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**GLOSSARY**

GNA  
Grand National Assembly

IMIK  
Islamic Movement of Iraqi Kurdistan

INA  
Iraqi National Congress

KDP  
Kurdish Democratic Party of Iraq

KRP  
Kurdistan Revolutionary Party

NOG  
National Opposition Grouping Inside Iraq

NPF  
National Progressive Front

PKK  
Patriotic Union of Kurdistan

PUK  
Patriot Kurdistan Workers’ Party (Partiya Karkaren-i Kurdistan)
RCC
Revolutionary Command Council

SCIRISAIRI
Supreme CouncilAssembly of the Islamic Revolution in Iraq

1. INTRODUCTION


This paper will focus on the human rights situation in the areas of Iraq outside of the safe haven in late 1994 and 1995, with particular attention paid to the circumstances of Iraqi minorities, principally the Kurds and the Shi'is of southern Iraq. Please note that due to the fact that most principal groups reporting on human rights conditions in Iraq, namely the UN Special Rapporteur for Iraq, Amnesty International and Human Rights Watch Middle East Watch, are not permitted to visit government-controlled regions of Iraq, limited information on the current human rights situation in Iraq is available. The information gathered by the Special Rapporteur, for example, was based principally upon interviews, direct testimony from army deserters and refugees, and the reports of human rights monitors who are regularly dispatched to such locations as London, Geneva, Kuwait and Iran to interview such persons and gather information (UN 15 Feb. 1995, 3; LCHR July 1995, 125; CRS 13 Apr. 1994).

NOTE
[1] Copies of this report are available at the IRB Regional Documentation Centres. [back]

2. BACKGROUND

2.1 Demographic Factors

Iraq, a country of approximately 434,924 square kilometres is bordered by Turkey, Iran, Jordan, Saudi Arabia, Kuwait and Syria (MEW 1990, xiii; Europa 1995, 1556; The Middle East Review 1995 1995, 36). Almost entirely landlocked, Iraq is comprised of 18 governorates, including Dohuk, Arbil (Erbil) and Sulaimaniyah, which, in 1995, constituted the protected enclave of Iraqi Kurdistan (Europa 1995, 1556, 1560, 1562; USAID 7 Nov. 1995, 1). According to recent estimates the population of Iraq is over 19,000,000 (Political Handbook of the World 1994-95 1995, 408; see also The Middle East Review 1995 1995, 36; UN 1995, 86; Gulf Information Project 1994, np). Although a predominately Arabic-speaking Muslim country, Iraq is divided into three distinct groups or communities: Shi'i Muslims, who represent a slim majority and live primarily in regions south of Baghdad; Sunni Muslim Arabs, who represent approximately 15 per cent of the population yet dominate the Ba'ath Party and Iraqi politics; and Kurds, who are also Sunni Muslims and live primarily in the northeast regions of the country (CARDRI 1986, ix; Political Handbook of the World 1994-95 1995, 408; Europa 1995, 1556;
MEW 1990, xiii). There are approximately 4,100,000 Kurds in Iraq (Gulf Information Project 1994, np), the majority of whom live in the protected northern safe haven (Middle East Report Mar.-Apr. 1995, 7). Other ethnic and religious minorities in Iraq include Assyrians, Chaldeans, Jews, Yazidis, Persians, Luris, Sabeans, Turcomen, and Armenians (ibid.; CARDRI 1986, ix; Europa 1995, 1556; MEW 1990, xiii; Country Reports 1994 1995, 1084).

