

COUNTRY ASSESSMENT - IRAQ

October 2002

Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35

asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 The Republic of Iraq is an almost land locked state in Western Asia, with a narrow outlet to the sea on the Persian (Arabian) Gulf. Its neighbours are Iran to the east, Turkey to the north, Syria and Jordan to the west, and Saudi Arabia and Kuwait to the south. The capital is Baghdad. **[1g]**

2.2 Since the end of the Gulf War in 1991, Iraq has essentially been divided by a de facto temporary line of control. The north east of the country comprises the three governorates of Arbil, Duhok and Sulaimaniya and is also known as Kurdistan. The sovereignty remains the same. **[1][2]**

2.3 The Republic of Iraq has a population of 22,680,000 (2000E). **[37]** Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkmen, Assyrians, Yazidis and Armenians. The religious mix likewise is varied and consists of Shia's and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians) and a small number of Jews and Mandaeans. **[2f]** The official language is Arabic, which is spoken by approximately 80% of the population. About 15% speak Kurdish, while there are small Turkoman and Suriani (Assyrian) speaking minorities. **[1]** Iraq's two largest ethnic groups are Arabs and Kurds. **[41]**

2.4 Most of the Kurdish population have a good command of Arabic, with some of the local population being more fluent in Arabic than in Kurdish. Newspaper and other publications appear in both languages. **[22]**

2.5 Most Iraqi Muslims are members of the Shia sect, but there is a large Sunni population as well, made up of both Arabs and Kurds. Most Kurds are Sunni Muslim but differ from their Arab neighbours in language, dress and customs. **[41]**

(For information on geography, refer to Europa Yearbook, **[1g]**)

3. ECONOMY

3.1 The country has a population of approximately 22 million. The Government owns all major industries and controls most of the highly centralised economy, which is based largely on oil production. The Iran-Iraq and Gulf Wars damaged the economy, and the country has been under UN sanctions since its 1990 invasion of Kuwait. **[2f]**

Sanctions

3.2 In August 1990 the Security Council adopted resolution 661, imposing comprehensive sanctions on Iraq following that country's short-lived invasion of Kuwait. Throughout 1991, with growing concern over the humanitarian situation in Iraq, the United Nations and others proposed measures to enable Iraq to sell limited quantities of oil to meet its people's needs. The Government of Iraq declined these offers, contained in particular, in resolutions 706 and 712, adopted in August and September 1991. **[44a]**

3.3 The Government continued to interfere routinely with the international community's provision of humanitarian assistance to the populace by placing a higher priority on importing industrial items than on food and medicine, diverting goods to benefit the regime, and restricting the work of UN personnel and relief workers. In response to an increase in international humanitarian aid, the Government announced on 6 June 1998 that it would refuse to accept shipments of humanitarian aid from other governments and non-governmental agencies (NGOs). The Government stated that it previously had accepted such aid only to effect contacts with organisations and nations that might support Iraq politically. Some humanitarian aid was allowed into the country in 1998, but only on a case-by-case basis and with clear political overtones. For example, aid from Kuwait, the United Arab Emirates, and Saudi Arabia was refused consistently. The Iraqi opposition reported that the Government ordered the confiscation of all agricultural crops in February 1998 in order to maintain its monopoly on the supply of food. Later, in what appeared to be a further attempt to strengthen political power by controlling food supplies, the Government imposed a tax on all imported goods. **[2c]**

3.4 The Government's failure to comply with relevant UN Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that could have been made available to the general public, including children, were stockpiled in warehouses or diverted for the personal use of some government officials. The executive director of the UN office in charge of the oil-for-food programme confirmed the insufficient placement of orders in a January 2000 letter to the Government, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and oil sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in the country through the oil-for-food programme in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies. **[2f]**

3.5 Diplomatic initiatives undertaken by the Netherlands and the United Kingdom from early 1999 with the aim of drafting a proposal-acceptable to all the permanent members of the Security Council to establish a successor body to UNSCOM culminated, in December 1999 in the adoption by the Security Council of a resolution (NO 1284) that modified the regime in force for monitoring Iraqi weapons systems. Under the new resolution UNSCOM was to be replaced by a UN Monitoring Verification and Inspection Commission (UNMOVIC). The resolution provided for the suspension of the economic sanctions in force against Iraq for renewable 120 day periods, provided that Iraq co-operated fully with the new weapons inspectorate and the IAEA throughout such periods. The resolution also effectively removed restrictions on the maximum amount of petroleum that Iraq was permitted to sell under the oil-for-food programme. Resolution 1284 was not approved unanimously, with the People's Republic of China, France and Russia, together with Malaysia (a non-permanent member) abstaining. Iraq immediately responded that it would not co-operate with UNMOVIC although it was notable that the Government did not categorically reject the resolution. In his first report to the UN Security Council, submitted in March 2000, Blix emphasised that should Iraq permit the return of weapons inspectors, UNMOVIC would resume 'surprise' or 'challenge' inspections of Iraqi sites. In the same month Iraq's deputy premier, Tareq Aziz, decisively rejected the terms of Resolution 1284. In subsequent months the Iraqi Government repeated at frequent intervals that it would never admit UNMOVIC to enter the country. In early March 2001 it was reported that a recent UNMOVIC assessment had concluded that Iraq may still have the ability to build and use biological and chemical weapons, and may have stocks of mustard gas, biological weapons and anthrax, and also that Iraq could have the capability to deliver Scud missiles. **[1g]**

Oil for food programme

3.6 'Oil for Food' allows the Iraqi regime to access money for the humanitarian needs of the Iraqi people. Under the programme, established by Security Council resolution 986 in 1995, Iraq is allowed to sell unlimited quantities of oil and the revenues are deposited in the UN Iraq Account. **[48]**

3.7 An oil-for-food programme began at the end of 1996 after the United Nations and the Government of Iraq agreed on the details of implementing resolution 986 (1995), which permitted Iraq to sell up to two billion dollars worth of oil in a 180-day period. The ceiling on oil sales was eased during 1998 and finally lifted in 1999, enabling the programme to move from a focus on food and medicine to repairing essential infrastructure, including the oil industry. **[44a]** The Office of the Iraq Programme (OIP) was established in October 1997 to implement the oil for food programme for Iraq established by Security Council resolution 986 (1995) and subsequent resolutions. **[44b]**

3.8 The details of the ninth phase of the oil-for-food programme were finalised in early 2001. In a letter addressed to the Iraqi authorities in mid February 2001, the UN Secretary-General urged them to provide more food for the civilian population and in particular to allocate a greater part of their oil revenues to improving the health of children suffering from malnutrition **[1]**

3.9 Iraq can import almost anything other than military equipment (including items related to the production of weapons of mass destruction) under this programme. Given that Iraq is now importing millions of dollars worth of infrastructure items, including goods to build water treatment plants and power stations, 'oil for food' has become a misnomer. 'Oil for Goods' would be a better description. In recent reports senior UN officials have commented that the 'oil for food' programme continues to make 'an ocean of difference' to the Iraqi people, particularly in addressing the major rehabilitation of Iraq's infrastructure. **[48]**

3.10 Revised UN controls from May 2002 have made exporting humanitarian goods to Iraq even easier. **[48]** According to the joint British/Danish fact finding report on Iraq of 2002, the food basket is distributed to all Iraqi families on a monthly basis. **[49]**

Oil for Food in northern Iraq

3.11 The Oil for Food programme set up in 1996 applies throughout the whole of Iraq, including the three northern governorates administered by the KDP and PUK. In northern Iraq however, the UN, in co-operation with the local authorities, administers the programme. **[46]** In northern Iraq the food the World Food Programme distributes the basket. **[49]**

4. HISTORY

Origins of Iraq

Overview

4.1 Formerly part of the Ottoman Empire, Iraq became an independent Kingdom in 1932. A Republic was proclaimed in 1958, and a series of military strongmen have ruled the country since then, the latest being Saddam Hussein. Territorial disputes with Iran led to an inconclusive and costly war (1980-88). In August 1990 Iraq invaded Kuwait, but was expelled by a UN coalition of forces during January-February 1991. Following Kuwait's liberation, the UN Security Council (UNSC) required Iraq's weapons of mass-destruction and long-range missiles to be dismantled by UN inspectors. UN sanctions remain in effect due to Iraq's non-compliance with this and its other obligations under relevant United Nations Security Council Resolutions (UNSCRs). **[45]**

4.2 Major-General (later Field Marshal) Ahmad Hassan al-Bakr became President and Prime Minister, and supreme authority was vested in the Revolutionary Command Council (RCC), of which President al-Bakr was also Chairman. **[1]** On 16 July 1979 the Vice-Chairman of the RCC, Saddam Hussain, who had long exercised real power in Iraq, replaced al-Bakr as RCC Chairman and President of Iraq. Shortly afterwards several members of the RCC were executed for their alleged part in a coup plot. **[1g]**

4.3 Saddam Hussein retained his positions as Chairman of the RCC and Regional Secretary of the Baath Party following its Regional Congress in June 1982. A subsequent purge throughout the administration consolidated his control. In the second half of the 1980's Saddam Hussain consolidated his control over the country and secured the loyalty of Iraq's Shi'ite community. **[1g]**

Iran - Iraq War

4.4 Relations with Iran, precarious for many years developed into full scale war in September 1980. The Algiers agreement between Iran and Iraq, signed in 1975, had defined the southern border between the two countries as a line along the middle of the Shatt al-Arab waterway. In the ensuing years Iraq had become dissatisfied with the 1975 agreement and called for the withdrawal of Iranian forces from Abu Musa and the Tumb islands, dependency of the UAE which Iran had occupied in 1971. The Iranian revolution of 1979 escalated the situation. Border disputes occurred in the summer of 1980 and in September Iraqi forces advanced into Iran. The fighting continued until August 1988 when a cease-fire was agreed after Iran announced its unconditional acceptance of the UN Security Council Resolution 598. However, negotiations on the full implementation of the Resolution made little progress until Iraq's invasion of Kuwait in August 1990, at which point Iraq abruptly sought a formal peace agreement with Iran, by accepting all the claims that Iran had pursued since the cease-fire, including the re-instatement of the Algiers Agreement of 1975, dividing the Shatt al-Arab. **[1]**

4.5 There was a brief flirtation by the Iraqi regime with a Kurdish autonomous region in the early 1970's, which would have given the Kurds limited powers of self-determination. But the experiment broke down with the Kurds complaining that they were not being given any effective decision making powers over the region. Kurdish demands for autonomy continued throughout the 1970's and 1980's. Discussions began in December 1983, following a cease-fire, between the Iraqi government and Jalal Talabani, the leader of one of the two main Kurdish opposition parties in Iraq, the Patriotic Union of Kurdistan (PUK). These discussions did not include the other main Kurdish group, the Democratic Party of Kurdistan (KDP). The collapse of negotiations in May 1984 frustrated hopes for a government of national unity, including the PUK and the Iraqi Communist Party. In January 1985 armed conflict was resumed in northern Iraq between PUK guerrillas and government troops. The PUK blamed the Government's continued persecution and execution of Kurds, its refusal to permit consideration in autonomy talks of the inclusion of Kirkuk province, which contains some of Iraq's main oilfields, and an agreement with Turkey to act jointly to quell Kurdish resistance. **[1]**

Events in southern Iraq since 1990

Invasion of Kuwait

4.6 In mid-1990 the Iraqi Government criticised countries (Principally Kuwait and the UAE) which persistently produced petroleum in excess of the quotas imposed by OPEC. Iraq also accused Kuwait of violating the Iraqi border in order to secure petroleum resources, and suggested that Kuwait should waive Iraq's debt repayments. In July 1990 Kuwait and the UAE agreed to reduce their petroleum production, and it was agreed that the minimum price of crude petroleum should be increased. Direct negotiations between Iraq and Kuwait began at the end of July 1990, with the aim of resolving their disputes over territory and Iraqi Debt. The discussions failed and on 2 August 1990 Iraqi forces invaded Kuwait. On 8 August 1990 Iraq announced the formal annexation of Kuwait, claiming that it's forces had entered Kuwait at the invitation of insurgents, who had overthrown the Kuwaiti government. **[1]**

4.7 The UN Security Council responded by unanimously adopting, on the day of the invasion, Resolution No. 660, which demanded the immediate and unconditional withdrawal of Iraqi forces from Kuwait. Subsequent resolutions imposed mandatory economic sanctions on Iraq and occupied Kuwait, and declared Iraq's annexation of Kuwait to be null and void. Diplomatic efforts to achieve a peaceful solution to the crisis all foundered on Iraq's refusal to withdraw its forces from Kuwait. In late November 1990 the UN Security Council adopted a Resolution (No. 678) which permitted member states to use 'all necessary means' to enforce the withdrawal of Iraqi forces from Kuwait, if they had not left by 15 January 1991. On the night of 16-17 January 1991 'Operation Desert Storm' began with attacks on Baghdad by the multinational force. The US government on 28 February 1991 declared a cease-fire. Iraq agreed to renounce its claim to Kuwait, to release prisoners of war, and to comply with the relevant UN Security Council resolutions. **[1]**

No-fly Zones

4.8 In 1991 when the Gulf War ended, the Iraqi regime brutally repressed uprisings in the north and south of the country. In response, a 'safe haven' was established in the north. This was followed by the creation of no-fly zones in both the north and south of Iraq to prevent the Iraqi military from using its air power against the civilian populations in those areas. UK and US aircraft continue to patrol the no-fly zones. **[47]**

4.9 On 3 September 1996, the US extended the northern limit of the southern no-fly zone to latitude 33 degrees north, just south of Baghdad. **[28a]**

4.10 The conflict with the United Nations was followed by domestic unrest. In early March 1991 rebel forces, including Shi'a Muslims and disaffected soldiers were reported to have seized Basra and other southern cities gaining control of much of the country, but the rebellion was soon crushed by troops loyal to Saddam Hussein. In the north, a loose grouping of Kurdish political groups known as the Iraqi Kurdistan Front, made military gains in the three northern governorates, however they were unable to resist the onslaught of the Iraqi armed forces, which were redeployed northwards as soon as they crushed the uprising in Southern Iraq. By mid-June 1991 the United Nations and the Iraqi government had negotiated a 'memorandum of understanding' whereby the UN was permitted to establish humanitarian centres ('safe havens' for the Kurdish population) on Iraqi territory for a period of 6 months which was subsequently extended. In response to renewed attacks by Government forces on southern Iraqi Shi'a communities and on the inhabitants of Iraq's southern marshlands, on 26 August 1992 the US, British, French, and Russian Governments announced their decision to establish a zone in southern Iraq, south of latitude 32 degrees N, from which all Iraqi fixed-wing aircraft would be excluded. **[1a][1b]**

4.11 In May 1994, facing an economic crisis, Saddam Hussein assumed the post of Prime Minister in a reshuffle of the Council of Ministers. In January 1995 a comprehensive reorganisation of military ranks took place, apparently as a result of an unsuccessful attempt to stage a military coup d'état in the same month. In March 1995 another attempted coup, allegedly organised this time by the former head of Iraqi military intelligence and supported by Kurdish insurgents in the north and Shi'a rebels in the south, was reported to have been suppressed. **[2e]**

4.12 The UN Special Rapporteur, the international media, and other groups all reported a heightened number of summary executions in Iraq since 1997. The Government's motive for such high numbers of summary executions, estimated at over 3,000 between 1997 and year 2000, may be linked to reported intimidation of the population

and reduction of prison populations. [2e]

4.13 The Government in February 1996 executed Hussein Kamel and Saddam Kamel, Saddam Hussein's sons in law, when they returned from Jordan after defecting in August 1995. Although the Government announced amnesties for both men, they and over 40 relatives, including women and children, were killed in what the official Iraqi press described as the spontaneous administration of tribal justice. The UN Special Rapporteur, Max van de Stoel, noted in his November 1998 report that "the killings occurred without any legal process and with total impunity". In 2000, Government agents reportedly killed Safiyah Hassan, the mother of Hussein and Saddam Kamel who had allegedly criticized the Government publicly, for killing her husband and her sons. [2a][2e]

4.14 In 1996, Iraqi military operations continued to target Shi'a Arabs living in the southern marshes. In central and southern Iraq, the regime continued to divert humanitarian supplies to its security forces, the military, and other supporters. Government forces reportedly executed more Shi'a inhabitants of the southern marshes in 1996, but there remains no independent means to verify these reports. Credible reports confirm the ongoing destruction of the marshes by the army continuing to construct canals, causeways, and earthen berms to divert water from the wetlands. Hundreds of square kilometres have been burned in military operations. Moreover, the regime's diversion of supplies in the south limited the population's access to food, medicine, drinking water and transportation. [2a]

4.15 In January 1998 a military build-up occurred in the Gulf region when the United Nations withdrew its inspection teams (UNSCOM), who were searching for chemical weapons facilities, when they were unable to inspect certain Iraqi sites. Military action was avoided when the Secretary-General of the United Nations, Kofi Annan signed a Memorandum of Understanding in February with the Iraqi Deputy Prime Minister, Tareq Aziz. A further crisis between Iraq and the UN occurred in August 1998 when the Iraqi National Assembly voted to suspend most co-operation with UNSCOM. As a result of Iraq's attempts to restrict the work of UNSCOM, the UK and the US came very close to taking military action. [3i][3j][3l][4p][5d]

4.16 The Iraqi Government ended all forms of co-operation with the UN Special Commission (UNSCOM) in October 1998. They asserted that all of UNSCOM's activities would be halted until; the UN Security Council adopted "a positive and honest view of Iraq's firm right" to the lifting of UN sanctions; and Richard Butler was dismissed as the UNSCOM chairman and UNSCOM was restructured in "a manner that makes it a neutral and professional institution". This decision came the day after the Security Council had agreed outline terms of reference for a comprehensive review of Iraq's compliance with its obligations. Faced with the prospect of imminent military strikes Iraq backed down and gave, and the Security Council demanded, an unconditional undertaking to allow the weapons inspectors unrestricted access. Richard Butler was given one month to report on Iraqi co-operation. His December report indicated that the Iraqi Government had failed to meet its obligations and continued to obstruct the weapons inspectors. Operation Desert Fox was initiated in December 1998. The Iraqi Government reacted to it by deciding to challenge the "no-fly" zones that had been established in December 1992 and May 1993 [1][5d][5e][24]

4.17 Following the killing on 19 February 1999 of Ayatollah Mohammad Sadeq Al-Sadr and his sons, there were widespread reports of military assaults on protesters in areas of Baghdad heavily populated by Shi'a, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra, in which hundreds of persons were killed. While a funeral for Al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Novelist Hamad Al-Moukhtar reportedly was executed after several months in prison following his detention for holding a funeral for Al-Sadr. Government security forces used excessive force in breaking up these illegal gatherings. For example, in the impoverished Shi'a district of Al-Thawra in Baghdad, a crowd of tens of thousands was attacked by government security forces using automatic weapons and armoured vehicles, which resulted in the deaths of approximately 25 mourners (although estimates ranged up to 400) including, according to one report, the imam of the Al-Thawra mosque. Fifty persons reportedly were wounded seriously and about 250 persons were arrested, including 15 religious scholars. In a related incident, 22 persons reportedly were killed in the Shu'la district of Baghdad. Afterwards, more than 600 Shi'a residents of Al-Thawra reportedly were arrested arbitrarily in security sweeps. [2d]

4.18 Outside Baghdad "illegal" assemblies of Shi'a took place in most of the major cities of the south in reaction to the Al-Sadr killing, according to many Shi'a sources. Ali Hassan Al-Majid, the military "super-governor" for southern Iraq, reportedly declared martial law throughout the region. On 20 February 1999, 22 persons reportedly were killed in the Suq As-Shuyukh area of Nasiriyah when security forces attempted to disperse mourners from three mosques who gathered in the marketplace. When the crowds could not be forced to disperse, the army

reportedly surrounded the city and shelled its Centre, which killed 17 more persons. Shi'a sources reported that 10 to 20 armoured personnel carriers then entered the city, sealed off the marketplace, and caused a stampede within the crowd, which resulted in further injuries and deaths. Other Shi'a sources report that on the same day, the city of Najaf was surrounded by government troops. The news of Al-Sadr's death and government suppression of mourning activities incited demonstrations in Karbala and Basra. Several Shi'a sources report that in Amara, Sheikh Ali As-Sahalani, the imam of the Majar Al-Kabir mosque, was shot and killed along with other mourners; the enraged crowd then reportedly seized control of the city for a short period of time. Nine demonstrators reportedly were executed in Ramadi. The chief Shi'a clerics of Basra and Nasiriyah reportedly were arrested to prevent them from leading religious gatherings. [2d]

4.19 The Iraqi Communist Party and other Shi'a groups reported large-scale protests in Basra in March 1999 when Government authorities sought to prevent Shi'a gatherings by forbidding Friday prayer gatherings. According to these reports, security forces under Ali Hassan Al-Majid attacked the marchers, which resulted in many deaths and detentions, including 70 persons who were detained in the Abu Sakhair region of Basra, 100 in the Hayaniyh district, 40 in the Dor Ad-Dubat area, 85 in the Jumhuriya district, and an unspecified number in the Khamasiya district. A large number of those detained reportedly were executed summarily under the direct supervision of senior government officials, including Al-Majid and Basra governor Ahmed Ibrahim Hamash. Opposition sources reported that Al-Majid ordered the execution of 180 persons on 21 March 1999 and 56 persons on 23 March 1999. The Special Rapporteur reported that many of those executed were buried in a mass grave in Buresiyya district, about 12 miles from Basra. As part of its policy, the authorities demolished the houses and detained the family members of protesters. [2d]

4.20 In Najaf 15 persons reportedly were wounded and hundreds arrested in early April 1999 while they commemorated the 40-day anniversary of Al-Sadr's death; such a commemoration is a traditional Islamic religious observance. On 16 April 1999, dozens of unarmed protesters (some reports indicate hundreds) allegedly were killed in street gatherings in the Al-Thawra district of Baghdad after the Security Services prohibited Shi'a worshipers from attending Friday prayers. After the closure announcement, a large unarmed crowd reportedly gathered at the entrance of the Hikmat mosque in the Jawadir section of Thawra, which was guarded by Ba'ath party members. At the same time, a smaller group--in which some individuals were armed, gathered in the Sharkat neighbourhood nearby. When shooting began between security forces and the Sharkat group around noon, the Ba'ath Party members fired on the unarmed group at the Hikmat mosque. The Supreme Council of the Islamic Revolution of Iraq (SCIRI) reported that regime forces later opened fire at another crowd that had formed outside the Abbas Mosque near the Al-Thawra Children's Hospital. Thousands of Shi'a men reportedly were arrested in security sweeps in Basra that month. [2d]

4.21 From 19-27 May 1999, the Al-Fatah Al-Mubaeen forces of the Special Republican Guards and the Ba'ath Party militia under the command of Aziz Salih Al-Noman, reportedly conducted operations in the Jazirah region of Kut, Amarah, and Nasiriyah provinces. The local resistance forces reported that it repelled the attack. On 5 June 1999, the village of Al-Maeil in Meisah province reportedly was attacked and 15 houses were destroyed. The HROI reported that 1,093 persons were arrested in June in Basra alone. [2d]

4.22 On 17 December 1999 the UN Security Council adopted Resolution 1284 (1999) which created a new inspection regime (UNMOVIC) which would have allowed the suspension of all sanctions against Iraq for 4 month renewable phases if the Government had co-operated fully with UNMOVIC and the International Atomic Energy Agency (IAEA) within a whole 120-day period. The Resolution also lifted the ceiling on the amount of oil which Iraq could sell abroad under the "oil for food" deal. The Government of Iraq immediately rejected the Resolution, stating that it would not co-operate with UNMOVIC. [1c]

4.23 In mid February 2001 US and British fighter aircraft launched their first attack since Operation Desert Fox of December 1998 on air defence targets near Baghdad, in what the US President described as a 'routine mission' to enforce the northern and southern air exclusion zones. In justification of the assaults, the USA and United Kingdom cited a recent increased threat to their military aircraft operating in the exclusion zones from Iraqi missile defences. [1g]

4.24 Elections took place on 27 March 2000 for 220 seats in the National Assembly. Official results stated that 165 seats had been won by members of the Baath party, and the remaining 55 elective seats by independent candidates; a further 30 independents were nominated by the Government to fill the 30 seats reserved for representatives of the Kurdish areas of the north, where the Iraqi authorities stated it was impossible to organise elections since the region remained occupied by the USA. Saddam Hussein's eldest son, Uday, was elected to

the legislature for the first time, having reportedly received the highest number of votes of any candidate. The new National Assembly was inaugurated in April 2000. [1g]

4.25 Following the September 2001 suicide attacks against the USA, elements within the Iraqi opposition were swift to draw attention to what they alleged to be the Baghdad regime's terrorist links (although the UN Secretary-General notably asserted in late 2001 that he had seen no evidence connecting the Iraqi Government with the attacks.) In Late September 2001 the PUK launched an offensive against bases of the Islamic Unity Movement of Kurdistan and the Jund al-Islam (Army of Islam) at Halabja, claiming that the latter group, formed at the beginning of September, had links with the Iraqi intelligence services and had received training and funds from al-Qu'ida. [1g]

Recent events in southern Iraq

4.26 It was indicated in May 2002 that a referendum on the Iraqi leadership would take place later in the year. [1g] According to news reports, on 15 October 2002 Iraqis voted in a referendum to give Saddam Hussein another seven year term as President. In the last referendum in 1995, Saddam Hussein then, as now, the only candidate won 99.96 % of the vote. [28e] On 16 October 2002 it was reported that Saddam Hussein had won 100 % of the vote with a 100% turn out, ensuring him a further seven year term as President. [28f][28g]

4.27 Following the referendum Saddam Hussein declared an amnesty by way of a thank you, by releasing allegedly thousands of prisoners. [28h][28i][28j][28k] (see Prisons)

Events in northern Iraq

4.28 During the 1980's representatives of Iraq's 2.5m-3m Kurds demanded greater autonomy. Resources were repeatedly diverted from the war with Iran to control Kurdish insurgency in the north-east of the country. Saddam Hussain sought an accommodation with the Kurds, and a series of discussions began in December 1983, after a cease-fire had been agreed with Jalal Talabani, the leader of the PUK. The discussions did not, however, include the other main Kurdish group, the KDP led by Massoud Barzani. Negotiations collapsed in May 1984 and armed conflict resumed in Kurdistan in January 1985 between PUK guerrillas and government troops, with Kurdish and Iranian forces repeatedly collaborating in raids against Iraqi military and industrial targets. [1g]

