This document has been prepared by the Country Research Section (CRS), Onshore Protection Branch of the Department of Immigration and Citizenship, Canberra, ACT.

The document does not purport to represent the views of the Department of Immigration and Citizenship on any matter with which it deals. The purpose of this paper is to assist decision makers in rapidly familiarising issues through a brief that introduces the country’s key historical, political, cultural and human rights elements.

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1. EXECUTIVE SUMMARY

It should be noted that sexual minorities are one of several minorities in Iraq that claim to have been subject to torture, murder, arbitrary detention or ill-treatment. The issues surrounding their alleged ill-treatment are often interlinked with those of other minority groups or where insurgent and militia groups (whether Sunn’i or Shi’a Muslim) are at their strongest. Human Rights Watch (HRW) claimed that the Mahdi Army instigated recent attacks on members of sexual minorities. HRW noted that in addition to its role as a sectarian enforcer of Shi’a interests, the Mahdi Army sees itself as being a ‘caretaker’ of tradition, culture and national authenticity, in addition to maintainers of religious and moral standards.1

As HRW noted, the appeal of such militias lies in their ability, real or perceived, to provide security for sectors of the population that have suffered the effects of declining law and order. Since the US-led Coalition has, in the eyes of many Iraqis, failed to provide such security since removing Saddam Hussein from power, HRW argues, such militias have stepped up to the challenge.2

2. GLOSSARY OF TERMS AND NAMING CONVENTIONS

For the purposes of this paper, the term ‘sexual minorities’ shall be taken to include both homosexuals (comprising the colloquial terms ‘gay’ and ‘lesbian’, which refer to male and female homosexuals respectively), as well as ‘transsexuals’ (those who have biologically changed sexes, through surgical means). Imputed homosexuality and genuine homosexuality, as well as transsexuality, shall be considered as the same. Although the word ‘gay’ has emerged as both a self-identifier and an acceptable term for use among the wider community to describe a homosexual male, this paper will generally use the word ‘homosexual’ as a generic to describe both male and female homosexuals. ‘Gay’ and ‘lesbian’ will be used where the issue under discussion pertains specifically to either male or female homosexuals, or where the words ‘gay’ and ‘lesbian’ would be better suited to the particular style of written expression at particular points.

As regards religious groups, the terms ‘Shi’a’, ‘Shi’a Muslim’ and ‘Shi’ite’ are used interchangeably to mean an adherent of the Shi’a denomination of the Muslim faith. Likewise, ‘Sunn’i’, ‘Sunn’i Muslim’ and ‘Sunnite’ are used to denote an adherent of the Sunn’i tradition of that faith.

In regards to specific nomenclature, ‘Mahdi Army’ and ‘Mehdi Army’ are synonymous, although this paper will use the former spelling except when quoting directly from sources using the latter.

As in a large number of Middle Eastern countries, the concept of ‘homosexuality’ is problematic and in the Iraqi context, fraught with a number of conceptual issues. Unlike many Western countries, Iraq appears to lack the same depth and level of gay and lesbian support networks as well, in addition to lacking

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1 ‘Iraq’s new surge: Gay killings’, Human Rights Watch (HRW), 15 September 2009, CX223913
2 ‘Iraq’s new surge: Gay killings’, Human Rights Watch (HRW), 15 September 2009, CX223913
widespread awareness or understanding of homosexuality and the lifestyle issues that it entails. The emergence of the Internet (albeit expensive to the average Iraqi citizen) has in part changed societal attitudes towards gay and lesbian relationships.

3. INTRODUCTION

The issues confronting sexual minorities in Iraq, particularly since the end of Saddam Hussein’s regime in March 2003, are complicated and multifaceted in nature. Major factors in this comprise the differing attitudes between different regional areas where particular ethnic and religious groups predominate, as well as those areas where the effective sovereignty of the Baghdad-based Government of Iraq is limited. The assertion of regional autonomy in Iraqi Kurdistan has also affected the overall approach, by state or parastatal authorities, to homosexuals within Iraqi territory.

