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U.S. Department of State

Iraq Report on Human Rights Practices for 1996

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IRAQ*

Political power in Iraq is concentrated in a repressive one-party apparatus dominated by Saddam Hussein. 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. Saddam Hussein and his colleagues continue to point to an October 1995, nondemocratic "referendum" on his presidency in which he received 99.96 per cent of the vote as legitimating the regime. However, his "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. The judiciary is not independent and is subject to presidential interference.

Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkomen, Yazidis, and Armenians. Historically, the religious mix is likewise varied: Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), and Jews (most of whom have emigrated). Ethnic divisions have resulted in civil uprisings in recent years, especially in the north and the south. The Government has reacted against those who revolt with extreme repression.

The Government's security apparatus includes militias attached to the President, the Ba'ath Party, and the Interior Ministry. They play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces have committed widespread, serious, and systematic human rights abuses.

The Government controls most of the economy, which is largely based on oil production, and owns all major industries. Damaged by the Gulf War and subjected to United Nations sanctions as a result of Iraq's 1990 invasion of Kuwait, the economy continues to deteriorate. The sanctions ban all exports and allows imports only of food, medicine, and materials and supplies for essential civilian needs. The Government's failure to comply with U.N. Security Council resolutions has led to repeated extensions of the sanctions. In May, after a year of obstruction and delay, the Government reached agreement with the U.N. on a plan to implement U.N. Security Council Resolution (UNSCR) 986, which would allow a controlled sale of Iraqi oil to purchase food and other humanitarian goods to improve the deteriorating situation of the Iraqi people. Throughout the rest of 1996, however, the Government continued to in delaying tactics and other actions which the U.N. and other observers cited as delaying implementation. The Government's actions threatened the resolution's intended controls on oil sales and the conditions required to ensure fair and equitable distribution of relief. In mid-December, the U.N. announced that conditions were finally in place to allow implementation to begin, although it appeared likely that relief would not be delivered until early 1997.

The Government's abysmal record on human rights worsened in 1996. Human rights abuses remain extremely difficult to document because of the Government's efforts to conceal the facts, including its refusal to permit visits by human rights monitors or other observers and its continued restrictions designed to prevent dissent. Nevertheless, the Government's renewal of repression and threats in northern Iraq following its military attack on the city of Irbil on August 31 make it clear that serious human rights violations increased.

Summary executions of perceived political opponents reportedly increased, as did reports of disappearances. Both types of repression were particularly clear in the north during and after the August 31 attack on Irbil. Tens of thousands of political killings and disappearances remain unresolved from previous years. As socioeconomic conditions deteriorated, the regime punished persons accused of economic crimes, military desertion, and a variety of other charges with torture and cruel and inhuman penalties, including the extensive use of amputation. Prison conditions are poor. The authorities routinely use arbitrary arrest and detention. The judiciary is not independent; the President can override any court decision. The Government continues to deny citizens the right to due process and privacy. Max van der Stoep, the Special Rapporteur for Iraq appointed by the U.N. Human Rights Commission (UNHRC), confirmed again that freedom of speech, the press, assembly, and association do not exist, except in some parts of the northern areas, beyond control of the Government. The Government severely limits freedom of religion and movement, discriminates against women, children, religious minorities, and ethnic groups. It also restricts worker rights.

Citizens do not have the right to change their government. The October "referendum" on Saddam's presidency was not free. It was dismissed by most international observers. As in years past, the Government forcibly transferred hundreds of government workers from one job to another, purportedly to prevent the development of potential opposition in any government institutions. After failed coup attempts and repressed protests between May and July, the Government arrested, removed from their jobs, or otherwise punished numerous citizens for their alleged association with these incidents. The fate of many such persons remains unknown. After Saddam's daughters and his sons-in-law, Hussein Kamel and Saddam Kamel al-Majid, defected to Jordan in August 1995, the Government reportedly arrested scores of midlevel military and civilian officials for their association with the defectors. Evidence has emerged that the Government was behind the deaths of Saddam's sons-in-law, who returned to Iraq in February from Jordan after they received promises of amnesty. Shortly after entering Iraq, the two were separated from their families and were killed, allegedly in a gunfight with relatives. Other members of the al-Majid clan were also arrested or disappeared.

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. For most of the year, the Government maintained an internal embargo against Iraq's northern governorates, blocking the shipment of food, medicine, and other goods from government-controlled territory to the Kurdish-controlled areas. The Government announced the lifting of the internal embargo on September 12, but anecdotal and other reports indicate that the regime still exercises tight control over the flow of goods and services into and out of northern areas.

The Government persisted in its flagrant interference with the international community's provision of humanitarian assistance, in contravention of the conditions of UNSC Resolution 688. It harassed and intimidated relief workers as well as U.N. security personnel throughout the country. The Government renewed a threat to arrest or kill relief workers, whether foreign or Iraqi, simply for association with a foreign relief organization. The Government initially objected to the distribution monitors required by the terms of Resolution 986, and it remains to be seen whether the Government will allow those monitors to carry out their work.

In northern Iraq, fighting continued between the two main Iraqi Kurd groups, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), in which both fighters and civilians were killed. KDP cooperation with the Government in the August 31 attack and PUK cooperation with Iran in August increased instability and, according to Iraqi and Iranian opposition reports, the ability of both governments to act against political opponents in the area. A cease-fire established on October 23 ended fighting for the rest of the year, albeit with a few sporadic clashes. At the end of the year, both groups were considering a mutual release of detainees as one of several confidence-building measures to strengthen the cease-fire and improve prospects for political reconciliation between the two groups. Terrorist actions in northern Iraq and Turkey by the Turkish terrorist organization,

the Kurdistan Workers' Party (PKK), 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.

* The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The regime has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all reported an increased number of summary executions in 1996. In his November report to the U.N. Human Rights Commission, the Special Rapporteur stated that "the country is run through extrajudicial measures." In an April 10 report, Amnesty International noted that various decrees expanding the use of the death penalty in 1994 and 1995 have not been sufficiently clarified to ensure fair and just applicability, a problem compounded by the lack of an independent judiciary.

As in previous years, there were numerous credible reports that the regime executed persons allegedly involved in plotting against President Hussein, including high-ranking civilian, military, and tribal

leaders, as well as members of his family and clan. The regime periodically eliminates large numbers of detainees; in May, according to unconfirmed reports, the regime executed as many as 100 detainees. In June some 400 officers of various ranks were executed, including some senior Republican Guard officers. Allegedly these executions were ordered directly by Saddam Hussein and supervised by his eldest son, Uday. Also in June, Uday reportedly ordered the killing of a former aide, Muhammad Al-Rawi, for trading stocks on the Baghdad stock market.

Hussein Kamel and Saddam Kamel, Saddam Hussein's sons-in-law, were executed b