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Iraq

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

Iraq,¹ with a population of approximately 25 million, is a republic with a freely elected government. During the year unsettled conditions prevented effective governance in parts of the country, and the government's human rights performance was handicapped by insurgency and terrorism that impacted every aspect of life. In such an environment and supported by elements of the population, three groups with overlapping but largely different memberships violently opposed the government: Al-Qa'ida terrorists, irreconcilable remnants of the Ba'thist regime, and local Sunni insurgents waging guerrilla warfare. The ongoing insurgency, coupled with sectarian and criminal violence, seriously affected the government's human rights performance; elements of the security forces, particularly sectarian militias, frequently acted independently of governmental authority.

After the overthrow of the Ba'thist regime, and during the interim administration of the Coalition Provisional Authority (CPA), the Iraqi Governing Council adopted the Law for the Administration of the State of Iraq for the Transitional Period--the Transitional Administrative Law (TAL)--in March 2004. The TAL provided a legal structure for the country and set forth a transitional period to end upon the formation of a democratically chosen constitutional government. Accordingly, during the year the TAL was the operative law in the country.

The TAL established a republican, federal, democratic, and pluralistic system with powers shared among the federal and regional governments, including 18 governorates (provinces), as well as municipalities and local administrations. In March 2004 the TAL recognized the Kurdistan Regional Government (KRG) as the official government of those territories that the Kurdish Regional Government administered as of March 19, 2003 in the governorates of Dohuk, Irbil, Sulaymaniyah, Kirkuk, Diyala, and Ninewah.

The Iraqi Interim Government was vested with full governmental authority on June 28, 2004, and prepared elections for the Transitional National Assembly (TNA). These elections for the country's legislative authority and the first step in the formation of the Iraqi Transitional Government (ITG) took place on January 30. As a result of the elections, Prime Minister Ibrahim al-Ja'afari headed the transitional government, a coalition of Shi'a-dominated and Kurdish parties, which assumed power on April 28. In two subsequent polls, voters adopted a permanent constitution during an October 15 referendum and, in a first step toward establishing a permanent government, elected members of the country's new legislature, the Council of Representatives, on December 15. The elections and the referendum were generally regarded as transparent and as meeting international standards for credible, democratic elections, although marred by difficulties related to the ongoing conflict and lack of experience with free elections.

Throughout the year the prime minister renewed the "state of emergency" originally declared in November 2004 throughout the country, excluding Kurdistan. The state of emergency was based on the dangers posed by the ongoing campaign of violence aimed at preventing the establishment of a broad-based government and the peaceful participation of all citizens in the political process. The state of emergency allows for the temporary imposition of restrictions on certain civil liberties. Where there is specific evidence or credible suspicion of the crimes outlined by the law, the prime minister may impose curfews and certain restrictions on public gatherings, associations, unions and other entities; put a preventive freeze on assets; impose monitoring of and seizure of means of communication; and allow for the search of property and detention of suspects. Notwithstanding such powers, the law prohibits the prime minister from abrogating the TAL in whole or in part and provides for judicial review of all decisions and procedures implemented pursuant to this law. The government exercised these powers throughout the year.

The following human rights problems were reported:

- pervasive climate of violence
- misappropriation of official authority by sectarian, criminal, terrorist, and insurgent groups
- arbitrary deprivation of life
- disappearances
- torture and other cruel, inhuman, or degrading treatment or punishment
- impunity
- poor conditions in pretrial detention facilities
- arbitrary arrest and detention
- denial of fair public trial
- an immature judicial system lacking capacity
- limitations on freedoms of speech, press, assembly, and association due to terrorist and militia violence
- restrictions on religious freedom
- large numbers of internally displaced persons (IDPs)
- lack of transparency and widespread corruption at all levels of government

- constraints on nongovernmental organizations (NGOs)
- discrimination against women, ethnic, and religious minorities
- limited exercise of labor rights

The law provided a structure for advances, and despite the violence the government set and adhered to a legal and electoral course based on respect for political rights. This agenda included most importantly the right of citizens to change peacefully their government through nationwide, free, and fair elections. The elevation of the state minister position on women's affairs to a full Ministry of Women's Affairs and the steady growth of NGOs and other associations reflected notable government and civic interest in human rights issues, especially those that were separable from internal security concerns.

Civic life and the social fabric remained under intense strain from the widespread violence, principally inflicted by insurgency and terrorist attacks. Additionally, the misappropriation of official authority by groups—paramilitary, sectarian, criminal, terrorist, and insurgent—resulted in numerous and severe crimes and abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

A climate of extreme violence in which people were killed for political and other reasons continued. Reports increased of killings by the government or its agents that may have been politically motivated. Additionally, common criminals, insurgents, and terrorists undermined public confidence in the security apparatus by sometimes masking their identity in police and army uniforms (see section 1.g.).

Members of sectarian militias dominated police units to varying degrees and in different parts of the country. Two Shi'a groups, the Badr Organization (*Al-Badr Mujahideen*, formerly the Badr Corps), and the Army of the Mahdi (*Jaish al-Mahdi*), were active within the Ministry of the Interior's (MOI) security forces, principally the police. The politically powerful Supreme Council of the Islamic Revolution in Iraq (SCIRI) created the Badr Corps as its armed wing in the 1980s in Iran, while the cleric Muqtada al-Sadr created the Mahdi Army in Baghdad's Shi'a poor areas after the fall of the former regime. Kurdish authorities retained regional control over police forces and internal security, which effectively empowered the two militias of Kurdish political parties to continue to provide police and security forces in Kurdistan. Police officers, who also were militia members, abused their official powers to pursue personal and party agendas (see section 1.d.). Many of the extralegal killings appeared based on sectarian animus, although some were reportedly for profit.

During the year there were a number of deaths either at police hands or at the hands of militia members and criminals wearing police uniforms. For example, on May 5, the bodies of 16 Sunni farmers from Mada'in, detained by men wearing police uniforms, were found in a mass grave near Sadr City, an impoverished Shi'a neighborhood of Baghdad. They had been fatally shot in the head, and the corpses showed signs of torture. MOI officials promised an investigation into the killings, but no results were available at year's end.

On May 15, eyewitnesses said armed men in police uniforms took Sunni Council of Scholars (*Ulema*) member Sheikh Hassan al-Naimi from his Baghdad home. Several days later his body was found with a gunshot wound to the head and signs of torture with an electric drill. The MOI promised to conduct an investigation, but no results had been released by year's end.

On July 12, nine Sunni men suffocated after police locked them for several hours in a vehicle with no air-conditioning. Officials denied intentional wrongdoing, claiming lack of training in operation of the vehicle. No one was punished for this incident.

On August 24, during the early morning hours, men in commando uniforms driving police vehicles took 36 Sunnis from their homes in Baghdad's Al-Huriya neighborhood. The bodies of the men were found the following day near the Iranian border. MOI officials promised an investigation of the incident, but no results had been released at year's end.

There was no new information regarding the MOI investigation into the case of officers in the Basrah Police Internal Affairs Unit who were involved in the December 2004 killings of 10 members of the Ba'th Party and the killings of a mother and daughter accused of engaging in prostitution. Similarly, there was no new information regarding the October 2004 arrest, interrogation, and killing of 12 kidnappers of 3 police officers.

Insurgents and terrorists killed thousands of citizens (see section 1.g.). Using intimidation and violence, they kidnapped and killed government officials and workers, common citizens, party activists participating in the electoral process, civil society activists, members of security forces, and members of the armed forces, as well as foreigners.

Insurgent and terrorist groups also bombed government facilities, mosques, public gathering spots, and businesses resulting in massive losses of life and grave injuries. There were no indications of government involvement in these acts.

Until its fall in 2003, the former regime murdered, tortured, and caused the disappearance of many thousands of persons suspected of or related to persons suspected of opposition politics, economic crimes, military desertion, and a variety of other activities. The 2003 and 2004 discovery of mass graves (defined as unmarked sites containing at least six bodies) provided evidence of the vast dimension of these practices. During the year the location of nine additional mass graves was confirmed, including in Karbala, Nasariyah, and a mass graves complex south of Samawah. The total number of confirmed sites at year's end was 286, and investigators continued to review evidence on additional mass graves.

On March 16, police and medical teams found a mass grave that contained 81 bodies believed to be the remains of Kurds. On April 16, the acting human rights minister announced that 41 bodies had been found in a mass grave in Amarah. The remains were believed to be those of Kuwaitis killed during the first Gulf War, but the Prisoner of War Committee of the Ministry of Human Rights (MOHR) had not confirmed this attribution during the year. Officials had identified through DNA analysis the remains of 322 Kuwaiti citizens in mass graves by year's

end.

On December 27, city employees doing maintenance work on an underground sewer in the holy city of Karbala uncovered remains of eight bodies that were part of a mass grave from the early 1990s, when the Ba'hist regime crushed a Shi'a uprising in the South.

Grid coordinates were obtained on at least 10 mass graves in Al-Hatra in Ninewah Province in 2004. Two gravesites were excavated; one site contained the remains of women and children, and the other contained remains of men. Approximately 275 bodies--thought to be Kurds who were killed by the former regime--were found in each site. Search for additional sites in the area was ongoing during the year.

Gravesites were discovered in all regions and contained remains of members of every major religious and ethnic group in the country, as well as of foreigners. Graves contained forensic evidence of atrocities, including signs of torture, decapitated or mutilated corpses, and evidence that some victims were shot in the head at close range.

During the year the MOHR helped relatives learn the fate of their family members under the former regime, including those found in mass graves. The National Center for Missing and Disappeared Persons continued to function, despite a lack of enabling legislation or official status.

b. Disappearance

Criminal and politically motivated disappearances and kidnappings, including those related to the ongoing insurgency, remained a severe problem (see section 1.g.). During the year hundreds, if not thousands, of individuals disappeared without a trace, sometimes at the hands of the police. There were many allegations of police involvement in kidnappings, some of which were supported by evidence. However, since criminals, insurgents, and paramilitaries often wore police uniforms, data on actual police abuses was uncertain.

For example, on September 9, a Sunni businessman was kidnapped from his Baghdad home. Witnesses to the abduction said men in commando uniforms driving police vehicles took him to an undisclosed location. After more than a month of negotiations, the family paid a ransom, and the kidnappers freed the victim, who had been tortured by his captors.

