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## 1999 Country Reports on Human Rights Practices

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### IRAQ\*

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'th Socialist Party 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 Ba'th Party, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995 nondemocratic " referendum" on 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. Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkomen, Assyrians, 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). Civil uprisings have occurred in recent years, especially in the north and the south. The Government has reacted against those who oppose it--or even question it--with extreme repression. The judiciary is not independent, and the President may override any court decision.

The Government's security apparatus includes militias attached to the President, the Ba'th 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. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The economy was damaged by the Iran-Iraq and Gulf Wars, and Iraq has been under U.N. sanctions since its 1990 invasion of Kuwait. As a result, the economy has been stagnant. Sanctions ban all exports, except for oil sales under U.N. Security Council Resolution 986 and subsequent resolutions (the " oil-for-food" program). Under the program, Iraq also is permitted, under U.N. control, to

import food, medicine, and other humanitarian goods for essential civilian needs, as well as spare parts for the oil sector. The Government continued to interfere with the international community's provision of humanitarian assistance to the populace by placing a higher priority on importing industrial items and expensive, sophisticated medical equipment, rather than basic food and medicine, by diverting goods to benefit the regime, and by restricting the work of U.N. personnel and relief workers. The Security Council passed resolution 1284 in December which, among other things, permits Iraq to export as much oil as required to meet humanitarian needs under the U.N. oil-for-food program.

The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily perceived 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. Iraqi military operations continued to target Shi'a Arabs living in the southern marshes. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are poor. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The judiciary is not independent. The Government continued to infringe on citizens' privacy rights. The Government has made use of civilians, including small children, as "human shields" against military attacks.

The Government severely restricts freedom of speech, press, assembly, association, religion, and movement. The U.N. Commission on Human Rights Special Rapporteur for Iraq, Max van der Stoep, who resigned in October, confirmed in his February and October reports that these freedoms do not exist, except in some parts of the north under the control of Kurdish factions. 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 organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to Iraq, the Special Rapporteur based his reports on the Government's human rights abuses on interviews with recent emigres from Iraq, interviews with opposition groups and others that have contacts inside Iraq, and on published reports. The Special Rapporteur concluded that the political and legal orders were "not compatible with respect for human rights," and that it entailed "systematic and systemic violations throughout the country, affecting virtually the whole population." Violence and discrimination against women are common. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts worker rights, child labor persists, and there were instances of forced labor.

Kurdish groups committed abuses against civilians in the north.

## **RESPECT FOR HUMAN RIGHTS**

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

a. Political and Other Extrajudicial Killing

The Government committed numerous political and other extrajudicial killings. The Government has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all report a heightened number of summary executions in Iraq since 1997, assertions that are supported in detail by several sources in Iraq. The Special Rapporteur has stated that " the country is run through extrajudicial measures." The list of offenses requiring a mandatory death penalty has grown substantially in recent years and now includes anything that could be characterized as " sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Special Rapporteur also 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 offenses 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. Government killings occurred with total impunity and without due process.

The regime periodically eliminated large numbers of political detainees en masse. During the year, the Special Rapporteur continued to receive reports referring to a " prison cleansing" execution campaign taking place in Abu Ghraib and Radwanayah prisons. Opposition groups alleged that all political prisoners with sentences of more than 15 to 20 years were subject to summary execution. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), the Iraqi National Congress (INC), and others with a network inside the country provided detailed accounts of summary executions, including the names of hundreds of persons killed.

In mid-January, Saddam Hussein's son Qusay Hussein ordered the execution of three senior military officers. According to Shi'a opposition sources, 27 members of the Fedayeen Saddam were executed in January. Authorities delivered the bodies to the families on the festival of Eid Al-Fitr (the end of the holy month of Ramadan). On February 23, officers suspected of plotting a coup were executed. Amnesty International reported that seven high-ranking officers who commanded Iraqi forces during the Gulf War were executed in March. Scores of persons also were tortured, then summarily executed, on suspicion of participating in demonstrations in Basra on March 17. The executions reportedly were carried out under the direct supervision of senior government authorities, including Ali Hassan Al-Majid, Ahmed Ibrahim Hamash, and Abdul Baqi Al-Saadoon. Authorities executed a 70-year-old blind man and seven of his eight sons early in the year after announcing that the eighth son, who had fled the country, was suspected in the 1996 attempt on the life of Uday Hussein, Saddam Hussein's oldest son. Another suspect and the suspect's father also were arrested and executed. The families of those executed were required to recover the bodies one-by-one over a 10-day period. The houses of those executed were demolished several days later (see Section 1.f.). In April 58 political prisoners were executed at Abu Ghraib Prison, and an additional 26 were killed there in August. In August security forces executed five young men from areas of Kirkuk where antiregime leaflets were distributed (see Section 1.d.). The Center for Human Rights of the Iraqi Communist Party reported the September execution of 11 political dissidents held since the March 1991 uprising following the Gulf War. On October 12, 123 prisoners were executed at Abu Ghraib prison. Of that number, 19 were held and executed due to their political beliefs. The remaining 104 were executed for common crimes. A senior retired officer and two other serving officers reportedly were executed on

November 22 on charges of treason and conspiracy. Retired Major General Abd Al-Karim Al-Hamadani was said to have criticized the central Government for the country's involvement in the war with Iran and invasion of Kuwait. No information was disclosed concerning the accusations against Lieutenant Colonel Falah Hamdan Al-Dulaymi and Lieutenant Colonel Ahmad Battah Al-Dulaymi. The Iraqi Communist Party reported in December that 40 military officers were executed by firing squad on the orders of Ali Hassan Al-Majid (often referred to as " Chemical Ali" for his role in the chemical weapon mass murder of Kurds in the 1980's). Sources inside Iraq reported in March that 93 prisoners had been executed at Radhwaniyah prison in November 1998. A further 96 political detainees, including 22 military officers, plus an additional 23 prisoners charged with common crimes such as theft, were executed at Abu Ghraib prison in December 1998.

The Government's motive for so many summary executions--estimated to be between 2,500 and 3,000 since 1997--is not known, although intimidation of the population and reduction of prison populations often are reported. There are persistent reports that Uday Hussein has remained active in carrying out extrajudicial killings. As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba'th Party. These executions included high-ranking civilian, military, and tribal leaders. For example, five Republican Guard officers accused of preparing to kill Qusay Hussein reportedly were executed in November. Colonel Ibrahim Jasim, Lieutenant Colonel Abd Al-Sattar Khalaf, Captain Ali Husayn, Captain Dauwd Muhammad, and Captain Umar Abd Al-Razzaq Al-Baydi were killed by a firing squad on November 29. A sixth alleged coconspirator, retired General Muhammad Qasim, reportedly committed suicide by drinking poison.