Comparative studies of the current situation of Iraqi sexual minorities, with reference to their general status and condition during the Saddam Hussein presidency (1979 – 2003) are difficult, based largely on anecdotal evidence given by interview subjects since the end of the Saddam years.3 An account by Human Rights Watch (HRW) dated 15 September 2009 claimed that mosques and media outlets in Baghdad were both adopting a strongly anti-homosexual line. At Friday prayers, the faithful are warned that the “third sex” is “on the loose in Baghdad cafes”, while news articles bemoan the apparent “feminization” of Iraqi men.4 This same report, based on findings gathered in a 10-day research trip to Iraq by HRW staff in April 2009, also alleged numerous accounts of torture, abductions, kidnapping, extortion and murder. The report also claimed that ‘not a single murder’ had been adequately investigated, nor ‘a single murderer’ arrested.5 Cable News Network (CNN) reporting on a later fact-finding mission by HRW in August 2009, indicated a similar situation for sexual minorities across Iraq. HRW’s assessment of the overall human rights situation for sexual minorities in Sadr City was that killings, kidnapping and torture had intensified, led by the Mahdi Army militia of Shi’a cleric Moqtada al-Sadr, who announced a morality drive to purify Iraq of ‘feminization’ and related influences.6 During the same mission, Scott Long, Director of the Lesbian, Gay, Bisexual and Transgender Rights Program at HRW heard accounts that Iraq’s security forces were also taking part in such attacks.7

The above articles point to recent instances of violence, whether allegedly perpetrated by non-state actors acting on their own initiative or else in collusion with security forces, against sexual minorities in Iraq. Whilst this paper will only attempt to provide a recent account of the position and general conditions

3 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 13 September 2009, CX233543
4 ‘Iraq’s new surge: Gay killings’, Human Rights Watch (HRW), 15 September 2009, CX233913
5 ‘Iraq’s new surge: Gay killings’, Human Rights Watch (HRW), 15 September 2009, CX233913
6 ‘Gay men attacked, executed in Iraq, rights group says’, Cable News Network (CNN), 18 August 2009, CX231813
7 ‘Gay men attacked, executed in Iraq, rights group says’, Cable News Network (CNN), 18 August 2009, CX231813
encountered by members of sexual minorities in Iraq, largely post-2006, it will provide some historical context dating back to the Saddam era (1979-2003).

This paper will attempt to profile the general rate of violence against members of sexual minorities in different parts of Iraq, as well as track the overall rate of violence and security situation for such minorities across the country as a whole.

4. LEGISLATION IN IRAQ RELATING TO HOMOSEXPULITY

Legislation regarding homosexuality in Iraq has its basis in public decency and morality-based legislation. During and after the Saddam Hussein presidency, such laws have had statutory basis in the 1969 Criminal Code. The Criminal Code does not specifically prohibit consensual homosexual conduct between adults. However, Paragraph 393 of the Code, titled “Rape, Homosexual Acts (Liwat) and Assault on Women’s Honor (Hakt el ‘Ard) mentions homosexual conduct.8

The text of this paragraph, translated from the Arabic, reads:

“Any person who has sexual relations with a woman against her consent or has homosexual relations with a man or a woman without her his or her consent is punishable by life imprisonment or temporary imprisonment.”9

The text of this paragraph, translated from the Arabic, reads:

The Human Rights Watch (HRW) report “They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq described the provisions of the Criminal Code dealing with public decency and morality as ‘sweeping and unspecified’.10 As quoted in the report:

- Paragraph 401 of the Code punishes ‘any person who commits an immodest act’ [fi’lan moukhillan bil haya] with up to six months in prison;11

- Paragraph 402 punishes ‘any person who makes indecent advances to another man or woman’ [man talab oumouran moukhalifa lil aadab] with up to three months in prison;12

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8 “They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq’, Human Rights Watch (HRW), August 2009, CISLIB 17795
Paragraph 501 punishes ‘any person who washes themselves in a city, town or village in an indecent manner or appears in a public place in an indecent state of undress’ by up to 10 days’ detention or a fine.\(^\text{13}\)

Paragraph 502 imposes the same punishment on ‘any person who loiters in a public place or observes such a place with indecent intent or for an indecent purpose’\(^\text{14}\) and;

Paragraphs 403 and 404 permit prison terms (up to two years under Paragraph 403, up to one year under Paragraph 404) for ‘obscene or indecent’ publication or speech.\(^\text{15}\)

In April 2009, *The New York Times* reported that an officer at a police station in the Karada neighbourhood of Baghdad said, ‘Homosexuality is against the law. And it’s disgusting.’ This officer also claimed that the police had, for four months, waged a ‘campaign to clean up the streets and get the beggars and homosexuals off them.’\(^\text{16}\)

