parties led by Sunni politicians, has recently suffered splits and defections. It includes the Speaker of parliament Ayad al-Samarrai. [;] Tribal leaders – Tribal leaders will play an important role in the election and have been courted by major parties. Some Sunni tribal leaders sprang to prominence when US forces began backing local leaders against al-Qaeda in 2006. [;] ... Minorities – Smaller minorities, including Turkmen, Christians, Yazidis, Sabeans, Shabak and others, are likely to ally with bigger electoral lists in areas where they are not dominant." **[14l]**

17.17 The *New York Times* provided a regional map outlining results of the 2010 parliamentary election, and where each of the main blocs won their vote, accessible via the link here.

17.18 The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, (UNHCR Guidelines) dated April 2009, (which were endorsed by UNHCR as still 'valid' in their interim paper, dated July 2010 **[17b](p1)**) noted: "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." **[17a] (p165)**

17.19 The Special Inspector General for Iraq Reconstruction, Quarterly Report and Semiannual Report to the United States Congress (SIGIR Semi-Annual Report), dated 30 January 2011, reporting on the findings of a public perceptions survey called the Stability Development Roadmap (SDR) (which is used by the Office of Provincial Affairs to provide "'analysis of public opinion which measure the likelihood of a province to experience wide-scale civil unrest'"**(p58)**). It noted with regard to political effectiveness at a Govenorate level that:

"The SDR [Stablility Development Roadmap] indicated a perception of growing political infighting among Provincial Council members as well as the emergence of political blocs challenging the authority of the governor. However, the political differences were deemed unlikely to spark significant popular upheaval. Although Iraqis gave low ratings to their national and provincial leadership, they rated the election process high, and all 18 provinces received 'stable' or 'very stable' ratings in a category called 'peaceful reconciliation of differences.' OPA [Office for Provincial Affairs] reported that while sectarian differences persist, they are much less likely to fuel an outbreak of widescale violence compared with years past." **[20c](p59)**

17.20 However the earlier SIGIR Quarterly Report October 2010, dated 30 October 2010, noted that: "Iraq has remained susceptible to violence and insecurity through the post-election period of negotiations to form a new government, and a higher level of security is unlikely to occur until political progress and development are more fully realized." **[20b](71)** Human Rights Watch *World Report 2011*, published 24 January 2011, and covering events of 2010, also observed that the deadlock following the March 2010 elections "... created a political vaccum that allowed armed groups to reassert themselves in some areas." **[21e]**

17.21 Similarly the USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 noted: "Tensions will remain high until the government is seated. Iraq remains fragile, primarily because many underlying sources of political instability have yet to be resolved." **[10c](px); Executive Summary)** The source further observed that althoug extremist groups continued to pose a threat in Iraq: "… underlying sources of instability may pose greater dangers to Iraq's long-term security and stability. These drivers of instability include communal and factional struggles for power and resources ..." **[10c](p27)**

17.22 Amnesty International (AI) Report entitled *Civilians Under Fire,* dated 26 April 2010, stated:

"Violence against political activists in Iraq regularly increases in the run-up to elections. ... Several ... recent attacks were apparently linked to the 2010 parliamentary elections. For example, on 7 March [2010], election day, dozens of people were killed in separate incidents, including bomb explosions at two residential buildings in Baghdad that alone killed at least 25 people. On 7 February 2010, Soha 'Abdul Jarallah, a parliamentary candidate for the Iraqi National Movement, was killed in front of her relatives' home in the Ras al-Jadda district of Mosul. She was shot dead by unidentified gunmen who escaped in a car. On 23 December 2009, Sa'ud al-'Issawi, a candidate for Iraq's Unity Alliance, and his two bodyguards were killed in Falluja when a magnetic bomb attached to their vehicle exploded." **[29e] (p11)**

17.23 The SIGIR Semi-Annual Report, published 30 January 2011 noted that Shia cleric Muqtada al-Sadr returned to Iraq from Iran in January 2011. The report stated:

" ... Al-Sadr, who rose to prominence as the scion of a well-respected family of Shia religious leaders, leads a political organization that has managed to transformitself from rebellious radicals to influential power brokers, controlling 39 seats in the new CoR [Council of Representatives]. In his first public address after returning to Najaf, al-Sadr urged his followers to resist the United States, although stopping short of more violent rhetoric. He also denounced Iraqi-on-Iraqi violence and expressed conditional support for Prime Minister al-Maliki's government." **[20c](p13)**

Persons linked to the former Ba'ath Party regime

17.24 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." **[17a] (p171)**

17.25 More recently the Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010 referred to several sources that provided information on former Baathists:

"According to a reliable source [in] Iraq, a former affiliation to the Baath party could add to a person's insecurity. However, being targeted solely with reference to former Baathist association is not likely as everyone employed by the previous regime had to be a member of the Baath party. However, a person with more zealous and well-known links to the Baath party may have more difficulty applying for a government position. However, tribal links and the particular situation and context play a determining role on whether this would be the case or not… In considering the risk to former Baath party members, Christine Fowler and Mohamed El Ghannam, UNDP - Iraq, Amman,

considered such risks today to be minimal due to the extensive de-Baathification process Iraq had endured, which had already hit people hard and was now starting to ease. ... Senior members who were genuinely at risk have either fled abroad, for example to Syria, or had already been dealt with harshly by the government. However, as of today former membership of the Baath party is not a determining factor when it comes to the question of whether or not a person would be targeted.

"Regarding former Baath party members, an international NGO in Amman stated that senior Baath party members are targeted especially in South Iraq and some central parts. However, such a person would need to be well-known to others and other factors such as having occupied a particular exposed position are likely to have influence the risks as well. ... It was added that most senior Baath members left Iraq. On the other hand, accusing a person of being a former Baath member remains a favourite accusation. This can be problematic as a person wrongly accused may not be able to rectify such claims before action is taken against him." [30a](p29-30)

17.26 In the earlier joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009*, published July 2009 it was noted:

"Regarding the situation for former *Ba'ath* party members, IOM [International Organization for Migration], Amman stated that almost everyone in Iraq used to be a member of this party in order to advance in their careers or just to get a job. Most of the more prominent members of the party have left Iraq a long time ago, and IOM considered that whether or not a person has been a member of the party is not really relevant anymore. This is not an issue today as time has passed by. However, if there are specific issues related to a *Ba'ath* party case one must take this into consideration when deciding if a certain member is at risk of persecution or not. Sometimes prior *Ba'ath* party membership is abused in settling private scores." **[30b] (p76)**

17.27 The same report also noted that: "An international organisation (B) in Amman suggested that relatives of former Ba'ath party members had been forced to join militias to prove their loyalty to the Shias." **[30b] (p76)**

For further background information on the Debaathification process see History - De-baathification and political divide between Sunni and Shia groups (2003 – 2009), additionally see Freedom of association and assembly

Academics

17.28 USSD Report 2009 noted that:

"According to the MOHR [Ministry of Human Rights], insurgents killed 340 university professors and 446 students between 2005 and 2007. In 2007 the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers had fled the country since 2003. In the past year, improved security led to reports from some universities and hospitals in Baghdad, Basrah, Babil, Karbala, and Anbar that some professors and other professionals began to return to their jobs, but no comprehensive statistics were available." **[2a]**

17.29 Freedom House Report 2010 noted that: "Academic institutions operate in a highly politicized and insecure environment. Hundreds of professors were killed during the peak of sectarian and insurgent violence, and many more stopped working or fled the country, though there have been some reports of scholars returning to their jobs following security improvements in the last two years." **[8a] (p8)** Whilst the Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010), published 10 September 2010, citing a reliable source in Iraq, also stated that "Scholars/professors ... have been victim to threats and recently in Baghdad, university professors were targeted." **[30a](p26)**

17.30 The website, the Brussels Tribunal, provided a list of Iraqi academics who were killed, dated from 9 April 2003 – 28 November 2010 (as of 1 February 2011). To access the list refer to the link here

Government officials and (perceived) 'western collaborators'

For details on attacks against judges and the judiciary see Independence

17.31 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." **[17a] (p161)**

17.32 The Special Inspector General for Iraq Reconstruction, Quarterly Report and Semiannual Report to the United States Congress (SIGIR Semi-Annual Report), dated 30 January 2011 acknowledged a growing trend in assassination of government civilian and military officials:

"On December 29, 2010, three suicide bombers stormed a police headquarters facility in the restive northern city of Mosul, killing the local police commander, Lieutenant Colonel Shamel Ahmed al-Jabouri. A little more than two weeks later, a suicide bomber almost suceeded in killing the governor of Anbar province. MOI officialsinformed SIGIR that nearly 240 ISF and intelligence personnel and about 120 civilian government employees have been assassinated in recent months ... more than three dozen mid- to senior-level GOI civilian and military officials were the apparent targets of assassination attempts this quarter, continuing a disturbing trend SIGIR first reported on in January 2010." **[20c](p10)**

17.33 The same also also provided a table on *Selected acts of apparent targeted violence against Iraqi officials* (dated 15 October 2010 – 17 January 2011. Access the source here, and refer to page 12, table 1.1.

17.34 A Centre for Strategic & International Studies, paper entitled *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats*, dated 5

January 2011, noted that post-election targets of violence in Iraq included: "... political leaders, foreign embassies, and consultates." **[18d](p3)**

17.35 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010 citing a source in Baghdad, explained that certain professions including government officials "... could be at risk of being targeted... " in south/central Iraq. **[30a](p25)** The same source also told the fact finding delegation that individuals who had cooperated with the Iraqi security force or US/multi-national forces; or those persons working for foreign companies "... including relatives to all the above-mentioned categories of persons could also be at risk of being targeted". The source however also clarified that "… this particular issue was not a main area of focus for the[ir work] ..." **[30a](p25)** The Danish FFM report, referring to an international NGO in Amman stated: "... relatives to persons belonging to certain professions, such as ... persons who have cooperated with international or government forces, are not systematically targeted by insurgents and armed groups." **[30a](p25)**

For further information refer to the Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010

Return to contents
Go to sources

POLITICAL AFFILIATION IN THE KURDISTAN REGIONAL GOVERNMENT AREA

For background material on political developments in the KRG area, including information on the federal governance arrangements in place and how Kurdish political interests are represented at a national level, refer to History – The Kurdistan Regional Government and Political system

Freedom of political expression and association

17.36 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated: "On July 25 [2009], the Kurdistan region held closed-list parliamentary elections as well as a popular vote for the KRG presidency. The IHEC [Iraqi Higher Election Commission], working through the Kurdistan Regional Electoral Office in Erbil, administered the elections, which citizens and international observers alike viewed as successful and leading to a peaceful transition of power in the KRG." **[2a] (Section 3, Elections and Political Participation)** The same source also observed that "Unlike in the previous year, there were no reports that KRG security forces killed or detained demonstrators protesting government acts." **[2a] (Section 2b, Freedom of Peaceful Assembly and Association)**

17.37 More recently an article from Christian Peacemaker Teams, *Iraq: NGOs express concern over new KRG regulations on demonstrations,* dated 16 December 2010, stated:

"On 3 November 2010, the Parliament of the Kurdish Regional Government (KRG) passed a law regulating demonstrations within the KRG. ... According to the law, groups organizing any kind of demonstration have register and receive permission to mount these demonstrations from the authorities seventy-two hours beforehand. This stipulation clearly takes away the right of spontaneous demonstration or association. If any violence occurs at the demonstration, the authorities can charge the organizers with a crime. Finally, the authorities can use force to stop demonstrations but the law is not

clear as to which armed group—military, anti-terrorist, security or civilian police—will wield this force." **[90a]**

Political opponents

17.38 The UNHCR Guidelines 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." **[17a] (p167)**

17.39 Amnesty International (AI), *New Order, Same Abuses: Unlawful detentions and torture in Iraq*, dated September 2010 noted:

"Many of those detained in recent years [in the KRG] were arrested because of their suspected membership of or support for banned organizations such as Ansar al-Islam as well as legal political parties, including the Kurdistan Islamic Movement and the Islamic Group. Some were active members of these organizations at the time of their arrest; others had reportedly ceased their involvement, some a long time before their arrest. Still others were detained, weeks or even months after they had surrendered to the Patriotic Union of Kurdistan (PUK)'s Peshmerga armed forces, in 2003 following armed clashes." **[29b](p24)**

17.40 The Amnesty International report entitled Hope and Fear, Human Rights in theKurdistan Region of Iraq, dated 14 April 2009 explained that:

"[Despite]... encouraging progress in the field of human rights [by the KRG] ... Thousands of people have been detained arbitrarily and held without charge or trial, many for years. Some have been tortured and otherwise ill-treated; some have been victims of enforced disappearance. Most were detained by the Asayish, the security agency, without an arrest warrant and were then denied access to a lawyer or any opportunity to challenge their detention before a court. Among those targeted have been political opponents of the Kurdish authorities ..." [29d](back page; p54)

17.41 The same source also went onto note: "....most politically motivated arrests are carried out by the Asayish, [internal security forces, however] others have been carried out by members of the Parastin or Dezgay Zanyari, respectively the intelligence agencies of the KDP [Kurdistan Democratic Party] and PUK [Patriotic Union of Kurdistan]." **[29d](p10)**

See also: Human rights violations by government (KRG) forces

17.42 Referring to violence perpetrated by non-state armed groups against political opponents, another AI report *Civilians under Fire*, dated 26 April 2010, referred to several cases in which persons linked to the Goran [opposition party] were attacked allegedly for politically motivated reasons. For example:

"Dara Tawfiq, a military officer and former PUK supporter who switched to the Goran Movement, was attacked outside his house in the Bakhtiari district of Sulaimaniya on 7 October 2009. ... Dara Tawfiq had received no threats but believes that he was attacked because of his support for the Goran Movement. ... On 16 February 2010 armed men reportedly linked to the PUK violently disrupted a meeting of Goran Movement members in Sulaimaniya, following which 11 Goran activists were arrested. The office of the Kurdistan Islamic Union, another opposition party, was attacked by unidentified gunmen

in Sulaimaniya on 14 February 2010; four days later several of its members were detained by the authorities in Dohuk." **[29e](p11)**

See also: Kurdish militia groups

Return to contents
Go to sources

18. FREEDOM OF SPEECH AND MEDIA

The following section should be considered together with Human rights institutions, organisations and activists and Freedom of political expression

OVERVIEW

18.01 Iraq was ranked 130 out of 178 countries in the 2010 Reporters without Borders press freedom index dated 20 October 2010 (which ranges from one for the most free to 178 for the least free). Iraq was ranked 145 out of 175 countries in the previous year. **[41a]**

18.02 The Freedom House report, *Freedom in the World 2010*, Iraq, covering events in 2009, (Freedom House Report 2010) published on May 2010, stated:

"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 function without significant government interference. Internet access is not currently restricted." **[8a]**

18.03 USSD Report 2009 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 to exceed seven years for any person who publicly insults the COR [Council of Representatives], the government, or public authorities. The law also restricts media organizations expressing support for the banned Ba'ath Party or for 'alterations to Iraq's borders by violent means.' In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by the government, political parties, and 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." **[2a] (Section 2a, Freedom of Speech and Press)**

18.04 The latest released UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) observed: "During the reporting period, UNAMI received reports of killings, bomb attacks, and abductions of media workers by unknown groups, as well as reports of arbitrary detention. Four journalists were deliberately targeted and killed in relation to their work, and media workers continue to be subjected to arbitrary arrest and detention, harassment and censorship." **[15c] (p4)** Amnesty International in the report *Iraq Civilians Under Fire*, dated April 2010, recognised that: "Media professionals in Iraq continue to be at high risk of attack or injury because of their work. ... Outspoken journalists have been threatened and attacked for their

reporting on official corruption and violent crimes committed by armed groups and militia." [29e](p9) USSD Report 2009 noted: "Media workers often reported that politicians pressured them not to publish articles criticizing the government. They offered accounts of intimidation, threats, and harassment of the media by government or partisan officials. The government frequently used the threat of legal action against media workers." **[2a] (Section 2a, Freedom of Speech and Press)**

18.05 Reporters without Borders in an article entitled *Heavy fine imposed on satellite TV station, target of past harassment*, dated 18 August 2009, expressed concern over:

"… [a] fine of 100 million dinars (87,000 euros) that an Iraqi court has reportedly imposed on the Dubai-based Arabic-language satellite TV station Al-Sharqiya as a result of a lawsuit by Maj. Gen. Qassem Atta Al-Moussawi, the Iraqi military's Baghdad operations spokesman, accusing it of defamation and a 'personal attack.' 'This sentence is a slap in face for free expression in Iraq, coming just as Iraqis staged a street demonstration on 14 August [2009] to express their desire for fairer media legislation guaranteeing real press freedom and security for journalists,' Reporters Without Borders said." **[41c]**

18.06 Human Rights Watch (HRW) *World Report 2011,* published 24 January 2011, and covering events of 2010 stated: "Iraq's Communications and Media Commission enforced new restrictions ahead of the March 7 [2010] parliamentary elections, ostensibly to silence broadcasters who encouraged sectarian violence, but the regulations encroached unduly on media freedoms.." **[21e]**

PRINT MEDIA, TV AND RADIO

18.07 USSD Report 2009 stated: "There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Most media outlets were strongly influenced by political parties in their publications and broadcasts." **[2a] (Section 2a, Freedom of Speech and Press)** BBC *Country Profile Iraq,* last updated 22 December 2010 observed: "Iraqis can choose from among hundreds of publications and scores of radio and TV stations. Several large players dominate the market, with a plethora of niche broadcasters catering for diverse views. Many outlets are controlled by political or religious movements." **[14g]**

18.08 The same source further 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 **[14g]**

INTERNET

18.09 BBC *Country Profile Iraq, last updated 22 December 2010,* noted: "Iraq's internet penetration is the lowest in the region, according to OpenNet Initiative. There were

325,000 users by June 2010 (via InternetWorldStats.com). However, internet cafes have contributed to extensive usage among young Iraqis. There is no official national filtering policy." **[14g]**

18.10 USSD Report 2009 stated: "There were government restrictions on access to the Internet. On August 2, in accordance with a directive from the Council of Ministers, the MOI announced efforts to block Web sites that "negatively impact Iraqi society, values and security." According to MOI [Ministry of Interior] officials, Web sites that benefit the cultural, scientific, technical, social, economic, and tourism fields of knowledge will not be blocked." **[2a] (Section 2a, Freedom of Speech and Press)**

18.11 The same source further noted: "Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. Direct Internet access was generally low due to a lack of infrastructure in homes; however, the prevalence of Internet cafes contributed to extensive usage among youth. On August 4, the government announced it would require Internet cafes to officially register or be subject to closure." **(Section 2a, Freedom of Speech and Press)**

JOURNALISTS

When considering the current insecurity in Iraq and violence against journalists, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation to provide the reader with a wider understanding of the inter-play which exists between non-government armed groups, political rivalries and sectarian conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats. Also see Human rights violations by government forces

Attacks by sectarian insurgents

18.12 Brookings Institute report entitled *Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq,* published 30 December 2010 recorded the number of journalists killed in Iraq since 2003 as 145, with 5 killed during 2010. **[66a] (p15)** Breakdown of yearly figures showing the number of Journalists killed can be located on the Brookings Institute report here **(p15)**

18.13 The Committee to Protect Journalists (CPJ) website, provided a useful interactive web tool providing statistical analysis and details of journalists killed in Iraq. According to the source, there were 5 "motive confirmed" fatalities in 2010. This represented a significant improvement from 2006 and 2007 (in both years there were reported to be 32 "motive confirmed" fatalities), although comparisons against 2008 (11 "motive confirmed" fatalities) and 2009 (4 "motive confirmed" fatalities) indicated less change year-on-year. **[117a]**

18.14 The Special Inspector General for Iraq Reconstruction (SIGIR), Quarterly Report, October 2010, noted that: "September 2010 was the deadliest month for journalists in Iraq since March 2009, with three journalists killed over a four-week span in September and early October." **[20b] (p20)** Human Rights Watch *World Report 2011,* published 24 January 2011, and covering events of 2010 stated:

"In 2010 Iraq remained one of the most dangerous countries in the world to work as a journalist. Extremists and unknown assailants continue to kill media workers and bomb their bureaus. On July 26 [2010], a suicide car bomber detonated his vehicle in front of the Al Arabiya satellite television station, killing six and destroying the Baghdad bureau. The Islamic State of Iraq, an armed umbrella group associated with al Qaeda in Mesopotamia, later claimed responsibility for this attack on the "corrupt" channel. In September unknown assailants assassinated two television presenters and injured another in separate incidents in Baghdad and Mosul. On March 12 [2010], gunmen opened fire in Baghdad on the car of Mu'aid al-Lami, head of the Iraqi Journalists' Syndicate, killing his driver. **[21e]**

18.15 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing information provided by David Helmey and Rania Guindy, IOM – Baghdad, explained:

"... journalists could be at risk [of being targeted], however ... journalists are both victims and victimizers. It was added that there is no real culture for independent journalism in Iraq and journalists are also carrying out their reporting along ethnic, religious and political lines. Many journalists are themselves part of the power struggle in Iraq. ... A reliable source [in] Iraq informed that journalists have been targeting for conducting investigations, e.g. into corruption issues, and as a result find themselves threatened. Also journalists looking into private disputes may experience threats." **[30a]**

See also Political factions and sectarian insurgency

18.16 Institute for War and Peace Reporting (IWPR), *Iraqi media complain of tightening curbs,* dated 10 December 2010, stated:

"Journalists in Iraq are calling for new laws to ensure their rights are protected, amid concerns that the government is increasingly acting to limit freedom of expression. Despite the emergence of a free press in Iraq following the overthrow of the Saddam Hussein regime in 2003, the media has frequently been the target of al-Qaeda and Shia militias, making Iraq one of the most dangerous places on earth for journalists. But eight years on, journalists say they feel the government – rather than violent extremists – are the biggest threat to their profession." **[42b]**

Government harassment and censorship

18.17 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 observed:

"Journalists enjoy relative freedom in Iraq and are generally able to voice their concerns and opinions freely. Media articles today show an increase in criticism of public officials and stories of corruption in business and in the government. However … we have some concerns that draft media legislation on the role of journalists may lead to greater institutional control over the media. … In the FCO's forum on Human Rights in Iraq, journalists and NGOs [Non-governmental Organisation] cited increased use of Iraq's libel laws as a threat to media freedom in the country; they called for improved legislation to protect journalists" **[32a] (p124)**

The Institute for War and Peace Reporting, in an article dated 10 December 2010 also noted:

"'The government now has the power to prevent journalists from getting information and also restrict their movement and activity. The government is able now to sue journalists in local courts further limiting their freedom.' said Hadi Jalo Marei, executive director of the Journalistic Freedom Observatory, JFO, a Baghdad-based media rights watchdog and an IWPR partner. As the government becomes stronger, it will be more able to prevent journalists from reaching the information they need. In Iraq, a stronger government means less availability of information and that means journalists become weaker when facing the government.'" **[42b]**

18.18 Freedom House Report 2010, stated: "Violent retribution against journalists has hindered their ability to report widely and objectively. The Committee to Protect Journalists (CPJ) and the Iraq-based Journalistic Freedoms Observatory in June 2009 reported more than 70 cases of harassment and assault against journalists by Iraqi security forces since January [2009]." **[8a]**

18.19 CPJ 2010 Prison census, provided information on journalists imprisoned throughout the world, dated 1 December 2010. According to the source there were 145 journalists jailed worldwide, with one reported case in Iraq. **[117b]** As noted:

"Al-Aossi [imprisoned 14 April 2010], editor-in-chief of the critical weekly *Al-Shahid*, was taken from his home in Baghdad by a 'mixed force of police officers and soldiers, ' his brother told local reporters. Local press freedom advocates and journalists said al-Aossi was being held at a facility administered by the Counter-Terrorism Force, a unit responsible for high-level security cases that reports directly to Prime Minister Nouri al-Maliki. ... Al-Aossi was detained six days after publishing an opinion piece that said al-Maliki was secretive in filling high-level government positions. The government would not disclose any information about al-Aossi, including his whereabouts and legal status. Al-Maliki did not respond to CPJ's inquiries. .... Al-Aossi had been targeted earlier in the year. In February, police searched his newspaper's office and confiscated equipment, according to the Journalistic Freedoms Observatory, a local press freedom group. The raid effectively closed *Al-Shahid* in the two weeks before the March parliamentary elections." **[117b](click on Iraq to access the case)**

18.20 A report from CPJ entitled *Iraq plans to establish special court for journalists*, dated 20 July 2010, noted that Iraq's Supreme Judicial Court had disclosed details about a:

"[D]ecision to establish a new press court ... The new court, the first of its kind in Iraq, will only examine cases connected with media and publishing offenses, like defamation, libel, and press freedom violations. Journalists and non-journalists will be able to file complaints there, according to press reports. ... The Journalistic Freedoms Observatory (JFO), a local press freedom group, issued a statement last week in which it stated that the decision to establish a special court is unconstitutional, according to Article 95 of the Iraqi Constitution, which states that 'Special or exceptional courts may not be established.'"

18.21 The source further remarked that: "Stalled in the Iraqi parliament are at least two bills designed to facilitate the work of journalists: one ensures the right to obtain public information and the other aims to protect journalists and compensate them for injuries sustained while working." **[117c]**

FREEDOM OF SPEECH AND MEDIA IN THE KURDISTAN REGIONAL GOVERNMENT AREA

138 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Overview

18.22 Freedom House Report 2010 observed that:

> "Journalists operate more freely in the Kurdish region, although a 2008 press law imposes fines for creating instability, spreading fear or intimidation, causing harm to people, or violating religious beliefs. 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." **[8a]**

18.23 Reporters Without Borders report *Between Freedom and Abuses: The Media Paradox in Iraqi Kurdistan*, (RWB Report 2010) dated November 2010, explained that: "The Law of Journalism in Kurdistan [adopted in 2007 and] now in effect in Iraqi Kurdistan constitutes considerable progress in terms of freedom of expression and press freedom, notably since it decriminalises press offences. This legislation concerns only the print media and not all means of communication." **[41d] (p10)** The source also explained that due to this legislation, press freedoms in KRG were "... better ... than in neighbouring countries or provinces ..." **[41d](p2)**. The Institute for War and Peace Reporting (IWPR), *Kurdish Press: Still a Long Way to Go*, dated 22 December 2010, stated that: "Iraqi Kurdistan's media communicate almost entirely in the Kurdish language. They also post news in English and/or Arabic on the Internet." **[41d] (p7)**

18.24 RWB Report 2010 noted:

> "In the last few years, the number of media outlets has literally exploded. In this region of close to 83,000km², there are over 850 media outlets (including 415 newspapers and magazines, according to statements made by the Kurdistan Journalists Syndicate on 27 September 2010 to the agency *AKnews*). Some 5,000 journalists are officially registered with the Journalists Syndicate and new media organisations continue to be formed. ... This media boom in Iraqi Kurdistan can be partially explained by the relative ease with which groups can open new media outlets, particularly in the print media sector. For TV stations (satellite and local) and radio stations, a licence must be obtained from the Iraqi Ministry of Culture, acting in collaboration with the Ministry of the Interior and the Ministry of Communications." **[41d] (p7)**

Journalists

18.25 Human Rights Watch *World Report 2011,* published 24 January 2011, and covering events of 2010 stated: "Security forces attached to government institutions and political parties harassed, intimidated, threatened, arrested, and physically assaulted journalists. Senior politicians sued publications and journalists for unflattering articles." **[21e]** Similarly Amnesty International Report 2010: *The State of the World's Human Rights*, Iraq, covering events of 2009 (AI Report 2010), published 28 May 2010, stated: "... journalists working for the independent media were harassed with what appeared to be politically motivated criminal lawsuits. Some were physically assaulted by men in plain clothes believed to be connected to the Parastin and Zanyari [party-affilitated intelligence forces]." **[29a]**

18.26 The IPWR report, *Kurdish Press: Still a Long Way to Go*, dated 22 December 2010, stated: "The media in Iraqi Kurdistan is deeply divided between party-owned and

independent outlets. Almost 900 publications regularly hit newsstands, according to the Kurdistan Journalists' Syndicate - the overwhelming majority of which are mouthpieces for political parties. This is an unhealthy situation, exposing journalists to danger, never more so than at election time." **[42a]** The report continued:

"The party media was especially brutal in its [March 2010] elections coverage, carrying out smear campaigns and personal attacks against politician and rival media outlets. … During the election period, the Metro Centre to Defend Journalists recorded 50 cases of police, security forces and party members harassing and beating journalists and preventing them from covering stories. It was a trying time for the media that set the tone for the rest of the year. Kurdish officials complain that the media, especially the independent outlets which are highly critical of the authorities, are unprofessional and only publish negative stories. They also accuse them of siding with the opposition"... some journalists are self-censoring, a dangerous precedent for Iraqi Kurdistan's fledgling press that not only affects the coverage of stories, but also the credibility of the press. The Kurdish media's credibility and its independence are both in question, and for good reason. Officials own most of the media and heavily influence content, using their outlets to get their message out and criticise their opponents - often ferociously.

"The independent media is also a victim of the politicians' games by publishing stories planted by officials without questioning their motives or the accuracy of the information. The Kurdish press often falls prey to yellow journalism, running stories before they are verified or basing stories on conjecture." **[42a]**

18.27 USSD Report 2009 noted that:

"The Kurdistan Journalists Syndicate (KJS) documented 44 lawsuits against journalists during the year in the Kurdistan region, approximately one-third under the penal code. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but the law allows for prosecution on the basis of offending public morals and other crimes. Public officials regularly resorted to punitive fines through legal actions against individual media outlets and editors, often for publishing articles on alleged corruption." **[2a] (Section 2a, Freedom of Speech and Press)**

18.28 Reporters without Borders in their article entitled *Iraqi Kurdistan: Lawsuits raining down on news media*, dated 20 December 2010, observed that despite Massoud Barzani, the president of the Kurdistan Regional Government (KRG), voicing "... clear support for media freedom during his party's congress on 13 December [2010] in recent months more and more lawsuits have been brought against the Kurdish media, and not just the independent ones." **[41b]**

18.29 In a positive development, the Rudaw website which "… is a private English-language newspaper issued by the Rudaw Media Company in Erbil" **[43a]**, explained, in an article *entitled Kurdish Security Forces Trained to Behave Good With Journalists*, dated 15 August 2010 that:

"... members of the Assayish (security force) of Iraqi Kurdistan ha[ve] recently finalized a training provided by a Dutch NGO learning of how to deal with media workers in a more civilized manner. The Dutch Independent Media Centre in Kurdistan (IMCK) gave a four-day pilot training to 15 officers of the Assayish in Erbil teaching them not to see journalists as enemies, a feeling many independent and opposition journalists share

here in the federal region of Kurdistan. ... The IMCK has been training media workers in Kurdistan since after the US-led invasion of Iraq in 2003." **[43b]**

18.30 With regard to cases in which journalists were killed in allegedly targeted attacks, the RWB Report 2010 stated:

"Within the last two years, two journalists were murdered in Iraqi Kurdistan: Soran Mama Hama in July 2008, and Sardasht Osman in May 2010. Many other journalists have endured threats and assaults on a daily basis, though nothing as bad as what journalists in the rest of Iraq have suffered since 2003. Soran Mama Hama was murdered in Kirkuk, which is not officially part of the Iraqi Kurdistan but the fact that he was living in Sulaymaniyah and working for the independent magazine *Lvin* is enough to qualify him as one of the victims of the abuses being committed against journalists in Iraqi Kurdistan. Apart from acts of violence, journalists must deal with a widespread lack of access to information and abusive use of the Iraqi Penal Code to try press offences. Since journalist Sardasht Osman was assassinated this past May, the distrust – even suspicion – between one element of the region's political class and some journalists, has only increased." **[41d] (p2)**

See also: Human rights violations by government (KRG) forces and Kurdish militia groups

Return to contents
Go to sources

19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

The following section should be considered together with Freedom of speech and media and Freedom of political expression

INSTITUTIONAL AND LEGAL FRAMEWORK

19.01 The Report of the Working Group on the Universal Periodic Review, Iraq, (UPR Review 2010) dated 15 March 2010 referred to a presentation from the Iraqi delegation which noted:

"Since the regime change in the spring of 2003 and the beginning of the establishment of a democratic Government, institutions had been established to address human rights issues, such as the Ministry of Human Rights, which had sought to achieve ambitious goals and to overcome the legacy of human rights violations. On the normative front, Iraq had proceeded to review national legislation, assess its compliance with human rights principles and accede to core international human rights instruments. ... The Ministry of Human Rights has attached special importance to spreading a culture of human rights through the establishment of institutions, the provision of support to civil society, the inclusion of human rights concepts in educational curriculums and human rights courses in universities, and the adoption of a medium-term plan to disseminate a culture of human rights. **[118a](p3)**

19.02 Referring to other achievements in the field of human rights the UPR Review 2010 noted that the Iraqi delegation had highlighted that: "[a] ... law on civil society organizations [had been] ... adopted that regulates the work of such organizations and

supports their role in society. An independent high commission for human rights is in the process of being put in place." **[118a](p4)**

19.03 The Freedom House Report entitled *Freedom in the World 2010,* Iraq, covering events in 2009, published May 2010 (Freedom House Report 2010), stated: "Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, and although safety concerns severely limit their activities in many areas, their situation improved along with general security conditions in 2009. The lack of a legal framework and registration system for NGOs also hinders their ability to function and attract donor funds." **[8a] (p9)**

19.04 *The UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009)* (UNSC Report May 2010), dated 14 May 2010, covering events since 9 February 2010 noted: "In a positive development, in late January [2010], the Iraqi Presidency Council approved a new law, drafted with the support of the United Nations, on NGOs following several years of delay. The law is considered by most NGOs and the civil society community as preserving the independence and the integrity of NGOs in conducting their operations in Iraq." **[16f] (p11)**

19.05 The Foreign and Commonwealth Office (FCO) Iraq Embassy website, on a page entitled *Promoting Human Rights in* Iraq, undated but circa late 2010, noted that: "The Iraqi Council of Representatives has passed legislation to establish the Iraqi National Human Rights Commission [in November 2008 **[32a] (p119-120)**]. This will be a separate body to the Ministry of Human Rights and will conduct independent investigations and request reviews of legislation." However the FCO webpage noted that it was "...disappointing that this Commission has not yet been set up." **[32e]**

19.06 To access the National Report provided by the Iraqi authorities to the UN Human Rights Council Working Group, or other material relating to the 2010 Universal Periodic Review, refer to the link here and go to the appropriate document.

19.07 For information on Iraq's ratification of Multilaterial Treaties deposited with the UN Secretary-General (MTDSG) in the field of Human Rights, refer to MTDSG database via the link here (Chapter IV of MTDSG database). The MTDSG database, accessible via the UN Treaty Collection website:

"... provides information on the status of over 500 major multilateral instruments deposited with the Secretary-General of the United Nations (as of 1 January 2009) and covers a range of subject matter [including Human Rights]... The number of treaties deposited with the Secretary-General keeps growing steadily. This publication reflects the status of these instruments, as Member States sign, ratify, accede or lodge declarations, reservations or objections." **[119a]**

HUMAN RIGHTS MONITORING

19.08 The Freedom House Report 2010, published on May 2010, stated that: "Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, and although safety concerns severely limit[ed their activities] ... in many areas, their situation improved along with general security conditions in 2009." **[8a] (p9)**

19.09 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, noted that in practice:

"The government extended minimal cooperation with NGOs [Non-governmental Organisations] and with the UN and its agencies on human rights issues, generally citing security restrictions. In May 2008 the government signed a headquarters agreement with the ICRC [International Committee for the Red Cross], granting it legal status and permanent representation in the country. The COR [Council of Representatives] had not ratified the agreement by year's end, but the ICRC benefited nonetheless from all of its provisions... All nongovernmental investigations of alleged human rights violations continued to be restricted. The government attributed restrictions to the security situation and its policy of allowing only the MOHR [Ministry of Human Rights] and the ICRC unrestricted access to detention facilities. The government generally did not permit detention center or prison visits by NGOs. The MOHR did meet with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations. The MOHR also initiated a program to train representatives of 32 domestic NGOs to visit and monitor prison conditions.

"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 majority of domestic human rights NGOs were affiliated with a political party 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 (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. ... During the year COMSEC NGO Assistance Office representatives continued unannounced and intimidating visits to some NGOs , demanding photographs, passport details, names, and addresses of all staff and their family members. The poor security situation continued to severely limit the work of NGOs." **[2a] (Section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)**

19.10 The Norwegian Refugee Council Report entitled *Research to Improve the Effectiveness of INGO Activities and Future Humanitarian Coordination in Iraq,* dated August 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." **[44a] (p7)**

"... 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." **[44a] (p8)**

See also Prison and other places of detention conditions - monitoring of conditions

HUMAN RIGHTS ACTIVISTS/DEFENDERS

When considering the current insecurity in Iraq and violence against human rights activists, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation to provide the reader with a wider understanding of the inter-play which exists between non-government armed militias, political rivalries and sectarian conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats. Also see Human rights violations by government forces and Women - Insecurity and human rights violations against NGO staff

19.11 The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, (UNHCR Guidelines) dated April 2009, (which were endorsed by UNHCR as still 'valid' in their interim paper, dated July 2010 **[17b](p1)**), noted that:

"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 [now known as US Forces – Iraq] 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." **[17a] (p190-1)**

19.12 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010 reported the views of UNHCR, Iraq, Baghdad "... some Iraqis working for UN agencies are not open about this due to fear of targeting. Because of the reliance of the UN on the support of the US Forces - Iraq (USF-I), this can be seen in some cases as affecting the neutrality of the UN. However, perceptions are also changing and UNHCR is well-known for its efforts to assist IDPs both in camps and in offering support in accessing official documents." **[30a](p28)**

19.13 The Amnesty International report entitled *Iraq Civilians Under Fire,* dated 26 April 2010, observed that:

"People who have expressed particular views or stood up for human rights have been threatened, attacked, abducted and killed, and continue to be at grave risk. Among them are activists and journalists who report on abuses by armed groups or militias or alleged corruption by officials, lawyers representing victims of torture, activists

campaigning for minority rights, and women campaigning for women's rights, legal reforms or shelters for abused women and girls." **[29e] (p7)**

19.14 The same report went on to explain:

"In the wake of the 2003 US-led invasion of Iraq, hundreds of non-governmental organizations (NGOs) emerged and thousands of people were able openly to become involved in human rights-related activities. This initial enthusiasm for a new-found freedom of expression, association and assembly was gradually replaced, however, by deepening fear and trepidation amid the widespread lawlessness and violence that subsequently engulfed much of Iraq. Threats and attacks have forced many human rights defenders to scale down or stop their activities or flee the country." **[29e](p7)**

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS IN THE KURDISTAN REGIONAL GOVERNMENT AREA

19.15 USSD Report 2009 stated: "The Kurdish areas had 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." **[2a] (Section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)** The same source further noted: "Following parliamentary elections [in 2009] in the Kurdistan region, the KRG MOHR [Ministry of Human Rights] was eliminated when the KRG reduced the number of ministries from 40 to 19, and the director general began to report to KRG judicial authorities. By year's end the KRG had introduced draft legislation to the Iraqi Kurdistan Parliament to create a separate department attached to the KRG Council of Ministers to assume the role of the former ministry." **[2a] (Section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)**

19.16 The UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1883 (2009) (UNSC Report July 2010), dated 29 July 2010, covering events since 14 May 2010 noted: "I am pleased to report that Kurdistan Regional Parliament passed a law on 24 May [2010] establishing a regional human rights institution, the Independent Board of Human Rights, which is to replace the dissolved KRG Ministry of Human Rights. UNAMI will work with KRG to build the capacity of this important new institution." **[16c] (p9-10)**

19.17 The Norwegian Refugee Council Report entitled *Research to Improve the Effectiveness of INGO Activities and Future Humanitarian Coordination in Iraq,* dated August 2009, stated:

"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." **[44a] (p7-8)**

See also: Human rights violations by government (KRG) forces and Prison and detention facilities in the Kurdistan Regional Government area

Return to contents

Go to sources

20. CORRUPTION

20.01 In its 2010 Corruption Perception Index (CPI), released 26 October 2010, Transparency International ranked Iraq 175 out of 178 countries, giving it a CPI score of 1.5. "The 2010 CPI draws on different assessments and business opinion surveys carried out by independent and reputable institutions. It captures information about the administrative and political aspects of corruption." **[45a] (p3)** The CPI score ranges from 10 (very clean) to 0 (highly corrupt) **[45a] (p2)**

20.02 United Nations Security Council (UNSC) report dated 6 November 2008 reported that the Iraqi government ratified the United Nations Convention against Corruption in April 2008. **[16a]**

20.03 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated:

"Although the law provides criminal penalties for official corruption, large-scale corruption pervaded the government, and public perception of government corruption and impunity continued to be strong. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the 'de-Ba'athification' process to pursue political and personal agendas. During the year prosecution of corruption cases increased, but officials combating corruption faced persistent political, social, and capacity restraints. Credible information on the nature and extent of corruption in the judiciary was lacking, but such corruption was widely believed to exist.

"Anti-corruption institutions were fragmented, and their interaction was hampered by a lack of consensus about their role, partly due to a lack of effective legislation as well as to insufficient political will to eliminate widespread corruption. Lack of accountability continued to be widespread, reinforced by several statutory provisions, unclear regulatory processes, and limited transparency." **[2a] (Section 4, Official Corruption and Government Transparency)**

20.04 Freedom House Report 2010 published on May 2010, stated:

"Iraq is plagued by pervasive corruption at all levels of government, and most offenders reportedly enjoy impunity. A national Integrity Commission is tasked with fighting corruption, but it conducts its investigations in secret and does not publish its findings until the courts have issued final decisions. In April 2009, an attempt by anticorruption authorities to arrest several Trade Ministry officials resulted in gunfire from ministry guards. A number of the suspects were ultimately arrested and sentenced to prison, and the trade minister, a member of Prime Minister Nouri al-Maliki's Da'wa party, was forced to resign in May and face charges himself. Recruits allegedly pay bribes to enter the security forces." **[8a]**

20.05 The USDoD Report, *Measuring Stability and Security in Iraq*, covering events between March and the end of May 2010, published June 2010 observed that:

"To address government corruption, the GoI [Government of Iraq] has approved and is implementing a National Anti-Corruption Strategy (NACS), a five-year plan to combat all forms of government corruption in Iraq. The GoI will continue to work in conjunction with the UN and various nongovernment organizations (NGOs) to provide greater oversight,

public outreach, and training at the provincial level in support of NACS implementation." **[10c] (p.iv)** However, the report further stated: "Nonetheless, challenges remain to long-term progress, as corruption investigations still too often do not result in successful corruption prosecutions, and there are perceptions that the rule of law is being implemented inconsistently." **[10c] (p.iv)**

20.06 SIGIR Quarterly Report October 2010 noted that: "As of September 30, 2010, ACCO [Anti-Corruption Coordination Office] had spent more than $22 million in support of the GOI's anticorruption efforts. ACCO continues to engage with the GOI's main anticorruption institutions and work with USAID, the U.S. Department of Treasury, and the UNDP [United Nations Development Plan] on anticorruption initiatives in Iraq." **[20b]**

20.07 Iraq Business News in their article entitled *2,300 Prosecutions for Corruption in Iraq this year,* posted 27 November 2010, stated: "The chairman of the Iraqi commission on Integrity, Rahim al-Ugeily, has announced on Thursday that 2,300 defendants have been prosecuted this year on charges of corruption, totalling in excess of 600 billion (b) Iraqi Dinars (US $535 million approx). 600 people have been sentenced to various jail sentences." **[77c]**

20.08 The SIGIR Semi-Annual Report, dated 30 January 2011 provided details of corruption cases involving mainly US military personnel or civilians. For further information refer to the source via the link here, and go to page 118. **[20c]**, a list of convictions compiled by the Department of Justice can be found on page 123 (table 5.4).