The Anfal Campaign

4.29 During February 1988 KDP and PUK guerillas (assisted by Iranian forces) made inroads into government controlled territory in Iraqi Kurdistan. In March 1988 the Iraqi Government retaliated by using chemical weapons against the Kurdish towns of Halabja. In May the KDP and PUK announced the formation of a coalition of six organisations to continue the struggle for Kurdish self-determination and to co-operate militarily with Iran. The cease-fire in the Iran-Iraq war in August allowed Iraq to launch a new offensive to overrun guerrilla bases near the borders with Iran and Turkey, again allegedly employing chemical weapons. Kurdish civilians and fighters fled across the borders. In that month, with the army effectively in control of the border with Turkey, the Iraqi Government offered a full amnesty to all Iraqi Kurds inside and outside the country, excluding only Jalal Talibani. It also began to evacuate inhabitants of the Kurdish Autonomous Region to the interior of Iraq, as part of a plan to create a 30 km uninhabited security zone along the whole of Iraq's border with Iran and Turkey. By October 1989, despite international censure of the evacuation programme, the security zone was reported to be in place, prompting the PUK to announce a nation wide urban guerrilla campaign against the Government. In September 1989 elections had proceeded to the legislative council of the Kurdish Autonomous Region. [1g]

4.30 In April 1991 the PUK leader, Jalal Talibani, announced that Saddam Hussein had agreed, in principle, to implement the provisions of the Kurdish peace plan of 1970. However, negotiations subsequently became deadlocked over the delineation of the Kurdish Autonomous Region, in which Kurdish groups wished the city of Kirkuk to be included. In October 1991, in the absence of any negotiated agreement on an "autonomous Kurdistan", the Iraqi Government withdrew all services from the area, effectively subjecting it to an economic blockade. The KIF proceeded to organise elections to a 105-member Kurdish national assembly, and for a paramount Kurdish leader. The outcome of the voting, in which virtually the entire electorate (of some 1.1m) participated, was that the KDP and the PUK were entitled to an almost equal number of seats. None of the smaller Kurdish parties achieved representation, and the KDP and the PUK subsequently agreed to share equally the seats in the new Assembly. The election for an overall Kurdish leader was deemed inconclusive, with

Masoud Barzani, the leader of the KDP, receiving 47.5% of the votes cast, and Jalal Talibani 44.9%. [1g]

4.31 On 5 April 1991, the United Nations passed resolution 688. This resolution condemned Iraqi repression and asked member states to assist the Kurds and other refugees in northern Iraq, with a demand for Iraq to co-operate with these relief efforts. Joint Task Force Provide Comfort was formed on 6 April 1991 and deployed to Incirlik Air Base, Turkey, to conduct humanitarian operations in northern Iraq. The task force dropped its first supplies to Kurdish refugees on 7 April 1991. [26b]

4.32 In March 1993 the Kurdish Regional Government was dismissed by the Iraqi Kurdistan Assembly for its failure to effectively deal with the crisis in the region. A new Kurdish Regional Government was appointed at the end of April. The PUK withdrew from the Assembly and the wrangling over a regional President led to armed conflict between fighters belonging to the PUK and the KDP in May 1994, resulting in the division of the northern Kurdish-controlled enclave into two zones. A peace agreement was reported to have been concluded in early June, but fighting broke out again in August. Numerous other peace agreements were short lived and sporadic fighting continued between the two factions for several years. Essentially KDP military units controlled the Governorate of Dohuk; and part of the governorate of Arbil up to the heights of Salahaddina and Sari Roj, with PUK units controlling the city of Arbil and the governorates of Sulaimaniya. [1d]

4.33 NATO's 'Operation Provide Comfort' was still ongoing in February 1996 under which US, British and French aircraft based in Turkey enforced the Iraqi air exclusion zone north of latitude 36 degrees N in order to protect the Kurdish enclave. At the end of 1996 Operation Provide Comfort was terminated at Turkey's request. [1d]

4.34 During 1996, fighting continued between the KDP and PUK in northern Iraq, in which both fighters and civilians were killed. On 31 August 1996, Iraqi government troops, tanks, artillery, and helicopters, in co-operation with the KDP, first shelled and then captured the city of Irbil (aka Arbil, Erbil) in northern Iraq. Several other cities and villages in northern Iraq were shelled by artillery and then were entered by government troops. A cease-fire established on 23 October 1996 ended fighting for the rest of 1996, albeit with a few sporadic clashes. The Special Rapporteur stated in November 1996 that indiscriminate shelling by Iraqi forces of civilian settlements had been a recurrent practice well before these most recent clashes. [1][2a]

4.35 Disappearances in northern Iraq also increased in 1996 as Iraqi and Iranian intelligence units grew more active. The Special Rapporteur stated that the fate of these individuals remains unknown. Unconfirmed reports blamed Iran for the disappearances of several Iranian opposition figures who resided in the north. KDP co-operation with the Iraqi government and PUK co-operation with Iran increased instability and the ability of both governments to act against political opponents in the area. [1][2a]

4.36 On several occasions in 1996, Turkish armed forces entered northern Iraq in pursuit of members of the Kurdistan Workers' Party (PKK), (a Turkish terrorist organisation whose members had been driven into northern Iraq from Turkey and Iran) and their bases. Terrorist activities in northern Iraq and Turkey by the PKK terrorist organisation, also resulted in the death of both fighters and civilians. Both Iraqi Kurdish groups and the PKK reportedly committed serious abuses, including killings, torture, arbitrary arrest and detention. [2a]

4.37 In 1997 sporadic fighting between the KDP and PUK continued. A truce brokered by the United States, the United Kingdom and Turkey called the "Ankara Process" was broken when PUK forces attacked KDP positions and occupied the Safeen mountain positions on 12 October 1997. Turkish forces entering the area to attack members of the Kurdistan Workers Party (PKK) have further complicated the situation in Kurdistan. The PKK has also come under attack from KDP forces after they attempted to support PUK forces. [3a][3b]

4.38 In northern Iraq the main Kurdish parties, KDP and PUK, continued a dialogue leading to a peace agreement. It was reported that in March 1998 the KDP and PUK released a number of prisoners of war (POW's), following an agreement between the parties to release all detainees and POW's. However, the peace did not continue throughout the whole of northern Iraq. Reports continued throughout 1998 of Turkish forces entering Iraq to battle with PKK forces. It was reported that the Turkish forces had the backing of the KDP. In February 1999 Turkish forces in Nairobi, Kenya captured the PKK leader Abdullah Ocalan. This provoked demonstrations by Kurds in northern Iraq and worldwide. Following Ocalan's capture, Turkish armed forces were reported to have halted their campaign against the PKK in northern Iraq. There were also been reports of fighting between KDP and PKK forces. [1][4d][4e][4f][4g]

The Washington Agreement

4.39 Massoud Barzani and Jalal Talabani, leaders of the KDP and PUK respectively, met in Washington on 17 September 1998 for the first time since 1994. The meeting produced a joint agreement, the Washington Agreement, covering most of the main areas of dispute, including power-sharing, revenue sharing and security arrangements. The agreement also proposed an ambitious timetable, which was to culminate in regional elections in July 1999. The two leaders and senior delegations of the KDP and PUK met on several occasions in 1999 and 2000 but failed to reach any consensus on key aspects of the agreement they had signed up to. **[46]** The agreement planned for parliamentary elections the next summer of 1999, and guaranteed the lawful rights of Turkomen, Assyrians and Chaldeans in Iraqi Kurdistan. The agreement did not call for a separate Kurdish state but protected the territorial integrity and sovereignty of Iraq. **[4h][41]** During 2001, the two main Kurdish parties reported some progress toward full implementation of the Washington Agreement, including the return of 3,000 IDP's displaced since the 1995-96 fighting, improved movement between the Kurd-controlled areas, and the exchange of all prisoners. **[2f]**

4.40 There were repeated military incursions by Turkish security forces into northern Iraq during the year 1999/2000. In late 1999, the Turkish airforce targeted PKK positions in both KDP and PUK controlled areas. In April, May, and August 2000, Turkish troops again were deployed to the region. In one incident, Turkish troops killed 38 Kurdish civilians. In July the PUK attempted to push the PKK out of its territory and fighting ensued. Both the PKK and the PUK suffered a number of casualties. In December 2000, hundreds of Turkish troops were deployed to the region, threatening to intervene on the PUK's behalf. Subsequently, the PUK and the PKK declared a cease-fire. **[2e]** There were no major Turkish military incursions into the country during the year 2001. **[2f]** There have been no further incursions in 2002 since the spring. **[49]**

4.41 Armed hostilities and resulting deaths were reported in 2000 between the KDP and the Iraqi Turkoman Front (ITF), the PUK and the IWCP, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. There were a number of bomb attacks on civilian targets during the year in both the KDP- and PUK-controlled areas, which killed at least 12 persons. **[2e]**

4.42 KDP forces attacked the Erbil headquarters of the ITF in July 2000, killing at least two persons and injuring several others. Tension between the KDP and the ITF had been building for months as the KDP leadership expressed frustration that the ITF failed to accept the KDP as the local authority. The ITF complained that the KDP interfered in its internal affairs. **[2e]**

Recent events in northern Iraq

4.43 On 18 February 2001 - Franso Hariri, former governor of Arbil and a central committee member of the KDP, was assassinated on his way home from Arbil. He was allegedly killed by armed terrorists. Two previous assassination attempts had been made on his life in 1994 and 1997. **[34]**

4.44 On 2 April 2002 the head of the Iraqi Kurdish Patriotic Union of Kurdistan (PUK) regional government, Barham Salih, escaped an assassination attempt outside his house in Sulaymaniyah. Barham Salih was representative for his party in Washington for almost 10 years before he became the Prime Minister of the PUK led Kurdish regional government in Sulaymaniyah last year. **[28b]**

4.45 The Islamic Movement of Iraqi Kurdistan (IMIK) had, over the year 2001, splintered. Four dissident factions emerged - "Islamic Group", "Unification" movement and the "Soran Force", and "Jund al-Islam", with the latter founded on 1 September 2001. The Jund al-Islam was a militant group that vowed destruction of established secular Kurdish political parties in the northern enclave. In turn, it was roundly condemned by the KCP and the KDP, pledging every assistance to the PUK to arrest Jund extremists. The Jund al-Islam, seized control of some villages near the Iranian border and attempted to institute a strictly Islamic theocratic regime. According to press and opposition reporting, the Jund al-Islam attacked PUK fighters near Halabjah, killing dozens of persons. Intermittent fighting between the PUK, and the Jund al-Islam, and other Islamic groups continued until late November 2001, when an agreement between those involved and the Iranian Government dissolved the Jund al-Islam and imposed a cease-fire. **[2f]** The PUK now has control of Halabja and Jund Al Islam is now known as Ansar Al-Islam. **[49]**

4.46 In late September 2001 the PUK launched an offensive against bases of the Islamic Unity Movement of Kurdistan and the Jund al-Islam (Army of Islam) at Halabja, claiming that the latter group, formed at the beginning of September 2001, had links with Iraqi intelligence services and had received training and funds from al-Qa'da. **[1g]**

4.47 According to another report Jund al-Islam, alongside a number of other Islamist groups, has merged into a new group, Ansar al-Islam, ('Supporters of Islam'). Despite a few negotiation rounds with Iranian mediation, tension between the PUK and the Islamist group remains unsolved. **[28b]**

4.48 Recent reports indicate that the PUK and KDP are co-operating with one another and are enjoying improved relations. **[49]** Both parties continue to work together on humanitarian issues, particularly in discussions with the UN on implementation of the 'Oil for food' programme. There have also been agreements on the return of internally displaced people to their home towns and increased co-operation on security issues. Recently the KDP and PUK announced that the Joint Assembly would reconvene on 4 October 2002. **[46]** According to subsequent press reports parliament has reconvened and is functioning. **[52]**

4.49 On 4 October 2002 the Iraqi Kurdistan National Assembly Met in full for the first time since 1994, the Iraqi Kurdistan National Assembly held a session with all members present in the Parliament in Erbil. Members of Parliament from the KDP, PUK, and Christian parties were all in attendance. Ten years earlier, on the same date, the Assembly unanimously passed legislation that called for the establishment of a federalist system of government. The reconvening of parliament has reportedly been seen as a reflection of the will of the people of Kurdistan and a confirmation of people's desire for peace. The report stated that it marks the successful implementation of one of the most important steps set out in the Washington Agreement of 1998. During the two-hour session, the Members unanimously approved the Washington Agreement. **[52]**

4.50 It has been reported in an interview with the KDP Prime Minister, that there is lately a high level of cooperation and peaceful coexistence between the various political organisations, including the KDP, PUK, Assyrians, and Turkmans, according to Nechervan Barzani, Prime Minister of the KDP, the convening of the joint parliament is key to the resolution of the outstanding issues between the KDP and PUK. The fulfilment of the Washington Agreement is strongly supported by all and represents the will of the people. The KDP and PUK are united in their position with regard to the future of Iraq and speak with one voice on the matter. **[51]**

5. STATE STRUCTURES

[Part I](#)

[Part II](#)

[Part III](#)

5. STATE STRUCTURES

THE CONSTITUTION

5.1 The Iraqi Provisional constitution issued on 22 September 1968 states that the Iraqi Republic is a popular democratic and sovereign state. Islam is the state religion. The political economy of the State is founded on socialism. The state will protect liberty of religion, freedom of speech and opinion. Public meetings are permitted under the law. All discrimination based on race, religion or language is forbidden. There shall be freedom of the Press, and the right to form societies and trade unions in conformity with the law is guaranteed.**[1]**

5.2 The Iraqi people are composed of two main nationalities: Arabs and Kurds. The Constitution confirms the

nationalistic rights of the Kurdish people and the legitimate rights of all other minorities within the framework of Iraqi unity. [1]

5.3 Two amendments to the Constitution were announced in November 1969. The President already Chief of State and Head of the Government, also became the official Supreme Commander of the Armed Forces and President of the RCC. Membership of the latter body was to increase from five to a larger number at the President's discretion. [1c]

5.4 Following an abortive coup in July 1973, led by the security chief Nazim Kazzar, in which the minister of Defence, Gen. Hammad Shehab was killed, consequences of the attempted coup included an amendment to the Constitution giving more power to the President and the formation of a National Front between the Baath party and the Iraqi Communist Party (ICP). [1e]

5.5 Executive power rests with the President and the Revolutionary Command Council (RCC). In September 2001 a national referendum approved an interim amendment of the constitution whereby the elected Chairman of the RCC would automatically assume the Presidency of the Republic, subject to the approval by the National Assembly and endorsement by national plebiscite. [1g]

THE CONSTITUTION - NORTHERN IRAQ

5.6 In principle the Iraqi constitution applies in northern Iraq also. The basis for legislation in northern Iraq is still the Iraqi constitution, adjusted on those points which would be detrimental to northern Iraq's own position. When the autonomous area in northern Iraq was created, the northern Iraqi authorities continued to apply the bulk of Central Iraqi law. Since 1991 sections of Central Iraqi law have been repealed. In recent years the northern Iraqi authorities have also added legislation of their own. Some provisions of Iraqi law that are incompatible with autonomy of northern Iraq have been repealed. [22]

5.7 Each of the regions administered by the KDP and PUK has a system of justice, based on Iraqi legislation, with police to enforce public order; there are also hospitals, schools and universities. Both regions have their own administrations, in which several parties have seats. [22]

POLITICAL SYSTEM

5.8 Saddam Hussain is the head of state and assumed power on 16 July 1979, confirmed in office by national referendum on 15 October 1995 as The President and President of the Revolutionary Command (RCC). Vice-Presidents are Taha Yassin Ramadan, Taha Mohi ed-Din Maruf. Izzat Ibrahim Ad-Dur is Vice President of the RCC . Saddam Hussain holds the position as Prime Minister and Tareq Aziz is Deputy Prime Minister and Acting Minister of Foreign Affairs. [1f]

5.9 Political power in Iraq lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'ath Socialist Party (ABSP) governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the ABSP, wields decisive power. [2f] The Arab Socialist party has ruled Iraq since 1968. Saddam Hussein came to power in 1979 after a period as Vice President. The constitution of Iraq is nominally the basis of government, but under Saddam the focus of power is the presidency, with real influence exercised by Saddam and his immediate family group. The Revolutionary Command Council (RCC) is the highest policy-making body, chaired by the President who has unlimited executive powers. The RCC, which includes members of all three armed services, appoints a Prime Minister and Cabinet. Saddam himself assumed the position of Prime Minister in 1994. The Cabinet (Council of Ministers) is nominally responsible for carrying out the decisions of the legislature. The National Assembly has 250 members, who are elected to a four-year term by popular ballot. All members of the National Assembly have to subscribe to the ideals of the Baath Party. [45]

5.10 The highest authority in the country is the Council of Command of the Revolution (or Revolutionary Command council - RRC), which will promulgate laws until the election of a National Assembly. The council exercises its prerogatives and powers by a two-thirds majority. **[1]**

5.11 Executive power rests with the President and the Revolutionary Command Council (RCC). In September 2001 a national referendum approved an interim amendment of the constitution whereby the elected Chairman of the RCC would automatically assume the Presidency of the Republic, subject to the approval by the National Assembly and endorsement by national plebiscite. Considerable influence is exercised by the Regional Command of the Baath Party, while the routine administration of the country is undertaken by an appointed Council of Ministers. Legislative responsibility is shared between the RCC and the National Assembly, with 250 members elected by universal adult suffrage for 4 years. (At each of the legislative elections held in 1996 and in 2000 only 220 seats were elective; the remaining 30 seats - reserved for representatives of the Kurdish regions - were filled by government nominees). The country is divided into 18 governorates (including three Autonomous Regions). **[1g]**

5.12 The republic of Iraq was declared in 1958 following the overthrow of the monarchy. Since 1979 power has been concentrated in the hands of President Saddam Hussein, his family and close associates. The President appoints the Revolutionary Command Council (RCC), which formally elects the President by a two-thirds majority from among its own members, and the Council of Ministers. Legislative authority is shared between the RCC and the 250-member National Assembly, the latter elected by a universal adult suffrage under a system of proportional representation. A leading role is also played by the 17 member "regional command" of the dominant Baath Arab Socialist Party, which itself dominates the broader state sponsored National Progressive Patriotic Front (NPPF). **[37]**

5.13 There are strict qualifications for electoral candidates; the candidates for the National Assembly, by law. Must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." **[1c]**

5.14 Full political participation in the Iraqi Government at the national level is confined to members of the Arab Ba'ath Socialist Party, estimated at about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council, headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. It overshadows the National Assembly, which is completely subordinate to it and the executive branch. Saddam Hussein and his regime refer to an October 1995, non-democratic "referendum" to legitimise his presidency in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. **[2b]**

5.15 In 1991 Saddam nominally ended de facto one party rule by the Baath party by approving a measure authorising the creation of political parties outside the NPPF framework. However there have been no reports of the formation of such groups in areas under government control. A national referendum in October 1995 approved a further seven-year term of office for President Saddam. In May 1994 Saddam had assumed the additional post of Prime Minister. **[37]**

5.16 Elections took place on 27 March 2000 for 220 seats in the National Assembly. Official results stated that 165 seats had been won by members of the Baath party, and the remaining 55 elective seats by independent candidates; a further 30 independents were nominated by the Government to fill the 30 seats reserved for representatives of the Kurdish areas of the north, where the Iraqi authorities stated it was impossible to organise elections since the region remained occupied by the USA. Saddam Hussain's eldest son, Uday, was elected to the legislature for the first time, having reportedly received the highest number of votes of any candidate. The new National Assembly was inaugurated in April 2000. **[1g]** Throughout 2000 there was speculation that Saddam Hussain's son Qusay, who was reported to have been appointed deputy commander of the army and commander of the northern military region, had become the Iraqi leader's designated successor. **[1g]**

5.17 In mid May 2001 Saddam Hussein was re-elected Secretary General of the Baath Party Command at the organisations 12th Regional Congress, while speculation was further fuelled by his election to the party Command and by his subsequent appointment as a deputy commander of the party's military section. Significant changes to the membership of the Council of Ministers were made from April, when Deputy Prime Minister Tareq Aziz assumed the foreign affairs portfolio on an interim basis. **[1g]** Naji Sabri Hadithi is current Minister of Foreign Affairs. **[41]**

5.18 It was indicated in May 2002 that a referendum on the Iraqi leadership would take place later in the year. **[1g]** According to news reports Iraqis voted on 15 October 2002 in a referendum to give Saddam Hussein another seven-year term, in the last referendum in 1995, Saddam Hussein, then, as now, the only candidate - won 99.96% of the vote. Everyone over 18 is required to vote, and their names are ticked off on a register. It is a secret ballot, but many Iraqis believe those who vote "no" can easily be traced. **[28e]** On 16 October 2002 it was reported that Saddam Hussein won the referendum for another seven-year term as President, receiving 100% of the vote with a 100% turn out. **[28f][28g]**

5.19 Saddam Hussein declared an amnesty to thank the Iraqi people for their "unanimity" in the referendum, when he pardoned, allegedly all prisoners including political ones. The "full and complete amnesty" applied to any Iraqi imprisoned or arrested for political or any other reason, but murderers on a death row will be released only with the consent of the victims' families. **[28j]** However Arabic and Islamic media outside Iraq suggest the regime is still holding many in desperate conditions. Iraqi TV acknowledged that there was no freedom for those convicted of "the crimes of spying for the Zionist entity (Israel) and United States" although it fails to give numbers. It is also thought that not all political prisoners were released, it was also reported that thousands of prisoners are unaccounted for including academic and social figures. **[28i]** Following the release of prisoners at Abu Ghuraib's gates some protested at the disappearance of prisoners, the protest was reportedly dispersed peacefully. **[28m]**

THE BAAATH PARTY - MEMBERSHIP

5.20 As reported in the British/Danish fact-finding mission of 2002, Saddam Hussein once stated that "Every Iraqi is a member of the Baath Party" and in fact no qualifications as such are required to become a member. International sources in Amman stressed the need to differentiate between sympathisers or followers and members of the Baath Party. A person had to undergo test-classes before becoming a member. Only upon completion of the classes is it possible to join the Baath Party. **[49]**

5.21 According to the British/Danish fact finding report 2002, registration for recruitment purposes is completed whilst still at secondary school and that becoming a Baath Party member is not for everyone. It is a lengthy process and involves training in ideology for example. As sympathiser or follower an individual is considered low ranked and has minor duties. This position is held for about two years. A person must be recommended to undergo training in order to become a supporter. After further training - dependent on qualifications - a person becomes an advanced supporter. This position is also held for about two years. After recommendation the applicant undergoes further training and finally becomes a member. The three steps are completed within about five years. Intelligence and security officers advance faster through the classes and serve as sympathiser in about 1½ years, supporter in about 1½ years and then a member. Once a Baath Party member your branch selects you for different tasks. There are twelve ranks within the Baath Party and promotion depends on training, duration of membership and political loyalty. **[49]**

5.22 According to the UK Home Office and Danish Immigration Service report 2002, members of the Special Republican Guard, members of loyal tribes, diplomats, technicians and engineers are often members of the Baath Party. Members of the Intelligence and Security forces are all members of the Baath Party. This was confirmed by another source who informed the delegation that non-membership of the Baath Party can lead Iraqi citizens to face difficulties entering good schools, studying at university, getting a Government job and they cannot become members of the lawyers bar association or artists association. In order to study at Mosul University, membership of the Baath Party is essential. Only exceptional students can study medicine or engineering if they are not members of the Baath Party, however they are not recruited to Government jobs. Exclusively Baath Party members attend military academies. Previously the regime had a more tolerant attitude when it came to being a Baath party member or not, however today this has changed and membership of the Baath Party is obligatory and essential in many situations. Membership is essential for making a career and it was stressed that scholarships for universities abroad and post-doctoral education are in principle reserved for Iraqis associated with the Baath Party. Local leaders of the Baath Party may participate in the recruitment process, and it may upset the leader when people from the area resist joining. The Baath Party itself is responsible for recruiting new members. **[49]**

Structure

5.23 The structure of the Baath Party is a hierarchical military structure within the 18 provinces, 99 districts and

250 communes. Cities are divided in parts, which again are divided into districts. Each district contains sub districts. In each sub district there is a security person, a Baath party official and an Elderman/Muhtar. Baath Party members are also affiliated to schools, office departments, universities, women's associations, and Youth associations in order to oversee activities at all levels of Iraqi society. [49]

Duties

5.24 Baath Party members pay fees and are also involved in celebrations of Saddam Hussein's birthday and Victory Day celebrations. They are expected to report and inform on one another. Where a person or family moves from their residence to another place or area, they must inform the Elderman/Muhtar. The Elderman/Muhtar registers from where the person or family moves and informs the security service and the local Baath Party official. This procedure is also followed in cases where a change of residence from one apartment to another, but within the same building, occurs. Within two weeks of registration of the move, a Baath Party official will show up at the residence for a talk. An individual will only be permitted to move to Kirkuk if they are registered as Arabs. Since 1991 Shia-muslims are no longer allowed to buy houses in Saddam City in Baghdad. Before 1991 the Iraqi regime was based on fear and a nationalist, pan Arabic patriotism, it is today based upon corruption and fear. The monitoring has shifted from the civilian state and security to only security matters, as these are considered a basic concern. In the past reporting could involve informing on people who wanted to defect and matters such as the price of bread at a local baker's etc. Now only security matters are reported. Baath Party members are also involved in recruitment to al-Quds (The Jerusalem Army), Saddam Fidayeen and the Victory Day Army. Those Baath Party members together with the police, army and security, participate in searches for deserters. [49]

Risk of persecution by Baath Party members

5.25 According to the joint British/Danish fact-finding report 2002, the Baath Party can put pressure upon certain Iraqis to become members. This happens on a limited scale and might involve technicians, qualified scientists, high-ranking officials and journalists. Where a person requests not to join the Baath Party, there are two options available. Where the rejection is not seen as a political statement of a lack of loyalty to the regime and where the regime has confidence in the person concerned, then no further problems occur. Otherwise measures will be taken to either keep the person out of the Baath Party, or to make sure they join, as a way of controlling the person. Where a request to join the Baath Party is rejected, officials will try to persuade the person to change his mind. Questions may be asked such as whether he dislikes his country, whether he dislikes Saddam Hussein etc. If the person still refuses to join he might be brought to a Baath Party Centre where officials may take a tough line. A person might be held in detention for objecting to membership of the Baath Party. The length of detention is at the discretion of the Baath Party official responsible in the sub district and the length of detention may vary from 2 to 17 weeks. Dismissals from jobs and cutting of food rations are other possible sanctions. The degree of problems a person may encounter from the Baath Party varies according to the position of the person and family connections etc. If a person had serious problems with a local Baath Party official and therefore moved location it would very much depend on the Baath Party official as to whether further problems would be encountered. The Baath Party official, if determined to do so, might fabricate accusations against the person and inform Baath Party members of another branch. However it has to be taken into consideration whether the Baath Party official would be likely to make the effort to do so. Due to the widespread corruption in the Baath Party, members may take personal advantage of their position to gain profits by threats and intimidation. [49]