Groups affiliated with Kurdish political parties cooperated with Iraqi security forces to detain Sunni Arabs, Turcomen, and others and hold them in undisclosed locations in the North (see section 1.d.). Allegedly due to lack of jail space in Kirkuk Province, security forces moved prisoners north to the KRG area without public acknowledgment of the arrests or place of detention.

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

The TAL expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. However, security forces employed such practices. Insurgents and terrorists frequently committed torture and other abuses (see section 1.g.).

The vast majority of human rights abuses reportedly carried out by government agents were attributed to the police. Militias, including members of the Badr Organization and the Mahdi Army, penetrated some police units. The minister of interior was an official in SCIRI, the sponsor of the Badr Organization; the governor of Baghdad was a SCIRI member and a leader in the Badr Organization, as were five other provincial governors selected by their respective Governorate Councils under CPA Order 71. On June 7, President Jalal Talabani praised the Kurdish and Badr militias, calling them necessary to sweep away the remnants of the dictatorship and defeat terrorism. Police officers, some of whom were members of militias, abused official powers and resources, including police vehicles, to pursue personal, criminal, and party agendas (see section 1.g.). Criminals impersonating police officers also carried out illegal acts including kidnapping (see sections 1.a, 1.c., and 1.g.).

According to a January Human Rights Watch (HRW) report, police torture and ill treatment of detainees was commonplace. In interviews with 90 prisoners, 72 asserted that they had been tortured or mistreated. The reported abuses included beatings with cables and hosepipes, electric shocks to earlobes and genitals, food and water deprivation, and overcrowding in standing-room-only cells.

On February 6, Baktiar Amin, the former minister of human rights, noted to then prime minister Allawi that detention centers under the MOI's control were a "theater of violations of human rights." In addition to poor living conditions and arrests and detentions carried out without judicial orders, the minister stated that the MOI systematically tortured and abused detainees. Specific violations were attributed to personnel of the Major Crimes Unit, the Intelligence Directorate, and local police.

On November 13, an overcrowded MOI detention center in Baghdad was discovered. This facility, the Jadiriyah Bunker, held 169 detainees, mostly Sunnis, many of whom showed signs of torture and abuse. A number of the detainees were severely malnourished and said that police had only given them bread to eat for several months. The facility was shut down, and the detainees were subsequently transferred to a Ministry of Justice (MOJ) prison.

In a November 17 press conference, Minister of Interior Baqr Jabr stated that the reports of torture had been exaggerated; however, independent medical examinations of the prisoners revealed that more than 100 showed signs of abuse, although the abuse may have occurred elsewhere than at the bunker. Prime Minister al-Ja'afari responded to the revelations of the bunker case by establishing an Interagency Inspection Team (IIT) and announcing a "Six Point Plan" that called for inspections of all detention and prison facilities, investigations of all human rights abuses uncovered, and accountability for those perpetrating abuses.

In December the IIT conducted three unannounced inspections. On December 8, officials investigated a second MOI facility, the Iraqi Police Commando Division Central Facility for Baghdad. This police station building held 625 detainees in conditions so crowded that detainees were unable to lie down at the same time. According to press reports, a government official with first-hand knowledge said that at least 12 prisoners had been subjected to severe torture with electric shock, had fingernails torn out, and suffered broken bones from beatings. Due to the severe abuse, 13 of the detainees were referred for medical care. Sixty prisoners were recommended for immediate release, and 75 were moved to an MOJ detention facility. While no confirmation was available at year's end, detainees claimed that six of their group had died in custody.

Inspections pursuant to Prime Minister al-Ja'afari's plan were also conducted on December 20, at the Ministry of Defense National Intelligence Service central detention facility in Baghdad, and on December 28, at a joint MOI/Ministry of Defense (MOD) facility near Tal Afar.

The IIT assessment of all three sites indicated inadequate living conditions, health services and legal access. At one of the sites IIT found evidence of recent physical abuse and torture. IIT submitted three separate reports with recommendations to the prime minister's office.

In conjunction with the Six Point Plan, all ministries of the national government operating detention facilities were required to submit lists of all facilities. There were reportedly approximately 450 official detention centers; some were operated by the MOI, and some by the MOD. Additionally, there were reports of many unofficial detention centers throughout the country. The compilation, inspections of MOJ and MOD facilities, and further investigations into the MOI incidents were ongoing at year's end. No information was available on KRG facilities.

Police abuses included threats, intimidation, beatings, and suspension by the arms or legs, as well as the reported use of electric drills and cords, and the application of electric shocks. Reportedly, police threatened or, in fact, sexually abused detainees.

For example, a woman detained in the Diwanayah police station claimed in early May that police had administered electric shocks to the soles of her feet and threatened to abuse sexually her teenage daughters if she did not provide the information they demanded.

On October 14, Najaf security forces arrested an associate of the former provincial governor and allegedly tortured him in an effort to obtain a confession. The arrested individual reportedly appeared at his court hearing the following day, unable to walk. MOI officials agreed to open an investigation of the case, but no information has been made available. The individual remained in custody at year's end.

According to the MOJ's Iraqi Corrections Service (ICS) officials, prisoners routinely exhibited signs of mistreatment upon transfer from police custody to the prisons. ICS investigated or referred to MOI 14 cases of police abuse during the year, some of which involved torture. For example, officials at Baghdad's Rusafa intake facility reported on February 8 that medical staff treated an inmate for injuries following his transfer from police custody. The inmate said he had been interrogated by police at the Kadamiya police station following arrest on a murder charge. The inmate stated that police severely beat him during the interrogation and told him that he would be killed if he spoke of the abuse. On June 27, a medical examination of a new prisoner at Baghdad's Rusafa intake facility revealed a leg broken in two places. The man told officials that police had broken his leg while he was in their custody.

On October 20, administrators of Baghdad's Kadamiya women's prison confirmed the rape of one inmate had occurred while the individual was in police custody. No further information regarding this case was available at year's end.

Iraqi army abuses also were reported during the year. Information was very sparse, but reported MOD-inflicted beatings and similar abuses of detainees were generally fewer and less severe than the MOI detention center cases. There was no indication that MOD officials took disciplinary action in any cases alleging abuses.

Some detainees in military custody alleged abuse that included hanging inmates upside down until they lost consciousness, beating with wooden and plastic sticks, weapons, and electric cords, and the use of electric shocks and stun guns.

Two men reported that military personnel detained and beat them on May 6 and 11, respectively, in Iskandariyah. On July 7, the Army detained a man in Tikrit, who reported he was blindfolded and his hands and ankles bound before he was hung by a rope from the ceiling. He was beaten with a cable for approximately 10 minutes before being doused with cold water. On July 23, the Army detained another man near Tal Afar, reportedly beating him with an iron pipe for 30 minutes during the interrogation.

Also in July, army officers in Tikrit reportedly blindfolded, handcuffed, and beat a detainee on his head and back with a rifle butt. He was then suspended from the ceiling with bound ankles and struck repeatedly across the legs with a cable. A medical examination confirmed abrasions, swelling, and bruising consistent with the detainee's claims.

In August army officials reportedly detained a man in the Saqlawiyah area, beating him before suspending him from a ceiling fan by his bound ankles.

Kurdish security forces committed abuses against non-Kurdish minorities in the North, including Christians, Shabak, Turcomen, and Arabs. Abuse ranged from threats and intimidation to detention in undisclosed locations without due process (see section 1.d.). Verification or assessment of credibility of claimed torture and abuses by KRG officials was extremely difficult. The press reported that police tortured a Turcoman vegetable seller after he was arrested on March 17 and taken to the Megdad KRG police station.

Insurgents and terrorists, predominantly but not exclusively Sunni, regularly employed multiple forms of torture and inhuman treatment against their victims (see section 1.g.). Beatings, throwing acid on women, execution-style killings, dismemberment, and beheadings were routinely perpetrated against citizens and foreigners.

Prison and Detention Center Conditions

In the government's official civilian penal system, the ICS prisons, conditions significantly improved during the year. Most ICS facilities met most international penal standards, although none met all. However, other detention systems existed about which little was known.

Standards in the KRG facilities were similar to ICS standards. However, according to press reports quoting political leaders and families of detainees, Kurdish political parties employed a network of at least five detention facilities outside the official KRG prison system to incarcerate hundreds of Sunni Arabs, Turcomen, and other minorities abducted and secretly transferred from Mosul and from territories stretching to the Iranian border.

The MOD operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during

military raids and operations. Efforts were underway at year's end to integrate detainees in these MOD facilities into the criminal justice system.

Throughout the year ICS officials implemented procedures for the screening of all persons taken into ICS custody from the police, courts, or any other entity as soon as reasonably possible for injuries or signs of abuse. Medical staff examined and documented the results in the person's medical record.

During the year 13 cases of abuse by ICS personnel were reported and investigated. Two of the cases were closed as unfounded, six individuals received administrative punishment, and five cases were pending at year's end.

Overcrowding continued to be a problem. The continuing investigation into overcrowded detention facilities was underway at year's end. Overall detainee numbers increased due to mass arrests carried out during security and military operations. ICS and KRG facilities held approximately 9,900 inmates, including 335 women, with an overall total of approximately 9,700 beds. ICS operated 11 prisons and pretrial detention facilities, and Kurdish authorities operated 7. Renovation and construction on an additional 3 facilities, totaling 4,200 beds, continued at year's end.

It could not be determined whether inmates died during the year due to poor conditions of confinement or lack of medical care. Medical care was poor, reflecting community standards.

The law provides that women and juveniles must be held separately from men; however, reportedly women were held in the same facilities as men in some instances, and juveniles were held with adults. Additionally, pretrial detainees and convicted prisoners were sometimes held in the same facility.

The government generally permitted visits to prisons by independent human rights observers and NGOs; however, some NGOs reported difficulties in gaining access to detention facilities, and presumably there were no visits to undisclosed detention centers.

d. Arbitrary Arrest or Detention

The TAL provides protection against arbitrary arrest and detention except in extreme exigent circumstances. No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs. In practice, the authorities in many cases did not observe these provisions.

Role of the Police and Security Apparatus

During the year the MOI exercised its responsibilities throughout the country except for the KRG area. Such responsibilities include providing internal security through police and domestic intelligence capabilities, and regulating all domestic and foreign private security companies. It also has responsibility for emergency response, border enforcement, dignitary protection, firefighting, and facilities protection. The TAL and CPA Order 91 permit KRG to retain control over police forces and internal security. Other CPA memos signed in 2004 recognized a local defense force (*pesh merga*) as legitimate within KRG recognized provincial boundaries.