2.2 Political Structure of Iraq

According to the Iraqi Constitution, the Revolutionary Command Council (RCC) is "the supreme body in the State" (ICJ 1994, 45; Flanz Apr. 1990, 28); legislative and executive power in Iraq rests with both the RCC and the President (People in Power July 1995, 90; The Review June 1994, 7-8; Europa 1995, 1560). September 1995 amendments to the Constitution stipulate that RCC members are to nominate the council's chairman as President, following which the National Assembly considers the nomination (Iraq Television Network 7 Sept. 1995; Xinhua 14 Oct. 1995; Reuters 11 Oct. 1995). Once a nomination gains approval from the National Assembly it is presented to the population through a popular referendum (Iraqi Television Network 7 Sept. 1995; The Financial Post 8 Sept. 1995; BBC Summary 11 Sept. 1995; Reuters 11 Oct. 1995).

In 1995 the RCC was comprised of eight members, including the Chairman, Saddam Hussein, and Vice-Chairman, Izzat Ibrahim (Europa 1995, 1560; People in Power July 1995, 90). The February 1995 United Nations Report on the Situation of Human Rights in Iraq submitted by Special Rapporteur Max van der Stoel states that "the President rules through a Revolution Command Council which has the power to override the Provisional Constitution at any time and without judicial review" (UN 15 Feb. 1995, 6; see also ICJ Feb. 1994, 90).

The Iraqi Council of Ministers is appointed by the President and oversees the daily administrative matters of the country (Europa 1995, 1560; World Encyclopedia of Political Systems and Parties 1987, 537; People in Power July 1995, 90). The 17-member Iraq Regional Command, reportedly the most important group within the Ba'ath Party, also wields significant political influence in the country (Europa 1995, 1560; Political Parties of Africa and the Middle East 1993, 126).


2.2.1 The Ba'athist Government

The Ba'ath party has been the hegemonic party in the Iraqi political scene since a 1968 coup brought the party to power (Political Handbook of the World 1994-95 1995, 412; Political Parties of Africa and the Middle East 1993, 129; ICJ Feb. 1994, 148-49). According to the International Commission of Jurists the Iraqi government derives its main source of support from two institutions,
namely the army and the Baath Party ... . The army is the instrument with which the regime suppresses any attempted revolts against itself and the Party constitutes the ideological framework in or through which executive members of the regime and officers in the armed forces are taught to be loyal to the existing regime and its leader (ibid.).

The hegemony of the Ba'ath party is reportedly assured through a number of enactments and decisions proclaimed by the RCC (ibid., 149-50). For example, according to the 1974 Leading Party Act all government departments, agencies and ministries must use the "political report of the Eighth Regional Congress of the Baath Party" as the "functional guideline for the discharge of their duties" (ibid., 149; UN 15 Feb. 1995, 6-7). Furthermore, former Ba'ath Party members are forbidden from joining any other party after leaving the Ba'ath Party; any Ba'ath Party member who either concealed his previous political affiliations or is found to have links with other political factions or parties may face the death penalty (ICJ Feb. 1994, 149). All candidates for the National Assembly must "believe in the principles and aims of the glorious [Ba'athist] revolution of 17-30 July [1968]" (ibid., 150).

According to a 1990 Middle East Watch report, "the Baath party's formidable apparatus was shaped largely by one man, Saddam Hussein, and today it serves to put absolute power in his hands" (Middle East Watch 1990 13). The "cult" of Saddam Hussein "is increasingly used as a means of political control ... observers have noted that taking part in this cult has become the new bench mark of loyalty, as important as joining the Baath party" (ibid., 17). In his 4 March 1996 report, UN Special Rapporteur Max van der Stoel reported that the power structure of the Iraqi lends itself to the concentration of power in an extremely small group, with ultimate power resting in the hands of the President, Saddam Hussein (UN 4 Mar. 1996 5). A February 1996 L'Express article, reprinted in the World Press Review, indicates that Saddam Hussein remains in firm control: "in Iraq, the embargo has consolidated Saddam's power" (L'Express May 1996, 6).