Political system - northern Iraq

5.26 Kurdish groups have controlled the three northern Iraqi governorates of Dohuk, Arbil and Sulaymaniya since the Iraqi administration withdrew in October 1991. In 1992, Kurdish elections showed a clear cut between the Kurdistan Democratic Party (KDP) which is almost unchallenged in the western part of the region and the Patriotic Union of Kurdistan (PUK) which prevails in the east. The two parties shared the vote equally, but later agreed to a 51/49 split in favour of the KDP. The partnership broke down and civil war erupted in 1994. The UK, US and Turkey, as co-sponsors of the 'Ankara Process', subsequently brokered a cease-fire. There are now two separate administrations either side of the cease-fire line, one controlled by the KDP and the other by the PUK. A Kurdistan National Assembly was elected in 1992. Five of its 105 seats were allocated to the Assyrian (Christian) minority while the two main parties agreed on a 51-49 split in favour of the KDP after voting had produced an exact 50-50 result. Since the outbreak of KDP/PUK clashes in 1994 the full parliament has not met, although the KDP and PUK have recently announced that they would reconvene the Assembly in October 2002. [46] Parliament reportedly did reconvene on 4 October 2002 and is functioning. [52]

5.27 In May 1992, in the absence of a negotiated autonomy agreement with the Iraqi Government, the Kurdistan Iraqi Front (KIF) organised elections to a 105 member Kurdish National Assembly. The Kurdistan Democratic Party (KDP) and the PUK were the only parties to achieve representation in the new Assembly. Elections held at the same time as those to the National Assembly, to choose an overall Kurdish leader, were inconclusive and were to be held again at a later date. **[1e]** A nominal presence in the National Assembly is given to Assyrian-Christians and the Turkoman. **[29]**

5.28 The PUK held municipal elections February 2000 and the KDP held municipal elections in May 2000, the first elections held in Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair. **[2f]**

5.29 The US Government designated 7 Iraqi opposition groups, in January 1999, eligible for US\$97 million worth of financial assistance under the Iraqi Liberation Act approved by Congress in October 1998. The groups were the Iraqi National Congress, Kurdish Democratic Party, Patriotic party of Kurdistan, Supreme Council for the Islamic Revolution in Iraq, Iraqi National Accord, Islamic Movement of Iraqi Kurdistan (IMIK), Movement for Constitutional Monarchy. **[5e]** In early January 2002 the US Department of State announced that it was suspending funding to the INC on the basis of a Department of State audit which had found that the group could not adequately account for its spending (although it was emphasised that there was no evidence of financial wrongdoing); it was subsequently reported that funding had been resumed. **[1g]**

5.30 Recent reports indicate that the PUK and KDP are co-operating with one another and are enjoying improved relations. **[49]** Both parties continue to work together on humanitarian issues, particularly in discussions with the UN on implementation of the 'Oil for food' programme. There have also been agreements on the return of internally displaced people to their hometowns and increased co-operation on security issues. Recently the KDP and PUK announced that the Joint Assembly would reconvene on 4 October 2002. **[46]** Further press reports confirm that the Kurdish Regional Government met on 4 October 2002 and is functioning. **[52]**

5.31 Two of the main Kurdish leaders in northern Iraq have signed an agreement to resolve their differences and commit themselves to a democratic Iraq. Massoud Barzani of the Kurdistan Democratic Party (KDP) signed the agreement with Jalal Talabani of the Patriotic Union of Kurdistan (PUK) when they met in the region's main town, Arbil. A senior PUK official told the BBC that both parties were in full agreement on a democratic future for Iraq. Sunday's agreement also re-established the parties' joint parliament and paved the way for clearing up any disputes left over from a peace deal brokered by the United States in 1998. That deal had been aimed at ending a bitter civil war, which lasted nearly five years, leaving about 3,000 people dead. The two parties agreed to form a committee to deal with any outstanding disputes between them. The head of the PUK's administration, Barham Salih, told the BBC that the two parties were in "complete agreement" on Iraq's future..."It will have to be a democratic, federal and parliamentary system." They also agreed to combat terrorism and revive the joint parliament, which was elected in 1992 but suspended during the subsequent fighting. The chamber, which is evenly divided between the parties, reconvened on 4 October 2002. The party had not met for two years. **[28d]**

5.32 It has been reported that lately, there is a high level of co-operation and peaceful coexistence between the various political organisations, including the KDP, PUK, Assyrians, and Turkmen, according to Nechervan Barzani, Prime Minister of the KDP, the convening of the joint parliament is key to the resolution of the outstanding issues between the KDP and PUK. The fulfilment of the Washington Agreement is strongly supported by all and represents the will of the people. The KDP and PUK are reportedly united in their position with regard to the future of Iraq and speak with one voice on the matter. **[51]**

5.33 On 8 October 2002 the unified parliament held a second session in Sulaimaniyah. The Iraqi National Assembly met with all members present. **[52]**

5.34 The mood throughout Iraqi Kurdistan remains very optimistic with everyone supporting the resolution of outstanding issues that has resulted in the reunification of the Parliament. Both sides remain committed to continuing the process of "normalisation" as outlined in the 1998 Washington Agreement. **[52]**

JUDICIARY

5.35 The judiciary is not independent, and there is no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes the rule of law. Numerous laws facilitate continued repression, and the Government uses extrajudicial methods to extract confessions or coerce co-operation. [2f]

5.36 There are two parallel judicial systems: the regular courts, which try common criminal offences; and special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the court of Cassation, which is the highest court. [2f]

5.37 Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often served as the basis for conviction. Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or personal predilection. There are no Shari'a (Islamic law) courts; however, regular courts are empowered to administer Shari'a in cases involving personal status, such as divorce and inheritance. [2f]

5.38 Procedures in the regular courts in theory provide for many protections; however, the Government often assigns to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defence lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation. [2f]

5.39 The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honour crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behaviour or alleged sexual misconduct. A 1992 decree grants immunity from prosecution to members of the Ba'ath Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials. [2f] Courts in Iraq consist of the following: the court of Cassation, Courts of Appeal, First Instance Courts, Peace Courts, Courts of Sessions, Sharia'a Courts and Penal Courts. [1]

5.40 The court of Cassation is the highest judicial bench of all the Civil Courts it sits in Baghdad and consists of the President and a number of Vice-presidents and no fewer than 15 judges, delegated judges and reporters as necessity requires. The Court of Appeal consists of a President and Vice-Presidents and no fewer than 3 members who consider the objections against the decisions issued by the First Instance Courts of first grade. The country is divided into five Districts of Appeal, namely Baghdad, Mosul, Basra, Hilla and Kirkuk. The Courts of First Instance are of two kinds, Limited and Unlimited in jurisdiction. Courts of Sessions consist of 3 judges under the presidency of the President of the Court of Appeal or one of his vice Presidents. These courts consider the penal suits prescribed by Penal Proceedings Law and other Courts. A Sharia court is established wherever there is a first instance court. Sharia courts consider matters of personal status and religious matters in accordance with the provisions of the law supplement to the civil and Commercial Proceedings Law. Penal Courts, a Penal Court of first grade is established in every First Instance Court. There is in every First Instance court a department for the execution of judgements. It carries out its duties in accordance with the provisions of Execution Law. [1][1e]

Amnesties-General

5.41 In general, the texts of these amnesties are very clear about whom they include and who they do not refer to. If it is put in general wording and does not specifically mention this group of people, it will not be applicable to them since the amnesties normally name the kinds of people they refer to e.g. teacher, doctors' etc. The military amnesties were among the few amnesties that were actually implemented in Iraq. People accused of military evasion, desertion etc were urged to give themselves up to the authorities, which many of them in fact did. In many of these cases the amnesties were actually applied. As for the amnesties concerning political activists, the international human rights organisations fear that, if people do give themselves up, they might become victims of human rights violations. This has indeed happened in the past. [53]

[See section on Prisons for amnesty of 20.10.02]

JUDICIARY - NORTHERN IRAQ

5.42 There is a functioning judicial system operating in northern Iraq. The principle of separation of power is applied and the judiciary is considered to be independent. However, Amnesty International claims that due to the influence of parties and clans the judiciary is not independent. [22]

5.43 Both the PUK-and the KDP-controlled local administrations maintain separate judicial systems. They use the Iraqi legal code. Both come under a separate Supreme Court of Cassation. [2f]

5.44 Following the withdrawal of Saddam Hussein from northern Iraq in 1992, the Kurdish authorities continued to apply the bulk of Central Iraqi law. Since 1991 sections of Central Iraqi law have been repealed. Some provisions of Iraqi law that are incompatible with the autonomy of northern Iraq have been repealed. One example is the scrapping of the rules on the Baath party. [22]

5.45 Both the judicial systems of the KDP and the PUK are based on the general Iraqi system and hence apply the Iraqi Penal Code and the Code of Criminal Procedure, with the exception of some articles, which have been suspended until the general situation in Iraq is resolved. Most of the prisoners will be tried before ordinary criminal courts, still there are some at the present time who are held without trial. Another aspect of improvement is that the majority has easier access to lawyers and are more often brought before a judge now than used to be the case. [53]

5.46 The north has its own family law, which is applied in keeping with individuals' religion. This ensures that Christians are not subject to Islamic law. Tribal law may also play a role in northern Iraq, eg an offence may escape prosecution if it arises from a tribal conflict and the parties wish to settle their dispute amongst themselves. [22] The PUK and KDP authorities may intervene to bring about settlements between the families, clans and tribes concerned. Where tribal chiefs cannot agree or in the case of a particularly serious criminal offence (such as murder), the KDP and the PUK will endeavour to ensure that due judicial process operates and that a court judgement is in fact accepted. One means available to the authorities here is the imposition of fines or reduction of sentences. [22]

5.47 In both PUK and KDP areas, judges are appointed by the government and the parliament. New judges are required, inter alia, to have considerable legal experience. Court sessions and sentencing in principle take place in public. Justice can be sought at three levels: courts of first instance, courts of appeal and the Supreme Court. The lower courts may be divided into courts for various branches of law, such as criminal law, civil law, youth law, family law and labour law. Appeals may be brought against judgments at first instance to one of the Courts of Appeal. The highest court in the KDP area (Supreme Court) is located in Arbil. For a long time this court acted as the Supreme Court for cases from northern Iraq as a whole. However, the PUK recently established its own Supreme Court in Sulaymaniyah. Everyone in northern Iraq is entitled to the assistance of legal counsel. In civil proceedings, the parties usually defend their interests themselves. The assistance of legal counsel is customary in criminal proceedings. If a party cannot afford legal counsel, a lawyer is assigned by the authorities. There are currently many legal practitioners in northern Iraq with little or no work. It is thus not difficult at the moment in northern Iraq to find a lawyer for a reasonable fee. [22]

CITIZENSHIP

5.48 Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) are required to apply for naturalisation as citizens. Many foreigners thus become subject to travel restrictions. The penalties for non-compliance include, but are not limited to, loss of the spouse's job, a substantial

financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality. [2f]

MILITARY SERVICE

5.49 Saddam Hussein is the Commander-in-chief of the Armed Forces. [1e] In August 2001 the armed forces totalled an estimated 424,000 regular members; the army had an estimated total strength of 375,000 (including an estimated total 100,000 recalled reserves); the air force had a strength of some 30,000, the navy an estimated 2,000 and an air defence command an estimated strength of 17,000. Paramilitary forces comprised security troops, border guards and Fedayeen (martyrs), with strengths estimated, respectively, at 15,000, 9,000 and 18,000-20,000. Defence expenditure in 2000 was estimated at US \$1,400m. [1g]

5.50 Military service is compulsory for all men at the age of 18 years, and lasts between 18 months and two years, extendable in wartime. [1g] It is possible to begin military service at the age of 14, however those under the age of 18 require the consent of their father. [30] See also Saddam Cubs under "Children"

5.51 As outlined in the British/Danish fact-finding report 2002, military service generally lasts 2-3 years and 1½ years for university students. For unskilled and lower educated soldiers the length of service is 36 months, 24 months for the skilled and higher educated soldiers and 18 months for graduates. However another source informed the delegation that the length of military service is dependent on the conscript's level of education. [49]

5.52 According to the joint British-Danish report on Iraq 2002, the delegation were informed that in principle all Iraqi males between the age of 18 and 45 (in peace time) are obligated to serve in the Iraqi army. The age limit is extended to 55 in times of war. On completion of military service the conscript could be re-called at any time and without warning up to 45 years of age. Specific birth year or classes are targeted by these revision exercises, which on average last for 2 months. Recalls are via an announcement in the media. [49]

Draft Evasion and Desertion

5.53 The joint Danish/British report of 2002 states that an oath is given on commencement of military service, hence absence is regarded as desertion and a serious offence. According to one source, draft evaders will face imprisonment and further enrolment in the military service. The imprisonment term will vary from one to six months. With regard to deserters there is no confirmed information as to what their fate would be upon return to Iraq and will also depend on whether the person was an officer or a soldier. [49]

5.54 One source informed the British/Danish delegation (2002) the prison term faced by draft evaders may be up to 6 months. Deserters will face imprisonment of up to 2 years. [49] Another source reported that when draft evaders are caught they face a penalty of some months of detention. In cases of desertion where the regime sometimes feels it is necessary to make an example for others, it cannot be ruled out that Iraqis who have deserted the army several times may face the death penalty. According to the same source families who assist relatives who have evaded military service or deserted, risk having their rations cut. The British/Danish delegation were informed by one source that when reservists fail to show up for military service the recruitment office will go to the security service who contacts the local elderman (Muhtar). The security service will approach the reservist at his home.[49]

5.55 The same Danish/British delegation were informed by one source that the importance of the Army has declined, and so to has the severity of the punishment accordingly. Information is unclear regarding the type of punishment awarded, but apparently punishment will vary according to the number of times of desertion. Though undoubtedly deserters will be punished. According to the same source amnesties concerning draft evasion and desertion have been declared and honoured. According to the amnesties all deserters can return within a limited period of time, however, some groups are excluded from the amnesties such as homosexuals and criminals. Upon return they must accept the punishment of 6 months imprisonment. [49]

5.56 Deserters and draft dodgers from Central Iraq are deemed to be allowed to remain in northern Iraq

unhindered, with the exception of deserters from the Central Iraqi army above the rank of captain. However high-ranking officers from the Central Iraqi army whose military knowledge and skills are useful to the KDP and PUK may be supported, protected and possibly employed by either of the parties. Low ranking deserters do not seem to attract negative attention from the Baghdad government although an exception may be made occasionally in the case of a very limited number of low ranking army personnel with highly specific (military) information, skills or background. Near Zawita, north-east of Dihok, there is a heavily guarded camp with, inter alia, deserters from Central Iraq. Camp dwellers apparently have no problems to speak of. [22]

Exemption/postponement

5.57 According to the joint British/Danish fact-finding report on Iraq for 2002, redemption money can be paid to limit the length of service. For 1,500,000 Iraqi dinars military service can be shortened to 3 months basic training. The payment of bribes can also limit the length of service and sometimes pay off the basic training. In addition, the same source informed the delegation that recall exercises can be avoided by payment of 2,250,000 dinars and also by bribery, whereby a certain sum lower than the official sum is agreed between the officer and draftee. The fee varies depending on location; it will be more expensive to buy your way out in the south of Iraq than in Baghdad and surrounding areas. Since August 2001 payment can be made in lieu of military service. Reportedly an Iraqi citizen abroad can buy his way out of military service for 1,000 USD provided he had left Iraq legally. [49]

Drafting System

5.58 According to the joint British/Danish report 2002, at the age of 17 the conscript goes to the Muhtar at their place of residence, normally accompanied by their father to register following receipt of convocation for military service. The military administration carries out medical examinations and requests a photograph. When mobilised, the young men are sent to temporary military camps and depending on their level of education or competencies, later to appropriate military camps. Each year certain age categories are called up. Call up takes place by way of the media, such as newspapers or television. A conscript has to report to the nearest military administration before 1 November preceding his 18th birthday, in the town or village where his family is registered. He receives a military service card and a personal military file is created for every conscript. [49] It would be impossible to send personal letters to everyone hence the use of the media. A conscript must report to the nearest military office. In case the nearest military office is not the same as that of his place of birth then the office at his place of birth forwards the conscripts military file to the office where he resides. Depending on where he is to serve, the conscript is obliged to present himself within 2 weeks.[49]

Regular Army

5.59 According to joint Danish/British fact-finding mission report on Iraq 2002, conscripts are reported to make up the largest part of Iraqi armed forces. The importance of the army has diminished and army units are now deployed no nearer than a 100 kilometres to Baghdad. According to refugee claimants the regime mistrusts the army and wishes to keep it at a distance and under control. [49]

Military Documents

5.60 As outlined in the joint Danish/British fact-finding report 2002, a red booklet is issued to the conscript, kept for life, containing a photograph, name and CV. Every draftee is issued with a military booklet containing information about call up, discharge, exercises, rank, promotion and money paid to redeem service. The place of encampment issues a military ID card; kept throughout military service. Different colours are used depending on the type of military unit served in. This card is called "Huwiyya Askariyya" in Arabic and is to be returned on completion of military service. Handing over of the military booklet to authorities abroad handling the person's asylum application would not be regarded as revealing military secrets as the booklet contains nothing sensitive. [49]

Militias

5.61 The Danish/British fact-finding report of 2002 states that there are 3 militias in Iraq, namely Saddam Fedayeen, Al Quds and Popular Army with Futuwah, which is the youth wing. It is the aim of the regime to have one person from each family joining one of these forces voluntarily. [49]

Saddam Fedayeen

5.62 According to the British/Danish report 2002, this militia was initially created as a team to work on anti-smuggling duties and on patrol, but now it has more security involvement and is considered to be an elite unit. Members are very well trusted and report directly to the upper levels of the regime. They are normally Sunnis but sometimes on rare occasions they may be members of certain Shia tribes close to the regime. The militia was founded in 1995 and was initially under the command of Saddam's oldest son, Uday, but the command has now been transferred to his younger brother Qusay. The deputy commander is Staff Lieutenant General Mezahem Saab Al Hassan Al-Tikriti. [49]

Recruitment

5.63 According to the joint British/Danish fact finding report, the delegation were informed that recruitment is in principle voluntary, however it cannot be ruled out that pressure may be put upon a potential recruit and his family. This was confirmed by another source, who added that the Fedayeen Saddam recruits young Iraqis from tribes and regions considered loyal to Saddam Hussein. Generally there is never a shortage of volunteers but occasionally recruits may be forced to join, also youngsters may be pressurised by the tribe leader. The conditions and pay are of a higher standard than regular units of the armed forces and an attractive image is portrayed on television. This propaganda appeals to young men who believe the unit to be elitist and to some, armed Fedayeen have social status. The uniform is black and members carry Kalashnikov rifles, which they are allowed to take home. Lectures are used as a means of recruitment at schools and universities and recruits are often members of the Baath party. Recruitment is open to both sexes. Since 1998 in some isolated cases, Saddam Fedayeen, recruited Kurds from the northern part of Government controlled Iraq. At the same time the regime approached Shias in the South. So it cannot be ruled out that on a limited scale some young men from Kurdish or Shia-muslim tribes considered loyal to the regime have been recruited (e.g. al Khalifa from Kerbala). According to another source, it is very seldom that young Shias are recruited. Shias are considered to obey only their religious leaders. A Baath party member in charge of recruiting members to the Fedayeen Saddam may approach the family or the draftee and it would be a brave person who dared to refuse to join. [49]

Tasks

5.64 The Danish/British fact finding report of 2002 states that Saddam Fedayeen originally was set up as an anti-smuggling and patrol unit. Saddam Fedayeen is now believed to have a number of tasks concerning internal security and is counted on to support Saddam Hussein against domestic opponents. According to unconfirmed reports the unit was involved in the beheading of prostitutes and other forms of executions a few years ago. [49]

Evasion and Desertion

5.65 The Danish/British report 2002 states that in cases of desertion, the same rules apply as to the army, but, probably more strictly as it is a corps that is counted on as loyal to Saddam. Refusal to join may result in capture and even torture. Psychological pressure may also be used. Some may flee and hide to escape recruitment. It is not acceptable to leave the corps before time and if done this may lead to problems. Refusal to join the Saddam Fedayeen may risk a cut in food rations, to be fired from jobs or transferred to Government jobs in remote areas far away from Baghdad. Pressure will be put on individuals if they refuse to join. There will be a risk of investigation by security services and torture is widely used over all Government controlled Iraq. However you can also find someone to bribe (bribery is always an option) but this entails moving away from the area and keeping a low profile as neighbours might inform Baath party members. It is also important to keep a low profile in case other Baath party members find out about the evasion. [49]

5.66 According to another report the paramilitary Fedayeen Saddam (Saddam's "Men of Sacrifice") was founded by Saddam's son Uday in 1995. In September 1996 Uday was removed from command of the Fedayeen. Control passed to Qusay, further consolidating his responsibility for the Iraqi security apparatus. The Deputy Commander is Staff Lieutenant General Mezahem Saab Al Hassan Al-Tikriti. The Fedayeen, with a total strength reportedly between 30 - 40,000 troops, is composed of young soldiers recruited from regions loyal to Saddam. The unit reports directly to the Presidential Palace, rather than through the army command, and is responsible for patrol and anti-smuggling duties. The Fedayeen is a politically reliable force that can be counted on to support Saddam against domestic opponents. [26a]

Ashbal Saddam (Saddams Cubs)

5.67 School boys aged between 12-17 years may attend a month long military training camp for 3 weeks during the summer holidays. Dubbed the "lion cubs of Saddam" the school boys allegedly receive training in small arms at the camp. Saddam's Cubs prepare young volunteers for Saddam's Fedayeen. **[27][30]** According to the joint Danish/British report on Iraq 2002, Ashbal Saddam was established by a resolution from the Revolutionary Command Council. According to the resolution the age of members is between twelve and fifteen years. The maximum age was later raised to seventeen years. Since 1994 thousands of teenagers have undergone military training in summer-camps in Iraq. The training is performed for a few weeks and is the first military training for boys between twelve and seventeen. The training is also considered as a preparation for future of volunteers to the Fedayeen Saddam. **[49]**

Al Quds/Jerusalem Army

5.68 The Danish/British report 2002 records that "Jaysh al-Tahrir al-Quds" (Jerusalem Army) was founded in the year 2000. Both men and women can join the Jerusalem Army. The Iraqi president founded the army in October-November 2000 at the beginning of the Second Palestinian Intifada. It is a propaganda tool and it's alleged mission is to take back the "lost Holy Land", Palestine and in particular, Jerusalem. According to another source al Quds is a political force, existing just for show. Recruits are paid for joining but have to wait a long time for their salary. They are also given housing. Allegedly there are 1-2 million volunteers. **[49]**

Recruitment

5.69 The joint Danish/British report outlines that al Quds is a political/armed militia force. Recruitment began as voluntary but in time changed to involuntary. It is possible for the recruit to buy his way out, however the amount payable will be dependent upon his connections with the recruiting office. For example it can vary from 100,000 Iraqi dinars up to 2 million Iraqi dinars. Members are recruited from the general population. However another source informed the delegation that there is no clear information regarding the recruitment system or punishment and penalties for evasion or desertion. **[49]**

Tasks

5.70 Allegedly the army was established in order to liberate "the Holy Land" - Palestine and Jerusalem. **[49]**

Evasion and Desertion

5.71 The Danish/British delegation were informed that if a recruit refuses to join Al Quds, he may run the risk of losing his job, his food ration or even his permission to build a house. Any potential persecution depends on the person in charge. **[49]**

People's Militia/Army of the People/Popular Army/Peoples Army (al Jaysh ash Shaabi)

5.72 "Al Jaysh ash Shaabi" is referred to in English as the Popular Army, People's Militia, People's Army or Army of the People. **[49]** As cited in the British/Danish report 2002, this Baath Party militia was founded in 1970. A special youth section known as the Futuwah was later included. This unit recruits men who have completed regular military service. According to one source in January 1998 the Iraqi government called on civilians to voluntarily join the Army of the People. The call was a result of the crisis between Iraq and the United Nations and from 1 February 1998 Iraqi men and women of all ages gathered in schools and community centres for daily military training of two or three hours duration. According to the same source some reports state that participation in the training was as voluntarily as the Iraqi government wanted the world to believe. Later reports state that the same training is still ongoing in the whole of Iraq, although officially the training was closed and marked by a parade through the streets of Baghdad. Students undergo elementary training at the Army of the People during holidays. They are selected with the aid of the registration system that enables the distribution of food rations from the "Oil for Food programme". The students are not permitted to take their weapons home. **[49]**

Tasks

5.73 According to the British-Danish report, the unit's primary function was of a political nature and a counterweight against any coup attempts by the regular armed forces. In 1981 during the Iraq-Iran war, the Peoples Army supported the regular armed forces. Members receive training in the use of arms and parading. The Jerusalem Army has taken over the position of the Peoples Army as a propaganda tool for the Iraqi government. [49]

Evasion and desertion

5.74 The joint Danish/British fact finding delegation were told that there is no clear information regarding evasion or desertion but the same rules as for the regular army are applied. [49]

Futuwah (Youth Vanguard)

Recruitment

5.75 The Danish/British report (2002) states that a Baath Party Militia was formed in 1970. This militia included a special youth section known as the Futuwah from 1975. It is a paramilitary organisation for secondary school students where boys and girls between the age fourteen to eighteen can join. At the end of the Iran-Iraq war thousands of youths had volunteered for training in the Futuwah. Unverified reports state that some Futuwah units went to the front for short periods of time in 1983 and 1985. [49]

Tasks

5.76 The British/Danish fact-finding report states that members of the Futuwah are trained in the use of weapons and in civil defence work. [49]

Evasion and desertion

5.77 According to the joint British/Danish fact-finding report (2002), the delegation was informed that the same rules as for the regular army apply. [49]

MILITARY SERVICE - NORTHERN IRAQ

5.78 The PUK and the KDP each have their own police force, security service (the Asayish), intelligence service and armed forces. Both sets of armed forces consist in the main of peshmergas. A number of other parties also have such armed fighters. [22]

5.79 There is no compulsory military service in the areas controlled by the PUK. All military personnel (Peshmergas) join the service voluntarily. [31] The Kurdish authorities in northern Iraq do not impose military service. [22]

5.80 Men from northern Iraq are not called up for military service in the Central Iraqi army. Military service has been suspended for this category of persons since 1992. However, occasionally (as far as is known) male Arabs from northern Iraq travelling to Central Iraq, eg to apply for a passport, are conscripted into the Central Iraqi army. [22] According to the joint British/Danish report of 2002, the delegation was informed that anyone resident in northern Iraq would not be called into the Iraqi army. It is highly unlikely that Saddam would want a Kurd from northern Iraq in the army and does not actively seek people in the north for recruitment. If a Kurd was travelling in the south then he may be called in to pay an evasion fee. [49]

5.81 The Kurdish authorities in northern Iraq do not impose military service. In general no pressure is exerted on people to become peshmergas. Nor is any pressure necessary as being a peshmerga is regarded by many as an honourable career providing an income, when unemployment runs high, many will volunteer to become peshmergas. For this reason, the drop-out rate is low. Anyone no longer wishing to be a Peshmerga can resign without problems. There are always enough volunteers to take his place. However, peshmergas with sensitive

information about the party or its top officials may have problems resigning. Peshmergas are not allowed to leave, desert or refuse orders during armed operations. A peshmerga doing so in KDP territory will be tried under Iraqi military law (the "Disciplinary Code"). In PUK territory a Peshmerga Court was set up under Kemal Mufti's leadership in 1999 to deal with such matters. Punishment of KDP or PUK peshmeergas who desert or refuse to carry out orders from their superiors may be influenced by family ties, clan connections and specific circumstances. Depending on the charge brought, punishment may theoretically range from a reprimand or disciplinary action to a prison sentence or even the death penalty. Severe punishment hardly ever occurs in practice. Cases of desertion and insubordination are reported to be rare. Both the KDP and PUK were reported to be in the process of professionalising their peshmerga forces and organising them more tightly. [22]