The MOI commands a number of uniformed forces, including the Iraqi Police Service and the Special Police Forces, numbering more than 20 thousand who received little police training. MOI police effectiveness was seriously compromised by sectarian influences of militias that infiltrated the MOI, corruption, a culture of impunity, lack of training and, in some instances, by intimidation within security force. In the aftermath of the fall of the former regime, a police presence temporarily vanished, except in the Kurdish areas. After April 2003, a large recruitment and training program was established, including hiring former police officers. Reconstituted police units in some cities, particularly Mosul and Fallujah, sometimes disintegrated or fled when faced with large-scale insurgent attacks.

More than a dozen militias have been documented in the country. Militia members integrated into the Iraqi Security Forces (ISF) typically remained within preexisting organizational structures and retained their original loyalties or affiliations. Of these integrated militias only the Badr Organization and the *pesh merga* of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) remained significant, cohesive entities at the end of the year, although they were nominally integrated. *Pesh merga* units were embedded in the MOD but were rarely used outside the KRG. Six sponsor organizations either disbanded their militias or assigned them to personal security duties for political leadership. The Mahdi Army remained a separate and freestanding militia.

Efforts to increase the capacity and effectiveness of the police were ongoing. In the human rights area, 17 percent of the 135 thousand-member police force received an average of 22 hours of human rights instruction during the year, bringing the total of police trained to 64 percent of the police force by year's end. Also, all ICS personnel were required to undergo training at a five-week basic corrections academy. This training, including instruction on basic human rights, was mandatory for the 5,800 ICS correctional officers. As of year's end, approximately 58 percent had received such training.

Human rights offices responsible for investigating allegations of police abuse were established in all governorates; however, there was insufficient information to determine their effectiveness.

Corruption was widely perceived to be a severe problem within the police. There were many allegations of police abuse involving unlawful arrests, beatings, and theft from the homes of detainees. MOI's inspector general (IG) investigated reports of corruption, tried to educate MOI personnel about the danger of corruption and to develop a culture of transparency, and worked on human rights issues in any venue that affected MOI. The IG reported that it investigated 650 cases of police corruption and more than 40 allegations of human rights abuses during the year. Results were not publicized by year's end.

Within the MOI, the Internal Affairs Department is the designated mechanism for investigating internal police abuses. It brought forward several cases of corruption and abuse. The Minister fired all the accused, many of whom have been remanded for trial. At year's end no trials had taken place.

In the IG's office, a hot line existed for citizens to report cases of corruption and abuse, in addition to mentoring and training programs that focused on accountability. A code of police conduct also exists.

Arrest and Detention

Under the emergency law, the prime minister has a wide array of powers, including the authority to detain and search suspects. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are "extreme exigent circumstances," and detained suspects must appear before a judge within 24 hours of arrest. If the investigative judge finds a basis on which to press charges, the prisoner remains confined and is transported to an ICS detention facility to await trial (see sections 1.a. and 1.c.).

Pursuant to the 1971 Criminal Procedure Code, the judge who issues an arrest warrant sets the bond conditions. If no conditions of release are specified, the accused is kept in custody. Under the most common bond condition, an accused is released into the custody of a responsible individual (such as a family member or tribal leader), who will vouch for the individual's appearance at a future court hearing.

Judges are authorized to appoint paid counsel for the indigent, and did so, according to observers of proceedings in the Central Criminal Court in Baghdad. Attorneys were provided with private rooms during official visits to confer with their clients.

Criminal detainees generally were informed of the charges against them, although sometimes with delay. Criminal detainees were generally retained in custody pending the outcome of a criminal investigation. Authorities stated that police generally arrested individuals in accordance with a duly issued warrant; however, police frequently arrested and held in detention without the necessary judicial approval individuals who had not been accused of any crime. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous people were arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention.

According to the government, ICS generally imprisoned civilians under the rule of law, accompanied by a valid confinement order from a judge. Although some MOI detainees were processed judicially, some were detained without having been brought into the judicial system. In practice ministries acting outside the scope of their legal authority detained numerous individuals and enabled many other serious abuses. For example, some of those held in MOI facilities uncovered on November 13 and December 8 lacked any judicial paperwork.

Lengthy pretrial detentions continued to be a significant problem. These resulted from backlogs in the judiciary, slow processing of criminal investigations and, most seriously, undocumented detentions. Many prisoners, some undocumented, were held incommunicado for extended periods (see section 1.c.). Reportedly, police continued to use coerced confessions and abuse as methods of investigation. Hundreds of cases alleging police abuse and torture were pending throughout the country at year's end.

Information was not available on MOD or KRG practices.

On March 29, according to the press, the Higher Judicial Council accused the MOI of violating the state of emergency law on warrantless arrest and detention by relying on an internal MOI directive authorizing the practice in nonexigent circumstances (see section 1.e.).

Police or criminal impersonators in police uniforms sometimes made false arrests to extort money. Some police officers did not present defendants to magistrates but held them in detention cells until their families paid bribes for their release. In the Central Criminal Court of Iraq (CCCI) in Baghdad, the time between arrest and arraignment often exceeded 30 days, despite the 24-hour requirement.

Kurdish security forces abuse ranged from threats and intimidation to detention in undisclosed locations without due process (see section 1.c.). Police detained and took more than 130 individuals from Kirkuk to KRG territory during the year.

There were no publicized cases of criminal proceedings brought against members of the police in connection with alleged violations of human rights. MOI authorities claimed that there were several arrests of police and both criminal and administrative punishments in cases where allegations of torture were substantiated; no specific cases were identified by year's end.

e. Denial of Fair Public Trial

The TAL provides for an independent judiciary. While there was not sufficient experience to determine, in practice, its independence, the judiciary was vulnerable to intimidation and violence and to the exercise of political influence.

Trial Procedures

According to the TAL, all persons are equal before the courts and no individual may be deprived of life or liberty except in accordance with legal procedures

The TAL provides for the right to a fair trial, and the judiciary generally sought to enforce this right. An accused is innocent until proven guilty pursuant to the law and has the right to engage independent and competent counsel, remain silent in response to questions, and summon and examine witnesses or ask that a judge do so.

The criminal justice system is based on a civil system similar to that of France (Code Napoleon). It was modified under the Ottoman Turks and greatly influenced by the Egyptian system. The system is inquisitorial; the judiciary controls and investigates cases. Tribal leaders applied Shari'a (Islamic law) in settling disputes.

The courts are geographically organized into 17 appellate districts. There are two types of criminal courts--misdemeanor and felony. Cases are presented to the court in the district where the crime took place. An investigative judge controls the investigation and recommends charges if sufficient evidence has been discovered. Trial and sentencing are generally very short processes. Witnesses who are not present have their statements read into the record.

There is no jury in the criminal justice system, and a three-judge panel decides on the guilt or innocence of a defendant. Defendants who are found guilty are sentenced immediately after the verdict. Prosecutors and defense counsel may question witnesses during the proceeding. In practice they often asked few, if any, questions after the judge had completed his questioning. The prosecutors and defense counsel routinely made initial and final statements to the court. Decisions can be appealed to an appellate court and then to the Court of Cassation, which is the court of last resort in most matters concerning federal law.

On February 24, the government, pursuant to the TAL and its Annex, enacted the Supreme Federal Court Law to establish the Supreme Court. The Presidency Council approved the Supreme Court's members; however, no cases were heard by year's end. While the Court of Cassation is the court of last resort for most matters concerning the enforcement of federal law, the Supreme Court has original and exclusive jurisdiction in conflicts between federal and other authorities and in claims that a law is inconsistent with the TAL. An appellate jurisdiction for the Federal Supreme Court remained to be defined.

The Higher Juridical Council (HJC), headed by the Chief Judge of the Supreme Court, is responsible for all administrative matters relating to the courts. The chief appellate judge of each district, along with several judges from the Court of Cassation, comprises the HJC.

In the event of judicial misconduct, the HJC convenes a disciplinary hearing to determine the merits of the allegations. Unlike in 2004, there were no reported cases of judicial misconduct during the year. In 2004 the HJC convened a disciplinary hearing concerning the allegation that a Baghdad judge dismissed criminal cases due to external influence. After a six-month investigation, the judge was removed from office due to concerns about his integrity. There was no evidence of outside influence on the HJC.

In late March the HJC reportedly challenged the MOI's practices in cases of arbitrary detention, without consequent change in MOI operations (see section 1.d.).

On a number of occasions, the HJC challenged the failure of the MOI to produce prisoners in court before an investigative judge for timely review of the basis for arrest and continued detention. These problems did not exist for detainees held in regular police stations. However, because the Special Police tended to detain large numbers of individuals without bringing them before a judge, the HJC arranged to have an investigative judge periodically go to the detention facility of some Special Police units and review the status of detainees there. The HJC also arranged similar visits to review cases at some other centralized MOI detention facilities. The results of this HJC-directed effort were mixed. Sometimes Special Police units did not cooperate; at times the prisoners simply were not presented to the judge. In two cases, investigative judges were allegedly involved in or ignored misconduct by MOI units. To address misconduct by MOI units, the HJC had only the authority to bring criminal charges; otherwise, discipline was an internal MOI matter. During the year the HJC did not bring criminal charges in these matters.

In 2003 the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses under Iraqi law from July 17, 1968, through May 1, 2003. The Dujayl trial, the first in what was expected to be a series of trials of Saddam Hussein and other defendants began on October 19. The trial was based on an incident in 1982 when army deserters shot at Saddam Hussein's convoy as it passed through the Shi'a farming town of Al-Dujayl. The charges alleged that Saddam, in retaliation, ordered the Intelligence Service to arrest more than 550 Dujayl men, women, and children who were subsequently imprisoned, tortured, and had their farmlands destroyed. Saddam allegedly ordered 148 men and teenage boys, after 5 years of continuous persecution, executed by hanging. At year's end the trial was ongoing.

Violence and intimidation harmed members of the judiciary, including defense lawyers. Unknown assailants shot and killed secretary to the HJC Qais al-Shamari and his son in an ambush on January 25. The Army of the Protectors of the Faith (*Ansar AlSunna*) claimed responsibility for the murders. On March 2, gunmen killed IHT judge Barawiz Mahmud and his son as they left their Baghdad home. In early September, three judges riding in one vehicle in Salah Ad Din were stopped and taken to a secret location for a mock trial. They were told to resign their judgeships, and did so.