5. THE GENERAL SITUATION OF HOMOSEXUALS AND SEXUAL MINORITIES IN CENTRAL IRAQ

This paper applies the definition of ‘Central Iraq’ as spanning the area of Iraq, between its eastern border with Iran and western border with Jordan, encompassing the political divisions of Baghdad, Al-Anbar, Diyala and Salah-ad Din Provinces. Part of this region has been referred to in media reports as ‘The Sunn’i Triangle’ (specifically, the area containing the cities of Baghdad, Baquba, Samarra, Tikrit and Ramadi), where violence led by Sunn’i militias has affected security and the relative position of non-Sunn’i minorities.

Sexual minorities in these areas, according to the available data gathered by CRS, have experienced a high degree of violence directed against them on the basis of their sexuality, where the underlying motivation has generally been on a religious nature. The bulk of available reporting on CISNET on trends regarding violence against sexual minorities in Iraq centre around first-person accounts, anecdotal reports and commentary by state officials in response to reported abuses against members of sexual minorities, which will be detailed in this paper.


\(^{16}\) Timothy Williams and Tareq Maher, ‘Iraq’s newly open gays face scorn and murder’, *The New York Times*, 7 April 2009, CX224168
On 23 October 2006, the Institute for War and Peace Reporting (IWPR) reported several accounts of mistreatment on the grounds of sexuality. Interview subject “Faris Thamir”, then aged 35, spoke of the dangers he faced from both the Iraqi Police, as well as extremist Islamic groups. He reported being raped at gunpoint several times by Baghdad police and threatened with being handed over to Muslim extremist groups.

The IWPR report raised concerns about the Iraqi interior ministry, which it described in the same report as being ‘Shi’a-controlled’ at that time, as having been allegedly infiltrated by Shi’a militias. These militias, according to the report, comprised (among others) the Badr Brigade, who were allegedly using their police status as a cover to kidnap, torture and murder. This concern had been reinforced by the fact that in early October 2006, the head of Iraq’s 8th National Police Brigade, was detained on suspicion of involvement with sectarian death squads.

CNN reported on 30 July 2008 of similar conditions encountered by known homosexuals in the Baghdad region. At the age of 16, interview subject Kamal claimed to have been kidnapped in Baghdad by gunmen who discovered what they regarded as evidence of his homosexuality by the fact that his chest had been shaved. His captors then allegedly threatened him with death if he did not submit to their repeated requests for sex, before releasing him after 15 days’ captivity when his parents paid a US$1500 equivalent ransom. At the time of interview by CNN, Kamal was aged 18 and was living with his 21-year-old partner in Baghdad, rarely leaving the confines of his house and with his family still unaware of his sexual preference.

Reference has been made in the available reporting to some of the behaviours and practices evolved by practising homosexuals to conceal their sexuality from hostile groups. The interview subject Kamal, referred to above, said he often pretended to have girlfriends in social settings and told his friends, unaware of his sexuality, that he was dating girls. He also said he dressed extremely carefully so as not to draw

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17 ‘Baghdadi gays fear for their lives’, Institute for War and Peace Reporting, 23 October 2006, CX163881
18 ‘Baghdadi gays fear for their lives’, Institute for War and Peace Reporting, 23 October 2006, CX163881
19 ‘Baghdadi gays fear for their lives’, Institute for War and Peace Reporting, 23 October 2006, CX163881
20 ‘Baghdadi gays fear for their lives’, Institute for War and Peace Reporting, 23 October 2006, CX163881
21 ‘Baghdadi gays fear for their lives’, Institute for War and Peace Reporting, 23 October 2006, CX163881
22 ‘Baghdadi gays fear for their lives’, Institute for War and Peace Reporting, 23 October 2006, CX163881
attention to his sexuality with clothes or dress styles which would identify him as homosexual.27

In other documented cases, however, some homosexuals have, for reasons of biology and / or established habit, been unable to conceal their homosexual identity. Cara Buckley of the New York Times reported in December 2007 of a Baghdad resident, identified only as Mohammed (aged 37), who had been openly gay for much of his adult life, which involved him growing his hair long and taking oestrogen supplements.28 He regarded the Saddam Hussein presidency as being a period of comparative liberalism, where he and other gay friends were able to enter each others’ houses late at night and where even if homosexuality may have been technically illegal, it could be practised discreetly in most cases.29 Whilst there was some reduction in official tolerance of homosexuals after the 1991 Gulf War, Mohammed nonetheless noted that he and fellow homosexuals he knew still felt safe, albeit with the proviso that their keep their sexuality private.30