INTERNAL SECURITY

5.82 The Government's security apparatus includes militias attached to the President, the Ba'ath Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. [2f]

5.83 Around 300-400 members of Saddam's extended family (the Tikriti clan, or certain sections of it) occupy key positions in the security service organisations and in the command of the Republican Guard. [40]

5.84 Saddam Hussein's support structure is a pyramid like organisation, with the President exercising absolute power on a day to day basis. Saddam's efficient support system has been carefully built up over 35 years through a combination of hard work and ruthlessness. In 1964, at the age of 26, Saddam Hussein assumed a senior position in the newly formed Iraqi Ba'ath Party leadership. He immediately took the initiative to create and exclusively control a small security organisation consisting of some of the party's younger members who he selected personally to protect the Ba'ath from external and internal enemies. This evolved into the party's security and intelligence organisation, responsible, before the Ba'ath took power in 1968, for assassinations of members of other political groups as well as fellow Ba'ath Party members. Saddam's control over this small intelligence unit allowed him to establish gradual control over the heart of the party organisation, and eventually, by controlling the ruling party, he was able to control the Iraqi State. [40]

5.85 Saddam Hussein's support structure has four main roles: The President's personal safety; the prevention of a military coup; the prevention of popular uprising and minimising external threats to the regime. The main infrastructure of this support system consists of three basic institutions. Each provides specific kinds of control and support. These are the security support system; the military support system; and the political support system. [40]

Political support system

5.86 The Ba'ath Party organisations (Estimated 400,000 members, plus 22,000 paramilitaries (popular army and Feda'yeen Saddam forces). The political support system consists mainly of the civilian organisation of the Ba'ath Party and the party's armed militia, as well as a number of affiliated provisional societies. Since Saddam assumed direct power as President of the Republic in July 1979, the Ba'ath Party organisation has been gradually transformed to a huge intelligence organisation in charge of collecting information on ordinary citizens as well as government officials. Party members even spy on each other. [40]

LEGAL RIGHTS/DETENTION

5.87 The Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999 AI report, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in the last few years because of suspected opposition activities or because they were related to persons sought by the authorities. Those arrested often were taken away by plain-clothes

security agents, who offered no explanation and produced no warrant to the person or family members. The authorities deny detainees legal representation and visits by family members. In most cases, family members do not know the whereabouts of detainees and do not make inquiries due to fear of reprisal. Many persons are taken away in front of family members, who hear nothing further until days, months, or years later, when they are told to retrieve the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others. [2f]

5.88 It was reported that in July 2001 the Government initiated an arrest and detention campaign involving thousands of individuals who initially had volunteered to serve in the newly formed Al-Quds militia force, but who had not shown up for training. Mass arbitrary arrests and detentions often occurred in areas in which antigovernment leaflets were distributed. In June 2001 the Coalition for Justice in Iraq reported that the Government arrested dozens of lawyers and jurists for distributing antigovernment leaflets. The leaflets reportedly indicated the authors' intent to expose the Government's violations of human rights. Security forces arrested hundreds of persons in al-Najaf, Karbala, and the Shi'a section of Baghdad following an anonymous distribution of antigovernment leaflets in 2000. Other arrests have no apparent basis. [2f]

5.89 In September 2001 the Government arrested and expelled six U.N. humanitarian workers and refused to provide any evidence as a basis for its actions. According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remained in detention. The Government reportedly targeted the Shi'a Muslim community for arbitrary arrest and other abuses. For example, in May 2001 the Government reportedly executed two Shi'a clerics, Abdulsattar Abed-Ibrahim al-Mausawi and Ahmad al-Hashemi, for claiming that the Government was involved in the killing of a Shi'a cleric in 1999 and the killings of four engineers from the Electricity Board for receiving bribes. In the weeks preceding the February 1999 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end. Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing. Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. According to a report received by the Special Rapporteur in 1998, such persons have been detained without charge for close to 2 decades in extremely harsh conditions. The report states that many of the detainees were used as subjects in the country's outlawed experimental chemical and biological weapons programmes. [2f]

5.90 The Special Rapporteur noted that guilt by association is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the Government. For example, relatives who do not report deserters may lose their ration cards for purchasing government-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons training camps. Conscripts are required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted. [2f]

LEGAL RIGHTS/DETENTION - NORTHERN IRAQ

5.91 Apart from flagrante delicto arrests, an arrest warrant must in principle be completed before anyone can be arrested. The investigating magistrate is competent to issue such warrants. This is not always the case in practice; individuals are occasionally arrested without it being possible to produce an arrest warrant. Those involved do not normally receive a copy of the arrest warrant. However, legal counsel of the person concerned may obtain a copy on request. The PUK and KDP have recently tried to achieve the introduction of a maximum remand period of thirty days and a greater role for the courts in arrests. Release on bail is possible for a number of offences. [22]

DEATH PENALTY

5.92 The list of offences requiring a mandatory death penalty has grown substantially in the past few years and now includes anything that could be characterised as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Special Rapporteur has noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offences as "insulting" the President or the Ba'th Party. "The mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty," the Special Rapporteur stated. [2f]

DEATH PENALTY - NORTHERN IRAQ

5.93 The death penalty is imposed in northern Iraq for a large number of offences such as murder. In principal the Iraqi criminal code is adhered to. However since the conclusion of the Washington agreement, it would seem that the death penalty is no longer carried out. [22]

5.94 As far as is known, there are no indications that the KDP and PUK have been responsible for any extra-judicial executions over recent years. Following the Washington agreement, as far as is known there have been no summary executions within the prison system. [22]

PRISON AND PRISON CONDITIONS

5.95 According to the US State Department report for the year 2001, prison conditions are extremely poor and life threatening. There are reportedly numerous official, semi-official, and private prisons throughout the country. Overcrowding is a serious problem. In May 1998, Labour and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post after the interview, and the government-owned daily newspaper Babel reiterated the Government's long-standing claim that it holds virtually no prisoners. It was unclear to what extent the mass executions committed pursuant to the "prison cleansing" campaign has reduced overcrowding. [2f]

5.96 According to the US State Department report published in 2002, certain prisons are infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly have torture chambers. There are numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly is the site of torture and a number of disappearances. The Al-Radwaniyah detention centre is a former POW facility near Baghdad and reportedly the site of torture as well as mass executions. [2f]

5.97 Abu Ghraib prison, west of Baghdad, may hold as many as 15,000 persons, many of who are reportedly subject to torture. [2d] Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. According to a report received by the Special Rapporteur in 1998, such persons have been detained without charge for close to 2 decades in extremely harsh conditions. The report states that many of the detainees were used as subjects in the country's outlawed experimental chemical and biological weapons programmes. [2f]

5.98 The Government does not permit visits by human rights monitors. [2f]

Prison cleansing

5.99 Opposition groups have claimed the Iraqi regime carried out large numbers of executions in 1997. The Iraqi National Congress (INC) claimed in December 1997 that at least 1,200 prisoners were executed as part of a so-called "prison cleansing campaign". It was claimed that most were suspected

of belonging to opposition groups. Also in December 1997 four Jordanian students were executed for smuggling car parts. However, in January 1998 Iraq released 95 Jordanian prisoners. During 1999, the UN Special Rapporteur continued to receive reports referring to a "prison cleansing" execution campaign taking place in Abu Ghraib and Radwaniyah prisons [2d][3c][3d][3e][3f]

5.100 Saddam Hussein declared an unprecedented amnesty to thank the Iraqi people for their "unanimity" in the referendum of October 2002, which extended his powers for another 7 years. The "full and complete amnesty" applied to any Iraqi imprisoned or arrested for political or other reason but reportedly murderers on a death row will be released only with consent of the victims' families. [28h]

5.101 Iraq's Revolutionary Command Council (RCC), the state's supreme authority, has issued an amnesty to all prisoners in Iraq. The text of the decree was read on state television: The RCC has decided the following:

1. A general, comprehensive, and final pardon is granted to Iraqis, both civilians and military, both inside and outside Iraq, who have been sentenced to death or to life or temporary imprisonment. The pardon shall apply whether the verdicts have been issued in their presence or in absentia, and whether they have acquired their final status or not.
2. The provisions of Article 1 of this decree shall apply to all the accused, both detained and at large. They shall be pardoned for all crimes, regardless of their kinds and degrees, including the crimes related to military service or absconding for political reasons. All legal proceedings against them shall be halted.
3. The convicted and detainees referred to in Articles 1 and 2 of this decree shall be released, unless they are convicted or detained for murders about which no reconciliation has been reached with the families of the murdered.
Those who are indebted to individuals or the state shall not be released until they have paid their debts in one sum or in instalments or until their prison terms have ended.
4. A committee chaired by a grade-one judge, assisted by at least a grade-two judge and a public prosecutor, shall be set up. The minister of justice shall name the head and members of the committee, which shall be in charge of implementing the provisions of this law with respect to murders and debts for individuals or the state.
5. No provision that conflicts with the stipulations of this decree shall apply.
6. This decree shall apply as of the date of its issuance.
Saddam Hussein, RCC chairman. [28i]

5.102 According to a BBC press report no official figures have been given on the exact number of political prisoners and criminals who were freed when Iraq's jail gates were opened, but tens of thousands are now estimated to be beginning a new life of freedom. Abu Ghuraib prison is reported to be deserted following the amnesty. [28k] However other reports state that many prisoners remain unaccounted for and according to one report Iraqi TV acknowledged that there was no freedom for those convicted of "the crimes of spying for the Zionist entity [Israel] and United States" although it fails to give numbers. [28l] According to another news report authorities claimed that 13,000 inmates were released from Abu Ghuraib prison, however numbers are unconfirmed.[28m]

TORTURE

5.103 The Constitution prohibits torture; however, the security services routinely and systematically tortured detainees. According to former prisoners, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, pulling out of fingernails, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture often was apparent when security forces returned the

mutilated bodies of torture victims to their families. There were persistent reports that the families were made to pay for the cost of executions. Refugees who arrived in Europe often reported instances of torture to receiving governments, and displayed scars and mutilations to substantiate their claims. In August AI released a report entitled "Iraq: Systematic Torture of Political Prisoners," which detailed the systematic and routine use of torture against suspected political opponents and, occasionally, other prisoners. [2f]

5.104 The Special Rapporteur continued to receive reports that arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur has expressed concern about cruel and unusual punishments prescribed by the law, including amputations and brandings. In 2000 the authorities reportedly introduced tongue amputation as a punishment for persons who criticize Saddam Hussein or his family, and on July 17 2000, government authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein. Authorities reportedly performed the amputation in front of a large crowd. Similar tongue amputations also reportedly occurred in the city of Hilla during the year. The Government never has acknowledged such reports, conducted any investigation, nor taken action against those tortured prisoners. [2f]

5.105 In 2000 the Iraqi Communist Party reported that 13 prisoners died at Makaseb detention centre in December 1999 and January 2000 as a result of torture and poor prison conditions. The 13 prisoners reportedly were among the Shi'a detained in the aftermath of the protests following the February 1999 assassination of Sheik Al-Sadr. In August 2000, the ICP reported that three political prisoners died from illnesses contracted in Abu Ghurayb prison. The prisoners reportedly were denied medical treatment. [2f]

5.106 Human rights organisations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted both government officials and opposition members in order to blackmail them into compliance. Former Mukhabarat member Khalid Al-Janabi reported that a Mukhabarat unit, the Technical Operations Directorate, used rape and sexual assault in a systematic and institutionalised manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure their future co-operation. [2f]

5.107 The security forces allegedly raped women who were captured during the Anfal Campaign and during the occupation of Kuwait. The Government never has acknowledged these reports, conducted any investigation, nor taken action against those who committed the rapes. [2f]

5.108 In 2000 the Special Rapporteur reported receiving information about two detention facilities in which prisoners are locked in metal boxes the size of coffins that reportedly are opened for only 30 minutes each day. A multi-story underground detention and torture centre reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Centre for Human Rights of the Iraqi Communist Party stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state, that is, those whose status, fate, or whereabouts are not disclosed [2f]

5.109 It was reported that about 2500 prisoners were executed between 1997 and 1999 in a "prison cleansing" campaign. In October 2001 23 political prisoners were reportedly executed at Abu Ghraib prison. [55]

PRISONS - NORTHERN IRAQ

5.110 Various local administration agencies have responsibilities within the northern Iraqi prison system. As well as regular state prisons, there are detention centres run by the PUK and KDP and their Asayish. In addition there are also military prisons. [22]

5.111 According to the Netherlands report of 2000, the total number of prisoners with a (partially) political background in northern Iraq is said to range from a few hundred to an estimated maximum of fifteen hundred, spread in a reasonably balanced manner across PUK and KDP areas. Conditions in prisons in northern Iraq do not meet international requirements as laid down in 1955 in the United Nations minimum standards for the treatment of prisoners. Human rights violations do occur upon arrest and during detention. Conditions of hygiene

in the prisons leave much to be desired. [22]

5.112 There has been some improvement in prison conditions over recent years owing to the intervention of the ICRC. At the beginning of 2002 the ICRC visited 500 prisons regularly and as a result of these visits workshops have been set up by the ICRC to improve the quality of prison life, the northern Iraqi authorities are co-operating with them. [22]

5.113 Iraqi Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions was observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintain private, undeclared prisons, and both groups reportedly deny access to ICRC officials. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners. [2f]

5.114 In the year 2000 it was reported that the ICRC regularly visits between 500-600 prisoners in 40 detention centres in northern Iraq to monitor prison conditions and treatment of detainees. The ICRC tries to promote awareness of and respect for international human rights. In the past the local authorities have been receptive to ICRC recommendations and many have been implemented. [22]

MEDICAL SERVICES

5.115 A limited Social Security Scheme was introduced in 1957 and extended in 1976. Benefits are given for old age, sickness, unemployment, maternity, marriage and death. Health services are provided free of charge. More than US \$1,500m was spent on building more than 30 new hospitals under the 1981-85 five-year Plan, providing about 11,500 beds. By the end of 1986 as a result of these additions, Iraq had 228 hospital establishments, with a total of 32,166 beds. In 1998, according to WHO data, Iraq had 55 physicians per 100,000 population and 236 nursing personnel per 100,000 population. In September 1997 the Iraqi Government stated that hospitals could operate at only 30% of capacity. [1b]

5.116 The report of the Special Rapporteur covering August-November 2000 comments on the deplorable conditions in the country's hospitals including the deterioration of the buildings and equipment. He states that there has been a deterioration in medical treatment because of a lack of medical literature and training; a decision by the government to increase allocations under the oil-for-food programme to meet the food, nutrition and health requirements of the population. The SR stated that: while the oil-for-food programme and other humanitarian assistance had met to some extent certain immediate needs, this was a short-term answer to a long-standing issue. [32]

5.117 According to the Danish fact finding report for Iraq for 2001, the health system has collapsed. The health system has two tiers - "top level" and "community level". The whole system at community level, which used to consist of small hospitals, has disappeared. The source emphasised that there is social uncertainty, but nobody is dying of social hardship. [50]

MEDICAL SERVICES - NORTHERN IRAQ

5.118 In northern Iraq developmental projects and aid schemes are currently underway with some international NGO's operating there. No substantial shortage of medicine is felt, the food situation does not pose any problems and there is no acute malnutrition. [22]

EDUCATIONAL SYSTEM

5.119 The Government does not permit education in languages other than Arabic and Kurdish. **[2f]**

5.120 Education is provided free of charge, and primary education, beginning at six years of age and lasting for six years, has been made compulsory in an effort to reduce illiteracy. Enrolment at primary schools of children in the relevant age group reached 100% in 1978, but the proportion had fallen to 76% by 1995 (males 81%, females 71%). Secondary education begins at 12 years of age and lasts for up to six years, divided into two cycles of three years each. Enrolment at secondary schools in 1995 was equivalent to 42% of children in the appropriate age group (males 51%; females 32%). There are 47 teacher-training institutes, 19 technical institutes and eight universities. In the 1991/92 academic year 46,250 students were reported to have enrolled in courses of higher education. **[1g]**

5.121 Since the establishment of the Republic in 1958, there has been a marked expansion in education at all levels. Spending on education increased substantially after that time. During the mid-1970's free education was established at all stages from pre-primary to higher and private education was abolished; all existing private schools were transformed into state schools. Pre-school education is expanding, although as yet it reaches only a small proportion of children in this age-group. Primary education, lasting six years, is now officially compulsory, and there are plans to extend full-time education to nine years as soon as possible. Primary enrolment of children aged 6 to 11 reached 99% in 1980, but by 1995 enrolment included just 76% of students in the relevant age group. At present, secondary education, which is expanding rapidly, is available for 6 years (two three year cycles). In 1992 enrolment at secondary schools included 37% of students in the relevant age-group. A US \$22m. anti illiteracy campaign began during the 1978-79 academic year. There are several teacher training institutes in Iraq. Teacher training schools were abolished at the end of the 1985-86 academic year. **[1]**

5.122 Science, medical and engineering faculties of the universities have undergone considerable expansion, although technical training is less developed. Two branches of Baghdad University at Basra and Mosul became independent universities in 1967. There are eight universities - the universities of Baghdad, Basra, Mosul, Salah ad-Din (in Arbil), al-Mustansiriya (in Baghdad), Tikrit and a university of engineering and science and another of technology (both in Din and ar-Rashid) have been completed. The foundation for Technical Institutes incorporates 18 institutes of technology throughout the country. **[1]**

5.123 According to the joint British-Danish report on Iraq of May 26-4 June 2002, more than half of all schools are unfit for teaching and need substantial repairs, with many pupils and teachers are reported to be leaving the school system. Many children between the ages of 6 and 15 are now working on the street to supplement family incomes, and Iraq can no longer enforce its laws regarding compulsory education. **[49]**

5.124 The Danish fact finding mission report of 2001 records that the Iraqi education system, which is based on the English system, is still relatively good, but the 60% unemployment rate means that there is no incentive to study. Children below the age of 14 make up 40% of the population. A Western diplomatic representation stated that membership of the Baath party is not essential in order to study at university. However another source stated that membership of the Baath party is essential if an Iraqi wants to study medicine, nuclear physics or natural science or train as an engineer at university. Artists wishing to exhibit their work must also have good connections with the Baath party. **[50]**

5.125 A quarter of Iraqi children are reportedly no longer attending school (May 2002). "The Government of Iraq now acknowledges that at least 23 per cent of all school-aged children (6-15 years of age) are no longer attending school; many are working to supplement family incomes. Schools are not being maintained and repaired, and experience severe shortages of basic school supplies, classroom furniture, textbooks and teaching aids. Lack of adequate investment in teacher training, and in teaching and learning materials had seriously affected the overall quality of education. Teacher's salaries are grossly inadequate. This grim situation has prompted an increasing number of qualified teachers to leave the sector in search of better paid jobs. This has also been reflected in school entry rates: only 66.8 % of male and 66.6 per cent of female students at the age of six were enrolled in 2000 against 88 per cent and 87 per cent respectively in 1991. (UNICEF 29 May 2002) **[54]**

EDUCATIONAL SYSTEM - NORTHERN IRAQ

5.126 According to the US State Department report published in 2002, in areas of the north under Kurdish control,

classes in Syriac and Turkish have been permitted in primary schools run by Assyrian or Turkman parties, since the 1991 uprising against the Government. However, teaching of Syriac reportedly remains restricted. The Kurdish administrations also require that all school children begin learning Arabic in primary school. [2f] The Prime Minister of the KDP reported that the most recent legislative changed in 2001 created 2 new Directorates of Education, one for the Turkmen and one for Assyrians. The new directorates are responsible for the administration of education programmes for these minority communities. Education is offered in Turkmen and Syriac languages. In addition, special curricula are authorised allowing special religious educational programmes for Christian and Yezidi children attending school. Arabic language schools have been established for people displaced to the region whose mother tongue is Arabic. [51]

5.127 The KDP Prime Minister, Nechervan Barzani stated in a recent interview in October 2002 that the Kurdish Regional Government takes education very seriously, having made school available to every child in the region, involving a massive effort to construct and re-construct schools for all levels of education. Since 1991 the KDP region opened the University of Duhok and expanded Salahaddin University. Technical institutes have been established in many other locations. Education is free for everyone from Kindergarten through to doctoral studies at university. Through Oil for food programme resources are being used to modernise the education system. Schools curricula are being reviewed. [51]

6A. HUMAN RIGHTS

[Part I](#)

[Part II](#)

6. HUMAN RIGHTS

OVERVIEW - HUMANITARIAN SITUATION

6.1 In November 2001 the UN Commission on Human Rights and the UN General Assembly issued a report that noted "with dismay" the lack of improvement in the situation of human rights in Iraq. The report strongly criticised the "systematic, widespread, and extremely grave violations of human rights" and of international humanitarian law by the Government, which it stated resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The report called on the Government to fulfil its obligations under international human rights treaties. [2f]

6.2 UN human rights monitors were banned from Iraq after 1992, following critical reports by the Special Rapporteur Max van der Stoep. For 10 years the Iraqi Government denied UN Special Rapporteurs on human rights access to Iraq. [1g] The current Rapporteur, Andreas Mavrommatis, was given permission to visit Iraq in February 2002.

6.3 Iraq's human rights record is one of the worst in the world. Current abuses include summary executions, mass deportations and systematic torture. Although the UN Security Council and the UN Commission on Human Rights have consistently condemned the repression of the civilian population, Iraq continues to flout UN resolutions and to ignore its international human rights commitments. According to UNHCR Resolution 2002/15 of 19 April 2002 there are systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror.' [47]

6.4 According to the US State Department report for the year 2001, the Government's human rights record continued to be appalling. Citizens do not have the right to change their government. The Government continued to execute summarily alleged political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a

continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of, or related to persons suspected of economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are extremely poor and at times life threatening. The Government reportedly has conducted "prison cleansing" campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The Government continued to infringe on citizens' privacy rights. [2f]

6.5 The Government restricts severely freedoms of speech, the press, assembly, association, religion, and movement. The UN Special Rapporteur on the situation of human rights in the country issued a report in January 2001 detailing ongoing, grievous violations of human rights by the Government. The UN Commission on Human Rights and the UN General Assembly passed resolutions in April and November criticising the Government's suppression of these freedoms. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organisations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to the country, the Special Rapporteur bases his reports on the Government's human rights abuses on interviews with recent emigrants, interviews with opposition groups and others that have contacts inside the country, and on published reports from outside the country. Violence and discrimination against women occur. The Government has enacted laws affording a variety of protections to women; however, it is difficult to determine the practical effects of such protections. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts severely trade union rights. Child labour persists, and there were instances of forced labour. [2f]

6.6 The judiciary is not independent and the President may override any court decision. The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honour crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behaviour or alleged sexual misconduct. A 1992 decree grants immunity from prosecution to members of the Ba'ath Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials. [2f]

6.7 Human rights abuses are reported to continue within Iraq with people continuing to be arrested and detained on suspicion of political or religious activities. [55]

SUMMARY EXECUTION AND THE DEATH PENALTY

6.8 Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or personal predilection. [2f]

6.9 As in previous years, there were numerous credible reports that the Government continued to execute persons thought to be involved in plotting against Saddam Hussein or the Baath Party. These executions included high-ranking civilian, military, and tribal leaders. [2f] Executions are carried out without due process of law. [55]

Death penalty-northern Iraq

6.10 In northern Iraq, since the conclusion of the Washington agreement, it would seem that the death penalty is no longer carried out. [22]

TORTURE AND OTHER INHUMAN TREATMENT

6.11 Between June and September 1994 the RCC issued several decrees which amended Iraq's Penal Code. The decrees introduced new punishments including amputation, branding and execution for a number of offences including theft, desertion, currency speculation, draft evasion, monopolising rationed goods, performing plastic surgery on an amputated limb or removing the mark branded on convicted criminals foreheads. The Iraqi government maintains that the new decrees are based on Sharia (Islamic) law and are a response to a significant rise in crime precipitated by the prevailing harsh economic conditions created by UN sanctions. **[33]**

6.12 Certain prisons are infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwanayah, and other prisons reportedly have torture chambers. There are numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly is the site of torture and a number of disappearances. The Al-Radwanayah detention center is a former POW facility near Baghdad and reportedly the site of torture as well as mass executions. In 2000 the Special Rapporteur reported receiving information about two detention facilities in which prisoners are locked in metal boxes the size of coffins that reportedly are opened for only 30 minutes each day. A multi-storey underground detention and torture centre reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Centre for Human Rights of the Iraqi Communist Party stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state-that is, those whose status, fate, or whereabouts are not disclosed. **[2f] (see Prisons)**

Arabisation

6.13 According to the US State Department report for 2001, the Government continued to "Arabize" certain Kurdish areas, such as the urban centres of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area. The Government continued its "Arabisation" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkomans, and Assyrians from the Government controlled northern parts of Iraq, into northern Iraq. Most observers view the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area. Frequently, a security force official demands that a family change its ethnicity from "Kurdish" or "Turkoman" to "Arab". Subsequently, security officials frequently arrest the head of household and tell the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families are usually forced to move to northern Iraq. Family members must sign a form that states that the departure is voluntary and they are not allowed to take any property or their food ration cards issued under the U.N. oil-for-food programme. The Government frequently transfers the family's house to an Arab Ba'ath Party member. Those expelled to Iraqi Kurdistan are not permitted to return to the area controlled by the Government. **[2f] (see IDP section)**

Overview - northern Iraq

6.14 In principle the international human rights conventions to which Iraq is a party apply. Northern Iraq cannot accede to human rights or other international Conventions on its own account. The presence of many international aid organisations in northern Iraq is beneficial to the observance of human rights there. The authorities, on the whole, co-operate fully with the implementation of programmes. The activities of the ICRC, the UNHCR, the UNGCI and other UN organisations give them a clear picture of the human rights situation. UN representatives deal inter alia with the issue of displaced persons and intercede with the KDP and PUK in that connection. **[22]**

6.15 According to the US State department report for 2001, the KDP, PUK, and opposition groups had committed human rights abuses. However, the PUK and KDP have enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights, and, according to press reporting and independent observers, both groups generally observed such laws in practice. In addition both the PUK and KDP have established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, including the ICRC, on worthy cases, and to recommend ways to end abuses. **[2f]**

6.16 The northern Iraqi community has developed its own human rights initiatives. A number of local human rights organisations are active in northern Iraq and in practice most are linked with one of the political groups there. In some cases the party has an official separate human rights section. **[22]**

6.17 Local and international observers in northern Iraq agree that the human rights situation has improved

markedly in recent years. **[22]** In the north of Iraq there certainly has been an improvement in the human rights situation as far as some of the violations carried out by Kurdish opposition groups are concerned. Amnesty International published a report about the abuses carried out by the various political parties. To a great extent it is fair to say that the situation has improved since the mid-1990s in the sense that many of the secret prisons have been closed and many of the detainees, especially by the two main parties KDP and PUK, are now held in officially recognized prisons. The ICRC visits these prisons on a regular basis. **[53]**

FREEDOM OF SPEECH AND THE MEDIA

6.18 The Constitution provides for freedom of speech and of the press "in compliance with the revolutionary, national, and progressive trend;" however, in practice the Government does not permit freedom of speech or the press, and does not tolerate political dissent in areas under its control. **[2f]**

6.19 In November 2000, the UN General Assembly criticised the Government's "suppression of freedom of thought, expression, information, association, and assembly." The Special Rapporteur stated in October 1999 that citizens lived "in a climate of fear," in which whatever they said or did, particularly in the area of politics, involved "the risk of arrest and interrogation by the police or military intelligence." He noted that "the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty." **[2f]**

6.20 In September 2000 Government authorities reportedly amputated the tongue of a person who allegedly criticised Saddam Hussein. Following the amputation, authorities reportedly drove him around in an open truck and broadcast his alleged crime and punishment. **[2f]**

TREATMENT OF JOURNALISTS

6.21 Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalises free expression and stipulates the death penalty for anyone insulting the President or other high government officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'th Party. In February opposition press reported that the Government added the penalty of cutting out the tongue of anyone who ridiculed the President. There were several reports during the year that the penalty was imposed on citizens. **[2f]**

6.22 The Government and the Ba'ath Party own all print and broadcast media and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed either domestically or abroad.