Armed gunmen abducted Sa'adoun Sughaiyer al-Janabi, a defense counsel in the Dujayl trial from his Baghdad office on October 19. On October 20, al-Janabi was found dead, shot execution-style. No further information was available regarding this case at year's end. On November 8, armed assailants shot and killed Adil al-Zubeidi, wounding Thamer al-Khuzahie in the attack; both were lawyers for codefendants in Saddam's trial.

The law provides that civilian judges be designated to sit as a separate military court for members of the military. Although 20 judges were so designated, no military trials occurred during the year.

Political Prisoners

There were no reports that the national government held political prisoners.

On October 27, members of *Parastin*, the security intelligence service of the KDP, in Irbil arrested and detained incommunicado international political activist, Kamal Said Kadir, an Iraqi Kurd with Austrian citizenship. According to several international NGOs, he was believed to be held for having written articles on the Internet critical of the KDP authorities, including its leader and KRG President Mas'ud Barzani. Kurdish officials said the arrest was based on a number of lawsuits by civilians. According to the NGO International PEN, the KDP International Relations Bureau in London confirmed that he was being investigated for "slander, personal harassment and threats" in connection with the publication of articles the Kurdish authorities considered to be provocative and defamatory of "certain prominent elected official politicians." The KRG denied any political motivation. On December 19, Said Kadir was sentenced to 30 years' imprisonment.

Property Restitution

The Iraq Property Claims Commission (IPCC) was established in 2004 by CPA Regulation 12 as an independent governmental commission designed to resolve claims for real property that was confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between July 17, 1968, and April 9, 2003, for reasons other than land reform or lawfully applied eminent domain, and between March 18, 2003, and June 30, 2005 by persons whose property was taken for ethnic or religious reasons or by individuals whose property had

previously been confiscated by the former regime. The statute establishing the IPCC was amended in July to extend the time limit for the filing of claims until June 30, 2007, which was expected to benefit primarily out-of-country claimants who had not yet heard about the claims process.

There were approximately 1,200 IPCC employees in offices located in all 18 governorates and led by Ahmed al-Barrak, a former member of the Iraqi Governing Council, who replaced Suhail al-Hashimi in July as the head of the national secretariat.

At year-end, the IPCC had received nearly 130 thousand claims nationwide. Of those claims, its regional commissions have adjudicated only approximately 14 percent nationwide, with geographic variations.

There was no information that claimants had yet received compensation through the IPCC. The government budget for 2006 included \$200 million (300 trillion dinars) to fund compensation awards in IPCC cases. However, by the end of the year the government had not established a mechanism to transfer funds to successful claimants. After adjudication, the IPCC's only role in enforcement is to send an official letter to the real estate registry office ordering transfer of title in appropriate cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The TAL prohibits such actions, and the government attempted to respect these prohibitions in practice, although in numerous instances, the security forces did not. The law provides for the right to privacy; police, investigators, or other governmental authorities may not violate the sanctity of private residences without a search warrant issued in accordance with the applicable law unless "extreme exigent circumstances" exist. Under the emergency law, the prime minister may authorize authorities to detain and search suspects, and their homes and work places. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are extreme exigent circumstances, and detained suspects must appear before a judge within 24 hours of arrest. The police were instructed to comply with legal warrant requirements but reportedly often did not.

Party membership was necessary to obtain some employment and educational opportunities, particularly in the Kurdish North where the dominant parties were the KDP and PUK (see section 3).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year unsettled conditions prevented effective governance in areas of the country, and insurgent and terrorist attacks hampered the government's human rights performance.

Elements of the Iraqi Armed Forces under the tactical control of the Multi-National Coalition Force (MNF-I) operated in the country in major military actions against insurgents and terrorists under unified command pursuant to UN Security Council Resolutions 1511, 1546, and 1637. MOI forces also coordinated with MNF-I to ensure a synchronized approach to security within the country.

Government military and police forces under government control killed armed fighters or persons planning or carrying out violence against civilian or military targets; according to personal accounts and numerous press reports, these forces caused inadvertent civilian deaths. Treatment of detainees under government authority was deficient in some cases, including killing, torture, and other cruel, inhuman, or degrading abuse (see particularly sections 1.a. and 1.c.). Investigations with respect to these abuses covering all government-controlled detention centers were underway at year's end.

Former regime elements, local and foreign fighters, and terrorists waged guerrilla warfare and a terrorist campaign of violence impacting every aspect of life. Killings, kidnappings, torture, and intimidation were fueled by political grievances and ethnic and religious tensions and were supported by parts of the population.

Insurgents and terrorists targeted anyone whose death or disappearance would advance their cause and, particularly, anyone suspected of being connected to government-affiliated security forces.

Bombings, executions, killings, kidnappings, shootings, and intimidation were a daily occurrence throughout all regions and sectors of society. An illustrative list of these attacks, even a highly selective one, could scarcely reflect the broad dimension of the violence.

Terrorists, insurgents and reportedly militia members frequently targeted government officials. On April 21, the director of the Baddush prison, Colonel Khaled Najim Abdullah, was shot and killed in Mosul. On April 27, gunmen shot TNA member Lamia Abed Khadawi, the first member of the newly elected assembly to be killed. On May 16, Ministry of Foreign Affairs Director General Jassim Mohammad Gharak was shot and killed by unknown assailants at his home. On May 23, in Baghdad's Mansour neighborhood, gunmen shot and killed Head of Operations for the Minister of State for National Security Affairs General Wa'il al-Rubaie. On July 19, in the Karadah area of Baghdad, Sunni Arab Constitution Committee member Mijbil Issa was killed in a drive-by shooting, as well as two of his bodyguards. In addition to these cases, many other political activists and ordinary civilians were also wounded and killed.

Bombings took thousands of civilian lives across the country during the year. For instance, on February 28 a suicide bomber drove into a crowd outside a government health center, killing approximately 125 and injuring at least 130. A suicide bomber blew himself up in a crowd of police volunteers in the northern city of Irbil on May 4, killing approximately 45 and wounding more than 90.

On September 14, more than 180 people were killed in a series of attacks in Baghdad, including a car bomb attack on a group of workers in a mainly Shi'a district. Al-Qa'ida in Iraq claimed responsibility. Its leader, Abu Musab al-Zarqawi, a Jordanian-born Sunni, focused hostilities on the Shi'a population. On October 11, a suicide bomber drove his explosives-packed vehicle into a crowded outdoor market in Tal Afar, killing at least 30 and wounding 45. Al-Qa'ida claimed responsibility for the attack. The following day, a suicide bomber detonated the explosives hidden beneath his clothing at an army recruiting center in Baghdad, killing at least 30 and wounding 35.

All sectors of society suffered from the continued wave of kidnappings. Kidnappers often killed their victims despite the payment of ransom. The widespread nature of this phenomenon precluded reliable statistics.

Unknown assailants seized Egyptian Ambassador Ihab al-Sherif from a Baghdad street on July 2 and later killed him. Algerian diplomats Ali Belaroussi and Azzeddine Belkadi were kidnapped as they left the Algerian Embassy. Al-Qa'ida of the Jihad Organization in the Land of Two Rivers claimed responsibility for the kidnapping and subsequent murder of the two diplomats. Five members of Baghdad's St. George's Anglican Church disappeared in mid-September while returning from a conference in Jordan. There was no information about their whereabouts at year's end.

Press reports indicated that insurgents often used children as informers and messengers and in diversionary tactics to distract security forces troops. Children sometimes participated directly in attacks, as well (see section 5).

Throughout the year terrorists systematically damaged and destroyed key infrastructure. Principally, but not exclusively in the central region of the country, sabotage to oil, electricity, and transportation lines reduced the movement and availability of critical services and goods to the population.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The TAL broadly protects the right of free expression. CPA Order 14, as amended by CPA Order 100, restricts media organizations from incitement to violence and civil disorder, expressing support for the banned Ba'th Party and support for "alterations to Iraq's borders by violent means." Government actions based on the order must be consistent with the TAL and the country's obligations under international law and are appealable within the judicial system.

Media organizations determined to be in violation of the CPA orders are subject to closure, possible imprisonment of persons involved in the violation, and a fine of up to \$1 thousand (1.5 million dinars). No media organizations in the country were closed during the year. The Iraqi Association of Journalists asserted that journalists were censored and had been accused of collaboration with the insurgents after trying to report on both sides of the conflict. There was no government censorship office.

Licensing procedures are transparent and an independent entity was established to license broadcast media, although the process has lapsed in the face of other priorities. The press does not require a license to operate.

The independent media were active and diverse. There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turcoman, and Syriac. The media represented a very wide range of viewpoints. Columnists openly criticized the government in print media, and government officials responded to viewer call-ins on television programs. Election programs featured live debates among candidates.

Public media (one each for TV, radio, and newspaper) launched by the CPA were incorporated into a new publicly funded broadcaster, the Iraqi Media Network.

Much of the media was owned by political party groups or coalitions of political, ethnic and religious groups. Despite the enabling legal framework, the lack of independent commercial financing resulted in many media outlets being the voices of and financially dependent upon political parties and other groups. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem.

The most widely watched television stations were independent Al-Sharqiya and public broadcaster Al-Iraqiya, along with Arabic-language satellite channels operating outside the country, such as Al-Arabiya and Al-Jazeera. Several other new outlets were gaining popularity, such as entertainment channel Al-Sumeria.

Foreign journalists generally operated without legal or bureaucratic hindrance. However, the August 2004 ban continued on the Qatar-based Al-Jazeera news channel, based on an Iraqi Communication and Media Commission report accusing the station of inciting violence and hatred. The station continued to employ free-lance journalists in the country and also bought reports and footage about the country from other satellite networks.

There were no restrictions on access to printed material or electronic media, equipment, or services. Foreign news broadcasts were not jammed.

According to the Committee to Protect Journalists, assailants killed or abducted at least 23 journalists and media assistants during the year. For example, gunmen shot and killed journalist Shamal Abdallah Assad on April 15, as he was driving on Kirkuk's main street.

