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## FREEDOM IN THE WORLD

# Iraq

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### OVERVIEW:

Immediately after the U.S. military completed its scheduled withdrawal from Iraq at the end of 2011, tensions arose again between Sunni and Shiite political parties. The Sunni Iraqiya Party boycotted the parliament in response to a perceived power grab by Prime Minister Nouri al-Maliki and the issuing of an arrest warrant for Vice President Tariq al-Hashimi, a Sunni politician. Al-Hashimi was tried and sentenced to death in absentia in September 2012 as part of a series of events that heightened political discord and coincided with one of the largest spikes in violence seen in the country in two years. In December, President Jalal Talabani left Iraq to receive treatment in Germany for a stroke.

The modern state of Iraq was established after World War I as a League of Nations mandate administered by Britain. The British installed a constitutional monarchy that privileged the Sunni Arab minority at the expense of Kurds and Shiite Arabs. Sunni Arab political dominance continued after independence in 1932 and a military coup that toppled the monarchy in 1958. The Arab nationalist Baath Party seized power in 1968, and the new regime's de facto strongman, Saddam Hussein, assumed the presidency in 1979. Over the next two decades, Iraq endured brutal political repression, a destructive war with Iran from 1980 to 1988, military defeat by a U.S.-led coalition following Hussein's 1990 invasion of Kuwait, and years of onerous postwar trade sanctions.

After the establishment of a U.S.-enforced no-fly zone north of the 36th parallel in 1991, most of the three northern provinces of Erbil, Duhok, and Sulimaniyah came under the control of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The two factions fought openly in the mid-1990s, but they eventually reconciled and formed an autonomous Kurdistan Regional Government (KRG).

A U.S.-led coalition invaded Iraq in March 2003 and established a Coalition Provisional Authority (CPA) to administer the country. It disbanded the Iraqi military and prevented members of the Baath Party from serving in government or the new security forces. The resulting security vacuum led to widespread looting, damage to infrastructure, and acute electricity and water shortages.

Exploiting Sunni Arab frustrations with the de-Baathification policy and the impending shift of political power toward the Shiite majority, loose networks of former Baathist officials, Sunni Arab tribe members, and Islamist militants associated with Al-Qaeda began organizing and funding an insurgency that rapidly gained strength in late 2003 and 2004.

Intimidation by insurgents ensured that Sunni Arabs boycotted the 2005 elections for a Transitional National Assembly and provincial governments, resulting in a landslide victory for Shiite and Kurdish parties. A new constitution was approved by referendum in October 2005, though more than two-thirds of voters in two largely Sunni Arab provinces rejected it.

### 2013 SCORES

STATUS

# Not Free

FREEDOM RATING

# 6.0

CIVIL LIBERTIES

# 6

POLITICAL RIGHTS

# 6

Meanwhile, Shiite party militias were able to infiltrate the Interior Ministry's police and counterinsurgency forces, and extrajudicial detentions and killings by both the militias and militia-dominated police units became common during 2005 and 2006. Sunni militias responded in kind, and an intense cycle of sectarian conflict ensued. Ethnically cleansed or segregated neighborhoods soon became a fixture in Baghdad and other multiethnic or religiously diverse provinces.

Sunni Arabs participated in the December 2005 elections for a full-term parliament, increasing their political representation. Nouri al-Maliki of the Shiite Da'wa Party was chosen as prime minister. However, further political progress remained elusive; the main Sunni Arab bloc in parliament and a Shiite faction loyal to populist cleric and militia leader Moqtada al-Sadr both began a boycott of the legislature in 2007.

The parliament adopted several symbolic measures in 2008 to bring Sunni Arabs back into the political process. Many former Baathists were permitted to return to jobs they had lost, and the government granted amnesty to thousands of mainly Sunni Arab prisoners. The largest Sunni bloc returned to government after a boycott of almost a year, and six Sunni ministers joined al-Maliki's cabinet. Also in 2008, Iraqi security forces cracked down on al-Sadr's militia network, and local, U.S.-funded Sunni militias that had formed over the previous two years began to successfully suppress the insurgencies in the western provinces.