According to the Special Rapporteur, journalists are under regular pressure to join the Ba'ath party and must follow the recommendations of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough. At the same time, the value of awards granted to writers who praised Saddam Hussein increased. According to a September 1999 report, Uday Hussein jailed at least four leaders of the Iraqi National Students Union for not carrying out his orders to take action against students known for their criticism of the situation in the country. In September 1999, Hashem Hasan, a journalist and Baghdad University professor, was arrested after declining an appointment as editor of one of Uday Hussein's publications. The Paris-based Reporters Sans Frontieres (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts remained unknown at year's end. **[2f]**

6.23 Print and broadcast media are closely controlled by the government or by Hussein's infamous son Uday, who owns or runs a number of influential media outlets. **[38]** The president's son Uday Hussein, heads an extensive media empire, he is also head of the national press union. **[28c]** In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the Government sufficiently. Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National

Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country. [2f]

6.24 Each reporter must inform a security officer regarding the nature of news intended for the foreign media, and intelligence officers screen broadcasts before they are aired. In September the Government threatened to fire any journalist who issued a report detrimental to national security. [2f]

6.25 Negative articles can carry extreme consequences: one journalist was reportedly executed extra-judicially for criticising an article written by Saddam Hussein under a pseudonym, while another was sentenced to life imprisonment for telling a joke about the President. [2a] Criticism of the Hussein family or top officials is not tolerated in any form. Insulting the president or other government authorities is punishable by death. Hagiographic coverage of the country's political leaders and vilifications of their enemies fill the press. [38]

6.26 The Ministry of Culture and Information periodically held meetings at which they issued general guidelines for the press. Foreign journalists must work from offices located within the ministry building and are accompanied every where they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens. [2f] Foreign correspondents who are permitted to enter Iraq face numerous obstacles. Foreign journalists are required to travel with government minders from the Ministry of Information. Travel outside Baghdad requires written approval, and travelling to a location not specified in the request is forbidden. During the last year (2001), authorities banned foreign correspondents from travelling to Kurdish-controlled areas in the north of the country, citing security concerns. [38]

6.27 Books may be published only with the authorisation of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with pro-regime propaganda to Kurdish regions; the Kurds routinely remove propaganda items from such textbooks. [2f]

6.28 The government does not respect academic freedom and exercises strict control over academic publications and foreign travel by academics. In June 1991 the Human Rights Alliance reported that the Government had killed more than 500 journalists and other intellectuals in the past decade. [2f]

Satellite dishes

6.29 The Government regularly jams foreign news broadcasts. Satellite dishes, modems, and fax machines are banned, although some restrictions reportedly were lifted in 1999. Government controlled areas have only two terrestrial channels, the official Iraq Television and Youth TV, owned by Uday Saddam Hussein. The Information Ministry announced a plan to make limited satellite television service available, offering eight channels at a cost of \$33 to \$38 (10,000 to 12,000 dinars) per month, twice the average wage of a government employee. In September 2001 Uday Hussein reportedly had assumed control of the satellite television service. [2f]

6.30 According to one report, it is a criminal offence to possess a satellite dish. In late 1999, the government announced that it would allow restricted access to satellite television on a subscription basis. In May 2001, Iraqi newspapers reported that implementation was imminent. It is unclear, however whether the service actually became available or not. [38]

Internet access

6.31 The Iraqi government, which is the country's sole Internet service provider, began offering limited online access to the public for the first time in 2001. Internet content is heavily censored, and only a few locations allow users to surf the Web. Private Internet access is forbidden, modems and cellular telephones are said to be banned, and fax machines can be used only with government permission. [38] In government-operated Internet cafes, users only are permitted to view web sites provided by the Ministry of Culture and Information. The regional authorities did not try to limit access to pre-approved web sites; however, they often monitored web usage by individuals. [2f]

FREEDOM OF SPEECH AND THE MEDIA - NORTHERN IRAQ

6.32 Freedom of expression is better respected in northern Iraq than in most of the surrounding countries. Within the latitude permitted by the leading groups, freedom of expression does exist and individual views can be asserted. However criticism of the KDP in the KDP area and of the PUK in the PUK area is tolerated only up to a point. The smaller parties seem to exercise a form of auto-censorship. There have been no reports in recent years of political activists belonging to one of the smaller parties being arrested for criticism of the PUK or the KDP. Substantial criticism of the dominant party in an area is, however, likely to cause problems, particularly for independent intellectuals. People are seldom incarcerated for years on end in northern Iraq solely because of their political opinion. [22]

6.33 In the UN mandated northern enclaves, which are not controlled by the government, rival Kurdish factions operate their own television stations and newspapers beyond the reach of official Iraqi repression. [38]

6.34 Freedom of the press and freedom of expression are better respected in northern Iraq than in most of the surrounding countries. Political parties and interest groups can broadcast via their own regional TV stations and print newspapers and publications. [22]

6.35 In the north, many independent newspapers have appeared over the past 8 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression including criticism of the regional Kurdish authorities; however, most journalists are influenced or controlled by various political organisations. [2f]

Satellite and Internet services - northern Iraq

6.36 Satellite services and related equipment for telephone, fax, Internet and television services are available. Although the rival Kurdish parties in the north, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution to the opposing group's newspapers and other literature. [2f]

6.37 According to the British-Danish fact-finding report (2002), a KDP representative informed the delegation that ethnic minorities are free to be politically and culturally active. The Assyrians have their own publications and TV stations. [49]

6.38 A KDP representative informed the same delegation that should a complaint arise regarding the context of a written article, it will be referred to a board, who will examine the article and if necessary, refer it to the courts which handle such problems. [49]

FREEDOM OF THE INDIVIDUAL

6.39 The government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offences so broadly that authorities effectively are exempt from the requirement to obtain search warrants, and searches without warrants are commonplace. The Government routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence and telephone conversations. The Government periodically jammed news broadcasts from outside the country, including those of opposition groups. The security services and the Baath Party maintain pervasive networks of informers to deter dissident activity and instil fear in the public. [2f]

FREEDOM OF RELIGION

6.40 The Constitution provides for freedom of religion provided that it does not violate "morality and public order", however the Government severely limited freedom of religion in practice. Islam is the official state religion. [2f]

6.41 The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves

the building and repair of all places of worship, and approves the publication of all religious literature. More than 95 % of the population are Muslim. The (predominantly Arab) Shi'a Muslims constitute a 60 to 65 % majority, while Sunni Muslims make up 32 to 37 % (approximately 18 to 20 % are Sunni Kurds, 13 to 16 % are Sunni Arabs, and the rest are Sunni Turkmens). The remaining approximately 5 % consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenian Orthodox), Yazidis, and a small number of Jews and Mandeans. [2f]

6.42 The Government does not recognise political organisations that have been formed by Shi'a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, "must believe in God" [2f]

6.43 The country's cultural, religious, and linguistic diversity is not reflected in its political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse. [2f]

FREEDOM OF RELIGION - NORTHERN IRAQ

6.44 The majority of people of northern Iraq are Sunni Muslims, Christians and Shi'ites forming the minority. In Iraq there has always been tension between Sunnis and Shiites based more on political affiliations and tribal background rather than religious differences. The tension is much less a factor in northern Iraq because of the small number of Shiites. [22]

6.45 Christians in northern Iraq enjoy freedom of religion and worship, they are not persecuted on religious grounds and there is no question of systematic discrimination. They are permitted to form political parties. [22]

6.46 The Assyrian community in northern Iraq is free to profess its faith without risk of persecution, however there are still unresolved problems between the KDP and the Assyrians, stemming from the Anfal Campaign when Assyrian villagers were forced to leave their homes. [22]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.47 The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Citizens may not assemble legally other than to express support for the Government. The Government regularly orchestrated crowds to demonstrate support for the Government and its policies through financial incentives for those who participate and threats of violence against those who do not. [2f]

6.48 The Constitution provides for freedom of association; however, the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The political magazine Alef-Be, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which include the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'ath party to power. Several parties are outlawed specifically, and membership in them is a capital offence. The law prescribes the death penalty for anyone "infiltrating" the Ba'ath Party. [2f]

FREEDOM OF POLITICAL OPINION IN NORTHERN IRAQ

6.49 In the Kurdish-controlled north, numerous political parties and social and cultural organisations exist. The KDP and PUK controlled administrations impose restrictions on some political parties and groups they consider security risks, or that refuse to register as political parties or to participate in local elections. In the past the PUK and KDP have forced political parties that violate these rules to shut down. Neither the KDP nor PUK allow the other group to open party offices in territory under their control; however, they do allow other political parties to operate in those territories and include them in their administrations. **[2f]**

6.50 Countless organisations and political parties are active in northern Iraq. Minorities, too, have the right to form political parties. Freedom of association and the possibility of political participation are nevertheless subject to restrictions in northern Iraq. The limits set chiefly by the KDP and PUK have to be respected, the basic premise is that the power base of the PUK and KDP must not be interfered with. However, most parties are able to conduct their activities reasonably freely and to hold public meetings. **[22]**

6.51 PUK and KDP supporters are not permitted to engage in actual political activity in the other party's area. **[22]** The bulk of the population, however, has no political allegiance. As a rule, citizens who are not politically active are not forced to take sides. **[22]**

6.52 According to the joint Danish/British fact finding report 2002, there is no active discrimination or persecution by the KDP or PUK in northern Iraq and the two parties by and large do not persecute people from other political persuasions or parties. People are allowed to return to their areas. There is however some friction between the smaller parties. The Iraqi Turkmen Front refuses to recognise the authority of the KDP and instead turns to Ankara for support. The delegation were informed that the PUK and KDP require all parties to register and because of its refusal to register the Peoples' Workers Communist party is not recognised by the PUK. The KDP reported that the Iraqi Turkmen Front refused to obtain a licence and that all parties are required to register in order to become a party. Other Turkmen groups enjoy good relations with the KDP and they have a minister in the cabinet. **[49]**

6.53 According to the Danish/British report of 2002 there have been a growing number of incidents of persecution by the Islamists in northern Iraq against people who have spoken in a secular way, however, Islam is not that powerful in northern Iraq. IMIK (Islamic Movement of Iraqi Kurdistan) has now split off into a myriad of groups of which some are not effective. The PUK is currently in charge of Halabja, but Islamists are reportedly powerful there. This is an ongoing struggle and three villages or small cities outside of Halabja are under the control of the Islamists. A KDP-representative informed the delegation that the courts handle any problems with Islamists. **[49]**

6.54 The PUK and KDP are not interested in letting Islamists gain a stronghold. They try to limit their powers of movement and power in general. The PUK took advantage of the situation in Halabja in order to limit the power of the IMIK Islamic groups. The Islamists have control of the villages close to Halabja on the Iranian border. The delegation was informed that the former IMIK is now known as the Islamic League or the Islamic Union and Jund Al Islam is now known as Ansar Al-Islam. They are anarchical groups fighting in the name of Islam but they are not large enough to have any effect. The border to Turkey is much more controlled than the border to Iran. The PUK representative in Ankara also confirmed that the PUK are now in control of Halabja. **[49]**

EMPLOYMENT RIGHTS

6.55 There are no trade unions independent of government control. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU); a government controlled trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'ath Party, which uses it to promote party principles and policies among union members. Workers in private and mixed enterprises, but not public employees or workers in state enterprises, have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU. **[2f]** There is also a Union of Teachers, doctors, pharmacologists, jurists, artists and a General Federation of Iraqi Women. **[1]**

6.56 The Labour Law restricts the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike include penal sanctions. No strike has been reported for during the past 2 decades. **[2f]**

6.57 The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions. In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organisations, and to use such organisations for political action. Dozens of trade groups have been formed since 1991. [2f]

6.58 The right to bargain collectively is not recognised. The Government sets salaries for public sector workers, the majority of employed persons. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labour Code does not protect workers from antiunion discrimination, an omission that has been criticised repeatedly by the Committee of Experts of the International Labour Organisation (ILO). There are no export processing zones. [2f]

6.59 Compulsory labour is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labour, for civil servants and employees of state enterprises for breaches of labour "discipline," including resigning from a job. According to the ILO, foreign workers in the country have been prevented from terminating their employment and returning to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available regarding forced and bonded labour by children. [2f]

6.60 The employment of children under the age of 14 is prohibited, except in small-scale family enterprises. However, children reportedly are encouraged increasingly to work in order to help support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program. There is no information available regarding forced and bonded labour by children. The Government has not ratified ILO Convention 182 on the worst forms of child labour. [2f]

6.61 There was no information available regarding minimum wages.

Most workers in urban areas work a 6-day, 48-hour workweek. The head of each ministry sets hours for government employees. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors ostensibly inspect private establishments, but enforcement varies widely. There was no information regarding workers' ability to remove themselves from work situations that endanger their health or safety. [2f]

FREEDOM OF MOVEMENT WITHIN THE COUNTRY AND FOREIGN TRAVEL

6.62 The Government restricts the movement within the country of citizens and foreigners. Police checkpoints are common on major roads and highways. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. [2f]

6.63 The Government requires citizens to obtain specific government authorisation and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before travelling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. [2f]

6.64 In an apparent effort to convince citizens living abroad to return to the country, government radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired. In October 1999, Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to citizens living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor citizens inside the country who received money from relatives living abroad. [2f]

6.65 The Government restricts foreign travel by journalist, authors, university professors, doctors, scientists and all employees of the Ministry of Information. Security authorities interrogate all media employees, journalists, and

writers upon their return from foreign travel. [2f]

6.66 A new travel law that took effect in November 1999 placed additional penalties on any citizen who attempts to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In 2000 the director of the Real Estate Registration Department stated that pursuant to the decree, the Government confiscated the property of a number of persons. [2f]

6.67 Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) are required to apply for naturalisation as citizens. Many foreigners thus become subject to travel restrictions. The penalties for non-compliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality. [2f]

6.68 The Government announced in June 1999 a general amnesty for citizens who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired. No citizens are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens reportedly remain fearful of returning to the country. [2f] The Iraq Revolutionary Council also issued Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country. Based on paragraph (A) of section 42 of the Constitution, the revolutionary council decreed the following: All Iraqis who left illegally, Those Iraqis who left Iraq on official mission but did not return after completion of the mission. This includes those who managed to do so through illegal departures, forgery (of official documents used for this purpose), All the Iraqi's who fall under the above-mentioned categories and who had been sentenced, are now exempted, they shall be free, released unless they had been sentenced with other crimes (in addition to the above). The decree was effective from the date of issue (28/06/99). However, the decree made no mention of those Iraqis who left Iraq legally and failed to return nor of those Iraqis who left illegally and where legal proceedings had not been started. [3m]

Internally displaced persons (IDP's)

6.69 The UN Secretary General estimated that there are more than 500,000 IDP's remaining in the 3 northern provinces (Arbil, Dohuk, and Sulaymaniah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. The Government continued its Arabisation policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers view the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area. [2f]

6.70 Non-Arab citizens are forced to either change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern governorates. Persons may avoid expulsion if they relinquish their Kurdish, Turkmen, or Assyrian identity and register as Arabs. Persons who refuse to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported. [2f]

6.71 The Revolutionary Command Council has mandated that new housing and employment be created for Arab residents who have been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly is prohibited. Non-Arabs may not sell their homes, except to Arabs, nor register or inherit property. Authorities estimate that since 1991, more than 100,000 persons have been displaced as part of the Arabization programme. According to numerous deportees in the north, the Government generally uses a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demands that a family change its ethnicity from Kurdish or Turkmen to Arab. Subsequently, security officials frequently arrest the head of household and inform the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families frequently choose to move to the north; family members must sign a form that states that the departure is voluntary and they are not allowed to take any property or their food ration cards issued under the UN oil-for-food programme. The Government frequently transfers the families' houses to Arab Ba'th Party members. Those expelled are not permitted to return. The Special Rapporteur reported in 1999 that citizens who provide employment, food, or shelter to returning or newly arriving Kurds are subject to arrest. The Government denies that it expels non-Arab families. [2f]

Freedom of movement between Government-controlled Iraq and Kurdish-controlled northern Iraq

6.72 Since 1991 Iraq has been divided into Government-controlled central and southern Iraq and Kurdish-controlled northern Iraq. The areas under Kurdish control are made up broadly speaking of the three northern provinces of Suleymaniyah, Arbil and Dohuk and the Kurdish parts of the PUK and the KDP. The area has under gone a de facto split into two administrative regions. At present the KDP controls the north-western region bordering on Turkey and Iran and a single border crossing point into Syria in the corner formed by Syria, Turkey and northern Iraq. The KDP controls the two large towns of Arbil and Dohuk. The PUK controls the southern-eastern part of the Kurdish controlled area. The area borders on Iran. The area's principal town is Suleymaniyah. **[50]** The border is not visible in the form of barbed wire or mined areas. It is possible to cross the border on foot, and to travel between the Kurdish-controlled areas and Government controlled Iraq is becoming increasingly easy. There is little interaction between the Kurdish controlled areas and the rest of Iraq. Various Western diplomatic representations and international humanitarian organisations agreed that it is possible for Iraqi citizens to move between Government controlled Iraq and the Kurdish controlled region in northern Iraq. However, one source said that Arab Iraqis are not able to travel between the two areas. **[50]**

6.73 The same Danish report of 2001 on Iraq reports that when travelling between Government controlled Iraq and the Kurdish controlled areas, a small sum of money is paid at the internal border to both Iraqi and Kurdish border authorities. According to the same source the trip from Baghdad to the Kurdish controlled areas can be made by taxi, private car or bus to eg Mosul in Government controlled northern Iraq and from there to eg Arbil in Kurdish controlled northern Iraq. **[50]**

FREEDOM OF MOVEMENT WITHIN THE COUNTRY AND FOREIGN TRAVEL - NORTHERN IRAQ

6.74 The situation along the PUK/KDP demarcation line is relatively peaceful. Persons travelling between the KDP and PUK regions usually pass through checkpoints on that demarcation line manned by peshmergas. But are not subjected to any other restrictions. At present the stable security situation means that checks are not too stringent, according to observers, checks have become comparatively relaxed since the summer of 1999 and some checkpoints are either totally or virtually unmanned. **[22]**

6.75 There are reportedly around a dozen checkpoints on the border between the KDP and PUK regions. **[22]**

6.76 According to the British/Danish report 2002, movement within northern Iraq is relatively free with no closed border between the north and south but just a line of control that can be penetrated. There is no Iraqi army operating within the Kurdish controlled area. According to one source if someone wishes to cross from either the PUK or KDP area then permission must be asked from both sides. According to another source, in principle the KDP do not have a problem with people leaving or moving around. Certain cases such as medical cases, family reunion cases and Business and official delegations are prioritised. **[49]**

Travel between northern Iraq and government controlled Iraq

6.77 The line dividing northern Iraq from Central Iraq is heavily guarded. The army of Central Iraq maintains a highly visible presence to the south of that line. Checks at the border between northern Iraq and the Baghdad controlled area are strict. However "ordinary " citizens are able to travel freely between Central Iraq and the Kurdish enclave. People from northern Iraq travel to Central Iraq for the purposes of family visits, work, study, sport, medical treatment etc. In principle, persons from northern Iraq can travel to Baghdad for medical treatment. Checks on individuals by Central Iraq aim to identify persons against whom objections exist on political grounds or from the point of view of security. **[22]**

6.78 According to the British/Danish report of 2002 there are 10 checkpoints when crossing from southern Iraq to northern Iraq. **[49]**

Iraqis returning to northern Iraq

6.79 The joint Danish/British report of 2002 states that the delegation were informed that Iraqis regularly return to

northern Iraq during the summer for holidays and if they return for short periods, nobody minds. Returning northern Iraqis reportedly do not face any apparent re-integration problems. The KDP is more stringent in checking names of returnees to ensure they are from northern Iraq and not the south. The PUK are more flexible on humanitarian grounds. The delegation were informed that if someone wishes to return to northern Iraq voluntarily the KDP and PUK request a very detailed form to be completed plus a voluntary return form. They ensure that the person understands what he/she is signing. The form is sent to IOM in Ankara who in turn start the clearance process. The IOM staffs see the returnee across the Iraqi border without any problem. [49]

PEOPLE TRAFFICKING

6.80 There is no information available on the trafficking of people. [2f]

HONOUR KILLINGS

6.81 After the end of the Iran-Iraq war there was quite a high number of honour killings of women by male relatives. A lot of these incidents took place after the return of soldiers from the front who found that the situation at home had vastly changed and that their wives - having had to cope without them for several years - had maybe formed extra-marital relationships. After several killings had already taken place the Revolutionary Command Council passed a decree which sanctioned these killings. Even though this decree was subsequently abolished, it is an example that sometimes killings do take place and that then the government passes a decree which ex-post legalizes these practices. If there is sufficient pressure or if the situation does no longer exist, the decree is abolished again. [53]

HONOUR KILLINGS - NORTHERN IRAQ

6.82 In April 2000, the PUK declared that immunity would not be given for honour crimes in the area under its control. [2f]

6.83 On 13 August 2002 a law was passed in parliament to put an end to honour killing. The law that made honour killing legal has been abandoned. After lengthy discussions and consultations with various parliamentary committees, women's organisations and religious leaders, the Parliament passed a major amendment to several articles of an old law (Law 111, 1969) which made honour killing legal. The President of the Parliament, Dr Rowsch Nouri Shaways, made the following remarks: "killing women in the name of religion and tradition cannot be tolerated any longer. It has no religious basis and is, in fact, against the teachings of Islam". He went on to say that no one should be allowed to take the law into his or her own hands. All concerned parliamentary committees (Legal, Islamic Affairs, Human Rights, Health and Social Affairs and Protecting Women's Rights) unanimously approved the changes. Nechirvan Barzani, KRG Prime Minister, said that by abandoning this law, a new start could be made in the perception of women. Mulla Muhsin Mufti, an MP and an Islamic clergyman, said that "...honour killing is not permitted and has no mention in Islam." [52b]

6.84 The joint Danish/British fact finding mission report of 2002 states that there is still a very tribalised society outside the main urban areas in northern Iraq. There has been a change of perspective towards honour killings and there is far more awareness among people when tribal disputes occur. Women's groups have been set up and these offer help to women caught up in tribal conflict. It was thought that there was more visibility regarding honour killings now than before as opposed to more honour killings being carried out. There is political will between the KDP and PUK to address the issue of honour killings and to do something about them. The PUK have passed legislation (although this is not recognised by southern Iraq), changing the status of honour killings,

as opposed to that defined by the Iraqi Penal code. An honour killing is now classed as murder and a clear message is sent out to this effect, which in turn acts as a deterrent. There is a political will to do something about these killings but not much law and order to enforce it. The PUK operate shelters for women and offer protection. Men are also affected by honour killings. A representative from the KDP was sceptical about the basis of many asylum claims. There have been concerted efforts to cut down on honour killings especially in remote rural areas. Organisations such as the Women's Federation, the Students Union and the Social Affairs department offer help. They accept that there is some occurrence but not on the claimed scale. Their aim is to end these tribal activities and several NGO's have been set up to work with these communities, for example some of these NGOs work with young girls who have run away from home. They are still bound to implement Iraqi law, but a number of decrees formerly passed are now frozen. If an individual has concerns or they want to take a case to court then they can do so and measures will be taken to protect individuals. Measures such as the individual being taken away from home or placed with a relative and is applicable to both sexes. The delegation were informed that the KDP is developing a system which has never been in existence in Iraq before and that the laws are both fair and flexible. The KDP works towards reaching amicable agreements in tribal disputes. Punishments are now much harsher for honour killings with the judge awarding the sentence. The death penalty is still applicable in northern Iraq but has not been given for sometime, imprisonment is generally the punishment given. The delegation were informed that in Islamic society sexual intercourse before marriage is forbidden but should a dispute arise concerning this issue, then they may try to settle the dispute and come to an amicable agreement. [49]

6.85 According to the same fact finding report, the delegation were informed that oppression against women is on the decline with the view that it is not acceptable to kill any women in society. It was suggested that there were incidents of false cases being presented as a way of reaching Europe for asylum purposes. There is apparently nothing in Islam called honour killings. Cases of adultery are very rare and 4 witnesses are required at the same time making it virtually impossible to commit adultery in front of 4 people. With regards to homosexuality, although it is against the general culture, no legal action will be taken against homosexuals. [49]

6.86 According to the Danish/British report 2002 a PUK representative informed the delegation that Mr Talabani (leader of the PUK) has introduced a law that if a girl is killed, the person responsible must go to court and be given more than 30 years imprisonment. There may still be some problems in the villages far away from the cities. Mr Talabani's wife has a society to help such girls, whereby they take girls to their house for protection. The PUK will give help to young girls and is equally ready to help both men and women. If a man is in fear of reprisals then he can go to Sulaimaniya and get assistance from the PUK. [49]

6.87 Now more and more people are willing to talk about honour killings and abuses. Women's groups are documenting cases, including Arab women from other parts of Iraq. The Iraqi Communist Party for example, has quite an active Women's League, some members of which are working in Kurdistan, carrying out educational programmes to prevent honour killings. [53]

5C Other Issues

Homosexuals

5.119 Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code. However homosexuality is taboo, and there is no viable support for lesbian and gay rights. Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years.[36]

6B. HUMAN RIGHTS - SPECIFIC GROUPS

[Part I](#)

[Part II](#)

6.B HUMAN RIGHTS -SPECIFIC GROUPS

TRIBAL STRUCTURES

6.88 Iraq's society is very feudalistic, with everyone identifying him/herself with one tribe. Saddam Hussein's family is from Tikrit. Anyone who is Tikriti is understood to be affiliated with the regime and the state. Anyone who has a problem with a Tikriti would not receive proper protection from the state as he would in any other country. Individuals in disagreement with a Tikriti in Iraq certainly face severe retributions, and even death. [53]