A member of the public interviewed in Baghdad by CNN said that he considered homosexuals to be no different from ‘criminals and terrorists’, whilst another claimed that homosexuality was ‘illegal under Islamic law, and [gays] should be punished by law like criminals.’31

A comparison of the general situation in 2005-08 with the current situation (January 2009 – present) is necessary to achieve a full understanding of possible trends in the conditions faced by members of sexual minorities in Iraq. This is essential for the three broad regions of Iraq (central, southern and Iraqi Kurdistan) into which the country has been divided for the purposes of this paper.

In April 2009, Amnesty International wrote to Iraqi Prime Minister, Nuri al-Maliki, expressing grave concern about an alleged spate of killings of young men on the basis of sexual orientation.32 In the weeks leading up to the letter (March – April 2009) 25 males, both adults and children, were reported to have been killed in Baghdad by Shi’a militia members33 Amnesty claimed that religious leaders in Sadr City appeared to be inciting the violence by urging their followers to ‘take action’ to eradicate homosexuality in Iraqi society.34 According to Amnesty, three corpses were found in

32 ‘Grave concern at recent killings of men because of their sexual orientation’, Amnesty International, 21 April 2009, CX224706
33 ‘Grave concern at recent killings of men because of their sexual orientation’, Amnesty International, 21 April 2009, CX224706
34 ‘Grave concern at recent killings of men because of their sexual orientation’, Amnesty International, 21 April 2009, CX224706
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Sadr City on 2-3 April 2009 with attached pieces of paper bearing the word “pervert” in Arabic, suggesting that the victims had been murdered because of their sexuality.35

In September 2009, The Observer reported a new development in the modus operandi of anti-gay, Islam-based vigilante groups: that of using the Internet to locate known homosexuals for kidnapping and murder.36 It profiled 22-year-old Abu Hamizi, who allegedly spent six hours per day searching Internet chatrooms linked to gay websites to locate Iraqi homosexuals in order to locate, kidnap and kill them.37 The Observer estimates that 130 gay Iraqi men had been killed by such groups since the beginning of 2009 alone.38 It also quoted Ali Hali, chairman of the London-based Iraqi LGBT (Lesbian, Gay, Bisexual and Transgender) group as saying that 680 gays, lesbians, bisexuals and transsexuals members had been killed in Iraq since 2004, with 70 of those killed in the period April – September 2009.39

Police officers interviewed by The Observer claimed that such killings were not aimed at gays on the basis of their sexuality but were ‘isolated remnants’ of the sectarian violence that wracked Iraq between 2005-06.40 Abu Hamizi, for his part, claimed that his group chose two people per day to be ‘investigated’ in Baghdad.41 According to Hamizi, his methods in part comprised posting lists of names of suspected homosexuals in restaurants and food shops.42 A spokesman for the Ministry of Interior in Baghdad interviewed by The Observer claimed that the Iraqi police existed ‘to protect all Iraqis, whatever their sexual persuasion’ in denying allegations that the police in many cases collaborated with militias and anti-homosexual hate groups.43

Anecdotal reports, taken from interviews with self-identified homosexuals in Iraq, point to a perception among many in that country’s gay community that their ability to live and express their sexuality freely has been greatly reduced since the end of the Saddam Hussein presidency.44 UK-based gay community news site Pink News, in quoting from a documentary aired on BBC Radio 5Live in July 2009, reported that a number of Iraqi interview subjects claimed that the general atmosphere and attitude towards homosexuals in Iraq had worsened since the overthrow of Saddam. The

35 ‘Grave concern at recent killings of men because of their sexual orientation’, Amnesty International, 21 April 2009, CX224706
36 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
37 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
38 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
39 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
40 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
41 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
42 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
43 ‘How Islamist gangs use internet to track, torture and kill Iraqi gays’, Guardian (Unlimited)(UK), 17 September 2009, CX233543
44 ‘BBC 5Live reports that gay life in Iraq is worse than under Saddam’, Pink News, 2 July 2009, CX229226
documentary interviewed subjects anonymously, who detailed a form of torture inflicted on suspected homosexuals involving the use of glue and laxatives.45