In early July unknown assailants kidnapped Mosul television producer Khaled Sabih al-Attar. He was found shot and killed in an empty lot several hours after his abduction. According to the NGO Reporters Without Borders, two armed men shot and killed Firas al-Madhidi on September 21 outside of his home. Men in police uniforms shot and killed al-Madhidi's co-worker, Hind Ismail, the previous day. On October 23, there were no reported fatalities among the media when three car bombs exploded in Baghdad near the Palestine and Sheraton hotels, which housed many foreign journalists.

Self-censorship took place due to a climate of fear of violence. On August 13, Al-Hurra television aired a program about the March incident at Basrah University in which Sadrists violently broke up a picnic and beat students for "un-Islamic" behavior (see section 2.c.). Following the program, unidentified Sadrists kidnapped one Al-Hurra employee and threatened to kill the entire Basrah office's staff. The office remained closed at year's end, and the employees were in hiding.

There were no government restrictions on the Internet or academic freedom. However, Kurdish parties in the North and Shi'a-dominated parties in the South controlled the pursuit of formal education and the granting of academic positions.

b. Freedom of Peaceful Assembly and Association

Freedoms of assembly and association are guaranteed by the TAL. Under the emergency law, the prime minister has the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances.

Many demonstrations took place countrywide on sensitive issues concerning government decisions or lack of government capacity to address problems, although not on subjects prohibited under the anti-Ba'th orders inherited from the CPA. Police generally did not break up peaceful demonstrations except when a curfew was violated.

However, the police used coercion at times. For example, on March 27, dozens of demonstrators entered the Ministry of Science and Technology, demanding higher wages. Shots were fired during the demonstration, resulting in minor injuries to seven individuals, after which the crowd quickly dispersed. The minister of interior warned citizens the following day not to hold protests, saying such gatherings invited large-scale terrorist attacks.

In the streets of Najaf in early June police physically assaulted and detained students for wearing jeans and having long hair. The students said police beat them and shaved their heads.

In January Kurdish militia in Bartalah reportedly broke up a peaceful demonstration by Shabak villagers, assaulting several demonstrators and firing their weapons over the crowd.

c. Freedom of Religion

The TAL provides for freedom of thought, conscience, and religious belief and practice. While the government endorsed these rights, its efforts to prevent or remedy violations were hampered by substantial politically and religiously driven violence between Sunni and Shi'a (see section 1.g.) and by harassment of Christians. Deficiencies in security force capabilities and in the rule of law made it difficult for the justice system to investigate or address violations of these rights. Amid hostility and acts of terrorism against citizens of different faiths and their places of worship, religious leaders repeatedly called for tolerance.

Government leaders spoke often of the need for all citizens to unite--regardless of religious orientation--in the face of terrorism and repeatedly emphasized their commitment to equal treatment for all religions and ethnicities. Prime Minister Al-Ja'afari frequently expressed his concern over implications of the government's possible involvement in violence against the Sunni Arab minority. The MOI undertook to investigate alleged police involvement in the unlawful detention, torture, and murder of Sunnis, but no results were released during the year.

Religious groups are required to register with the government. According to the Christian and Other Religions Endowment Office, approximately 18 foreign missionaries applied during the year to operate in the country. After learning of the registration requirements, which include having at least 500 followers in the country, none of the organizations returned to complete the registration process.

An estimated 97 percent of the population is Muslim. Shi'a Muslims--predominantly Arab, but also including Turcomen, Faily Kurds, and other ethnic groups--constitute 60 to 65 percent of the population. Sunni Muslims make up 32 to 37 percent of the population (approximately 18 to 20 percent are Sunni Kurds, 12 to 16 percent Sunni Arabs, and the remainder Sunni Turcomen). The remaining approximately 3 percent consist of Christians--Chaldean (an eastern rite of the Catholic church), Assyrian (Church of the East), Syriac (Eastern Orthodox), Armenian (Roman Catholic and Eastern Orthodox), and Protestant Christians, as well as small numbers of Yazidi, Sabeen (Mandaean), Baha'i, Kaka'i, Ahl-e-Haqq, and a very minute Jewish community.

Shi'a Arabs, although predominantly located in the South, are also a majority in Baghdad and have communities in most parts of the country. Sunni form the majority in the center (Arabs) of the country and in the North (Kurds). Shi'a and Sunni Arabs are not ethnically distinct.

According to official estimates, the number of Christians in the country decreased from 1.4 million in 1987 to approximately 750 thousand during the year, with Catholics comprising the majority. According to church leaders in Irbil and Mosul, Christians in the North account for roughly 30 percent of the country's Christian population. Christian religious leaders estimate that approximately 700 thousand Iraqi Christians live abroad.

The ongoing insurgency significantly harmed the ability of all religions to practice their faith. Additionally, sectarian misappropriation of official authority within the security apparatus harmed the rule of law and the right of citizens to worship freely. The Sunni Arab community often cited police raids of its mosques and religious sites as an example of targeting by the Shi'a-dominated government.

On May 19, for example, security forces raided Baghdad's prominent Sunni Abu Hanifa Mosque as Friday prayers were ending, reportedly to detain alleged terrorists. Local leaders complained that security forces used tear gas and abused women. The prime minister subsequently provided compensation for damages to the Sunni religious endowment office and promised a full investigation of the incident.

On June 9, police broke into Amarra's Sunni Hetteen Mosque in southern Iraq charging that it harbored terrorists. Subsequently, the police turned the mosque over to the Shi'a Endowment Office, which changed its name to Fatima Al Zahraa mosque.

The police--particularly the Special Police--abducted, detained, and tortured individuals. According to a variety of reports, police engaged in extrajudicial killings, particularly of members of the Sunni Arab minority. In many instances of alleged police abuse, it was impossible to confirm that all the perpetrators were in fact police officers because of instances of impersonation of police officials (see section 1.a.).

There were allegations of religiously based employment discrimination. Several ministries, including those of health and communications, reportedly conducted large-scale firings of non-Shi'a employees, often on the grounds that the fired employees were senior Ba'thists, security risks, or both (see section 3). Some non-Muslims accused the government of discrimination in hiring, claiming that unqualified Shi'a applicants were hired over qualified non-Muslims. The municipal administration of the city of Basrah allegedly refused to employ Christians.

There were allegations that the KRG engaged in discriminatory behavior against religious minorities. Minorities living in areas north of Mosul asserted that the KRG confiscated their property--including the properties of Christians--without compensation and that the KRG began building Kurdish settlements. Assyrian Christians also alleged that the KDP-dominated judiciary routinely discriminated against non-Muslims and legal judgments in their favor were not enforced. In spite of alleged KRG discrimination against religious minorities, many non-Muslim minorities fled to Kurdish region from the more bellicose center and religiously repressive South of the country.

During the year members of Catholic, Assyrian, and Armenian Orthodox churches as well as clerics left Shi'a-dominated Basrah because of religious, social, and economic discrimination and because of fears for their lives due to the unstable security situation for Christians.

Societal Abuses and Discrimination

Extremists, including terrorist groups and militia members, targeted many individuals because of their religious orientation, and very conservative elements of society targeted others because of their secular leanings. Many also were victims of the general lawlessness that permitted insurgents and criminal gangs, as well as those in police uniform to victimize citizens with impunity. In addition to kidnapping, individuals were the victims of harassment, intimidation, and murder. Some Christians in Basrah reportedly were forced to pay protection for their personal welfare. Women and girls reportedly often were threatened for not wearing the traditional headscarf (*hijab*), assaulted with acid for noncompliance, and sometimes killed for refusing to cover their heads or for wearing western-style clothing. Some women were reportedly denied employment and educational opportunities because they were non-Muslim or did not present themselves as sufficiently conservative.

Students generally were not prohibited from practicing their faith in school. However, members of non-Muslim minorities and secular Arabs in some schools were increasingly forced, often under the threat of violence, to adhere to conservative Islamic practices. During the year Basrah's education director instituted a policy requiring all females in the schools to cover their heads. Additionally, all female university students in Mosul, including non-Muslims, were required to wear the hijab.

On March 15, Muqtada al-Sadr loyalists attacked picnicking Basrah University students, claiming they were violating the principles of Islam with their western-style clothing, and by singing, and dancing. The Sadrists fired guns at the students and beat them with sticks. Police were also present during the incident but did not intervene. University officials reported that at least 15 students were hospitalized, many with serious injuries (see section 2.a.).

An upsurge in sectarian violence occurred in early May. Foreign jihadists were reportedly responsible for killing Sunni and Shi'a clerics seeking to incite further sectarian violence. Terrorists attacked mosques, and Sunni and Shi'a neighborhoods. They killed clerics, religious leaders, and private citizens of both sects.

On May 14, the bodies of 10 Shi'a soldiers were found in Ramadi in the largely Sunni Al-Anbar Province. Thirteen blindfolded and bound men, thought to be Sunni, were found shot to death on May 15 in Baghdad in the same Shi'a district where the bodies of 14 Sunni had been found the previous week. On the same day, 11 bodies were found at another Baghdad location, and another 11, reported to be those of Shi'a ambushed by Sunni gunmen, were discovered south of Baghdad.

On May 20, the Imam of Baghdad's Al Hamza Mosque, Sheikh Ayad Khalid Mohammed al Samaraie, disappeared. His body was subsequently discovered in Baghdad's Al-Shoa'ala neighborhood. Samaraie had been shot in the head, and his body showed signs of torture.

According to the Sunni and Shi'a religious endowment offices, approximately 50 Shi'a and 15 Sunni mosques were bombed during the year. On June 4, a suicide bomber blew himself up killing 10 and wounding 12 Sunnis in a religious meeting in a house in Balad, about 50 miles north of Baghdad.

A suicide bomber, thought to be targeting Shi'a citizens, detonated explosives at an outdoor market in Baghdad on November 3, killing approximately 20 and wounding at least 60. Many women and children were among the dead and wounded. Another attack on July 16 at the same spot, which is near a Shi'a mosque, left at least 54 people dead. In that attack, a suicide bomber set off the explosives strapped to his body near a gas station. The resulting explosion also wounded at least 82.

Islamist militants harassed shopkeepers for providing goods or services considered to be inconsistent with Islam and sometimes killed them for failing to comply with warnings to stop such activity. On May 11, leaflets were distributed in Yousifiya forbidding the sale of cigarettes and cautioning barbers not to cut hair in the modern styles or use thread to remove facial hair and produce smoother facial skin.