Under electoral legislation passed in late 2008, voters in the January 2009 provincial elections could choose candidates rather than party lists, the use of religious symbols in campaigning was restricted, a 25 percent quota was set for female council members, and just six seats—down from 15 in an earlier draft—were set aside for Christians and other small minorities out of a total of 440 provincial council seats. The voting was largely peaceful, and turnout in most provinces ranged from 50 percent to 75 percent. On the whole, al-Maliki's Da'wa Party emerged as the winner, though it needed to form coalitions to govern in most provinces.

The 2009 provincial elections did not include the autonomous Kurdish region or the contested province of Kirkuk. Separate elections in July 2009 for the Kurdish regional parliament and presidency featured high turnout and a fairly strong showing by a new opposition bloc called Gorran (Change), which took about a quarter of the parliamentary vote. A referendum to determine whether Kirkuk would join the Kurdish region remained delayed through 2011, despite a constitutional provision that had required it before the end of 2007.

Parliamentary elections were held in March 2010, despite having been constitutionally mandated for January 2010. They were governed by a 2009 election law that called for an open-list, proportional-representation voting system, with multimember districts corresponding to the 18 provinces. A total of eight seats were reserved for Christians and other religious minorities.

Despite election day violence, the polling was seen as relatively free and fair. The electoral commission took candidates' complaints seriously and conducted a partial recount, but found no evidence of significant fraud. Voters clearly demonstrated their frustration with the government by returning only 62 of the previous parliament's 275 members, but the elections resulted in political deadlock. Despite a constitutional requirement to form a government within 30 days of the election results' announcement, neither of the rival blocs were able to organize a majority, with foreign powers including Iran, Saudi Arabia, and the United States reportedly playing a role in the lengthy negotiations. The new parliament reelected Kurdish leader Jalal Talabani as president in November 2010, and in December 2010, al-Maliki finally secured parliamentary approval for a unity government that encompassed all major factions, including Iraqiya and al-Sadr's Shiite movement.

The long postelection interregnum featured an escalation in sectarian and antigovernment violence. Insurgents began targeting national institutions, especially the security services, and sites with sectarian significance. By the summer of 2010, violence had reached heights not seen in years. In the beginning of 2011, U.S. military officials estimated a 20 percent decrease in overall security incidents from 2010. However, Al-Qaeda in Mesopotamia and various guerilla groups launched attacks against civilians, politicians, Iraqi security forces, and American troops after U.S. forces killed Osama bin Laden in Pakistan in May

2011.

In keeping with a 2008 security agreement between Iraq and the United States, about 50,000 U.S. military personnel remained in Iraq through much of 2011, though they had withdrawn from Iraqi cities in 2009 and formally ended combat operations in 2010. American and Iraqi political leaders had expected to agree on a reduced presence of up to 5,000 U.S. troops beyond 2011, but the Iraqi parliament refused to grant U.S. personnel immunity from prosecution under Iraqi law. Consequently, the last U.S. troops left the country in December 2011.

One day after the completion of the U.S. military withdrawal, tension once again arose between Sunni and Shiite political parties. In an apparent power grab by al-Maliki's ruling coalition, an arrest warrant was issued for Vice President Tariq al-Hashmi, a Sunni politician, alleging him of running a "death squad" that targeted police and government officials. Al-Hashmi fled to Turkey in early 2012, but arrests of other Sunni, Baathist, and secular Shiite political figures continued, and al-Hashmi's Sunni Iraqiya Party boycotted the parliament in protest. Al-Hashmi was tried and sentenced to death in absentia in September 2012. Trials against him and members of his party continued even after his conviction, and two more death sentences were leveled against him in November 2012.

The office and home of Finance Minister and Iraqiya political coalition member Rafie al-Issawi were raided by Iraqi security forces in December 2012, and 10 of his bodyguards were arrested on terrorism charges. The episode led thousands of opponents of al-Maliki's government to participate in protests across the country. The combination of al-Hashmi's exile and conviction, the raid on al-Issawi, and the December departure of President Talabani from the country due to a stroke and failing health deepened political distrust and division between Sunni and Shiite groups in Iraq. A resulting spike in violence was seen during the second half of 2012 with death tolls similar to the most violent months of 2010.