CORRUPTION IN THE KURDISTAN REGIONAL GOVERNMENT AREA

20.09 USSD Report 2009 stated: "Local and foreign 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." **[2a] (Section 4, Official Corruption and Government Transparency)**

20.10 The same source also noted:

"In August 2008 the KRG established a corruption committee, composed of government officials, to review levels of corruption and make recommendations on how to prevent corruption. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures. In July [2009] KRG prime minister Nechirvan Barzani announced the summary results of the accounting firm's report, including a recommended anticorruption strategy. …" **[2a](Section 4, Official Corruption and Government Transparency)**

20.11 More recently, the Kurdistan News Agency, AKNews, in their article entitled *Disappointment grows over government's anti-corruption efforts*, dated 21 July 2010, stated:

"One year after the Kurdistan Regional Government (KRG) launched a plan to eliminate corruption and ensure transparency in its institutions, many in Kurdistan believe there is no sign of the plan's success and charge that there is no solid effort or will to activate KRG's integrity agencies. There is corruption in government institutions and we need awareness and persistence to eliminate it. But the KRG alone cannot resolve the problem, [said Rafiq Sabir, the Head of Integrity Commission in Kurdistan Parliament.] **[46a]**

Return to contents
Go to sources

21. FREEDOM OF RELIGION

For background information on religious demography see Ethnicity and Religion

OVERVIEW

21.01 The US State Department International Religious Freedom Report 2010 (USSD IRF Report 2010), covering the period 1 July 2009 to 30 June 2010, published 17 November 2010 noted:

"The constitution recognizes Islam as the official religion and states that no law may be enacted that contradicts the established provisions of Islam; it also states that no law may be enacted that contradicts principles of democracy or the rights and basic freedoms stipulated in the constitution. Moreover, the constitution guarantees freedom of thought, conscience, and religious belief and practice for Muslims and non-Muslims alike. ... Although the government generally endorsed these rights, violence conducted by terrorists, extremists, and criminal gangs restricted the free exercise of religion and posed a significant threat to the country's vulnerable religious minorities throughout the reporting period. Radical Islamic elements from outside the government exerted tremendous pressure on individuals and groups to conform to extremist interpretations of Islamic precepts. Sectarian violence, including attacks on religious leaders and religious places of worship, hampered the ability to practice religion freely. There was a decrease in the overall level of violence as the government became increasingly successful in restoring security, in a generally nonsectarian manner, throughout the country." **[2e](Introduction)**

21.02 The Freedom House report, *Freedom in the World 2010*, Iraq, covering events in 2009, (Freedom House Report 2010) observed:

"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. Estimates of the Christian population that has sought safety abroad since 2003 reach into the hundreds of thousands. 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 declined in 2009, formerly mixed areas are now much more homogeneous, and terrorist attacks continue to be directed toward sectarian targets." **[8a]**

21.03 The United States Commission on International Religious Freedom, *Annual Report 2010* (USCIRF Annual Report 2010), covering the period from 1 April 2009 to 31 March 2010, published May 2010 noted that:

"The religious freedom situation in Iraq remains grave, particularly for the country's smallest, most vulnerable religious minorities. The violence, forced displacement, discrimination, marginalization, and neglect suffered by members of these groups threaten these ancient communities' very existence in Iraq. These minorities, which include Chaldo-Assyrians and other Christians, Sabean Mandaeans, and Yazidis,

continue to experience targeted violence, receive inadequate official protection or justice, and suffer discrimination." **[59a] (p67)**

RESPECT FOR RELIGIOUS FREEDOMS BY THE GOVERNMENT

21.04 USSD IRF Report 2010 acknowledged that: "There was no change in the status of respect for religious freedom by the government during the reporting period. Since 2003 the government generally has not persecuted any religious group and has called for tolerance and acceptance of all religious minorities." **[2e](Introduction)**

Political representation

21.05 USSD IRF Report 2010 explained:

"On December 6, 2009, the Council of Representatives passed an amendment to the National Elections Law that reserved eight seats for minority groups throughout the country--two in Baghdad (one each for Christians and Sabean-Mandaeans), three in Ninewa Governorate (one each for Christians, Yezidis, and Shabaks), and one each in the provinces of Erbil, Dohuk, and Kirkuk for Christians. In addition six Yezidi candidates were elected to the national parliament as part of the Kurdistan Alliance list, bringing the total religious minority representatives to 14." **[2e] (Section III, Status of Societal Respect for Religious Freedom**

21.06 USCIRF Annual Report 2010 noted:

"To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been seeking what is variously described as a protected, semiautonomous, or autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area. ... Many members of the smallest minorities also have urged reforms to provisions in Article 2 of the Iraqi constitution that give Islam a preferred status, which provides a potential justification for discrimination against non-Muslims. As far as is known, the Iraqi government has made no serious efforts to consider or address any of these proposals." **[59a] (p70)**

See also: Recent Developments - Election law signed (6 December 2009)

Religious education

21.07 Minority Rights Group International report entitled *Still Targeted: Continued Persecution of Iraq's Minorities* (MRG Report 2010) published June 2010, stated: "Children from minority religions in Iraq are not required to attend lessons on Islam, but are currently unable to study their own religion at state-funded schools. In early 2010, senior Education Ministry officials stated that 'they planned to drop anything from the new religious education that will hurt a specific sect or religion' as well as to create a separate curriculum for Christian students." **[56b] (p25)**

21.08 The USSD IRF Report 2010, stated:

"The government requires Islamic religious instruction in public schools, but non-Muslim students are not required to participate. Arabic language instruction, which often uses the Qur'an as a primary text, is required for all students regardless of faith. 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 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, began 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." **[2e] (Section II, Legal/Policy Framework)**

Religious conversion

21.09 The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, (UNHCR Guidelines) dated April 2009, (which were endorsed by UNHCR as still 'valid' in their interim paper, dated July 2010 **[17b](p1)**, noted the following with regard to religious conversion from the Islamic faith:

"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. ... 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." [17a] (p175)

21.10 USSD IRF Report 2010 further explained: "Article 1 of the 1969 Penal Code No. 111 mandates that criminal penalties can only be imposed 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 (Islamic law) penalty, despite the Islamic law punishment for conversion from Islam to another religion. The 1972 Law of Civil Affairs No. 65 explicitly allows non-Muslims to convert to Islam." **[2e] (Section II, Legal/Policy Framework)**

21.11 USSD Report 2009 noted that: "There were ... allegations of religion-based employment discrimination during the year [2009]. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister." **[2a] (Section 2c, Freedom of Religion)** Similarly the USSD IRF Report 2010 observed: "Although a few individuals from minority communities held senior positions in the government, there were reports of religiously based employment discrimination in which ministries hired and showed favoritism toward individuals who shared the minister's religious persuasion." **[2e] (Section II, Restrictions on Religious Freedom)**

21.12 The MRG Report 2010, provided survey data based on a questionnaire conducted by a partner organisation between January and December 2009. A total of 266 respondents completed the questionnaire (for further information on the methodology refer to page 11 of the report). On the subject of employment discrimination, the report noted: "Although the extent of this problem is unknown, a majority from each minority group in the ... survey indicated the existence of discrimination on the basis of religion or ethnicity with regard to appointments in Iraqi state institutions, with responses ranging from 61.8 per cent (reported by Yazidis) to 81.2 per cent (reported by Shabaks). **[56b](26)**

For further information refer to page 26 of the report, accessible via the link here

21.13 With regard to identity documentation, the MRG Report 2010, raised concerns over the treatment of those adherents to the Baha'l faith, recognising: "many Baha'is born in the last 30 years have no citizenship documents, including passports, and therefore cannot leave the country." **[56b](p5)** The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, (UNHCR Guidelines) dated April 2009, similarly stated that: "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. **[17a] (p178)**

21.14 The USSD IRF Report 2010, stated:

"Law No. 105 of 1970 prohibits the Baha'i Faith, and a 2001 resolution prohibits the Wahhabi branch of Islam. Although provisions on freedom of religion in the constitution may supersede these laws, no court challenges have been brought to have them invalidated, and no legislation has been proposed to repeal them.

"In April 2007 the Ministry of Interior's Nationality and Passport Section canceled regulation 358 of 1975, which prohibited the issuance of a nationality identity card to those claiming the Baha'i Faith. In May 2007 a small number of Baha'is were issued identity cards. The Nationality and Passport Section's legal advisor stopped issuance of the cards thereafter, claiming Baha'is had been registered as Muslims since 1975 and citing a government regulation preventing the conversion of 'Muslims' to another faith. Without this official citizenship card, Baha'is cannot register their children for school or acquire passports. Despite the cancellation of the regulation, Baha'is whose identity records were changed to 'Muslim' after regulation 358 was instituted in 1975 still could not change their identity cards to indicate their Baha'i faith, and their children were not recognized as Baha'is." **[2e](Legal/Policy Framework)**

Return to contents
Go to sources

INSECURITY AND HUMAN RIGHTS VIOLATIONS AGAINST RELIGIOUS GROUPS

Iraq has been subject to protracted violence and instability since 2003, involving various ethnic and religious groups, namely Arab Sunnis and Shia, Kurds and ethnic and religious minorities. For a further understanding also see Insecurity and human rights violations against ethnic groups.

When considering the current insecurity in Iraq and violence against religious groups, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation, to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats and Internally Displaced Persons for details on groups and areas affected by civilian displacement.

For further background information on religious groups refer to each of the subheadings/groups listed below together with information under Ethnic demography.

21.15 A list of specific attacks against religious groups is included in the USSD IRF Report 2010 accessible via the link here. Refer to Section 2, Abuses by Rebel or Foreign Forces or Terrorist Organisations. Additionally see Recent developments – Security related incidents

Muslim Sunni and Shia groups

21.16 In terms of religious demography, the USSD IRF Report 2010 stated: "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. … Shi'a Muslims--predominantly Arabs but also Turkmen, Faili (Shi'a) Kurds, and other groups--constitute a 60 to 65 percent majority ... Sunnis form the majority in the west, center, and the north of the country. …Arab and Kurdish Sunni Muslims make up 32 to 37 percent of the population; of these 18 to 20 percent are Sunni Kurds, 12 to 16 percent are Sunni Arabs, and the remaining 1 to 2 percent are Sunni Turkmen" **[2e] (Section I, Religious Demography)**

21.17 A Centre for Strategic & International Studies, paper entitled *Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats,* dated 5 January 2011 observed that post (March 2010) election targets of violence, included Sunni Awakening members, as well as apartments and local Shiite mosques and Shiite pilgrims "... targeted in attacks in key areas like Karbala." **[18d]**

21.18 USCIRF Annual Report 2010, stated:

"Serious sectarian abuses continue to be committed by organized groups outside of the government, notably the Sunni-dominated insurgency and foreign and indigenous extremist groups. Shi'a pilgrims and worshipers have been frequent targets, particularly around important holidays. In early February 2010, despite heavy security, there was a series of bombing attacks against Shi'a pilgrims traveling to Karbala to celebrate Arbaeen (the religious observance occurring forty days after Ashura)n. These attacks included two major bombings that killed at least 59 and injured more than 100, as well as several smaller bombings. In late December 2009, during the 10-day Ashura holiday, multiple bombings targeted Shi'a pilgrims and worshippers in Karbala, Baghdad, Hilla, and near Kirkuk. At least 30 were killed in these attacks, and at least 160 injured. As in past years, the Iraqi government provided heavy security on pilgrimage routes and at holy sites for Ashura.

"July and August 2009 also saw a wave of bombings, including against multiple Shi'a mosques in Baghdad during Friday prayers, Shi'a pilgrims returning from Karbala, and predominantly Shi'a areas in Baghdad, as well the attacks on the Shi'a Turkoman mosque and the Shi'a Shabak village in Nineveh mentioned above. Additionally, on June 20, a large suicide truck bomb exploded near a mosque in the Shi'a Turkoman town of Taza, near Kirkuk, killing 85 people, injuring 170, and destroying or damaging nearly 200 homes....Some attacks also targeted Sunnis. During summer and early fall 2009, several Sunni clerics who had spoken out against al-Qaeda in Iraq were killed, including in Baghdad and Mosul. Additionally, a suicide bombing on October 16 at a Sunni Turkoman mosque in Tal Afar, Nineveh province killed at least 9, including the imam, and injured at least 30. On April 22, 2009, a suicide bombing inside a Sunni mosque n the central Iraqi town of Dhuluiya killed at least 5 people and wounded 15. According to the Iraqi police, 52 Sunni political, religious, and community leaders were killed in a series of attacks in Anbar province between mid-October 2009 and January 2010." **[59a](p71-72)**

21.19 With regard to societal discrimination, the USSD IRF Report 2010 also noted that:

"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 comprised 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." **[2e] (Section III, Status of Societal Respect for Religious Freedom)**

For a background to the current insecurity in Iraq, refer to History – Security situation (2003 – 2009). For details on some of the main insurgent attacks to have taken place between December 2009 and February 2011 and for other recent information relating to security see: Recent developments; see also Security situation

Non-Muslim minorities

Many of the non-Muslim minorities of Iraq reside in the north of the country mainly in Ninewa and Tameem and to a lesser extent Diyala, these areas are known as the 'disputed territories', derived from an ongoing political dispute between Iraqi authorities and the KRG over territorial ownership of areas found within these governorates (some commentators also refer to Salah al-Din as included in the disputed territories). In considering the following information on non-Muslim minorities, users are recommended to also refer to Ethnic Groups: Arab – Kurdish tensions over the 'disputed territories'. For background information see: History - The 'disputed territories' (2003 – 2009)

The following sections provide non-specific information related to difficulties experienced by non-Muslim minorities, this is followed by specific reference to each minority group. Additionally refer to Internally Displaced Persons (IDPs) for information related to population displacement and returns.

Physical insecurity

21.20 Amnesty International (AI) Report entitled *Iraq Civilians Under Fire,* dated 26 April 2010, stated: "A string of deadly attacks following the pull-out of US troops from Iraqi cities and towns in June 2009 exposed again the vulnerability of minority groups. More than a hundred people were killed between mid-July and mid-September 2009 in attacks targeting Christians, Sabean-Mandaeans, Yazidis, Turkmen Shi'as Shabaks and Kaka'is." **[29e] (p13)**

21.21 Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010), published 10 September 2010, citing a reliable source in Iraq reported that: "Non-Muslims are easily perceived as infidels. Yazidis in particular are labelled as infidels due to their religious beliefs. However also so-called 'people of the book', i.e. Christians, may not be tolerated and can risk being harassed and targeted. Harassment and threats may easily be directed at Christians who e.g. have alcohol shops." **[30a] (p24)**

21.22 MRG Report 2010 noted with regard to attacks on religious buildings, congregation and clergy of minorities:

"Survey respondents indicated that the security of religious sites and targeting of religious clergy posed the greatest threat in relation to their religious freedom. Indeed, only 29 per cent of minorities felt that religious sites were secure and 74.4 per cent of minorities felt that clergy continued to be targeted by Islamist insurgents . In contrast, they were less concerned about the freedom to practise religious rites and celebrations, and the ability to wear without fear religious garments or symbols. A majority of respondents indicated the existence of such freedoms, with 53 per cent reporting that they felt able to freely participate in religious activities … and 64 per cent stating that they felt able to dress in religious attire. The latter statistics may be the result of increased efforts by both the KRG and the Iraqi central government to protect religious minorities when they are performing religious rites." **[56b] (p16)** To view charts showing the figures mentioned above please access the source via the link here and go to page 16 -17.

21.23 The USSD IRF Report 2010 observed with regard to forced religious conversions that:

"There were no reports of forced religious conversion; however, Sabean-Mandaeans reported that Islamic extremists threatened assaulted, kidnapped, and killed members of their religious group for refusing to convert to Islam. Christians living mainly in Baghdad's Doura district, but sometimes other districts as well, and in the cities of Mosul and Kirkuk also reported that Islamic extremists threatened to kill them unless they converted, left, or paid a 'jizya' (a tax on non-Muslims)." **[2e] (Forced Religious Conversions)**

Societal and political discrimination

21.24 On the issue of discrimination against religious minorities the AI report *Iraq Civilians under Fire,* dated 26 April 2010 observed:

"The occupations, customs and general lack of political power of members of minority groups have contributed to their vulnerability. For example, many Sabean- Mandaeans have been targeted by criminal or other armed groups or militias because of their traditional occupations as goldsmiths and jewellers. Similarly, the sale of alcohol has largely been the domain of Christians and Yazidis, making them a target for some Islamist armed groups and militias. However, survivors and witnesses of such attacks, including abductions, have frequently reported that the perpetrators 'justified' their crimes on the basis of the victims' faith.

"Others targeted have been women of religious minority groups who failed to adhere to a strict Islamic dress code. As well, members of minority groups perceived as supporters of the US-led foreign military forces that have been present in Iraq since 2003 have been attacked by armed groups and militias who accuse them of 'collaboration' with enemy forces.

"Religious or ethnic affiliation can often be discerned by knowing a person's name, and official identity cards state the religion of the holder. Several members of religious minorities told Amnesty International that they have sometimes feared to show their identity cards believing that if they did they would be attacked." **[29e] (p13)**

21.25 With regard to religious converts from the Muslim faith, and the likely risks they would face societally, the UNHCR Guidelines dated April 2009 reported:

"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. ... 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." **[17a] (p175)**

21.26 USSD IRF Report 2010 explained that despite amendents to the National Election Law (which took place in 2009), giving greater representation to minorities, such groups were still:

"… underrepresented, especially at the provincial level, where they lacked full representation in the provincial councils, limiting their access to government-provided security and economic development. Non-Muslims, particularly Christians and Yezidis, complained of being politically isolated by the Muslim majority because of their religious differences. ... The combination of discriminatory hiring practices by members of the majority Muslim population, attacks against non-Muslim businesses, corruption, and the overall lack of rule of law also had a detrimental economic effect on the non-Muslim communities and contributed to the departure of significant numbers of non-Muslims from the country." **[2e] (Section III, Status of Societal Respect for Religious Freedom**

Christians

21.27 USSD IRF explained that:

"Christian leaders estimated 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 small number residing in Basrah." **[2e](Section i, Religious Demography)**

21.28 The MRG Report 2010 noted:

"Iraqi Christians include Armenians and Chaldo-Assyrians, who belong to one of four churches: Chaldean (Uniate), Jacobite or Syrian Orthodox, Nestorian and 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 between 1 million and 1.4 million in 2003. Today, only an estimated 500,000 are reported to remain." **[56b] (p5)**

21.29 Similarly USCIRF Annual Report 2010 noted: "Today, only half of the pre-2003 Iraqi Christian community is believed to remain in the country, with Christian leaders warning

that the result of this flight may be 'the end of Christianity in Iraq.'" **[59a] (p68)** The Congressional Research Services (CRS) in their report entitled *Iraq: Politics, Elections, and Benchmarks*, published 22 December 2010, also remarked on the population decline of Christians in Iraq: ""Before the latest rounds of violence against Christians [in 2010], about 400,000 Christians had left Iraq since the fall of Saddam Hussein—a large proportion of the approximately 1 million Christian population that was there during Saddam's time". **[60a](p19)** The report continued:

"… a major concern is the safety and security of Iraq's Christian population, which is concentrated in northern Iraq as well as in Baghdad. In the run-up to the January 2009 provincial elections, about 1,000 Christian families reportedly fled the province in October 2008, although Iraqi officials report that most families returned by December 2008. The issue faded in 2009 but then resurfaced late in the year when about 10,000 Christians in northern Iraq, fearing bombings and intimidation, fled the areas near Kirkuk during October-December 2009. On October 31, 2010, a major attack on Christians occurred when a church in Baghdad was besieged by militants and about 51 worshippers were killed. The siege shook the faith of the Christian community in their security. Other attacks appearing to target Iraqi Christians have taken place since.

"Some Iraqi Christians blame the attacks on Al Qaeda in Iraq, which is still somewhat strong in Nineveh Province and associates Christians with the United States. UNAMI coordinated humanitarian assistance to the Christians and others displaced. Previously, some human rights groups alleged Kurdish abuses against Christians and other minorities in the Nineveh Plain, close to the KRG-controlled region. Kurdish leaders deny the allegations."**[60a] (p18-19)**

21.30 International Organization for Migration (IOM) *Press Briefing notes – Iraqi Christians Continue to Face Threats and Economic Insecurity,* posted 1 February 2011, stated:

"Christians in Iraq are still living under the threat of violence three months after the attack on the Saidat al-Najat church in Baghdad. In its latest update on Christian displacement in the country, IOM monitors in Baghdad report that Christians are facing grave threats to their lives despite the increased presence of security checkpoints near their homes. Persistent insecurity is driving more Christians from their homes, with IOM monitors now counting over 1,300 Christian families seeking refuge in the northern governorates of Erbil, Dahuk, Sulaymaniyah, and Ninewa. Erbil has witnessed the greatest influx with over 830 Christian families being displaced to the governorate since November 2010. Some of the families had originally fled to Ninewa before again being displaced." **[51m]** See also Internally displaced persons for further information on Christians relocating to the Northern parts of Iraq

21.31 Meanwhile the USSD IRF Report 2010, stated: "Despite the apparent increase in sectarian integration, numerous incidents of sectarian violence occurred during the reporting period. Very few of the perpetrators of violence committed against Christians and other religious minorities in the country were punished; arrests following a murder or other crimes were rare." **[2e] (Section I, Forced Religious Conversions)**

Sabean Mandeans

21.32 USSD IRF Report 2010 noted: "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, reduced from an estimated 50,000 to 60,000 in 2003."

[2e](Section i. Religious Demography) The MRG Report 2010, providing further background information noted: "The Sabian Mandaean religion is one of the oldest surviving Gnostic religions in the world ... John the Baptist became its central prophet, and access to naturally flowing water remains essential for the practice of the faith. It is thought that there are around 60,000–70,000 Sabian Mandaeans worldwide, many of whom lived in Iraq prior to 2003." **[56b](p7)**

21.33 The MRG Report 2010 referring to the treatment of Sabian Mandaeans noted:

"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 Mandaean Human Rights Group (MHRG), it investigated 22 murders, 13 kidnappings and 29 attacks from March 2008 until September 2009. 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 received threats to leave the country or else be killed. Despite the ransom being paid, in some cases the killings were nevertheless carried out. Many became displaced when it was too dangerous for them to flee the country. Today it is believed that there are around 5,000 Sabian Mandaeans left in Iraq. Since marriage outside the community is akin to renouncing their culture, the likelihood of Sabian Mandaean eradication from Iraq seems very real." **[56b] (p7)**

21.34 USCIRF Annual Report 2010 similarly observed that:

"Sabean Mandaeans report that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Mandaeans in the country. This includes 150 families in Baghdad and only five Mandaean religious leaders. ... The Mandaean Associations Union and Mandaean leaders, refugees, and asylum seekers have told USCIRF that they do not see any future for Mandaeans in Iraq and have asked that the group be collectively resettled to a third country so that their religion, language, and culture can survive." **[59a](p68)**

21.35 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing a reliable source in Iraq, remarked that: "With regard to the Sabean-Mandeans, generally the situation in Iraq has gone backward and a far more conservative trend is winning ground. As a result, Muslims may be far more religious and less tolerant to other religious groups [such as the Sabean-Mandeans]." **[30a] (p24)**

Yazidis

21.36 USCIRF Annual Report 2010 noted that: "The Yazidi community reportedly now numbers approximately 500,000, down from some 700,000 in 2005." [59a](p68) Whilst the USSD IRF Report 2010 further explained that: "Yezidi leaders reported that most of the country's 500,000 to 600,000 Yezidis reside in the north, with 15 percent in Dohuk Province and the rest in Ninewa Province." [2e](Section i. Religious Demography) The MRG Report 2010 provided the following overiew:

"Yazidis are an ancient religious and ethnic group concentrated in Jabal Sinjar, 115 km 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 pre-Islamic, 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." **[56b] (p8)**

21.37 The International Crisis Group (ICG) report *Iraq's New Battlefront: The Struggle Over Ninewa*, dated 28 September 2009, explained that: "Ethnically and linguistically … Yazidis typically have been considered Kurdish, even though their Kurdish dialect borrows heavily from Arabic." **[11e] (p32)** However the source later observed that: "For reasons having to do with northern Iraq's cultural diversity and imperative of survival in a world of complex and competing social groups, the Yazidis have shifted their self-identification, alternatively claiming to be Kurds, Turkomans, Arabs or Assyrians." **[11e](p32)** According to a Kurdish politican, cited in the ICG report: "'It doesn't really matter whether Yazidis claim to be Kurds or Arabs. All Muslims consider them to be heretics. For most people, religion – in this instance, Islam – is the principal criterion, not ethnicity." **[11e](p32)**

The ICG report provided some further useful background material on the group, accessible via the link here (see page 30-31).

21.38 MRG Report 2010 referring to the treatment of Yazidis noted:

"During the reign of Saddam Hussein, Yazidis were sometimes forced to identify as Arabs rather than Kurds, and therefore were used to tilt the population balance in predominantly 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. Radical and even moderate Muslims consider the Yazidis as 'devil worshippers' due to a misinterpretation of their Peacock Angel figure. 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." **[56b] (p8)**

Kaka'i

21.39 The MRG Report 2010 explained:

"Kaka'i, known also as Ahl-e Haqq, are generally considered a Kurdish subgroup, speaking a different language called Macho. It is estimated that around 200,000 Kaka'i live in Iraq, the most important Kaka'I area being a group of villages in the south-east of Kirkuk. It is believed that most of them have been displaced since the fall of the former regime. Their faith, 'Kakaism', stems from the word for 'brotherhood'. As a belief, it is a combination of Zoroastrianism and Shi'ism, similar to Yazidism, although their religious beliefs and practices do not seem to have been considered as heterodox as those of the Yazidis. Kakaism arose as the result of a conflict between the Umayyad rulers of Islam and the Zoroastrianism priesthood. Since Kaka'i are forbidden from cursing Satan on religious grounds, many Muslims refer to them as devil-worshippers, hence the Muslim antagonism toward their beliefs resulting in their repression. In addition, they may be targeted on the basis of their Kurdish ethnicity. They have been subjected to threats, kidnapping and assassinations, mainly in the Kirkuk area. Muslim religious leaders in Kirkuk have asked people not to purchase anything from 'infidel' Kaka'i shop owners." **[56b] (p6)**

21.40 The UNHCR Guidelines, dated April 2009 also reported the 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. **[17a] (p26)**

Jews

21.41 USCIRF Annual Report 2010 explained: "Iraq's ancient and once large Jewish community now numbers fewer than 10, who essentially live in hiding. Many Jews left Iraq in the years following the founding of the state of Israel, and a 2006 law precludes Jews who emigrated from regaining Iraqi citizenship." **[59a](p68)** The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing a reliable source in Iraq noted: "… there are no Jews in Iraq anymore. Most Jews would have left for Israel some time back, while the very few that still lived in Iraq until recently are most likely to have left by now. However, the source could not exclude that one or two Jews were still living in Baghdad." **[30a] (p24)**

21.42 The MRG report entitled *Still Targeted: Continued Persecution of Iraq's Minorities,* published June 2010, stated:

"UNHCR reports that, since the fall of the regime in 2003, the situation for 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 in Baghdad and some families in the Kurdistan Region." **[56b] (p6)**

Return to contents
Go to sources

RELIGIOUS FREEDOM IN THE KURDISTAN REGIONAL GOVERNMENT AREA

21.43 The UNHCR Guidelines, dated 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." **[17a] (p179)**

21.44 However the USSD IRF Report 2010 observed that:

"There were allegations that the KRG engaged in discriminatory behaviour [sic] 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. 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... The KRG denied allegations that it was behind violent incidents directed at Christians and other minorities. Moreover, despite such allegations, many non-Muslims reside in the north and the KRG area, and there were reports that some sought refuge there from other

parts of the country where pressures to conform publicly to narrow interpretations of Islamic tenets were greater. In February 2010 the IOM estimated there were 19,040 internally displaced families in the Ninewa Plain and that 36,000 internally displaced families were located in Dohuk, Erbil, and Sulaymania provinces, while 8,798 displaced families were in Kirkuk provinces." **[2e] (Section I, Abuses of Religious Freedom)**

21.45 An IRIN News article *Iraq: Christian IDPs find refuge in Kurdish north,* dated 23 December 2010, stated:

"Hundreds of Iraqi Christians are fleeing to the northern semi-autonomous Kurdish region and particularly the town of Ankawa, which has become a safe haven for the country's Christians, thanks to its special status and privileges granted by the Kurdistan Regional Government (KRG). Ankawa, near Erbil, KRG's capital, has a predominantly Christian population and administration, several churches and distinct Assyrian language. Melissa Fleming, chief spokeswoman for the UN Refugee Agency (UNHCR), said on 17 December [2010] that UNHCR offices in Iraq had seen a significant increase in Christians fleeing Baghdad and Mosul to the KRG Region and Nineveh plains in the north. … Christian communities in the two cities had started a 'slow but steady exodus' since a deadly attack on 31 October [2010], when 68 people were killed during the storming of Our Lady of Salvation Church in Baghdad during Sunday Mass. …Many areas in the north have been safe havens for religious minorities fleeing violence elsewhere in Iraq, and Erbil is no exception, [said International Organization for Migration (IOM)]" **[12c]**.

21.46 Similarly the KRG.org website in their article entitled *Iraqi Christians flee to Kurdish north for safety*, dated 26 November 2010, reported:

"With attacks on their community continuing, Iraqi Christians in Baghdad are looking north to the Kurdish region, as they seek safety and an alternative to fleeing their country entirely. …Thousands of Iraqi Christians have already sought and found refuge in the Kurdish provinces. In Erbil, the Kurds' administrative capital, the flourishing Ankawa neighbourhood has been built up and populated by Christians, with the support of the Kurdish authorities." **[63a]**

See also Ethnic groups: Arab – Kurdish tensions over the 'disputed territories'

Return to contents
Go to sources

22. ETHNIC GROUPS

ETHNIC DEMOGRAPHY

22.01 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated:

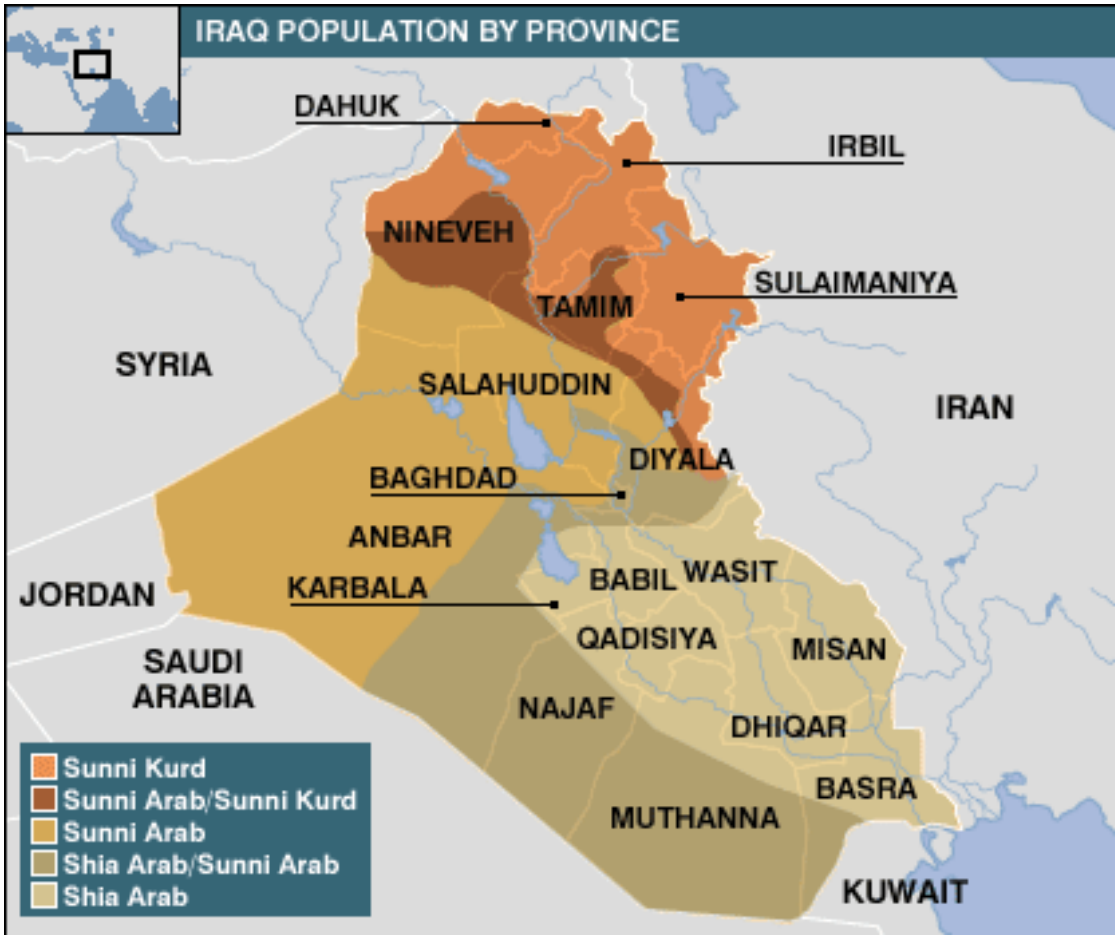
"Ethnically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Many consider the Assyrians and Chaldeans to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do 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." **[2a] (Section 6, National/Racial/Ethnic Minorities)**

22.02 The Brookings Institute paper, *Minorities, Displacement and Iraq's Future*, published 30 December 2008, provided an overview of both ethnic and religious groups in Iraq stating:

"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 [with the Arab Shia representing a majority]. 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." **[66d] (p9]**

22.03 A CSIS paper entitled *Iraq's Coming National Challenges: Transition Amid Uncertainty*, dated 5 January 2011, provided the following map showing ethno-religious boundaries (source referred to as BBC, 'Iraq Body Count: War dead figures' October 23, 2006) [18e]:



22.04 The CSIS paper *The uncertain security situation in Iraq: Trends in violence, casualties, and Iraqi perceptions*, dated 17 February 2010 also provides some figures detailing the ethnic make up of Iraq, sourced from various reports/agencies (refer to Figure II.13 – Part I Ethnic Makeup of Iraqi Provinces and Figure II.13 – Part II Ethnic Makeup of Iraqi Provinces) To access the report, refer to the link here and go to the relevant section.[18j]

See also: Ethnicity and religion

INSECURITY AND HUMAN RIGHTS VIOLATIONS AGAINST ETHNIC GROUPS

Iraq has been subject to protracted violence and instability since 2003, involving various ethnic and religious groups, namely Arab Sunnis and Shia, Kurds and ethnic and religious minorities. For a further understanding see Insecurity and human rights violations against religious groups

When considering the current insecurity in Iraq and violence against ethnic groups, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation, to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats and Internally Displaced Persons for details on groups and areas affected by civilian displacement.

For further background information on ethnic groups refer to each of the subheadings/groups listed below together with information under Ethnic demography.

Insurgent violence against ethnic minorities

22.05 Minority Rights Group International report entitled *Still Targeted: Continued Persecution of Iraq's Minorities* (MRG Report 2010) published June 2010, stated: "Although the overall security situation in Iraq has gradually improved, the condiitions for minority communities of the country's diverse population remains extremely distressing."**[56b](p3)** Amnesty International, in their report *Iraq Civilians Under Fire*, dated April 2010, observed that following the withdrawal of US forces in 2009, members of ethnic minorities were: "... targeted for violent attack, including abductions and killings. **[29e](p13)**

22.06 The UN High Commissioner for Refugees (UNHCR Guidelines) Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, dated April 2009 reported "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." **[17a] (p172)**

22.07 Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010 noted:

"A reliable source [in] Iraq explained that irrespective of what kind of minority one may belong to, one may be subject to risk in S/C Iraq and in disputed territories. Generally, it doesn't really matter what background you have. It really all comes down to the specific circumstances as well as place, time, etc. It is impossible to distinguish between minorities as to which group may be at greater risk as all potentially can risk attacks and

persecution. For example, one does not generally hear of Feyli Kurds being attacked, however a Feyli Kurd or group of Feyli Kurds may find themselves in a place where intolerance or other factors put him or them at risk." **[30a](p22)**

22.08 The same report also observed that: "Minorities such as Assyrians and Chaldeans as well as Shabaks, do not have armed protection and may be targeted by groups because of their religion." **[30a](p23)**

Arab – Kurdish tensions over the 'disputed territories'

For background information see: History - The 'disputed territories' (2003 – 2009); for further information on the general security situation in the 'disputed territories' see Northern Iraq, together with the respective Governorate subsections. See also Kurds

22.09 A CRS paper entitled *The Kurds in Post-Saddam Iraq,* dated 1 October 2010 observed that:

"The Iraqi Kurds' vocal and consistent insistence that Kirkuk/Tamim and some cities in Diyala and Nineveh provinces be integrated into the KRG is a primary source of tension with the Maliki [Iraqi] government and with minorities in the north, particularly the Christians, Turkomens, and Yazidis. The Kirkuk issue is considered 'existential' not only by the Kurds, but by Turkey, which fears that KRG integration of Kirkuk would propel a Kurdish drive for independence." **[60c](p7)**

22.10 The same paper further explained that the Iraqi constitution, at the insistence of the Kurds "... reaffirmed the process of settling Kurds displaced from Kirkuk and stipulated the holding of a referendum ... to determine whether its citizens want to formally join the KRG region." **[60c](p7)** However such a referendum was still on hold at the end of January 2011 (Kurdnet, Kurdish lawmaker urges referendum on Kurdistan constitution, 25 January 2011 **[120a]**) The CRS source also explained how the increasing political participation by Sunni Arab blocs, in both Ninewa and Diyala in the 2009 regional elections pushed out Kurdish political groups – in Ninewa the Sunni Arab slate, Al Hadba'a campaigning "... on a platform to reduce Kurdish influence in the province and refusing to compromise on disputed terroritories in Nineveh [Ninewa] ..." **[60c](p8)** won 19 out of 39 seats, with one of its members becoming governor of the province. This resulted in several clashes with Kurdish pershmerga who sought to assume security over Kurdish inhabited areas of Ninewa province. **[60c](p8)**

22.11 Human Rights Watch *World Report 2011,* published 24 January 2011, and covering events of 2010 stated:

"Minorities remained in a precarious position as the Arab-dominated central government and the Kurdistan regional government struggled over control of disputed territories running across northern Iraq from the Iranian to the Syrian borders. Leaders of minority communities complained that Kurdish security forces engaged in arbitrary detentions, intimidation, and in some cases low-level violence, against those who challenged Kurdish control of the disputed territories. In other parts of Iraq, minorities have not received sufficient government protection from targeted violence, threats, and intimidation. Perpetrators are rarely identified, investigated, or punished." **[21e]**

22.12 The Human Rights Watch (HRW) paper, On Vulnerable Ground: Violence against Minority Communiites in Nineveh Province's Disputed Territories, dated November 2009, further explained:

"Although Nineveh is constitutionally under the jurisdiction of Iraq's central government, Kurdish authorities have been reshaping the reality in Nineveh province, whose ethnically mixed communities lie mainly just north and east of the provincial capital, Mosul, in an area known as the Nineveh Plains. A drive in the vicinity of Mosul through the Nineveh Plains reveals how pervasive the Kurdish military and political presence has become: Security offices and checkpoints manned by well-armed Kurdish peshmerga have proliferated across the landscape, securing village after village; the Kurdistan Democratic Party, one of the two main parties of the Kurdish semiautonomous government, has offices in even the smallest towns (and many towns and villages also have offices of the second Kurdish party, the Patriotic Union of Kurdistan). The Kurdish flag flutters in the wind from rooftops, while the flag of the central Iraqi state is nowhere to be seen."**[21g](p6)**

22.13 The HRW paper also provided a useful map of the disputed territories, access the report via the link here and refer to page 13.

Minority groups in the'disputed territories '

While the focus of this section is on ethnic groups, there is an overlap with religious miniority groups, therefore this information should be considered together with Freedom of Religion – Insecurity and human rights violations against religious groups

22.14 In considering how the Arab-Kurdish conflict impacts on the treatment of ethnic minority groups in the disputed territories region, the CRS paper *The Kurds in Post-Saddam Iraq,* dated 1 October 2010 provided a useful overview: "Iraqi minorities in northern Iraq are increasingly fearful of their status as tensions increase between Baghdad and the Kurds. These minorities, as well as Arabs in the north, fear that the Kurds are trying to push them out of the area in order to monopolize power in the north and gain control of the disputed territories." **[60c](p9)** The same source also noted that: "...the Kurds— reportedly used their intelligence service the Asayesh— [who] reportedly have been trying to strengthen their position in Kirkuk by pressuring the city's Arabs, both Sunni and Shiite, and Turkomans to leave." **[60c](p8)**

22.15 Equally it has also been reported that some of the ongoing terrorist insurgent attacks against ethnic minority groups in the disputed territories feed into this wider ethno-political dispute. The UNHCR Guidelines dated April 2009 observed that "various extremist groups target [minority groups] with intimidation, harassment and event murder to stir ethnic-political tensions and/or further certain groups' political agenda." **[17a](p172)**

22.16 More recently the MRG Report 2010 noted that "... observers such as International Crisis Group and Human Rights Watch, have attributed the attacks on minorities in these territories during the latter half of 2009 to the ongoing dispute between ... [Arab and Kurds over the disputed territories] ... it is in this political context that armed groups continue to operate unchecked." **[56b](p12)** The report went on to cite various reported bomb attacks against religious and ethnic minorities, responsibility for which "... was variously ascribed by Iraqi officials to former Ba'athists, to al-Qaeda in Iraq, or to the

Islamic State of Iraq (an umbrella group of Sunni Arab insurgents)." **[56b](p12)** The MRG Report 2010, citing an Iraqi solider, summed up the situation, saying: "We have three governments up here: the central government, the Kurdish government and the Islamic State of Iraq government." **[56b](p12)**

22.17 Similarly the Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, referring to information provided by Nicola Graviano and Liana Paris, IOM - Iraq, Amman explained: "The Kurd-Arab fault line along the disputed boundaries leads to a tense environment and minorities find themselves caught up in the situation. Among those fleeing are Christians but also Turkmen as well as Yazidi families. In many areas minority groups are being themselves in a minority position are fleeing to more homogenous areas." **[30a](p11)**

22.18 The Danish FFM Report also cited a reliable source in Iraq who noted that:

"Ethnic and religious minorities are in a violent environment often targeted as well as pressured into leaving certain locations. It was added that pressure to relocate can stem from a wish to influence demographics of certain areas. A person could be forced to sell his or her land and/or house and move away, or be deprived of services in a certain area. It was stated that pressure on minorities can derive from both authorities and local communities, however added that the situation is highly complex. There are centres of power locally, and the divides in society are also reflected in government." **[30a](p21)**

22.19 The USSD Report 2009 also noted:

"During the year discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the disputed territories under the de facto control of the KRG, including Turkmen, Arabs, Yazidis, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process, 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. Within the three provinces of the KRG there was little evidence of KRG discrimination against religious and ethnic minorities. Minority communities operate their own schools and are represented both in the parliament and executive branch of the KRG." **[2a] (Section 6, National/Racial/Ethnic Minorities)**

22.20 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq)* conducted 6 to 23 March 2009, published July 2009, reported that:

"An international organisation (E) in Erbil stated that in the disputed areas, minorities report feeling safer in the locations controlled by the Kurdish forces. However, in reality the disputed areas are fertile land for proxy wars/interventions that reflect the global political situation among different actors. Therefore, the feeling of security might not be sustainable and there are no guarantees. The international organisation (E) in Erbil mentioned that as per their findings and other agencies' [findings], ethnic groups remain subject to threats, intimidation and violence in the disputed areas. The international organisation (E), Erbil mentioned yet unconfirmed reports that the Asayish [internal security services] had tried to persuade three Arab families in the Ninewa plains to

collaborate. The international organisation (E) made it clear that this case can not be taken as an illustration of a general trend on the treatment of persons of Arab origin. It was added, however, that the international organisation (E) had heard of other incidents like the above mentioned." **[30b](p34)**

22.21 With regard to reconciliation efforts being made by the various groups to improve security situation for minorities, *UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1936 (2010)* (UNSC Report November 2010), dated 26 November 2010, covering events since 29 July 2010, observed:

"In response to the concerns and needs expressed by the ethnic and religious communities in northern Iraq, and as part of ongoing political dialogue between the Arab and Kurdish parties in Ninewa, a Committee on Ethnic and Religious Communities was established in Mosul. UNAMI continued to facilitate meetings of the Committee focused on addressing the security of the various ethnic and religious minorities and the protection of their legal, political and socio-economic rights. Members of the Committee include representatives of the Ninewa administration, the Kurdistan Regional Government and the Government of Iraq. The Committee has since been meeting regularly and has formed subcommittees on security, education and services, and political, religious, cultural and administrative rights. These subcommittees have submitted a set of recommendations to be discussed by the Committee at its next meeting. Upon endorsement, the recommendations are expected to be shared with relevant government authorities for consideration." **[16e] (p5)**

Kurds

22.22 The CRS paper, *The Kurds in Post-Saddam Iraq*, dated 1 October 2010, provided the following map outlining areas Kurdish inhabited areas. 60c](p12)

22.23 The Brookings Institute paper *Minorities, Displacement and Iraq's Future*, published 30 December 2008, stated:

166 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

"While clearly a persecuted minority under the Saddam Hussein regime, the position of the Kurds has changed over the past five years. 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...