The Special Rapporteur received detailed information concerning what he has called " political killings," described as the preplanned killings of individuals carried out by government agents. Following the 1998 killings of two internationally respected religious scholars, Grand Ayatollah Sheikh Mirza Ali Al-Gharawi, age 68, and Ayatollah Sheikh Murtada Al-Burujerdi, age 69, the Special Rapporteur expressed his concern in a letter to the Government that the murders might be part of a systematic attack by Iraqi officials on the independent leadership of Shi'a Muslims in Iraq. The Government did not respond and the attacks continued. On January 6, Grand Ayatollah Sheikh Bashir Hussain Al-Najafi and members of his seminary were attacked while performing religious duties. A grenade thrown at them killed three persons. Although wounded, Al-Najafi survived the attack.

On February 19, for the third time in less than 12 months, another leading Shi'a cleric and two of his sons were killed. Ayatollah Mohammad Sadeq Al-Sadr and his sons, Hojjatue Al-Islam Al-Sayyid Mostafa Al-Sadr and Al-Sayyid Mu'ammai Al-Sadr, were shot in a car as they left a prayer session (see Section 2.g.). Al-Sadr's death was widely attributed to the Government because he was killed immediately after leading Friday prayers, despite an order not to do so issued by the Central Euphrates Region Military Governor and Revolutionary Command Council member Mohammad Hamza Al-Zubeidi. Shortly before he was killed, the Ayatollah spoke against government restrictions on religious freedom. He also had been interrogated by the security services on several occasions.

Several weeks later, the Government executed 12 persons who were allegedly responsible for the deaths of the clerics. One of those executed, after purportedly having confessed to the February murder of Al-Sadr, reportedly had been in detention since the end of

December 1998. According to a report submitted to the Special Rapporteur in September, another of Al-Sadr's sons, Sayyid Muqtada Al-Sadr, was arrested later in the year along with a large number of theological students who had studied under the Ayatollah. Nineteen followers of Al-Sadr reportedly were executed toward the end of the year, including Sheikh Muhammad Al-Numani, Friday imam Sheikh Abd-Al-Razzaq Al-Rabi'i, assistant Friday imam Kazim Al-Safi, and students from a religious seminary in Al-Najaf.

In October the regime reportedly executed novelist Hamad Al-Moukhtar at Abu Ghraib prison after he spent several months in jail. A group of exiled dissident writers, including poet Sa'adi Youssef and literary critic Yassin Al-Nassir, said Moukhtar was arrested after he held a funeral for Al-Sadr.

Another killing believed to be politically motivated included that of Intelligence Chief Rafa Daham Mujawal Al-Tikriti, Saddam Hussein's second cousin and the former Iraqi ambassador to Turkey. Rafa died October 11, 3 days after he was removed from his post. Government explanations for his death included both that he had died in a car crash and that he had suffered a heart attack. Some opposition sources said Rafa was killed for failing to protect information about Iraq's military deals with Russia, although others asserted that Rafa's reputed rivalry with Uday Hussein was a factor that led to his death.

The Government apparently revived its prior use of thallium poisoning as a means of killing political opponents. Although not widely used in recent years, the use of slow-acting poisons such as thallium (a radioactive substance that can be dissolved in drinking water) was a preferred method of political killing in the late 1980's and early 1990's. Observers attributed the August 29 death of Iraq's chief architect Husam Bahnam Khuduri and the August attempted murder of Salahadeen University president Hamed Idris to political plots. Khuduri had extensive knowledge about the construction of Saddam's palaces, tunnels, and bunkers. While the official obituary did not state a cause of death, acquaintances reported that Khuduri showed signs of being under the effect of slow-acting poison during the days before he died. Similarly, Salahadeen University president Idris, long active in human rights circles, also developed signs of the effects of a slow-acting poison in August. Laboratory tests conducted outside Iraq confirmed the presence of thallium in his system. Because the attempted murder of Idris occurred outside of central government control in northern Iraq, he was able to obtain medical attention, and he survived. Other suspected thallium-poisoning cases include those of former Security director Abd Al-Rahman Ahmad Al-Duri, who reportedly was dying of thallium poisoning in December, and former Security director Taha Al-Ahbabi (Al-Duri's successor), who died mysteriously in 1998.

Construction engineer Hasin Aslan was tortured to death in December due to suspicion that he tried to smuggle palace tunnel plans out of the country, according to a report by the Supreme Council for the Islamic Revolution in Iraq (SCIRI).

Reports of death due to poor prison conditions continued (see Section 1.c.). Many persons who were displaced forcibly still live in tent camps under harsh conditions, which results in many deaths (see Sections 2.d. and 5).

As in previous years, the regime continued to deny the widespread killings of Kurds in northern Iraq during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and Human Rights Watch have concluded that the Government's

policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in northern Iraq. For example, Farhat Farag, a Kurdish political activist in the Revolutionary Communist Party, was killed in front of his home in Sulaymaniyah on October 17. Abdullah Mushir Panhani, a member of the Iranian Communist Party Komala, was abducted and shot on October 22, and his body was left on the streets of Irbil. An attempt on the life of Sulaymaniyah University professor Suhayb Amin Hawzheen failed in December. The perpetrators were unknown at year's end.

Many Assyrian groups reported a series of bombings in Irbil in December 1998, and in January and December. On December 15, a bomb killed 60-year-old Habib Yousif Dekhoka in front of his store (see Sections 1.g. and 5).

On June 19, the Assyrian International News Agency (AINA) reported that the partially decomposed body of Helena Aloun Sawa, a 21-year-old Assyrian woman missing since early May, was discovered by a shepherd in a shallow grave near Dohuk dam. Her family reportedly suspected that she was raped. Sawa was a housekeeper for Kurdistan Democratic Party (KDP) Political Bureau member Izzeddin Al-Barwari. Reporting that the KDP offered no assistance in searching for Sawa and that Al-Barwari had intimidated the family into not pursuing an investigation, AINA concluded that the murder "resembles a well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in northern Iraq. It reported that Sawa had been coerced into working for Al-Barwari to restore to her family a KDP pension that had been suspended arbitrarily. The pension had been awarded because of the recognition of Sawa's father as a KDP martyr after he was killed in the uprising against the Iraqi regime in 1991.

However, on June 21, a spokesperson for the Kurdistan Regional Government (KRG) announced that the Dohuk police Homicide Division and the Dohuk General Security Department were investigating the Sawa murder. A subsequent KRG statement indicated that there did not appear to be a "political or racial" motive. The KRG noted that the Al-Barwari family had reported last seeing Sawa when she left Dohuk on her way to a vacation at her family village in the Nerwa O Rakan area, and that Al-Barwari had been in Damascus, Syria at the time. Nevertheless, Al-Barwari was suspended from official KDP duties pending the conclusion of the investigation. At the end of June, KDP President Massoud Barzani decided to appoint a three-member commission to further investigate the killing. No results of that investigation were reported by year's end.