The National Progressive Front (NPF) was formed in July 1973 when the Ba'ath Party and the Iraqi Communist Party endorsed a joint manifesto which envisioned the establishment of a new nationalist front (Europa 1995, 1567; Political Parties of the World 1988, 289; Political Handbook of the World 1994-95 1995, 412-13). Two Kurdish parties, the Kurdistan or Kurdish Democratic Party (KDP)[2] and the Kurdistan Revolutionary Party (KRP) and other forces joined the front in 1974 and 1975 (Europa 1995, 1567; Political Handbook of the World 1994-95 1995, 412-13). The Iraqi Communist Party pulled out of the front in 1979 and sources indicate that the NPF served "almost exclusively thereafter as a means of presenting Baath-endorsed electoral candidates who were not permitted to campaign under party labels" (ibid., 413; Political Parties of Africa and the Middle East 1993, 129).

**2.2.2 Iraqi Opposition Groups**

The RCC proclaimed a new Political Parties Act in early September 1991 which nominally permitted the creation of opposition parties, in theory ending over 20 years of "de facto one-party rule" (Political Handbook of the World 1994-95 1995, 412; ICJ Feb. 1994, 151; Country Reports 1994 1995, 1093). According to this act, the principles of any new party formed must "be clearly defined in regard to the maintenance and defence of the independence, territorial integrity, sovereignty and national unity of Iraq;" in addition the party "must not adopt a hostile attitude towards the legitimate aspiration of the Arab nation to achieve full liberation, solidarity and Arab unity" (ICJ 1994, 152). Parties based on an "afeathistic, confessional, racial, regional or anti-Arab basis" are prohibited (ibid., 153; Political Parties of Africa and the Middle East 1993, 129). The 1991 Act also disallows any party, other than the Ba'ath, from "engaging in any party-political education, activity or organization within the ranks of the armed forces, the internal security forces and other associated agencies" (ICJ Feb. 1994, 150). Country Reports 1994 states that "in practice, the law reinforced the preeminent position of the Ba'ath Party by
prohibiting parties that do not support Saddam Hussein and the present Government" (Country Reports 1994 1995, 1093; UN 15 Feb. 1995, 8). In his February 1995 report the UN Special Rapporteur claimed that the 1991 Political Parties Act "fails to provide for free political association or expression;" the Special Rapporteur also stated that the Act remained, as of January 1995, unimplemented (ibid.).

Dozens of Iraqi opposition groups operate in exile or in the northern Kurdish safe haven (Political Handbook of the World 1994-95 1995, 413-24; Europa 1995, 1567; Middle East Report Mar.-Apr. 1995, 19). Most Iraqi opposition groups reportedly fall into four or five main streams: Islamist, Arab nationalist, Kurdish, democratic socialists or communists and other smaller groups established by minority groups such as the Turcomans or Assyrians (The Middle East Dec. 1994, 10; The Economist 14 Apr. 1995, 23; see also Middle East Report Mar.-Apr. 1995, 19). Each stream is comprised of a number of parties and groups who reportedly agree on four main points:

- They regard the overthrow of Saddam Hussein and the group surrounding him as a precondition for change.
- They endorse the territorial integrity of Iraq.
- They notionally accept the principle of democratic elections and constitutional government.
- and they all declare the need for a special status for the Kurds based on a degree of self-government (The Middle East Dec. 1994, 10; see also Gulf Information Project 1994, np).

Many exiled opposition groups and parties have joined the Iraqi National Congress (INC), an American-backed umbrella organization designed to unite Iraqi opposition groups (Middle East Report Mar.-Apr. 1995, 20; MEI 17 Nov. 1995, 14; Political Parties of Africa and the Middle East 1993, 130). The INC was formed in Vienna in 1992 and in 1995 had its headquarters in Arbil, the capital of the Iraqi Kurdish enclave (The Jerusalem Report 4 May 1995, 34; The Middle East Review 1995 1995, 36; AFP 1 Nov. 1995; Political Handbook of World 1994-95 1995, 413; Gulf Information Project 1994, np; The Middle East Dec. 1994, 10). Although the INC was initially launched mostly by Kurdish exiles, some 170 representatives from a wide spectrum of Iraqi opposition groups attended the INC's second conference held in Iraqi Kurdistan in October 1992 (Political Handbook of World 1994-95 1995, 413; Middle East Report Mar.-Apr. 1995, 19). Participants "committed themselves to the nonviolent overthrow of Saddam Hussein and the establishment of a federal system that would permit a substantial degree of ethnic autonomy without partition of the country" (Political Handbook of World 1994-95 1995, 413).