Religious motivations apparently were the motivation of Islamic extremists' attacks on liquor store owners, primarily Christians and Yazidi. Liquor stores in Baghdad, Mosul, and Basrah were bombed, looted, and defaced, and the Christian and Other Religions Endowment Office reported that approximately 95 percent of such establishments closed due to threats by Islamic extremists.

While Sabeen leaders stated that criminals targeted their community for its perceived wealth, Islamic extremists threatened, kidnapped, and killed Sabeens for refusing to convert to Islam.

On January 16, Riyadh Radhi Habib, president of the Mandaean Supreme Spiritual Council in Basrah, died after being shot more than 90 times by 3 gunmen reportedly demanding that he convert to Islam. On February 15, armed men confronted Wafsi Majid Kashkul at his Baghdad jewelry store and reportedly demanded that he convert to Islam. When Kashkul refused, the men shot him and left without stealing anything from the shop. On March 14, it was reported that three Sabeen brothers, Anweer, Shaukai, and Amer Juhily, were kidnapped from their Basrah home. The kidnappers demanded that the brothers convert to Islam; they refused and were shot and killed.

There were no reported examples of anti-Semitic actions against Jewish citizens. According to the head of the Christian and Other Religions Endowment Office, the country's millennia-old Jewish population had dwindled to only 20 persons in the Baghdad area. There were also unverified reports of small numbers of Jews living in KRG areas.

However, anti-Semitic sentiment remained a cultural undercurrent. As an example, the TNA passed a citizenship law on November 15 that, among other things, precludes Iraqi Jews from regaining citizenship. The Presidency Council (the president and the two deputy presidents) sent a notice to the TNA that it was vetoing this legislation, but the TNA challenged the legal effectiveness of the notice. As a result of this dispute, the law was not in effect at year's end.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The TAL guarantees the right of free movement in all parts of the country and the right to travel abroad and return freely; however, there were some limitations in practice. Under the state of emergency law, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). The government availed itself of these powers in practice in the course of the conflict.

Beginning in May and continuing until at least mid-July, the KRG arbitrarily controlled internal borders between the KRG and the rest of the country. On numerous occasions, the KRG, denied entry on the basis of ethnic background, gender, and age. Security forces sometimes detained individuals for up to 14 hours and prohibited them from making outside contact, or turned them away at the checkpoint because Arabs were not allowed into the Kurdistan Region. KRG authorities asserted they were acting judiciously in controlling travel by individuals or groups entering Kurdistan from less secure parts of the country. In July the MOI ordered KRG authorities to cease such activity. No cases were reported after the order was issued.

The TAL expressly prohibits forced exile of all native-born citizens and, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications, naturalized citizens. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced. Despite legislation to the contrary, some authorities continued to require that women between the ages of 12 and 40 obtain the approval of a close male relative before being issued a passport. Government officials denied that there was a policy to this effect.

Internally Displaced Persons

In October the UN High Commissioner for Refugees (UNHCR) estimated that there were more than 1.2 IDPs in the country. The former regime was responsible for the displacement of more than a million persons. By April more than 470,000 persons were estimated to have returned to their places of origin, habitual places of residence, or other places of their choice. In June operations related to the ongoing military conflict resulted in the new displacement of approximately 40 thousand persons in the Western Euphrates River Valley and 20 to 40 thousand persons from the predominantly Turcoman city of Tal Afar in Ninewah Province near the Syrian border. By the end of September, most of the IDPs from Tal Afar had returned to the city, but those from the Western Euphrates River Valley had not returned to their homes.

During the Saddam era, both ethnic Arabs and non-Arabs were forced or induced to move to other regions of the country. The vast majority of IDPs were non-Arabs (Kurds, Chaldo-Assyrians, and Turcoman) forcibly relocated southward as part of the regime's "Arabization" process to make way for incoming Arab families forced or induced to settle around Kirkuk and other northern areas.

Many Arabs who were part of this Arabization process either fled their homes in the North during the 2003 war or were forced out or prevented from returning by Kurdish civilians and fighters who had returned to villages from which they had originally been displaced.

Frustrated by the slow resolution of property disputes, the main Kurdish political parties encouraged and supported resettlement of Kurdish IDPs in Kirkuk outside the framework of the IPCC (see section 1.e.). Meanwhile, Arabs remained, especially in Kirkuk, in antagonistic and extremely poor conditions, facing pressure from Kurdish authorities to leave the province.

Due to poor security conditions and inadequate social infrastructure to absorb returnees, the Ministry for Displacement and Migration (MODM) continued to support a ban on the forced return of Iraqi citizens to the country from abroad. The United Kingdom involuntarily returned 15 citizens to Irbil on November 21, and other countries were considering whether to follow suit. Additionally, there was a housing shortage estimated at between 1.4 and 2 million units in the country. There were also inadequate education and health care facilities for the current displaced and refugee population. The MODM, however, continued to support the principles of voluntary repatriation and underscored the importance of safe and dignified returns.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. However, the government recognized a refugee population of an estimated 65 thousand persons.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

During the year refugees were targeted in attacks carried out by insurgents, security forces, and members of the general public. Protection for Palestinian and Syrian refugees continued to deteriorate. There were credible reports that police and individuals pretending to be police targeted Palestinians for arbitrary arrest, detention, and house raids. There was a wave of increased abuse of Palestinian refugees by the security forces and the general public following the May 12 bombing in Baghdad's Al-Jadida neighborhood after media reports attributed the violence to the Palestinians. Groups not affiliated with the government also reportedly threatened the physical safety of refugees from groups that the previous regime favored (Palestinians, Syrian Ba'thists, and Ahwazis).

Iranian Kurds in the Al Tash Camp near Ramadi in Al-Anbar and Turkish Kurds in the Makhmour Camp in Ninewah became increasingly vulnerable due to the deteriorating infrastructure and security in both locations. Groups not affiliated with the government harassed, threatened, and abused residents of both camps.

UNHCR provided protection and assistance to both Syrian and Palestinian refugees through rental subsidies, other forms of material assistance, and legal representation. As of November 1, UNHCR did not have any international staff based in the country; therefore, it was unable to conduct refugee status determinations to assess the claims of asylum seekers and evaluate possible durable solutions for those recognized as refugees.

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

The TAL provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level for the first time on January 30, when they elected the 275 members of the Transitional National Assembly. The TNA subsequently announced the formation of the rest of the transitional government on April 28. On October 15, citizens voted to adopt a permanent constitution, which included the full panoply of protections of human rights. On December 15, citizens voted for representatives for a new legislature, called the Council of Representatives

The Independent Electoral Commission of Iraq (IECI) had the sole responsibility for administering the October referendum and two elections in January and in December. During the year the IECI continued to draft regulations to support the conduct of a free, fair, and transparent electoral process, including the passage in September of a new election law that mandated a multidistrict electoral process.

Elections and Political Participation

In spite of the threat from terrorist and insurgent violence, the January and the December national elections, as well as the October referendum, were widely considered to have met international standards for free and fair elections. Although the IECI detected irregularities and investigated complaints, these were not enough to change the results of the balloting. The IECI opened more than 6 thousand polling centers throughout the country for a total of more than 30 thousand polling stations available to the eligible voters. The actual voter turnout increased in each succeeding event, with a January election turnout of nearly 59 percent, an October referendum turnout of more than 62 percent, and a December election turnout of 77 percent. The turnout of these combined events showed that overall voters had good access to their respective polling centers.

However, there were some irregularities. In the January elections, many of the mostly non-Muslim residents on the Ninewah Plain were unable to vote. Some polling places did not open, ballot boxes were not delivered, and incidents of voter fraud and intimidation occurred. These problems resulted from administrative breakdowns on voting day and the refusal of Kurdish security forces to allow ballot boxes to pass to predominantly Christian villages. After an investigation of these allegations, the IECI acknowledged that the voting facilities in Ninewah were inadequate. The IECI claimed that these irregularities were due to the poor security situation in Ninewah, Anbar, and other regions. However, the security situation did not affect any particular segment of the population.

During the October referendum, there were few complaints of irregularities, and most related to procedural issues. Although there were allegations of interference by local electoral staff, outsiders, or police, such reports were not widespread.

In November the IECI removed 86 thousand names from the voter list for Kirkuk Province, due to indications that the names reflected multiple registrations or fraudulent registration. However, for the December 15 election, the IECI provided a supplemental voter list that contained the names of all 86 thousand individuals, who were then allowed to vote only if they provided adequate documentation to establish their bona fides as legitimate Kirkuk voters.

Regarding the December 15 election, observer groups and political entity agents submitted more than 1,800 complaints, with 50 complaints designated "red," indicating a complaint that had the potential to affect the outcome of the election. Based on adjudication reports from the IECI, these complaints ultimately did not have an impact on the elections, which was judged to have met international standards. The significant amount of complaints was largely attributed to the IECI outreach campaign that notified observer groups and political entity agents on the complaints procedures as well as the large number of domestic monitors. The IECI also had complaint forms available at each polling station.

After boycotting the January elections, Sunni Arab groups gradually became more actively engaged in the political process at both the national and provincial levels. Arab and Turcoman members on the Kirkuk Provincial Council ended their boycott in early August, and the Kurdish-majority council became an increasingly effective decision-making mechanism.

Although not proportionately represented in the TNA, Sunni Arabs and other minorities had proportional representation on its 71-member subcommittee responsible for drafting the permanent constitution

The permanent constitution, drafted by the subcommittee and subsequently adopted during the October 15 referendum, was scheduled to come into force following the formation of a permanent government after the December 15 elections. The permanent constitution includes guarantees of basic freedoms and human rights.

Political parties and candidates had the right freely to propose themselves or be nominated by other groups. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views.

The country's political parties, as a general rule, tended to be organized along either religious or ethnic lines--sometimes both. Shi'a Islamist parties, such as the SCIRI and Da'wa, as well as such Kurdish nationalist parties as the KDP and PUK, were predominant political forces. Other political players included the Sunni Iraqi Islamic Party and other ethnic minority parties, such as the Assyrian Democratic Movement and the Liberal Faili Kurds Organization.

Membership in the dominant political parties conferred special privileges and advantages in education and employment. There were numerous allegations that the KDP and PUK prevented the employment of nonparty citizens and that courts were biased against nonparty claimants (see section 2.c.).

The TAL provides for the election of women and minorities to the TNA, with a goal of having no less than one-quarter of the representatives be women and of having fair representation of all communities. Women leaders, representing a broad spectrum of political views, expressed concern that some women were selected to participate in the political process--at both the local and national level--only to meet this quota.