6.89 According to one report the tribal society brings along some other consequences: individuals are protected, yet at the same time limited by the tribe. This fact is very visible for women and children. Women belong to the family and do not have much right to choose about their own future. Deciding whether to work or not, choosing a profession, choosing their spouses is not in their hands. What is decisive is the family's approval. If an individual defects from the existing social structure, they may be deemed immoral. Since immorality would ruin the honour of the family, the respective family member may be punished. After 1990 there was quite a high number of honour crimes in Iraq, which according to Iraqi law were not punishable. If a woman transgressed a social norm, e.g. by being with a man without marriage or eloping from her husband without permission of the family, the tribal law prescribes capital punishment for this behaviour. This punishment is tolerable according to the Iraqi criminal code. It should give the families the right to instruct their children ethically with the methods they choose, be it punishment at home, be it not letting their children attend a specific school. The result is a circle of social relations at home, with the brothers having superiority to the sisters and the father having superiority to the rest of the family. This pattern is reflected at district as well as government level. After the Baath Party came to power in 1968 they were opposed to this tribal society and wanted not only to abolish the tribal names, reflecting the Ottoman style of naming people, but also to do away with these tribal structures altogether. However, the developments in the Middle East did not allow them to reach their aim. [53]

6.90 According to the same report another group at risk are important tribal personalities, like the heads of the Dleyme tribe who were involved in an uprising. The important members of his tribe were under investigation. Some leaders were killed and their affiliates chased into the desert down to the Saudi Arabian border. If these people do not abide with the instructions of the ruling family or the regime, they can be at risk too, especially members of Arab Sunni tribes. [53]

TRIBAL STRUCTURES - NORTHERN IRAQ

6.91 In northern Iraq the tribal society helps the parties to maintain their power by assigning their own people to specific positions in the government and by using the benefits of this mechanism for themselves or their families. When the KDP took over the rule of Arbil, first they just kept everything in the same order in which they had received it. In time, however, they started to promote Bahdinani people (from the northern regions of Kurdistan) to be assigned to positions in Arbil City, the supposed capital of Kurdistan. This caused some reaction from Arbili people, still they support the KDP position in the government and in Arbil City for reasons of security and further settlement in the administration and society. This phenomenon does not only occur with the KDP. The PUK includes some tribes, assigning tribe members to specific apparatuses. [53]

6.92 The KDP is quite a conservative party, composed basically of a coalition of tribes. They have a functioning administration and intelligence apparatus. The intelligence system does of course not work in the same way as

that of the Baath Party, however since the individual's affiliation is mediated by his/her tribe first, the system is more decentralized than centrally controlled systems. [53]

6.93 According to one report it is possible to encounter tribal problems in the PUK region, especially in the Pishdar regions around Raniyeh. Like the KDP, the PUK is reportedly bound to the tribes and having a problem with a tribe in the region may be a sensitive issue. Still, it is not possible, either, to state that the ruling parties have a policy of tolerating this kind of murder or chase. [53] However according to the British/Danish fact finding mission 2002, there is political will to do something about honour killings and reportedly help can be sought. [49] (see honour crimes - northern Iraq)

ETHNIC GROUPS (GENERAL)

6.94 Iraq's two largest ethnic groups are Arabs and Kurds. Most Iraqi Muslims are members of the Shia sect, but there is a large Sunni population as well, made up of both Arabs and Kurds. Most Kurds are Sunni Muslim but differ from their Arab neighbours in language, dress and customs. [41]

6.95 According to one report non-Arabs are denied equal access to employment, education, and physical security. Non-Arabs are not permitted to sell their homes except to Arabs, nor to register or inherit property. The Government continued to relocate forcibly the non-Arab population, including Kurds, Turkmens, and Assyrians living in Kirkuk, Sinjar, and other districts. [2f]

6.96 Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated Government. [2f]

6.97 The Government does not permit education in languages other than Arabic and Kurdish. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government imposes the same repressive measures on Yazidis as on other groups. Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin. [2f]

6.98 Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years. Assyrians continue to fear attacks by the PKK, a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. In 2000 Christians reported feeling caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported in 2000 being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies. There were no reports during the year of the Kurdistan Regional Government's investigation into a series of bombings in 1998 and 1999 that many Assyrian groups believed were part of a terror campaign designed to intimidate them into leaving the north. [2f]

6.99 According to the British-Danish fact-finding report 2002, there are still reports that the Assyrians affiliated to the Assyrian Democratic Movement (al-Harakah al-Ashuriyyah al-dimuqratiyyah) are being persecuted by the Iraqi regime. However, Assyrians living in Baghdad do not face any form of persecution except if one of their family members is suspected of being a member of the above mentioned group. However according to other sources the Assyrians are not persecuted or discriminated against by the authorities. [49]

6.100 Ethnic Turkmen also claim discrimination by Kurdish groups, including the required use of the Kurdistan flag in Turkmen schools and the assignment of Kurdish teachers to Turkmen schools. [2f]

Kurds

6.101 The Kurds constitute the largest ethnic minority and comprise approximately 20% of the population. Historically they have suffered political and economic discrimination, despite the token presence of a small number of Kurds in the national Government. The majority live in or around the northern hill country of Iraq, where they retain their tribal organisation, although there are a proportion who reside in Baghdad. The Kurds have been seeking greater autonomy from Iraq for many years. In 1970, they came close to an agreement, however, this broke down in 1974. The Iraqi regime is known to have employed some particularly harsh methods of crush the Kurdish resistance, such as the Anfal Campaign in 1988, during which the people were attacked with chemical bombs. However, since the end of the Gulf War, the "Safe Haven" was set up in April 1991. [1][2c][6][12][24] The northern No Fly Zone was established in 1992 to prevent the Iraqi regime from using its air power against the people of northern Iraq. The NNFZ only covers part of the area now administered by the KDP and PUK. (see sections on northern Iraq).

Faili Kurds

6.102 In describing the Faili Kurds, the Special Rapporteur noted that this group reflect in their persons the fault lines of much of the Iraqi society under Ba'ath rule: Arab versus Kurd; Sunni versus Shi'a; and Iraq versus Iran. He added that the Faili Kurds have suffered considerably since the beginning of Ba'ath rule because they were suspected of disloyalty by their non-Arab, Shi'a nature and their almost Iranian geographical location. Hundreds of thousands of Faili Kurds were reportedly expelled in mass waves during the 1970's and in April and May of 1980. Following this suppression took the form of arbitrary arrests, detention and expulsion. In the early 1970's after the seizure of the Arab islands of Abu Musa, Tunb al-Sughra, and Tunb al-Kubra in the straits of Hormuz 100,000 Shi'a Faili Kurds had their possessions confiscated and were forcibly expelled from Iraq to Iran. [12]

6.103 The Special Rapporteur received a report in May that indicated that hundreds of Faili (Shi'a) Kurds and other citizens of Iranian origin who had disappeared in the early 1980's during the Iran-Iraq war are being held incommunicado at the Abu Ghraib prison. According to the report, these persons have been detained for 17 to 18 years in extremely harsh conditions without specific charges or trials. The report alleged that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical and biological weapons programmes. [2c]

Turkomans or Turcomans

6.104 The Turkomans are predominately Sunni Muslims although there exists a small community of Shi'a Turkomans. The Turkomans are concentrated in northern Iraq, principally in the governorates of Kirkuk (the main centre of Turkoman population), Mosul, Arbil and Diyala. The population estimates of the Turkomans range from 300,000 to as high as two million. The Special Rapporteur stated that the most basic problem of the Iraqi Turkomans is that their national identity, their civil and political rights are not recognised by the Constitution of Iraq. They speak Turkik language, which is written in Arabic script. The Turkoman minority is restricted in the use of their language, cultural and propriety rights, even in areas where they constitute the majority of the population. [4o][2b][12]

6.105 Multiple sources in the Turkomen community reported a brief outbreak of fighting between Turkomen and Iraqi Kurds in Irbil in August and September 1998. The incidents apparently were related to Turkomen political and cultural activity with dozens of Turkomen offices temporarily closed by local Kurdish authorities. Turkomen and Kurdish officials disagreed about responsibility for the incidents. Kurdish officials claimed that they closed the Turkomen offices to prevent spontaneous violence. However, Turkomen sources claimed that the local Kurdish authorities instigated the violence. Initial reports that the clashes resulted in several deaths apparently were exaggerated and, by late October 1998, the situation was calm. [2c]

Marsh Arabs

6.106 The Marsh Arabs, followers of the Shi'a religion lived in the area of permanent lakes and marshes surrounding the Tigris and Euphrates rivers in south-east Iraq. In 1988, at the end of the Iran-Iraq war, there were

about half a million Marsh Arabs. By early 1994 almost all Marsh Arabs had been forced from their homes as Saddam Hussein asserted his control of the area with massive drainage programmes and continuous military attacks. Many were forcibly resettled on artificial waterways or on dykes built to separate one Marsh region from another. Here the Iraqi army closely supervises their movements. Approximately two thirds of the Amarah and Hammar marshes - representing the bulk of Iraq's traditional marshland - had been drained. [12]

6.107 The practice of the security services to force large numbers of Shi'a inhabitants of the southern marshes to relocate to major southern cities and to areas along the Iranian border probably is connected to the destruction of villages. Special Rapporteur van der Stoep described this practice in his February 1999 report, and added that many other persons were transferred to detention centres and prisons in central Iraq, primarily in Baghdad. The military also continued its water-diversion and other projects in the south. Observers gave little credence to the Government's claim that the drainage is part of a land reclamation plan to increase the acreage of arable land and spur agricultural production. Hundreds of square miles have been burned in military operations. The UN Special Rapporteur has noted the serious detrimental impact that draining the marshes has had on the culture of the Shi'a marsh Arabs. The SCIRI claims to have captured government documents that detail the destructive intent of the water-diversion programme and its connection to " strategic security operations," economic blockade, and " withdrawal of food supply agencies." [2d]

RELIGIOUS GROUPS GENERAL

6.108 The Constitution provides for freedom of religion provided that it does not violate "morality and public order;" however, the Government severely limited freedom of religion in practice. Islam is the official state religion.

The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves the building and repair of all places of worship, and approves the publication of all religious literature. [2f]

6.109 More than 95% of the population are Muslim. The (predominantly Arab) Shia Muslims constitute a 60 to 65% majority, while Sunni Muslims make up 32 to 37% (approximately 18 to 20% are Sunni Kurds, 13-16% are Sunni Arabs and the rest are Sunni Turkmens). The remaining approximately 5% consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenian Orthodox), Yazidis and a small number of Jews and Mandaeans.

6.110 Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi'a and Sunni Arabs are not distinct ethnically. Shi'a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the army in the 1980-88 Iran-Iraq War. [2f]

6.111 The Government has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a Muslim population. Despite nominal legal protection of religious equality, the Government has repressed severely the Shi'a clergy and those who follow the Shi'a faith. Forces from the Mukhabarat, General Security (Amn Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party have killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, and interfered with Shi'a religious education. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshippers. [2f]

6.112 The following government restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a Muslims; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organised by the Government; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising that listed thousands of forbidden Shi'a religious writings. In June 1999, several Shi'a opposition groups reported that the Government instituted a program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an

unauthorised location. Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic centre of Najaf. In 2000 AI reported that the Government deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970's and early 1980's, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were the principal targets for deportation. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools. However, the revival of the schools appears to have exceeded greatly the Government's expectations, and led to an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends. [2f]

6.113 The Special Rapporteur for Iraq expressed his concern that the killings of two leading Shi'a scholars were part of an organised attack by Iraqi officials against the independent leadership of the Shi'a religious community in Iraq. On 21 April 1998 Ayatollah Shaykh Murtada al-Burujerdi was assassinated after leading congregational prayers. The killing of Grand Ayatollah Shaykh Mirza Ali al-Gharawi on 18 June 1998 followed this. It was also alleged that Ayatollah al-Burujerdi had suffered various forms of harassment by Iraqi officials in the two years prior to his arrest. [19]

6.114 The Iraqi authorities accused foreign parties of carrying out the killings of the Shi'a scholars. Following these killings the Iraqi authorities developed a security plan to provide protection for religious scholars. This involved the Iraqi military intelligence service directly supervising the security of all religious centres in southern Iraq and will also be assigned to provide protection to the religious scholars there. [4m]

Sunni Muslims

6.115 Sunni Arabs make up 12-15% of the population have traditionally dominated economic and political life. The wealthier Muslims tend to be made up of the Sunni Sect. Saddam Hussein and most of the ruling Ba'ath Party are of Sunni persuasion. [7a][12]

Shi'a (shi'ite) Muslims

6.116 Shi'a Muslim Arabs make up between 50-65% of the population in Iraq. They live predominantly in the southern Iraq, Baghdad and in Saddam City, a satellite town on the outskirts of Baghdad. Despite their demographic majority, Iraqi Shia's have historically played a subordinate role to the country's Sunni population. Shi'a under representation in government positions persisted after the Ba'athist Party came to power in 1968. Despite legal guarantees of sectarian equality the Government has in recent years repressed the Shi'a clergy and followers of the Shi'a faith. Security forces have desecrated Shi'a mosques and holy sites, particularly in the aftermath of the 1991 civil uprising. [12][13]

6.117 The Iraqi government continues to insist that its own appointee replace the late Grand Ayatollah Abul Qasim Al-Khoei, the formerly highest-ranking Shi'a clergyman, who died in government custody in 1992. The Shi'a religious establishment refuses to accept the Government's choice and in 1998 two leading religious scholars were allegedly killed by Iraqi authorities after refusing to stop leading congregational prayers. The following government restrictions on religious rights remained in effect throughout 1998: A ban on the Muslim call to prayer in certain cities; a ban on the broadcast of Shi'a programmes on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books; a ban on funeral processions other than those organised by the Government; and the prohibition of certain processions and public meetings commemorating Shi'a holy days. [2b][2c][19] It was reported that the authorities continued to target alleged supporters of Grand Ayatollah Al-Sadr during 2001. [2f]

6.118 The Government reportedly continued to target Shi'a Muslim clergy and their supporters for arbitrary arrest and other abuses in 1998. It also reportedly continued forcibly to move Shi'a populations from the south to the north, and other minority groups such as Assyrians and Turkomen from the north to government-controlled territory. Large-scale assaults by the Government against the Shi'a population were reported by several sources in September 1998, an estimated 20,000 persons reportedly were arbitrarily detained and trucked to tent-camp holding facilities in the desert region of al Rifa'i about 60 miles (100 kilometres) north of the marshes in southern Iraq. It was reported in January 1999 that the Iraqi Government had executed hundreds of Shia's and detained many more in the south. [2c][21]

6.119 According to the Danish/British report of 2002, the Shia-Islamic majority in central Iraq find themselves in an economically and politically inferior position relatively speaking as compared to the Sunnis. As some Shia scholars consider the regime in Baghdad as non-Islamic some Shia-Islamic opposition groups have emerged and some Iraqi ayatollahs have been executed. Some Shia-Islamic leaders were active in the Intifadah in southern Iraq in 1991. In June 1998 the ayatollahs al-Burujerdi and al-Gharawi were murdered and in 1999 the highest Shia leader in Iraq, Grand-ayatollah Mohammed Sadek al-Sadr, was murdered. Supporters of the Grand-ayatollah in Najaf and Basra were arrested and some executed. It is the political opposition in some circles within the Shia-Islamic clergy that the regime wishes to combat. However, according to the same source, prosecution of Shias on the sole ground that they are members of the Shia faith does not occur. Shia-Islamic festivals like the sorrowing of the death of Imam Hussein are under close surveillance by the Security services. Similarly the major Shia-Islamic mosques are believed to be under constant surveillance. Shia mosques in Najaf, Kerbala, Baghdad and Basra are the most important. Shia mosques in these cities are functioning and reportedly regime in Baghdad has tried to emphasise its sympathy with the non-political Shia majority by making reference to the Shia-Islamic (second) wife of Saddam Hussein, and to the alleged fact that Saddam is a relative to imam Ali. [49]

6.120 Reportedly the Shia-Islamic opposition party "al-Dawaa" (Hizb al-Dawa al-Islamiyya) is based in Iran and has one office in Syria. It operates clandestinely in Iraq, therefore its structure and way of operating resembles more a type of resistance movement. However, it has not carried out any action recently in Iraq. The party claims to have supporters in Baghdad and in the southern part of Iraq. According to the same source the "Supreme Council for the Islamic Revolution in Iraq" (SCIRI) is a kind of umbrella organisation for Shia-Islamic resistance. SCIRI is headed by Mohamad Baqir al-Hakim and based in Iran. Organisations like the "Movement of the Iraqi Mujaheddin", "Islamic Movement in Iraq", Jund al-Imam", Islamic Movement for the Kurds", Islamic Scholars' Organisation" are together with al-Dawa thought to be linked to SCIRI. "The Badr faction" should be the name of the militant wing of SCIRI. The distribution of illegal pamphlets in central Iraq is almost non-existent due to the high risk of being detected by one of the security services. It is unlikely to occur on a large scale as the risk for the producers and distributors are very high. None of the consulted sources in Amman and Ankara had any particular information regarding alleged resistance groups such as "Abu Hatem" and the "Islamic Action Organisation". [49]

Christians

6.121 Iraq is home to 1½ million Christians who follow mostly eastern forms of Christianity with special rites. There have been allegations by Christians of discrimination but many have reportedly attained important official and private positions. One of the Deputy Prime Ministers, Tariq Aziz, is a Chaldean Christian. Despite this the influence of Christians in the Ba'athist government has been small. [9][13]

6.122 There are Christian communities in all the principal towns of Iraq, but their principal villages lie mostly in the Mosul district. The Christians of Iraq comprise three groups: the free churches, including the Nestorain, Gregorian and Syrian Orthodox; the churches known as Uniate, since they are in union with the Roman Catholic church, including the Armenain Uniates, Syrian Uniates and Chaldeans; mixed bodies of Protestant converts, New Chaldeans and Orthodox Armenians. [1c]

6.123 In northern Iraq the Christians have five seats in parliament and also a ministerial post in the KDP cabinet. They mainly live in Arbil, especially in a district named Ein Kawa. [53]

6.124 UNHCR has not learnt about any discrimination against Christians because of their confession. Some problems occurred with apostates of whom there were five all around Northern Iraq according to UNHCR's knowledge. One was killed in a bomb attack at a book store in Arbil in 1994. Other individual incidents include the case of a bomb being placed in front of a Christian woman's house and killing her. Yet, this attack had nothing to do with the Islamist parties or the ruling parties in northern Iraq. Rather it was an operation of the Iraqi government to deteriorate security conditions in the Christian districts where the UN and NGOs are based. In the rest of Iraq they are safe, unless they are in some way affiliated with a political party. Minorities have also always been co-opted by the Iraqi regime in order to buttress and support the regime in some of its activities. Christians are in fact integrated in the security forces and the intelligence apparatus in quite sensitive positions. Others have prospered economically. When it comes to persecution, there must always be another element causing an

individual to be at risk. [53]

6.125 According to the joint British/Danish fact finding report (2002), estimations of the numbers of Christians (Assyrians, Chaldeans, Armenians, Syrians, Greeks, Coptics, protestants) in Iraq differ between 600,000 and 1½ million. Many have left Iraq since the Gulf War and are now living in North America, Australia and some western European countries. In connection with some of the Christian groups in Iraq no general persecution takes place, despite there having been some individual cases of social discrimination. The main motive for leaving Iraq was of an economic nature and due to frustration over the lack of progress for a better future. Many young Christian men have left Iraq, leaving young Christian women behind with less opportunity of finding a Christian partner. Conversion from Islam to Christianity could although no legal action would be taken, lead to social isolation and sometimes honour killing of the convert by relatives. The social-economic position of the Christians is relatively good. Some Christians are ministers in the central Government and others hold high civil servant posts. Two seats in the parliament are reserved for Christians. However, in the field of education, some discrimination exists. The Christian schools are obliged to have Koran courses and the education language must be Arabic or Kurdish. Reportedly a decree was recently issued obliging all children registered to carry Arab names or Christian names in their Arabic form. [49]

Christians - northern Iraq

6.126 Estimates of the number of Christians in northern Iraq range from 600.000 to one and a half million. A few hundred thousand Christians live in Northern Iraq, mostly in the KDP area, including Ain Kawa (a suburb of Arbil), Shaqlawa, Diyana, Harir and Koi Sanjaq. Many Christians from Shaqlawa are said to have moved to Ain Kawa in recent years. The Christian community in Sulaymaniyah and the surrounding area is very small, comprising only a few hundred people. Few Christians live in the PUK area. The PUK leader, Talabani, has done much for the Christian community there, for example funding the renovation of one or more churches in Sulaymaniyah. While their freedom of movement is greater in Ain Kawa and other areas where they are mainly present, Christians in northern Iraq enjoy freedom of religion and worship. They are not persecuted on religious grounds and there is no question of systematic discrimination against Christians or systematic repression of Christian minorities in northern Iraq. They are allowed to form political parties. Proselytising by foreign evangelical churches is on a very small scale. To date there has been only one instance of the killing of a Muslim convert to Christianity. The socio-economic position of Christians is traditionally fair to good. The Christian churches, organisations and foundations are distinguished by the fact that they have always been well-organised. They are also supported by (Iraqi) co-religionists abroad. Christians hold positions at almost all levels of society in Northern Iraq. Their economic superiority makes them in general more inclined and better able to leave the country because of the political and economic situation. In addition, some Christian minorities in northern Iraq are under increasing social pressure in a predominantly Muslim society. [22]

Assyrians

6.127 Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated Government. [2f]

6.128 The Government does not permit education in languages other than Arabic and Kurdish. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. [2f]

6.129 Assyrian Christians are an ancient sect and speak Syriac. Public instruction in Syriac, which was to have been allowed under a 1972 decree, has never been implemented. The estimated 350,000 members of the Apostolic Catholic Assyrian Church of the East in Iraq traditionally live in the northern governorates. Their leader is the Catholicos Patriarch, His Holiness Mar Dinkha IV. The Special Rapporteur and others report that the government has engaged various abuses against the Assyrian Christians, and has often suspected them of "collaborating" with Kurds. Military forces have destroyed numerous Assyrian churches. Numerous reports

indicated continued systemic discrimination against Assyrians, especially in terms of forced movements from northern areas and repression of political rights there. Assyrian groups reported several instances of mob violence by Muslims against Christians in the North. In October 1998 Assyrian sources reported that regional Iraqi Kurdish authorities refused to allow secondary school classes in the Assyrian language. However, details of the practice were not available and regional authorities denied engaging in this practice. [1][2c][2e][4i][7b]

6.130 Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years. Assyrians continue to fear attacks by the PKK, a Turkish-based terrorist organisation that operates against indigenous Kurds in northern Iraq. In 2000 Christians reported feeling caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported in 2000 being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies. There were no reports during the year of the Kurdistan Regional Government's investigation into a series of bombings in 1998 and 1999 that many Assyrian groups believed were part of a terror campaign designed to intimidate them into leaving the north. [2f]

6.131 According to the Danish/British report 2002, there are still reports that the Assyrians who are affiliated to the Assyrian Democratic Movement (al-Harakah al-Ashuriyyah al-Dimuqratiyyah) are being persecuted by the Iraqi regime. The party's headquarter are in the Kurdish controlled part of northern Iraq. However, Assyrians living in Baghdad do not face any form of persecution, except if one of their family is a member or suspected to be a member of the above-mentioned party. Another source informed the delegation that Assyrians are not persecuted or discriminated against by the authorities. However another source reported that Assyrians, due to the fact that they are the only Christian affiliation in Iraq with their own political party, have a less favourable position compared with other Christian groups. [49]

Chaldean Rite

6.132 There were an estimated 202,998 Chaldean Catholics in Iraq at December 1996. They are scattered through Iraq and are a uniate Church, i.e. they recognise the supreme authority of the Roman Catholic Pope. The agreement between the Kurdish parties in northern Iraq planned to guarantee the lawful rights of Chaldeans there. [1][4h] According to the joint British/Danish fact finding report 2002, there were no reports of any kind of state persecution of discrimination against the Chaldean community. The Chaldean church is affiliated with the Catholic Church in Rome. With regard to some Christian groups in Iraq the "Patriarchate of Babylon of the Chaldeans" have archdioceses in Baghdad, Kirkuk, Basra, Mosul, Erbil, Amadiya, Aqra, Alqosh and Zakho. In addition a patriarchal administration exists in Suleimaniya. The head of the Chaldean Church in Iraq is Patriarch Mar Raphael I Bidawid. The Chaldeans are assumed to be the largest Christian affiliation in Iraq. [49]

Armenian Apostolic Church

6.133 It is an Orthodox Church with 18,000 followers and nine churches situated mainly in Baghdad (4 churches in Baghdad). The head of the church is Garegin I. [1][10]

Armenian Rite

6.134 They are members of the Roman Catholic faith and at 31 December 1996 the archdiocese of Baghdad contained an estimated 2,200 adherents. [1]

Mandeans (also known as Nasoraeans, Sabians or Subbis)

6.135 There are various differing views on Mandeans in Iraq. Mandeism, has been classed as an ancient Middle East religion still surviving in Iraq and Khuzistan (Southwest Iran). The religion is usually treated as a Gnostic sect that resembles Manichaeism in some respects. Another viewpoint describes the religion as having affinities with Judaism and Christianity and exhibits early influences from the Iranian religious milieu and the Mandeans live, as their ancestors did along the rivers and waterways of southern Iraq and Khuzistan. However others have claimed that Mandeans can be found in Baghdad. [7c] Another viewpoint claims that Mandeans have claimed to be Christians of St. John, but this claim appears to have been made largely in order to gain status in Arab eyes as 'people of the book', in order to claim certain religious and legal rights. Their scriptures and other documents suggest they are pre-Christian and that they were regularly in doctrinal and sometimes in political conflict with early Christians. [7c]

6.136 According to the joint British/Danish fact finding mission report 2002, Sabeans and Mandeans are different names for the same religious group, ie followers of John the Baptist. Thus the group is not a Christian community, but devotees of the person referred to in the New Testament as the forerunner for Christ. There were no reports of any kind of persecution or discrimination. Allegedly the leader of the community who was granted refugee status in Sweden and given Swedish citizenship has returned to Iraq and is currently the president of the Mandaean Association in Baghdad. The Mandaean Association's temple in Baghdad is placed close to the river Tigris as the community needs flowing water to implement their baptizing rituals. Some of the Mandeans are wealthy and as such potentially a target for extortion. [49]

Yazidis or Yezidis

6.137 The Yazidis are a Kurmanji speaking group and are exclusively Kurdish. Yazidi beliefs incorporate aspects of several major religions in the region, including Zoroastrianism, Islam, Nestorian Christianity, Judaism and Manichaeism. There are figures of the Yazidi population in Iraq ranging from 30,000 to 120,000 and they live predominately in the Mosul region of Iraq. The leader is Tashin Baik, Ainsifni. The allegation that they are devil-worshippers and many other things do not bear scrutiny. [1][13][14]