A report from the IWPR dated 6 July 2009 also supported the view that violence against sexual minorities in Iraq had worsened in the first half of 2009. The report reinforced claims that Shi’a militias such as the Mahdi Army were publicly posting lists of names of individuals ‘wanted’ for homosexuality in Shi’a neighbourhoods.46 The report also claimed that smaller and not necessarily affiliated Shi’a militias were also engaging in a campaign of killing and harassment against gay, lesbian and transgender people in Iraq.47

The IWPR report claimed in part that Shi’a militias were attempting to act as ‘agents of moral regeneration’, their initial function of providing security having been fulfilled in many areas.48 In their new role, according to the report, they have taken on the role of preserving what they regard as traditional morality, culture and what the report termed ‘national authenticity’.49 In this role, IWPR argued, the various Shi’a militias (chiefly the Mahdi Army and the related Badr Corps), through a tripartite network of ad hoc tribunals, armed enforcers and informants, maintain law and order in their respective areas of operation.50

More recent reports of militia activity provide similar accounts. On 15 May 2009, Dubai-based Al-Arabiya TV reported that Iraqi militias, one of which was known as Ahl al-Haq (‘The Righteous’) and was based in Sadr City, had been gluing the buttocks together of suspected homosexuals and then force-feeding them laxatives.51 The resulting inability to defecate, according to the report, would eventually lead to death.52 This process was allegedly filmed on mobile phones and distributed all over Iraq, according to Yenar Mohamed, one of the first Iraqi human rights activists to reveal this practice.53

This practice was also confirmed in the Human Rights Watch (HRW) report “They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq, released in August 2009, in which Iraqi doctors interviewed by HRW attested to the

45 'BBC 5Live reports that gay life in Iraq is worse than under Saddam’, Pink News, 2 July 2009, CX229226. See also Hayyan Nayouf and Ali al-Iraqi, ‘Iraqi militias use brutal torture against gays’, Al-Arabiya (TV) (Translated from Arabic), 15 May 2009, CX226368
46 ‘New wave of violence against Iraqi gays’, Institute for War and Peace Reporting (IWPR), 3 July 2009, CX229335
47 ‘New wave of violence against Iraqi gays’, Institute for War and Peace Reporting (IWPR), 3 July 2009, CX229335
48 ‘New wave of violence against Iraqi gays’, Institute for War and Peace Reporting (IWPR), 3 July 2009, CX229335
49 ‘New wave of violence against Iraqi gays’, Institute for War and Peace Reporting (IWPR), 3 July 2009, CX229335
50 ‘New wave of violence against Iraqi gays’, Institute for War and Peace Reporting (IWPR), 3 July 2009, CX229335
practice of glue being injected anally into the bodies of suspected homosexuals by militia or moral vigilante groups.\textsuperscript{54}

In many cases, the report claimed, those targeted for alleged homosexual behaviour were simply suspected of being homosexual, on the basis of hair length, alleged effeminacy of manner or personality, or else behavioural characteristics, such as artistic tendencies or even personal interests in ‘effeminate’ pursuits such as fashion or design. etc.\textsuperscript{55}

The article also quoted an activist known only as Hassan, of the London-based Friends of Iraqi LGBT, as saying that Shi’a Muslims were more likely to be supporters of the ongoing anti-gay campaign as the majority of the killing and torturing of Iraqi homosexuals had taken place in predominately Shi’a areas.\textsuperscript{56} This article also provided similar reports involving methods used in killing homosexuals. Quoting an Iraqi Defence Ministry report from April 2009, the report claimed that of six gay men, who were shot to death in a Shi’ite-controlled part of Baghdad, two had the word ‘pervert’ in Arabic written on pieces of paper attached to their bodies.\textsuperscript{57}

Furthermore, at the end of May 2009, news agency United Press International (UPI), quoted the United Nations Office for the Coordination of Human Rights as estimating that around 30 people had been killed in Iraq in the preceding three months for alleged homosexual behaviour.