There were 87 women in the TNA, 32 percent of the membership, and five women ministers in the government: the minister of state for women's affairs and the ministers of science and technology, displacement and migration, environment, and public works. Additionally, nine cabinet members were from small religious and ethnic minority groups.

The government was representative of the country's ethnic and sectarian diversity, despite the Sunni boycott of the January elections. The Sunni Arab minority had seats in the TNA but proportionally far fewer than their share of the overall population. Of minorities in the assembly, there were 16 Sunni Arabs, 13 Turcomen, 6 Chaldo-Assyrians, 3 Yazidis, 3 Faili Kurds, 3 Shabak, and at least 1 Kaka'i.

Government Corruption and Transparency

Large-scale financial as well as political, personal corruption in the government remained a severe problem. The Commission on Public Integrity (CPI) head Radhi Hamza al-Radhi told the press in March that corruption within the government was widespread and had worsened (see section 1.c.).

The CPI was formed in January 2004 and is dedicated to preventing and investigating cases of corruption in all ministries and other components of the government nationwide. The CPI is an independent body headed by a single commissioner who reports to the country's chief executive and legislature at least annually on the CPI's activities. The CPI is responsible for investigating allegations of government corruption and referring appropriate cases for criminal prosecution, promoting standards of transparency and accountability in government activities, and conducting community education and outreach programs to stimulate public demand for open, honest, and accountable government.

The CPI grew significantly in size and capacity during the year; it had more than 120 investigators working more than 2 thousand cases. Corruption reports to the CPI hot line far outstripped the organization's investigative capacity, and 587 cases were forwarded to the Central Criminal Court of Iraq (CCCI) for adjudication by 5 investigative judges. By the end of the year, the CCCI had adjudicated only two of these cases due to judicial intimidation, lack of training, and gaps in legislation.

The CPI initiated a code of conduct for government employees during the year, as well as financial disclosure for senior government workers, which was to be implemented in 2006. The CPI also conducted ethics training and educational outreach for selected ministry officials and throughout the provincial governments in an effort to instill respect for the rule of law and curb abuses of power. The CPI worked with the Ministry of Education on incorporating civics and ethics programs into the curricula for primary, secondary, and higher education institutions and established a hot line for citizens to report corruption violations and abuses by public officials. The CPI also investigated a number of cases involving human rights violations.

On February 24, the Supreme Audit Board announced that, as ordered by the Council of Ministers, it would conduct an audit of all contracts with all ministries in an effort to combat corruption within the government.

Investigations into alleged wrongdoing at the MOD, begun in 2004, continued throughout the year and resulted in numerous dismissals and resignations. On October 11, officials issued arrest warrants against former minister of defense Hazem Sha'alan, who was out of the country at year's end, and 27 other officials alleged to have played a key role in the theft of \$1 million (1.5 trillion dinars) in 2004.

In May the former minister of labor and social affairs Layla Abdul Latif was the first ministerial-level official arrested on corruption charges. She was convicted and sentenced to six months (suspended) for using public money to send family members on the Hajj in 2004. Additionally arrest warrants were issued for the former minister of transportation and minister of municipalities and public works, but were not carried out.

There was widespread intimidation, as well as killings and attempted attacks against CPI employees, IG personnel, and witnesses and family members involved with CPI cases. The head of the Mosul branch office Brigadier General Waleed Kashmoula was killed on March 25 when a suicide bomber entered his office and detonated his explosives. The CPI's Engineering Manager Ala' Aldean Waxear al Obaidy and Special Investigative Unit employees Muhammed Abd Salef and Mohammad Fadhil Obaid were killed in ambushes on the road on May 17, August 16, and September 25, respectively. IG staff and ministry employees were fired because they provided corruption evidence.

The CPI established a Witness Protection Program. The CPI Special Investigative Unit investigated intimidation and murder cases but had not prevented or solved any by year's end.

In February 2004 the CPA established a system of 31 IGs in all ministries, the city of Baghdad, the Central Bank, and the religious endowments. The mandate of the IG program, which comprises 2,500 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. IGs also focused on developing standards and ensuring mechanisms to protect human rights were in place. More than 50 percent of IG offices had established a human rights unit within their organization by year's end.

IG staff produced more than 800 audit reports and 950 inspection reports, and conducted approximately 750 investigations during the year. While approximately 15 percent of these cases were referred to the authorities as criminal cases, IG standards remained well below international norms.

The IG system remained vulnerable. Many high-level government officials continued to exercise the autocratic authority permissible under the Ba'thist regime. Officials at the MOI, for example, ordered arrests without first obtaining arrest warrants issued by a judge (see section 1.d.). Court orders requesting proof that an arrest was lawful were sometimes ignored. Several heads of ministries removed their IGs in

violation of the law that stipulated the IG might only be removed for specified causes.

No training or professional development mechanisms or common procedures across the ministries existed. Transparency was not common, and ministers often did not understand the effective use of the IGs.

Intimidation and politics were factors in some allegations of corruption, and officials sometimes used "de-Ba'athification" as a means to further political and personal agendas.

On April 25, the Basrah De-Ba'athification Committee dismissed six University of Basrah college deans. A group called "The Forces of Sadr" demanded their removal and threatened to kill the deans' families if they did not comply. University and governorate officials failed to respond to appeals for reinstatement, fearing reprisals from the Sadrists.

Seventeen University of Tikrit professors lost their jobs on October 16, due to de-Ba'athification. The professors claimed that they had maintained party membership only as a requirement of their employment and did not engage in any criminal activity to further Ba'th Party goals.

The law did not provide public access to government information for citizens and noncitizens, including foreign media.

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

NGO activity and advocacy continued to grow but remained weak overall. National NGOs were newly formed and generally lacked resources, while staff of international NGOs were constrained by both the difficult security situation and their organizations' critical judgments of post-Saddam governing, which often led to mutual distrust. In this atmosphere, the regulatory environment for domestic and international NGOs, in general, deteriorated as the government imposed additional controls over the NGO community and a more onerous registration process. Human rights NGOs continued to face obstacles in gaining access to prisons and detention facilities, and the additional controls imposed on these organizations limited their effectiveness.

In late summer, Ala' Kazim, the state minister for civil society and the government NGO Assistance Office under his supervision initiated a media campaign that many international and domestic NGOs considered an effort at intimidation. The Ministry of Human Rights (MOHR) created a section for NGO outreach and regularly met with human rights NGOs in an effort to facilitate their access to detention facilities. Additionally, the TNA Constitution Committee sought NGO input during the constitution-drafting process, and the state minister for women's affairs regularly coordinated her efforts with the NGO community.

On February 9, the prime minister amended the NGO law and transferred the NGO Assistance Office and its registration authority from the Ministry of Planning and Development Cooperation (MOPDC) to the General Secretariat of the Council of Ministers but gave the state minister for civil society a role in overseeing the office as a consultant. The General Secretariat was to retain ultimate responsibility over the office. On March 3, officials from the State Minister's Office entered the premises of the NGO Assistance Office, removed the office's furniture, equipment, and registration records, and fired the office director.

State Minister for Civil Society Ala' Kazim took office upon the formation of the ITG in April. He subsequently replaced and enlarged the staff of the NGO Assistance Office and issued new registration requirements. Domestic NGOs were required to pay a registration fee of approximately \$75 (112,500 dinars) and provide detailed information about their members. International NGOs were required to comply with requirements that included a \$10 thousand (15 million dinars) registration fee, photographic identification of all members of the NGO, and other new and unpublished administrative procedures.

In August and September, the NGO Assistance Office published a series of announcements threatening the closure of certain international and domestic NGOs unless they registered according to the new rules. International NGOs accused the government of endangering their security by publicly listing their names. In a September 18 announcement, the NGO Assistance Office forbade all NGOs from working with "EIN," a coalition of domestic NGOs that monitors elections. The directive was rescinded after international criticism.

During this period unannounced visits by representatives of the state minister demanding photographs, passport details, names, and addresses of all staff and their family members prompted several international NGOs to relocate local staff and temporarily close their regional offices.

On September 27, the UN Assistance Mission for Iraq wrote on behalf of the international donor community soliciting support from the minister of planning and development cooperation to resolve issues "that have instilled a sense of insecurity among NGO staff, both national and international."

On October 25, the state minister repealed the registration fee and intrusive personal information requirements.

The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs in the North. However, an anticorruption NGO program faced difficulties in the KRG area because officials maintained that corruption was not a problem. Additionally, the KRG reportedly pressured NGOs into hiring only Kurds and dismissing non-Kurds on security grounds.

The MOHR is responsible for the development and implementation of a human rights policy. No minister of human rights was appointed in the ITG in April, nor had one been appointed by year's end. The minister of environment also served as the acting human rights minister during the year.

The MOHR employed 260 people and, in addition to its office in Baghdad, had offices in Basrah, Tikrit, Nasariyah, and Samarra. There were also KRG ministers of human rights in Irbil and Sulaymaniyah governorates.

During the year the MOHR in the absence of a minister attempted to focus on raising awareness and knowledge of human rights throughout the country, incorporating human rights training into the curricula of all primary and secondary schools, building a viable civil society, working

with other ministries to ensure that human rights were a mainstream priority within the government, and assisting with humanitarian exhumations.

The MOHR participated in human rights and other conferences, including joint conferences with the Ministries of Interior, Defense, and Justice.

There was no Human Rights Commission or Ombudsman. The TNA's Human Rights Subcommittee did not play a significant role in developing human rights policy.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The TAL provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The government generally enforced these provisions.

Women

The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women.

In its October report *A Face and a Name; Civilian Victims of Insurgent Groups in Iraq*, HRW said that the lack of security and conservative pressure increasingly forced women to take a less prominent role in public life.

In a July 7 letter to UN Secretary-General Kofi Annan, a group of women activists reported increased human rights abuses against girls and women, including forced veiling, segregation, contracted marriages of underage girls, and killing.

Women leaders—ministers, members of parliament and ambassadors—claimed that some extremist groups targeted women by kidnapping, killing, and terrorizing them in an effort to force them to refrain from working in public, remain at home, wear veils, and adhere to a very conservative interpretation of Islam. According to a February Amnesty International report, women and girls feared abduction, rape, and killing, and the lack of security remained a serious threat.