#### b. Disappearance

The Special Rapporteur continued to receive reports of widespread disappearances. In some cases, individuals have disappeared while in government custody. For example, the status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds still are missing in the aftermath of the brief Iraqi military occupation of Irbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported "prison-cleansing" campaign (see Section 1.a.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, still are unaccounted for. Sources inside the country reported the existence of special prison wards that hold individuals whose whereabouts,

status, and fate may not be not be inquired into (see Section 1.c.).

The Government continued to ignore the more than 15,000 cases conveyed to it in 1994 and 1995 by the United Nations, as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from Iraq's 1990-91 occupation of Kuwait, and from Iran on the whereabouts of prisoners of war that Iraq captured in the 1980-88 Iran-Iraq war.

The United Nations has documented over 16,000 cases of persons who have disappeared. According to the Special Rapporteur, there continued to be a high number of disappearances reported to the United Nations. The majority of the 16,496 cases known to the Special Rapporteur are persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. He estimated that the total number of Kurds who disappeared during that period could reach the tens of thousands. Human Rights Watch estimates the total at between 70,000 and 150,000, and Amnesty International at more than 100,000. The second largest group of cases known to the Special Rapporteur consist of Shi'a Muslims, who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry.

In a 1997 report, Amnesty International documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz Al-Sayyid Jassem, Sayyid Muhammad Sadeq Muhammad Ridha Al-Qazwini, Mazin Abd Al-Munim Al-Samarra'i, the six Al-Hashimi brothers, the four Al-Sheibani brothers, and numerous persons of Iranian descent or of the Shi'a branch of Islam. The report concludes that few of these victims became targets of the regime for any crime; rather, they were arrested and held as "hostages" in order to force a relative, who may have escaped abroad, to surrender. Others were arrested due to their family link to a political opponent or simply due to their ethnic origin (also see Section 1.f.).

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the 1991 arrest of the late Grand Ayatollah Abdul Qasim Al-Khoei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status. Similarly, Amnesty International identified a number of Ayatollah Sadeq Al-Sadr's aides who were arrested in the weeks prior to his killing in February (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remain unknown. In its November report, Amnesty International identifies eight aides of Al-Sadr who disappeared.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the persons who disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Trilateral Commission on Gulf War Missing, only 3 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. Iran reports that 5,000 Iranian prisoners from the Iran-Iraq War are unaccounted for by Iraq.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands of other Iraqis in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

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, 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 bodies of mutilated torture victims to their families. There are persistent reports that the families are made to pay for the costs of the execution. Iraqi refugees who arrive in Europe often reported instances of torture to receiving governments, and displayed scars and mutilations to substantiate their claims. Amnesty International noted that Iraqi authorities have failed to investigate these reports.

The Special Rapporteur continued to receive reports that arrested persons routinely are 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. The Special Rapporteur received a report that six members of a commando unit that was accused of looting had their hands amputated by order of Uday Hussein in August 1998. An army deserter who also was involved in the alleged banditry was ordered to be punished in the same manner.

The Special Rapporteur, human rights organizations, and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. The security forces allegedly raped women who were captured during the Anfal Campaign and during the occupation of Kuwait. The Government has never acknowledged these reports, conducted any investigation, or taken action against those who committed the rapes.

A former Iraqi international soccer player stated in August that he and his teammates had been tortured on Uday Hussein's orders for not winning matches. Sharar Haydar Mohamad Al-Hadithi, who played for Iraq in international tournaments including in the 1988 Seoul Olympics, 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 the infamous 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.

KDP forces reportedly entered Assyrian villages on different occasions and beat villagers (see Section 2.d.). Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years (see Section 5).

Prison conditions are poor. Overcrowding is a serious problem. In May 1998, Labor 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 longstanding claim that it holds virtually no prisoners. It is unclear to what extent the mass executions committed pursuant to the " prison cleansing" campaign have reduced overcrowding(see Section 1.a.).

Certain prisons are notorious for routine mistreatment of prisoners. Abu Ghraib prison, west of Baghdad, may hold as many as 15,000 persons, many of whom reportedly are subjected to torture. Al-Rashidiya prison, on the Tigris River north of Taji, reportedly has torture chambers. The Al-Shamma'iyah prison, located in east Baghdad, holds the mentally ill and reportedly is the site of both torture and disappearances. The Al-Radwanayah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). This prison was the principal detention center for persons arrested following the civil uprisings of 1991. Human Rights Watch and others have estimated that Radwanayah has held more than 5,000 detainees. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center 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 may not be inquired into.

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 are being held incommunicado at the Abu Ghraib prison. According to a report received by the Special Rapporteur in 1998, these persons have been detained for close to 2 decades in extremely harsh conditions without specific charges or trials. The report states that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical and biological weapons programs.

Reports of deaths due to poor conditions in prisons and detention facilities also continued during the year. According to the U.N. Special Rapporteur, many prisoners in Amarah province were reportedly near death because of lack of adequate food and health care.

The Government does not permit visits by human rights monitors.

Iraqi Kurdish regional officials reported that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. Regular and consistent improvement in conditions were observed on their weekly prison visits, ICRC officials stated. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan (PUK) reported that they had reached agreement for the mutual release of political prisoners; however, no such release occurred.

#### d. Arbitrary Arrest, Detention, or Exile

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 Amnesty International report entitled "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in recent years because of suspected opposition activities or because they are related to persons sought by the authorities. Those arrested often are taken away by plainclothes security agents who offer no explanation or produce no warrant to the person or family members (see Section 1.f.). No legal representation or access by an arrested person's family is permitted. In most cases, family members do not know the whereabouts of those detained 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 pick up the often-mutilated corpse of their loved one. There were also reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Sections 1.d. and 1.f.).

Mass arbitrary arrest and detention often occurs in areas where antigovernment leaflets have been distributed. For example, on August 14, following the August 12 distribution of antiregime leaflets by unknown persons in several districts of Kirkuk, security forces raided homes in the area and took away the young men in the families. Three days later, five of those detained were executed and their bodies were returned to their families.

Other arrests have no apparent basis. For example, on July 28, Ahlam Khadom Rammahi, a housewife who left Iraq in 1982, traveled from London using her British passport to visit her mother, whom she had not seen since 1982 and who was ill. Authorities arrested Rammahi on August 5. No reason was stated for the arrest, nor were her family members told of her whereabouts. Amnesty International reported that Ahlam was released September 7 as a result of international pressure. She managed to rejoin her family in the United Kingdom thereafter. According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remain in detention.