"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." **[66d] (p10-11)**

See also Arab-Kurdish tensions over the 'disputed territories'

Faili Kurds

22.24 The MRG Report 2010 stated:

"The Faili Kurds are Shi'a Muslims by religion (Kurds are predominantly 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 previously merchants and businesspeople active in politics and civil society, and founded the Baghdad Chamber of Commerce in the 1960s." **[56b](p6)**

22.25 The same source observed that:

"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, Iraqi refugees in Iran numbered more than 200,000; of 1,300 living in the city of Azna in western Iran, 65 per cent were Faili Kurds. Many of those 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 and the specific ongoing violations they face. For those who felt return might be an option after the fall of Saddam Hussein, current conditions make this choice highly dangerous and difficult." **[56b] (p6)**

22.26 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." **[17a] (p26)**

22.27 Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing UNHCR – Iraq, Baghdad, noted:

"Feyli Kurds are among some of the 130,000 stateless persons in Iraq. ... The number of Feyli Kurds who are stateless is however decreasing as they now in accordance with the Nationality Law of 2006 are now able to get their citizenship restored.9 UNHCR - Iraq, Baghdad stated that the situation of Feyli Kurds is one that is changing as they are

eligible for restoration of nationality. Therefore the number of stateless Feyli Kurds is decreasing as is their vulnerability. However, there are a number of bureaucratic delays that affect this process. Additionally, UNHCR heard of a case where a Feyli Kurd from Khanaqin with no papers was told by the authorities to go to Baghdad in order to process papers." **[30a](p23)**

Turkmens

22.28 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. **[66d] (p9)**

22.29 The MRG Report 2010 provided the folling background:

"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, with the remainder Ithna'ashari or other Shi'a. Shi'as generally 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." **[56b](p7)**

22.30 International Crisis Group in their paper, *Iraq's new battlefront: The struggle over Ninewa*, dated 28 September 2009, provided a further understanding on the divisions which existed within the Turkoman community in Iraq post 2003. Citing an interview with Karhi Altiparmak, the head of the Turkoman bloc in the Kurdistan regional assembly, the source noted:

"After 2003, the Turkoman community was profoundly divided as a result of sectarian polarisation between Sunnis and Shiites. We also are split along local lines: those from Erbil (a small minority), Kirkuk (the largest constituency), Mosul and Tel Afar do not speak in a single voice. As a general matter, local interests, stakes and alliances trump any national or political convergence. Myself, I am cut off from the other Iraqi Turkomans. At least ten political parties currently vie for the support of Ninewa's Turkomans." **[11e](p33)**

22.31 MRG Report 2010 further observed:

"... Iraqi Turkmen today are being rapidly assimilated into the general population and are no longer tribally organized [although some have been able to preserve their language]. Tensions between Kurds and Turkmen mounted following the toppling of Saddam Hussein, with clashes occurring in Kirkuk. Turkmen view Kirkuk as historically theirs. UN and other reports since 2006 have documented that Kurdish forces have abducted Turkmen and Arabs, subjecting them to torture. Car bombings, 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. Turkmen women experience particular vulnerability." **[56b] (p7)**

22.32 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. **[17a] (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 [sic] on public places, such as mosques, restaurants and markets, in an attempt to reignite sectarian violence. **[17a] (p111)**

Chaldo-Assyrians

22.33 MRG Report 2010 noted: "Descendants of ancient Mesopotamian peoples, Chaldo-Assyrians live mainly in major Iraqi cities, such as Baghdad and Basra, as well as 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. **[56b](p5-6)**

22.34 USSD IRF Report 2010 explained that: "Approximately two-thirds of Christians currently estimated to be between 400,00 and 600,000] are Chaldeans (an eastern rite of the Catholic Church), nearly one-fifth are Assyrians (Church of the East) ..."
[2e] (Section 1, Religious demography)

22.35 The UNHCR Guidelines 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." **[17a] (p71)**

22.36 The MRG Report 2010 also noted that: "Since 2003, Chaldo-Assyrian churches, businesses and homes have been targeted. In February 2008, the Chaldean Archbishop of Mosul, Paulus Faraj Rahho, was abducted and killed. In April 2008, Assyrian Orthodox priest Father Adel Youssef was shot to death by unidentified militants in central Baghdad." [56b] (p5-6) The Human Rights Watch (HRW) paper, On Vulnerable Ground: Violence against Minority Communiites in Nineveh Province's Disputed Territories, dated November 2009, further explained:

"Since 2003, armed groups opposed to communities of different faiths living in their vicinity, especially ones with perceived ties to the supposedly Christian West (and, by association, with the multinational forces in Iraq—they are perceived as accounting for a high proportion of the translators working for US forces, for example) have repeatedly attacked the Chaldo-Assyrian community. The perceived Christian support for the KRG's claim to the disputed territories, and the wealth of some Christians are also factors." [21g](p31)

Shabaks

22.37 The Human Rights Watch (HRW) paper, *On Vulnerable Ground: Violence against Minority Communiites in Nineveh Province's Disputed Territories*, dated November 2009, explained: "Shabaks are an ethnic and cultural minority located in Mosul and a few villages east of the city in the Nineveh Plains. Their language is a mix of Turkish, Farsi, Kurdish, and Arabic. About 70 percent of the group is Shia and the rest is Sunni ... They have been recognised as a distinct ethnic group in Iraq since 1952." **[21g](p18)**

22.38 The MRG Report 2010 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. A small population of Shabak people also lives in Mosul. They number between 200,000 and 500,000. 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." **[56b](p7)**

22.39 With regard to the treatment of Shabaks, the same report noted:

"Kurdish authorities have refused to recognize them as an ethnic minority, and consider them as a community of Kurdish ethnicity, an issue over which Shabak themselves are divided. Their status and lands are disputed by both 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. Since 2004, Shabak groups have reported to the UN that more than 750 of their community members have perished in armed attacks." **[56b] (p7)**

22.40 USSD IRF Report 2010 noted: "Shabak and some Yezidi political leaders alleged that Kurdish Peshmerga forces regularly committed abuses against, and harassed their communities in, Ninewa Province." **[2e] (Section II, Abuses of Religious Freedom)**

22.41 The HRW report, *On Vulnerable Ground: Violence against Minority Communiites in Nineveh Province's Disputed Territories*, dated November 2009 observed:

"Insurgent groups have targeted them because about 70 percent of Shabaks adhere to the Shia sect of Islam, which many Sunni extremists regard as heretical (Sunni insurgents have targeted Shia throughout Iraq, and not just Shia who are members of minority groups): for example the Islamic State of Iraq, an insurgent group then allied to al Qaeda in Mesopotamia, distributed a flyer dated October 16, 2007, in Mosul that described Shabaks as "rejectors" of Islam and asserted that it is "an obligation to kill them and to displace them with no mercy."[107] Sunni groups have also targeted Shabaks because some Shabaks identify themselves as Kurds, and because insurgents view them as pro-Kurdish. However, recent attacks on Shabak community leaders appear to have a different provenance." **[21g](p37)**

Roma

22.42 The MRG Report 2010 provided the following background: "Known as Kawliyah in Iraq, they are either Sunni or Shi'a Muslims, and are found in the Baghdad region and in 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." **[56b] (p7)**

22.43 An article in the *Calgary Herald*, dated 5 December 2010, explained:

"Their [the Roma's] situation ... has deteriorated dramatically since the US-led invasion that ousted Saddam Hussein in 2003. Under Saddam's Baathist regime, the dictator's iron fist did not weigh on the Roma. Roma men were professional singers or musicians and the women were invited to dance at feasts, weddings and parties in Iraq. Today,

with the war-torn country primarily run by religious leaders, as opposed to the mostly secular society that existed under Saddam, the Roma community feels ostracised." **[79a]**

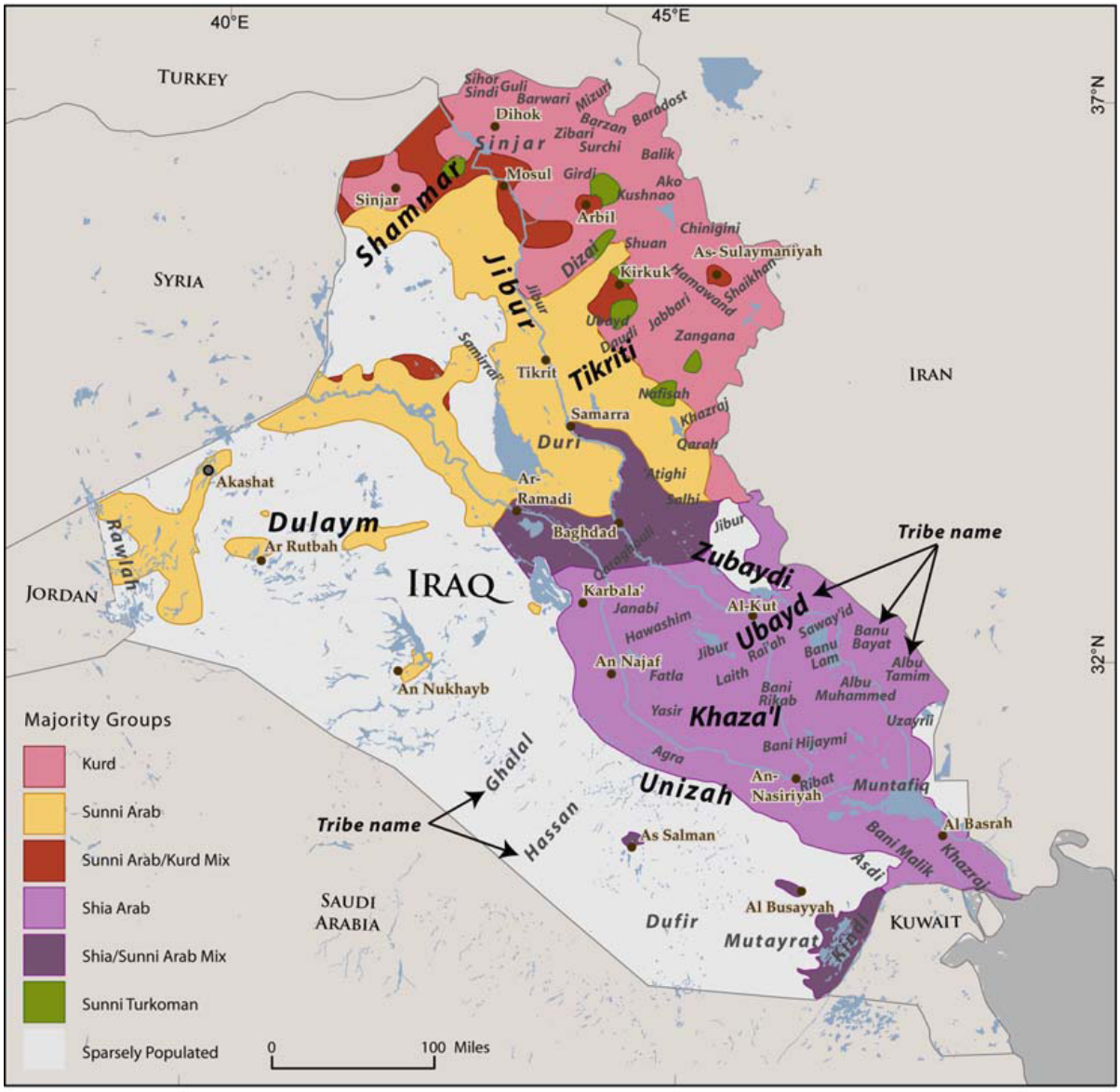
22.44 The UNHCR Guidelines of April 2009 reported Roma (Kawliyah) individuals had been targeted by Shi'ite militias, due to them being perceived as having supported or received preferential treatment by the former Ba'athist government. **[17a] (p171)** Whilst the MRG Report 2010 observed: "Since the 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." **[56b](p7)**

TRIBES/CLANS

22.45 An article in Washington Post *A House of Tribes for Iraq,* published 25 April 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." **[80a]**

22.46 A CRS paper entitled *Iraq: Trial Structure, Social, and Political Activites,* dated 7 April 2008 identified several major tribal groups – the Shammar; the Dulaym; the Jibur; the Tikriti-al; the al Khaza'il; the Anizah; the Banu Hushaim; the Al-Aqrah; the al-Zubayd and the Ubayd. For further information on these tribes, refer to the source via the link here. The source also provided the following map of tribes and major confederations in Iraq:



Source: CIA Iraq Country Profile Inset: Distribution of Ethnoreligious Groups and Major Tribes
Map: Congressional Cartography, Library of Congress, 2007

22.47 Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010), published 10 September 2010 noted:

"A source in Baghdad considered it difficult to find an Iraqi without a tribal network. In terms of return if an individual is returning after many years abroad, it may be hard to track one□s tribal network again. However, it depends on one□s family, its position and strength and how many remain in Iraq.

"According to an international NGO in Amman, the whole tribal system has undergone some change since 2003. As opposed to earlier, the tribal structure has become more and more decentralized, pointing to the fact that self-proclaimed tribal leaders have emerged in different areas. The structure or framework of tribal society is currently more fragmented than ever before. ... Regarding protection, it was stated that the question of whether or not this is available to a person very much depends on his or her tribal or

political network. ... According to the international NGO's own security procedures for its local staff in a situation of conflict, the police would not necessarily be the first instance one should contact. Concerning the security or police forces, it is hard to know 'who is who' and the make-up of the forces, even for locals.

"... The most vulnerable persons when it comes to security are those who are independent of links, i.e. those without a tribal and/or political network. ... Instead of turning to the police, persons under threat have the alternative to turn to tribes and/or political parties. It was underlined that tribes and political parties do not make up two entities and lots of intersections exist among the two. A person under threat would be best off seeking both options for protection if possible. It is impossible to give an overall illustration of this phenomenon and there is no overarching rule with regard to the relationship between tribes and political parties and protection mechanisms. Throughout Iraq, there are different mechanisms of checks and balances between the political system and the tribes, and this arrangement is fluid and prone to change." **[30a](p35)**

See also: Tribal justice systems additionally see Security situation – main actors involved in the violence and Crime. Additionally see Sectarian influences and divisions within the security forces

Return to contents
Go to sources

23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

In considering the position of lesbians and bisexual women, users should also read the section on Women for an appreciation of the position of women, and discrimination and violence they face in Iraqi society.

LEGAL RIGHTS

23.01 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) report entitled *State Sponsored Homophobia*, (ILGA Report 2010) published May 2010, 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." **[47a] (p26)**

23.02 USSD Report 2009 stated: "There was no law specifically prohibiting the practice of homosexuality, although paragraph 394 of the penal code prohibits the act of 'buggery. The law calls for imprisonment only if the 'victim' is under the age of 18. There was no data on how often, if ever, persons were prosecuted for buggery." **[2a] (Section 5, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)** The UN High Commissioner for Refugees (UNHCR Guidelines) *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated April 2009 reported : "While homosexuality is not prohibited by Iraqi law, it is a strict taboo and considered to be against Islam." **[17a] (p193)**

23.03 A report by Brian Whitaker, *Pride and prejudice: The targeting of gay men in Iraq*, dated 28 November 2010 noted: "Today, homosexual acts in private are still technically legal in Iraq, though the criminal code outlaws 'immodest acts' in public. The law also

protects people from public insults – which would appear to include suggesting that someone is gay, even if it happens to be true. ... On paper at least, this is better than in most Arab countries." **[121a]**

23.04 An in-depth report by Human Rights Watch (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." **[21c] (p27-28, III. Extortion and the State: Nuri's Story)**

23.05 Amnesty International Report entitled *Civilians Under Fire,* dated 26 April 2010, stated:

"Gay men face similar discrimination as women under the legislation that provides for lenient sentences for those committing crimes with an 'honourable motive'. Iraqi courts continue to interpret provisions of Article 128 of the Penal Code as justification for giving drastically reduced sentences to defendants who have attacked or even killed gay men they are related to if they say that they acted to 'wash off the shame'. In its rulings, the Iraqi Court of Cassation has confirmed that the killing of a male relative who is suspected of same-sex sexual conduct is considered a crime with an 'honourable motive', thus qualifying for a reduced sentence under Article 128." **[29e] (p21-22)**

23..06 The same report further observed: "Although provisions under Articles 128 have been amended in the Kurdistan Region by Law 14 of 2002 and, therefore, may no longer be applied in connection with crimes committed against women there, they continue to be applicable throughout the whole of Iraq in connection with crimes against gay men." **[29e] (p21-22)**

23.07 The Amnesty International report, *Sexual Minorities and the Law: A World Survey*, updated July 2006, stated with regard to transgender persons that there was: "No data or legal situation unclear." **[29l] (p6)** The ILGA Report 2010 noted that there was no law on recognition of gender after rassignment treatment. **[47a] (p50)**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

23.08 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." **[17a] (p194)**

23.09 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 stated: "The UK has raised concerns with the Iraqi Human Rights Minister who confirmed that homosexuality is not a criminal offence in Iraq. The Ministry of Interior has also stated that the killing of homosexuals is considered as murder, as it would be for any other individual, and the perpetrators will be prosecuted." **[32a]**

23.10 However the HRW Report entitled '*They Want Us Exterminated': Murder, Torture, Sexual Orientation and Gender in Iraq*, dated 17 August 2009 reported:

"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." **[21c] (p4, Introduction, Summary)**

23.11 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)**

23.12 *The Guardian* website in their article entitled *US and UK failing to take Iraq's gay pogrom seriously,* dated 23 June 2010, observed:

"12 Iraqi police officers burst into a house in Karbala, beat up and blindfolded the six occupants and bundled them off in three vans, taking the computers they found with them. The house was then burned down by unknown people. The house was a new 'emergency shelter' run by the Iraqi LGBT organisation. Two days later, one of the men turned up in hospital with a throat wound saying he'd been tortured. Iraqi LGBT has ordered those in its other two safe houses to move immediately.

"The group says the police action is consistent with other state attacks on lesbian, gay, bisexual and transgender (LGBT) people in Iraq. It has information that the other five – two gay men, one lesbian and two transgender people – have been transported 100 miles north to the interior ministry in Baghdad, where they'll be interrogated (ie tortured) to find out more about the group. Then, going on past experience, they'll probably be handed to militias loyal to Shi'a clerics Grand Ayatollah al-Sistani and Muqtada al-Sadr (both of whom have called for homosexuals to be put to death) and their mutilated bodies will turn up later." **[19c]**

23.13 Amnesty International Report entitled *Civilians Under Fire,* dated 26 April 2010 also observed:

"Impunity or, at most, a disproportionately lenient prison sentence for the murder of gay men by their relatives, appears to be the rule rather than the exception in Iraq. ... members of the gay community under threat of attack or murder cannot expect any assistance from the authorities, even when urgent protection is needed... On the contrary, members of the security forces and possibly other authorities appear in some cases to have encouraged the targeting of people suspected of same sex relationships,

in blatant violation of the law and international human rights standards. For example, a senior police officer in the Karada district of Baghdad was reported to have told the media that 'homosexuality is against the law' and that the police were involved in a "campaign to clean up the streets and get the beggars and homosexuals off them." **[29e] (p22)**

Also see Human rights violations by government forces

SOCIETAL TREATMENT AND ATTITUDES

When considering the current insecurity in Iraq and violence against LGBT persons, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation, to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats.

23.14 The HRW Report entitled '*They Want Us Exterminated': Murder, Torture, Sexual Orientation and Gender in Iraq*, dated 17 August 2009, noted that: "'Honor'-and patriarchal and tribal values around masculinity, sexuality, and shame-indeed exacerbate prejudice and incite harm…" **[15c] (I: Introduction)** The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 stated: "We have received numerous reports of violence being committed against individuals because of their sexual orientation. It is difficult to obtain precise information. … However, official figures do not show a significant overall increase in violence against, or systematic abuse of, the homosexual community by fundamentalists or militia groups." **[32a]**

23.15 Amnesty International Report entitled *Civilians Under Fire,* dated 26 April 2010, stated:

"Members of the gay community in Iraq live under constant threat. They are confronted by widespread intolerance towards their sexual identity and scores of men who were, or were perceived to be, gay have been killed in recent years, some after torture. Violent acts against gay men have occurred against a background of frequent public statements by some Muslim clerics and others condemning homosexuality. Attacks against gay men, including killings, have frequently been reported since the 2003 invasion." **[29e] (p21)**

23.16 The same report further stated:

"In April 2009 Amnesty International interviewed several Iraqis who had recently fled due to the violence they were facing because they were gay men. Hakim, a 34-year-old man from Najaf, reported that his partner had been kidnapped and abused by members of the Mahdi Army in October 2008, apparently after they found out about their secret relationship. Following his release, both men received death threats from the Mahdi Army, including on one occasion a note that was delivered with three bullets." **[29e] (p21)**

23.17 A CNN news video, dated 17 August 2009, provided further information on the treatment of gay men and transexuals in Iraq, which apparently increased, following the release of a video in January 2009 allegedly showing Iraqi gay men at a party. To

access the CNN video report, refer to the link here. See also the Human Rights Watch Report They Want Us Exterminated, dated 17 August 2009 which is referred to in the CNN report.

23.18 Human Rights Watch (HRW) *World Report 2010*, published 20 January 2010, and covering events of 2009 stated:

"In early 2009 a killing campaign against men suspected of being gay, or of not being sufficiently 'masculine,' erupted. Armed gangs kidnapped men and dumped their mutilated bodies in the garbage or in front of morgues. Men interviewed by Human Rights Watch in April recounted death threats, blackmail, midnight raids by masked men on private homes, and abductions from the streets. The campaign was most intense in Baghdad, but extended to other cities including Kirkuk, Najaf, and Basra. Most survivors and witnesses pointed to Moqtada al-Sadr's Mahdi army, the largest Shia militia, as the driving force behind the killings. Sadrist mosques and leaders have warned loudly that homosexuality threatens Iraqi life and culture. Some Sunni militias may have joined the violence, competing to show their moral credentials. While there was no accurate tally of the victims, the number may have well been in the hundreds. Iraqi police and security forces did little to investigate or halt the killings. Authorities announced no arrests or prosecutions; it is unlikely that any occurred." **[21b]**

23.19 USSD Report 2009 stated:

"On May 29 [2009], Muqtader al-Sadr, leader of the JAM militia, ordered that the 'depravity' of homosexuality be eradicated. Although he publicly rejected outright violence against lesbian, gay, bisexual, and transgendered (LGBT) individuals, reports attributed the killings of gay men to radical Shia militias, as well as to tribal and family members shamed by the actions of their LGBT relatives. Authorities had not announced any arrests or prosecutions of any persons for killing, torturing, or detaining any LGBT individuals by year's end." **[2a]**

23.20 A report by Brian Whitaker, *Pride and prejudice: The targeting of gay men in Iraq*, dated 28 November 2010 further explained the every day difficulties faced by gays:

"The problem in post-Saddam Iraq ... is that the official legal position counts for less than realities on the ground. The wave of 'gay' killings was made possible by the breakdown of state control and the rise of local militias, some of them seeking to enforce their own interpretations of Islamic law. That resulted in people being killed for the most trivial of 'sins' – among them barbers who gave customers 'un-Islamic' haircuts. It reached a peak of absurdity when al-Qa'eda elements in Iraq sought to impose 'gender' segregation of vegetables. Claiming that tomatoes are feminine and cucumbers masculine, they argued that greengrocers should not place them next to each other, and that women should not buy or handle cucumbers." **[121a]**

23.21 With regard to the occurrence of honour crimes perpetrated against both gay men and lesbians, the Human Rights Watch report, *They Wanted Us Exterminated*, dated 17 August 2009 provided a useful overview, and also acknowledged the inherent difficulties in reporting on such private matters, particularly in the case of women who were lesbians:

"Despite wide acknowledgement that violence against women is a serious crisis in Iraq, state authorities have ignored it, and most NGOs have concentrated on 'public,' political

patterns of [homophobic] attacks on men. Amid this neglect, the question of whether and how violence targets women for non-heterosexual behaviors has been doubly neglected. In researching this report, Human Rights Watch was unable to locate or interview women in Iraq who have experienced intimate or sexual relationships with other women. The pressures to marry and to conform make those women invisible.

"Only anecdotal accounts suggest what they might face. Mashal [one of HRW's sources], for example, told us: ... I heard about one girl-her cousin killed her at the entrance of her house because she is a lesbian. He cut her throat the same way you would slaughter a sheep. He opened the door so people could see the body, a public show of cleansing. I know someone who saw it... Men, however, 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.'" **[21c](p42-43)**

LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS IN THE KURDISTAN REGIONAL GOVERNMENT AREA

23.22 The UNHCR Guidelines of April 2009 reported 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." **[17a] (p194)**

23.23 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009, published July 2009 observed:

"A Medical Doctor employed at an international organisation (G) in Erbil explained that harassment of homosexuals does take place in KRI [Kurdistan Region Iraq]. It was added, however, that homosexuals are not discriminated against in public life. Homosexual relationships are mostly hidden and as long as it is kept a secret and out of the public sphere, the community will not interfere. It was emphasised that a homosexual would not be killed just because he is a homosexual. However, the family will do its outmost to hide that a member of its family is a homosexual. The Medical Doctor added that lesbianism is completely hidden.

"IOM, Amman stated that homosexuality is a taboo in all of Iraq and that there is no information on the conditions in which homosexuals live. Homosexuality is a very personal and sensitive issue and it is a cultural dilemma. What people do in their homes is considered as a private matter. IOM, Amman emphasized that it is a Western idea to

'come out of the closet', i.e. you just do not display your homosexuality publicly in Iraq, and IOM, Amman added that this goes for any other Islamic country.

"An international organisation (B) in Erbil concurred that homosexuality is considered to be shameful in KRI and that life is difficult for a homosexual. ... The *Hawlati* journalists informed that although homosexuality is illegal by law, homosexuals will not be prosecuted unless they are known to be homosexually active. ... According to the *Hawlati* journalists, harassment of homosexuals does happen. Most likely homosexuals will be avoided by other people because homosexuality is regarded as highly immoral in the society. ... The *Hawlati* journalists mentioned that a [medical] doctor who had written an article on homosexuality was imprisoned for six months for „immoral behaviour. AI reports that the doctor was jailed for six months and fined by a court in Erbil on 24 November 2008. He was charged under Article 403 of the Iraqi Penal Code, which concerns publication of material deemed immoral. The doctor was released following local and international protest." **[30b] (p75)**

The websites Globalgayz.com and Iraqi LGBT, a UK-based group describing itself as an human rights organisation, provide further information on the position of LGBT persons in Iraq.

Return to contents
Go to sources

24. DISABILITY

24.01 Article 32 of the Constitution of Iraq 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." **[15i]**

24.02 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, 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 [Ministry of Labour and Social Affairs] operated several institutions for the education of children and young adults with disabilities. It also operated workshops and associations to provide employment opportunities to persons with mental disabilities. ... Eighteen institutes operated in Baghdad and the provinces outside the KRG for persons with mental and psychological disabilities and housed approximately 800 persons. There were 34 institutes assisting approximately 1,870 persons throughout the country for persons with physical disabilities, including homes for visually impaired and hearing impaired persons, vocational/rehabilitation homes, and homes for elderly persons. The government, through the prime minister's office and MOH, provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment." **[2a] (Section 6, Persons with Disability)**

24.03 International Committee of the Red Cross [ICRC], *Annual Report 2009: Iraq,* published 19 May 2010, reported that "physically disabled people continue to receive assistance". **[49a] (p363)** The report continued:

"The paediatric clinic in Erbil and three crutch-production units in Baghdad, Basra and Erbil received ICRC material, maintenance and technical support, as did Ministry of Health physical rehabilitation centres in Baghdad, Basra, Falluja, Hilla, Najaf and Tikrit and the ICRC's own centre in Erbil. ... An agreement was signed with the Ministry of Health to construct a physical rehabilitation centre in Nasiriya, with a capacity to fit 500 patients with mobility appliances annually.

- 31,196 patients (including 4,673 women and 9,251 children) received services at 10 ICRC-supported physical rehabilitation centres
- 1,808 new patients (including 280 women and 92 children) fitted with prostheses and 8,551 (including 1,669 women and 4,916 children) fitted with orthoses
- 3,447 prostheses (including 421 for women and 132 for children; 341 for mine victims), 12,615 orthoses (including 1,885 for women and 8,387 for children; 120 for mine victims), 2,161 crutches and 96 wheelchairs delivered" **[49a] (363)**

24.04 Handicap International Report entitled *Fallen Off the Agenda? More and better aid needed for Iraqi recovery,* published July 2010, stated:

"… while the number of people with disabilities has considerably increased, the support for this group has decreased. Overwhelmed by emergency issues, the Iraqi government has relegated PWD [People With Disabilities] issues to a low priority. The Iraqi Alliance of Disability Organisations (which consists of 30 disability organisations from across the country) explained that the Iraqi government has so many urgent issues and needs to address that very little support is provided for people with disabilities. In addition, the government has very little knowledge about how to support this group." **[50a] (p15-16)**

24.05 International Organisation for Migration (IOM) Report *entitled Enhanced and Integrated Approach regarding Information on Return and Reintegration in the Countries of Origin – IRRICO II*, dated 10 November 2009, stated:

"… the government has approved the Social Safety Network programme. MoLSA has begun some preparatory work, such as listing vulnerable people but the scheme has not been implemented yet, pending finalisation of the budget. This programme aims to support handicapped people, vulnerable people, female heads of households and widows. They will receive monthly payments of at least €84.76, depending on age, and the number of their children, amongst other criteria." **[51a] (p13)**

24.06 The website for Handicap International, undated but circa 2008 provided details of support work being developed by the organisation in Iraq to assist handicapped persons. The centres and satellite units overseen by HI were situated in the area of Suleymaniyah, an area severely mined. To access the site refer to the link here

Return to contents
Go to sources

25. WOMEN

For information about girls the following information throughout this section should be considered together with material found under Children.

OVERVIEW

180 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

25.01 The US State Department *Country Report on Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated: "The constitution provides for equal treatment before the law without discrimination based on gender [Article 14 of the 2005 Constitution]; 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." **[2a] (Section 6, Women)**

25.02 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 observed:

"Despite improvements in the last year, women in Iraq continue to suffer systematic abuses of their human rights. Reports suggest that many women, particularly those in rural areas, have limited access to education, employment and healthcare. Widows and households headed by women are especially vulnerable. Ten per cent of all households are headed by women (80 per cent of whom are widows). Local traditions also discourage them from taking employment." **[32a] (p120)**

25.03 The Organisation for Economic Co-operation and Development's Social Institutions & Gender Index (SIGI) 2009 provides a measure of gender discrimination based on five areas or social institutions: family code, physical integrity, son preference, civil liberties and ownership rights. For further information refer to the background paper here.**[123a]** The index listed 102 non-OECD [Organisation for Economic Coperation and Development] countres. The SIGI 2009 listed women in Iraq as subject to a high degree of gender discrimination, rating 93rd out of the 102 countries ranked. **[123b]**

25.04 The UN Treaty Database, accessed 19 January 2011, recorded that Iraq ratified the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) on 13 August 1986. **[16g]** For further information and to access the UN Treaty database please click here

See also Tribal justice systems for a more general understanding about the religious-conservative nature of Iraqi society, which additionally impacts on women's rights issues, as the information below illustrates. Also refer to Tribes/clans for additional background.

LEGAL RIGHTS

25.05 "Article 14 of the 2005 constitution states that Iraqis are equal before the law and bars discrimination based on 'gender, race, ethnicity, nationality, color, origin, sect, belief or opinion, or economic or social status.' Unfortunately, there is no practical enforcement of this principle at present. The various parties of the government and parliament hold different views on women's rights, and many are firmly attached to traditional views that oppose the empowerment of women. Even if some factions support women's rights to a certain degree, they are often unable or unwilling to assert their views and antagonize those who differ." (FH Women's Rights Report 2010) **[8b] (Non-discrimination and access to Justice)**

25.06 The SIGI, Iraq country page (SIGI Country Page) undated, but circa 2007 noted: "Iraq's new Constitution (adopted in 2005) states that all Iraqis are equal before the law and prohibits discrimination based on sex. The Constitution cites Islam as a basic source of legislation and forbids the passing of laws contradictory to its 'established rulings'. As a

result, the situation of women in Iraq very much depends on the implementation of Islamic law." **[123c]**

25.07 The UN High Commissioner for Refugees (UNHCR Guidelines) *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated April 2009 reported: "Although the Iraqi Constitution provides for gender equality... a number of Iraqi laws continue to discriminate against women." [17a] (p145)

For further details on the legal position of women, refer to the Institute for International Law and Human Rights, *Women and the Law in Iraq*, December 2010

POLITICAL RIGHTS

25.08 Central Intelligence Agency (CIA) *World Factbook* (CIA World Factbook), updated 26 January 2011, noted that universal suffrage existed at 18 years of age. **[4a](Government)** The UN High Commissioner for Refugees (UNHCR Guidelines) Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, dated April 2009 reported: "... female political representation is guaranteed at both the national and the provincial level ..." **[17a] (p145)**

25.09 The Freedom House report entitled *Women's Rights in the Middle East and North Africa 2010*, (FH Women's Rights Report 2010) published 3 March 2010 noted:

"Article 20 of the 2005 constitution specifically grants the right to vote and run for office to both men and women. However, many female candidates who ran in elections over the past four years ... have faced significant obstacles, including having their campaign posters torn down. They also received threats or warnings not to campaign in conservative districts of Baghdad and other cities. Some female candidates decided not to place their posters on the streets because of the lack of security. Female politicians generally face more barriers and dangers than their male counterparts, as they usually have less experience and need to counter the widespread belief that women are less capable in politics than men. They also tend to enjoy less financial independence and have fewer social or professional contacts than male candidates. …

"Article 49 of the 2005 constitution states that electoral laws should 'aim to achieve' a 25 percent minimum quota for women in the parliament. That year's elections law called for women to occupy one out of every three names on a party's candidate list, and the rules ultimately succeeded in meeting the quota. However, women's numbers in the legislature declined from 87 of 275 after the January 2005 TNA elections to the current 70 of 275, partly because of party fragmentation [figures do not cover 2010 election results]. As of the end of 2008, women chaired two of the parliament's 24 standing committees. ... There are no women among the country's 18 governors. Although the constitution does not call for it, the electoral laws governing provincial elections have included provisions—similar to those for the national parliament but staying shy from the actual quota—to encourage female representation in provincial councils. In practice, however, the results have varied from place to place, often falling below 25 percent" **[8b] (Political Rights and Civic Code)**

25.10 Concerning women's participation in political parties, the report stated:

"Women can organize and participate in political parties and processes at all levels, but due to societal attitudes, not many do so. After the fall of the Ba'athist regime, numerous political parties began to emerge or return from exile, all run entirely by men. To meet the election quotas, they deliberately chose obedient or conservative women as candidates on party lists. In general, many male party leaders view their female colleagues as too mentally and physically weak to handle high-level roles. In 2005, female intellectuals and advocates for women's rights attempted to establish their own parties, but they failed because they did not get the necessary financial support or encountered open hostility. Women have made somewhat more political progress in Iraqi Kurdistan, but they still face many obstacles." **[8b] (Political Rights and Civic Code)**

25.11 United Nations Assistance Mission for Iraq (UNAMI) entitled *Iraq Election 2010,* published June 2010, provided the following facts regarding women's representation in the Council of Representatives:

"The 2005 electoral law introduced for the first time the 25% quota for women in the Council of Representatives [;] ... The 2010 electoral law reaffirmed the 25% quota [;] ... In March 7 elections, a total of 1,815 women ran for elections, winning 82 seats [out of a total of 325] in the Council of Representatives in Iraq's constituencies compared to 70 seats in the past [;] ...female candidates garnered the needed votes to reach the electoral threshold without relying on the so-called female quota, while other 61 women won seats thanks to the female quota which grants women 25% of seats in the Council of Representatives [;] ... Al Iraqiya list won the highest number of female seats (25) followed by the State of Law coalition (23), the Iraqi National Alliance (19), the Kurdistan Alliance (12), the Change list (2) and finally the Rafidin (Mesopotamia) List with only one winning female candidate." **[15e] (p19)**

25.12 Fair Vote report *Iraqi's 2010 Parliamentary Election – Part 4: Iraq Women's Political Reality,* published on 22 March 2010, observed:

"The 2010 campaign for the March 7th election has undeniably showed improvements in Iraqi society's view of women. For the first time since Saddam Hussein's ouster, some female candidates, such as Fairuz Hatem for the Iraqi National Alliance and Safiya al-Souhail for the State of Law Alliance, campaigned without any veil and appeared with their uncovered heads, wearing business suits and makeup on election posters and in televised debates. An all-female political party has also been created, which seeks to empower Iraqi women in the educational and economic sectors and has won the support of the Iraq Unity Alliance, a secular, cross-sectarian coalition. ... Iraqi women now hope that their capability and ability will be widely recognized, so that they'll be able to get rid of the quota system. For now, as long as some structural barriers remain, the quota system helps improve Iraq's representation and gives women a say in the political process." **[94a]**

25.13 Christina Asquith, a journalist, academic and author of the book, *Sisters in War: Love, Survival and Family in the New Iraq*, covering her experiences with women whilst in Iraq, gave a radio interview dated 7 March 2010 on the political involvement of women in the 2010 elections. Commenting on the quota system she explained:

"I - hands down - would say the quota has been absolutely fantastic for women. Because I think we have to imagine what the situation would be like if not for the quota. I think we would see almost no women running. It would be just difficult for women to get an edge in, get a foot in the door. I mean, it's still very post-conflict in Iraq right now.

When you bring up women's issues, people tell you there's no time for that; this isn't the time. We need to talk about security, we need to talk about oil, we need to talk about employment. We don't have time for women's issues right now." **[124a]**

To access a transcript of the interview refer to the source here

25.14 The Institute for International Law and Human Rights, *Women and the Law in Iraq*, dated December 2010, made the following observations on election law in Iraq: "The laws that regulate voting and elections in Iraq are generally non-discriminatory, and also at times use positive discrimination through quotas to ensure that women are represented in all levels of government, starting with the Council of Representatives. This ensures women's protection and participation, and is a leading example of such laws both in the Middle East and around the world." **[125a](p11)**

SOCIAL AND ECONOMIC RIGHTS

The following information should be considered together with more general information found under Economy, additionally more specific information related to the socio-economic difficulties experienced by some women is found under Vulnerable women-headed households

25.15 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 stated:

"Women in Iraq have held more rights than many others in the region following the 1959 Personal Status Family Law that protected women's rights in marriage, child custody, divorce and inheritance. Concerns that Article 41 of the new Iraqi constitution will devolve family law matters to religious and ethnic community leaders remain. This issue was raised with the PM's Special Envoy in December and at the Human Rights Forum also in December." **[32a] (p121)**

25.16 The Heinrich Boll Stiftung website, in an article entitled *Iraqi Women and the National Personal Status Law*, undated but circa 2009, explained:

"[I]n 1959, Iraq contrary to most Arab countries, passed a personal status law [No. 188] by which the old shari'a courts were replaced with government-run personal status courts that passed judgments based on the new codified state law. While the law is based on religious sources, it is an amalgamation of the most liberal Islamic rules as well as some divergences. It restricts child marriages (by setting the legal age of marriage at 18 years), bans forced marriages and restricts polygamy; it curtails men's prerogatives in divorce, expands women's rights in divorce, extends child custody to mothers, and improves inheritance rights for women. It remains one of the most liberal law in the Arab world with respect to women's rights. Moreover, by eliminating the differential treatment of Sunnis and Shiites under the law, it does not differentiate between the various religious communities and thus sustains social and communal coexistence." **[126a]**

25.17 However the source went onto note that following the fall of the Baathist regime, under the current climate of religious conservatism, there had been a shift in public debate to remove the safeguards of the Personal Status Law. In particular it was noted that Article 41 of the 2005 Iraqi Constitution, which specifies that Iraqi citizens "… are free in their

commitment to their personal status according to their religions, sects, beliefs or choices, and this shall be regulated by law… '" may lead "... to clerics seeking to gain autonomy to implement Shari'a Law within their religious communities." **[126a]** The Institute for International Law and Human Rights, *Women and the Law in Iraq*, dated December 2010 clarified that the Personal Status Code remained in force, but in the paper recommend the repeal of the Article 41 of the Constitution. **[125a](p9)**

25.18 More generally UN High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, dated April 2009 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 ..." **[17a] (p193)**

To access the Personal Status Law, Law No. 188 of 1959, refer to the link here

To access gender related indices, refer to the International Human Development Indicators, Iraq country page via the link here and select Gender.

The following provides a breakdown of the various issues which come under the broad theme of social and economic rights of women. However a degree of overlap in each of these sections does occur.