6.138 The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government imposes the same repressive measures on Yazidis as on other groups [2f] According to the Danish/British report of 2002, the Yezidi Faith (sometimes nicknamed "worshippers of the Devil" by opponents) attempts to combine parts of Judaism, Christianity, Zoroastrianism and Islam. The emblem is Malak Taus (a peacock). Their temple is placed in Lalesh in the Mosul region. Yezedis in central Iraq are not persecuted because of their religion. [49]

Baptists

6.139 No sources could be found on Baptists in Iraq. Baptists have a relationship with the Mandeans, who are known as Subbi (baptisers), a Gnostic Baptist Community. [7c]

Sabeans

6.140 They are said to have originated from a people from South Arabia in pre-Islamic times that were founders of the Kingdom of Saba. There is an estimated 20,000 adherents whose head is Sheikh Dakhil and they live mostly in Nasiriyah. [1]

Jews

6.141 Most of Iraq's Jews have emigrated to Israel, leaving only 2,500 Jews in Iraq, principally in Basra and Baghdad. They are free to practice their religion but face restrictions in travelling abroad and in contacting Jewish groups outside the country. The Iraqi cabinet condemned the killings of two Jews and two Muslims when an individual stormed a synagogue for Iraqi Jews. [1][4n][13]

6.142 Although few Jews remain in the country, government officials frequently make anti-Semitic statements. Unofficial estimates assess the present size of the Jewish community at 2,500, almost all residing in Baghdad. [1c][2f]

WOMEN

6.143 The Government states that it is committed to equality for women, who make up approximately 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual

harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalise women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine the extent to which these protections are afforded in practice. Women are not allowed to travel outside the country alone. [2f]

6.144 The Iraqi Government has stated that women constitute 48.7 per cent of Iraq's total population, and that like all other Iraqi citizens, have suffered the adverse effects of the embargo in the form of a drop in income, rapidly escalating prices and a sinking level of food and health security. A large number of Iraqi women have been forced to abandon working life by resigning or retiring from jobs and are denied the opportunity to participate in public life. [15]

6.145 The Iraqi Government has also claimed the embargo has an adverse impact on women's physical and mental health with a shortage of food, medicines and essential humanitarian needs. It has been claimed that 73 per cent of women suffered from anaemia and the maternal mortality rate had risen from 36 per 1,000 to 120 per 1,000. [15][16][17]

6.146 Human rights organisations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted both government officials and opposition members in order to blackmail them into compliance. Former Mukhabarat member Khalid Al-Janabi reported that a Mukhabarat unit, the Technical Operations Directorate, used rape and sexual assault in a systematic and institutionalised manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure their future co-operation. [2f]

6.147 The Special Rapporteur also noted that there are an unusually high percentage of women in the Kurdish areas, caused by the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur reported that the widows, daughters, and mothers of the Anfal Campaign victims are economically dependent on their relatives or villages because they may not inherit the property or assets of their missing family members. [2c]

6.148 Domestic violence against women occurs but little is known about the extent. Such abuse customarily is addressed within the tightly knit family structure. There is no public discussion of the subject, and no statistics are published. Spousal violence constitutes grounds for divorce and criminal charges; however, suits brought on such charges reportedly are rare. Under a 1990 law, men who committed honour crimes may receive immunity from prosecution. [2f]

6.149 Prostitution is illegal. During the year, the Government reportedly beheaded women accused of prostitution. [2f] In a report released in January 2001, Amnesty International reported that in October 2000 the Government had executed dozens of women accused of prostitution. [2f] In October 2000 security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities. Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International the victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, including three doctors and one medical assistant. [2f]

6.150 On 22 June 1999 the Iraq Revolutionary Council issued Decree 101 banning the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. Based on paragraph (A) of section 42 of the Constitution, the revolutionary council decreed the following;

1. It shall be impermissible to detain women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case.
2. The victim's hospitalisation or death because of attempted manslaughter shall not prevent the release of the accused on bail during the investigation or trial of the case until a decision or sentence is issued in the case. [3m]

6.151 Rape is prohibited by law; however, security forces rape family members of persons in the opposition as a punishment. No information is available regarding the frequency or severity of rape in society. [2f]

WOMEN - NORTHERN IRAQ

6.152 In April 2000, the PUK declared that immunity would not be given for honour crimes in the area under its control. Several active women's organisations operate in the Kurd-controlled regions in the north. In September the KDP began admitting women into the police academy in preparation for the planned integration of women into the police force. [2f]

(see 'Honour crimes')

6.153 Looking for differences in the situation of women between northern Iraq and the Government controlled areas, it is more common for women living in rural areas to fall victim to ill-treatment and honour killings, while this is less a concern in big cities, like Baghdad and its surroundings. In northern Iraq Sulaymaniyah people are known to be quite liberal whereas the Arbil and Dohuk regions are very conservative areas. [26][35]

6.154 The number of women involved in politics is higher in Sulaymaniyah than in Arbil and Dohuk. In Dohuk there were only one or two cases of women being active in politics. In Sulaymaniyah, by contrast, it is quite common in some circles. The WCPI and of course the Independent Women Organization have very many female members. However, in those cases where the family is split in terms of political affiliation - e.g. one part of the family is affiliated with the PUK, another one with while an individual woman is with the WCPI - she may be at risk of persecution from her conservative relatives. In Sulaymaniyah City and Arbil City the Islamists were acting on their own against members of the WCPI and the independent Womens' organization. [53] Women following Western habits could be targeted, too. There were cases where acid was poured on women's legs because they had been wearing short skirts. The Islamic Movement was warned about these incidents, so that since February or March 2000 they have shifted their focus from targeting women to preaching in the mosques not to allow Western habits to occupy Kurdistan. The targets of the Islamic groups are not just women. Since 1993/1994 communist or leftist bookshops, hairdressers, teachers, coffee shops have been targeted as well. Most of the blame for these attacks has been laid on one of the Islamic groups, mainly the Islamic Movement in Kurdistan. There are now indications that it is capable of controlling some of these activists. Both the KDP and the PUK warned the head of the Islamic Movement, Mullah Ali Abd al- Aziz Halabchei, in late February / early March 2000 and no more such incidents have occurred in Sulaymaniyah and Arbil. [53]

CHILDREN

6.155 No information is available regarding whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the Government's continued disregard for the rights and welfare of children. Education for boys is compulsory through the sixth grade. Children may continue in public schools through grade 12, but children often leave after grade 6 to help in family enterprises. The Government claims that it also has enacted laws to make education for girls compulsory. [2f]

6.156 The employment of children under age 14 is prohibited, except in small-scale family enterprises. However, children reportedly are encouraged increasingly to work in order to support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program. There is no information available on forced and bonded labour by children. The Government has not ratified ILO Convention 182 on the worst forms of child labour. Child labour persists, and there were instances of forced labour. [2f]

Saddam's Cubs

6.157 In the year 2001, for the eighth year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children from 10 to 15 years of age. Camps for these "Saddam's Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of tough training for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the slots in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enrol their children in the gruelling course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps. Similarly, authorities reportedly withheld school examination results to students unless they registered in the Feddayin Saddam organisation. [2f][30]

6.158 Government officials allegedly took children from minority groups in order to intimidate their families to leave cities and regions in which the Government wishes to create a Sunni Arab majority. [2f]

CHILD CARE ARRANGEMENTS

Orphanages

6.159 Information is not readily available although it is known that orphanages do exist in Government controlled Iraq.

Adoption

6.160 According to a United Nations press release of 1998, the process of adoption was strictly monitored by Government agencies in order to guarantee the best interests of the child. Although adoption was not known in the Islamic Sharia and tradition, courts could decide on the adoption of any child and could determine the capacity of the adopting parents. In the event of adoption a probation period of 6 months was required before a couple could definitively adopt a child. [17]

CHILD CARE ARRANGEMENTS - NORTHERN IRAQ

6.161 In April 2002 the Kurdish Regional Government announced that a committee would be established to protect children's rights, in accordance with various international treaties and conventions. [52a]

6.162 As is customary with Kurdish culture, children without direct relatives are mostly cared for by other relatives within the extended family. It is apparently very rare for children to have no family at all or for relatives to be unable to look after them. There are orphanages for such children in Dihok and Sulaymaniyah. Arbil has an orphanage-come-re-education centre. Support is provided by the Kurdish authorities (ie the Kurdistan Ministries of Health and Social Affairs) and a number of local and international NGO's. Hero Talabani, wife of the PUK leader and founder of the local NGO Kurdistan Save the Children, is devoting herself to these children's fate. A number of child reception projects are running in northern Iraq, with facilities that are basic but regarded as acceptable by local standards. Special facilities (study grants, etc) are also available for children of "martyrs" and young victims of the Anfal campaign. [22] According to a UNICEF report on northern Iraq it was found that orphanages generally meet the basic survival, safety and security needs of orphans although much improvement is needed in meeting the higher psychological growth and development needs. [56]

HOMOSEXUALS

6.163 Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code. However homosexuality is taboo, and there is no viable support for lesbian and gay rights. Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years. **[36]**

6.C HUMAN RIGHTS - OTHER ISSUES

Treatment of Non-Governmental Organisations (NGO's) - Freedom of movement in the country, access to prisons

6.164 UN human rights monitors were banned from Iraq after 1992, following critical reports by the Special Rapporteur of the UN Commission on Human Rights, Max van der Stoep. **[1g]**

6.165 Only a handful of international NGOs have permission to operate in government-controlled Iraq. The government also reportedly harasses and intimidates relief workers and UN personnel throughout the country. In June 2000, two staff members of the United Nations Food and Agriculture Organization (FAO) were shot dead in Baghdad and six others wounded (FAO 30 June 2000). **[54]** In September 2001 the Government arrested and expelled six UN humanitarian workers and refused to provide any evidence as a basis for its actions. **[2f]**

6.166 The Government does not permit the establishment of independent human rights organisations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from most foreign and international human rights groups are not allowed in the country. However, the Government allows several international humanitarian and aid organisations to operate in the country. The Government harassed and intimidated relief workers and UN personnel throughout the country, continued threatening to arrest or kill relief workers in the north, and staged protests against UN offices in the capital. In September 2001, the Government arrested and expelled six UN humanitarian workers without providing a basis for its actions. As in previous years, the Government did not allow the UN Special Rapporteur to visit the country, nor did it respond to his requests for information. **[2f]**

6.167 For the ninth consecutive year, the Commission called on the UN Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The UN Sub-commission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these requests. The Government operates an official human rights group that routinely denies allegations of abuses. **[2f]**

6.168 In January 2002, the office of the UN High Commissioner for Human Rights reported that Andreas Mavrommatis, who succeeded Max van der Stoep as Special Rapporteur on human rights in Iraq two years earlier, had been invited to visit Iraq: his visit would be the first by a Special Rapporteur in a decade. In his annual report issued in April 2001 Mavrommatis had accused Iraq of perpetrating 'all-pervasive repression' and widespread terror. **[1g]**

NGO's - northern Iraq

6.169 Many local and international observers in northern Iraq agree that the human rights situation in northern Iraq has improved markedly in recent years. A striking feature is the co-operative attitude of the PUK and the KDP and their collaboration with international organisations as well as the number of measures recently taken by the local authorities to improve human rights in the area. **[22]**

6.170 The presence of many international aid organisations in northern Iraq is beneficial to the observance of human rights there. The northern Iraqi authorities are very well-disposed to the activities of the international organisations in northern Iraq and as a rule co-operate fully in the implementation of programmes. The activities

of the ICRC, the UNHCR the UNGCI and other UN organisations give them a clear picture of the human rights situation. UN representatives deal inter alia with the issue of displaced person and intercede with the KDP and PUK in that connection. The ICRC has offices in Dihok, Arbil and Sulaymaniyah. The ICRC visits detention centres in northern Iraq to monitor the material conditions in the prisons and the treatment of detainees. The ICRC tries to promote awareness of and respect for international human rights. In the past the local authorities have been receptive to ICRC recommendations and have implemented many of them. [22]

6.171 The UNHCR has offices in northern Iraq. The UNHCR's work in northern Iraq focuses chiefly on displaced persons forced out of the country. It provides protection and material assistance and is also involved with the resettlement of recognised refugees. [22]

6.172 The northern Iraqi community itself has developed its own human rights initiatives. A number of local human rights organisations are active in northern Iraq. In practice most of these organisations are linked with one of the many political groups there. Both the PUK and KDP have separate organisations to deal with women's issues. [22]

Internal Displacement

6.173 Iraq is host to the highest number of internally displaced people in the Middle East. Between 700,000 and 1 million people are estimated internally displaced in Iraq. Ethnic Kurds, Assyrians and Turkmen have suffered from several waves of displacement over the past two decades, mainly due to repression by the Iraqi government and to a lesser extent to inter-ethnic Kurdish fighting. Shia Arab populations in the south of Iraq have also been displaced from their homes due to government actions, particularly since 1991. [54]

Displacement of ethnic Kurds, Turkemen and Assyrians caused by the Iraqi government

6.174 The regime has for some years, forced Turkomans, Assyrians and Kurds from government-controlled areas into the northern governorates in line with the Iraqi regime's policy of "Arabisation". See section on Human Rights [24]

6.175 The Iraqi government caused the massive displacement of Iraqi Kurds from their towns and villages in the 1970s and end-1980s. Since the mid 1970s, Baghdad has also forcibly displaced nearly 200,000 of the ethnically non-Arab citizens from the oil-rich region of Kirkuk. The displacement continued in 2002. During the mid and late-1970s, the Iraqi regime destroyed Kurdish villages and forcibly displaced hundreds of thousands of ethnic Kurds living close to the borders with Iran and Turkey and relocated them into settlements controlled by the army. In 1988 at the end of the Iran-Iraq war, Baghdad forces lead the 'Anfal' campaign, destroying thousands of Kurdish villages and towns, killing between 50,000 and 100,000 civilians, and forcibly displacing hundreds of thousands of villagers. According to Human Rights Watch, the campaign of destruction led by the Iraqi government against the Kurdish population can be qualified as genocide. (HRW, July 1993). [54]

6.176 Since the mid-1970s, the Iraqi government has also expelled thousands of ethnic Kurdish, Assyrian and Turkmen families from the oil-rich Kirkuk area through what is known as the 'Arabization' policy. Kirkuk has long been claimed by the Kurds as part of Iraqi Kurdistan but lies just south of the 'Kurdistan Autonomous Region' delineated by the Iraqi government in 1974.

Non-ethnic Arab Iraqis have been given the choice of leaving Kirkuk or signing a form 'correcting their nationality' to be considered as ethnic Arabs. Measures used by the government to encourage departures and prevent the return of displaced persons have included setting up military checkpoints around Kirkuk, demolishing Kurdish sites and prohibiting Kurds from constructing or inheriting property in the area (CHR, 26 February 1999). Those refusing to comply have been subjected to intimidation, arrest, revocation of ration cards and, eventually, expulsion. From 1991 to 2000, the Iraqi government has been responsible for the displacement to northern Iraq of over 94,000 persons, from Kirkuk and other cities under government control such as Mosul (UN GA, 14 August 2000, para.50). In 2000, five to six families were being deported to northern Iraq each day (UNHCR/ACCORD, 14

November 2000, p57). At the same time, the Iraqi government has encouraged Shia families from central and southern Iraq to resettle in Kirkuk to affirm the 'Arabic' character of the city and to prevent Kurdish claims that Kirkuk is part of its territory. Kurdish sources reported that forced displacement from the Kirkuk area intensified in 2002 (RFE/RL 26 April 2002). [54]

Displacement of ethnic Kurds due to Kurdish fighting

6.177 Another cause of displacement has been factional Kurdish in-fighting. Two major Kurdish political parties - the KDP (Kurdish Democratic Party) and the PUK (Patriotic Union of Kurdistan) - have been fighting over the control of the three governorates of Dohuk, Erbil and Suleymaniyah, particularly during the period from 1994 to 1997. Forcible exchange of populations took place between the parties, affecting a total of 100,000 to 110,000 people accused of being affiliated with the other party (UNHCR/ACCORD, 14 November 2000). In 1998, both parties accepted a Washington-brokered peace agreement, which provided for the return of the people expelled from each other's territory. The implementation of the peace agreement has been slow, and both parties are still maintaining two separate administrations over the region. Hundreds of families were nevertheless allowed to return home in 2001 (KurdishMedia.com 7 July 2001). The region recently experienced new internal displacement due to clashes between the PUK and Islamic opposition

(HRW 2002). Internal Kurdish conflict has been exacerbated by the intervention of regional players who have all been opposed to the creation of a Kurdish state. Turkey's raids into Iraqi Kurdistan in search of PKK rebels (Kurdistan Workers' Party), as well as Iranian and Iraqi government interventions and shelling from outside the Kurdish-controlled region have all caused internal displacement (UNHCR June 2000 & USCR 2001). [54]

Displacement of Shia Arab population from the Mesopotamian marshlands by the Iraqi government

6.178 Displacement within the government-controlled area of Iraq has been caused by confrontations between the Sunni regime of Saddam Hussein, and the majority Shia Muslim population, which rebelled in the wake of the Iraqi defeat in Kuwait in 1991. Baghdad crushed the revolt of its Shia opponents during which time many people fled to the predominantly Kurdish North but also to the Mesopotamian marshlands of the Tigris-Euphrates Delta, located in the south of Iraq. The Iraqi government then ordered the burning and shelling of villages in the South, and had dams built to divert water from the marshes. This allowed government forces to penetrate into formerly inaccessible areas where their Shia opponents had found refuge (USCR, 2001). Following the destruction of their villages and the building of the dam, most of the Marsh Arabs have had to submit to compulsory resettlement within Iraq, leave the country, or remain in the drained marshlands, deprived of their water-based means of livelihood (AMAR 21 May 2001). [54]

6.179 The UN Special Rapporteur, the UN Commission on Human Rights, as well as international NGOs such as Amnesty International and other coalitions (Academic conference in northern Iraq, Assyrian Coalition and the Association Against Ethnic Cleansing in Kirkuk) have repeatedly denounced the Iraqi government's policy of forced displacement from Kirkuk and the southern marshes. The Iraqi Minister of Foreign Affairs has rejected allegations of forced displacement as baseless accusations (Iraqi Ministry of Foreign Affairs 2001).[54]

Humanitarian Aid/International Assistance

6.180 UN Oil for Food Programme 'Oil for Food' allows the Iraqi regime to access money for the humanitarian needs of the Iraqi people. Under the programme, established by Security Council resolution 986 in 1995, Iraq is allowed to sell unlimited quantities of oil and the revenues are deposited in the UN Iraq Account. Iraq can import almost anything other than military equipment (including items related to the production of weapons of mass destruction) under this programme. In recent reports senior UN officials have commented that the 'oil for food' programme continues to make 'an ocean of difference' to the Iraqi people, particularly in addressing the major rehabilitation of Iraq's infrastructure. Revised UN controls from May 2002 have made exporting humanitarian goods to Iraq even easier.[48]

6.181 In 1995 the UN established this programme to provide humanitarian relief to the population affected by UN security sanctions on Iraq [57] in return for Iraqi oil exports. [44a] It was intended as a response to the humanitarian situation under UN sanctions imposed following the invasion of Kuwait. [44a]

6.182 The Programme renders capital for different humanitarian projects in northern Iraq. [49] However the cash component for humanitarian projects in Government controlled area is almost non-existent. [49] Almost no investments and maintenance are carried out in schools, hospitals, electricity and water and sanitation systems in the Government controlled area. [49] Poor water supplies and inadequate sanitation have contributed to frequent and repeated infections compounding child malnutrition. [49] The infant and child mortality rate is 80 deaths per 1000 live births [58] compared with 7 in the United Kingdom. [58]

6.183 Food distribution A monthly food basket is distributed to all Iraqi families. [49] Some 24 million people (20.5 in the Government area and 3.5 million in northern Iraq) receive an average of 2230 kcal per day. [49] In northern Iraq it is distributed by the World Food Programme [59] and in the government controlled area by the Ba'ath Party Public Councils (Majlis al-Shaab) that also organise everything that pertains to families basic needs including electricity water and sanitation. [49] Reliance on food rations has increased over the past decade to almost total dependency. [49] The ration system ensures a certain level of food security for Iraqi families although malnutrition rates remain high especially for children. [59][57]

6.184 In May 2002 UN SC members agreed to revise sanction regime to ease humanitarian impact. The key element in the new arrangements is the Goods Review List provided for in paragraph 2 of UNSC Resolution 1382, passed in November 2001. Items specified on this list, defined as for military or dual use, are to be separated from humanitarian goods. [39]

ANNEX A - CHRONOLOGY OF IMPORTANT EVENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 May 1994: Saddam Hussein becomes Prime Minister.

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

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

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

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

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

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

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

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

1996: Fighting resumed between the KDP and the PUK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

reviewing sanctions against Iraq.

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

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

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

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

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

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

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

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

9 August 1998: UNSCOM suspended inspections.

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

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

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

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

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

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

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

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

17 November 1998: UNSCOM inspectors returned to Iraq.

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

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

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

16-20 December 1998: "Operation Desert Fox" The US and UK launched air strikes on Iraq to destroy Iraq's

nuclear, chemical and biological weapons programmes.

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

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

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

August 1999: A former Iraqi international soccer player stated that he and his team-mates had been tortured on Uday Hussein's orders for not winning matches. Sharar Haydar Mohamad Al-Hadithi, said that he was subjected to beatings on the soles of his feet, dragged shirtless through a gravel pit, then made to jump into sewage to cause infection. He also was subjected to sleep deprivation and beatings during periods of detention in Al-Radwaniya prison. His claims of brutality were supported by Uday Hussein's former private secretary and press spokesman Abbas Janabi who described watching members of the national soccer team being forced to kick a concrete ball on the grounds of Al-Radwaniya prison after they failed to qualify for the 1994 World Cup. [2d] There were reports that three soccer players who lost a game in the Asian Cup quarterfinals in October 2000 were whipped and detained for three days. [2e]

December 1999: The UN Security Council adopted Resolution 1284 (1999) which created a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body was established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. [3h][24] Iraq rejects the resolution.

January 2000: The IAEA carried out a physical inventory verification of Iraq's uranium stockpiles as part of its Safeguards Agreement with Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons. This inspection in no way substituted for the IAEA's verification activities in Iraq under the relevant Security Council Resolutions. [23a][23b] Iraq repeated its rejection of Resolution 1284, insisting on the total lifting of sanctions as a precondition for the return of UN arms inspectors to Iraq. [3n]

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

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

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

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

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

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

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

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

18 February 2001: Franso Hariri, former governor of Arbil and a central committee member of the KDP, was assassinated on his way home from Arbil. He was allegedly killed by armed terrorists. Two previous assassination attempts had been made on his life in 1994 and 1997. [34]

2 April 2002: Barham Salih, head of the Iraqi Kurdish Patriotic Union of Kurdistan (PUK) regional government, escaped an assassination attempt outside his house in Sulaymaniyan. Barham Salih was representative for his party in Washington for almost 10 years before he became the Prime Minister of the PUK led Kurdish regional government in Sulaymaniyah last year. [26][28b]

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

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

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

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

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

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

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

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

14 May 2002: The UN Security Council adopted Resolution 1409 (2002), revamping the UN's sanctions regime for Iraq. The resolution constituted the most sweeping overhaul of the UN's oil for food programme since its inception in 1996

17 September 2002: UNMOVIC and Iraq held preliminary talks at UN headquarters in New York about arrangements related to the resumption of inspections as a follow up to earlier talks in Vienna. Further talks agreed. [unmovic statement 17.02.02]

1 October 2002: The United Nations and Iraq end 2 days of talks in Vienna on practical arrangements needed to facilitate the return of UN weapons inspectors to Iraq [UN news service 7.10.02]

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

4 October 2002: PUK & KDP reconvene parliament

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

20 October 2002: Reported that Saddam Hussein announced a general amnesty for Iraqi prisoners to say thank you, according to officials, for the 100 % vote he received at the recent presidential election.