Following assaults by the Government on the Shi'a residents of the Al-Thawra district in Baghdad, more than 600 residents reportedly were arrested in security sweeps (see Section 1.g.).

In September Uday Hussein reportedly jailed four members 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 (see Sections 2.a. and 6.a.).

The Government reportedly continued to target the Shi'a Muslim community for arbitrary arrest and other abuses. In the weeks preceding the February 19 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested and their whereabouts remain unknown (see Sections 1.a. and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing (see Section 1.g.). According to a report submitted to the Special Rapporteur in September, the later arrests included Sayyid Muqtada Al-Sadr, surviving son of Ayatollah Al-Sadr. Amnesty International reported that those arrested prior to the killing included: Sheikh Awus Al-Khafaji, Sheikh As'ad Al-Nassiri, Sheikh Ahmad Al-Nassiri, Sheikh Al-Sayyid Adnan Al-Safi, Sheikh Ala Al-Baghdadi, Sheikh 'Aqil Al-Mussawi, Sheikh Tahsin Al-Abbudi, and Sayyid Hazem Al-A'raji.

In the large-scale assaults against Shi'a reported by several sources throughout the year

(see Section 1.g.), many thousands of persons reportedly were arrested arbitrarily. The Human Rights Organization in Iraq (HROI) reported that 1093 persons were arrested in Basrah in June alone (see Section 1.g.). The Government also continued the forced internal relocation of Shi'a populations from the south to the north, and other minority groups such as Kurds, Assyrians and Turkomen, to Kurdish-controlled territory in the north (see Sections 1.f., 2.d., and 5). Thousands of Gulf War refugees who sought haven in Baghdad were relocated forcibly to their home provinces (see Sections 1.f. and 2.d.).

Although no statistics are available, observers estimate the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

The Government announced in June a general amnesty for Iraqis who had left the country illegally or were exiled officially for a specified time, but failed to return after the period of exile expired (see Section 2.d.). No Iraqis are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens are fearful of returning to Iraq.

#### e. Denial of Fair Public Trial

The judiciary is not independent, and there is no check on the President's power to override any court decision. The Special Rapporteur and international human rights groups all observed during the year that the repressive nature of the political and legal systems precludes application of the rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two parallel judicial systems: The regular courts, which try common criminal offenses, and the 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.

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 serve 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. There are no Shari'a (Islamic law) courts as such. Regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases which, on their 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. Defense 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.

The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honor crimes," that is, kill female family members for a perceived lack of chastity (see Section 5). A 1992 decree grants immunity from prosecution to members of the Ba'th Party and security forces who kill 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.

The personal whim of Saddam Hussein or one of his sons supersedes any legal proceedings. For example, according to a November Amnesty International report, Uday Hussein had a security guard's right hand cut off in front of other staff members at the National Olympic Committee's headquarters in 1996. The guard was accused when some sports equipment was missing from a warehouse while he was on duty outside the building. The amputation was carried out without a trial. When the equipment was located in another warehouse 3 weeks later, Uday Hussein reportedly ordered that the guard be compensated with \$300 (500,000 dinars).

Because the Government rarely acknowledges arrests or imprisonments, and families are afraid to talk about arrests, it is difficult to estimate the number of political prisoners. Many of the tens of thousands of persons who disappeared or were killed in recent years originally were held as political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities effectively are exempt from the legal requirement to obtain search warrants, and searches without warrants are commonplace. The regime 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 Ba'th Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public.

Interior Minister Muhammad Zamam Abdul Razzak announced on November 28 that more than 4,000 families (approximately 24,000 individuals) that sought refuge in Baghdad after the 1991 Gulf War, were expelled from the city, and that more expulsions were likely. Most of those expelled had come to Baghdad from the governorates of Wasit (in the east), Maysan and Dhi Qar (in the south), and Al-Qadisiyah (in the center of the country).

In Kirkuk the regime periodically sealed off entire districts and conducted day-long, house-to-house searches, evidently as part of its "Arabization" campaign to harass and expel ethnic Kurds and Turkomen from the region (see Sections 2.d. and 5). Government officials also take hostage children from families of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5).

The authorities systematically hold family members and close associates responsible for the alleged actions of others (see Sections 1.a., 1.b., 1.d., and 1.g.) For example, Amnesty International reported that plainclothes security forces abducted 70-year-old lawyer Ibrahim Amin Al-'Azzawi from his home on March 23, reportedly in connection with the

detention of his son-in-law, Riyadh Baqer Al-Hilli, who was taken away the evening before on suspicion of involvement with antigovernment activities. Ibrahim was executed on July 11, despite reports that he was not involved with opposition activity.

As part of its policy, the authorities demolished the houses and detained and executed family members of Shi'a who protested government actions (see Section 1.g.).

Early in the year, a 70-year-old blind man and seven of his eight sons were executed after the eighth son fled the country (see Section 1.a.).

The Special Rapporteur noted that "guilt by association" is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. 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. Relatives often even do not inquire about the whereabouts of arrested family members due to fear of being arrested themselves. 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. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 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 (see Section 5).

In the fall, the Special Security Office reportedly increased efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in the October Iraqi National Congress assembly in New York. The London Sunday Telegraph reported in August that the 21-year-old daughter of London-based defector and former Republican Guard commander General Mohammed Ali Ghani was arrested in Baghdad and was being held to coerce Ghani to kill senior opposition leader Ayad Alawi, who was also in London. Iraqi agents reportedly threatened to torture Ghani's daughter if he failed to comply. Ghani attempted suicide, but survived. He later distanced himself from opposition circles, the newspaper reported.

#### g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

As in previous years, the armed forces conducted deliberate artillery attacks against Shi'a civilians and large-scale burning operations in the southern marshes. In 1991 and 1992, the Gulf War allies imposed "no-fly zones" over northern and southern Iraq respectively. The no-fly zones continued to deter aerial attacks against the marsh dwellers in southern Iraq and the residents of northern Iraq, limiting the Government to ground-based assaults.

Military operations against Shi'a civilians, particularly in southern Iraq, continued throughout the year. Sheikh Awas, imam of the Nasiriyah city mosque, was arrested on January 14, according to a report from the Supreme Council for the Islamic Revolution in Iraq. When Awas did not appear to lead Friday prayers the next day, his deputy went to the Nasiriyah security directorate to plead for Awas's release. Soon afterward, hundreds of Shi'a congregation members marched on the security directorate to demand Awas's release. Security forces allegedly opened fire on the unarmed crowd with automatic

weapons and hand grenades. Five persons were killed, 11 wounded, and 300 arrested.

Following the February 19 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons (see Section 1.a.), 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 (see Section 1.a.).