Marriage, divorce and guardianship

25.19 SIGI Country Page undated, but circa 2007 reported:

"The legal age of marriage is 18 years for both men and women, but with parents' consent and judicial permission the age can be lowered to 15 years. ... Polygamy is legal under the Personal Status Law, reflecting tenets of Islamic law that allow Muslim men to take up to four wives. In Iraq, a man wishing to have multiple wives must obtain judicial permission and also prove his ability to financially support more than one wife." **[123c]**

25.20 The Institute for International Law and Human Rights, article Women and the Law in Iraq, dated December 2010 expained with regard to divorce rights: "The [Personal Status] Code also regulates divorce, 'to sever the bond of marriage', which can be done by the husband, wife, an authorised representative or the judge, and 'must be performed according to Shari'a. While the husband can perform the divorce 'by pronouncing three repudiations', the wife may only have recourse to the provisions on 'separation', available to both spouses." **[125a](p104)** For further details see the source *Women and the Law in Iraq*, December 2010

25.21 SIGI Country Page reported:

"With regards to parental authority, a study by Uhlman illustrates that Islamic law views fathers as the natural guardians of their children. Mothers are considered the physical – but not legal – custodian." **[123c]** FH Women's Rights Report 2010 noted: "Article 57 of the personal status code grants divorced women custody of their children up to age 10, during which time the father must pay child support. Custody can be extended by the court to age 15 if it is in the child's interest; after that point the child can choose his custodian. If the divorced mother remarries, her custody is not revoked unless it is in the child's interest." **[8b](Autonomy, security, and freedom of the person)**

Inheritance and property ownership

25.22 On the subject on inheritance laws, the SIGI Country page, undated but circa 2007, commented:

"Islamic law provides for detailed and complex calculations of inheritance shares. Women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their share is generally smaller than that to which men are entitled. Daughters, for example, typically inherit half as much as sons. This is commonly justified by the argument that women have no financial responsibility towards their husbands and children." **[123c]**

25.23 SIGI Country Page, undated but circa 2007 explained: "Women in Iraq have, in theory, a relatively high level of financial autonomy. They have the legal right to access to land and access to property other than land. They may also enter into financial contracts and have access to bank loans and other forms of credit. Lack of data makes it difficult to assess current levels of female ownership of various assets in Iraq." **[123c]**

25.24 Concerning women's access to private property FH Women's Rights Report 2010, published 3 March 2010, stated:

"Article 23 of the 2005 constitution guarantees the protection of private property without distinction based on gender, stating that the owner 'shall have the right to benefit, exploit and dispose' of it within the limits of the law. Consequently, Iraqi women are legally permitted to buy and hold property under their own names, although due to the current social and political situation, fewer women are able to exercise that right. Women also have full legal freedom to use their income and assets. They can open bank accounts in their name and receive bank loans or mortgages without the involvement of their husbands or male relatives. In practice, however, women are socially obligated to give up some or all of their income to help support their unemployed husbands and relatives. Women are also legally able to bid for and sign contracts without male involvement, and they can enter into business partnerships with men without major social restrictions. Still, they face obstacles including the societal perception that men are better at running businesses, making critical decisions under pressure, and taking on the risk necessary to succeed." **[8b] (Economic Rights and Equal Opportunity)**

Employment

25.25 USSD Report 2009 noted: "Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. The security situation disproportionately affected women's ability to work outside the home." **[2a](Section 6, Women)** The Inter-Agency Information and Analysis Unit (IAU) report entitled *Iraq Labour Force Analysis 2003-2008*, dated January 2009 highlighted that in practice unemployment among women was widespread:

"Only 17% of women participate in the labour force – a low proportion compared to most of Iraq's neighbours.Of these, 23% are unemployed ... data shows that women without a university education are more likely to be unemployed or not seeking a job. Only 30% of working age women with a secondary education participate in the labour force, and this figure drops to 10% for those with just a primary education. By contrast, around

80% of university educated women are seeking a job or employed, and of these most are employed." **[62a](p3)**

25.26 UNAMI Report entitled *The Iraq Briefing Book*, published December 2010, stated that:

"Women's labour market participation is low (17 per cent) with the majority (52 per cent) employed by the public sector mainly in the education and health sector. While there is little evidence to quantify reasons for women's low economic participation, weak labour laws and the lack of an equal opportunity employment law has contributed towards arbitrary dismissals, while the security situation has disproportionately affected women's ability to work outside the home. In addition, lower secondary completion rates are likely to be a factor, as is control by the father/husband, fear of social disapproval, or religious scruples. Women's average wages are about two-thirds of the male average." **[15h] (p81)**

25.27 FH Women's Rights Report 2010 published 3 March 2010 stated:

"Iraqi female employees are allowed to work nightshifts in a small number of settings—such as public hospitals or university dorms—but not in factories or government offices, limiting their ability to compete in the job market. After 2003, at the urging of U.S.-led coalition forces, some Iraqi women enlisted in the military, joining their male colleagues in combat and raids on insurgents and criminal gangs. From 2004 to 2008, when attacks by female suicide bombers increased, the Iraqi government recruited women for the police force to search female civilians at checkpoints. In that respect, women's entry into the security field was essentially an accommodation of existing cultural sensitivities rather than an acceptance of gender equality." **[8b] (Economic Rights and Equal Opportunity)**

25.28 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 reported:

"For many, improved security in 2009 has led to greater freedom of movement and employment, although others still feel constraints. In November [2009], the first 50 female police officers graduated from the same nine month course as their 1,050 male counterparts, with an additional class in self-defence." ... We were encouraged to see an increase in the number of Iraqi business women and professionals operating inside Iraq in 2009. Many local Iraqi NGOs continue to offer legal and business advice to those wanting to start their own businesses, as well as micro loans." **[32a] (p121)**

Freedom of movement

25.29 SIGI Country Page, undated but circa 2007

"... women's freedom of movement has been limited (unofficially) by the ongoing conflict; many women are not able – or do not dare – to leave their homes without male escort. In general, the extent to which a woman can move freely outside the household depends on her husband. The tradition of purdah – the seclusion of women from public observation, either through physical barriers (such as screens, curtains or high walls) or the wearing of clothes that conceal women from head to toe – is practised to varying degrees and limits women's right to move independently. It should be noted that Kurdish women generally enjoy a greater degree of freedom. ... Religious practice, social pressure and the risk of being harassed play major roles in limiting Iraqi women's freedom of dress. Although not legally required to do so, the majority of women choose to wear a veil in public, in accordance with Islamic law." **[123c]**

25.30 Minority Rights Group International report entitled *Still Targeted: Continued Persecution of Iraq's Minorities* (MRG Report 2010) published June 2010, providing survey data based on a questionnaire conducted by a partner organisation between January and December 2009 of 266 minority women (for further information on the methodology refer to page 11 of the report), highlighted that: "... Of the minorities interviewed, Christians reported the highest incidence of restrictions, with 98 per cent of Armenians and 79 per cent of Chaldo-Assyrians indicating continued limitations on freedom of movement." **[56b](p15)**

25.31 USSD Report 2009 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. Islamic extremists targeted women 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. Islamic extremists also reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public." **[2a] (Section 6, Women)**

25.32 The same source also observed: "The MOI's [Ministry of Interior] Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before receiving a passport. On May 8 [2009], KRG prime minister Nechirvan Barzani declared that, unlike in the rest of the country, women older than the age of 18 would be able to obtain passports without obtaining the approval of a close male relative in the KRG-administered areas." **[2a] (Section 6, Women)** See also Exit and return

For more general information see Freedom of Movement

VULNERABLE WOMEN-HEADED HOUSEHOLDS

The following information should be considered together with information included under the section Social and economic rights.

25.33 An article by International Organisation for Migration (IOM), entitled *Hope for Displaced Iraqi Female-Headed Households*, published on 2 October 2009, recorded that on average one in ten displaced families was headed by women. The report further stated that: "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." **[51o]**

25.34 An interview with Nadje Al-Ali about her book *What Kind of Liberation? Women and the Occupation of Iraq* reported in the *Guardian*, dated 28 January 2009, highlighted the impact conflict and war in Iraq had had on both gender demographics and the every day lives of women: "...as a result of consecutive wars, the Iraqi population is now disproportionately female - with some estimates putting the ratio of women to men at 65/35. There are 300,000 impoverished widows in Baghdad alone, forced to run their households on two hours of electricity a day." **[19f]**

25.35 Handicap International Report entitled *Fallen Off the Agenda? More and better aid needed for Iraqi recovery,* published July 2010, stated:

"An estimated 1 to 3 million Iraqi households are headed by a woman most of who are widows. In order to support widows, the Iraqi government has developed a social welfare programme, which includes widows pensions amounting to 50,000 to 120,000 IQD (US$60 to 100) according to the number of dependant children. Widows can also claim a compensation for spouse killed by terrorism. But aid experts say that this allowance is insufficient -especially for widows in rural areas who usually have more children, less education and fewer employment opportunities. Moreover because of governmental institutions lack of capacity, limited reach to many areas outside of Iraq's cities, overly-complicated application processes, and sometimes because of corruption, many widows and other welfare recipients do not receive their allowances." **[50a] (p11)**

25.36 The report further stated:

"A survey conducted by the INGO Oxfam and Iraqi NGO Al Amal in five governorates across the country showed that only 24% of vulnerable women-headed households interviewed had been receiving their widows pension. Another survey conducted by the International Committee of the Red Cross with a local partner organization showed that only 25% of vulnerable women interviewed in one Baghdad district had obtained the compensation for Spouse killed by terrorism. Some Iraqi humanitarian NGOs complained about the ineffectiveness of this service to the Iraqi Commission on Public Integrity which works with all the Iraqi Ministries. The Commission tried to address the problem, informed the ministries concerned and asked for improvement, but so far no noticeable change has occurred." **[50a] (p11)**

25.37 A report by the group, Women Living Under Muslim Laws entitled *Iraq: Widows Organization harnessing women's economic contributions*, dated 5 February 2010, stated that in order for Iraqi widows to receive government aid:

"… a widow must be well-connected or enter into a 'temporary marriage' based on sex with one of the bureaucrats who distribute the funds. Even then, this paltry amount [between $34 and $81 a month] does not come close to covering a family's needs, so many widows are forced to work as servants, beg, or ask their families for help. Some have become prostitutes, while others have joined the insurgency in exchange for money.

"The Iraqi Widows' Organization [IWO] is one of the few resources available to Iraqi widows. Since our inception in 2004, we have begun a micro-credit program to provide loans, created literacy classes, and organized conferences where widows can come together and think of solutions to their common problems. Since many widows have little to no formal education and no marketable job skills, we've begun training programs for computer science, sewing and marketing. We also encourage women to get involved in the political process by holding education sessions about local elections and the Iraqi constitution. In the last election, we trained 42 women to participate in election monitoring at their local polls.

"IWO also distributes humanitarian aid to widows and orphans, and teaches about human rights and domestic violence so that widows will know their rights. We have held health symposia to educate women about protecting their families from infectious diseases, and we've worked with other local groups, such as the Iraqi Centre for Civil

Society Organizations, to hold workshops about how to write proposals for community programs or grants.

"As a result, the widows we work with at IWO [Iraqi Widows' Organization] have gained self-confidence, have gained an education, and have been given a voice. Through microloans, they became businesswomen, and many now can support themselves and their children. Because the number of widows is so high, teaching them the skills they need to be heads of households and helping them start small businesses will help Iraqi communities recover more quickly than if they were marginalized and vulnerable or living on somebody else's aid. " **[95a]**

25.38 Concerning the living conditions for single women in Kurdistan Region of Iraq (KRI), the joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009, published July 2009, observed that:

"Aref, WEO [Women Empowerment Organization] stated that widows are entitled to 43 US$ [a month] from the Government. However, not all widows receive this money as they do not have connections to the authorities or because they are not in a position to bribe these. Widows often remarry. A widow may have to leave her children with the father's relatives as the new husband will not accept children that are not his own. Aref, WEO agreed that some of these children are abused by their relatives and some are forced to work out in the streets. High society women, on the other hand do not always remarry, but if they do, they will often keep their own household so that they can remain in control of their own children." **[30b] (p64)**

VIOLENCE AGAINST WOMEN

Legal safeguards

25.39 The Constitution states that: "All forms of violence and abuse in the family, school, and society shall be prohibited." **[15i]**

25.40 The Institute for International Law and Human Rights, *Women and the Law in Iraq*, dated December 2010 stated:

"Criminal Law in Iraq is governed in the main by the comprehensive Penal Code No. 111 Of 1969. This Code goes some way towards protecting women, and the vast majority of provisions ensure both men's and women's safety. It also addeesses certain issues specific to women, such as a number of articles dealing with women's rights to privacy, enforcing familial support laws, penalties for seduction of women with promises of marriage, provisions on indecent assault, and a law of rape that is noteworthy for providing essential protection for both women and men.

"However, a number of articles discriminate against women both in law and in fact. Potentially severe domestic violence is sanctioned; adultery laws are skewed towards prosecuting women; there are significant defences for crimes committed in the name of honour, sanctioning violence against female family members; rapists may marry their victims and avoid punishment; and abortion is punishable by severe penalties, with no exception for life-threatening situations.

"Other noteworthy legislation in this area includes the Prostitution Law No. 8 of 1988, amended by RCC Resolution Number 234. These contain strong punishments for those who organise prostitution, but also punish the prostitutes themselves, potentially punishing such women for their own abuse." **[125a]**

Summary of types of violence and societal context

This subsection provides an overview of the various forms of violence and harassment faced by women, then divides this information into further sub-categroies. However, the nature and causes of violence in subsections are likely to have considerable overlap, for example domestic violence will include forms of sexual violence. Therefore to gain a full appreciation of violence faced by women the section should read as a whole.

For a wider context and understanding about the nature of violence against women in Iraqi society, users are recommended also to refer to the above sections on legal rights, political rights and socio-economic rights. Additionally see also Tribal justice systems for a more general understanding about the religious-conservative nature of Iraqi justice systems.

25.41 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled *Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009*, published July 2009, explaining the cultural environment in which gender based violence occurred noted: "An international organisation (A) in Amman underlined that violence against women happens among all religious and ethnic groups in Iraq. The phenomenon is culturally related rather than religiously." **[30b] (p45)** An interview with Nadje Al-Ali about her book *What Kind of Liberation? Women and the Occupation of Iraq* reported in the *Guardian*, dated 28 January 2009, highlighted that "'[w]omen [in Iraq] are being killed simply for being women ... in Basra in 2008 a reported 133 women were killed for not 'being Islamic' enough. And these are only the ones that made it to be official counted ..." According to the article, Al-Ali's book, written with political scientist Nicola Pratt, described the climate in Iraq as: "... one of lawless 'hyper-patriarchy', and with this evidence in tow, Al-Ali and Pratt take aim at a wide range of targets. These include the occupying powers, extremist Islamist militias, Iraqi leaders and 'imperialist feminists' (those who claim solidarity with women from developing countries while stereotyping their cultures as barbaric)." **[19f]**

25.42 In considering the impact of sectarian violence and insecurity in Iraq on women, Amnesty International's report *Civilians Under Fire*, dated 26 April 2010, stated: "Patterns of gender discrimination and violence ... evident beforehand frequently become more acute during periods of armed conflict. This has been the case in Iraq, where the majority of women who responded to a survey conducted through networks of Iraqi women's organizations and published in 2008 said they considered that violence against women was rising." **[29e] (p19)**

25.43 The SIGI Country Page, undated but circa 2007, provided the following summary on the physical integrity of women in Iraq:

"Protection of the physical integrity of Iraqi women is quite weak. Violence against women in Iraq has risen in recent years. Women have been particularly vulnerable in times of armed conflict and many have fallen victim to physical and sexual abuse,

including by foreign troops recently operating within the Iraq War. There is a high level of acceptance of violence within marriages; although domestic violence is largely under-reported, it is believed to be common. Customs effectively permit husbands, brothers, fathers or sons to punish women and young girls who infringe on traditional codes of honour. Islamic law does not recognise the concept of spousal rape.

"While female genital mutilation is not a general practice in Iraq, Amnesty International reports that NGOs based in northern Iraq have observed its occurrence in some areas, particularly within regions in which the Sorani Kurdish dialect is spoken (around Halabja, Germian and Kirkuk). An elevated sex ratio in favour of men suggests that Iraq might be a country of concern in relation to missing women." **[123c]**

25.44 The latest released UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) observed:

"During the reporting period, UNAMI continued to receive reports of gender-based violence and related crimes, including honour killings and domestic violence. Most perpetrators have not been brought to justice. Major obstacles prevent victims from seeking accountability: many victims do not report incidents, out of fear of reprisals, or insensitive treatment of victims by the authorities, and are discouraged from reporting due to the lack of effective redress for gender based violence. Additionally, continued impunity for perpetrators is a significant factor perpetuating gender-based violence." **[15C] (p11)**

25.45 More recently, an article from the Organisation of Women's Freedom in Iraq (OWFI), *Women of Iraq Left All Alone*, dated 24 November 2010 also highlighted how the sectarian conflict, together with established gender-based violence, was worsening the situation for women:

"Mass killings of women in the south: a mix-up of religious militia cleansing and encouragement of honour-killings by self claimed vigilantes. Although more than 300 women were killed in the city of Basra alone between 2006-2008, the criminals still live free and have the upper hand in the society. Simultaneously, honour-killings continue to take place in alarming rates in all the cities of the center, south, and North. No legislation or campaign have been administered by any governmental facility or media against these crimes which spare lives of hundreds of women every year. In addition, a thriving practice of FGM takes place in the Kurdish north, and female suicide rates rise as the killers have found a way to impose shame on the females and let them kill themselves, thus leaving the males unaccused." **[52c]**

25.46 Minority Rights Group International report entitled *Still Targeted: Continued Persecution of Iraq's Minorities* (MRG Report 2010) published June 2010, referring to information obtained by several NGOs for the 2010 Universal Periodic Review (UPR) of Iraq by the UN Human Rights Council, highlighted that the situation for minority women had remained unchanged from 2007 and that they still experienced high levels of gender based violence, including sexual violence, threats and intimidation. According to the report the submission issued by the NGOs "... went so far as to state that minority women and children represent the most vulnerable section of Iraqi society, given the lack of protection that exists for minorities in the face of ongoing violence and crimes." **[56b](p14-15)** The report highlighted that such intimidation severely restricted womens freedom of movement, which in turn "...restricts women's access to health services, education and employment." **[56b](p15)**

See also: Women – Freedom of movement and Tribal Justice systems

Domestic violence

25.47 USSD Report 2009 stated: "The constitution prohibits all forms of violence and abuse in the family, school, and society. ... [However] 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." **[2a] (Section 6, Women)** Similarly the FH Women's Rights Report 2010 observed: "There is no law against spousal rape, as it is considered a private matter. Paragraph 41 of the 1969 penal code considers a husband's punishment of his wife to be a legitimate private right. While this is consistent with prevailing interpretations of Shari'a, it contradicts Article 29 of the constitution, which prohibits all forms of violence and abuse in the family." **[8b](Autonomy, Security, and Freedom of the Person)** In respect of the situation in the KRG, Human Rights Watch (HRW) report entitled *They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan,* published June 2010, noted: "There is currently no law that explicitly addresses domestic violence in Kurdistan. In theory, spousal abuse constitutes grounds for divorce and may be prosecuted as assault under the criminal code, but in practice such legal actions are rare." **[21d] (p31)**

25.48 Handicap International Report entitled Fallen Off the Agenda? More and better aid needed for Iraqi recovery, published July 2010, stated: "Violence against women remains a very serious problem in Iraq. The problem of domestic violence against women is poorly documented because such incidents are usually underreported - this is mainly due to fear of social stigma, reprisals and lack of confidence in the authorities will and capacity to provide the support required. Yet, it is widely acknowledged that Iraq suffers from a wide prevalence of domestic violence." **[50a] (p11-12)**

25.49 The Amnesty International Report 2010: *The State of the World's Human Rights*, Iraq, covering events of 2009 (AI Report 2010), published 28 May 2010, noted that: "The government provided little protection against societal and family violence." **[29e]** USSD Report 2009 further acknowledged that:

"Anecdotal evidence from local NGOs [Non-govermental Organisations] and media reporting indicated that domestic violence often went unreported and unpunished 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. ... During the year NGOs reported that domestic violence against women remained a serious problem, although no reliable statistics existed " **[2a] (Section 6, Women)**

25.50 FH Women's Rights Report 2010 also observed: "Domestic violence is a growing problem, and it is generally considered a private matter, to be dealt with through the intervention of relatives or tribal sheikhs. In these cases, even if the decision is in the woman's favor, reconciliation does not stop men from repeating their crimes. A woman is punished and resented if she tries to defend herself." **[8b](Autonomy, Security, and Freedom of the Person)** A BBC News article entitled *Iraqi women 'lack basic services'*, dated 8 March 2009 commented that from: "... a survey of about 1,700 women in five provinces taken last year … more than 20% of widows had been victims of domestic violence." **[14i]**

25.51 With regard to the occurrence of dometic violence in the KRG region, the latest released UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2009 (UNAMI Report 2009) observed: "According to local sources of information interviewed by UNAMI, incidents of domestic violence in Kirkuk province are reported to be high but it is believed that the majority of cases are either not reported at all or not investigated when reported to the police. **[15c] (p11)** USSD Report 2009 similarly remarked that: "Domestic violence was also widespread in the Kurdistan region, including beatings, shootings, and burnings." **[2a](Section 6, Women)**

25.52 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009, published July 2009 provided on protection provided by the police in such cases:

"An international organisation (F) in Erbil ...[stated] 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." **[30b] (p54)**

25.53 More generally in Iraq, the report, citing an international organisation (A) in Amman:

"... explained that reporting sexual abuse [in Iraq] 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." **[30b] (p45)**

Sexual violence (including sectarian related sexual abuses)

25.54 USSD Report 2009 observed that: "The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment for rapists. It was difficult to estimate the incidence of rape or the effectiveness of government enforcement of the law." **[2a] (Section 6, Women)**

25.55 FH Women's Rights Report 2010 provided further clarification:

"Rape is treated as a private offense under the penal code, meaning the state cannot take action in a given case without the consent of the complainant or her legal guardian. The minimum penalty for various rape and sexual assault offenses is five years in prison, and the maximum ranges from 7 to 15 years depending on the nature of the crime and the age of the victim. One of the most controversial provisions in the penal code is Paragraph 398, according to which a defendant is excused in cases of rape and sexual assault if he marries his victim. The law provides that the sentence will be reinstated or the prosecution will resume if the defendant divorces the victim without legal justification within three years. This law effectively sentences the victim to a minimum of three years with her rapist." **[8b](Autonomy, Security, and Freedom of the Person)**

When considering the current insecurity in Iraq and violence against women, the information below should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation, to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats.

25.56 The AI report *Iraq Civilains under Fire*, dated April 2010, reported that:

"Wars and conflicts, wherever they are fought, invariably usher in sickeningly high levels of violence against women and girls. All parties to the armed conflict in Iraq have been involved in violent crimes specifically aimed at women and girls, including rape. Perpetrators have included members of armed groups, militias, Iraqi government forces and foreign military forces. ... Most of these crimes are committed with impunity. Crimes of sexual violence against women in Iraq are grossly under-reported, not least because of the victims' fear of reprisal, and reported incidents are not systematically recorded.

"Amnesty International has interviewed several traumatized women survivors of rape who subsequently fled Iraq. One of them, who did not file a complaint about her rape with the Iraqi authorities, told Amnesty International in June 2007: ... 'I feared that my brother-in-law would kill me if he found out that I had been raped. When his family wanted to have me medically examined, I refused. Instead, I had to swear that I had not been raped. There was no one I could tell what had happened.'" **[29e](p19)**

25.57 FH Women's Rights Report 2010 also explained:

"[In]...the context of Iraq's ongoing insurgency, women have suffered ... rape, and other forms of inhuman treatment at the hands of Iraqi and American forces, sectarian militias, terrorists, and their own tribes and families. There are no exact statistics on any of these forms of abuse, as the victims risk further harm if they speak out or seek justice. Depending on the nature of the crime, victims may even face honor killings by their families." **[8b](Autonomy, Security, and Freedom of the Person)**

25.58 The same source also noted: "In a disturbing trend, Iraqi women have been increasingly used as suicide bombers. Some ... reportedly including women suffering from mental illness ... [who] are abducted by insurgents, raped, and then forced to become suicide bombers to save their honor. Between 2003 and mid-2008, 43 women carried out

suicide bombings in Iraq, including 20 in the first half of 2008." **[8b](Autonomy, Security, and Freedom of the Person)**

25.59 With regard to allegations of sexual assault made against Iraqi security officers, the FH Women's Rights Report 2010, cited one reported case from 2007 in which a woman: "... appeared on the satellite television station Al-Jazeera and claimed that she had been raped by police officers, Prime Minister Nuri al-Maliki quickly denounced the account as a fabrication designed to discredit the security forces. The accused officers were promised promotions, and the woman was ultimately arrested." **[8b](Autonomy, Security, and Freedom of the Person)** See also: Human rights violations by government forces and Avenues of complaint

Forced/early marriage

25.60 Amnesty International Report entitled *Civilians Under Fire,* dated 26 April 2010, stated:

"Many Iraqi women and girls are subjected to harmful traditional practices, including forced and early marriage. … 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." **[29e](p19)**

25.61 FH Women's Rights Report 2010 also observed that: "Unauthorized, underage marriages are potentially punishable by imprisonment, but such marriages do take place, conducted by religious leaders with little regard to women's well being. " USSD Report 2009 similarly remarked that: "Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas." **[2a](Section 6, Children)**

25.62 The Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010), published 10 September 2010 also clarified:

"Concerning forced marriage,[a] reliable source in Iraq ... explained that it uses the term with regard to marriages of girls under the age of 16 years. Girls or young women, who have run away from 'forced marriage' or an arranged marriage, are likely to face more difficulties in rural areas. In rural areas, a girl or woman going against her family is considered a person who isn't doing as she should, and she could risk becoming a victim of an honour crime." **[30a](p34)**

25.63 The joint publication by the Danish Immigration Service, Danish Refugee Council and Land Info, entitled Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central (S/C Iraq) conducted 6 to 23 March 2009, published July 2009 explained:

"An international organisation (A) in Amman explained that the organisation is not working within the field of forced marriages. However, it was explained that the issue of forced marriages is perceived differently in Iraq than in the Western World. Whilst the individual will is at the centre in a Western context, it is less important than the will of the family in Iraq. It was explained that instead of forced marriages one could rather speak of early marriages. Sometimes it is difficult to distinguish the two from each other." **[30b](p60)**

25.64 Commenting on the occurrence of forced marriages in the KRG, the same source observed; "According to an international organisation (E) in Erbil early marriages are common in KRI. It was added that early marriage is mainly related to religious and social customs and that such marriages occurs in several parts of Iraq. The organisation reported of a case in Erbil in which a 16 year old girl escaped to a governmental shelter where she was protected. She was later assisted by the international organisation (E)." **[30b](p60)**

See also: Marriage, divorce and guardianship

'Honour' crimes

25.65 The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, (UNHCR Guidelines) dated April 2009, (which were endorsed by UNHCR as still 'valid' in their interim paper, dated July 2010 **[17b](p1)**) explained:

"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." **[17a](p145-6)**

25.66 However with regard to the legal position in the KRG, a Human Rights Watch (HRW) report entitled *They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan*, published June 2010, explained: "In 2002, [the KRG] ... passed a law to abolish reduced penalties for the murder of a female family member by a male relative on grounds of family shame and dishonor. This law sets the Kurdish region apart from many other countries in the Middle East and North Africa, where penal laws still permit mitigated sentences and exemptions for men who murder in the name of 'honor' [sic]." **[21d] (p30)** The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights* 2009, published March 2010 also noted: "In the Kurdish region honour killings are now punished as harshly as other murders and are not viewed differently under the law." **[32a](p121)**

25.67 The UNHCR Guildelines, dated April 2009 however clarified that in practice honour crimes were prevelant across Iraq:

"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." **[17a] (p193)**

25.68 USSD Report 2009 similarly acknowledged:

"Honor killings remained a serious problem. Legislation in force permits honor considerations to mitigate sentences. According to the UNHCR in April, honor killings were prevalent in all parts of the country. For the first nine months of the year, the domestic NGO Human Rights Data Bank recorded 314 burn victims (125 instances of self-immolation and 189 cases of burning), compared with 234 burn victim during the same period in 2008." **[2a] (Section 6, Women)**

25.69 In considering protection available to women at risk from honour crimes, the Danish FFM Report on Security and Human Rights in South Central Iraq conducted February – April 2010, published 10 September 2010, citing a reliable source in Iraq explained:

"... the police forces are tribally-based, however when it comes to issues related to honour crimes especially, there are efforts to try and break with how such cases are typically dealt with. On the other hand, there is a lot of tolerance towards the concept of honour and a widespread understanding in society of the male responsibility in preserving a family□s honour.

"However, due to advocacy, training and exposure of the issue of honour from a human rights perspective, a progressive attitude among police officers is materializing that honour crimes should not be tolerated. The change is slow and it is difficult to say that the issue is not as widespread as earlier. Positive steps have been taking in establishing directorates to address violence against women and the European Union Integrated Rule of Law Mission (EUJUST LEX) has been involved in training police in Iraq on how to handle reports related to honour crimes and women. ... Women are however still in a fragile position and if a woman were to leave the country because of fear of becoming victim of an honour crime, she would probably not be able to return to her family." **[30a](p34)**

25.70 Amnesty International in the report *Iraq Civilians under Fire*, dated April 2010 referred to there as being a culture of impunity, with regard to honour crimes, based on the *de facto* legal mandate for such crimes provided under the Penal Code:

"Women continue to be killed with impunity by their relatives because their behaviour is perceived to have infringed traditional codes. In 2008 the Iraqi authorities recorded 56 so-called honour killings of women in the nine southern governorates. ... Most men get away with these murders because the authorities are unwilling to carry out proper investigations and punish the perpetrators. Iraqi legislators have failed to amend laws that effectively condone, even facilitate, such violence against women and girls." **[29e](p19)**

See also: Tribal Justice systems

Female Genital Mutilation (FGM)

25.71 FH Women's Rights Report 2010 stated:

"Some Iraqi women continue to be subjected to harmful traditional practices like genital mutilation, as well as honor killings and forced marriages. Female genital mutilation (FGM) occurs almost exclusively in the Kurdistan region, where more than 60 percent of women have undergone the procedure, according to a study conducted in 2008 by the

German charity WADI. Legislation aimed at outlawing FGM has stalled in the Kurdish regional parliament, as government officials do not consider it a priority. However, women's rights groups in Kurdistan work relentlessly to change the perception that the practice is harmless and required by Islam." **[8b] (Social and Cultural Rights)**

25.72 Human Rights Watch (HRW) *World Report 2011,* published 24 January 2011, and covering events of 2010 stated:

"Female genital mutilation is practiced mainly in Kurdish areas of northern Iraq ... On July 6, 2010, the High Committee for Issuing Fatwas at the Kurdistan Islamic Scholars Union - the highest Muslim authority in Iraqi Kurdistan to issue religious pronouncements and rulings - issued a religious edict that said Islam does not prescribe the practice, but stopped short of calling for an outright ban. At this writing the women's rights committee of the Kurdistan parliament had finalized a draft law on family violence, including provisions on FGM, and the Ministry of Health announced plans to disseminate information on the practice's negative health consequences. But the government has not yet banned FGM or created a comprehensive plan to eradicate it." **[21e]**

25.73 The same source noted that: "In November [2010] the Ministry of Health completed a statistical study on the prevalence of FGM and the data suggests that 41 percent of Kurdish girls and women have undergone this procedure." **[21e]** By comparison UNAMI Report 2009 stated:

"The practice of female genital mutilation continues in the Kurdish areas. In a study released in February 2010 [sic – 2009, according to the footnote the study was conducted between September 2007 and May 2008], the Association for Crisis Assistance and Development Co-operation (WADI) reported that 72.7 % of women interviewed in the governorates of Erbil and Sulaymaniyah, as well as in areas of Kirkuk and Diyala inhabited by Kurds, have undergone this procedure. According to the report, FGM is most prevalent in Garmyan/New Kirkuk with 81.2% of females over the age of 14 having undergone the process, followed by Sulaymaniyah (77.9 %) percent and Erbil (63 %). 100% of women over the age of 80 are believed to have been mutilated." **[15c] (p12)**

25.74 HRW report *They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan*, published June 2010, referring to these two survey results remarked that whichever set of results were considered,they indicated FGM practices were "... widespread in Iraqi Kurdistan." However the source, citing a former health minister, Dr. 'Abd al-Rahman Osman Yunis, said "'we have a bad cultural behavior called FGM in certain limited areas, but the rates are not significant'." **[21d](p41)**

25.75 The report continued: "Doctors Human Rights Watch spoke to suggest that clitoridectomy—Type I—is the most common form of FGM practiced in Iraqi Kurdistan. Excision—Type II—is also practiced, but to a much lesser extent. Health professionals told Human Rights Watch that the latter type is usually conducted on adult women and is almost exclusively performed by medical professionals in hospitals." **[21d](p42)**

For further information on FGM in Kurdistan, including health consequences and reasons which are commonly put forward in favour of the practice, refer to the HRW Report *They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan*, published June 2010 via the link here

Prostitution and 'temporary marriages'

25.76 USSD Report 2009 stated: "Prostitution is illegal. During the year reports of prostitution increased. According to the NGO Organization for Women's Freedom in Iraq, some women resorted to prostitution to provide for their children. There was no evidence that ISF specifically targeted prostitutes for harassment." **[2a] (Section 6, Women)**

25.77 FH Women's Rights Report 2010 explaining the incidence of 'temporary marriages', and potential vulnerabilities in such practices noted:

"After 2003, the Shiite practice of mut'ah marriage grew more popular, having been banned under Saddam Hussein. Women's NGOs reported in 2006 that there were some 300 temporary marriages occurring daily in the major cities of the Shiite-dominated south. In mut'ah marriages, an unmarried woman can temporarily marry a man whether or not he is already married, often for a fixed amount of time and in exchange for a certain amount of money. The time period can range from an hour to years, and only the man has the right to dissolve the marriage, unless there was a prior agreement between them. Women have no right to support if they become pregnant. Most of these marriages are carried out secretly without the knowledge of the participants' families, and women who resort to them often do so out of poverty. Shiite clerics who encourage the practice argue that it prevents fornication and adultery while helping widows and other impoverished women, but critics view it as a form of prostitution. "**[8b]**

25.78 NPR.org website in an article entitled *Abuse of Temporary Marriages Flourishes In Iraq*, dated 19 October 2010 stated that: "In Iraq, the practice was banned under Saddam Hussein but then flourished after the American invasion. Now, though, some men are using the system to take advantage of poor women, and many of Iraq's Shiites say the very religious institutions that sanction such marriages are to blame." **[93a]**

See also Vulnerable women-headed households and Women – Social and economic rights also see: Trafficking and Chidren – sexual exploitation

ASSISTANCE AVAILABLE

In considering the ability of NGOs and government support facilities to protect women, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation, to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats. See also Summary of violence (against women) and societal context and Tribal justice systems

Provision of shelters

25.79 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009,* published March 2010 reported that: "Some NGOs in the Kurdistan region of Iraq offer shelters for women escaping violence. However, such shelters operate in an undefined legal framework and the NGOs who run them, especially in central or southern Iraq, are cautious about publicising their services." **[32a] (p121)** Amnesty International Report

entitled *Civilians Under Fire,* dated 26 April 2010, stated: "Some women do escape violence and seek refuge in special shelters, but there are far too few of these. In the Kurdistan Region, several shelters have been established by the authorities and NGOs. In the rest of Iraq, however, the authorities do not provide shelters and those that do exist are run by NGOs and often have to function more or less clandestinely." **[29e] (p20)**

25.80 The AI report further remarked that: "Even women and girls who have obtained emergency protection remain at risk as refuge locations, including private houses, have been attacked by their male relatives. All shelters in Iraq can be seen as no more than short-or-medium-term 'solutions' and cannot provide a durable resolution for women at risk." **[29e] (p20)**

25.81 HRW report entitled *They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan,* published June 2010, reported in KRG: ... The Ministry for Social Affairs runs three shelters for women victims of violence and three other shelters are run by nongovernmental organizations. The women's organizations that run shelters currently lack the capacity and resources to protect women for the long term. It has been reported that women have been trafficked from these shelters." **[21d] (p30-31)**

25.82 UNAMI Report 2009 noted with regard to women's shelters in KRG:

"In Sulaymaniyah, UNAMI received information that 149 women were accommodated at women's shelters in 2009. Most of the girls and women were between 14 and 30 years old. In such cases, the police typically facilitate agreements whereby the family must provide a written statement guaranteeing the victim's security upon return to her home. However, the monitoring mechanisms in place thus far have been demonstrably weak. While the shelters' procedures for victim follow-up stipulate repeated monitoring visits for the initial six months after the return of the victim, in practice this procedure is not always followed. In some cases, victims are known to have disappeared or been killed upon return to their families. Although shelters are not a long term solution for women and girls who are at risk of violence, UNAMI is concerned that mediation instead of criminal prosecutions appears to be the norm when dealing with criminal violence against women." **[15c] (p12)**

25.83 The UNHCR Guidelines, dated 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." **[17a] (p195)**

Insecurity and human rights violations against NGO staff

25.84 FH Women's Rights Report 2010, published 3 March 2010 noted: "... most foreign civilian aid workers left Iraq after violence began to soar, and at least 94 aid workers were killed between 2003 and late 2007. Only local NGOs remained active in most areas outside the relatively peaceful Kurdish region, and these lack support and protection from the government despite a constitutional provision seeking to strengthen, support, develop, and preserve the independence of civil society (Article 45)." **[8b] (p3)**

25.85 FH Women's Rights Report 2010, published 3 March 2010

"Iraqi women's rights activists and NGOs continued to work while maintaining a low profile during the worst of the violence in the country. Many NGOs workers were targeted by security forces, militias, insurgents, and gangs, either because of their progressive ideas or clothing, or for simple criminal reasons. Few cases were investigated, and the government did not provide any protection or support for these NGOs. Although the violence has abated considerably in the last two years, attacks on female activists continue, and the affected NGOs have maintained their security precautions. Even so, they have managed to remain active, creating shelters for victims of violence and setting up training centers to combat illiteracy, provide handicraft and computer skills, offer civil rights instruction, disseminate health information, and help women open small businesses." **[8b] (Social and Cultural Rights)**

28.86 A report by Amnesty International (AI) Report entitled *Civilians Under Fire*, dated 26 April 2010, observed that women's rights campaigners and those providing support to victims may themselves be at risk. The report explained:

"Male relatives of women victims of violence frequently threaten or attack women activists. A woman lawyer in the Kurdistan Region told Amnesty International that she had received death threats on her mobile phone from relatives of a woman who had been abused by her husband and for whom she had filed divorce papers. One message she received in 2008 read: 'Where do you want to hide? If she gets a divorce we will take our right. We know that you are her lawyer. We are able to get hold of you and kill you.'" **[29e] (p8)**

25.87 Amnesty International (AI) Report entitled *Civilians Under Fire*, dated 26 April 2010, further observed that:

"In Sulaimaniya, a shelter run by ASUDA, an NGO helping women at risk of violence, was attacked on 11 May 2008. Gunmen, believed to be relatives of a woman who was being given refuge at the shelter, fired several shots into it from a neighbouring building, seriously wounding the woman. The Kurdish authorities subsequently arrested several male relatives of the woman who had been shot, but released them for lack of evidence. To date, no one has been charged or tried for the attack." **[29e] (p8)**

Outreach support and campaigning

25.85 Human Rights Watch (HRW) report entitled *They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan*, published June 2010, reported:

"In October 2008, the KRG established the Directorate for Combating Violence against Women within the Ministry of Interior. The directorate has its main offices in Arbil, Sulaimaniya, and Dohuk, and smaller branch offices throughout Kurdish districts. The directorates conduct outreach, operate hotlines for women to report abuses, and investigate cases of gender-based violence. Their investigative capacity is currently constrained due to a lack of skills and training on gender-based violence, and issues of security, confidentiality, and counseling." **[21d] (p30)**

25.86 The Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the United States Congress* (SIGIR Semi-Annual Report), dated 30 January 2011 stated:

"DoS's [Department of State] Office of Global Women's Issues (S/GWI), in conjunction with DRL [Bureau of Democracy, Human Rights, and Labor (DoS)], continues to assist Iraqi women through the Iraqi Women's Democracy Initiative and the recently launched Secretary's Widows Program. Under the new program, DRL and S/GWI work with NGO partners to provide direct support and training to Iraqi widows, female heads of household, and other vulnerable women in Iraq in the areas of human rights, literacy, entrepreneurship, and vocational skills. The aimis [sic] to enable disadvantaged Iraqi widows to acquire the skill sets needed to become economically self-sufficient, increase their independence, diversify their means of livelihood, and contribute to the economic development of Iraq." **[20c] (p80)**

25.87 Heartland Alliance Report *Heartlines Iraq Issue 2,* 2010, stated:

"Heartland Alliance working with its local non-governmental (LNGO) partners throughout six Iraqi provinces continued to provide desperately needed legal, social and medical services to individuals who have suffered from severe forms of gender-based violence and human trafficking. Heartland Alliance's partners in Lebanon and Jordan are reaching into the Iraqi refugee communities to identify extremely vulnerable individuals who have been or are at risk of being trafficked into sex work and forced labor. … In addition to providing high quality services to survivors, Heartland Alliance is working through various means to promote institutional changes to support the needs of survivors of sexual and gender-based violence." **[88a] (p4)**

25.88 The report also stated that "Heartland Alliance, through its LNGO partners, has provided criminal defense legal representation and mediation support to more than 350 women and girls in Sulaimaniya, Erbil, Kirkuk, Duhok,Baghdad, and Basra." **[88a] (p6)**

25.89 The Organisation of Women's Freedom in Iraq (OWFI) in an article entitled *16 days of activism against gender violence – Organization of Women's Freedom in Iraq,* dated 6 December 2010 explained how the group held a series of campaign initiatives between November and December 2010 to promote womens rights. The article continued: "The current year's campaign is held under the banners of linking militarization of a society and violence against women. OWFI participates in this campaign by holding a gathering in Baghdad, posting banners against gender violence, and raising demands in this occasion." **[52b]**

Return to contents
Go to sources

26. CHILDREN

For information about girls the following information throughout this section should be considered together with material found under Women

OVERVIEW

26.01 UNICEF *Iraq Country Background*, undated, accessed 1 February 2011, noted the following issues facing children in Iraq:

- "23 percent of the population are living below US$2.2 per day; a root cause for widespread malnutrition among children and women. Malnutrition is high, with one in

three children under five years either moderately or severe stunted, while exclusive breastfeeding is low, at only one in four children.

- Primary school net enrolment has improved, reaching 87 percent for boys and 82 percent for girls in 2007, but remains insufficient with only 68 per cent of rural girls enrolled. Nearly 9 in 10 children younger than age 15 do not attend school regularly, largely because of insecurity as well as negative attitudes toward girls' education. Only 25 per cent of all high school aged children enrol in high school and only 10 per cent complete high school.
- High rates of women's illiteracy are persistent, including for young women, at 19 per cent, nearly double the rates for young men (11 per cent).
- The Under-5 Mortality Rate stands at 41 per 1,000 live births, while the Maternal Mortality Ratio, at 84 per 100,000 live births, is double that of Iraq's neighbours.
- The Water and Sanitation infrastructure has not been maintained or revamped in the last 30 years leading to insufficient and erratic supply.
- Continual violence has destroyed institutions and systems of physical, social and legal protection in most parts of the country. The loss of tens of thousands of parents and caregivers from conflict has made children even more vulnerable to harassment, exploitation, and abuse. This severely weakened protective environment exacerbates child labour across Iraq, which is estimated at 11 percent, and child marriage, which is at 19 percent.
- Children are being used by armed groups as scouts, lookouts, and spies, to man checkpoints, to transport explosives and equipment, to plant explosive devices such as roadside bombs, and as suicide bombers." **[72a] (Background)**

26.02 The United Nations Children's Fund (UNICEF) *Iraq Country Statistics*, accessed 1 February 2011, recorded that there were 14,432,000 children under the age of 18 in 2009, of whom 4,450,000 were under the age of 5. **[72b] (Statistics, Demographic indicators)** In considering the impact of such demographics, Handicap International Report *Fallen Off the Agenda? More and better aid needed for Iraqi recovery,* published July 2010, explained:

"Currently, the Iraqi population presents a broad-based youthful age composition –with 43% under the age of 15. But this youth/adolescent bulge can become a concern in the context of a fragile state, few economic opportunities and poor service delivery. Severe schooling disruptions, poor quality education, violence, war and displacement have certainly had a very strong impact on children's well-being, mental health and development. Other external factors like malnutrition, child labour and early marriage also inhibit child and youth education and development. Therefore, the new generation is not well equipped to enter adult life." **[50a] (p12)**

Basic legal information

26.03 The following legal arrangements apply to children in Iraq:

- Universal suffrage exists at 18 years of age (Central Intelligence Agency (CIA) *World Factbook* (CIA World Factbook), updated 26 January 2011)**[4a](Government).**
- The age of consent in Iraq for male-female sex is 18. (Avert, accessed 1 February 2011) **[73a]**
- The legal age of marriage is 18 years for both men and women, but with parents' consent and judicial permission the age can be lowered to 15 years (SIGI Country Page)**[123c]**

- The minimum age for work is 15 years of age, with the minimum age for hazardous work set at 18 years of age, including military recuitment. (The US Department of Labor's *2009 Findings on the Worst Forms of Child Labor*, (USDoL Worst Forms of Child Labour for 2009) published 15 December 2010) **[127a](p335)**
- The USSD Report 2009 noted that:: "Primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. Education is free for children at all levels."**[2a](Section 6, Children)**
- Iraqi law recognizes 18 years as the age of consent and 11 or 9 years as the age of criminal responsibility (11 years under laws applying to the Kurdistan Regional Government and 9 years in other areas of Iraq) (According to the report *Visit of the Special Representative for Children & Armed Conflict to Iraq and the region*, dated 13-25 April 2008) **[132a]**

LEGAL RIGHTS

26.04 The USSD Report 2009 observed: "The government in general was committed to children's rights and welfare, although it denied benefits to noncitizen children." **[2a](Section6, Children)**

26.05 Iraq is a signatory to the UN Convention on the Rights of the Child (CRC), as well as the CRC Optional Protocol on Armed Conflict and CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. Iraq was also a signatory to International Labour Organisation (ILO) Convention 182 on the Worst Forms of Child Labour and Convention 132 on the Minimum Age for Admission to Employment. (USDoL Worst Forms of Child Labour 2009) **[127a](p335)**

26.06 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." **[15i] (p10)**

26.07 USDoL Worst Forms of Child Labour 2009 explained with regard to employment laws:

"... Article 91.2 [of the 1987 Labour Law] outlines a partial list of types of work considered hazardous including work underground or under water; work with dangerous machinery or handling heavy loads; work in an unhealthy environment; and work where a child is unreasonably confined to the premises of the employer. Instruction No. 19 of 1987 (on Child Labor) includes additional prohibitions on hazardous labor for children, deeming illegal any employment of children in construction; work with lead or toxic substances; in tanneries; or in any other place of employment that is hazardous to the health or morals of the child. … Children employed in family enterprises are exempt from the order's requirements, which may put them at greater risk for involvement in the worst forms of child labor. … In addition to hazardous work, other worst forms of child labor are defined and prohibited by order number 89. These include slavery and similar practices, including forced labor, child trafficking, compulsory recruitment of minors for use in armed conflict, child prostitution and child pornography, and illicit activities such as drug trafficking." **[127a] (p336-337)**

26.08 The USSD Report 2009 stated: "In accordance with the country's labor law, MOLSA [Ministry of Labor and Social Affairs] established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sector." **[2a] (Section 6, Children)**

The website for Save the Children, provided a useful overview on the various existing legal instruments in place to protection children at both an international and national level, accessible via the link here

VIOLENCE AGAINST CHILDREN

Sectarian violence

When considering the current insecurity in Iraq and violence against children, the following information should be read together with material in the sections Abuses by non-government groups; Political factions and sectarian insurgency and Security situation, to provide the reader with a wider understanding of the inter-play which exists between non-state armed militias, political rivalries and the resultant sectarian based conflict which characterises the security situation in Iraq. See also Effectiveness of the security forces for information on the abilities of the Iraqi Security Forces to respond to internal security threats

26.09 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." **[17a] (p151-2)**

26.10 The Report of the UN Secretary-General submitted pursuant to paragraph 19 of Security Council resolution 1882 (2009) entitled *Children and armed conflict*, (UNSC Children Report 2010) dated 13 April 2010, covering the period from January – December 2009 noted:

"Since the implementation of the monitoring and reporting mechanism in April 2009, 142 violent incidents, in which children were reported to have been killed or injured, were documented. In 10 of those incidents, where it had been possible to confirm the information, a total of 223 children were killed or injured. In a double truck-bombing in Ninewa (Khazna village in Bartala district) on 10 August, 177 civilians were killed or injured, of whom 76 were children. Another huge bomb explosion outside a mosque in Mosul resulted in 236 persons killed or injured, of whom 87 were children. The large number of child casualties was attributed to the fact that many of the bomb attacks took place in public areas, including markets and outside mosques, where children tend to gather.