\textit{Newsweek} journalist Lennox Samuels, visiting Iraq in August 2008, reported on the hostile attitudes towards homosexuals held by mainly Baghdad-based Iraqis. His efforts to obtain interviews with Iraqi government officials, whose agencies were nominally tasked with protecting the rights of homosexuals, met with rebuff in most instances.\textsuperscript{58} A judge from Iraq’s Ministry of Justice whom a reporter attempted to interview on the subject of homosexual rights rebuked the reporter.\textsuperscript{59} The judge said in his words that ‘crimes of sodomy’ were ‘very rare’ in society and even rarer in the courts.\textsuperscript{60} The judge went on to say that ‘most acts of homosexual people are being done in dark corners and, with corruption and paying bribes, they will be kept there for a long time, for it is not on the top of our priorities list, which is occupied by issues of terror, kidnapping and killing.’ \textsuperscript{61} The judge also requested that his name not be used in discussion of homosexuality.\textsuperscript{62} An advisor to Iraqi Prime Minister Nuri al-Maliki interviewed by Samuels claimed that from all the numerous meetings he had

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\footnote{\textsuperscript{54} ‘‘They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq’, Human Rights Watch (HRW), August 2009, CISLIB 17795}
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\footnote{\textsuperscript{56} Hayyan Nayouf and Ali al-Iraqi, ‘Iraqi militias use brutal torture against gays’, Al Arabiya (TV)(Translated from Arabic), 15 May 2009, CX226368}
\footnote{\textsuperscript{57} Hayyan Nayouf and Ali al-Iraqi, ‘Iraqi militias use brutal torture against gays’, Al Arabiya (TV)(Translated from Arabic), 15 May 2009, CX226368}
\footnote{\textsuperscript{58} Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, \textit{Newsweek}, 28 August 2008, CX208947}
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\footnote{\textsuperscript{61} Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, \textit{Newsweek}, 28 August 2008, CX208947}
\footnote{\textsuperscript{62} Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, \textit{Newsweek}, 28 August 2008, CX208947}
\end{footnotes}
attended, many pertaining to human rights issues, not one had even touched on the rights – or even existence – of homosexuals. 63

In his article, Samuels also alluded to the often hostile attitudes towards homosexuals held by relatively liberal sectors of Iraqi society. Samuels’ frequent attempts to gain interviews with government agencies, including the Legal Section of the Ministry for Human Rights, for example, were either rebuffed or else given on condition that the topic of homosexuality was not discussed.64 A senior government official Samuels spoke to who was sympathetic to the concept of gay rights advised him (Samuels) not to prioritise the issue in discussion with the Minister for Human Rights. Instead, he advised raising issues of women, displaced persons and children instead and to give them a much higher priority in discussion.65

Samuels wrote of a well-educated and comparatively liberal Iraqi, who did not wish to be identified, who said of homosexuals, ‘these people are not welcome in the society because they are against the social, natural and religious rules’. 66

6. THE GENERAL SITUATION OF SEXUAL MINORITIES IN SOUTHERN IRAQ

This paper applies the definition of ‘Southern Iraq’ as being the region of Iraq consisting of the provinces of al-Basrah (Basra), al-Muthanna (Muthanna), Dhi Qar, Wasit, Maysan, al-Qadisiyah, an-Najaf (Najaf) and Karbala.

The establishment of control by militias linked to Iraqi Shi’a cleric Moqtada al-Sadr, in Basra and other cities of southern Iraq has been linked to numerous morality campaigns aimed at a wide range of behaviours. Such behaviours generally proscribed by such militias have in the past comprised the drinking of alcohol, women going unveiled in public, the playing of non-religious music in public and the practices and behaviours associated with homosexuality. These perceived vices have been the subject of numerous sermons delivered by influential Shi’a religious leaders. Most recently, Shi’a cleric Moqtada al-Sadr ordered in a meeting with clerics, tribal leaders and some Iraqi police, that the ‘depravity’ of homosexuality be eradicated and that the Iraqi community as a whole be urged to reject the homosexual ‘phenomenon’. 67 Al-Sadr did stress in his speech, however, that the methods he intended be used to combat homosexuality be based around ‘preaching and guidance’ rather than violence and went on to condemn violence against homosexuals.68

The Ahl al-Haq (‘People of Truth’ or ‘People of Righteousness’) militia was described in the HRW report as having engaged in a number of acts of violence against homosexuals in the Basra region.69 It is unclear as to which, if any, political or