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 armored 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 (see Section 1.d.).

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 "supergovernor" for southern Iraq, reportedly declared martial law throughout the region. On February 20, 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 center, which killed 17 more persons. Shi'a sources reported that 10 to 20 armored 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.

The Iraqi Communist Party and other Shi'a groups reported large-scale protests in Basra in March 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 March 21 and 56 persons on March 23. 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 (see Section 1.f.).

In Najaf 15 persons reportedly were wounded and hundreds arrested in early April while they commemorated the 40-day anniversary of Al-Sadr's death; such a commemoration is a traditional Islamic religious observance. On April 16, 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'th party members. At the same time, a smaller group-- in which some individuals were armed--gathered in the Sharkat neighborhood nearby. When shooting began between security forces and the Sharkat group around noon, the Ba'th Party members fired on the unarmed group at the Hikmat mosque. The SCIRI reports 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.

From May 19 to May 27, the Al-Fatah Al-Mubaeen forces of the Special Republican Guards and the Ba'th 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 June 5, 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.

Numerous opposition sources reported that tanks from the Hammourabi Republican Guards Division attacked the towns of Rumaitha and Khudur in late June and well into July, after residents protested the systematic maldistribution of food and medicine to the detriment of the Shi'a. The military cut off the water and electricity supplies and surrounded the town. Fourteen villagers were killed, over a hundred were arrested, and 40 homes reportedly were destroyed. According to the SCIRI, 160 homes in the Abul Khaseeb district near Basra were destroyed. The Government also returned the bodies of executed family members who were arrested in the March protests in Basra. In some instances, all the male children from a family reportedly were arrested and killed, even though not all took part in the protests. Authorities razed 160 homes in the village of Al-Masha following tribal assaults against security forces. The security forces came under attack when they attempted to arrest persons they believed were involved in the Basra uprisings. In September authorities reportedly conducted a large-scale campaign of arrests in and around Baghdad and other cities following attacks on party officials and the appearance of antiregime slogans written on walls of schools and official institutions. Reports of government assaults on cities continued throughout the year.

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 report, and added that many other persons were transferred to detention centers 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 U.N. 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 program and its connection to "strategic security operations," economic blockade, and "withdrawal of food supply agencies."

In addition the regime's diversion of supplies in the south limited the Shi'a population's access to food, medicine, drinking water, and transportation. According to the U.N. Special Rapporteur and opposition sources, thousands of persons in Nasiriyah and Basra provinces were denied rations that should have been supplied under the U.N. oil-for-food program. In these provinces and in Amarah province, access to food allegedly is used to reward regime supporters and silence opponents. Shi'a groups report that, due to this policy, the humanitarian condition of Shi'a in the south continued to suffer despite a significant expansion of the oil-for-food program.

The Government continued to "Arabize" certain Kurdish areas, such as the urban centers 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 (see Sections 2.d. and 5).

Landmines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War; however, the army failed to clear them before it abandoned the area. The mines appear to have been planted haphazardly in civilian areas. Landmines are also a problem along the Iraq-Iran border throughout central and southern Iraq. There is no information on civilian casualties or the efforts, if any, to clear old mine fields in areas under the central Government's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples Aid, over 3,000 persons have been killed in the three northern governates since the 1991 uprising. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Land Mines Protocol to protect civilians from the effects of mines. Various nongovernmental organizations (NGO's) continued efforts to remove land mines from the area and increase awareness of the mine problem among local residents. In December 1998, the Government declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave Iraq. On April 26, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed by an unknown assailant who first asked for water and then fired three times at close range.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the Iraqi regime--deliberate killing, torture, rape, pillage, hostage-taking, and associated acts--as directly related to the Gulf War. Many governments continue to urge the U.N. Security Council to establish an international commission to study evidence of a broader range of war crimes, as well as crimes against humanity and possible genocide. Human Rights Watch and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

The regime continued its intermittent shelling of villages in the Kurdish administered

north. Some deaths were reported.

No hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. During the year, the KDP reportedly imposed a blockade on Assyrian villages, and later entered the villages and beat villagers (see Sections 1.c. and 2.d.). The Kurdistan Democratic Party and the Patriotic Union of Kurdistan agreed in September 1998 to unify their administrations. Little progress was made toward implementing the 1998 agreement.

Many Assyrian groups reported a series of bombings in December 1998, and January and December 1999. Assyrian groups criticized the investigation into these crimes by the Kurdish authorities (see Sections 1.a. and 5).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

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 and of the press to exist, and does not tolerate political dissent in areas under its control. The Special Rapporteur stated that the Government had " effectively eliminated" the freedoms of thought, expression, association, and assembly, and 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."

The Government and the Ba'th 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. A Freedom House report rated Iraqi press freedom at 98 out of a possible 100 points with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes 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.

According to the Special Rapporteur, journalists are under regular pressure to join the Ba'th 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 (see Section 6.a.). At the same time, the value of awards granted to writers who praised Saddam Hussein increased. According to a September 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 (see Sections 1.d. and 6.a.). Also in September, journalist and Baghdad University professor Hachem Hasan was arrested after declining an appointment as editor of one of Uday Hussein's publications (see Section 1.d.). The Paris-based Reporters Sans Frontieres

sent a letter of appeal to Uday Hussein; however, Hasan's fate and whereabouts remain unknown.

The Ministry of Culture and Information periodically holds meetings at which general guidelines for the press are provided. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens. Many Western news services are represented in Baghdad by bureaucrats who are based in the Ministry of Information and Culture.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with proregime propaganda to Kurdish regions; the Kurds routinely remove propaganda items from the books. In October 1997, the Minister of Education stated that he had "warned these cliques that we hold them responsible" for altering the books.

The Government regularly jammed foreign news broadcasts (see Section 1.f.). Satellite dishes and fax machines are banned, although some restrictions reportedly were lifted toward the end of the year. The penalty for possessing a satellite dish reportedly was an indefinite term of imprisonment in solitary confinement and confiscation of all household effects. However, in mid-November the Government announced that ownership of satellite dishes would be permitted and that certain accredited journalists would be permitted to use fax machines.

In northern Iraq, many independent newspapers have appeared over the past 7 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Iraqi Kurdish authorities; however, most journalists are influenced or controlled by various political organizations. Although the rival Kurdish parties in northern Iraq, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution of the opposing group's newspapers and other literature.

The Government does not respect academic freedom and exercises strict control over academic publications. University staff are hired and fired depending on their support for the Government.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Except in Kurdish-controlled northern areas, citizens legally may not assemble other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial incentives for those who participate and threats of violence against those who do not. Widespread military and paramilitary attacks on persons who violated restrictions on peaceful assembly were reported throughout the year (see Section 1.g.).