"The high profile attacks on Government institutions and security forces suggest a new trend and tactic by insurgents. However, they have also resulted in large casualties among children. The Baghdad bombings of 25 October, targeting the Ministry of Justice and the Baghdad Provincial Council building, hit a bus carrying

children from a day-care centre next to the justice Ministry, killing the driver and 24 children on board, as well as wounding 6 other children. The Islamic State of Iraq group claimed responsibility for the bombings." **[16h](p21)**

26.11 UNAMI Report 2009 covering 1 July to 31 December 2009, stated that "Children in Iraq continue to be killed and injured as a result of the continuing violence. According to figures provided to UNAMI by the Government of Iraq, during the reporting period 192 children were killed and 614 were injured because of violent acts. As an example, on 7 August [2009] in Mosul, 11 children were killed and 77 injured when a vehicle-borne suicide bomber detonated his car at a Shia mosque after Friday prayers". **[15c](p14)**

Child soldiers

26.12 The US Department of Labor's *2009 Findings on the Worst Forms of Child Labor*, (USDoL Worst Forms of Child Labour 2009) published 15 December 2010, stated that:

"It is alleged that Sunni and Shiite Militias, as well as Al Qaida in Iraq recruit and use children as fighters and suicide bombers and for spying, working as couriers, scouting, and planting improvised explosive devices. In April and May 2009, the United Nations Assistance Mission in Iraq investigated four cases of children used by insurgent groups in Kirkuk. There are also reports that children are used to construct bombs.There are no reports of children in the new Iraqi Army... The use of child soldiers in the Iraqi armed forces is prohibited by Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army. This order sets the minimum recruitment age at 18 and specifies recruitment to be voluntary. Order Number 89 also prohibits the use of child soldiers and outlines punishment of those enlisting children into armed service as imprisonment of up to 3 months. These laws, however, do not specifically address recruitment into other armed groups." **[127a] (p334-335)**

26.13 UNSC Children Report 2010 dated 13 April 2010, covering the period from January – December 2009 noted:

"Police and military sources, community members, the media and United Nations partners have reported the continuing recruitment of children by armed groups for acts of terror, including as suicide bombers. The children were reported to have been tricked, coerced or enticed with financial incentives. Some of the children used as suicide bombers were girls. Apart from Al-Qaida in Iraq, several insurgent groups reportedly have children in their ranks and have used them in conflict-related activities. Al-Qaida in Iraq had taken responsibility for the terrorist attacks in Ninewa, Kirkuk, Salahadin and other areas in Iraq in 2009, in which, according to United Nations partners, children were used. Information provided by the Multi-National Force-Iraq (MNF-I) in Kirkuk relayed four cases of children, from 14 to 16 years of age, used by insurgents as suicide bombers or to throw grenades at security forces, in Kirkuk in April and May 2009." **[16h] (p21)**

26.14 UNAMI Report 2009 observed that the UN Assistance Mission in Iraq:

"... continued to receive allegations that insurgent groups operate camps that actively recruit and train children to carry out terrorist activities. ... UNAMI also received reports that children were used by insurgent groups in Hawija district, Kirkuk governorate, during the reporting period but was unable to verify them due to mobility restrictions to access this volatile area. Regarding the use of children within the Iraqi security forces,

UNAMI received information that there are approximately 350 children working for Awakening Councils. The Government of Iraq is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and UNAMI notes that article four states that 'armed groups that are distinct from armed forces of the State should not, under any circumstances, recruit or use in hostilities persons under the age of 18' and calls upon the Government to ensure that no children are employed with Awakening Councils." **[15c] (p14)**

Detention of children

26.15 UNSC Children Report 2010 noted:

"A total of 110 children have been arrested by Iraqi authorities on suspicion of being involved in terrorist activities or have been convicted for their involvement in a terrorist activity. United Nations partners reported that 25 of those 110 children, the majority of whom were from 15 to 18 years of age, from a juvenile rehabilitation facility in Ninewa, are accused of being involved in terrorist activities, 4 of whom have since been convicted. Other reports indicate that 62 male adolescents were arrested by Iraqi security forces and detained in a juvenile detention centre in Baghdad for alleged terrorism under the anti-terrorist legislation. Efforts to gather information on the remaining 23 children have been futile so far. There are also allegations that suggest significant numbers of children are being detained in Tikrit and Basra." **[16h] (p21-22)**

26.16 In considering the treatment of child detainees, UNAMI Report entitled *The Iraq Briefing Book*, published December 2010, stated that: "The Iraqi juvenile justice system faces challenges and needs reform. The UN Convention on the Rights of the Child (CRC) and other human rights instruments emphasize that children in conflict with the law are entitled to treatment that takes into account the child's age, the desirability of the child's reintegration, and the child's ability to assume a constructive role in society." **[15h] (p31)**

However according to the UNAMI report, in practice:

"Children in contact with the law have to endure a long pre-trial detention period that can range from six months to three years. The Ministry of Labour and Social Affairs (MoLSA) provides children in detention with access to their legal representatives on a weekly basis, and it has assisted courts with implementation of the Amnesty Law (2008) which has resulted in some children being released from custody. MoLSA has also strengthened the capacity of staff working in detention and corrections facilities. ... Despite this, the juvenile justice system needs support for capacity building at all levels of government: This includes juvenile police under the MoI [Ministry of Interior], juvenile judges under the HJC [Higher Judicial Council], and educational and vocational training for juveniles under the Ministry of Education (MoE). Most importantly, MoLSA is supportive of community-based initiatives to prevent boys and girls at risk from coming into contact with the law." **[15h] (p31)**

UNAMI Report 2009, covering 1 July to 31 December 2009, stated:

"UNAMI, working with UNICEF and UNFPA commenced implementation of the project 'Strengthening Protection and Justice for Children and Young People in Iraq'. This project is designed to provide strategic direction to the juvenile justice system in Iraq and to build the capacities of key duty bearers. Additionally, periodic monitoring on the juvenile justice system, particularly the situation of children held in pre-trial detention

and children sentenced to imprisonment, will channel information to the project." **[15c] (p25)**

26.17 The Feinstein International Centre, Journal of Humanitarian Assistance in an article *Juvenile Justice in Transitition: Past Challenges and New Opportunities in Post-Conflict Iraq*, dated 14 October 2010 provided the following conculsions on the system:

"Although challenges remain, the stage is set for major advances in Iraqi juvenile justice to be made. Subject to some modernization at the national level, the legal framework is [currently] in place. Major conflict is over. The highly centralized, vertical bureaucracy of Saddam is gradually coming down. An improving political and security situation should enable the Iraqi government to turn its attention to juvenile justice and other critical issues. Increased attention to juvenile justice development from the international community will provide the necessary expertise and foreign assistance resources. Most importantly, a robust and independent judiciary can provide legal and procedural safeguards for juveniles in contact with the law." **[128a]**

See also Security Forces - Arbitrary arrest and detention and Prison and other places of detention conditions

Child labour

26.18 USDoL Worst Forms of Child Labour 2009 noted:

"In Iraq, children are exploited in the worst forms of child labor, including in agriculture. Evidence suggests that rural children work at a higher rate than those living in urban areas. Work in agriculture can involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. There are reports of children working in dangerous conditions in family-owned automobile shops and on construction sites. ... There is significant evidence of children living on the streets, where they beg and participate in street commerce." **[127a](p334)**

26.19 Handicap International Report *Fallen Off the Agenda? More and better aid needed for Iraqi recovery,* published July 2010, stated:

"Child labour is increasing -as a lot of children have lost their father, and the government is not able to address their needs. Besides, because of poverty, parents also often ask their children -particularly boys- to help to financially support the family instead of going to school. UNICEF estimates that 1 in 9 children aged 5 to 14 years old work. Children are polishing shoes; selling in streets; pushing carriages; begging… In Tameen governorate, more than 900 children have been reported begging in the streets in the city of Kirkuk -half of this number are IDP children and up to 100 orphans are included." **[50a] (p13)**

Sexual exploitation

26.20 USDoL Worst Forms of Child Labour 2009 noted:

"Street children may experience violence, sexual abuse, and drug use.2466 Criminal gangs use street children in drug trafficking and prostitution. ... Children are exploited in the commercial sex industry, some as a result of trafficking. Children are also trafficked for forced labor. Gangs target young boys and girls for sexual exploitation and for sale

into prostitution. Reports from destination countries indicate that girls are trafficked from Iraq to Jordan, Syria, and Persian Gulf States. ... Internally, women and girls are trafficked for sexual exploitation through the traditional institution of temporary marriages in which the family receives a dowry from a husband; but instead of constituting a true marriage commitment, an agreement is made beforehand to dissolve the marriage after an agreed upon length of time. There is anecdotal evidence of children trafficked from orphanages by employees of those organizations for the purpose of forced prostitution." **[127a] (p336)**

See also Violence against women and Trafficking

CHILDCARE AND PROTECTION

26.21 The USSD Report 2009 observed:

"MOLSA [Ministry of Labour and Social Affairs] operated 21 orphanages for older children in Baghdad and the provinces, housing a total of 376 children, as well as and 36 nurseries for young children. ,,, In 2007 a center in Baghdad for children with disabilities was discovered to be housing 24 severely malnourished boys from three to 15 years old. Arrest warrants were issued for three employees of the orphanage; two were arrested and one remained at large at year's end. Following the incident, the Office of the Inspector General at MOLSA conducted an investigation, which was referred afterward to the COI [Commission of Integrity]. ... The KRG runs children's homes that house approximately 300 orphans, most of whom are from rural areas." **[2a] (Section 6, Children)**

26.22 The Foreign and Commonwealth Office (FCO) *Report of Information Gathering Visit to Kurdistan Region of Iraq*, dated 27 March 2009, noted: "… 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." **[32b] (p16)**

26.23 The same 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." **[32b] (p17)**

EDUCATION

26.24 Save the Children website, Iraq country page, undated accessed 1 February 2011, noted:

"Primary school net enrolment ratio has improved lately, reaching 87 per cent for boys and 82 per cent for girls in 2007, but these enrolment figures are mostly related to urban areas. The picture is quite different in the countryside, where only 68 per cent of girls enroled. In some rural areas parents refuse to let their children attend school because the routes to school are unsafe. But even if the children are enroled in schools, many do not attend or do not attend regularly. According to UNICEF, nearly 9 out of 10 children under age 15 attend school only sporadically, largely because of insecurity and society's negative attitude towards girls' education. Only 25 percent of all high school aged children enrol in high school and barely 10 percent complete high school. High rates of women's illiteracy are persistent including for young women (19 percent) and nearly double the rates for young men (11 percent)." **[129a]**

26.25 The following table is adapted from the Brookings Institute report, Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq, dated 31 January 2011. **[66b] (p31)**

	Year	Number/ Percentage of students
Number of Children Enrolled in Primary Schools Nationwide 2002	2002	3.5 million
	2005	3.7 million (5.7% increase)
Number of Children Enrolled in Middle Schools and High Schools Nationwide	2002	1.1 million
	2005	1.4million (27% increase)
Percent of High School aged Iraqis Enrolled in School in 2003	2003	33%
Percent of Iraq's 3.5 million students attending class	2007	30%
Number of government run schools in Iraq (not including Kurdish region)		17,300

26.26 A report by the Enhanced and Integrated Approach regarding Information on Return and Reintergration in Countries of Origin, IRRICO II, entitled, *Returning to Iraq: Country Information*, (IRRICO Iraq Report 2009), published 10 November 2009, outlined the current educational stages as follows:

- "Primary school: 9 years, from stage 1 to stage 9 in KRG; 6 years, stage 1 to stage 6 in Baghdad or the South.
- Secondary school (High school): 3 years, from stage 10 to stage 12 in KRG; 6 years, stage 7 to stage 12.
- Universities: 4 years (5 years for Dentistry College and 6 years for College of Medicine)." **[51a] (p9)**

26.27 The source further stated:

"Most schools are overstretched and classrooms are too small to accommodate large class sizes. Many schools were destroyed, however schools have been reconstructed according to area needs. Most of the villages in KRG have schools but they suffer from various shortages. There are no security obstacles to going to school in KRG, but in Baghdad and the southern part of Iraq the school system is still badly affected by the destruction of school buildings. Most school buildings were destroyed during military operations and terrorist attacks. The quality of reconstruction is still poor because of

corruption and an absence of monitoring. However, some UN organisations, such as UNHCR, have adopted explicit programmes for the reconstruction of schools." **[51a] (p9)**

26.28 In considering the impact sectarian violence had had on eductation and teaching within the country, the USSD Report 2009 observed that:

"In the central and southern parts of the country, there were a number of reports of threats by extremists, or insurgent groups against schools and universities urging them to modify activities, favour certain students, or face violence." On October 14 [2009], the prime minister closed Mustansiriya University for a week due to increased violence at the university by a student group, including alleged torture and rape of other students and killing of professors and administrators since 2005." **[2a] (Section 2, Academic Freedom and Cultural Events)**

26.29 Heartland Alliance Report *Heartlines Iraq Issue 2, 2010,* stated:

"Violence and war have prevented thousands of Iraqi children from accessing quality education in a safe environment. Many schools have been destroyed due to bombings and fighting and have yet to be rebuilt. In some areas of Baghdad and Diwaniya, schools are turned into checkpoints during the night, and soldiers are sometimes still present when children arrive for morning classes. Children attending school in insecure areas run the risk of being injured or killed in explosions so many families prefer to withdraw their kids from school rather than jeopardize their safety and risk losing them. As a result of these events these children may experience severe disruptions in their lives, which in turn negatively impacts their ability to learn. In addition, these children often encounter an educational system that is characterized by a longstanding reliance on corporal punishment, overcrowded classrooms, a lack of basic resources such as books and paper, and a weakened infrastructure where basic water and sanitation are lacking." **[88a] (p11)**

26.30 The IRRICO Iraq Report 2009 stated:

"In the KRG, girls now go to school more often, and they tend to have better opportunities than boys because more of the latter are leaving school to emigrate or seek employment. This is not the case for girls and, as more schools are opened close to their houses, they can attend without fear. There are also other facilities that support study and girls are also feeling the most benefit from them. These include accelerated studying (making up for lost school years by finishing two levels in one school year), and evening study.

"In Baghdad and the southern part of Iraq, there are problems regarding girls being able to go to school. In the remote areas, like villages, where tribal customs and traditions are dominant, there is a desire for girls to attend school, especially secondary school, but not to the level of higher education. There are no schools for religious minorities in Iraq." **[51a] (p9)**

26.31 For children with special needs, the same source noted: "In the KRG, there are special schools for people with special needs. Some of those schools include vocational training centres to help make them self-sufficient. At present, there is no special education available for vulnerable cases in Baghdad and southern Iraq." **[51a] (p11)**

See also Religious education

Return to contents

Go to sources

27. TRAFFICKING

27.01 US State Department *Trafficking in Persons Report 2010*, published 14 June 2010, reported that:

"Iraq is both a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor [sic]. Iraqi women and girls, some as young as 11 years old, are subjected to conditions of human trafficking within the country and in Syria, Lebanon, Jordan, Kuwait, the United Arab Emirates, Turkey, Iran, and possibly Yemen for forced prostitution and sexual exploitation within households.

"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 spite of resource and capability constraints. The Iraqi government continued to move its draft anti-trafficking bill through its legislative structures. Because the determination that Iraq is making significant efforts is based on indications of a commitment to take additional future steps over the next year, particularly the passage of the anti-trafficking law, Iraq is placed on Tier 2 Watch List for the second consecutive year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws, identifying and protecting victims of trafficking, or preventing trafficking from occurring." **[2d]**

27.02 Organisation of Women's Freedom in Iraq (OWFI) article entitled *Iraqi Women Forced into Sexual Slavery,* dated 28 January 2010, stated:

"Iraq's desperate economic and security situation is leading to the trafficking of hundreds of Iraqi women into prostitution and sexual slavery. Rising numbers of Iraqi women are being sold into sexual slavery every year because of the waning economy and dire security situation. Human rights organizations are highlighting the plight of Iraqi women and young girls, sometimes as young as twelve, exploited by criminal gangs for profit." **[52a]**

27.03 The same article reported:

"The women trafficking trade is at its height…There has never been a situation as extreme, and it's frightening. Many of them have been trafficked to neighboring countries like Syria or the Gulf states or trafficked internally inside Iraq from one city to another. The Baghdad Women's Organization estimates that at least 200 Iraqi women are sold into slavery every year, although the U.S.-based Human Rights Watch estimates that the numbers are in the thousands. The organization warns that the figures may be higher if Iraqi refugee women in neighboring countries such as Syria and Lebanon are also counted." **[52a]**

27.04 UNAMI Report 2009, covering 1 July to 31 December 2009, stated: "The UNAMI office in Kirkuk followed up three reports of women trafficked internally into Kirkuk from central and southern Iraqi provinces. In two of the cases, sexual violence was also perpetrated on the victims by individuals or the militia groups who kidnapped them in Baghdad before taking them into the province." **[15c] (p12)**

TRAFFICKING IN THE KURDISTAN REGIONAL GOVERNMENT AREA

27.05 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated that "There is little information about trafficking in persons in the Kurdistan region. Third country nationals reportedly have been trafficked into the region to work as manual laborers, [sic] including garbage collectors, and women have been reportedly trafficked to work as prostitutes." **[2a] (Section 6, Trafficking in Persons)**

27.06 The Danish Immigration Service report entitled *Entry Procedures and Residence in Kurdistan Region of Iraq (KRI) for Iraqi Nationals* (Danish Entry Procedures Report), published 15 April 2010, stated: "Trafficking and prostitution are sensitive issues, partly due to the fact that persons affiliated with government [KRG] have been involved in trafficking and thus protect trafficking networks. Additionally, due to many social and cultural factors, trafficking and prostitution are still some of the most sensitive issues in the region [KRI]." **[30c] (p33)**

See also Crime

Return to contents
Go to sources

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." **[15i] (p10)**

28.02 The Central Intelligence Agency (CIA) World Factbook, updated on 12 January 2011, indicated the life expectancy at birth is 68.88 years for males and 71.69 years for females **[4a]** Brookings Institute report entitled *Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*, published 31 January 2011 recorded the estimated percentage of the population of Iraq with access to health services at 18% for February 2008, and at 30% for February 2009. **[66b] (p29)**

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.03 UN Assistance Mission for Iraq (UNAMI), *The Iraq Briefing Book*, published December 2010, stated:

"The healthcare system in Iraq has been based on a centralized, hospital-oriented and capital intensive model which, with limited efficiency and capacity could not ensure equitable and appropriate access to health care and other health related services. The Ministry of Health (MoH) is the main provider of health care – both curative and preventive. During the past 5-6 years, an attempt has been made to move to a decentralized model based on a primary healthcare approach, with policy decisions taken from the perspective that primary health care is a cornerstone of the Iraqi health system. The emerging private sector provides curative services to a limited portion of the population on a fee-for-service basis. Naturally enough, access to care has been affected by emergencies as a consequence of military operations in recent years, as

well as the level of ongoing violence. The resulting drop in GDP and consequent public expenditure on health has led to deterioration in the quality of services and a corresponding shortage of essential supplies… Despite these constraints, steady progress has been made in key components of the health system in Iraq during the past few years, as indicated by the third Multiple Indicator Cluster Survey (MICS 3 – 2006/7), which showed that infant mortality decreased from 108 per 1,000 live births in 2002 to 35 per 1,000 live births, and under-five mortality from 125.9 per 1,000 live births to 41 per 1,000. In addition, the maternal mortality ratio had declined from 291 maternal deaths per 100,000 live births28 in 1999 to 84 per 100,000 live births29 in 2006/7. This indicates a significant reduction in maternal mortality rates over this period which could be attributed to achievements in the field of obstetric care, communicable diseases and outbreak control, and the continued expansion of the Integrated Management of Childhood Illness approach at primary healthcare level." **[15h] (p84-85)**

28.04 An International Committee of the Red Cross (ICRC) operational update report, entitled *Iraq: putting the health-care system back on its feet*, dated 29 July 2010 stated:

"A lack of qualified medical personnel and, in some places, security problems continue to severely affect health-care services in Iraq, despite recent improvements in certain areas. The burden placed on medical staff and facilities by violence-related casualties has been enormous… In addition, the insufficient numbers of medical personnel, the inadequate facilities, the difficulty obtaining access to certain places, the reduced availability of medical services in rural and remote areas, and other factors have made it very challenging to provide health care in Iraq. [said Jean-Christophe Sandoz, the ICRC's deputy head of delegation in Iraq]

"In general, people can move about and obtain health care more easily. However, better access does not necessarily mean that people receive better health services. ICRC-monitored health-care facilities report that the support they receive from the Ministry of Health has been stepped up. This is particularly true of hospitals in major urban centres. However, despite the ministry's efforts, much more needs to be done. The available human resources fall short of needs. While 34,000 physicians were registered with the Iraqi Medical Association in the 1990s, by 2008 there were only around 16,000, a trend that has unfortunately not been reversed since the government's 2008 appeal for medical staff to return to the country. Furthermore, while in most countries the standard nurse-to-doctor ratio is around three to one, in Iraq, according to government estimates, there are only around 17,000 nurses. In other words, there are roughly as many nurses as doctors." **[49b]** Further:

"While health-care facilities have been rebuilt in most urban centres, facilities in rural and remote areas remain in dire condition. Facilities already coping with a poor supply of electricity or water frequently also have to deal with unreliable sewage or air-cooling systems and with inadequate solid-waste disposal. Equipment is often old and poorly maintained, and sometimes is not operated correctly.

"Poor hygiene levels in many facilities have a severe impact on the quality of care delivered. Frequently, minimum standards of nursing, sterilization and waste management are not respected owing to a lack of resources. Substandard care is particularly worrisome when the patients are trauma victims, pregnant women or children, as it leads to high rates of infection and frequent ill-health. Medical and paramedical staff report that even minor accidents can sometimes be fatal because of inappropriate care. The number of beds in specialized services such as intensive care

and dialysis units is insufficient, and shortages of trained nurses and paramedical staff oblige hospitals to rely on relatives to provide the patients with care." **[49b]**

28.05 The website for the World Health Organisation, provided access to the National Board of the Drugs/NBSD compact drugs list 2010, to access the document refer to the link here

28.06 International Organisation for Migration (IOM) Report entitled *Enhanced and Integrated Approach regarding Information on Return and Reintegration in the Countries of Origin* – IRRICO II, (IRRICO Report 2009) dated 10 November 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. " **[51a] (p6)**

28.07 With regards to obtaining medical treatment in Iraq, the same source explained:

"Patients should visit the nearest clinic to be examined by the doctors there. Simple cases can be treated in the clinics that are available in most neighbourhoods, towns and villages. For more complicated cases, patients are usually referred to specialised hospitals where doctors with different specialities examine patients during working days (Saturday to Thursday), from 8 a.m. to 1 p.m. The fee for a check up by a doctor, for lab tests, medicines, or for injections or treating wounds is €0.28 … In Baghdad and the southern part of Iraq, few diseases can be treated because public clinics still suffer from a lack of equipment, medicines, and vital vaccines. There are some territories and some isolated villages where access to clinics is difficult. **[51a] (p5)**

28.08 Whilst on the subject of obtaining hospital treatment the report acknowledged:

"In the public hospitals, patients may have to wait a long time for surgery, with waiting times sometimes counted in months. … Treatment in the private sector is a choice for those who want special care and can afford it. There are private hospitals for those who cannot wait for appointments for surgery and where operations can be performed immediately. Specialised doctors who work in hospitals during regular working hours usually have their own private clinics, which they open in the afternoon. These do not have specific working hours or days, though the majority of them do not open on Fridays, and some (though fewer) are closed on Thursdays. There are also private clinics for taking MRIs, x-rays, and ultrasound examinations where the necessary equipment is mostly available." **[51a] (p5)**

28.09 Brookings Institute report entitled *Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*, published 31 January 2011 also provided the following table entitled doctors in Iraq (sourced from James Palmer, *With Iraqi Doctors Fleeing, Prognosis is More Agony, Star-Ledger*, April 3, 2006. *Iraq: No Let-Up in the Humanitarian Crisis*, International Committee of the Red Cross, March 2008. Measuring Stability and Security in Iraq March 2009, *Report to Congress in Accordance with the Department of Defense Appropriations Act 2006 (Section 9010)*, page vi.) **[66b](p31)**:

DOCTORS IN IRAQ[67]

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 (thru 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.

28.10 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, (UNHCR Guidelines) dated April 2009 explained that the number of doctors kidnapped and/or killed since 2003 was into the thousands and went onto note that: "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 hospital premises." **[17a] (p181-2)**

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

28.11 A UNAMI newsletter entitled *Breaking the wall of silence surrounding violence against women in Iraq*, dated November 2010 reported:

"While the prevalence of HIV in Iraq is estimated at less 0.1 percent of the population [sic], it is believed that the associated vulnerability and risk factors continue to increase. Rising numbers of young people may exacerbate the issue, as liberalised trade relations and opening of borders draw Iraq into global circuits of drug trafficking." **[15f]**

28.12 On 14 January 2009, Integrated Regional Information Networks (IRIN) News in their article entitled *IRAQ: HIV-positive persons fear reprisals* 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." **[12b]**

28.13 The same report also explained:

"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. … 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. … In cooperation with the World Health Organization (WHO), the ministry prescribes combination therapy involving three antiretroviral drugs free of charge." **[12b]**

CANCER TREATMENT

28.14 The IRRICO Report 2009 stated: "There is a shortage of cancer medicines in Iraq. These can be obtained from specialised cancer hospitals, which are government-run however, waiting times for these medicines are known to run into months and, in some cases, even years. Patients usually buy these medicines from other countries, mainly Jordan, where the drugs are available in private pharmacies." **[51a] (p6)**

28.15 An Agence France Presse article, dated 22 October 2010, observed that Iraq's first specialist cancer hospital for children had opened in Basra province. However the article further commented that facility still lacked "... advanced equipment, labs and many medicines ..." although a doctor at the hospital explained that they hoped to acquire them over time." **[105b]**

KIDNEY DIALYSIS

28.16 Doctors Without Borders/Médecins Sans Frontières (MSF) in their article entitled *Iraq: Providing Dialysis Support in Kirkuk*, dated 24 November 2010 reported that: "Some 20 patients with end-stage kidney disease are currently receiving dialysis at Kirkuk hospital, in northern Iraq …" **[65a]**, however the report went on to explain that this number represented "… just a fraction of those in need."**[65a]** The article continued:

"In Kirkuk, MSF [Medecins Sans Frontieres] trains Iraqi staff for specialist care, namely the treatment of renal failure with dialysis. To do the job a diseased kidney cannot, an artificial replacement—a dialysis machine—cleans toxins from the patient's blood. This treatment is complex and medical staff in Iraq have undergone training to develop the necessary highly specialized skills. … Now, MSF's objectives include plans to increase the capacity of the dialysis unit in Kirkuk to treat 80 patients three times a week." **[65a]**

MENTAL HEALTH

28.17 The IRRICO Report 2009 stated: "Psycho-social support is available in some public hospital departments in the main cities, as well as in private clinics, where psychiatrists from the public hospitals will be working. … In Baghdad, there is a plan to establish a National Centre for Dealing with Psychological Shocks." **[51a] (p6)** Medecins Sans Frontieres Annual Report for 2009, stated: "MSF [Medecins Sans Frontieres] was able to open mental health counseling units within Ministry of Health hospitals In Baghdad in September and in Fallujah in December [2009]." **[65b] (p28)**

28.18 The World Health Organisation (WHO) Mental Health Atlas 2005, provided the following information on mental health facilities in Iraq:

"Mental health is a part of primary health care system. Actual treatment of severe mental disorders is available at the primary level. Drugs are supplied to needy patients at the primary care level after confirmation of the diagnosis by specialists … Regular training of primary care professionals is carried out in the field of mental health. Postgraduation in psychology and training for paramedical staff is also present. Training is also provided to teachers, social workers employed in special schools, primary care physicians and nurses. General practitioners in the primary health centres are being trained in psychiatry in order to deliver better psychiatric services at the primary level. Short training courses for orientation are provided … There are community care facilities for patients with mental disorders. Care is provided through the facilities of the Ministry of Social Welfare." **[67a] (p243)**

28.19 A paper accessed via the International Journal of Mental Health Systems, entitled *Public perceptions of mental health in Iraq*, published 11 October 2010, reported that community opinion about mental illness was "broadly compatible with scientific evidence, However, [sic] understanding of the nature of mental illness, its implications for social participation and management remains negative." **[68a]**

MEDICAL ISSUES IN THE KURDISTAN REGIONAL GOVERNMENT AREA

28.20 The Foreign and Commonwealth Office (FCO) *Report of Information Gathering Visit to Kurdistan Region of Iraq*, dated 27 March 2009, noted:

"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 [Kurdistan Region] 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." **[32b] (p20-22)**

28.21 The same source, citing the NGO, Norwegian People's Aid (NPA), noted: "NPA stated that hygiene standards in KR hospitals and health facilities were poor. Water supply and sewerage systems were maintained badly. **[32b] (p23)**

28.22 With regard to the availability of pharmaceutical supplies, the FCO *Report of Information Gathering Visit to Kurdistan Region of Iraq*, dated 27 March 2009, noted:

"… 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." **[32b] (p21)**

28.23 Whilst in regard to hospital facilities more generally the report added:

"… 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." **[32b] (p21)**

28.24 The Danish Immigration Service report entitled Entry Procedures and Residence in Kurdistan Region of Iraq (KRI) for Iraqi Nationals (Danish Entry Procedures Report),

published 15 April 2010, interviewed Internally Displaced Persons (IDP) in the Kurdistan Region on medical issues, and noted:

"All IDPs, interviewed by the delegation, stated that they had access to public hospitals and medical doctors free of charge. Some added that one had to pay a very small symbolic amount to be treated. One IDP stated that this amounted to approximately ½ USD. Most IDPs added that private hospitals and consultations at private doctors were expensive and that they were not able to afford this.

"A few of the IDPs that the delegation consulted, explained that they had been compelled to seek treatment at a private clinic or hospital as they were unable to receive adequate treatment at the public hospitals available in KRI [Kurdistan Region of Iraq]. One IDP explained that due to a long wait at the public hospitals for an abdominal surgery, she had to go to a private hospital, adding that the local community assisted her with funds to pay for her treatment. Another IDP stated that he had to seek treatment abroad for a leg injury that he had suffered, and that this had cost him a considerable amount of his savings. Finally, an IDP explained that she and her family made use of both the public and the private clinics available in KRI, depending on the ailment. …" **[30c] (p35)**

HIV/AIDS – anti-retroviral treatment

28.25 PUKMedia reported on 29 Janaury 2011 in their article entitled *Formation of Supreme Council of AIDS in Kurdistan*:

"The Government of Kurdistan Region formed the Supreme Council of Aids in Kurdistan with the participation of a number of experts and specialists in the KRG ministries and the civil society organizations. The formation of the council aims at preventing the outbreak of Aids in Kurdistan Region. 'Ministry of Health had previously announced the existence of a small number of AIDS cases in Kurdistan, most of them are foreigners', a statement issued by the KRG health ministry said" **[69a]**

28.26 The Foreign and Commonwealth Office (FCO) *Report of Information Gathering Visit to Kurdistan Region of Iraq*, dated 27 March 2009, noted that according to Frontier Medical [an NGO operating in the region]:

"…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." **[32b] (p22)**

Cancer treatment

28.27 The website for the Middle East Cancer Consortium, referring to selected papers from a workshop on palliative care for cancer patients in Cyprus, dated November 2005 cited material provided by medical doctor, Dilyara Barzani, Senior Health Advisor, Ministry of Health, Kurdistan. The source noted:

"Cancer is a considerable health problem in Kurdistan Region. Breast cancer among women, lung cancer among men and leukemia among children are the most frequently diagnosed cancers. The majority of cancer patients are in advances stages of cancer at the time of diagnosis and have limited or no access to cancer treatment. There are no facilities are equipped to treat patients with cancer and there are no oncologists available. Although the only realistic treatment options for the cancer patients are pain relief and palliative care, the services, guidelines and policies are not in place." **[133a]**

28.28 A fact finding mission report by the Finnish Immigration Services, conducted between 23 October and 3 November 2007 entitled noted with regard to specialised treatment:

"According to the ICRC [International Committee Red Cross] specialised health care is a problem in the three northern governorates. It is not easy to enter a hospital, and local health care has no capacity for specialised treatment. Cancer patients were formerly treated at the Mosul hospital, but this stopped after the Samarra bombing in 2006. Nowadays patients travel to Jordania or Iran for specialised treatment such as cancer treatment and larger operations.21 The problem of treatment abroad is the cost. For instance treatment of cancer and living costs in Amman during the treatment may accumulate to 4000-5000 USD. Traveling abroad may in itself present a problem, as neighbouring countries may not allow the person to cross the border, and getting a passport may take time. ... According to UNHCR, specialised treatment is very rare in the three northern governorates. For instance, treatment for leukaemia does not exist. UNHCR has resettled people needing specialised treatment. For coronary diseases, treatment is free, but there is a lack of medicines for ongoing monthly consumption." **[134a]**

MENTAL HEALTH

28.29 The WHO Iraq, in a press statement dated 28 January 2009, reported on a project designed to improve the mental health facilities in Iraq, and principally in the Northern Governorates. As noted:

"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 was endorsed on 20 January [2009] by the Ministry of Martyrs and Anfal Affairs, the Ministry of Health in Iraq's Kurdistan region and WHO. It 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. The project also aims to develop community-based and decentralized mental health facilities in the northern governorates of Suleymaniyah, Erbil and Mosul …" **[67b]**

28.30 The IRRICO Report 2009 also commenting on mental health facilities in KRG, observed:

"Urgent treatment and hospitalisation of acute cases for a short period is possible where there are public hospitals that have psychiatric departments, as in Suleimanya, Dahuk and Erbil. For these admissions, the treatment period should not exceed one month and in most cases doctors should only keep the patient in hospital for two weeks. The

government has established rehabilitation centres (for female cases only), like Soz Rehabilitation Centre in Tasluja , Sulaimaniyah, for cases with a longer term or permanent need for admission. The government is planning to open more centres. … Most of the current psychotropic drugs are available in Suleimanya. Some of these are generic." **[51a] (p6)**

Return to contents
Go to sources

29. HUMANITARIAN ISSUES

29.01 Refugees International report *Iraq: Humanitarian Needs Persist*, dated 17 March 2010 stated:

"The humanitarian situation facing Iraqi refugees and internally displaced people is quickly becoming a protracted one for which the U.S. bears special responsibility. Though the country is well positioned to generate vast sums of revenue from its oil, it will take many years before the government is able to rebuild the country's infrastructure and provide basic services to its people. Ongoing political and security concerns continue to challenge development efforts. It is thus critical that the U.S. and other donors continue to support a strong and expanded humanitarian program, working hand-in-hand with a variety of community development initiatives." **[55a]**

29.02 US Aid, Iraq – Complex Emergency, dated 17 December 2010 noted: "In 2009 and 2010, improved security ... contributed to increased humanitarian access to vulnerable populations, including IDPs. U.N. agencies and NGOs continue to identify and meet needs in regions of critical vulnerability countrywide. In areas where conditions have stabilized, humanitarian agencies are shifting to early recovery activities." The fact sheet identified several areas in which humanitarian operators were active these included – displacement and returns; access the water; agriculture and food security; economic recovery and market systems; shelter and settlements. Total USAID and State humanitarian assistance in Iraq for the financial year 2011 was $US 11,659,615. **[130a]**

29.03 The OCHA, Iraq 2010 Humanitarian Action Plan explained:

"While the security situation in Iraq is visibly better than 2006 to 2007, the high levels of violence have contributed to some 1.55 million Iraqis being displaced within the country since 2006, in addition to approximately 1.7 million Iraqi refugees abroad (as estimated by regional governments; of these, just under 300,000 are registered with UNHCR). The current humanitarian situation in many parts of the country is shaped not by new emergencies and displacement but rather by a legacy of sanctions, conflict, underdevelopment and neglect. These factors have led to a situation where lack of water, shelter, food, protection, or access to education and health care have reached proportions that require a humanitarian response in order to meet immediate needs." **[131a]**

To access the Iraq 2010 Humanitarian Action Plan, refer to the link here

29.04 *UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1936 (2010)* (UNSC Report November 2010), dated 26 November 2010, covering events since 29 July 2010, observed: "As of 30 September 2010, the United Nations Development Group Iraq Trust Fund portfolio stood at $1.43 billion," **[16e] (p7)** Whilst the European Commission Humanitarian Aid (ECHA) report *Humanitarian aid for*

the victims of the Iraqi crisis, published August 2010 stated: "Since 2003, the European Commission has allocated almost €133 million for basic medical care, water trucking and rehabilitation of water and sanitation systems across the country. In 2010, the Commission adopted an additional funding package of €8 million for the hundreds of thousands of people displaced inside Iraq." **[70a]**

29.05 However a report Handicap International Report *Fallen Off the Agenda? More and better aid needed for Iraqi recovery,* published July 2010 cautioned that the international community needed to continue to maintain a humanitarian role in Iraq:

"... [T]he international community s attention and support for Iraq is presently waning. This year, the European Commission and many EU Member States, including the United Kingdom, drastically reduced their aid budgets for Iraq. Moreover, the capacities of humanitarian and development Non Governmental Organisations (NGOs), both international and national, are not being maximized by current strategies in Iraq. Yet they are often best positioned and have the greatest expertise and experience to provide effective aid delivery and community-led development assistance.
Most of the support provided by the international community has been focusing on large-scale reconstruction and development programmes with little local participation. A number of donors have prioritized private sector initiatives at the expense of support for greatly needed humanitarian and development programmes. Other donors tend to point to significant investment into the Government of Iraq as a reason for their disengagement from supporting civil society activities.

In order to effectively contribute to Iraq s recovery, the EU and its member states, including the UK, should acknowledge the need for more significant and longer term commitment. Furthermore, they should improve aid effectiveness by ensuring more direct participation of the Iraqi people in the recovery processes." **[50a](p3-4)**

29.06 The report went on to identify the main challenges facing Iraqis as insecurity and lack of protection; restricted access to essential services such as shelter, electricity, water, sanitation, food, healthcare, education and poverty. The report also identified the most vulnerable populations in Iraq as being women, children and youths, IDPs, returnees, communities hosting displaced persons, people with disabilities, the elderly and people with no or limited access to basic services. **[50a](p4-15)**

See also the IAU Information Portal which gives access to Governorate level information on various humanitarian related indicators.

Return to contents
Go to sources

30. FREEDOM OF MOVEMENT

For more specific information relating to the difficulties experienced by women in travelling around the country and overseas also see: Women – Freedom of Movement. For information relating on the current security situation across Iraq see Security situation. Also see Exit and return

30.01 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated:

"The constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. The government generally respected these rights. There were some limitations in practice, particularly regarding travel into and residence in the Kurdistan region. Restrictions by provinces on the entry of new internally displaced persons (IDPs) had little impact as there was little new displacement during the year. Some IDPs were unable to access the Public Distribution System in the governorate in which they were displaced. The World Food Program and the ICRC delivered food rations to these IDPs... Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in the Kurdistan region, only in coordination with the KRG). Although the state of emergency lapsed in 2007, the government invoked these powers in practice over the course of the year. In response to security threats, the government continued to declare curfews and to take other necessary military and security measures of limited duration after the state of emergency expired." **[2a] (Section 2d, Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)**

30.02 A report by the Enhanced and Integrated Approach regarding Information on Return and Reintergration in Countries of Origin, IRRICO II, entitled, *Returning to Iraq: Country Information*, (IRRICO Iraq Report 2009), published 10 November 2009 explained:

"The transport system in the middle and south of Iraq depends mainly on its roads (cars, buses, and vans). No public transport exists although there are some train connections between Baghdad and Basra. These are either not yet effective or somewhat unreliable. The Baghdad Municipality has decided to construct a metro in Baghdad. The line will pass through many of Baghdad's districts so it will serve a huge number of people every day. The project plans have been finalised and are ready for implementation. Recently, the air transport system has been improved. The airports in Baghdad, Erbil, Suleimanya and Basra have reopened. A new airport has been established in Najaf and another will be set up in Karbala province." **[51a]**

30.03 Economist Intelligence Unit (EIU), *Country Profile,* Iraq dated 4 August 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. **[1a] (p17)**

30.04 The Special Inspector General for Iraq Reconstruction, *Quarterly Report to the United States Congress* (SIGIR Quarterly Report October 2010), published 30 October 2010 reported on road improvement projects that were underway:

"USACE [U.S. Army Corps of Engineers] reported it had completed 297 village roads and expressways as of September 30, 2010, and an additional 16 projects were ongoing this quarter. Grant funding for three large projects in Salah Al-Din province expired before they were complete. The al-Sharqat Bridge, originally an $8 million IRRF-funded project, was 88% complete when the grant expired.The other two projects, each valued at $7.8million, were for construction of two segments of a 40-kilometer highway called the Baghdad-Kirkuk Carriageway. The northern segment was three years behind schedule when work was stopped; the southern segment was 89% complete when work on it stopped." **[20b](p106-107)**

30.05 However the Foreign and Commonwealth Office (FCO) *Iraq Travel Advice,* last updated 21 January 2011, stated: "Road travel remains highly dangerous and there continue to be fatal roadside bombings, and random and premeditated attacks on military and civilian vehicles. There have been cases of false vehicle checkpoints from which violent attacks have been mounted. In addition to the threat from terrorism/kidnapping, there is also a continuing criminal threat from car jacking and robbery." **[32d]**

30.06 A report by the International News Safety Institute (INSI), *AKE Iraq Security Briefing,* published 5 March 2010, commenting on route security noted with regard to north Iraq that: "[j]ourney planning is essential when travelling to … [the region]. The districts of Mawsil, Kirkuk, Tal'Afar and Hawijah are amongst the most hazardous in the country. Roadside terrorist attacks are a frequent occurrence, particularly on main routes." **[74a]** However the source went onto note: "The central provinces are not as hazardous today as during 2005-2008 but caution is still required when travelling in the area … Roadside violence remains a frequent occurrence. Curfews are also a frequent occurrence particularly in Anbar province." **[74a]** With regard to travel within the KRG area, the INSI report noted: "Roadside violence is not a major concern in KRG territory, but occasional security incidents can occur, such as political unrest, witnessed over the past two weeks. Such outbreaks are infrequent and generally non-violent, but they can certainly escalate, with a number of vehicles reportedly damaged in pre-electoral clashes in recent days." **[74a]**

30.07 Regarding air travel to Iraq the SIGIR Quarterly Report October 2010 stated:

"[I]nternational air travel to Iraq continued to increase as several European and Arab carriers resumed commercial flights to Iraq. Religious pilgrims, tourists, and business travelers now have expanded options on budget and premium carriers. The Erbil International Airport's new terminal and runway opened for business in September [2010], and commercial flights between Dubai and both Erbil and Sulaymaniyah began this quarter. Germany's Lufthansa, AustrianAirlines, and a subsidiary of Air France are in discussions with the ICAA to begin commercial flights to Baghdad. Iraq's MOT announced this quarter agreements with Saudi Arabia and Yemen to resume commercial flights between the two countries for the first time since the first Gulf War." **[20b] (p107)**

30.08 Meanwhile SIGIR Semi-Annual Report 2011, confirmed that: "The [US] Embassy has reported that the ICAA [Iraq Civil Aviation Authority] continues to make positive steps toward meeting International Civil Aviation Organization (ICAO) standards in most areas, but improvements are needed at the local and national levels to bring Iraq in line with international air-traffic standards." **[20c] (p100)**

The Internal Displacement Monitoring Centre provided a collection of sourced material relating to Restrictions on Movement and Registration of IDPs (2003-2009), to access this information refer to the link here.