In addition to ongoing violence and political strife, Iraq continues to suffer from economic difficulties and insecure borders. The government has remained unable to provide basic public services. While electricity provision, for example, has increased significantly in recent years, it has not kept pace with growing demand, and most Iraqis lack a reliable source of power. Unemployment hovers above 20 percent nationally, and reaches as high as 50 percent in some rural areas.

The northern and autonomous Kurdish areas have experienced economic prosperity in recent years, especially relative to the rest of the Iraqi population. However, relations between the Kurds and their Turkish, Iranian, and southern Iraqi compatriot neighbors remain strained.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Iraq is not an electoral democracy. Although it has conducted meaningful elections, political participation and decision-making in the country remain seriously impaired by sectarian and insurgent violence, widespread corruption, and the influence of foreign powers. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister is tasked with forming a cabinet and running the executive functions of the state. The parliament consists of a 325-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. The Independent Electoral Commission of Iraq, whose nine-member board was selected by a UN advisory committee, has sole responsibility for administering elections.

Political parties representing a wide range of viewpoints operate without legal restrictions, but the Baath Party is officially banned. Additionally, after the U.S. troop withdrawal in December 2011, Sunni and secular political actors began to face increased scrutiny and repression in light of Prime Minister Nouri al-Maliki's attempts to consolidate power.

Home to one-fifth of the country's population, the autonomous Kurdish region constitutes a distinct polity within Iraq, with its own flag, military units, and

language. The 111-seat regional legislature remains dominated by the allied PUK and KDP, despite the presence of the new Gorran opposition bloc following 2009 elections. The Kurdish region's political leaders profess their commitment to remaining part of a federal Iraqi state, but Kurdish security forces maintain a de facto border with the rest of Iraq, Iraqi Arabs are often treated as foreigners, and the regional government frequently acts in its own interest over Baghdad's objections.

Iraq is plagued by pervasive corruption at all levels of government. A national Integrity Commission is tasked with fighting corruption, but it conducts its investigations in secret and does not publish its findings until the courts have issued final decisions. The overwhelming majority of offenders enjoy impunity, largely because of an amnesty law allowing ministers to intervene and dismiss charges. As a result, cases are generally brought against low- and mid-ranking officials. While the Integrity Commission had gained some momentum, it has faced a number of setbacks in recent years. Most prominently, the commission's chairman was forced to resign amid mounting political pressure in 2011, commission members have been implicated in corrupt arms deals, and there have been numerous reports of government pressure aimed at silencing corruption whistleblowers. Iraq was ranked 169 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedom of expression is protected by the constitution, but in practice it has been seriously impeded by sectarian tensions and fear of violent reprisals. Over a dozen private television stations are in operation, and major Arab satellite stations are easily accessible. Hundreds of print publications have been established since 2003 and are allowed to function without significant government interference. Internet access is not currently restricted, but the Information Technology Crimes law currently under review by the Iraqi parliament threatens to restrict free speech online. Legislation passed in 2006 criminalized the ridicule of public officials, who often file suits when journalists report on corruption allegations. Iraq's media regulatory body, the Communication and Media Commission, threatened in 2012 to close 44 radio and television outlets accused of lacking official permits before deciding to delay those efforts. The move raised tensions between media and the government. Continuing insecurity has hindered journalists' ability to report widely and objectively, with intimidation and violence against journalists increasing since the U.S. troop withdrawal. The Committee to Protect Journalists (CPJ) estimates that over 140 journalists have been killed since 2003, while Reporters Without Borders (RSF) puts the number closer to 230.

Journalists previously operated more freely in the Kurdish region, but conditions there have deteriorated in recent years. A 2008 press law imposed fines for creating instability, spreading fear or intimidation, causing harm, or violating religious beliefs. Journalists who offend local officials and top party leaders or expose high-level corruption remain subject to physical attacks, arbitrary detention, and harassment.