Sources [1][2a][2c][3][4][5][6][7][26][28][39]

ANNEX B: MAJOR POLITICAL PARTIES

New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The Government does not recognise the various political groupings and parties that have been formed by Shia Muslims, Kurds, Assyrians, Turkmens or other communities. The Government also imposes additional restrictions on some political parties. [2f]

Ba'ath Party - Arab Ba'ath Socialist Party (Hizb al-Ba'ath al-Arabi al-Ishtiraki)

Address. PO Box 6012, al-Mansour, Baghdad

Leadership - Saddam Hussein (secretary general of regional command)

The Ba'ath Party was established in Damascus in the early 1940s and is the ruling party in Iraq. It came to power in Iraq on 17 July 1968 when Maj.-Gen. (later Field Marshal) Ahmed Hassan Al-Bakr became President and Prime Minister, and supreme authority was vested in the Revolutionary Command Council (RCC), of which President Al-Bakr was also Chairman. On 16 July 1979 Saddam Hussein replaced Al-Bakr as Chairman and as President of Iraq. His rule has continued and in May 1994, facing a deepening economic crisis, he also assumed the post of Prime Minister in a reshuffle of the Council of Ministers. [1][15] A referendum on 15 October 1995 approved an amendment of the Constitution whereby the elected Chairman of the RCC would automatically assume the Presidency of the Republic, subject to the approval by the National Assembly and endorsement by the national referendum. [1]

The Baath (Renaissance) stands for secular pan-Arabism, socialism, anti-imperialism and anti-Zionism. It is historically (but now theoretically) a regional party of which the Iraqi party is one "regional command", others being in Lebanon and Syria. Founded originally in Syria in the latter part of the 1940's, the Baath party held power in Iraq since July 1968, when it was the leading force in the Revolutionary Command Council (RCC) which overthrew the Aref military regime. The party had previously been part of the group that overthrew the dictatorship of President Kassem in February 1953, but was then itself deposed in a military coup in November of the same year. [37]

In 1973 the Baath was instrumental in setting up an umbrella National Progressive Front with the aim of securing the co-operation of other political forces. This organisation was renamed the National Progressive Patriotic Front following the outbreak of war with Iran in 1980. Saddam Hussein has held the party leadership (as well as the Iraqi presidency) since 1979. There have been periodic purges in which critics of his leadership have been removed. [37]

At the 12th regional congress of the Baath held in Baghdad in May 2001 Saddam's younger son, Qusai Hussein, was elected as a new member of the Iraq Comman (the Party's leadership body), his first official party post. Qusai was subsequently named as one of two deputy commanders of the party's influential military branch. The election of Qusai to the Iraq Command strengthened speculation that he was being groomed to succeed his father as President. [37]

National Progressive Patriotic Front (NPPF)

Address c/o National Assembly, Baghdad

Leadership: Naim Haddad (secretary general)

Formed in 1973 as the National Progressive Front (the addition of the work Patriotic in the early 1980's indicating the need for national solidarity in the war with Iran), this Baath-dominated organisation serves in practice as little more than a mechanism for compiling and endorsing lists of electoral candidates. [37] In 1973 the Ba'ath Party and the Iraqi Communist Party signed a joint manifesto agreeing to establish a comprehensive progressive nationalist front. In 1975 representatives of Kurdish and independent organisations joined the front. In March 1979 the Iraqi Communist Party left the National Progressive Front. [1]

Assyrian Democratic Movement (Zowaa)

Originating in 1979 to oppose the persecution of (non-Arab Christian Assyrians in their homeland of Bet-Nahrein (northern Iraq); it participates in the Iraqi National Congress and has built relations with the de facto Kurdish authorities in Kurd controlled areas of northern Iraq. [37]

Assyrian National Congress (ANC)

Based in the USA and led by Sargon Dadesho, an umbrella for several Assyrian organizations including the Bet-Nahrein Democratic Party; favours an independent Assyrian homeland in northern Iraq and is in opposition to the Assyrian Democratic Movement. [37]

Assyrian Progressive Nationalist Party (APNP)

Founded in 1990 and calling for a "greater Mesopotamia" including non-Iraqi territories. [37]

Bet-Nahrein Democratic Party (BNDP)

Based in the USA and calling for an autonomous Assyrian state in northern Iraq. Supports the Assyrian National Congress. [37]

Constitutional Monarchy Movement

Calls for the restoration of the Hashemite monarchy overthrown in 1958 and backs the claim to the throne of London-based Sharif Ali Bin al-Hussain, who participates in the leadership of the Iraqi National Congress. [37]
Website www.iraqcomm.org

Iraqi Communist Party (ICP)

(Parti Communisti Iraq, al-Hizb al Shuyu'i al-Iraqi)

Address BM Al-Tarik, London WC1N 3XX UK

Leadership: Hammeed Mousa (secretary)

Allied with the Kurdistan Communist Party-Iraq; opposes both Saddam and intervention in Iraq by "imperialists". Held its seventh national congress in August 2001 in Iraqi Kurdistan. [37]

The Iraqi Communist Party was founded in 1934, becoming legally recognised in July 1973 on formation of National Progressive Front; left National Progressive Front March 1979 and was proscribed as a result of its support for Iran during the Iran-Iraq war. Aziz Muhammad holds the position of First Secretary of the party. [1e]
The ICP's influence and activities in Northern Iraq have declined since the attack on Arbil in August 1996. Many Arab ICP members have left Northern Iraq. The ICP has a few offices in Northern Iraq in places such as Shaqlawa and Sulaymaniyah. The party publishes a few periodicals in the region, including "Tariq al-Sha'b". It maintain normal relations with the KDP and the PUK and has close links with its fellow communist party, the KCP. [22]

Iraqi National Congress (INC)

(al-Mu'tamar al-Watani al-Iraqi)

The Iraqi National Congress (INC) was launched in June 1992 aiming to unite the various Kurdish, Sunni and Shi'a factions of the opposition and consists of a Presidential Council of 3 members. Although launched initially by Kurdish exiles, 170 representatives from a wide spectrum of Iraqi opposition groups attended the INC's conference held in Iraqi Kurdistan in October 1992. Participants committed themselves to the non-violent overthrow of Saddam Hussein and the establishment of a federal system that would permit a substantial degree of ethnic autonomy without partition of the country. However, the INC's unification efforts encountered some obstacles, for example, the INC has neglected to provide an essential place for the Shi'a religious movement. The triumvirate presidency of the INC acknowledges the three principal Iraqi communities but does not offer a framework for communal existence. [13][15] The founders committed themselves to the overthrow of President Saddam Hussein and the establishment of a federal system permitting a substantial degree of ethnic autonomy without partition of the country. The retention of the current borders of Iraq has remained a principle of the INC. A seven man leadership group elected in New York in November 1999 included Ayad Allawi (Iraqi National Accord); Riyadh al-Yawar (independent); Sharif Ali Bin al-Hussain (Constitutional Monarchy Movement); Ahmed Chalabi (independent); Shaikh Mohammed Mohammed Ali (independent); Latif Raashid (Patriotic Union of Kurdistan); and Hoshiar Zebari (Kurdistan Democratic Party). The USA has given backing and financial support to the INC as the voice of the Iraqi opposition, but is reported to have concerns that the INC lacks common

objectives and has no base in the dominant Sunni Muslim population on which the Iraqi regime is founded. Kurdish political leaders have also been reported as reluctant to engage in "adventurism" in respect of Iraq as a whole that might endanger their own de facto autonomy in northern Iraq. The INC has its headquarters in Salahuddin (Arbil province) in Iraqi Kurdistan with its external base in London. [37]

In early January 2002 the US Department of State announced that it was suspending funding to the INC, on the basis of a Department of State audit which had found that the group could not adequately account for its spending (although it was emphasized that there was no evidence of financial wrongdoing); it was subsequently reported that funding had been resumed. [1g]

Kurdistan Democratic Party (KDP)

Leadership: Massoud Barzani (President)

Founded in 1946, became the leading Kurdish political organisation and controlled the largest rebel force during the unsuccessful 1991 uprising against Saddam Hussein. Took 50 seats in the Kurdistan National Assembly elected in 1992, participating on a 50/50 basis in a coalition government with the Patriotic Union of Kurdistan (PUK) before the two organisations engaged in military conflict in 1994-98, in which the KDP received Iraqi and Turkish military support. AS a result of the conflict Iraqi Kurdistan is effectively partitioned by the KDP and PUK with the KDP governing its area (the provinces of Arbil and Duhok, with a population of about 2 million) from Arbil city. It leads a coalition government that also includes members of the Iraqi Communist Party, the Assyrian Movement, the Independent Work Party of Kurdistan, the Islamic Union and independents. It now participates with the PUK in the Iraqi National Congress. It favours self-determination for Iraqi Kurds in the context of the preservation of a unified, federalist Iraq. [37]

The KDP is a largely tribal party based in the northern governorates of Dohuk and Arbil. Throughout the 1960s there was fighting as Kurdish groups tried to gain autonomy within Iraq. After the coup of 1968 the Ba'ath Party wanted to solve the Kurdish problem and in 1969 Saddam Hussein entered into negotiations with Mulla Mustafa Barzani, the KDP's leader. The talks between the Ba'ath Party and the KDP brought about a cease-fire and the declaration of a peace agreement on 11 March 1970. This agreement recognised the Kurdish people as a distinct national entity and therefore with the right of autonomy. A general amnesty was declared and the government subsidised the KDP. It was agreed to implement the agreement within 4 years. [15]

In 1974, through the Autonomy Law, the Ba'ath Party acknowledged the existence of Kurds as a distinct group and granted them a level of autonomy. However, it also imposed limits on this autonomy and effective authority remained with the central government in Baghdad. The KDP rejected the law and in April 1974 hostilities broke out again. Their campaign collapsed when the Shah abandoned the Kurds as the counterpart for gaining the control he wanted in the Shatt-al-Arab waterway in the Algiers Agreement of 1975. Mulla Mustafa Barzani, went into exile in the United States of America and the KDP broke into several factions. The Patriotic Union of Kurdistan (PUK) was formed in June 1975 under the leadership of Jalal Talabani. Ma'sud Barzani, the son of Mulla Mustafa Barzani, took command of the KDP. [15]

In 1987 Kurdish political and military strength gathered through the rapprochement of the two main parties, the KDP and PUK, in early 1987 and the subsequent formation of the Iraqi Kurdistan Front (IKF) in July 1987. After the defeat of the Iraqi armed forces in Kuwait in February 1991 the KDP took part in the armed uprising in northern Iraq. Although the rising was initially successful, by April 1991 the Kurdish guerrillas had been driven out of the cities of northern Iraq. In mid April 1991 the KDP, with the PUK, accepted the offer of talks with the Iraqi leadership. The talks were suspended in the autumn of 1991 when the Iraqi regime imposed a partial economic blockade on Kurdish areas. [15] In Kurdish elections in May 1992 the KDP and the PUK emerged as the two dominant Kurdish groups opposing the Iraqi government. In June 1992 the KDP and other Kurdish opposition parties met together in Vienna to establish the Iraqi National Congress (See above). However conflict between the KDP and PUK resumed, although meetings have been held to organise a transitional government. A conciliatory and peace agreement was reached with the PUK in September 1998. [3j][4hi][15] The KDP and PUK are now working together and reconvened parliament on 04.10.02. [52d]

Patriotic Union of Kurdistan (PUK)

Leadership: Jalal Talabani (general secretary)

The PUK is led by Jalal Talabani and follows a Marxist-Leninist ideology and was formed in 1975 following a split in the KDP. In the early years of the Iran-Iraq War the rivalry between the PUK and KDP prevented a joint Kurdish

strategy against the Ba'ath Party. **[15]** A rival to the Kurdistan Democratic Party (KDP), from which it originated as a breakaway in 1975, and led by Jalal Talabani since its foundation. Took 50 seats in the Kurdish National Assembly elected in 1992 in Iraqi Kurdistan and joined with the KDP in government but engaged in bitter military conflict with the KDP from 1994-98. Governs an area of Iraqi Kurdistan with 1.5 million people from its base in Sulaymaniyah as the leading force in the Kurdistan Democratic Alliance, which also includes the Kurdistan Workers' Party, the Kurdistan Social Democratic Party, the Islamic Movement and the Kurdistan Conservative Party. Participates in the Iraqi national Congress. Seeks self determination for the Kurds within a unified Iraq and describes itself as social democratic although it has traditionally had diverse ideological currents. **[37]**

By 1985 the PUK were taking part in a full-scale insurrection against the Ba'ath regime. In July 1987 the PUK joined the Iraqi Kurdish Front (IKF) with the KDP following a rapprochement between the two parties. In Kurdish elections in May 1992 the PUK and the KDP emerged as the two dominant Kurdish groups opposing the Iraqi government. In June 1992 the PUK and other Kurdish opposition parties met together in Vienna to establish the Iraqi National Congress (See above). However conflict between the KDP and PUK resumed, although meetings have been held to organise a transitional government. A conciliatory and peace agreement was reached with the KDP in September 1998. **[3j][4][hi][15]** The PUK and KDP are now working together and reconvened parliament on 04.10.02. **[52d]**

Al-Da'wah Party

The Al-Da'wah Party, or Islamic Call, is a militant Shi'a organisation, formed in 1968 and is based in Tehran. The Al-Da'wah was not just a reformist movement but rather a revolutionary party advocating the replacement of the modern secular state by an Islamic social political order. It was inspired by the prominent Iraqi Ayatollah Muhammad Baqir al-Sadr. After the Iranian Revolution a massive wave of enthusiasm engulfed the Shi'a community in Iraq and drove the Al-Da'wah party, which openly endorsed Ayatollah Khomeini as its spiritual leader, to step up its activities against the regime. In 1989 the Ba'ath regime responded to demonstrations in support of Khomeini by imposing martial law in southern cities. Membership of the Al-Da'wah Party became punishable by death. It has made assassination attempts on Saddam Hussein. **[15]**

Umma (Nation) Party

The party was founded in 1982 and opposes Saddam Hussain's regime. Saad Saleh Jabr leads the party. **[1e]**

Supreme Council of the Islamic Revolution of Iraq (SCIRI)

(Also known as the Supreme Assembly of the Islamic Revolution of Iraq, SAIRI)

Formed in 1982 by Shia Muslim opponents of the Sunni-based ruling regime. It has carried out periodic military attacks from its bases in Iran. It is close to Iran and does not participate in the Iraqi National Congress. **[37]** This Shia organisation was led for the first three years of its' existence by its' founder, Hojjat al-Islam Muhammad Baqir al-Hakim, and then by a collective leadership. SCIRI was based in Iran and provided a focal point for Iraqi Shi'a opposition to the war with Iran. **[15]** The 10,000 strong military arm of SCIRI, largely under the control of the Iranians, is largely made up of Iraqi Shi'a prisoners taken by the Iranians during the Iran-Iraq War. **[15]**

Al Khoei Foundation

A religious body established by Ayatollah al Khoei, the Shi'a Mirja of Najaf, in the 1970's and run as a charitable organisation. Co-operates with opposition to Saddam Hussein. **[15]**

Association of Iraqi Democrats

Grouping of Iraqis who share the same national, democratic and liberal views. **[15]**

Iraqi National Accord Party - Wifaq

(Harakat Wifaq al-Watani)

This opposition movement has its origins in Central Iraq and consists chiefly of Iraqis who still adhere to the doctrine of the Ba'ath Party, but have distanced themselves from Saddam Hussein. The INA had a few offices in Dohuk, Suleimaniyya, Zakho, Salahuddin and Erbil, but its activities in Iraq diminished after August 1996 as a result of the underlying struggle between the KDP and the PUK. The INA used the Kurdish offices among other things as a base for mobilising people and making contacts with INA followers who were carrying out underground activities in Iraq. Since February 1996 the INA has had an office in Amman.

Kurdish Tribal Association

Leading Kurdish tribal grouping (about 20 tribes) established 1991. [15]

Iraqi Free Officers

Connected to Iraqi Independent Alliance. The group appears to have support in Iraq and has attempted to poison Saddam Hussein at least once. [15]

Iraqi Kurdistan Front (Berey Kurdistan Iraq)

In 1988 the KDP, the PUK, the KPDP, the KSP-I and the PASOK together formed the Iraqi Kurdistan Front (IKF)). The aim of the Front was the establishment of united Kurdish movement in the fight against the regime in Baghdad. The IKF played a major role during the Intifada and in the preparations for the general elections on 19 May 1992. After the elections, the ICP, the KTP and the Assyrian Democratic Movement (ADM) also joined the Front. The activities of the Front were hindered, however, by the underlying rivalry between the KDP and the PUK. [22] The IKF has since disbanded. [24]

Royalists

Followers of Sherif Ali Hussain, cousin of King Faisal who was killed in the 1958 coup. [15]

Unity Party of Kurdistan

Coalition of three of the smaller Kurdish parties - the Kurdistan Popular Democratic party (DPDP), the Kurdistan Socialist Party of Iraq (KSPI) and the Popular Alliance of Socialist Kurdistan (PASOK). Merged with the KDP in the summer of 1993. [15]

Islamic Movement of Iraqi Kurdistan (IMIK)

(Bizutnewey Islami le Kurdistan Iraq, Al-Haraka al-Islamiyya fi Kurdistan al-Iraq)

The Islamic Movement (IMIK) was founded in 1986 by Sheikh Uthman Abd al-Aziz and several other Sunni mullahs who were all part of the non-political "Union of Religious Scholars" (Yaketi Mamostayani Ayni Islami, Ittihad Ulama' al-Din). The foundation was officially ratified in 1998.

Armed hostilities, which resulted in deaths were reported between the PUK and Islamic Groups, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. The heaviest fighting began in September 2001, when a newly created Islamist group, the Jund al-Islam, (now known as Ansar al- Islam) seized control of some villages near the Iranian border and attempted to institute a strictly Islamic theocratic regime. According to press and opposition reporting, the Jun al-Islam attacked PUK fighters near Halabjah, killing dozens of persons. Intermittent fighting between the PUK, and the Jund al-Islam, and other Islamic groups continued until late November, when an agreement between those involved and the Iranian Government dissolved the Jund al-Islam and imposed a cease-fire. [2f] Jund-Al-Islam is now known as Ansar Al- Islam. It is thought IMIK still exists although it has split into a myriad of groups.

Islamic Union

The Islamic Union party was officially founded in 1994 and is a moderate Islamic party, against violence and arms. The party has 5 TV channels, 7 radio stations and 2 weekly newspapers. They include women in their party and 3 women hold positions in their ruling party. They are opposed to honour killings. [49]

Kurdistan Revolutionary Party (KRP)

Hizbi Shorishgeri Kurdistan, al-Hizb al-Thawri al-Kurdistani

The Kurdistan Revolutionary Party was set up in 1972 after a conflict with Mustafa Barzani by a group of former members of the KDP. Two years later the KRP jointed the government-inclined National Progressive Front (NPF), the only organisation in Iraq to which parties other than the Ba'ath Party are admitted. The Secretary-General of the party was Abdul Sattar Taher Sharef. He fled Iraq about two years ago. The party supports Baghdad and plays practically no active role in the part of Northern Iraq, which is under the control of the Kurdish parties.

Kurdish Revolutionary Hizbollah (KRH)

Hizbullahi Kurdi Shorishger, Hizbullah al-Kurdi al-Thawri

The KRH was set up in 1988 and is a splinter group of the *Kurdish Hizbollah*. The KRH is under the leadership of Adham Barzani, also a cousin of Masud Barzani, the leader of the KDP. The KRH is a small military organisation, which has a few offices in the vicinity of Diyana and Hadji Omran near the Iranian border. This organisation receives both military and financial support from Iran, but has little influence on Kurdish society. [4]

Conservative Party of Kurdistan (CPK/AI Muhafinin)

Parti Parezgarani Kurdistan, Hizb al-Muhafidhin al-Kurdistani

The CPK was set up in late 1991/early 1992. The party is mainly clan-based and not very ideological, having links with the Surchi tribe. At first the Party maintained normal contacts with the KDP and the PUK. Since 1995/1996, however, relations with the KDP have deteriorated considerably, with the KDP suspecting AI-Muhafizin of ties with the PUK. The KDP raid on a Surchi village in 1996, in which the Surchi tribal chief at the time was killed, provides one explanation for deep-felt CPK grievances against the KDP. The CPK has since then in practice no longer been tolerated in KDP territory. The party has ceased to operate there, although the CPK has never officially been banned. The party does operate in PUK territory, though, and until recently had a minister in the PUK government. [22]

Kurdistan Islamic Union (KIU)

Yaketi Islami le Kurdistan, Rabetat Al-Muslimin Fi Kurdistan

The KIU is part of an international Islamic organisation called the Ikhwan Al-Muslimin (Islamic Brotherhood). The branch in Kurdistan is in principle independent and is directly responsible for policy matters. The KIU receives a lot of support from various countries around the Arabian Gulf.

The KIU is under the leadership of Salahadin Mohammed Baha al-Din. Other leaders include Ali Mohammed Ahmad, Dendaar Najmen Al-Doski and Omar Abdul Aziz. The party is striving to set up an Islamic state in Iraq in which the rights of the Kurds are recognised. It is chiefly active among students, but also has an adult political base, particularly in Arbil and enjoys good relations with both the PUK and the KDP.

Kurdistan Socialist Democratic Party (KSDP)

Parti Sosyaliri Dimuqrati Kurdistan, Al-Hizb al-Ishtiraki al-Dimuqrati al-Kurdistani

The KSDP, springing from the Kurdistan Socialist Party - Iraq (KSP-I), is a small, tribally-based party, led by Muhammed (or Hama) Hadji Mahmoud. He was briefly a member of the KDP when the Socialist Party, to which he belonged, united with the KDP in 1993. Mahmoud soon clashed with the KDP leadership, left the party and set up the KSDP. That party does not engage in any open activities in KDP territory. The KDP would not allow it to, as relations between them are apparently too bad. The KSDP is included in the PUK government and reportedly has hundreds of peshmergas in PUK territory. It is on good terms with the PUK and operates openly in the latter's territory. The KSDP enjoys good relations with the Iranian intelligence service, Ettela'at, and is said to receive financial support from Iran. The KSDP executive is based in Sulaymaniyah. [22]

Kurdistan National Democratic Union (YNDK)

Yaketi Natawaie Dimokrati Kurdistan, Inihjad al-Qaumi al-Demoqrati al-Kurdistani

This party was set up in March 1996 in the province of Arbil where it also has its headquarters. The YNDK was in the first instance an extension of the PKK, but the founders of the former party quickly turned against the PKK. During the conflict between the KDP and the PUK the party split into two groups. One group was under the PUK and the PKK, the other under the KDP. The first group has meanwhile almost disappeared and some of its leaders have been murdered. There are thought to be fewer than 100 armed fighters linked to the YNDK. The party publishes a party newspaper under the name "Media". The aim of the party is the independence of Kurdistan.

Action Party for the Independence of Kurdistan (PKSK of PSKI)

Parti Kari Sarbakhoy Kurdistan or Party Khabat bo Serbogoy Kurdistan

The PKSK is a splinter organisation of the ICP and was originally affiliated with both the PKK and the PUK. The party was initially under the leadership of Mohammed (Hussein) Halleq. However, he was murdered on 2 November 1995. After his murder, relations between the PKSK and the PUK became difficult because the PKSK accused the PUK of the murder. The PKSK is now trying to restore its relationship with the PUK. Contacts with the PKK have also deteriorated because the PKSK has taken the side of the KDP and opposes the presence of armed PKK fighters in North Iraq.

The present leader of the party is thought to be Yousif Hanna Yousif, who is better known as Abu Hikmat. He is also a minister in the cabinet of the KDP in Arbil. At the moment there is some confusion about the question of where the offices of the PKSK are located. There are reports that the party also has offices in Suleimaniyya and Rania. According to some reports, the office in Suleimaniyya is said to be run by a so-called "carbon-copy party". Other sources state that these offices represent the actual PKSK, while on the contrary the office in Arbil is said to no longer belong to the "real" PKSK but to be controlled by a "carbon-copy party".

The fairly small PKSK, led by Yousif Hanna Yousif ("Abu Hikmet"), is represented in the KDP government in Arbil, where the PKSK also has a party office. The party is on good terms with the KDP. [22]

Hamas

During a conference of the IMIK at the beginning of 1998, a group of officials under the leadership of Najim al-Dien Faraj (better known as Mullah Kerekaar) left the IMIK and set up Hamas. Hamas is an illegal orthodox military grouping which is thought to be increasingly active in the PUK region but has no official responsibility. It is not known whether this organisation receives much support from IMIK members. Several bomb attacks and murders which took place in Suleimaniyya and Arbil in the first half of 1998 have been attributed to Hamas.

Iraqi Workers' Communist Party (IWCP/WCPI)

Hizbi Communisti Kerkari Iraq. Al-Hizb al-Shuyu'i al-Ummali al-Iraqi

The IWCP is represented in KDP territory although, strictly speaking, an illegal party there, not being officially registered and authorised to engage in political activities. The IWCP increasingly includes extreme left-wing Iranians. The party's supposed anti-nationalist and anti-religious leanings cause friction with the KDP and have of late also been giving rise to trouble with the PUK.

The IWCP is nevertheless officially represented in PUK territory, having its head office and radio station in Sulaymaniyah. The party publishes the newspaper "Bopeshawa". Relations between the IWCP and the PUK could until a short while ago be described as reasonably good. The PUK used to assist the IWCP by means of monthly donations. Recently, however, some tension has arisen, partly as a result of an accusation of illegal fund-raising levelled at the IWCP by the PUK and an investigation into IWCP involvement in the death of two former IWCP members. There are also rumours abroad of an IWCP rapprochement with Baghdad. Fierce animosity is felt between the IWCP and the Islamic Movement in Kurdistan. The IWCP arouses irritation, not only on the part of the IMK, by its extreme political views, which often run directly counter to Kurdish traditions. At the funeral of the IWCP's founder, Farad Farradj, for instance, the Internationale blared forth. The IMK was suspected of involvement in the murder of two IWCP members in Sulaymaniyah in October 1999. The IWCP earlier accused "Islamic groups in the city of Arbil" of the murder of two IWCP members on 18 April 1998. To the best of our knowledge, however, there have been no really large-scale incidents between the IMK and the IWCP. [22]

Democratic Alliance of Kurdistan (DAK)

Hawpaymani Demoqrati Kurdistan, al-Tahalluf al-Dimuqrati al-Kurdistani

On 13 October 1996 five Kurdish parties set up the Democratic Alliance of Kurdistan together as a protest against the co-operation of the KDP with the Iraqi authorities. The front comprised the PUK, the Iraqi Toiler's Party, the Democratic Movement, Socialist Democratic Kurdistan and the Conservative Party of Kurdistan. The DAK publishes a newspaper called Haw Pemani, in Arabic al-tahalluf

Iraqi Democratic Liberation Movement (IDLM)

This is an Arab tribal party, led by the reputedly very wealthy Jebouri family. The party is reported to be on good

terms with the KDP and the PUK, but to engage in little activity in Northern Iraq. [22]

Kurdistan Toilers' Party (KTP)

Zahmatkeshan

The left-leaning party Zametkeshani Kurdistan, founded according to the party itself on 12 December 1985, publishes the newspaper "Alay Azadi" (Banner of Freedom) in Sulaymaniyah. A few cultural and ideological periodicals ("Pesh Kawtin" and "Nojan") are also reportedly published and television and radio programmes put out on its own broadcasting stations. The relatively small KTP is included in the PUK dominated government. The KTP does not enjoy good relations with the KDP and has no offices in KDP territory. There has, however, never been any serious confrontation between the two parties. [22]

Action Party for the Independence of Kurdistan(PKSA)

Parti Kari Sarbakhoy Kurdistan (PKSK/Action Party for the Independence of Kurdistan)

The fairly small PKSK, led by Yousif Hanna Yousif ("Abu Hikmet"), is represented in the KDP government in Arbil, where the PKSK also has a party office. The party is on good terms with the KDP. [22]

In addition to the above parties, there are also known to be others such as the **Kurdistan Democratic Movement (KDM)**. [22]

Turkmen Peoples' Party

Leadership:Necdet Kocak

Representing the 2.5 million Turkmen minority, who inhabit areas of northern and central Iraq now effectively partitioned between Iraqi controlled areas and Kurd controlled areas in the north. [37]

ANNEX C - PROMINENT PEOPLE

Saddam Hussein - President, RCC Chairman, Prime Minister, Ba'ath Party Regional Command Secretary General

Taha Yasin Ramadan - Vice President

Taha Muhyi al-Din Ma'ruf - Vice President

Tariq Aziz - Deputy Prime Minister

Abd Al-Tawab Mullah Huwaysh - Deputy Prime Minister

Ahmad Husayn Khudayir al-Samarrai - Deputy Prime Minister

Mohammed Saeed al-Sahhaf - Minister of Information

Naji Sabri Hadithi - Minister of Foreign Affairs

Omeed Midhat Mubarak - Minister of State

Uday Hussein - eldest son of Saddam Hussein

Quasay Hussein - Saddam Hussein's son

Jalal Talabani - Leader of PUK (General Secretary)

Massoud Barzani - Leader (head) of KDP (President)

Nechervan Barzani - Prime Minister of KDP (son in law and nephew of Massoud Barzani)

Andreas Mavrommatis - current Special Rapporteur

ANNEX D - ABBREVIATIONS

ABSP - ARAB BA'ATH SOCIALIST PARTY

ANC - Assyrian National Congress

APNP - Assyrian Progressive Nationalist Party

BNDP - Bet-Nahrein Democratic Party

ICP - Iraqi Communist party

ILK - ISLAMIC LEAGUE OF KURDISTAN (another name for IMIK)

IMIK - ISLAMIC MOVEMENT OF IRAQI KURDISTAN

INC - IRAQI NATIONAL CONGRESS

KDP - KURDISH DEMOCRATIC PARTY

KIF - KURDISTAN IRAQI FRONT

PKK - KURDISTAN WORKERS PARTY

PUK - PATRIOTIC UNION OF KURDISTAN

UNMOVIC - United Nations Monitoring, verification and Inspection Commission

Zowaa - Assyrian Democratic Movement

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