ENTRY ARRANGEMENTS INTO THE KURDISTAN REGIONAL GOVERNMENT AREA

30.09 USSD Report 2009 observed:

"There are no KRG laws that restrict movement across the areas administered by the KRG, but due to security procedures in practice this was not always the case. Citizens (of any ethnicity, including Kurds) crossing into the region from the south are obliged to

stop at checkpoints, undergo personal and vehicle inspection, and receive permission to proceed. Officials from the Directorate of Checkpoints, who report KRG security authorities, take photographs of travelers and issue a temporary pass. Officials prevent individuals from entering into the region if deemed a security threat. Entry for Arab males was reportedly more difficult than for others. The officer in charge at the check point has the right to decline entry into the region ... To accommodate increasing numbers of summer and holiday visitors, the KRG security authorities worked out agreements with other provinces whereby tourist agencies submitted names of visitors in advance for pre-clearance. Visitors must show where they are lodging and how long they intend to stay." **[2a] (Section 2d, Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)**

30.10 The Danish Immigration Service report entitled *Entry Procedures and Residence in Kurdistan Region of Iraq (KRI) for Iraqi Nationals* (Danish Entry Procedures Report), published 15 April 2010, referring to an interview conducted with General Gaywan Tawfeq, General Manager, Kurdistan Checkpoints, Kurdistan Regional Security Protection Agency, Security Directorate, Erbil, explained:

"Anyone in possession of an Iraqi ID, a Jinsiya (Nationality card) or an Iraqi passport would be able to enter KRI without any restrictions. An Iraqi not in possession of an Iraqi ID, a 'Jinsiya' or Iraqi passport would not be allowed to enter KRI at any checkpoint. It was emphasized that he had never heard of an Iraqi not in possession of an ID. … Anyone who legally has passed a checkpoint is free to move about throughout the KRI.… Since December 1, 2008, there has been a standardized procedure at all KRG checkpoints." **[30c] (p9)**

30.11 The report, citing the same source, went onto explain that the procedures for entry into KRG were two-fold.**[30c](p9)** According to General Gaywan Tawfeq:

"…The first step involves the person's arrival at the checkpoint where he or she will be identified, photographed, his or her family relations registered, origin of residence, the reason for entering, his or her occupation as well as other relevant matters. The next step comprises the issuing of a card stating the reason for entering as well as the permitted period of the stay. There are three different types of entry cards, more specifically a 'work card', a 'tourism card' and a card for those who wish to reside in KRI, called an 'information card for those who wish to reside in KRI'"... The majority entering KRI request to stay in KRI for a few days or weeks." **[30c] (p9)**

30.12 However this account appeared slightly at odds with information given by Charles Lynch-Staunton, Head of Office UNHCR, Erbil, who stated that: "… access to the territory [KRI] by IDPs is complex, and there are variations in the implementation of entrance requirements at various border crossing points." **[30c](p10)**

30.13 The report continued:

"According to Ali A. Jihangear, Representative of the GoI Ministry of Displacement and Migration (MoDM) to KRI, Baghdad/Erbil, and Shokr Yaseen Yaseen, Director, Bureau of Migration & Displacement (BMD), KRG, Erbil, all Iraqis entering KRI from S/C Iraq or from the disputed areas enjoy similar rights as any other citizen of KRI according to Iraqi law. It was emphasized that there is no longer a requirement or a need for any IDP or any other Iraqi entering KRI to have a sponsor/guarantor to enter or reside in KRI. The sponsor/guarantor requirement was lifted in early 2009. … General Gaywan Tawfeq,

Kurdistan Checkpoints, Erbil, stated that it is no longer a requirement for persons entering any of the three Governorates of KRI to have a sponsor or a guarantor in KRI. This policy was abolished as of December 1, 2008.

30.14 An international NGO (INGO), Erbil, stated an Iraqi citizen from S/C Iraq wishing to enter KRG does not need a sponsor or guarantor to be present at the entry point, i.e. a KRG checkpoint in order to be allowed entry. … An INGO, Erbil, further explained that its officer had personally observed that approximately a year ago there were some restrictions at the KRG checkpoints and there were individual cases of Iraqis needing a sponsor/guarantor in order to enter into KRG, as well as providing ID documents and explaining the purpose of one□s entry at the KRG checkpoints, e.g. work, visit, stay or transit." **[30c](p10)**

For further details on entry procedures and arrangements refer directly to the source, via the link here.

30.15 The Foreign and Commonwealth Office (FCO) Report of Information Gathering Visit to Kurdistan Region of Iraq, dated 27 March 2009, noted:

"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 [Kurdistan Region] 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." **[32b] (p24)**

See also Internally displaced persons (IDPs). For further information on documentation which is used by IDPs to access various services, see Documentation.

Return to contents
Go to sources

31. INTERNALLY DISPLACED PERSONS (IDPS)

31.01 The UNHCR page on Iraq entitled *2011 UNCHR country operations profile – Iraq*, outlined the current displacement problem in Iraq:

"Iraq continues to suffer from sporadic violence, a general lack of basic services and high unemployment. Some returnees and internally displaced persons (IDPs) remain in dire circumstances that require urgent humanitarian interventions. An inability to form a Government following the March 2010 elections compounded these challenges and reinforced the vulnerabilities of many Iraqis. ... While some 350,000 IDPs ... returned spontaneously in 2008 and 2009, returns have slowed in the first half of 2010, with only

60,000 IDPs ... returning. Meanwhile the majority of some 1.5 million IDPs in the country have found no solutions to their plight. There are also occasional reports of new displacements, particularly among the minority communities." **[17i]**

31.02 Internal Displacement Monitoring Centre (IDMC) report *Iraq Political wrangling leaves around 2.8 million displaced Iraqis with no durable solutions in sight,* published 14 December 2010, stated:

"Seven years after the March 2003 US-led invasion, Iraq remains deeply divided. Iraqis have been internally displaced in three periods: either under the former Ba'ath government; from the March 2003 invasion until the February 2006 Samarra bombing; and since then. Today, one in ten Iraqi is still internally displaced, totalling 2.8 million people. They face continuing threats to their physical security and difficulties accessing basic necessities and essential services. ... In Diyala and Baghdad, where the Iraqi government and its UN partners have taken steps to address displacement, there was an encouraging rate of returns in late 2009; however the number of returns has dropped in 2010, with would-be returnees concerned about the political uncertainty and poor public services as well as insecurity." **[54b] (p1)**

31.03 The same report, commenting on displacement since 2007 explained:

"Since the beginning of 2008, sectarian violence has continued but it has become less intense. However, in the disputed northern territories, inter-ethnic and sectarian tensions fuelled by disputes over governorate borders have continued to cause displacement. Hundreds of families were reportedly displaced in Kirkuk due to ethnic tensions in 2008 ... Recurrent military bombardments on Iraq's northeastern borders with Iran and Turkey have caused displacement in the Kurdish governorates. The latest in June 2010 resulted in the displacement of 945 families in Irbil and Sulaymaniya ...However, the overall rate of displacement in Iraq has decreased since 2007 ... In 2010, relatively few people have been newly displaced in Iraq; the majority of them were displaced from the disputed territories of Ninawa and Kirkuk. Overall numbers of IDPs have changed little as very few returns have taken place during the year. The main concern has been the lack of adequate public service, shelter and food; a situation made worse by the 2010 political deadlock following the election." **[54b](p1-2)**

31.04 With regard to the recent displacement of Christians in 2010, the IOM [International Organisation for Migration] *Emergency Needs Assessment Displacement of Christians to the North of Iraq*, dated 15 December 2010 reported that: "Many areas in Northern governorates of Iraq have been safe havens for religious minorities fleeing violence elsewhere in Iraq. In the past month, as violence against Christian Iraqis has increased, these areas have received a higher number of these families who have been displaced from areas where they fear for their lives." **[51p] (p3)** The report also observed:

"An increasing number of displaced Christian families intend to integrate into their current location. IOM monitoring teams in the field report that a clear majority of the displaced Christians in Erbil, Dahuk, and Sulaymaniyah governorates now plan to settle in their current location due to stable security environments and welcoming host communities. However, a far smaller number of the displaced Christians in Ninewa governorate expressed a desire to remain in their location of displacement. Monitors estimate that fewer than 10% of the displaced in the Bashiqa district of Mosul intend to integrate locally. ... While many displaced Christian families intend to locally integrate, monitors also report increasing Christian emigrations. IOM monitors only assess

internally displaced persons, but monitoring teams have been told by community leaders of increasing Christian emigration to Turkey since November 2010, which is confirmed by colleagues in Turkey as well as recent media reports." **[51b](p1)**

31.05 The US State Department *Country Report on Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated: "At year's end the KRG hosted approximately 134,000 post February 2006 IDPs, according to the UNHCR. Another 635,000 in the north were Kurds displaced from southern and central regions during the previous regime but were largely considered to have established permanent settlements in the KRG." **[2a] (Section 2d, Internally Displaced Persons)**

31.06 Handicap International Report *Fallen Off the Agenda? More and better aid needed for Iraqi recovery,* published July 2010, also reported: "Displacement due to drought is another crisis that afflicted some communities especially in rural areas. Many farmers and livestock breeders from Dohuk, Ninewa, Diyala, Anbar, Missan and Muthana governorates were internally displaced as drought hit their villages. Many of them are unemployed as they lost their livestock or left farms on which their livelihood was dependant" **[50a] (p14-15)**

31.07 According to the UNHCR country page, the main objectives and targets for the organisation were to establish a "favourable protection environment"; develop "fair protection processes" which included more than 20,000 IDPs receiving legal counsel and documents and at least 26 IDP Return; Integration and Community Centres with 35 mobile teams; "basic needs and services" including water provision, shelter, infrastructure and access to basic domestic and hygiene items; "community participation and self-management" and "durable solutions" developing potential for location integration and voluntary return. **[17i]**

FURTHER SOURCES OF INFORMATION ON IDPS

31.08 The following links provide access to a range of useful material, include statistics, maps and other information related to internally displaced persons:

- IOM Emergency Needs Assessment, Displacement of Christians to the north of Iraq, 31 January 2011
- IOM Emergency Needs Assessment, Four Years of Post-Samarra Displacement in Iraq, 24 March 2010
- IOM Review of Displacement and Return in Iraq, February 2011
- UNHCR Iraq Operation, Monthy Statistical Update on Return, December 2010
- OCHA, Displacement in Mosul, Situation Report No.2, 2 March 2010
- IDMC Report: Political wrangling leaves around 2.8 million displaced Iraqis with no durable solutions in sight, 14 December 2010 (includes ethno-religious neighbourhoods in Metropolitan Baghdad 2003 – 2007)
- IOM Governorate profiles, November 2010
- UNHCR, IDP populations by Governorate, January 2010

For further information on documentation which is used by IDPs to access various services, see Documentation. Also see Freedom of Internal Movement, which covers entry arrangements between Iraq and the KRG area. Additionally see Fair trial which provides some information about land ownership disputes (paragraph 13.27) which frequently effects displaced persons.

Return to contents
Go to sources

32. FOREIGN REFUGEES

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." **[15i] (p8)**

32.02 The US State Department Country Report on *Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated:

"The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion." **[2a] (Section 2d, Protection of Refugees)**

32.03 The U.S. Committee for Refugees and Immigrants *World Refugee Survey 2009*, (USCRI Report 2009) published on 25 June 2009, stated: "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." **[78a] (p1)** This figure contrasted with Refugees International report *Iraq: Humanitarian Needs Persist*, dated 17 March 2010 which instead noted that there were some 35,000 refugees in Iraq.

32.04 The USCRI Report 2009 also noted: "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." **[78a] (p3)**

32.05 The same report went onto observe: "Multinational [US] 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 communities suggested as many as 70 Palestinians and 7 Syrian refugees remain in detention." **[78a] (p2)**

32.06 However the USSD Report 2009 explained: "Threats against most refugees who had received favourable [sic] treatment under the previous regime subsided throughout the year. Nevertheless, lack of proper identification documentation compromised freedom of

movement and personal security for certain refugee groups, namely Palestinians and Syrians in Baghdad and Ahwazis in Basrah." **[2a] (Section 1d, Protection of Refugees)**

32.07 USSD Report 2009 also noted:

"Generally, refugee groups of Turkish and Iranian Kurds in the KRG reached a high level of integration. For the majority of the 9,173 Iranian Kurds whom the UNHCR registered as refugees in the north, local integration remained the best and most likely option. For the 15,758 Turkish Kurds whom the UNHCR registered as refugees, the UNHCR's strategies included voluntary repatriation and local settlement, subject to negotiations with Turkey and the government on a Tripartite Voluntary Repatriation Agreement and a Local Settlement/Resettlement Protocol for those willing to remain and integrate. Refugee groups in central and southern regions, particularly refugees who were perceived to have been privileged by the former regime such as Palestinians, Ahwazis in the South, and Syrian Arabs in Baghdad and Mosul, had a lesser chance of integration and continued to face discrimination and protection problems." **[2a, Section 1d, Protection of Refugees)**

PALESTINIANS

32.08 Refugees International report *Iraq: Humanitarian Needs Persist*, dated 17 March 2010 noted:

"One of the largest and most vulnerable populations is the stateless Palestinians. Though successful efforts have been made to resettle Palestinians from three border camps, the needs of those in Damascus, Al Hol Refugee Camp in Syria and Baghdad must be urgently addressed. Unlike Iraqis, Palestinian refugees from Iraq have been denied access to asylum in neighboring countries and subjected to forced encampment. In Baghdad they continue to be subjected to arbitrary arrest and detention, raids by the police and army, and armed violence. Their recently issued identification documents are noticeably different from Iraqi documents, making them easy targets at checkpoints. Most Palestinians attempt to acquire Iraqi documentation, and the men regularly travel with women to help protect them against arbitrary arrest and detention. Hiding their Palestinian identity is a matter of survival for these refugees.

"At the start of the war in 2003 there were an estimated 35,000 Palestinian refugees in Baghdad. Today there are only 11,000. Left behind are the elderly, the disabled, and some of the most destitute families. Even if they attempted to flee, there is nowhere for them to run—the Jordanian and Syrian borders are closed to them and UNHCR actively turns away Palestinians attempting to flee to Al Waleed Camp on the border.

"Many of the families are in need of urgent assistance. UNHCR needs to conduct a full assessment of this population and develop criteria for resettlement. In Syria UNHCR needs to immediately refer Palestinian cases in Damascus for resettlement and continue resettlement out of Al Hol Camp." **[55a]**

32.09 Regarding Al-Hol camp the UN Refugee Agency (UNCHR) article *End of long ordeal for Palestinian refugees as desert camp closes,* dated 1 February 2011, stated:

"The UN refugee agency closed the Al Tanf refugee camp between the borders of Syria and Iraqi on Monday and relocated the last of the Palestinian refugees who had been

stranded in the bleak no-man's land for nearly four years. UNHCR, working in cooperation with the Syrian authorities, transferred the last 60 camp residents on Monday morning. They will be housed temporarily at another refugee camp, Al Hol, inside Syria. …

"Although the living conditions in Syria's Al-Hol camp are slightly better, circumstances are not sustainable and a solution is still needed for more than 600 Palestinians from Iraq currently living there. The exact number of Palestinian who fled Iraq is unknown. Al Tanf is one of three camps that received Palestinian refugees from Iraq. Currently, there are around 2,000 in Al Hol and in Al Waleed camp, which is on the Iraqi side of the border. UNHCR will continue to advocate for a dignified solution for all those Palestinian refugees stranded in camps in 2010." **[17f]**

IRANIANS

32.10 The UNHCR page on Iraq entitled *2011 UNCHR country operations profile – Iraq* gave UNHCR planning figures for Iranian refugees in Iraq as of January 2011 as 13,000, with a further 1,000 classified as "people in a Refugee-like situation." **[17i]**

32.11 Amnesty International *Appeal for Action* article *Medical Restrictions Imposed on Iranian Exiles, Including Refugees*, dated 2 December 2010 explained that a sizable Iranian population residing in a refugee camp known as Camp Ashraf, experienced ongoing difficulties with the Iraqi authorities over their protracted and ongoing displacement:

"Camp Ashraf, 60 Km north of Baghdad, is home to around 3,400 members and supporters of the Iranian opposition group, the People's Mojaheddin Organization of Iran (PMOI). The residents have been living there for almost 25 years and it is now a small town with shops and other amenities. … Hundreds of Iranian exiles, including refugees, resident in Camp Ashraf in Iraq, north of Baghdad, are reported to have suffered serious complications from medical restrictions imposed on them by the Iraqi authorities. In the past five months the already appalling medical conditions at the camp have deteriorated even further. Many residents are reportedly suffering from cancer, heart problems, loss of vision, gallstones, orthopaedic problems, kidney stones and other diseases that without prompt and adequate treatment can result in irreversible health damage.

"Due to lack of adequate treatment for certain illnesses in the hospital next to the camp, some residents need to seek treatment in specialised hospitals in Baghdad and in the Kurdistan region of Iraq. However, Amnesty International has received reports confirming that patients with appointments in hospitals in Baghdad could not attend their appointments because the Iraqi forces apparently refused to allow others to accompany them, including interpreters. Most of the patients at the camp do not speak Arabic as Farsi is their native language and therefore without an interpreter they can not communicate with doctors in Iraq. It is reported that patients who have travelled to other facilities for treatment have returned without a diagnosis or treatment because of the lack of an interpreter. It has also been reported that patients with mobility issues have been barred from travelling due to the lack of wheel chairs or special beds. The Iraqi authorities have refused to provide such equipment." **[29g]**

32.12 *UN Security Council Report of the Secretary General pursuant to paragraph 6 of resolution 1936 (2010)* (UNSC Report November 2010), dated 26 November 2010, covering events since 29 July 2010, further observed:

"The situation in Camp Ashraf continues to be of concern since the departure of United States Forces in Iraq on 2 July 2010 [who handed over security of the camp to the Iraqi security forces]. Citing security concerns, the Government has banned a number of items from entering the camp, such as building materials, metal pipes and plumbing supplies, herbicides, insecticides and poisons for pest control. Additionally, a number of checkpoints have been established within the camp and more loudspeakers installed in the east and south of the camp to broadcast messages to the residents. The camp leadership maintains that such measures are intended to tighten control in preparation for their relocation, something they have repeatedly resisted. The Iraqi authorities have declared that the situation in Camp Ashraf will not be allowed to continue indefinitely and that they will notify UNAMI and the International Committee of the Red Cross when the time comes to relocate the inhabitants. Several small disputes between residents and local Iraqi officers reportedly turned violent several times in October [2010] and some residents sustained injuries." **[16e]**

32.13 An Amnesty International article, *Iraq Urged To Stop Deportation of Iranian Ahwazi Refugees,* dated 14 January 2011, provided further illustration of the difficulties faced by Iranian refugees, highlighting a case in which Iranians from the Ahwazi Arab minority group, had been detained and were at risk of refoulement to Iran:

"Two recognized refugees, Shahhed Abdulhussain Abbas Allami and Saleh Jasim Mohammed al-Hamid, are currently being detained in Basra prison, while a third man has already been transferred to the custody of Iranian officials in Iraq. At least three other Ahwazi Arabs [a minority Iranian community], all members of the same family, are also at serious risk. They are believed to have been detained by the Iraqi authorities at the request of the Iranian government because their father is an Iranian political activist, currently exiled. Two members of this family, both aged under 18, have already been handed to Iranian officials in Iraq and their subsequent fate is unknown. …" **[29h]**

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. **[15i] (p6)**

To access the Iraqi Nationality Law 26 of 2006, refer to the link here

33.02 The Freedom House (FH) report entitled *Women's Rights in the Middle East and North Africa 2010,* published 3 March 2010, noted: "… foreign husbands of Iraqi women need to reside at least 10 years in Iraq before they may apply for citizenship (Article 6), whereas foreign wives of Iraqi men qualify after five years (Article 11)." **[8b] (Non-discrimination and access to Justice)**

DOCUMENTATION

33.03 Brookings Institute report *Internal Displacement in Iraq: The Process of Working Toward Durable Solutions*, dated June 2009, stated:

"In Iraq, five key documents are necessary to access public services: PDS [Public Distribution System – food rationing card] 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." **[66c] (p20)**

33.04 The United Nations High Commissioner for Refugees (UNHCR) Iraq *Protection Monitoring Assessments Summary January-October 2009,* dated 30 December 2009, reported:

"In Iraq, documentation is central to exercise citizenship rights, including registration as IDPs or Returnees, voting and accessing basic services, to accessing income/financial assistance, (pension/service records, driver's licences and car registration, medical committee certificates and property deeds). However, some kind of key documentation was reported lacking. IDPs and returnees indicated the need to register with the authorities in order to stay in their current location but findings highlighted problems with the registration procedures/requirements and/or lack information on the need for/benefits of registration." **[17e] (p3)**

31.05 The report further observed:

"From January to March 2009, some 53%IDP, 15%IDP returnee and 40% refugee returnee families reported lacking most commonly PDS ration cards (31% IDPs, 12% IDP returnees, 24% refugee returnees), civil ID (25% IDPs, 18% IDP returnees, 22% refugee returnees), nationality certificate (22% IDPs, 11% IDP returnees, 29% refugee returnees) and passport (21% IDPs, 9% IDP returnees, 15%refugee returnees). About 61% IDPs stated they needed to register with the authority in their current location; however, only 55% IDPs were registered. 75% IDP returnees and 56% refugee returnees approached the authorities to register. The main consequence of not registering for IDPs was the exclusion from government assistance (51%), no PDS distributions (24%), no job opportunities (10%), as well as no fuel distribution (15%). For refugee returnees, not registering makes them ineligible for returnee grants (in 48% of the cases) and land allocations (22%). Asked why some families were not registered, the groups answered that these families were either unaware of the process (12%) or they do not fulfill the requirements (10%)." **[17e] (p4)**

Public Distribution System (PDS) Cards

31.06 The United Nations High Commissioner for Refugees (UNHCR) *Country of Origin Information Iraq,* dated October 2005, stated:

"The food ration card [PDS], 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). **[17d] (p132)**

31.07 An article by IRIN, entitled, Iraqis welcome WFP role in state food aid system, dated 6 January 2010 noted:

"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 in 1990. More than half of Iraq's 29 million residents depend on it, according to Trade Ministry statistics. … 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). "**[12e]**

31.08 Regarding the transfer of PDS cards to the KRG, the Danish Entry Procedures Report, published 15 April 2010, citing Shokr Yaseen Yaseen, Director, Bureau of Migration & Displacement, Erbil, noted that:

"... an IDP can transfer his or her card to KRI [Kurdistan Region in Iraq]. He explained that the process can take a while and therefore, in coordination with the WFP [World Food Programme], assistance is provided to IDPs who are in the midst of transferring their cards. He knows of no instruction stating that some IDPs are restricted from transferring their PDS card to KRI. It was added that the policy regarding PDS cards is determined by the Ministry of Trade and is not an issue that BMD [Bureau of Migration & Displacement, KRG] deals with." **[30c] (p29)**

31.09 However information provided by Charles Lynch-Staunton, Head of Office, UNHCR, Erbil, noted: "… that the KRG stopped registering IDPs in February 2009 following a decision from the GoI [Government of Iraq] on December 15, 2008 to stop registration of IDPs. Subsequently, the transfer of Public Distribution System (PDS) cards was also stopped." **[30b](p8)**

For further information see The Danish Immigration Service report entitled Entry Procedures and Residence in Kurdistan Region of Iraq (KRI) for Iraqi Nationals (Danish Entry Procedures Report), published 15 April 2010. The Internal Displacement Monitoring Centre provided a collection of sourced material relating to Restrictions on Movement and Registration of IDPs (2003-2009), to access this information refer to the link here.

Birth and death certificates

31.10 The United Nations High Commissioner for Refugees (UNHCR) *Country of Origin Information Iraq,* dated October 2005, stated:

"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." **[17d] (p132)**

Nationality certificate

33.11 The Internal Displacement Monitoring Centre in a report entitled *Statelessness: many Iraqis stripped of their nationality and ethnicity face difficulties in obtaining documentation (2004-2008)*, undated, accessed on 21 January 2011, explained the procedures in place for obtaining a nationality certificate through the authorities in Iraq:

"The nationality certificate is a document proving nationality of a natural person as a citizen of the state. The issuance of the nationality certificate is regulated by the Iraqi Nationality Law No. 27 of 2006. In order to obtain a nationality certificate, the procedures and documents required are mostly the same as described for the civil status identification document. In addition, the applicant needs to produce the nationality certificate for his/her father, brother, paternal grandfather or uncle. If this is not possible, the nationality officer will record the testimony and confirmation of the applicant's clan members to verify information and documents provided by the applicant. It is crucial to hold a nationality certificate in order to access legal, economic, civil, political, social and cultural rights. Also, the nationality certificate is a prerequisite document to obtain birth, death and marriage certificates.

"Another obstacle that in particular displaced persons face with regard to obtaining the civil status identification document and the nationality certificate is that they must show up in person as it is not permitted by law to appoint a third parties, even if they were issued a power of attorney. In addition, persons that have been denaturalized due to the former government's policies and who do not have extracts of records proving their status as Iraqi nationals are required to apply in Baghdad, thus incurring financial costs and security risks due to transportation costs and the unstable security situation in Central Iraq.

"IDPs may also face problems or delays when applying for these documents as civil status departments and nationality departments often lack employees, experience and training (e.g. there is a lack of employees with a legal background) and have limited or no access to relevant legislation and instructions. Bureaucracy and, slow legal procedures involved in processing applications in some civil status/nationality departments may lead to considerable delays in issuance of documents." **[54a]**

Passports

33.12 The Embassy of the Republic of Iraq in London, dated 15 February 2010, stated: "As instructed by the Directorate of passports, [a] new process is going to be adopted regarding the application for the new (A) series passport starting from the date: 1st Feb[ruary] , 2010… A (G Series) passport is valid (Until the end of validity and the new series passport is not to be considered as a replacement)." **[75]**

33.13 In a correspondence from the Foreign and Commonwealth Office, dated 21 April 2010, to UK Border Agency Country of Orgin Information Service, a Migration Delivery Officer stated:

"You asked whether it would be possible for an Iraqi national to nominate a family member to collect a G series passport on their behalf in Iraq... I discussed this issue with officials from the General Directorate of Nationality in Bahgdad. They confirmed that the official route necessary for a Iraqi citizen who is resident in the UK, is for the

applicant to visit the Iraqi Embassy in London to lodge their application. This is then passed to the Directorate of Nationality in Baghdad via the Ministry of Foreign Affairs. Iraqi officials confirmed that it is also possible for a family member already in Baghdad to apply for a passport on behalf of someone who is outside Iraq." **[32c]**

33.14 A report by the Enhanced and Integrated Approach regarding Information on Return and Reintergration in Countries of Origin, IRRICO II, entitled, *Returning to Iraq: Country Information*, (IRRICO Iraq Report 2009), published 10 November 2009 noted on use of returning on S and G series passports: "No problems have been experienced with type S (old) or G (new style) passports." **[51a] (p16)** However an article in the Sunday Times, dated 22 March 2007, reported on a legal challenge with the Home Office in the UK over the use of S series passports for obtaining UK visas. **[135a]**

See also Exit and return and Internally Displaced Persons

Return to contents
Go to sources

34. EXIT AND RETURN

35.01 The US State Department *Country Report on Human Rights Practices 2009, Iraq* (USSD Report 2009), published 11 March 2010, stated:

"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. There were few reports of citizens having difficulty obtaining passports. Exit permits were required for citizens leaving the country, but the requirement was not enforced." **[2a] (Section 2d, Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)**

35.02 A report by the Enhanced and Integrated Approach regarding Information on Return and Reintergration in Countries of Origin, IRRICO II, entitled, *Returning to Iraq: Country Information*, (IRRICO Iraq Report 2009), published 10 November 2009 clarified that: "The main requirement is to prove Iraqi nationality on return, using an emergency travel document [for those who did not have their own passport]. No problems have been experienced with type S (old) or G (new style) passports." **[51a] (p16)**

33.03 However USSD Report 2009 highlighted that: The MOI's [Ministry of Interior] Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before receiving a passport. On May 8 [2009], KRG prime minister Nechirvan Barzani declared that, unlike in the rest of the country, women older than the age of 18 would be able to obtain passports without obtaining the approval of a close male relative in the KRG-administered areas." **[2a] (Section 6, Women)**

33.04 With regard to obtaining visas for travel to other countries by Iraqi nationals a UNHCR report entitled *Realizing protection space for Iraqi refugees: UNHCR in Syria, Jordan and Lebanonon*, dated 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. "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." **[17c] (p19)**

33.05 On the subject of returning failed asylum seekrs to the KRG area, the Foreign and Commonwealth Office [FCO] *Report of Information Gathering Visit to Kurdistan Region of Iraq,* dated 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." **[32b] (p22-23)**

See also: Passports

Return to contents
Go to sources

Annex A

CHRONOLOGY OF MAJOR EVENTS

YEAR	Source - British Broadcasting Corporation (BBC) Timeline, updated on 1 February 2011 [14b], unless otherwise stated.
1958	The monarchy is overthrown in a military coup led by Brig Abd-al-Karim Qasim and Col Abd-al-Salam Muhammad Arif. Iraq is declared a republic.
1963	Prime Minister Qasim is ousted in a coup led by the Arab Socialist Baath Party (ASBP). Arif becomes president.
1963	The Baathist government is overthrown by Arif and a group of officers.
1966	After Arif is killed in a helicopter crash on 13 April, his elder brother, Maj-Gen Abd-al-Rahman Muhammad Arif, succeeds him as president.
1968	A Baathist led-coup ousts Arif. Revolution Command Council (RCC) takes charge with Gen Ahmad Hasan al-Bakr as chairman and country's president.
1970	Central government and Mullah Mustafa Barzani, leader of the Kurdistan Democratic Party (KDP), sign a peace agreement.

Petroleum firm nationalised

1972	Iraq nationalises the Iraq Petroleum Company (IPC).
1974	Iraq grants limited autonomy to Kurdish region.
1979	Saddam Hussein succeeds Al-Bakr as president.
1980	The pro-Iranian Dawah Party claims responsibility for an attack on Deputy Prime Minister, Tariq Aziz, at Mustansiriyah University, Baghdad.

Iran-Iraq war

1980 - 1988	Iran-Iraq war.
1981	7 June - Israel attacks an Iraqi nuclear research centre at Tuwaythah near Baghdad.

Chemical attack on Kurds

1988	16 March - Iraq is said to have used chemical weapons against the Kurdish town of Halabjah.

1990	15 March - Farzad Bazoft, an Iranian-born journalist with London's Observer newspaper, accused of spying on a military installation, is hanged in Baghdad.

Iraq invades Kuwait

1990	Iraq invades Kuwait, prompting what becomes known as the first Gulf War. A US-led coalition forces Iraq to withdraw in February 1991.

Rebellion

1991	Mid-March/early April - Iraqi forces suppress rebellions in the south and the north of the country.
1991	April - A plan to establish a UN safe-haven in northern Iraq to protect the Kurds is approved at a European Union meeting. On 10 April the USA orders Iraq to end all military activity in this area.
1992 August	A no-fly zone, which Iraqi planes are not allowed to enter, is set up in southern Iraq, south of latitude 32 degrees north.
1993 June	US forces launch a cruise missile attack on Iraqi intelligence headquarters in Baghdad in retaliation for the attempted assassination of US President George Bush in Kuwait in April.
1994 10 Nov	Iraqi National Assembly recognises Kuwait's borders and its independence. Oil-for-food
1995 14 April	UNSC Resolution 986 allows the partial resumption of Iraq's oil exports to buy food and medicine (the "oil-for-food programme").
1995 October	Saddam Hussein wins a referendum allowing him to remain president for another seven years.
1996 August	After call for aid from KDP, Iraqi forces launch offensive into northern no-fly zone and capture Irbil.
1996 Sep	US extends northern limit of southern no-fly zone to latitude 33 degrees north, just south of Baghdad.
1998 October	Iraq ends cooperation with UN Special Commission to Oversee the Destruction of Iraq's Weapons of Mass Destruction (Unscom).

Operation Desert Fox

1998 16-19 Dec

After UN staff are evacuated from Baghdad, the US and UK launch a bombing campaign, "Operation Desert Fox", to destroy Iraq's nuclear, chemical and biological weapons programmes.

1999 Feb Grand Ayatollah Sayyid Muhammad Sadiq al-Sadr, spiritual leader of the Shia community, is assassinated in Najaf.

1999 Dec UNSC Resolution 1284 creates the UN Monitoring, Verification and Inspection Commission (Unmovic) to replace Unscom. Iraq rejects the resolution.

2001 Feb Britain, US carry out bombing raids to try to disable Iraq's air defence network. The bombings have little international support.

Weapons inspectors return

2002 Sept US President George W Bush tells sceptical world leaders at a UN General Assembly session to confront the "grave and gathering danger" of Iraq - or stand aside as the US acts. In the same month British Prime Minister Tony Blair publishes a "dodgy" dossier on Iraq's military capability.

2002 Nov UN weapons inspectors return to Iraq backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms.

2003 March Chief weapons inspector Hans Blix reports that Iraq has accelerated its cooperation but says inspectors need more time to verify Iraq's compliance.

Saddam ousted

2003 17 Mar UK's ambassador to the UN says the diplomatic process on Iraq has ended; arms inspectors evacuate; US President George W Bush gives Saddam Hussein and his sons 48 hours to leave Iraq or face war.

2003 20 Mar US-led invasion topples Saddam Hussein's government, marks start of years of violent conflict with different groups competing for power.

2003 May UN Security Council backs US-led administration in Iraq and lifts economic sanctions. US administrator abolishes Baath Party and institutions of former regime.

2003 July US-appointed Governing Council meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay killed in gun battle in Mosul.

Insurgency intensifies

2003 August Suicide truck bomb wrecks UN headquarters in Baghdad, killing UN envoy Sergio Vieira de Mello.
Car bomb in Najaf kills 125 including Shia leader Ayatollah Mohammed Baqr al-Hakim.

2003 14 Dec Saddam Hussein captured in Tikrit.

2004 March Suicide bombers attack Shia festival-goers in Karbala and Baghdad, killing 140 people.

2004 Apr-May Shia militias loyal to radical cleric Moqtada Sadr take on coalition forces. Hundreds are reported killed in fighting during the month-long US military siege of the Sunni Muslim city of Falluja.
Photographic evidence emerges of abuse of Iraqi prisoners by US troops.

Sovereignty and elections

2004 June US hands sovereignty to interim government headed by Prime Minister Iyad Allawi.

2004 August Fighting in Najaf between US forces and Shia militia of radical cleric Moqtada Sadr.

2004 Nov Major US-led offensive against insurgents in Falluja.

2005 30 Jan Some 8 million vote in elections for a Transitional National Assembly. The Shia United Iraqi Alliance wins a majority of assembly seats. Kurdish parties come second.

2005 28 Feb At least 114 people are killed by a car bomb in Hilla, south of Baghdad, in the worst single such incident since the US-led invasion.

2005 April Amid escalating violence, parliament selects Kurdish leader Jalal Talabani as president. Ibrahim Jaafari, a Shia, is named as prime minister.

2005 May onwards
Surge in car bombings, bomb explosions and shootings: Iraqi ministries put the civilian death toll for May at 672, up from 364 in April.

2005 June Massoud Barzani is sworn in as regional president of Iraqi Kurdistan.

2005 August Draft constitution is endorsed by Shia and Kurdish negotiators, but not by Sunni representatives.
More than 1,000 people are killed during a stampede at a Shia ceremony in Baghdad.

2005 October Voters approve a new constitution, which aims to create an Islamic federal democracy.

2005 Dec Iraqis vote for the first, full-term government and parliament since the US-led invasion.

2006 January Shia-led United Iraqi Alliance emerges as the winner of December's elections, but fails to gain an absolute majority.

Sectarian violence

2006 Feb onwards
A bomb attack on an important Shia shrine in Samarra unleashes a wave of sectarian violence in which hundreds of people are killed.

2006 22 April Newly re-elected President Talabani asks Shia compromise candidate Nouri al-Maliki to form a new government, ending months of deadlock.

2006 May & June
An average of more than 100 civilians per day are killed in violence in Iraq, the UN says.

2006 7 June Al-Qaeda leader in Iraq, Abu Musab al-Zarqawi, is killed in an air strike.

2006 Nov Iraq and Syria restore diplomatic relations after nearly a quarter century.
More than 200 die in car bombings in the mostly Shia area of Sadr City in Baghdad, in the worst attack on the capital since the US-led invasion of 2003.

2006 Dec Iraq Study Group report making recommendations to President Bush on future policy in Iraq describes the situation as grave and deteriorating.

Saddam executed

2006 Dec Saddam Hussein is executed for crimes against humanity.

2007 January US President Bush announces a new Iraq strategy; thousands more US troops will be dispatched to shore up security in Baghdad.
UN says more than 34,000 civilians were killed in violence during 2006; the figure surpasses official Iraqi estimates threefold.

2007 Feb A bomb in Baghdad's Sadriya market kills more than 130 people. It is the worst single bombing since 2003.

2007 March Insurgents detonate three trucks with toxic chlorine gas in Falluja and Ramadi, injuring hundreds.

2007 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.

2007 August The main Sunni Arab political bloc in Iraq, the Iraqi Accordance Front, withdraws from the cabinet following a dispute over power-sharing.
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.

Blackwater shootings, Turkish raids

2007 Sep Controversy over private security contractors after Blackwater security guards allegedly fire at civilians, killing 17.

2007 October The number of violent civilian and military deaths continues to drop, as does the frequency of rocket attacks.

2007 Dec Turkey launches an air 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.

2008 January Parliament passes legislation allowing former officials from Saddam Hussein's Baath party to return to public life.
Turkish forces mount a ground offensive against Kurdish rebels in northern Iraq.

2008 March Unprecedented two-day visit by Iranian president, Mahmoud Ahmadinejad, to Iraq.
Prime Minister Maliki orders crackdown on militia in Basra, sparking pitched battles with Moqtada Sadr's Mehdi Army. Hundreds are killed.

2008 July The main Sunni Arab bloc, the Iraqi Accordance Front, rejoins the Shia-led government almost a year after it pulled out.

2008 Sep US forces hand over control of the western province of Anbar - once an insurgent and Al-Qaeda stronghold - to the Iraqi government. It is the first Sunni province to be returned to to the Shia-led government.
Iraqi parliament passes provincial elections law. Issue of contested city of Kirkuk is set aside so elections can go ahead elsewhere.

Security pact approved

2008 Nov Parliament approves a security pact with the United States under which all US troops are due to leave the country by the end of 2011.

2009 Jan Iraq takes control of security in Baghdad's fortified Green Zone and assumes more powers over foreign troops based in the country. PM Nouri al-Maliki welcomes the move as Iraq's "day of sovereignty".

2009 Feb The political bloc headed by Prime Minister Nouri al-Maliki scores big wins in provincial elections.

2009 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.

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.

New political groupings

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.

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.
Two car bombs near the Green Zone in Baghdad kill at least 155 people, in Iraq's deadliest attack since April 2007.

2009 Dec The al-Qaeda-linked Islamic State of Iraq claims responsibility for a wave of suicide bombings in Baghdad that leaves at least 127 people dead, as well as attacks in August and October that killed 240 people.
Tension flares with Tehran as Iranian troops briefly occupy an oilfield in Iraqi territory.

2010 January Controversy as candidates with alleged links to Baath Party are banned from March parliamentary polls. A court later lifts the ban, prompting a delay in campaigning.
"Chemical" Ali Hassan al-Majid, a key figure in Saddam Hussein's government, is executed.

Inconclusive elections

2010 March Parliamentary elections. No coalition wins enough votes for a majority in parliament.

2010 April Amnesty International says political uncertainty has led to an upsurge in violence.

2010 August Iraq's top army officer criticises planned US troop withdrawal as premature. He warns that Iraqi military might not be ready to take control for another decade.
Five months after the elections, Iraq's two main political blocs suspend talks on forming a government.
Seven years after the US-led invasion, the last US combat brigade leaves Iraq.

2010 Sep Syria and Iraq restore diplomatic ties a year after breaking them off.

2010 October Whistleblowing website Wikileaks publishes thousands of classified US military logs on the war in Iraq.
Church in Baghdad seized by militants. 52 people killed in what is described as worst single disaster to hit Iraq's Christians in modern times.

2010 Nov Parliament reconvenes after long delay, re-appoints Jalal Talabani as president and Nouri al-Maliki as prime minister.

2010 Dec Parliament approves a new government including all major factions, ending nine months of deadlock after inconclusive elections. Some key ministries remain unfilled because nominees could not be agreed.

2011 January Radical Shia cleric Moqtada Sadr returns to Iraq after nearly four years of self-imposed exile in Iran.

2011 Feb Oil exports from Iraqi Kurdistan resume, amid a lengthy dispute between the region and the central government over contracts with foreign firms.