Freedom of religion is guaranteed by the constitution, and religious institutions are allowed to operate with little formal oversight. However, all religious communities in Iraq have been threatened by sectarian violence. An estimated 300,000 to 900,000 Christians have sought safety abroad since 2003. Religious and ethnic minorities in northern Iraq—including Turkmens, Arabs, Christians, and Shabaks—have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security. Formerly mixed areas across Iraq are now much more homogeneous, and terrorist attacks continue to be directed toward sectarian targets.

Academic institutions operate in a highly politicized and insecure environment. Hundreds of professors were killed during the peak of sectarian and insurgent violence, and many more stopped working or fled the country, though there have been some reports of scholars returning to their jobs following relative security improvements in the last several years.

Rights to freedom of assembly and association are recognized by the constitution, though it guarantees these rights "in a way that does not violate public order and morality." Some isolated protests were held in 2011, inspired by

popular uprisings in North Africa. As a result, more than 20 protesters were killed by security forces as they tried to disperse the crowds. In December 2012, large scale protests were held by Sunnis and opponents of al-Maliki's government, leading to the temporary closure of a major trade route into Syria and Jordan. Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, though safety concerns severely limit their activities in many areas. The constitution provides for the right to form and join trade unions. Union activity has flourished in nearly all industries since 2003, and strikes have not been uncommon. However, Iraq's 1987 labor law remains in effect, prohibiting unionization in the public sector, and a 2005 decree gave authorities the power to seize all union funds and prevent their disbursal.

Judicial independence is guaranteed in the constitution. The Higher Judicial Council—headed by the chief judge of the Federal Supreme Court and composed of Iraq's 17 chief appellate judges and several judges from the Federal Court of Cassation—has administrative authority over the court system. In practice, however, judges have come under immense political and sectarian pressure and have been largely unable to pursue cases involving organized crime, corruption, and militia activity, even when presented with overwhelming evidence. Iraqi citizens often turn to local militias and religious groups to arbitrate rather than seeking redress with official law enforcement bodies that are seen as corrupt or ineffective.

The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases. The constitution also prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but there are few effective safeguards in place. A previously unknown detention facility where credible accusations of torture were reported was found to be under the direct control of the prime minister's office in 2010. While KRG laws also prohibit inhumane treatment, it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics. Detainees in U.S. custody also experienced torture and mistreatment, though after the 2011 U.S. withdrawal, no prisoners of war remained directly detained in Iraq.

About five million Iraqis have been displaced from their homes since 2003. While hundreds of thousands—most of them Sunni Arabs—have fled to Jordan and Syria, nearly three million Iraqis are displaced within Iraq. In regions like Kirkuk, the Saddam Hussein regime forced some 250,000 Kurdish residents to move from their homes in the name of regional "Arabization." Ethnic disputes in the region have resulted in a longstanding political impasse between the majority Kurds and minorities of Arabs, Turkmen, and Assyrian-Chaldean Christians.

The constitution promises women equal rights under the law, though in practice they face various forms of legal and societal discrimination. Women are guaranteed 25 percent of the seats in the legislature, and their participation in public life has increased in recent years. While they still face serious social pressure and restrictions, women have also returned in larger numbers to jobs and universities. Women enjoy somewhat greater legal protections and social freedoms in the Kurdish region, but their political power is limited. Moreover, domestic abuse and so-called honor killings remain serious problems both in the Kurdish region and across the country. The laws applicable outside the Kurdish region offer leniency to the perpetrators of honor killings. In July 2010, Kurdish religious leaders formally declared that female genital mutilation (FGM) was un-Islamic, but advocacy groups claim that more than 50 percent of Kurdish teenage girls are victims of FGM. The U.S. State Department placed Iraq on the Tier 2 watch list of its 2012 Trafficking in Persons Report, noting problems including the trafficking and sexual exploitation of women and children from impoverished and displaced Iraqi families, and the abuse of foreign men and women who are recruited to work in Iraq.

#### **RATINGS CHANGE:**

Iraq's political rights rating declined from 5 to 6 due to the concentration of power by Prime Minister Nouri al-Maliki and increasing pressure on the political opposition, as exemplified by the arrest and death sentence in absentia of Vice President Tariq al-Hashimi, the country's most senior Sunni Arab politician.

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