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. The political magazine Alef-

Be, which is published by the Ministry of Culture and Information, reported in December that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted conditions necessary to establish political parties, which include the requirement in a 1991 law that a political group must have at least 150 members over the age of 25. A new law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the ruling Ba'th party to power. Several parties are outlawed specifically, and membership in them is a capital offense. A 1974 law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In contrast, in Kurdish-controlled northern Iraq, numerous political parties and social and cultural organizations exist.

### c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. Islam is the official state religion. The Government's registration requirements for religious organizations are unknown.

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.

According to conservative estimates, over 95 percent of the population is Muslim. The (predominantly Arab) Shi'a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 30 to 35 percent (approximately 18 to 20 percent are Sunni Kurds, 12 to 15 percent are Sunni Arabs, and the rest are Sunni Turkomans). The remaining approximately 5 percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenians), Yazidis, and a small number of Jews.

New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The Government does not recognize political organizations 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."

Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Arabs holding Sunni religious beliefs 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 Iraq alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the Iraqi Army in the 1980-88 Iran-Iraq War.

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, and has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

Despite supposed legal protection of religious equality, the regime has repressed severely

the Shi'a clergy and those who follow the Shi'a faith. Forces from the Intelligence Service (Mukhabarat), General Security (Amn Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party have murdered senior Shi'a clerics, desecrated Shi'a mosques and holy sites (particularly in the aftermath of the 1991 civil uprising), arrested tens of thousands of Shi'a, interfered with Shi'a religious education, and prevented Shi'a adherents from performing their religious rites. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshippers.

The following government restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a; 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 organized 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, which listed thousands of forbidden Shi'a religious writings. Security forces reportedly still were encamped in the shrine to Imam Ali at Al-Najaf, one of Shi'a Islam's holiest sites, and at the former Shi'a theological school in Al-Najaf; they have been there since 1991.

In June several Shi'a opposition groups reported that the Government instituted a new 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 unauthorized location. Shi'a sources outside the country who reported this new policy believe that it is aimed not only at preventing unauthorized religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, which many pious Shi'a have turned to since the closure of their own mosques.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in 1998 and during the year, particularly in the internationally renowned Shi'a academic center of Najaf. This followed years of government manipulation of the Najaf theological schools. Amnesty International reported that the Government systematically deported 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 prime targets for deportation. In the 1980's, during the Iran-Iraq war, it was widely reported that the Government expelled and denied visas to thousands of foreign scholars who wished to study at Najaf. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools, perhaps hoping that this would deflect popular revulsion over arrests and executions of religious leaders. Instead, the revival of the schools appears greatly to have exceeded the Government's expectations, and has helped to bring traditional Shi'a piety into even greater contrast with the abuses of the regime. This 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. A campaign of arrests in Mosul against fundamentalist trends was reported in September.

The apparently systematic campaign by the Government to eliminate the senior Shi'a religious leadership through murder, summary execution and disappearances continued during the year, including the February 19 murder of Grand Ayatollah Sayyid Mohammad Sadiq As-Sadr, the country's senior Shi'a religious leader (see Sections 1.a. and 1.g.).

The security forces have used the symbolism of religious holidays to underscore the impunity with which they operate. For example, in January, 27 members of the elite Fedayeen Saddam security forces reportedly were executed in Amara for conspiring with the Shi'a-based opposition forces. Their bodies reportedly were delivered to their families on Eid Al-Fitr, one of the most important holidays of the Islamic year (see Section 1.a.).

The Government consistently politicizes and interferes with religious pilgrimages, both of Iraqi Muslims who wish to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims who travel to holy sites in Iraq.

The Government has used Iraqi pilgrims who wish to make the Hajj to Mecca--a religious duty of all Muslims who can undertake it--as pawns in a test of wills with the United Nations. In 1998 the U.N. Sanctions Committee offered to distribute vouchers for travel and expenses to pilgrims making the Hajj, but the Government rejected this offer. The Sanctions Committee offered to disburse funds to cover Hajj-related expenses through a neutral third party. The Government again rejected the opportunity. In both years the Government insisted that these funds would be accepted only if they were paid in cash to the Iraqi central bank in violation of U.N. sanctions. As a result, in both 1998 and 1999, no Iraqi pilgrims were able to take advantage of the available funds. According to press reports, only 4,000 Iraqi pilgrims made the Hajj in 1999, despite the availability of 22,000 spaces for Iraqis.

During the year, the Government flew several planeloads of elderly Hajj pilgrims to Saudi Arabia without advance notification. Simple approval procedures established by the U.N. Sanctions Committee allow flights for religious and humanitarian purposes to originate from and return to Iraq, provided that advance notification is given to regional air controllers and coalition military aircraft about such a flight. The Government chose to ignore these safety procedures, and sent the Hajj flights without any notification.

Twice each year--on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar--Shi'a pilgrims from throughout Iraq and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The Government for several decades has interfered with these "Ashura" commemorations by preventing processions on foot into the city. In both 1998 and during the year, violent incidents were reported between Iraqi pilgrims on one side and Ba'th party members and security forces enforcing the ban on the other.

In past years, the Government has denied visas to many foreign pilgrims for the Ashura. During the year, it attempted to profit from the pilgrimages. Shi'a pilgrims reported being charged \$900 for bus passage and food from Damascus to Karbala, a trip that would normally cost about \$150. The Government reportedly had added a \$600 surcharge for foreign pilgrims in addition to the \$100 visa fee and a requirement to exchange \$50 into Iraqi dinars.

The Special Rapporteur and others reported that the Government has engaged in various

abuses against the country's 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas (see Section 2.d.) and repression of political rights. Most Assyrians live in the northern governates, and the Government often has suspected them of "collaborating" with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk, where it is attempting to Arabize the city (see Section 2.d.).

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 Iraqi Muslim Kurds. Captured government documents included in the 1998 Human Rights Watch report "Bureaucracy of Repression: The Iraqi Government in its Own Words," describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. However, the Government does not hesitate to impose the same repressive measures on Yazidis as on other groups. For example, 33 members of the Yazidi community of Mosul, arrested in July 1996, still are unaccounted for (see Section 2.b.).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

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

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling 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. Women are not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December, each student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December authorities banned all travel for students (including those in grade school), canceled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In what appeared to be an effort to lure Iraqis living abroad back to the country, government radio announced in June an amnesty for Iraqi teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all Iraqis who either had left the country illegally or who had failed to return after being exiled and the period of exile had expired (see Section 1.d.). The decree stated that "charges of illegal departure, forging official documents towards this purpose, and disrupting public duties that were pressed before the issuance of this decree shall be dropped effective immediately." In October Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to Iraqis living outside

the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor Iraqis inside the country who received money from relatives abroad.