Islamic extremists reportedly targeted female university students in a number of cities, demanding that they cease wearing western-style clothing and cover their heads while in public. Additionally, these extremists allegedly called for a separation of male and female students in some universities.

According to local law enforcement sources, two or three women were murdered each week in Basrah, where banners were frequently seen that threatened women who did not wear the hijab. It was widely believed that many of the women were killed because they were not wearing the hijab, including some women who were targeted, taken from their homes, and killed. In October, for example, three young women were fatally shot in the head, and their bodies were left near the university.

The law prohibits rape. Prostitution is illegal.

The minister of state for women's affairs (MSWA), with a 17-person professional staff, functioned primarily as a policy office. The MSWA did not have a budget, nor did it have the right to hire employees or interact with cabinet-level ministers without the permission of the Council of Ministers. On November 1, the MSWA announced that the Council of Ministers had approved elevating the office from its minister of state status to full ministerial status. However, no further action had been taken by year's end.

The MSWA conducted outreach to various governing councils during the year, including Karbala and Wasit, to establish formal liaisons.

The Ministry of Labor and Social Affairs (MOLSA) Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Victims of domestic violence received no substantive assistance from the government. Domestic violence against women occurred, but little was known about its extent. Such abuse was customarily addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published. There were some reports during the year that honor killings occurred, but no further information was available.

Children

The government was committed to children's rights and welfare, although noncitizen children were denied government benefits. The category "noncitizen children" includes the children of Iraqi mothers and noncitizen fathers. They had to pay for services such as otherwise free public schools, costing approximately \$1 thousand (1.5 million dinars) per year; health services; and, except for several hundred Palestinian families, were not eligible for the national food rationing program. According to the law, a person born outside the country to an Iraqi mother and unknown father or one without citizenship can petition for citizenship within one year prior to reaching legal age, while residing in the country.

According to a survey of living conditions conducted in the second half of 2004 by MOPDC in conjunction with the UN Development Program, almost one-half of the country's population was less than 18 years of age.

Free primary education is compulsory for 6 years, and 89 percent of students reach the 5th grade. The net enrollment of primary school-aged children was 79 percent--83 percent for boys and 74 percent for girls. The percentage of children enrolled in primary schools was much lower in rural areas, particularly for girls, whose enrollment was approximately 60 percent. Overall enrollment in school of those ages 6 to 24 is 55 percent.

According to a MOPDC survey, youth literacy (ages 15 to 24) was 74 percent and adult literacy 65 percent. Only 56 percent of women were literate, compared to 74 percent of men. Both the level of education and literacy rates for women and girls dropped significantly in the last 15 years, especially in rural areas.

There was substantial progress in rebuilding the country's education system. The Ministry of Education produced a strategy to reorganize and restaff the ministry, rehabilitate school infrastructure, retrain teachers, and institute a national dialogue and framework for curriculum reform. More than 3 thousand schools were rehabilitated, and more than 19 thousand primary and secondary schools teachers and administrators were trained during the year.

Ministry of Health clinics provided health care, which was generally free of charge to all citizens. There was no systemic distinction in the care provided to boys and girls.

MOLSA operated a total of 22 orphanages for older children in Baghdad and the provinces, housing a total of 617 children, and 42 orphanages for young children, housing a total of 1,519 children.

In an effort to address juvenile delinquency, the MOI, in cooperation with MOLSA, initiated on March 20 campaign to respond to the growing problem of street children. MOLSA officials estimated that approximately 480 homeless children in Baghdad alone were placed into homes during this campaign.

Press reports indicated that insurgents often used children as informers and messengers and in diversionary tactics to distract security forces. Children sometimes participated directly in attacks as well (see section 1.g.).

Trafficking in Persons

Detection of trafficking was extremely difficult due to lack of information because of the security situation, existing societal controls of women, and the closed-tribal culture. There were reports of girls and women trafficked within the country for sexual exploitation.

Five European countries successfully stymied a criminal network trafficking Iraqi citizens to Turkey, Greece, Italy, France, and the United Kingdom, reportedly for commercial sexual exploitation within the European Union.

The MOI has responsibility for trafficking-related issues, but the demands of the security situation relegated trafficking to a lesser priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity. There were no government sources of information; the MOI did not track these crimes or include them in the police training curriculum or conduct trafficking-related investigations.

Persons with Disabilities

The law prohibits discrimination against persons with physical disabilities. The government enforced the law in the government but not in the private sector. The government proactively hires persons with disabilities.

MOLSA operated several institutions for the education of children and young adults with disabilities. These institutions offered basic educational services; however, they did not have access to appropriate pedagogical technology due to the absence of training and funding.

Seventeen institutes operated in Baghdad and the provinces for persons with mental and psychological handicaps and housed 1,096 persons. Additionally, there were 33 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes.

The government provided benefits for many thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities

Ethnically and linguistically, the country's population includes Arabs, Kurds, Turcomen, Chaldeans, Assyrians, Shabak, and Armenians. The religious mix is likewise varied (see section 2.c.)

Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language (Syriac), preserve Christian traditions, and do not define themselves as Arabs.

The TAL identifies Arabic and Kurdish as the two official languages of the state. It also guarantees the right of citizens to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

The government or its agents reportedly committed abuses against some minorities. For example, on July 18, army forces allegedly attacked the Iraqi Turcomen Front in Mosul, pouring gasoline and igniting all the guard posts.

Kurdish authorities abused and discriminated against minorities in the North, including Turcomen, Arabs, Christians, and Shabak. Authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Kirkuk frequently charged that Kurdish security forces targeted Arabs and Turcomen. Kurds also complained that Turcoman election officials tried to prevent Kurdish participation and that Arabs prevented Kurds from returning to their homes in Kirkuk.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public.

Section 6 Worker Rights

During the period, the operative law was the TAL, which affirmed the continued validity of the 1987 labor code, and CPA Order 89, which amended it. The exercise of labor rights remained limited, largely due to insurgent violence, high unemployment, and maladapted labor organizational structures and laws.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

a. The Right of Association

Workers are guaranteed the right of free, peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely in accordance with the law; however, the exercise of these rights remained limited. The government was largest employer in the country, and the status of government workers remained unclear. Under the 1987 labor law, government workers were considered professionals not entitled to join unions. This prohibition remained unenforced, although unmodified. In this situation, some government agencies tacitly accepted unions, while others banned them. There were no legal or practical restrictions on who may be a union official or advisor, excessive or arbitrary registration requirements, or restrictions on union political activity. The law did not prohibit antiunion discrimination by employers or others.

In Baghdad on January 4, the international secretary of the Iraqi Federation of Trade Unions and a Communist Party leader, Hadi Saleh, was bound, beaten, burnt, killed by choking with an electric cord, and then his body was machine-gunned by unknown assailants, according to media reports.

During most of the year, MOLSA continued to recognize and deal only with the IFTU. However, in September this federation joined with two other labor federations to create the General Workers Federation of Iraq (FGTI), and MOLSA dealt with this new entity. Subsequently, the government recognized or dealt only with unions belonging to FGTI.

The absence of laws and procedures consistently recognizing workers unions as legal entities left them vulnerable to government actions against their assets and bank account. In August a separate interministerial group headed by the minister of civil society challenged the legal standing of all union federations, as well as other "civil society" organizations, and began procedures to seize union-owned buildings and freeze bank assets. The origin and use of union assets and property and alleged corruption were central to the inquiry that was ongoing at year's end. At year's end many union properties, assets, and bank accounts remained frozen. There was no accountability to unions or oversight of these frozen funds.

There were no reported prosecutions of unions, or union federations or leaders for corruption during the year.

b. The Right to Organize and Bargain Collectively

The TAL states that every citizen has the right to demonstrate and strike peaceably in accordance with the law. There were a number of strikes and labor actions by the powerful petroleum workers union. There were no reported reprisals against strikers. Typically strikes in the public sector occurred due to low salaries. Petroleum workers went on strike due to the fear that they might be replaced by foreign workers. More common than strikes were popular protests over unemployment. The law does not address collective bargaining, which is prohibited in the public sector and was not widespread in the country. Government labor courts are empowered to rule on labor code violations and disagreements.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The criminal law prohibits forced or compulsory labor, including of children. According to some press reports, foreign workers in the country were subjected to abusive treatment; no legal action in this area was reported.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. CPA Order 89 limits working hours for workers under 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years. Due to the effects of the ongoing insurgency, the Child Labor Unit of MOLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law, maintain programs to prevent child labor, or remove children from such labor.

Despite the various laws and regulations, children were routinely used as an additional source of labor or income among the 1 million families subsisting on a per capita daily income of less than \$1 (1,500 dinars). This work often took the form of seasonal manual labor in rural areas. In cities it often meant begging or peddling a variety of products, as well as working in sometimes hazardous automobile shops or on construction sites.

Additionally, news reports indicated that families also used minors in insurgent activities. For example, the UN Global Policy Forum on March

15 in its report indicated that more than 20 Baghdad children received daily lessons to become insurgents and participated in diversion tactics to distract troops.

Projects to combat child labor were few, and those that existed affected few children. The government took action only as funded by the UN Children's Fund (UNICEF) or NGOs. For example, the Italian branch of the international NGO Terre des Hommes and UNICEF operated a rehabilitation and counseling center for a small number of working street children in Baghdad. Kurdish authorities supported several small-scale projects to eliminate child labor in the KRG area. UNICEF established centers for working children in Irbil.

e. Acceptable Conditions of Work

The national minimum wage for a skilled worker was less than \$7 per day (10,500 dinars) and for an unskilled worker less than \$3.50 per day (5,250 dinars). Wages are set by contract in the private sector and set by the government in the public sector. The standard workday is 8 hours with 1 or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. The average salary was approximately \$1,250 per year (1.875 million dinars). Unskilled workers must work 357 days per year to achieve this average. These earnings were barely above poverty level (\$2 per day or 3 thousand dinars) and did not provide a decent standard of living for a worker and family. A teacher can provide for a spouse and three children at a poverty level.

The occupational safety and health component of MOLSA had approximately 129 staff located throughout the country. Occupational safety and health programs existed and were sometimes enforced in state-owned enterprises. Enforcement of safety standards at private sector work sites was intermittent, and programs were rare. Most occupational safety issues were linked to violence and terrorism, not health.

¹ The 2005 report covers the human rights record of the Interim and Transitional Governments.

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