The Iraqi Kurds Timeline can be accessed on the BBC website here

Return to contents
Go to sources

Annex B

POLITICAL ORGANISATIONS

Information on major Political organisations in Iraq was sourced from the Europa World website **[89a] (Political Organisations)**

"Following the removal from power of the Baathist regime, restrictions were effectively lifted on opposition political organizations that were either previously declared illegal, forced to operate clandestinely within Iraq or were based abroad. Some 306 political parties were reported to have participated in the election to the Council of Representatives held on 7 March 2010." (Europa World) **[89a] (Political Organisations)** See also Freedom of Political Association and Assembly

Arab Baath Socialist Party
"revolutionary Arab socialist movement founded in Damascus, Syria, in 1947; governed Iraq during 1968–2003 as principal constituent of ruling coalition, the Nat. Progressive Front (NPF); the NPF was removed from power by US-led forces in May 2003, whereupon membership of the Baath Party was declared illegal and former party mems were barred from govt and military posts; subsequently thought to be involved in insurgent activities in Iraq; in Feb. 2008 new legislation was ratified permitting certain former Baathists to be reinstated to official posts; in Jan. 2007, following the execution of former Iraqi President Saddam Hussain, former Vice-President Izzat Ibrahim al-Douri was named as the party's new leader" **[89a] (Political Organisations)**

Assyrian Democratic Movement (Zowaa Dimuqrataya Aturaya—Zowaa)
"Founded 1979; seeks recognition of Assyrian rights within framework of democratic national govt. Sec.-Gen. Younadam Yousuf Kanna." **[89a] (Political Organisations)**

Assyrian Socialist Party
"Founded 2002 (refounded); advocates the establishment of an Assyrian nation" **[89a] (Political Organisations)**

Constitutional Party
"Baghdad: Founded 2004; Shi'ite; contested the March 2010 legislative election as part of the Iraqi Unity Coalition. Founder and Leader Jawad al-Bulani." **[89a] (Political Organisations)**

Al-Ezediah Movement for Progress and Reform
"Yazidi grouping. Leader Amin Farhan Jejo." **[89a] (Political Organisations)**

Independent Democratic Gathering
"Founded 2003; seeks a secular and democratic govt of Iraq; contested March 2010 legislative election as part of the State of Law alliance. Leader Mahdi al-Hafez." **[89a] (Political Organisations)**

Iraqi Accord (Jabhat al-Tawafuq al-Iraqiya)
"Founded 2005 as the Iraqi Accord Front; reformed to contest the March 2010 legislative elections; mainly Sunni; secular; coalition of the Iraqi Islamic Party and the Nat. Gathering of the People of Iraq" **[89a] (Political Organisations)**

Iraqi Communist Party (ICP)
"Founded 1934; became legally recognized in July 1973 on formation of NPF; left NPF March 1979. First Sec. Hamid Majid Moussa." **[89a] (Political Organisations)**

Iraqi Constitutional Movement
"Baghdad: Founded 1993; fmrly Constitutional Monarchy Movement; contested March 2010 legislative election as part of Iraqi Nat. Alliance" **[89a] (Political Organisations)**

Iraqi Front for National Dialogue (Hewar National Iraqi Front)
"Founded 2005 as breakaway party from Iraqi Nat. Dialogue Council; coalition of minor Sunni parties; contested the March 2010 legislative election as part of the Iraqi Nat. Movement list, although al-Mutlaq was himself banned from participating by the Justice and Accountability Comm.. Founder and Leader Saleh al-Mutlaq." **[89a] (Political Organisations)**

Iraqi Islamic Party (IIP) (al-Hizb al-Islami al-'Iraqi)
"Founded 1960; Sunni; branch of the Muslim Brotherhood; contested March 2010 legislative election as part of the Iraqi Accord list. Sec.-Gen. Osama Tikriti." **[89a] (Political Organisations)**

Iraqi National Accord (INA)
"Founded 1990; contested March 2010 legislative election as mem. of Iraqi Nat. Movement. Founder and Sec.-Gen. Dr Ayad Allawi." **[89a] (Political Organisations)**

Iraqi National Alliance
"list of mainly Shi`ite parties, incl. the ISCI, the Sadr II Movement, the Iraqi Nat. Congress, the Nat. Reform Movement and the Islamic Virtue Party, which contested the March 2010 legislative elections as a single coalition" **[89a] (Political Organisations)**

Iraqi National Congress (INC)
"Founded 1992 in London, United Kingdom, as a multi-party coalition supported by the US Govt; following the removal of the regime of Saddam Hussain, the INC moved to Baghdad and was transformed into a distinct political party; formed Nat. Congress Coalition to 2005 legislative elections, at which it failed to win any seats; contested March 2010 election as part of the Iraqi Nat. Alliance. Leader Ahmad Chalabi." **[89a] (Political Organisations)**

Iraqi National Foundation Congress (INFC)
"Baghdad: Founded 2004; multi-party coalition incl. Nasserites, pre-Saddam Hussain era Baathists, Kurds, Christians, Sunnis and Shi'ites; seeks secular govt of national unity; opposed to presence of US-led coalition in Iraq, and consequently boycotted the electoral process initiated by the coalition; led by 25-mem. secretariat.
Gen. Sec. Sheikh Jawad al-Khalisi." **[89a] (Political Organisations)**

Iraqi National Movement (Iraqiya)
"secular electoral list formed to contest the March 2010 legislative election, comprising a no. of political orgs, incl. the INA, the Iraqi Front for Nat. Dialogue, the Renewal List and Iraqis. Leader Dr Ayad Allawi." **[89a] (Political Organisations)**

Iraqis (Iraqiyun)
"Founded 2004; moderate; includes both Sunnis and Shi'ites; contested March 2010 legislative election as part of Iraqi National Movement list.
Leader Sheikh Ghazi Mashal Ajil al-Yawar." **[89a] (Political Organisations)**

Iraqi Turkmen Front (Irak Türkmen Cephesi)

"Founded 1995; coalition of Turkmen groups; 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.
Leader Sadettin Ergeç. Sec.-Gen. Yunus Bayraktar." **[89a] (Political Organisations)**

Iraqi Unity Coalition
"Founded 2009 to contest the March 2010 legislative election; electoral alliance comprising 38 parties, incl. the Constitutional Party and the Iraqi Awakening Conference" **[89a] (Political Organisations)**

Islamic Dawa Party (Hizb al-Da'wa al-Islamiya)
"Founded 1957 in Najaf; banned 1980; fmrly based in Tehran, Iran, and London, United Kingdom; re-established in Baghdad 2003; contested March 2010 legislative election as part of State of Law coalition; predominantly Shi'ite, but with Sunni mems; advocates govt centred on the principles of Islam. Gen. Sec. Nuri Kamal (Jawad) al-Maliki." **[89a] (Political Organisations)**

Islamic Group of Kurdistan (Komaleh Islami)
"Khurmal: Founded 2001; splinter group of IMIK; moderate Islamist, aligned with the PUK; contested March 2010 legislative election independently.
Founder and Leader Mullah Ali Bapir." **[89a] (Political Organisations)**

Islamic Movement in Iraqi Kurdistan (IMIK)
"Founded 1987; Islamist movement seeking to obtain greater legal rights for Iraqi Kurds.
Founder and Leader Sheikh Uthman Abd al-Aziz." **[89a] (Political Organisations)**

Islamic Supreme Council of Iraq (ISCI)
"Najaf: Founded 1982 as the Supreme Council for the Islamic Revolution in Iraq; name changed as above in 2007; Shi'ite; seeks govt based on principle of *wilayat-e-faqih* (guardianship of the jurisprudent); armed faction, the Badr Organization (fmrly Badr Brigade), assisted coalition forces in Iraq after the removal of Saddam Hussain's regime; contested March 2010 legislative election as part of the Iraqi Nat. Alliance.
Leader Ammar al-Hakim." **[89a] (Political Organisations)**

Islamic Virtue Party (Hizb al-Fadhila al-Islamiya—IVP)
"Basra: Shi`ite; an offshoot of the Sadrist movement; follows the spiritual leadership of Ayatollah al-Sayyid Muhammad al-Ya'qubi; contested March 2010 legislative election as part of Iraqi Nat. Alliance. Sec.-Gen. Abd al-Rahim Ahmad Ali al-Hasini." **[89a] (Political Organisations)**

Kurdistan Alliance List (Democratic Patriotic Alliance of Kurdistan—DPAK)
"Founded 2004 as a coalition of the PUK, the KDP and smaller Kurdish parties to contest Jan. 2005 legislative elections; participated in March 2010 legislative election as a two-party coalition of the PUK and the KDP; the PUK and the KDP formed a separate electoral list, the Kurdistan List, to contest elections to the Iraqi Kurdistan National Assembly in July 2009." **[89a] (Political Organisations)**

Kurdistan Democratic Party (KDP)
"Founded 1946; seeks to protect Kurdish rights and promote Kurdish culture and interests through regional political and legislative autonomy, as part of a federative republic; see also Kurdistan Alliance List.
Pres. Masoud Barzani. Vice-Pres. Ali Abdullah." **[89a] (Political Organisations)**

Kurdistan Islamic Union (Yakgrtui Islami Kurdistan)

"Founded 1991; seeks establishment of an Islamic state in Iraq that recognizes the rights of Kurds; branch of the Muslim Brotherhood; contested July 2009 elections to the Iraqi Kurdistan National Assembly as part of the Service and Reform List; participated in the March 2010 legislative election independently.
Sec.-Gen. Salaheddin Muhammad Bahaeddin." **[89a] (Political Organisations)**

Kurdistan Socialist Democratic Party (KSDP)

"Sulaimaniya: Founded 1994; splinter group of the KDP, aligned with the PUK; contested July 2009 elections to the Iraqi Kurdistan National Assembly as part of the Service and Reform List.
Leader Muhammad Haji Mahmud." **[89a] (Political Organisations)**

Kurdistan Toilers Party (Hizbi Zahmatkeshani Kurdistan)

"Founded 1985; advocates a federal Iraq; closely associated with the KSDP; contested July 2009 elections to the Iraqi Kurdistan Nat. Assembly as part of the Social Justice and Freedom List" **[89a] (Political Organisations)**

Movement for Change (Gorran)

"Founded 2006; established by fmr members of the PUK; advocates political and economic reform, anti-corruption measures and the independence of the judiciary; advocates a federal Iraq; contested July 2009 elections to the Iraqi Kurdistan Nat. Assembly as the Change List; contested the March 2010 legislative election independently.
Leader Nawshirwan Mustafa." **[89a] (Political Organisations)**

National Gathering of the People of Iraq

"Founded 2004 as the Iraqi People's Conference; name changed in 2009; Sunni; contested March 2010 legislative elections as part of the Iraqi Accord .
Leader Khaled al-Baraa." **[89a] (Political Organisations)**

National Rafidain List

"Founded 2004; Assyrian-Christian list headed by the Assyrian Democratic Movement.
Leader Younadam Kana." **[89a] (Political Organisations)**

National Reform Movement

"Founded 2008 by fmr mems of Islamic Dawa Party; Shi'ite; contested March 2010 legislative election as part of Iraqi Nat. Alliance.
Leader Ibrahim al-Ja'fari." **[89a] (Political Organisations)**

National Tribal Gathering

"Founded 2007; Sunni; participated in March 2010 election as mem. of the Iraqi Accord list.
Leader Omar al-Haykal." **[89a] (Political Organisations)**

Patriotic Union of Kurdistan (PUK)

"Founded 1975; seeks to protect and promote Kurdish rights and interests through self-determination; see also Kurdistan Alliance List.
Pres. Jalal Talabani." **[89a] (Political Organisations)**

Reconciliation and Liberation Bloc (Kutla al-Musalaha wa't-Tahrir)

"Mosul: Founded 1995 in Jordan as Iraqi Homeland Party (Hizb al-Watan al-Iraqi); moved to Damascus, Syria, and to Mosul in 2003; liberal, secular Sunni; advocates withdrawal of coalition

troops and partial rehabilitation of mems of the former Baathist regime; publishes Al-Ittijah al-Akhar newspaper. Leader Mish'an al-Juburi" **[89a] (Political Organisations)**

Renewal List (Tajdeed)

"Founded 2009 by Vice-Pres. Tariq al-Hashimi, following his resignation from the IIP; Sunni; contested March 2010 legislative election as part of the Iraqi Nat. Movement list. Leader Tariq al-Hashimi." **[89a] (Political Organisations)**

Sadr II Movement (Jamaat al-Sadr al-Thani)

"Najaf: Founded 2003; Shi'ite; opposes presence of US-led coalition in Iraq; mems of the Movement participated in the March 2010 legislative election as part of the Iraqi Nat. Alliance; military wing is Imam al-Mahdi Army. Leader Hojatoleslam Muqtada al-Sadr." **[89a] (Political Organisations)**

Service and Reform List

"alliance of Islamist and left-wing parties formed prior to the July 2009 elections to the Iraqi Kurdistan Nat. Assembly, comprising the Islamic Group of Kurdistan, the Kurdistan Islamic Union, the Kurdistan Socialist Democratic Party and the Future Party" **[89a] (Political Organisations)**

State of Law (Dawlat al-Kanoon)

"Founded prior to 2009 provincial elections; contested March 2010 legislative election as a predominantly Shi'a alliance of parties and independent candidates, incl. the Islamic Dawa Party, the Independent Arab Movement and the Anbar Salvation Nat. Front" **[89a] (Political Organisations)**

Return to contents
Go to sources

Annex C

PROMINENT PEOPLE :

Information on prominent people of Iraq has been sourced from the Economist Intelligence Unit *Iraq Country Report January 2011* **[1e] (p23)**

President	Jalal Talabani (PUK)
Prime Minister	Nouri al-Maliki (Daawa)
Deputy prime ministers	Roj Nouri Shawis (KDP) Saleh al-Mutlaq (Iraqiya)
Minister of Agriculture	Ezzedine al-Dawla (Iraqiya)
Minister of Communications	Mohammed Allawi (Iraqiya)
Minister of Defence	Vacant
Minister of Education	Mohammed Tamim (Iraqiya)
Minister of Electricity	Ziad Tareq (Iraqiya)
Minister of Finance	Rafi al-Issawi (Iraqiya)
Minister of Foreign Affairs	Hoshyar Zebari (KDP)
Minister of Health	Mohammed Hamid-Amin (KA)
Minister of Higher education	Ali al-Adib (Daawa)
Minister of Industry & Minerals	Ahmed al-Karbouli (Iraqiya)
Minister of Interior	Vacant
Minister of Justice	Hassan al-Shimmari (Fadhila)
Minister of Municipalities & public works	Vacant
Minister of Oil	Abdul Karim al-Luaibi (Independent)
Minister of Planning & development co-operation	Vacant
Minister of Trade	Vacant

Return to contents
Go to sources

Annex D

NON-GOVERNMENT ARMED GROUPS

The following extract is taken from the Europa World website **[89a] (Political Organisations)**

"Major militant groups that have launched attacks against Iraqis and the US-led coalition include:

"**Fedayeen Saddam** (Saddam's Martyrs; f. 1995 by mems of the former Baathist regime; paramilitary group); **Ansar al-Islam** (f. 1998; splinter group of IMIK; Islamist; suspected of having links with al-Qa'ida); **Hezbollah** (Shi'ite Marsh Arab; Leader Abd al-Karim Mahmoud Mohammedawi—'Abu Hatem'); **Ansar al-Sunnah** (f. 2003 by mems of Ansar al-Islam; Islamist); **Imam al-Mahdi Army** (armed wing of the Sadr II Movement—Jamaat al-Sadr al-Thani); **Base of Holy War in Mesopotamia** (Tanzim Qa'idat al-Jihad fi Bilad al-Rafidain; Sunni insurgent network, also known as al-Qa'ida in Iraq; Leader Abu Ayyub al-Masri, also known as Abu Hamza al-Muhajir); **Islamic State of Iraq** (Dawlat al-Iraq al-Islamiyya; network of Sunni insurgent groups; suspected of links with al-Qa'ida in Iraq; Leader Abu Omar al-Baghdadi)." **[89a] (Political Organisations)**

The following extracts have been taken from Jane's *Sentinel Country Risk Assessment*, Iraq, (JSCRA Iraq), Security, last updated 6 September 2010 (some formatting changes have been made from the original source)**[24g]**

Al-Qaeda in Iraq (AQI)

"Group name: Tanzim al-Qaeda fi Bilad al-Rafidain (Al-Qaeda in Mesopotamia, or Al-Qaeda in Iraq). For the purposes of this profile, this group will be identified by the popular title, Al-Qaeda in Iraq (AQI). AQI is the dominant force within the umbrella movement, Khalf al-Mutayibeen (the Pact of the Scented People), and the caliphate declared by the latter, the Dawlat al-'Iraq al-Islamiyya (Islamic State of Iraq: ISI). This name of ISI is consistently ignored by many coalition commanders in an attempt to maintain the focus upon Al-Qaeda, with the implication that the existence of an ISI is not recognised.
"Level of threat: The nature of the threat posed by AQI has fundamentally changed recently but it retains the will to try and impose itself on the political landscape through indiscriminate acts of violence that target the full spectrum of ethnic communities in Iraq. Recent coalition efforts, combined with the rise of the Awakening Councils and assistance given by Sunni tribal leaders, have reduced AQI's capabilities and the insurgents are increasingly using women and children to carry out their attacks on coalition forces operating in Iraq. The reduced status of AQI is illustrated by the handover of control of the previously notorious Anbar province to Iraqi security forces and the success arising from ongoing operations in and around Diyala. Recent announcements have also suggested that the group's leadership has been recalled to Afghanistan as their room for manoeuvre in Iraq has been significantly diminished. Nevertheless, AQI remains a serious threat to the Iraqi state and continues to mount violent and indiscriminate operations.
"Status: Active.
"Date of founding: October 2004 saw then Emir Abu Musab al-Zarqawi release a communiqué pledging fealty to Osama bin Laden and the Al-Qaeda network. From this date, the name Jamaat al-Tawhid wal-Jihad (Group of Monotheism and the Holy Struggle, or Unity and Jihad), was no longer used.
"Group type: Militant Islamist.

“Aims and objectives: Group aims and objectives can be divided into two intertwined sets: religious and political-military. The key religious aim and objective of AQI members is to perform their religious duty by undertaking the lesser jihad of fighting to eject "infidel" forces from Iraq. Even if this process is ultimately doomed to fail, or indeed if the foreign forces would leave of their own accord, there is perceived to be a religious imperative to undertake this moral duty. Political aims are harder to fathom but regularly surface as calls or actions aimed at the creation of an Islamic caliphate in which strict sharia is applied and state institutions are established.
“Leaders: The current leader of AQI is Abu Ayyub al-Masri (also known as Abu Hamza al-Muhajir, or "the immigrant"). The virtual state of ISI is notionally led by Abu Abdullah al-Rashid al-Baghdadi (also Abu Omar al-Baghdadi), but this figurehead is claimed by US officials to be a fictional Iraqi character developed by al-Masri to hide the foreign-led AQI's control of the so-called Islamic State of Iraq. Media coverage has suggested Abu Omar al-Baghdadi is an Iraqi called Hamid Dawud al-Zawi who served in Iraq's security apparatus in the 1980s. More recently in April 2009, the Iraqi government announced it had captured al-Baghdadi, whom they identified as Ahmed Abed Ahmed, a 40-year-old former army officer.” **[24g]**

Ansar al-Islam

“Group name: Ansar al-Islam, or Partisans of Islam.
“Type: Militant Islamist (Sunni).
“Status: Active since being founded on 1 September 2001.
“Leader: Abu Abdullah al-Shafi'i.
“Summary: Ansar al-Islam is a militant Sunni Islamist group based in the Kurdistan region of northern Iraq. Formed in September 2001, the group is composed primarily of Iraqis, but includes a small number of transnational Arab jihadists. The group's initial objective was to counter the influence of the secular political parties active in Iraqi Kurdistan, and to establish a local Islamic administration consistent with their hardline Salafist interpretation of Islam. However, following the US-led 2003 coalition invasion of Iraq, Ansar al-Islam's positions were overrun, and the group's cadres scattered. The group re-emerged later that year under the name Ansar al-Sunna, with the new objective of expelling foreign forces and countering the growing influence of Iraq's Shia and Kurdish communities. In November 2007, having established itself as one of the foremost Sunni insurgent groups in the country, the group reverted to using the original Ansar al-Islam name. Despite its renewed capabilities, Ansar al-Islam is not in a position to achieve its objective of overthrowing the national government, and it is unable to establish secure base areas even in its principal areas of operation. Nevertheless, Ansar al-Islam is a sophisticated insurgent group and it poses a significant threat to government and security force personnel, particularly in the north of the country.” **[2b]**

Islamic Army of Iraq

“Group name: Islamic Army of Iraq (Jaish al-Islami fi al-Iraq: IAI).
“Level of threat: The IAI cannot currently overthrow the national government or even create no-go zones capable of repelling coalition or Iraqi government forces, even in its areas of strength in southern Baghdad and northern Babil province. It is also unlikely it will ever be in that position as it 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); reprisals occurred for attacks upon IAI leaders by AQI as a result of the IAI not accepting the direction of the Islamic State of Iraq (ISI). The most severe clash occurred on 22 October 2007 in

Khannasa, just south of Baghdad, in which over 60 people were reported killed in a three-day battle which started after AQI kidnapped a leader of the IAI.
"Status: Active.
"Date of founding: It is not possible to precisely date the foundation of the IAI, which became active during the summer of 2003.
"Group type: Islamist-nationalist, predominantly composed of Sunni Arab and former Baathists. It is non-sectarian in its outlook and specifically excludes foreign fighters which are two of the sources of tension with AQI. It claims to have members from the full spectrum of Iraqi society that support the idea of a single and unified Iraq as its overall goal.
"Aims and objectives: Group aims and objectives are twofold: first, the cessation of multinational (particularly US and Iranian) military and intelligence presence in Iraq and associated interference in internal matters; second, the accumulation of power and influence within post-occupation Iraq through a process of violent bargaining. It claims that there are two occupiers of Iraq: One, the US and its coalition partners; the other, Iranian-backed insurgent groups. IAI regards both of these groups as legitimate targets.
"Leaders: The current leader of IAI is believed by US authorities to be Brigadier General Muhammad Abid Mahmoud Ali al-Luheibi (Abu Osama)." **[24g]**

Kurdish Democratic Party (KDP)

"Group name: Kurdish Democratic Party (KDP).
"Level of threat: Fears of Kurdish secessionism have waned since the Iraqi conflict of March 2003. The Kurdish leaderships seem to have realised that a push for independence would jeopardise the considerable gains they made over previous years. Nonetheless, the possibility of Kurd-Arab aggression cannot be discounted. As insurgents have sought to exploit faultlines between Shia and Sunni, so too might they seek to aggravate tensions between the Kurds and Arabs in the north of the country.
"Status: Active.
"Date of founding: 1946.
"Group type: Political.
"Aims and objectives: The KDP claims that its objective is to "combine democratic values and social justice to form a system whereby everyone in Kurdistan can live on an equal basis with great emphasis given to the rights of individuals and freedom of expression." The KDP broadly supports a permanent solution to the Kurdish question which recognises the status quo, namely an autonomous Kurdistan. It seeks to be the dominant political and military power in that autonomous zone but has accepted that issues such as national defence and foreign policy can come under the authority of a central government in Baghdad, in which the KDP has an influential voice. While the Kurds are pushing for a federal constitution in the post-Saddam era that would leave them in control of their own affairs, this is resisted by those that fear Iraq might fragment or that the empowerment of Iraq's Kurds may create trouble for Turkey, Syria and Iran, all of which have significant Kurdish minorities.
"Leaders: Massoud Barzani was elected as the president of the KDP at the 9th Party Congress in 1979. He has been re-elected as the Party's President in three other general congresses." **[24g]**

Mahdi Army

"Group name: Jaish al-Mahdi (Mahdi Army), or the Imam Al-Mahdi Army, is the armed wing of The Organisation of the Martyr Sadr (OMS), commonly known as the 'Sadrist movement', which refers to the large portion of the Shia community in Iraq that follows the preaching of Ayatollah Muhammad Sadiq al-Sadr (known as Sadr II). He was a popular cleric who was killed by the Baathist regime along with two of his three sons in 1999 for his opposition to the regime's

repressive activities against the Shia population. Sadr II's only surviving son is Moqtada Al-Sadr.
“Level of threat: In December 2006, the US Department of Defense described the Mahdi Army as an "accelerant" to the emerging sectarian civil war in Iraq. Sadrist militants had clashed with coalition and Iraqi troops on numerous occasions, notably in Baghdad and southern Iraq in 2003 and Najaf in 2004. Shia 'death squads' had also been responsible for widespread sectarian killings of Sunni Arabs in Baghdad and elsewhere in the country where there were mixed Sunni-Shia neighbourhoods. The current situation is much improved, with the level of threat posed by the Mahdi Army now greatly reduced. Moqtada Al-Sadr announced the indefinite extension of a ceasefire on 28 August 2008.
“Status: Active throughout Iraq where there are large concentrations of Shia, most notably in Baghdad (Sadr City), Diwaniyah and Basra.
“Date of founding: 18 July 2003.
“Group type: Militant Shia Islamist.
“Aims and objectives: The Mahdi Army's overall strategic goals include the elimination of any foreign presence in Iraq, be it the US-led coalition or the Salafist jihadists, and the promotion of an Islamic system within Iraq - preparing for the return of the Mahdi who will combat evil and bring about justice and peace. The group now seems reconciled to the idea that this will be achieved in the medium- to long-term, as opposed to the short-term as per its initial hopes following the US-led invasion of Iraq in 2003. The Mahdi Army has based its modus operandi on Hizbullah's social welfare model and its appeal to the poorer people in society. Its principal aims in this regard are to: provide security and stability in Shia neighbourhoods in the wake of sectarian violence; help to police and maintain law and order in the absence of effective law enforcement institutions; educate youth in spiritual values and drill them in basic military skills; promote and enforce Islamic values; promote basic services in the urban community; and to aid displaced Shia families escaping from mixed neighbourhoods. The group hopes that such 'grassroots' activity will subsequently provide a power base from which to launch a bid for significant political representation at the national level. The weakness in this strategy is the fragmented nature of the organisation; many of its so-called membership have been denounced by Moqtada Al-Sadr as criminals prioritising personal agenda, such as the protection of various rackets and illegal activities. The fragmentary nature of the Mahdi Army has already led to the formation of splinter groups, undermining the organisation's progress.
“Leaders: Moqtada al-Sadr, the only surviving son of Sadr II.”**[24g]**

Patriotic Union of Kurdistan (PUK)

“Group name: Patriotic Union of Kurdistan (PUK).
“Level of threat: Fears of Kurdish secessionism have waned since the conflict in Iraq in 2003. The Kurdish leadership seems to have realised that a push for independence would jeopardise the considerable gains they have made over previous years. Nonetheless, the possibility of Kurd-Arab aggression cannot be discounted. As insurgents have sought to exploit faultlines between Shia and Sunni, so too might they seek to aggravate tensions between the Kurds and Arabs in the north of the country.
“Status: Active.
“Date of founding: June 1975, two months after the collapse of the Kurdish rebellion (1974-75).
“Group type: Political.
“Aims and objectives: According to the PUK's own publicity its six objectives are to: struggle for democracy, freedom, equality and self determination against dictatorship, war, oppression, discrimination, human rights abuses and terrorism; implement the Universal Declaration of Human Rights; achieve self determination of the people of Kurdistan; establish a social democratic society in Kurdistan; help in the struggle for global and regional peace, upholding

international law and non-interference in internal affairs; eliminate weapons of mass destruction. In essence, the PUK seeks a permanent solution to the Kurdish question which recognises the status quo, namely an autonomous Kurdistan, within a federal Iraq. The group has moved on from its Marxist origins, and claims to support democracy within a federal constitution for the whole country. While the Kurds are pushing for a federal constitution in the post-Saddam era that would leave them in control of their own affairs, this is resisted by those that fear Iraq might fragment or that the empowerment of Iraq's Kurds may create trouble for Turkey, Syria and Iran, all of which have significant Kurdish minorities.
"Leaders: Jalal Talabani is founder and secretary general of the PUK." **[24g]**

See also Abuses by non-government groups

Annex E

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
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
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
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
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
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
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Return to contents
Go to sources

Annex F

REFERENCES TO SOURCE MATERIAL

The Home Office is not responsible for the content of external websites.

1 Economist Intelligence Unit (EIU), UK http://www.eiu.com/index.asp
a Country Profile 2008: Iraq (via subscription): undated
Date accessed 9 November 2010
b Country report October 2010: Iraq (via subscription)
Date accessed 10 November 2010
c Country report December 2008 (via subscription)
d Country report January 2011 (via subscription)
e ViewsWire, Iraq politics: All-in, 22 December 2010
http://viewswire.eiu.com/index.asp?layout=VWArticleVW3&article_id=1467694131&refm=vwHome&page_title=Latest%20analysis&rf=0
Date accessed 1 February 2011
f Democracy Index 2010: Democracy in retreat, November 2010
http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf
Date accessed 1 February 2011

2 US Department of State http://www.state.gov/
a Human Rights Practices Report 2009, 11 March 2010
http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm
Date accessed 9 November 2010
b Background Notes, Iraq, updated 17 September 2010,
http://www.state.gov/r/pa/ei/bgn/6804.htm
Date accessed 10 November 2010
c Human Rights Practices Report 2008, 26 February 2009,
http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm
Date accessed 26 February 2009
d Trafficking in Persons Report 2010
http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm
Date accessed 18 January 2011
e International Religious Freedom Report 2010
http://www.state.gov/g/drl/rls/irf/2010/148821.htm
Date accessed 26 January 2011

3 Christian Science Monitor
a Witness: Secret Iraq Prison for Women and Children, 26 May 2010
http://www.csmonitor.com/World/Middle-East/2010/0526/Witness-Secret-Iraq-prison-for-women-and-children
Date accessed 26 January 2011

4 Central Intelligence Agency (CIA), http://www.cia.gov
a The World Factbook, Iraq, last updated 26 January 2011
https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html
Date accessed 14 February 2011

5

6 **Encyclopaedia Britannica,** http://www.britannica.com
Iraq languages, accessed on 11 November 2010
http://www.britannica.com/eb/article-22939/Iraq#793556.hook
Date accessed 11 November 2010

7 **UN Cartographic Section** http://www.un.org
Map of Iraq, January 2004
http://www.un.org/Depts/Cartographic/map/profile/iraq.pdf
Date accessed 12 November 2009

8 **Freedom House** http://freedomhouse.org
a Freedom in the World: 2009: Iraq, published May 2010
http://www.freedomhouse.org/template.cfm?page=22&country=7843&year=2010
Date accessed 12 November 2010
b Women's Rights in the Middle East and North Africa 2010, dated 3 March 2010
http://freedomhouse.org/printer_friendly.cfm?page=384&key=255&parent=24&report=86
Date accessed 20 January 2011
c Freedom in the World: 2008: Iraq, published 16 July 2009
http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7628
Date accessed 10 November 2010
d Freedom in the World 2011, *The Authoritarian Challenge to Democracy,*
http://www.freedomhouse.org/images/File/fiw/FIW_2011_Booklet.pdf
Date accessed 1 January 2011

9 **Radio Free Europe/Radio Liberty (RFE/RL)** http://www.rferl.org/
a Full-Term Iraqi Government Finally Approved, 20 May 2006
http://www.rferl.org/featuresarticle/2006/05/8cc1e98c-a270-4fca-81a0e6dde1fa204d.html
Date accessed 31 May 2006
b Once Seen as a Model, Iraq Struggles To Rebuild its Education System, 8 September 2009
http://www.rferl.org/content/Once_Seen_As_A_Model_Iraq_Struggles_To_Rebuild_Its_Education_System/1817721.html
Date accessed 11 September 2009
c Iraq Drafts Plan to Help IDPs, Refugees, dated 26 January 2011,
http://www.rferl.org/content/iraq_plan_help_idp_refugees/2287542.html
Date accessed 16 February 2011

10 **US Department of Defence (USDoD)** http://www.defenselink.mil/
a Measuring Stability and Security in Iraq, May 2006
http://www.defense.gov/pubs/pdfs/May%2006%20Security%20and%20Stabilty%20Report%20Final%20with%20errata.pdf
Date accessed 31 May 2006
b Measuring Stability and Security in Iraq June 2009, published July 2009
http://www.defenselink.mil/pubs/pdfs/9010_Report_to_CongressJul09.pdf
Date accessed 1 September 2009
c Measuring Stability and Security in Iraq, June 2010

http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf
Date accessed 10 September 2010

d Measuring Stability and Security in Iraq, March 2009
http://www.defense.gov/pubs/pdfs/Measuring_Stability_and_Security_in_Ir
March_2009.pdf
Date accessed 1 June 2009

11 International Crisis Group (ICG) http://www.crisisweb.org/home/index.cfm

a Iraq's Provincial Elections: The Stakes, Middle Eastern Report No. 82 – 27 January 2009
http://www.crisisgroup.org/library/documents/middle_east___north_africa/iraq_iran_gulf/82_iraqs_provincial_elections___the_stakes.pdf
Date accessed 27 January 2009

b Iraq's new battlefront: The struggle over Ninewa, Middle Eastern Report No. 90, 28 September 2009
http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/90_iraqs_new_battlefront___the_struggle_over_ninewa_web.ashx
Date accessed 29 September 2009

c Iraq and the Kurds: Trouble Along the Trigger Line, Middle Eastern Report No. 88, 8 July 2009
http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Afric
/Iraq%20Syria%20Lebanon/Iraq/88_iraq_and_the_kurds___trouble_along_
he_trigger_line.ashx
Date accessed 1 August 2009

d Loose Ends: Iraq's Security Forces Between U.S. Drawdown and Withdrawal, 26 October 2010
http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Afric
/Iraq%20Syria%20Lebanon/Iraq/99%20Loose%20Ends%20-
%20Iraqs%20Security%20Forces%20between%20US%20Drawdown%20and%20With
drawal.ashx
Date accessed 3 December 2010

e Crisis Watch Database, Iraq (covering entries up until 1 February 2011)
http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx
Date accessed 1 February 2011

12 Integrated Regional Information News, IRIN http://www.irinnews.org/

a After months of squabbling, government appointments raise hopes for calm, 23 April 2006 (Date accessed via Global Security)
http://www.globalsecurity.org/wmd/library/news/iraq/2006/04/iraq-060423
irin01.htm
Date accessed 5 June 2006

b IRAQ: HIV-positive persons fear reprisals, 14 January 2009
http://www.irinnews.org/report.aspx?ReportID=82357
Date accessed 7 November 2009

c Iraq: Christian IDPs find refuge in Kurdish north, 23 December 2010
http://www.irinnews.org/Report.aspx?ReportID=91438
Date accessed 24 February 2011

d Iraq: Enforced disappearances – 'a long term challenge', dated 13 January 2011
http://www.unhcr.org/refworld/country,,,COUNTRYNEWS,IRQ,,4d35334e1e,0.html
Date accessed 28 February 2011

264 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

e Iraqis welcome WFP role in state food aid system, 6 January 2010
http://www.irinnews.org/Report.aspx?ReportID=87643
Date accessed 1 February 2011

13 Voice of America (VOA), http://www.voanews.com
a Al-Maliki, Cabinet Sworn Into Office in Iraq, 20 May 2006
http://www.voanews.com/english/news/a-13-2006-05-20-voa3.html
Date accessed 15 November 2010
b Conventional Weapons Destruction in Iraq, 24 December 2010
http://www.voanews.com/policy/editorials/Conventional-Weapons-Destruction-In-Iraq-112426779.html
Date accessed 2 February 2011

14 BBC http://www.bbc.co.uk
a Timeline: Anfal trial, 24 June 2007
http://news.bbc.co.uk/1/hi/world/middle_east/5272224.stm
Date accessed 21 February 2007
b Timeline: Iraq, last updated 1 February 2011
http://news.bbc.co.uk/1/hi/world/middle_east/737483.stm
Date accessed 18 February 2011
c Bombing at Iraq funeral kills 20, 14 May 2008
http://news.bbc.co.uk/1/hi/world/middle_east/7401634.stm
Date accessed 30 May 2008
d Iraq's Sadr extends militia truce, 28 August 2008
http://news.bbc.co.uk/1/hi/world/middle_east/7586284.stm
Date accessed 19 November 2008
e Many killed in Iraq cafe suicide blast, 29 October 2010
http://www.bbc.co.uk/news/world-middle-east-11656643
Date accessed 17 November 2010
f Christian areas targeted in Baghdad attacks, 10 November 2010
http://www.bbc.co.uk/news/world-middle-east-11724378
Date accessed 18 November 2010
g Country Profile Iraq, last updated 22 December 2010
http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/791014.stm#media
Date accessed 9 January 2011
h Saddam's rule 'better' for gay Iraqis, dated 6 July 2009
http://news.bbc.co.uk/1/hi/world/middle_east/8133639.stm
Date accessed 6 July 2009
i Iraqi women 'lack basic services', 8 March 2009
http://news.bbc.co.uk/1/hi/7930890.stm
Date accessed 20 January 2011
J IMF says Iraq has made good progress with its economy, 1 October 2010,
http://www.bbc.co.uk/news/business-11457074
Date accessed 28 January 2011
k The Iraqi Baath party, 25 March 2003
http://news.bbc.co.uk/1/hi/world/middle_east/2886733.stm
Date accessed 1 February 2011
l Q&A: Iraqi parliamentary polls, 8 March 2010
http://news.bbc.co.uk/1/hi/world/middle_east/8547906.stm
Date accessed 1 February 2011
m Wikileaks: Iraq war logs 'reveal truth about conflict', dated 23 October 2010

http://www.bbc.co.uk/news/world-middle-east-11612731
Date accessed 1 February 2011

15 UN Assistance Mission for Iraq (UNAMI) http://www.uniraq.org/

a Human Rights Report, 1 April – 30 June 2007
http://www.uniraq.org/FileLib/misc/HR%20Report%20Apr%20Jun%202007%20EN.pdf
Date accessed 26 April 2007

b Human Rights report, 1 July 2008–31 December 2008
http://www.uniraq.org/documents/UNAMI_Human_Rights_Report_July_December_2008_EN.pdf
Date accessed 1 May 2009

c Human Rights Report, 1 July – 31 December 2009,
http://www.uniraq.org/documents/UNAMI_Human_Rights_Report16_EN.pdf
Date accessed 9 December 2010

d The SRSG notes that Iraqi women need a national strategy to protect their rights, 9 March 2008 (Date accessed via ReliefWeb)
http://www.reliefweb.int/rw/rwb.nsf/db900sid/KKAA7CL3L4?OpenDocumen&query=Iraqi%20women&cc=irq
Date accessed 17 July 2008

e Iraq Election 2010, June 2010
http://www.uniraq.org/FileLib/misc/For_Iraq_August_2010_EN.pdf
Date accessed 20 January 2011

f Breaking the wall of silence surrounding violence against women in Iraq, November 2010
http://www.uniraq.org/FileLib/misc/Newsletter_Nov2010_EN.pdf
Date accessed 31 January 2011

g Children's Rights Events across Iraq Conclude; Several Governorates Agree to Establish Child Rights Committees, 10 December 2010
http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=1463
Date accessed 4 February 2011

h The Iraq Briefing Book, published December 2010
http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d4fc6c02&skip=0&coi=IRQ&querysi=iraq%20briefing&searchin=title&display=10&sort=date
Date accessed 14 February 2011

i The Constitution of Iraq, UN/US/UK agreed translation
http://www.uniraq.org/documents/iraqi_constitution.pdf
Date accessed 8 March 2006

16 United Nations Security Council (UNSC) http://www.un.org/Docs/sc/

a Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008), 6 November 2008 (Date accessed via RefWorld)
http://www.unhcr.org/refworld/pdfid/49197d642.pdf
Date accessed 19 November 2008

b Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007), 22 April 2008 (via RefWorld)
http://www.unhcr.org/refworld/pdfid/482052557.pdf
Date accessed 23 April 2008

c Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009), dated 29 July 2010

http://www.unhcr.org/refworld/country,,,,IRQ,,4c611bf42,0.html
Date accessed 15 November 2010

d Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008), 20 February 2009
http://www.unhcr.org/refworld/pdfid/49a5095c2.pdf
Date accessed 25 February 2009

e Report of the Secretary-General pursuant to paragraph 6 of resolution 1936 (2010), dated 26 November 2010
http://www.unhcr.org/refworld/country,,,,IRQ,,4cf8f4b92,0.html
Date accessed 8 December 2010

f Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2010), dated 14 May 2010
http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/353/58/PDF/N1035358.pdf?OpenElement
Date accessed 17 December 2010

g UN Treaty Database, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, undated,
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en
Date accessed 19 January 2011

h Report of the Secretary-General, Children and armed conflict, 13 April 2010
http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/EGUA-85NMA2-full_report.pdf/$File/full_report.pdf
Date accessed 3 February 2011

I The Report of the UN Secretary-General submitted pursuant to paragraph 6 of resolution 1883 (2009) (UNSC Report February 2010), dated 8 February 2010
http://www.uniraq.org/FileLib/misc/SG_Report_S_2010_76_EN.pdf
Date accessed 1 February 2011

17 UNHCR http://www.unhcr.org/cgi-bin/texis/vtx/home

a UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, April 2009,
http://www.unhcr.org/refworld/docid/49f569cf2.html
Date accessed 1 May 2009

b Note of the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, dated 28 July 2010
http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4c4fed282&page=search
Date accessed 23 November 2010

c Realizing protection space for Iraqi refugees: UNHCR in Syria, Jordan and Lebanon, January 2009
http://www.unhcr.org/publ/RESEARCH/4981d3ab2.pdf
Date accessed 1 May 2009

d Country of Origin Information Iraq, dated October 2005
http://www.unhcr.org/refworld/pdfid/435637914.pdf
Date accessed 10 February 2006

e Protection Monitoring Assessments Summary January-October 2009, dated 30 December 2009
http://www.internaldisplacement.org/8025708F004CE90B/%28httpDocumens%29/F5A083A0F39BB81C12576A8004CFEDA/$file/UNHCR-Iraq-Protection

Monitoring_JanOct2009.pdf
Date accessed 6 February 2010
f End of long ordeal for Palestinian refugees as desert camp closes, dated 1 February 2011
http://www.unhcr.org/4b67064c6.html
Date accessed 9 February 2011
g Monthly Statistical Update on Return - December 2010
http://www.unhcr.org/refworld/country,,,,IRQ,,4d401451c,0.html
Date accessed 16 February 2011
h IDPs in Iraq by district January 2010
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/A1F617996D005FF7C12576A900385588/$file/iraq_unhcr_idps-by-district_jan10.pdf
Date accessed 16 February 2011
I 2011 UNHCR country operations profile – Iraq
http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486426
Date accessed 1 February 2011

18 Center for Strategic and International Studies http://www.csis.org/
a Iraq: Creating a Strategic Partnership, 7 October 2009
http://csis.org/files/publication/091006_iraq-strat_partner6.10.pdf
Date accessed 22 October 2009
b U.S. & Status of Iraqi Security Forces, 21 October 2010
http://csis.org/files/publication/101019_IraqiForcesMilAid.pdf
Date accessed 22 October 2010
c How Soon Is Safe? Iraqi Force Development and "Conditions-Based" Us Withdrawals, 20 April 2009
http://www.csis.org/media/csis/pubs/090420_isf.report.pdf
Date accessed 21 April 2009
d Iraq's Coming National Challenges: The Course of the Fighting and Continuing Security Threats, 5 January 2011
http://csis.org/files/publication/110105_Iraq_2_Measuring_the_Course_War.pdf
Date accessed: 1 February 2011
e Iraq's Coming National Challenges: Transition Amid Uncertainty, 5 January 2011
http://csis.org/files/publication/110105_Iraq_1-Introduction.pdf
Date accessed: 1 February 2011
f Iraq: Security Trends, 19 November 2009
http://csis.org/files/publication/091118_IraqSecTrends.pdf
Date accessed 1 February 2011
g Iraq: Creating a Strategic Partnership, 7 October 2009
http://iier.org/i/files/docs/091006_iraq-strat_partner6.10.pdf
Date accessed 1 February 2011
h Iraq and the Problem of Militias, 8 May 2006
http://csis.org/files/media/csis/pubs/060508_iraqmilitias.pdf
Date accessed 1 February 2011
I Withdrawal from Iraq: Assessing the Readiness of Iraqi Security Forces, August 2009
http://csis.org/files/publication/090812_Cordesman_WithdrawalIraq_Web.pdf
Date accessed 1 February 2011
j The uncertain security situation in Iraq: Trends in violence, casualties, and Iraqi perceptions, dated 17 February 2010
http://csis.org/files/publication/100217_iraq_security_study.pdf

268 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

Date accessed 1 February 2011

19 Guardian News, http://www.guardian.co.uk/
a Iraq executes Chemical Ali, 25 January 2010
http://www.guardian.co.uk/world/2010/jan/25/chemical-ali-execution-iraq-kurd
Date accessed 16 November 2010
b Protecting Journalists in Iraq, 28 August 2009
http://www.guardian.co.uk/commentisfree/2009/aug/28/iraq-draft-law-journalist-protection
Date accessed 8 January 2011
c US and UK failing to take Iraq's gay pogrom seriously, dated 23 June 2010
http://www.guardian.co.uk/commentisfree/2010/jun/23/gay-people-iraq
Date accessed 17 January 2011
d The battle against brutality, 28 January 2009
http://www.guardian.co.uk/lifeandstyle/2009/jan/28/iraq-women-rights-us-news
Date accessed 1 February 2011

20 Special Inspector General for Iraq Reconstruction (SIGIR),
http://www.sigir.mil/index.html
a Quarterly Report, April 2010
http://www.sigir.mil/files/quarterlyreports/April2010/Report_-_April_2010.pdf
Date accessed 17 November 2010
b Quarterly Report, 30 October 2010
http://www.sigir.mil/files/quarterlyreports/October2010/Report_-_October_2010.pdf#view=fit
Date accessed 23 November 2010
c Quarterly Report, 30 January 2011
http://www.sigir.mil/files/quarterlyreports/January2011/Report_-_January_2011.pdf#view=fit
Date accessed 8 February 2011

21 Human Rights Watch http://www.hrw.org
a Iraq: Wikileaks Documenst Describe Torture of Detainees, 23 October 2010
http://www.hrw.org/en/news/2010/10/24/iraq-wikileaks-documents-describe-torture-detainees?print
Date accessed 17 November 2010
b World Report 2010, published 20 January 2010
http://www.hrw.org/en/node/87714
Date accessed 29 November 2010
c They Want Us Exterminated: Murder, Torture, Sexual Orientation and Gender in Iraq, 17 August 2009,
http://www.hrw.org/en/reports/2009/08/17/they-want-us-exterminated-0
Date accessed 31 August 2009
d They Took Me and Told Me Nothing, Female Genital Mutilation in Iraqi Kurdistan
http://www.hrw.org/en/reports/2010/06/16/they-took-me-and-told-me-nothing-0
Date accessed 19 January 2011
e World Report 2011, published 24 January 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d3e801ed,0.html
Date accessed 28 January 2011
f Secret Jail Uncovered in Baghdad, dated 1 February 2011
http://www.unhcr.org/refworld/country,,,,IRQ,,4d4ba53c1e,0.html