A new travel law that took effect in November placed additional penalties on citizens who attempt 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.

The Government restricts foreign travel by journalists, authors, and all employees of the Information ministry. Security authorities interrogate all media employees, journalists, and writers who travel outside the country.

In September journalist and Baghdad University professor Hachem Hasan was arrested at the crossing point on the boarder with Jordan as he attempted to leave the country after declining Uday Hussein's appointment of him as editor of one of Uday Hussein's publications. Hassan was charged with using a forged passport to flee abroad, although he reportedly had a valid passport. His fate is unknown.

Three Ba'th party officials reportedly were arrested on November 4, and their homes were ransacked by security forces. Opposition sources said that the three were arrested for planning to leave the country with their families, although the Government alleged that the officials were in possession of television satellite dishes. The penalty for such possession is severe (see Section 2.a.).

The Government consistently politicizes and interferes with religious pilgrimages, both of Iraqi Muslims who wish to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims to holy sites in Iraq (see Section 2.c.).

Foreign spouses of citizens who have resided in Iraq for 5 years (1 year for spouses of government employees) are required to apply for naturalization as Iraqi citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance 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.

The U.N. Secretary General estimates that there are more than half a million internally displaced persons remaining in the three northern provinces (Irbil, Dohuk, and Suleymaniyah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. As reported by the Special Rapporteur, the Government continued its "Arabization" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, 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. Kurdish grade school teachers and low-ranking civil servants are reassigned systematically outside of Kirkuk province, which has been renamed Al-Ta'mim ("Nationalization"). The Revolutionary Command

Council has mandated that new housing and employment be created for more than 300,000 Arab residents who have been resettled in Kirkuk, while new construction or renovation of Kurd owned property reportedly is prohibited. Non-Arabs are not permitted to sell their homes, except to Arabs, nor register or inherit property.

As part of the Arabization process, the Government continued to deport Kurdish and Turkomen families. Regional Kurdish authorities report that between January and November, 362 families (a total of 2,166 individuals) were deported from Kirkuk, Khanaqin, Sinjar, and other areas, and expelled to Kurdish-controlled northern Iraq. They calculate that since 1991, a total of 15,620 households (92,740 persons) have been displaced. Those expelled are not permitted to return. The Special Rapporteur reported that citizens who provide employment, food or shelter to returning or newly arriving Kurds are subject to arrest. In order to encourage departure and prevent displaced persons from returning, the Government reportedly has mined the area around Kirkuk, and has declared it a military and security zone. Roads into the area are fortified with military checkpoints.

Those being deported are required to sign a "request," which includes the phrase "I signed this form of my own free will." The procedure followed by security forces to evict and deport non-Arab citizens is described by Amnesty International in its November report. Citing a government decree, Amnesty International reported that the expulsion process includes the confiscation of all family property and food ration cards issued under the UN oil-for-food program, and the detention of one family member to ensure a lack of resistance. Once in northern Iraq, the majority are resettled in camps with basic supplies such as tents, blankets, and food that is supplied by the PUK, KDP, and U.N. agencies.

The Government has undertaken a so-called "Nationality Correction Campaign" as part of the process of Arabization. Some deportees are permitted to remain in their homes if they relinquish their Kurdish or Turkomen identity and register themselves as Arab.

The Government denies that it expels non-Arab families.

According to the Special Rapporteur, security forces continued to relocate Shi'a inhabitants of the southern marshes to major southern cities. Many have been transferred to detention centers and prisons in central Iraq, primarily in Baghdad, or even to northern cities like Kirkuk, as part of the Government's attempt to "Arabize" traditionally non-Arab areas (see section 5).

In November, the Government reportedly expelled from Baghdad approximately 24,000 persons who had sought refuge in the city after the 1991 Gulf war (see Section 1.f.).

The Government does not provide first asylum or respect the rights of refugees. According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to northern Iraq in areas where the allied coalition has prohibited overflights by Iraqi aircraft.

The KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons that each had expelled as a result of intra-Kurdish fighting in the three northern provinces; however, no effort to implement the agreement was begun during the year.

Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in northern areas controlled by the central Government. The UNHCR is treating these displaced persons as refugees until it reaches an official determination of their status.

According to AINA reports, on August 25, the KDP imposed a blockade on eight Assyrian villages in the Nahla area east of Aqra. ICRC monitors in northern Iraq reportedly intervened on the villages' behalf, and the blockade was lifted. During the night of August 27, KDP forces reportedly reentered the village of Kash Kawa, rounded up the villagers, and publicly beat two of them. The KDP allegedly suspected a connection between the village and the Kurdistan Workers Party, with whom the KDP often has fought. AINA reported a similar night raid by a dozen members of the KDP forces on the village of Belmat on September 10. The KDP media quoted village leaders and the mayor of Aqra, denying that any such blockade or village raids occurred. The ICRC confirmed that it intervened with the KDP after receiving an Assyrian request and that the KDP withdrew from the villages thereafter. AINA reported that armed KDP members entered Assyrian Patriotic Party (APP) headquarters in Dohuk on October 21 and forced its closure. APP offices were allowed to reopen 4 days later.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Although the Government has taken steps to increase the perception of democracy, the political process still was controlled firmly by the State. The 1995 " referendum" on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. A total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

Various media began publishing reports on a multiparty system after Saddam Hussein instructed officials in October to consider the formation of new political parties, a state council, and a new constitution. A Ministry of Culture and Information magazine reported in December that the two groups that attempted to form a party were refused for having an insufficient number of members (see Section 2.b.).

There are strict qualifications for electoral candidates; by law the candidates for the National Assembly must be over 25 years old and " believe in God, the principles of the July 17-30 revolution, and socialism." Out of the 250 seats, 160 deputies reportedly belong to the Ba'th Party, 60 are independent, and 30 are appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally " independent" candidates.

Full political participation at the national level is confined to members of the Arab Ba'th Socialist Party, who are estimated to constitute about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council (RCC). The council is headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. The RCC overshadows the National Assembly, which is completely subordinate to it and the executive branch.

The President wields decisive power over all instruments of government. Almost all important officials are either members of Saddam Hussein's family or are family allies from his home town of Tikrit.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death (see Section 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law is used to prohibit parties that do not support Saddam Hussein and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, as well as Kurdish, Assyrian, Turkomen, and other Iraqi communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly; however, they have only token representation.

In northern Iraq, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. The two major Kurdish parties in de facto control of northern Iraq, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July. The cease-fire held throughout the year; however, reunification measures were not implemented and no election was held.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit the establishment of independent human rights organizations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from foreign and international human rights groups are not allowed in the country.

The Government operates an official human rights group that routinely denies allegations of abuses.