63 Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, Newsweek, 28 August 2008, CX208947
64 Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, Newsweek, 28 August 2008, CX208947
65 Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, Newsweek, 28 August 2008, CX208947
66 Lennox Samuels, ‘Don’t Ask, Don’t Tell, Do Kill’, Newsweek, 28 August 2008, CX208947
67 ‘Iraq Sadr’s wants “depraved” homosexuality eradicated’, Agence France Presse (AFP) – France, 30 May 2009, CX227224
68 ‘Iraq Sadr’s wants “depraved” homosexuality eradicated’, Agence France Presse (AFP) – France, 30 May 2009, CX227224
69 “‘They Want Us Exterminated’: Murder, Torture, Sexual Orientation and Gender in Iraq’, Human Rights Watch (HRW), August 2009, CISLIB 17795
religious forces Ahl al-Haq is aligned to. Interview subject Hanif, 25, fled Basra in April 2009 after having received a note, threatening his life and promising that ‘Shari’a law [would] be executed upon [him]’ in a short time, having been signed Ahl al-Haq.  

Other accounts from Basra and surrounding regions tell of similar threats to homosexuals, in many cases on the ground of perceived homosexuality through outward appearance or third-person accounts of behaviour. The organisations Iraqi LGBT and HRW, when interviewed by IWPR in July 2009 following a spate of anti-gay killings in Iraq, believed that the majority of killings in southern Iraq had occurred in the towns of Ammarah (al-Amarah), Najaf, Karbala and Basra. Evidence available to CRS suggests that such killings are part of a wider morality campaign, led by several Shi’a militias, across southern Iraq.

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70 “They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq’, Human Rights Watch (HRW), August 2009, CISLIB 17795
71 ‘New wave of violence against Iraqi gays’, Institute for War and Peace Reporting (IWPR), 6 July 2009, CX229335
7. THE GENERAL SITUATION OF SEXUAL MINORITIES IN IRAQI KURDISTAN

The treatment of homosexuals in the area known as Iraqi Kurdistan, which comprises the provinces of Ninawa (Nineveh), At-Tamim, Dahuk (Dohuk), Irbil (Arbil or Erbil) and As-Sulaimaniyah, is less clear than in central and southern Iraq.

On 24 November 2008, a doctor, Adel Hussein, resident in Erbil, was sentenced to six months imprisonment for writing an article about homosexuality in the independent weekly *Hawlati*. He was found guilty of offending public decency under Article 403 of the Criminal Code.72 According to journalists’ advocacy group Reporters Without Borders (RSF), Hussein did not defend homosexuality in his article but rather limited himself to describing it as a behaviour, from a scientific viewpoint.73 Hussein was prosecuted following a criminal complaint brought by the city prosecutor of Erbil, having written a scientific article published in April 2007 which detailed ‘the physical effects of sodomy’.74 RSF condemned the sentence and claimed that articles on sex education should not be judged under the Criminal Code’s provisions regarding public decency but rather should have interpreted under the provisions of the recently-liberalised Kurdistan press code.75

On 8 December 2008, Hussein was pardoned by the Iraqi Kurdistan Regional President as part of a general amnesty granted at the beginning of religious festivals.76

CRS is currently unable to locate additional information regarding other administrative actions taken against known or suspected homosexuals in Iraqi Kurdistan. CRS is also unable to locate reliable evidence of religious or ethnic-based militia activity against homosexuals in Iraqi Kurdistan on the basis of homosexuality, or official discrimination in employment or access to services on the basis of sexual preference.

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72 ‘Doctor jailed in Kurdistan for writing about homosexuality’, Reporters sans Frontières also Reporters Without Borders (RSF) – France, 8 December 2008, CX215869
73 ‘Doctor jailed in Kurdistan for writing about homosexuality’, Reporters sans Frontières also Reporters Without Borders (RSF) – France, 8 December 2008, CX215869
74 ‘Doctor jailed in Kurdistan for writing about homosexuality’, Reporters sans Frontières also Reporters Without Borders (RSF) – France, 8 December 2008, CX215869
75 ‘Doctor jailed in Kurdistan for writing about homosexuality’, Reporters sans Frontières also Reporters Without Borders (RSF) – France, 8 December 2008, CX215869
76 ‘They Want Us Exterminated’: Murder, Torture, Sexual Orientation and Gender in Iraq’, Human Rights Watch (HRW), August 2009, CISLIB 17795
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9. POLITICAL MAP OF IRAQ

Source:
10. SECTARIAN MAP OF BAGHDAD, WITH THE WHOLE OF IRAQ (INSET) (BY PREDOMINANT RELIGIOUS GROUP IN EACH AREA) DURING 2006

Source: http://images.thetimes.co.uk/TGD/picture/0,,374645,00.jpg