Date accessed 20 February 2011
g On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories, November 2009
http://www.hrw.org/en/reports/2009/11/10/vulnerable-ground-0
Date accessed 1 February 2011
h Iraq: Stop Blocking Demonstrations, 17 September 2010
http://www.hrw.org/en/news/2010/09/17/iraq-stop-blocking-demonstrations
Date accessed 1 February 2011

22 Reuters, http://www.reuters.com
a Iraq church raid ends with 52 dead, 1 November 2010
http://www.reuters.com/article/idUSTRE69U1YE20101101
Date accessed 17 November 2010
b U.S. says Iraq pullout won't cause dramatic violence, 18 November 2010
http://www.reuters.com/article/idUSTRE6AH57F20101118
Date accessed 6 February 2011

23 United States Bureau of Near Eastern Affairs, http://www.state.gov
a Iraq status report, 10 November 2010
http://www.state.gov/documents/organization/151021.pdf
Date accessed 17 November 2010

24 Jane's Sentinel Country Risk Assessment , Iraq (Subscription only)
a Internal Affairs, last updated 19 January 2011
b Security, last updated 19 January 2011
c Security and Foreign Forces, last updated 6 September 2010
d Political Leadership, last updated 19 January 2011
e Executive Summary, 19 January 2011
f Army, last updated 19 January 2011
g Non-State Armed Groups, 19 January 2011

25 Jane's Sentinel Country Risk Assessment, Kurdistan Regional Government (Subscription only)
a Internal Affairs, last updated 8 February 2010

26 Kurdistan Regional Government (KRG) http://www.krg.org
a Fact sheets about the Kurdistan Region
http://www.krg.org/uploads/documents/Fact_Sheet_About_Kurdistan_Regional_Government_KRG__2010_05_15_h13m42s9.pdf
Date accessed 26 November 2010
b Kurdistan's geography and climate, dated 27 June 2010
http://www.krg.org/articles/detail.asp?lngnr=12&smap=03010300&rnr=140&anr=18656
Date accessed 1 February 2011
c About the Kurdistan Regional Government, 9 November 2009
http://www.krg.org/articles/detail.asp?anr=32349&lngnr=12&rnr=93&smap=04020000
Date accessed 1 February 2011

27 Reuters http://www.reuters.com
a U.S. says Iraq pullout won't cause dramatic violence, 18 November 2010
http://www.reuters.com/article/idUSTRE6AH57F20101118
Date accessed 24 November 2010

28 Iraq Body Count (IRB) http://www.iraqbodycount.org

a About the Iraq body count project, undated, accessed 24 November 2010
http://www.iraqbodycount.org/about/
Date accessed 24 November 2010

b Documented civilian deaths from violence, undated, accessed on 24 November 2010
http://www.iraqbodycount.org/database/
Date accessed 24 November 2010

c Iraqi deaths from violence in 2010, Analysis of the year's civilian death toll from Iraq Body Count, published 30 December 2010,
http://www.iraqbodycount.org/analysis/numbers/2010/
Date accessed 10 January 2010

d 15,000 previously unknown civilian deaths contained in the Iraq War Logs released by WikiLeaks, 22 October 2010
http://www.iraqbodycount.org/analysis/reference/press-releases/18/
Date accessed 1 February 2011

e Exaggerated claims, substandard research, and a disservice to truth, 5 May 2010
http://www.iraqbodycount.org/analysis/beyond/exaggerated-orb/
Date accessed 1 February 2011

f IBC, Methods, data extraction, undated
http://www.iraqbodycount.org/about/methods/3
Date accessed 1 February 2011

29 Amnesty International http://www.amnesty.org

a The State of the World's Human Rights, covering events of 2009, published 28 May 2010
http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf
Date accessed 29 November 2010

b New Order, Same Abuses, September 2010
http://www.amnesty.org/en/library/asset/MDE14/006/2010/en/c7df062b-5d4c-4820-9f14-a4977f863666/mde140062010en.pdf
Date accessed 13 December 2010

c Document- Iraq: Death penalty/Risk of imminent execution, dated 12 December 2008
http://www.amnesty.org/en/library/asset/MDE14/032/2008/en/8503c62c-c970-11dd-8dd2-dfbc76ae5e12/mde140322008en.html

d Hope and Fear, Human Rights in the Kurdistan Region of Iraq
http://www.amnesty.org/en/library/asset/MDE14/006/2009/en/c2e5ae23-b204-4b46-b7f5-06dc1501f62f/mde140062009en.pdf
Date accessed 4 January 2010

e Civilians Under Fire, 26 April 2010
http://www.amnesty.org/en/library/asset/MDE14/002/2010/en/c9dc5d8d-95fa-46e4-8671-cd9b99d0378c/mde140022010en.pdf
Date accessed 17 January 2010

f Carnage and Despair – Iraq Five Years On, 18 March 2008, (Date accessed via RefWorld)
http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=47de28dd2
Date accessed 20 March 2008

g Appeal for Action article Medical Restrictions Imposed on Iranian Exiles, Including Refugees, dated 2 December 2010

http://www.amnesty.org/en/library/asset/MDE14/020/2010/en/b596ecd0-b58e-412d-ad65-fe4f0944c47e/mde140202010en.pdf
Date accessed 9 February 2011

h Iraq Urged To Stop Deportation of Iranian Ahwazi Refugees, dated 14 January 2011
http://www.amnesty.org/en/news-and-updates/iraq-urged-stop-deportation-iranian-ahwazi-refugees-2011-01-14
Date accessed 9 February 2011

I Blood at the crossroads: Making the case for a global arms trade treaty, dated 17 September 2008
http://www.unhcr.org/refworld/pdfid/48d797062.pdf
Date accessed 16 October 2008

j Iraq: Human Rights Briefing, March 2010
http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/c2bb7123-1e17-4abf-8202-6f6f81448644/mde140042010en.pdf
Date accessed 1 February 2011

k Iraq: New report accuses authorities of failing to protect civilians, 27 April 2010
http://www.amnesty.org.uk/news_details.asp?NewsID=18726
Date accessed 1 February 2011

l Sexual minorities and the Law: A Survey, July 2006
http://www.asylumlaw.org/docs/sexualminorities/World%20SurveyAlhomosexuality.pdf
Date accessed 1 February 2011

30 Danish Immigration Service, http://www.nyidanmark.dk

a Security and Human Rights in South/Central Iraq, 10 September 2010
http://www.nyidanmark.dk/NR/rdonlyres/7F24EA1B-1DC7-48AE-81C4-C097ADAB34FD/0/Rapport_Security_and_HR_in_South_Central_Iraq.pdf
Date accessed 29 November 2010

b Security and Human Rights Issues in Kurdistan Region of Iraq (KRI), and South/Central Iraq (S/C Iraq), July 2009
http://www.nyidanmark.dk/NR/rdonlyres/5EAE4A3C-B13E-4D7F-99D6-8F62EA3B2888/0/Iraqreport09FINAL.pdf
Date accessed 17 December 2010

c Entry Procedures and Residence in Kurdistan Region of Iraq (KRI) for Iraqi Nationals, published 15 April 2010
http://www.unhcr.org/refworld/category,COI,DIS,,,4bd95fe52,0.html
Date accessed 18 January 2011

31 International Federation for Human Rights (FIDH), http://www.fidh.org/-english-

a The International Convention for the Protection of all Persons from Enforced Disappearances Enters Into Force on 23 December 2010, dated 26 November 2010
http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4cf361422&skip=0&coi=IRQ&searchin=title&display=40&sort=date
Date accessed 29 November 2010

32 Foreign and Commonwealth Office (FCO),UK http://www.fco.gov.uk

a Annual Report on Human Rights 2009, published March 2010
http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009
Date accessed 30 November 2010

b Report of information gathering visit to Kurdistan Region of Iraq, 27 March 2009

c Iraqi Passport letter dated 21 April 2010
d Iraq Travel Advice, last updated 21 January 2011
http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/middle-east-north-africa/iraq
Date accessed 5 February 2011
e British Embassy Baghdad, Promoting human rights in Iraq, undated but circa late 2010
http://ukiniraq.fco.gov.uk/en/about-us/working-with-iraq/HR-Iraq/
Date accessed 1 February 2011

33

34 University of Utah, Global Justice Project http://www.gjpi.org
a Judicial Independence, undated
http://www.gjpi.org/central-activities/judicial-independence/
Date accessed 15 December 2010
b Special Courts and Tribunals, 29 November 2009
http://www.gjpi.org/2009/11/29/special-courts-and-tribunals/
Date accessed 1 February 2011
c Federal Supreme Court Decisions, undated circa 2009
http://www.gjpi.org/library/primary/federal-supreme-court/
Date accessed 1 February 2011
d Iraqi High Tribunal, 13 September 2009
http://www.gjpi.org/2009/09/13/iraqi-high-tribunal/
Date accessed 1 February 2011
e The judiciary and the law in the Kurdistan region of Iraq, 14 August 2009
http://www.gjpi.org/2009/08/14/the-judiciary-and-the-law-in-the-kurdistan-region-of-iraq/
Date accessed 1 February 2011

35 Minority Rights Group http://www.mrg.org
World Directory of Minorities and Indigenous Peoples – Iraq: Overview, April 2008 accessed via RefWorld)
http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4954ce672&skip=0&coi=IRQ&querysi=Sharia%20law&searchin=fulltext&display=50&sort=date
Date accessed 5 February 2009

36 Hands off Cain http://www.handsoffcain.info
a Tareq Aziz Sentenced to Death, dated 26 October 2010
http://www.handsoffcain.info/news/index.php?iddocumento=13315048
Date accessed 29 December 2010
b Against death penalty in the world, undated,
http://www.handsoffcain.info/bancadati/schedastato.php?idstato=15000504&idcontinente=23
Date accessed 1 February 2011

37 Foreign Policy http://www.foreignpolicy.com
a Iraq's Election was Free and Fair, 30 March 2010
http://www.foreignpolicy.com/articles/2010/03/30/iraqs_election_was_free_and_fair
Date accessed 4 January 2011

38

39 **Iraq Coalition,** http://www.iraqcoalition.org
Coalition Provisional Authority Order Number 1 De-Ba'athification of Iraqi Society, 16 May 2003
http://www.iraqcoalition.org/regulations/20030516_CPAORD_1_De-Ba_athification_of_Iraqi_Society_.pdf
Date accessed 5 January 2010

40 **Carnegie Endowment for International Peace** http://www.carnegieendownment.org
a De-Baathification As A Political Tool: Commission Ruling Bans Political Parties and Leaders, dated 26 January 2010
http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=24778
Date accessed 5 January 2010
b De-Baathification Saga Verdict, 25 February 2010
http://carnegieendowment.org/publications/index.cfm?fa=view&id=40252
Date accessed 5 January 2010

41 **Reporters without Borders,** http://en.rsf.org/
a Press Freedom Index, 20 October 2010
http://en.rsf.org/spip.php?page=classement&id_rubrique=1034
Date accessed 9 January 2011
b Iraqi Kurdistan: Lawsuits raining down on news media, 20 December 2010
http://www.unhcr.org/refworld/country,,,,IRQ,,4d133271b,0.html
c Heavy fine imposed on satellite TV station, target of past harassment, dated 18 August 2009
http://en.rsf.org/iraq-heavy-fine-imposed-on-satellite-tv-18-08-2009,34229
Date accessed 9 January 2010
d Between Freedom and Abuses: The Media Paradox in Iraqi Kurdistan, dated November 2010
http://en.rsf.org/IMG/pdf/rsf_rapport_kurdistan_irakien_nov_2010_gb.pdf
Date accessed 20 February 2011

42 **Institute for War and Peace Reporting,** http://iwpr.net/
a *Kurdish Press: Still a Long Way to Go*, dated 22 December 2010
http://www.unhcr.org/refworld/country,,,,IRQ,,4d133259c,0.html
Date accessed 9 January 2011
b Iraqi media complain of tightening curbs, 10 December 2010
http://www.unhcr.org/refworld/country,,,,IRQ,,4d071ce01a,0.html
Date accessed 28 February 2011

43 **Rudaw,** http://www.rudaw.net
a About RUDAW, undated, accessed 9 January 2011,
http://www.rudaw.net/english/aboutus.html
Date accessed 9 January 2011
b Kurdish Security Forces Trained to Behave Good With Journalists
http://www.rudaw.net/english/kurds/3106.html
Date accessed 9 January 2011

44 **Norwegian Refugee Council** http://www.nrc.no/
a Research to Improve the Effectiveness of INGO Activities and Future Humanitarian Coordination in Iraq, dated August 2009,

http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D40A41782A729574C12576B700581131/$file/full_report+NRC.pdf
Date accessed 16 September 2009

45 **Transparency International,** http://www.transparency.org
a Corruption Perception Index, http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results
Date accessed 15 January 2011

46 **AKNews,** http://www.aknews.com
a Disappointment grows over government's anti-corruption efforts, dated 21 July 2010
http://www.aknews.com/en/aknews/4/166208/
Date accessed 17 January 2011

47 **International, Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA),** http://old.ilga.org/
a State sponsored homophobia, A world survey of laws prohibiting sex activity between consenting adults, May 2010
http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2010.pdf
Date accessed 17 January 2011

48 **United Nations Office at Geneva, (UNOG),** http://www.unog.ch
A Human Rights Council adopts outcomes of Universal Periodic Review of Iraq, The Gambia, and Egypt, 11 June 2010
http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/CE3D6FD556423C88C125773F003F9FE6?OpenDocument
Date accessed 17 January 2011

49 **International Committee of the Red Cross (ICRC),** http://www.icrc.org
a Annual Report 2009, published 19 May 2010
http://www.icrc.org/eng/assets/files/annual-report/icrc-annual-report-2009-me-na.pdf
Date accessed 18 January 2011
b Iraq: putting the health-care system back on its feet, 29 July 2010
http://www.icrc.org/eng/resources/documents/update/iraq-update-290710.htm
Date accessed 31 January 2011
c Operational Update November-December 2010, Iraq: unexploded munitions put civilians at risk, 18 January 2011
http://www.icrc.org/eng/assets/files/2011/iraq-update-icrc-december-2010.pdf
Date accessed 1 February 2011

50 **Handicap International,** http://www.handicapinternational.org.uk
a Fallen Off the Agenda? More and better aid needed for Iraqi recovery, published July 2010
http://www.handicap-international.org.uk/Resources/Handicap%20International/PDF%20Documents/Other%20Organisations/More%20and%20Better%20Aid%20Needed%20for%20Iraq%20Recovery_Brief_2010.pdf
Date accessed 18 January 2011
b Voices from the Ground, September 2009
http://en.handicapinternational.be/docs/Voices_from_the__Ground-report.pdf

Date accessed 25 October 2009

51 **International Organisation for Migration (IOM),** http://www.iom.net
a Report entitled Enhanced and Integrated Approach regarding Information on Return and Reintegration in the Countries of Origin – IRRICO II, 10 November 2009, http://irrico.belgium.iom.int/images/stories/documents/iraq_edited.pdf
Date accessed 18 January 2011
b Anbar Governorate Profile November 2010 IOM IDP and Returnee Assessment, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Anbar.pdf
Date accessed 8 February 2011
c Salah-al-Din Governorate Profile November 2010 IOM IDP and Returnee Assessment, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Salah%20al-Din.pdf
Date accessed 8 February 2011
d Babylon Governorate Profile November 2010 IOM IDP and Returnee Assessment, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Babylon.pdf
Date accessed 8 February 2011
e Wasit Governorate Profile November 2010 IOM IDP and Returnee Assessment, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Wassit.pdf
Date accessed 8 February 2011
f Missan, Wssit & Qadissiya Governorate Profiles, dated December 2008
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2008/Governorate_Profiles_Missan_Qadissiya_Wassit_Dec08.pdf
Date accessed 5 January 2009
g IOM emergency needs assessments (post Feb 2006 displacement in Iraq) monthly report, dated 1 October 2009
http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/EGUA-7WEPGZ-full_report.pdf/$File/full_report.pdf
Date accessed 2 October 2009
h IOM *Missan Governorate Profile November 2010 IOM IDP and Returnee Assessment*, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Missan.pdf
Date accessed 8 February 2011
i IOM *Najaf Governorate Profile November 2010 IOM IDP and Returnee Assessment*, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Najaf.pdf
Date accessed 8 February 2011
J IOM *Dahuk Governorate Profile November 2010 IOM IDP and Returnee Assessment*, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Dahuk.pdf
Date accessed 16 February 2011

k IOM *Sulaymaniya Governorate Profile November 2010 IOM IDP and Returnee Assessment*, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Sulaymaniyah.pdf
Date accessed 16 February 2011

l IOM *Erbil Governorate Profile November 2010 IOM IDP and Returnee Assessment*, dated November 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/governorate_profiles/2010/IOM%20Iraq%20-%20Governorate%20Profile%20-%20Erbil.pdf
Date accessed 16 February 2011

m Press Briefing notes – Iraqi Christians Continue to Face Threats and Economic Insecurity, posted 1 February 2011,
http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=29136
Date accessed 24 February 2011

o Hope for Displaced Iraqi Female-Headed Households, 2 October 2009
http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=26344
Date accessed 2 October 2009

p Emergency Needs Assessment *Displacement of Christians to the North of Iraq,* dated 15 December 2010
http://www.iomiraq.net/library/IOM_displacement_monitoring_reports/special_focus_reports/2010/Christian%20Displacement%20Update%2031%20January%202011.pdf
Date accessed 16 February 2011

52 Organisation of Women's Freedom in Iraq (OWFI), http://www.equalityiniraq.com/

a *Iraqi Women Forced into Sexual Slavery,* 28 January 2010
http://www.equalityiniraq.com/articles/114-iraqi-women-forced-into-sexual-slavery
Date accessed 18 January 2011

b 16 days of activism against gender violence – Organization of Women's Freedom in Iraq, dated 6 December 2010
http://www.equalityiniraq.com/articles/125-16-days-of-activism-against-gender-violence-organization-of-womens-freedom-in-iraq?6dcb5c0485db6830947a0e9cf1d291b1=3bbe78a5b2bd2e2f47750add12b22f6b
Date accessed 23 February 2011

c Women of Iraq left all alone, 24 November 2010
http://www.equalityiniraq.com/articles/123-women-of-iraq-left-all-alone
Date accessed 23 February 2011

53 RT.com, http://rt.com

a Illiteracy encourages mob honor killing in Iraq's Kurdish province, dated 20 April 2010
http://rt.com/news/iraq-kurdistan-honour-killing/
Date accessed 20 January 2011

54 Internal Displacement Monitoring Centre, http://www.internal-displacement.org

a Statelessness: many Iraqis stripped of their nationality and ethnicity face difficulties in obtaining documentation (2004-2008), [undated]
http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/D2D6CC7B789487C6C1257520004D2AD7?OpenDocument
Date accessed 21 January 2011

b IRAQ Political wrangling leaves around 2.8 million displaced Iraqis with no durable solutions in sight, published 14 December 2010
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/3D35B6E12A391265C12577F90045B37E/$file/Iraq_Overview_Dec2010.pdf
Date accessed 16 February 2011

55 Refugees International, http://www.refintl.org
a Iraq: Humanitarian Needs Persist, 17 March 2010
http://www.refintl.org/policy/field-report/iraq-humanitarian-needs-persist
Date accessed 21 January 2011
b Uprooted and Unstable: Meeting Urgent Humanitarian Needs in Iraq, 15 April 2008 (Date accessed via RefWorld)
http://www.unhcr.org/refworld/country,,RI,,IRQ,4562d8cf2,4806fb5d2,0.html
Date accessed 19 June 2008

56 Minority Rights Group, http://www.minorityrights.org
a Uncertain Refuge, Dangerous Return: Iraq's Uprooted Minorities, published September 2009
http://www.minorityrights.org/8132/reports/uncertain-refuge-dangerous-return-iraqs-uprooted-minorities.html
Date accessed 24 September 2009
b Still Targeted: Continued Persecution of Iraq's Minorities, published June 2010
http://www.minorityrights.org/10042/reports/still-targeted-continued-persecution-of-iraqs minorities.html
Date accessed 26 January 2011

57 Muftah.org, http://muftah.org
a Jordan's Endless Search for the Iraqi Refugee by Saleem Haddad, dated 22 November 2010
http://muftah.org?p=495
Date accessed 21 January 2011

58 Wtop.org, http://www.wtop.com
a Syria premier seeks to improve ties with Iraq, 15 January 2011
http://www.wtop.com/?nid=105&sid=2235562
Date accessed 21 January 2011

59 United States Commission on International Religious Freedom
http://www.uscirf.org/
a Annual Report 2010 – The Commission's Countries of Particular Concern – Iraq, May 2010
http://www.uscirf.gov/images/annual%20report%202010.pdf
Date accessed 26 January 2011

60 Congressional Research Service, http://www.fas.org
a Iraq: Politics, Elections, and Benchmarks, 22 December 2010
http://www.fas.org/sgp/crs/mideast/RS21968.pdf
Date accessed 27 January 2011
b Iraq: Post-Saddam Governance and Security, 2 March 2009
http://www.unhcr.org/refworld/pdfid/49c895192.pdf

Date accessed 3 March 2009
c The Kurds in Post Saddam Iraq, 1 October 2010
http://www.fas.org/sgp/crs/mideast/RS22079.pdf
Date accessed 1 February 2011
d Iraq: Post-Saddam Governance and Security, 28 October 2009
http://www.fas.org/sgp/crs/mideast/RL31339.pdf
Date accessed 1 February 2011
e Iran-Iraq Relations, 13 August 2010
http://www.fas.org/sgp/crs/mideast/RS22323.pdf
Date accessed 1 February 2011
f Iraq Casualties: U.S Military Forces and Iraqi Civilians, Police and Security Forces, 7 October 2010
http://www.fas.org/sgp/crs/mideast/R40824.pdf
Date accessed 1 February 2011

61 The World Bank, http://web.worldbank.org
a Country Brief: Iraq, Sepetember 2010
http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/IRAQEXTN/0,,menuPK:313115~pagePK:141132~piPK:141107~theSitePK:313105,00.html
Date accessed 28 January 2011

62 Inter-Agency Information and Analysis Unit (IAU), http://www.iauiraq.org
a Iraq Labour Force Analysis 2003-2008, dated January 2009
http://www.iauiraq.org/reports/Iraq_Labour_Force_Analysis.pdf
Date accessed 28 January 2011

63 KRG.Org, http://www.krg.org
a Iraqi Christians flee to Kurdish north for safety, dated 26 November 2010
http://web.krg.org/articles/detail.asp?lngnr=12&smap=02010200&rnr=73&anr=37907
Date accessed 28 January 2011
b Interview with Dr Yousif Mohammad Aziz, Minister for Human Rights
http://www.krg.org/articles/detail.asp?smap=02010100&lngnr=12&anr=27864&rnr=223
Date accessed 20 February 2009

64 The Huffington Post, http://www.huffingtonpost.com
a Can Kurdistan Serve As an Internal Sanctuary for Iraqi Christians?, 29 November 2010
http://www.huffingtonpost.com/joshua-w-walker/can-kurdistan-serve-as-an_b_789460.html
Date accessed 28 January 2011

65 Doctors Without Borders/Médecins Sans Frontières (MSF)
http://www.doctorswithoutborders.org/
a Iraq: Providing Dialysis Support in Kirkuk, dated 24 November 2010
http://www.doctorswithoutborders.org/news/article.cfm?id=4874&cat=field-news
Date accessed 31 January 2011
b Annual Report for 2009
http://www.doctorswithoutborders.org/publications/ar/MSF-USA-Annual-Report-2009.pdf
Date accessed 31 January 2011

66 Brookings Institute, http://www.brookings.edu

a Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq, published 30 December 2010
http://www.brookings.edu/~/media/files/centers/saban/iraq%20index/index.pdf
Date accessed 31 January 2011
b Iraq Index Tracking Variables of Reconstruction & Security in Post-Saddam Iraq, published 31 January 2011
http://www.brookings.edu/~/media/files/centers/saban/iraq%20index/index.pdf
Date accessed 4 February 2011
c Internal Displacement in Iraq: The Process of Working Toward Durable Solutions, June 2009
http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/STRI-7SWRLH-full_report.pdf/$File/full_report.pdf
Date accessed 22 June 2009
d Minorities, Displacement and Iraq's Future, 30 December 2008
http://www.brookings.edu/~/media/Files/rc/papers/2008/1223_minorities_ferris/1223_minorities_ferris.pdf
Date accessed 5 January 2009

67 World Health Organisation, http://www.who.int
a Mental Health Atlas 2005
http://www.who.int/mental_health/evidence/atlas/profiles_countries_e_i.pdf
Date accessed 31 January 2011
b Press statement, Mental health system strengthened in Iraq, dated 28 January 2010
http://www.who.int/hac/crises/irq/releases/28jan2009/en/index.html
Date accessed 31 January 2011

68 International Journal of Mental Health Systems, http://www.ijmhs.com
a public perceptions of mental health in Iraq, published 11 October 2010
http://www.ijmhs.com/content/4/1/26#IDAQPHGY
Date accessed 1 February 2011

69 PUKMedia, http://www.pukmedia.com
a Formation of Supreme Council of AIDS in Kurdistan, 29 January 2011
http://www.pukmedia.com/english/index.php?option=com_content&view=article&id=6410:formation-of-supreme-council-of-aids-in-kurdistan&catid=29:kurdistan-region&Itemid=385
Date accessed 1 February 2011

70 European Commission Humanitarian Aid, http://ec.europa.eu
a *Humanitarian aid for the victims of the Iraqi crisis,* published August 2010
http://ec.europa.eu/echo/files/aid/countries/Info_sheet_Iraqi_crisis_en.pdf
Date accessed 1 February 2011

71 International Campaign to Ban Landmines (ICBL), http://www.icbl.org
a Landmine Monitor Report 2008: Toward a Mine-Free World, 21 November 2008,
http://www.icbl.org/lm/2008/countries/iraq.php
Date accessed 27 November 2008
b Landmine Monitor Report 2010, published October 2010
http://www.the-monitor.org/lm/2010/resources/Landmine_Monitor_2010_lowres.pdf
Date accessed 2 February 2011

72 United Nations Children's Fund (UNICEF), http://www.unicef.org

a Iraq Country Background, undated,
http://www.unicef.org/infobycountry/iraq_2122.html
Date accessed 3 February 2011

b Statistics, Demographic indicators, undated
http://www.unicef.org/infobycountry/iraq_statistics.html#71
Date accessed 3 February 2011

c Humanitarian Action Report 2010, published February 2010
http://www.unicef.org/har2010/files/UNICEF_Humanitarian_Action_Report_2010-Full_Report_WEB_EN.pdf
Date accessed 15 February 2011

73 Avert International Aids and HIV charity, http://www.avert.org

a Worldwide ages of consent, undated,
http://www.avert.org/age-of-consent.htm
Date accessed 3 February 2011

74 International News Safety Institute (INSI), http://www.newssafety.org

a AKE Iraq Security Briefing, 5 March 2010
http://www.newssafety.org/images/stories/pdf/countries/ISBIraq05_03_2010.pdf
Date accessed 4 February 2011

75 Embassy of the Republic of Iraq in London, http://www.iraqembassy.org
Announcement (A) Series Passport, dated 15 February 2010
http://www.iraqembassy.org.uk/eng/articles/display.aspx?gid=1&id=222
Date accessed 6 February 2011

76 International Institute for Strategic Studies, Armed Conflict Database

a Iraq: Military developments 2010 [Subscription only]
Date accessed 6 February 2011

77 Iraq business news, http://www.iraq-businessnews.com

a Weekly security update for 26 January 2011, dated 26 January 2011,
http://www.iraq-businessnews.com/2011/01/26/weekly-security-update-for-26th-january-2011/
Date accessed 8 February 2011

b Weekly security update for 19 January 2011, dated 19 January 2011
http://www.iraq-businessnews.com/2011/01/19/weekly-security-update-for-19th-january-2011/
Date accessed 8 February 2011

c 2,300 Prosecutions for Corruption in Iraq this year, posted 27 November 2010
http://www.iraq-businessnews.com/2010/11/27/2300-prosecutions-for-corruption-in-iraq-this-year/
Date accessed 8 February 2011

78 U.S. Committee for Refugees and Immigrants, http://www.refugees.org

a World Refugee Survey 2009, published 25 June 2009
http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/iraq.html
Date accessed 19 June 2009

79 **Calgary Herald,** http://www.calgaryherald.com
a Iraqi school for Roma is basic, but gives hope, 5 December 2010
http://www.calgaryherald.com/Iraqi+school+Roma+basic+gives+hope/3930725/story.html
Date accessed 10 February 2011

80 **Washington Post,** http://www.washingtonpost.com
a A House of Tribes for Iraq, 25 April 2008
http://www.rand.org/commentary/2008/04/25/WP.html
Date accessed 11 July 2008
b Three bomb blasts kill 50 Shiite pilgrims, 20 January 2011
http://www.washingtonpost.com/wp-dyn/content/article/2011/01/20/AR2011012000395.html
Date accessed 24 February 2011

81 **Coalition to stop the use of child soldiers,** http://www.child-soldiers.org
a Child Soldiers Global Report 2008, published 21 May 2008
http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf
Date accessed 21 May 2008

82 **CBS News,** http://www.cbsnews.com
a Saddam Hussein Executed, 30 December 2006
http://www.cbsnews.com/stories/2006/12/29/iraq/main2309460.shtml
Date accessed 14 February 2011

83 **Centre for Strategic and International Studies,** http://www.comw.org
a Iraq's Sectarian and Ethnic Violence and it's Evolving Insurgency report published 2 April 2007
http://www.comw.org/warreport/fulltext/0704cordesman.pdf
Date accessed 14 February 2011

84 **Iraq Human Rights Group,** http://www.iraq.org
Iraq human rights division, undated,
http://www.irag.org.uk/iraqfacts/general_stats.shtml
Date accessed 14 February 2011

85 **Al-Shorfa,** http://www.al-shorfa.com
a New Iraqi security measures to prevent terrorist infiltration, 24 September 2010
http://www.al-shorfa.com/cocoon/meii/xhtml/en_GB/features/meii/features/main/2010/09/24/feature-01
Date accessed 14 February 2011

86 **NGO Coordination for Iraq,** http://www.ncciraq.org
a Security update, 13 October 2010
http://www.ncciraq.org/S_Updates/index.php/reports/view/901
Date accessed 14 February 2011

87 **Multi-National Force Iraq (MNF-I),** http://www.usf-iraq.com
a The Insurgency, dated 31 July 2009

http://www.usf-iraq.com/?option=com_content&task=view&id=729&Itemid=45
Date accessed 15 September 2009
b United States Forces – Iraq Major Units, 20 December 2010
http://www.usf-iraq.com/inside-the-force/organization
Date accessed 19 January 2011

88 **Heartland Alliance,** http://www.heartlandalliance.org
a Heartlines Iraq Issue 2, 2010
http://www.heartlandalliance.org/international/research/heartlines-iraq-issue-2-2010.pdf
Date accessed 16 February 2011

89 **Europa World [Subscription only]**
a Iraq, Political Organisations, undated, accessed on 18 February 2011

90 **Christian Peacemaker Teams,** http://www.cpt.org
a Iraq: NGOs express concern over new KRG regulations on demonstrations, dated 16 December 2010,
http://www.cpt.org/cptnet/2010/12/16/iraq-ngos-express-concern-over-new-krg-regulations-demonstrations
Date accessed 21 February 2011

91 **GMA News,** http://www.gmanews.tv
a Iraqi Premier: No need for US troops after 2011, dated 28 November 2011,
http://www.gmanews.tv/100days/story/207058/iraqi-premier-no-need-for-us-troops-after-2011#
Date accessed 21 February 2011

92 **National Council of Resistence of Iran (NCRI),** http://www.ncr-iran.org
a Two political prisoners executed upon Khamenei's order, dated 24 January 2011
http://www.ncr-iran.org/en/news/iran-resistance/9728-two-political-prisoners-executed-upon-khameneis-order
Date accessed 23 February 2011

93 **NPR.Org,** http://www.npr.org
a Abuse of Temporary Marriages Flourishes In Iraq, dated 19 October 2010
http://www.npr.org/templates/story/story.php?storyId=130350678
Date accessed 24 February 2011

94 **Fair Vote,** http://www.fairvote.org
a Iraqi's 2010 Parliamentary Election – Part 4: Iraq Women's Political Reality, published on 22 March 2010
http://www.fairvote.org/iraq-s-2010-parliamentary-election4
Date accessed 24 February 2011

95 **Women Living Under Muslim Laws,** http://www.wluml.org
a Iraq: Widows Organization harnessing women's economic contributions, dated 5 February 2010
http://www.wluml.org/fr/node/5944
Date accessed 24 February 2011

96 World Association of Non-Governmental Organization (WANGO), http://www.wango.org
a Worldwide NGO directory
http://www.wango.org/resources.aspx?section=ngodir&sub=list&regionID=145&col=51AE63
Date accessed 25 February 2011

97 Central Bank of Iraq, http://www.cbi.iq/index.php?pid=Home
a Banknotes and Coins, undated
http://www.cbi.iq/index.php?pid=Banknotes
Date accessed 1 February 2011

98 Central Organisation for Statistics, Iraq, http://cosit.gov.iq/english/
a Iraq: National Report on the status of human development 2008
http://cosit.gov.iq/english/pdf/status_hum2008.pdf
Date accessed 1 February 2011

99 House Republican Conference
a Iraq War Troop Surge, 2 March 2009
http://www.gop.gov/legdigest/documents/Policy%20Brief-%20Iraq%20War%20Surge.pdf
Date accessed 1 February 2011

100 International Center for Transitional Justice, http://www.ictj.org/en/index.html
a Iraq's New 'Accountability and Justice Law', 22 January 2008
http://www.ictj.org/images/content/7/6/764.pdf
Date accessed 1 February 2011

101 Council on Foreign Relations, http://www.cfr.org
a Interview: Avoiding Crisis in Iraq's Political Minefield
http://www.cfr.org/iraq/avoiding-crisis-iraqs-political-minefield/p21305
Date accessed 1 February 2011

102 Institute for the Study of War, http://www.understandingwar.org
a The 2009 Kurdish Elections, 23 July 2009
http://www.understandingwar.org/files/KurdishElections.pdf
Date accessed 1 February 2011
b The Iraq Drawdown, 27 August 2010
http://www.understandingwar.org/files/FactSheet_Aug31Deadline_0.pdf
Date accessed 1 February 2011

103 Wikileaks
A War Logs website
http://213.251.145.96/iraq/diarydig/
Date accessed 1 February 2011

104 The Economist, http://www.economist.com
a A regional cockpit: As Americans prepare to leave, Iraq's biggest neighbours vie for power, 19 November 2009
http://www.economist.com/node/14920084
Date accessed 1 February 2011

284 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

105 Agence France Presse, http://www.afp.com/afpcom/en
a Iran supports three insurgent groups in Iraq: US general, 21 July 2010 (accessed via Google)
http://www.google.com/hostednews/afp/article/ALeqM5jCA6iGhsEI3i-z4hAG8Z2Cu4kV3Q
Date accessed 1 February 2011
b Iraq city with soaring child cancer gets new hospital, 22 October 2010
http://gorillasguides.com/2010/10/22/iraq-city-with-soaring-child-cancer-gets-new-hospital/
Date accessed 1 February 2011

106 Washington Post, http://washingtonpost.com
a Iraq Bombings, Interactive map
http://www.washingtonpost.com/wp-srv/world/iraq/bombings/001.iraq-bombings-interactive-map.html
Date accessed 1 February 2011

107 The Guardian, http://guardian.co.uk
a Datablog, Wikileaks Iraq war logs: every death mapped, 23 October 2010
http://www.guardian.co.uk/world/datablog/interactive/2010/oct/23/wikileaks-iraq-deaths-map
Date accessed 1 February 2011
b Datablog, Wikileaks Iraq: data journalism maps every death, 23 October 2010
http://www.guardian.co.uk/news/datablog/2010/oct/23/wikileaks-iraq-data-journalism
Date accessed 1 February 2011

108 Sterm College Law, Univesity of Denver,
a The Iraqi Criminal Justice System, an Introduction, Dan Warnock, 30 November 2010
http://law.du.edu/documents/djilp/39No1/1-Warnock.pdf
Date accessed 1 February 2011

109 LA Times, http://www.latimes.com
a Secret prison revealed in Baghdad, 19 April 2010
http://articles.latimes.com/2010/apr/19/world/la-fg-iraq-prison19-2010apr19
Date accessed 1 February 2011

110 Wiley Online Library, http://www.wiley.com
A Alpaslan Ozerdem Insurgency, militias and DDR as part of security sector reconstruction in Iraq: how not to do it, dated 5 May 2009
http://onlinelibrary.wiley.com/doi/10.1111/j.1467-7717.2009.01098.x/abstract
Date accessed 1 February 2011

111 The Long War Journal, http://www.longwarjournal.org
a Iranian-backed Shia terror group remains a threat in Iraq: General Odierno, 13 July 2010
http://www.longwarjournal.org/archives/2010/07/iranianbacked_shia_t_1.php
Date accessed 1 February 2011

112 Travel Document Systems, http://www.traveldocs.com
a Iraq country page, Government, undated but circa 2010

http://www.traveldocs.com/iq/govern.htm
Date accessed 1 February 2011

113 International Centre for Prison Studies, Kings College, London, http://www.kcl.ac.uk
a World Prison Brief – Iraq, last modified, 17 June 2010
http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=176
Date accessed 1 February 2011

114 NGO Coordination Committee for Iraq, http://www.ncciraq.org
A Tammuz Organisation for Social Development; Election Integrity Monitoring Team and Shams Network for Monitoring Elections, *The Preliminary Report of Three Major Election Observation Networks on the Parliamentary Elections in Iraq*, dated 13 March 2010
http://www.ncciraq.org/index.php?option=com_content&view=article&id=2&Itemid=72&lang=en (report is accessible from the NCCI website, see Elections)
Date accessed 1 February 2011

115 International Elections Monitors Institute,
a Final Report Iraq Elections – March 2010, undated
http://www.iemi-iioe.org/pdf/Iraq%20Final%20Report%20(English).pdf
Date accessed 1 February 2011

116 Al Jazeera, http://english.aljazeera.net/
A Q&A Iraq's 2010 elections, dated 3 March 2010
http://english.aljazeera.net/focus/iraqelection2010/2010/03/20103244723763210.html
Date accessed 1 February 2011

117 Committee for the Protection of Journalists, http://cpj.org/
a Web tool on journalists killed in Iraq since 1992
http://cpj.org/killed/mideast/iraq/
Date accessed 1 February 2011
b 2010 Prison census, 145 journalists jailed world wide
http://cpj.org/imprisoned/2010.php
Date accessed 1 February 2011
c Iraq plans to establish special courts for journalists, 20 July 2010
http://cpj.org/2010/07/iraq-plans-to-establish-special-court-for-journali.php
Date accessed 1 February 2011

118 UN Human Rights Council, http://www.ohchr.org
a Report of the Working Group on the Universal Periodic Review, Iraq, 15 March 2010 (accessible via http://www.ohchr.org/EN/HRBodies/UPR/PAGES/IQSession7.aspx)
Date accessed 1 February 2011

119 UN Treatise Collection, http://treaties.un.org/Home.aspx?lang=en
a MTDSG, Multilaterial Treaties Deposited with the Secretary-General
http://treaties.un.org/Pages/DB.aspx?path=DB/MTDSG/page1_en.xml&menu=MTDSG
Date accessed 1 February 2011

120 EKurd.net, http://www.ekurd.net/
a Kurdish lawmaker urges referendum on Kurdistan constitution, 25 January 2011

http://www.ekurd.net/mismas/articles/misc2011/1/state4568.htm
Date accessed 1 February 2011

121 **Near East Quarterly,** http://www.neareastquarterly.com
a Pride and prejudice: The targeting of gay men in Iraq, 28 November 2010
http://neareastquarterly.com/neqwordpress/index.php/2010/11/28/pride-and-prejudice-the-targeting-of-gay-men-in-iraq/
Date accessed 1 February 2011

123 **Social Institutions and Gender Index, Organisation for Economic Co-operation and Development,** http://my.genderindex.org/
a Background Paper: The Construction of the Social Institutions and Gender Index (SIGI), dated 6 March 2009
http://genderindex.org/sites/default/files/SIGI_background_paper.pdf
Date accessed 1 February 2011
b SIGI homepage – see interactive map to get details on Iraq.
http://my.genderindex.org/
Date accessed 1 February 2011
c Iraq country page, undated, but circa 2007
http://www.genderindex.org/sites/default/files/pdfs/IRQ.pdf
Date accessed 1 February 2011

124 **NPR.org,** http://www.npr.org
a Christina Asquith, No Matter the Vote, Iraqi Women will win, 7 March 2010
http://www.npr.org/templates/story/story.php?storyId=124414117
Date accessed 1 February 2011

125 **The Institute for International Law and Human Rights,**
http://www.lawandhumanrights.org/
a *Women and the Law in Iraq*, dated December 2010
http://www.lawandhumanrights.org/documents/womenandlawiniraqEN.pdf
Date accessed 1 February 2011

126 **The Heinrich Boll Stiftung website,** http://www.boell-meo.org/web/index.html
a *Iraqi Women and the National Personal Status Law*, undated but circa 2009
http://www.boell-meo.org/web/52-263.html
Date accessed 1 February 2011

127 **US Department of Labor,** http://www.dol.gov
a 2009 Findings on the Worst Forms of Child Labor, published 15 December 2010
http://www.dol.gov/ilab/programs/ocft/pdf/2009OCFTreport.pdf
Date accessed 3 February 2011

128 **Feinstein International Centre, Journal of Humanitarian Assistance,**
https://wikis.uit.tufts.edu/confluence/display/FIC/Feinstein+International+Center
a *Juvenile Justice in Transitition: Past Challenges and New Opportunities in Post-Conflict Iraq*, dated 14 October 2010
http://jha.ac/2010/10/14/juvenile-justice-in-transition-past-challenges-and-new-opportunities-in-post-conflict-iraq/
Date accessed 1 February 2011

129 **Save the Children website,** http://resourcecentre.savethechildren.se/
a Iraq country page, undated
http://resourcecentre.savethechildren.se/content/country/iraq/childrens-situation
Date accessed 1 February 2011

130 **US AID,** http://www.usaid.gov
a Iraq – Complex Emergency, dated 17 December 2010
http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/iraq/template/fs_sr/iraq_fs01_12-17-2010.pdf
Date accessed 1 February 2011

131 **OCHA,** http://ochaonline.un.org/
a Iraq 2010 Humanitarian Action Plan
http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/C442709BFF4C7828C12576A1005101A2/$file/2010_Iraq_HAP_SCREEN.pdf
Date accessed 1 February 2011

132 **Office of the Special Representative of the Secretary-General for Children and Armed Conflict,** http://www.un.org/children/conflict/english/index.html
a Visit of the Special Representative for Children & Armed Conflict to Iraq and the region, 13-25 April 2008
http://www.un.org/children/conflict/_documents/countryvisits/IraqVisitReport.pdf
Date accessed 1 February 2011

133 **Middle East Cancer Consortium,** http://mecc.cancer.gov/
a Dr Dilyara Barzani, Palliative Care in Kurdistan Region, Iraq, undated but circa 2005
http://mecc.cancer.gov/pallative_care_workshop/barazani-palliative_kurdistan.pdf
Date accessed 1 February 2011

134 **Finnish Immigration Service,** http://www.migri.fi/netcomm/Default.asp?language=EN
a Fact-finding mission to Iraq's three northern Governorates, 23 October – 3 November 2007
http://www.aina.org/reports/froi.pdf
Date accessed 1 February 2011

135 **The Times** http://www.thetimes.co.uk/tto/news/
a Policy restricted Regina (NA (Iraq)) v Secretary of State for Foreign and Commonwealth Affairs and Others in the Court of Appeal
http://business.timesonline.co.uk/tol/business/law/reports/article2343572.ece
Date accessed 1 February 2011

Return to contents
Go to sources

288 The main text of this COI Report contains the most up to date publicly available information as at 1 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.