The Government harassed and intimidated relief workers and U.N. personnel throughout

the country, maintained a threat to arrest or kill relief workers in the north, and staged protests against U.N. offices in the capital (see Sections 1.g. and 2.a.).

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit Iraq, nor did it respond to his requests for information. The Government continued to defy various calls from U.N. bodies to allow the Special Rapporteur to visit the southern marshes and other regions.

In April and again in November, the U.N. Commission on Human Rights criticized the "systematic, widespread, and extremely grave violations of human rights" by the Government, which resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

For the seventh consecutive year, the Commission called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these calls for the entry of monitors.

The Special Rapporteur nonetheless was able to gather more evidence, in part due to interviews with current and past government officials, which shed new light on the systemic nature of human rights violations. He dispatched members of his staff to Kuwait, Jordan, and other locations to interview victims of government human rights abuses.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the Government systematically violates these rights.

##### Women

Domestic violence against women occurs but little is known about its 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 these charges are believed to be rare. Men who kill female family members for "immoral deeds" may receive immunity from prosecution for such "honor crimes" under a 1990 law (see Section 1.e.).

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

Evidence concerning the Anfal Campaign indicates that the Government killed many women and children, including infants, by firing squads and in chemical attacks.

The Government claims that it is committed to equality for women, who make up about 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 equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine to what extent these protections are afforded in practice. However, reports indicate that the application of these laws has declined as Iraq's political and economic crisis persists. Women are not allowed to travel outside the country alone (see Section 2.d.).

### Children

The Government claims that it has enacted laws to require education for girls. No information is available on 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 pointing to the Government's continuing disregard for the rights and welfare of children. The evidence may include government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that should have been made available for the general public were stockpiled in warehouses. The executive director of the U.N. office in charge of the oil-for-food program confirmed such reports at a press conference in May. He stated that of the \$570 million worth of medicines and medical supplies that had arrived in Iraq through the oil-for-food program in the previous 2 years, only 48 percent had been distributed to clinics, hospitals, and pharmacies. The Government management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address the needs of this vulnerable group. On August 12, the U.N. Children's Fund (UNICEF) issued the results of the first surveys of child and maternal mortality in Iraq that have been conducted since 1991. The surveys were carried out between February and May in cooperation with the Government in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and center, home to 85 percent of the population, children under 5 years old are dying at more than twice the rate that they were a decade ago. In contrast mortality rates for children under 5 years old in the nongovernment-controlled north dropped in the period from 1994 to 1999. The Special Rapporteur criticized the Government for "letting innocent people suffer while [it] maneuvered to get sanctions lifted." Had the Government not waited 5 years to adopt the oil-for-food program in 1996, he stated in October, "millions of innocent people would have avoided serious and prolonged suffering."

Government authorities failed to take advantage of available resources for the benefit of the country's citizens, and used some resources to enrich themselves at the expense of vulnerable sectors of the population. For example, on August 11, the Kuwaiti coast guard seized a shipment that was leaving Iraq carrying, among other items, 75 cartons of infant powder and 25 cartons of infant feeding bottles. The captain of the boat confessed that he previously had committed six similar violations.

For the sixth 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 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 enroll their children in the grueling course. The Supreme Council for the Islamic Revolution in Iraq reported in October 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 organization.

#### People with Disabilities

No information is available on the Government's policy towards the disabled.

#### Religious Minorities

Iraq's cultural, religious, and linguistic diversity is not reflected in the country's 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.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years.

#### National/Racial/Ethnic Minorities

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, Turkmen, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.).

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 distinct language (Syriac), preserve important traditions of Christianity in the east, and have a rich cultural and historical heritage that they trace back over 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 regime.

The Government does not permit education in languages other than Arabic and Kurdish. Public instruction in Syriac, which was announced under a 1972 decree, has never been implemented. Thus, in areas under government control, Assyrian and Chaldean children

are not permitted to attend classes in Syriac. In areas of northern Iraq under Iraqi Kurdish control, classes in Syriac have been permitted since the 1991 uprising against the Government. By October 1998, the first groups of students were ready to begin secondary school in Syriac in the north; however, some Assyrian sources reported that regional Iraqi Kurdish authorities refused to allow the classes to begin. Details of this practice (for example, the number of students prepared to start secondary courses in Syriac and the towns where they were located) were not available, and Kurdish regional authorities denied that they engaged in such a practice. There were no reports of elementary school instruction in Syriac being hindered in northern Iraq. In November the Kurdistan Observer reported that the central Government had warned the administration in the Kurdish region against allowing Turkmen, Assyrian, or Yazidi minority schools.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party, a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. The Christians often feel caught in the middle of intra-Kurdish fighting. In December 1997, six Assyrians died in an attack near Dohuk by the PKK. Some Assyrian villagers have reported 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.

Many Assyrian groups reported a series of bombings in Irbil in late 1998 and early and late 1999. On December 9, 1998, Nasreen Shaba and her 3-year-old daughter Larsa Toma were killed when a bomb exploded on the doorstep of their home in the Terawa section of the city. Later the same month, bombs exploded at the front door of Salman Toma Khoshaba in the Al-Iskan area and in front of a convent in the Al-Mal'ab area. On January 6, a bomb exploded at the door of Father Zomaya Yusip in the 7th-of-Nisan area. No one was killed in these three subsequent incidents. On December 15, a bomb killed 60-year-old Habib Yousif Dekhoka in front of his store in Irbil after several months of threats and one prior attempt. Although the bombings have not been linked to any particular faction or group, Assyrians believe that they are part of a terror campaign designed to intimidate them into leaving northern Iraq. The Assyrian Democratic Movement, the Assyrian Patriotic Party, and other groups have criticized the investigation into these incidents conducted by the Kurdistan Regional Government. There were no reported arrests by year's end.

In June the Assyrian National News Agency reported a "well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in northern Iraq (see Section 1.a.).

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.

## Section 6 Worker Rights

### a. The Right of Association

Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions

(IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th 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.

In September Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (see Section 2.a.). Also in September, 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 (see Sections 1.d. and 2.a.).

The 1987 Labor Law restricts the right to strike. No strike has been reported over the past 2 decades. According to the International Confederation of Free Trade Unions, the severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

#### b. The Right to Organize and Bargain Collectively

The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of the employed) are set by the Government. 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 Labor Code does not protect workers from antiunion discrimination, a failure that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

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

#### d. Status of Child Labor Practices and Minimum Age for Employment

The employment of children under age 14 is prohibited, except in small-scale family enterprises. 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 (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

e. Acceptable Conditions of Work

There was no information available on minimum wages.

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situations that endanger their health or safety, or on those who complain about such conditions.

f. Trafficking in Persons

There was no information available on whether trafficking in persons is prohibited, or whether it occurs.

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