However, the INC's unification efforts encountered some obstacles: for example, an article in Middle East Report discusses the relationship between Shi'i opposition groups and the INC, noting that the INC "neglected to provide an essential place for the Shi'i religious movement" (Middle East Report Mar.-Apr. 1995, 20; see also AFP 1 Nov. 1995). The same article maintains that "the triumvirate presidency [of the INC] acknowledges the three principal Iraqi communities but it does not offer a frame-work for communal coexistence" (Middle East Report Mar.-Apr. 1995, 21). Moreover, the internecine fighting between the KDP and the Patriotic Union of Kurdistan (PUK) in the northern enclave has hindered the development of the INC and The Middle East Review 1995 reports that the group "has not been able to organise large-scale opposition in areas of Iraq still under government control" (The Middle East Review 1995 1995, 36; The Jerusalem Report 4 May 1995, 35; The Economist 14 Apr. 1995, 23).

Principal individual Iraqi opposition groups include the two major Kurdish groups in the Kurdish enclave, the KDP and PUK; the Islamic Movement of Iraqi Kurdistan (IMIK), which represents the
Islamist movement in northern Iraq; the Supreme Council (or Assembly) of the Islamic Revolution in Iraq (SCIRI or SAIRI), a group formed in 1982 and based in Iran, which serves as an umbrella group for several Shi'i groups—SCIRI is reportedly the largest political organization representing Iraq's Shi'is; Al-Da'wa al-Islamiya (Voice of Islam), a Shi'i group formed in 1968 and based in Tehran; the Iraqi Communist Party which was founded in 1934 and was eventually purged after its 1979 withdrawal from the NPF; and finally, the al-Hizbal-`Umma or Nation Party which was formed in 1982 (Political Handbook of the World 1994-95 1995, 413-414; IPS 9 Nov. 1995; Europa 1995, 1567; Middle East Report Mar.-Apr. 1995, 19-20; AFP 1 Nov. 1995). Saad Saleh Jabr, the leader of the Nation Party, became president of the London-based Free Iraqi Council, which has been described as being in "'competition' with the INC for Western recognition as the leading external opposition formation" (Political Handbook of the World 1994-95 1995, 414).

In early December 1995 the London-based newspaper Al-Hayat' announced the establishment of a new Iraqi opposition group called the National Opposition Grouping Inside Iraq (NOG) (Al-Hayat' 3 Dec. 1995). The group pledges to "eliminate the tyrant Saddam and his regime, to coexist peacefully with all the world's peoples within the international community and to build a modern Iraq based on freedom, equality, prosperity and pluralism for all the Iraqi people's factions" (ibid.). The group reportedly includes members of "the people's factions, national and opposition figures and elements from within the regime's administrative, party, military and security organs" (ibid.).

2.2.3 1995 Political Developments


A few months later, on 15 October 1995, a referendum was held to re-confirm Saddam Hussein's position as Iraqi President (The Economist 21 Oct. 1995, 45; Libération 16 Oct. 1995, 9; The Ottawa Citizen 16 Oct. 1995, A6; MEI 20 Oct. 1995, 3; The Middle East Dec. 1995, 13). Reportedly 99.74 per cent of the population turned out for the vote, and 99.96 voted yes, affirming President Hussein's position for another seven years (The Economist 21 Oct. 1995, 45; MEI 20 Oct. 1995, 3). According to a Los Angeles Times article reprinted in The Ottawa Citizen, many government opponents were "afraid to vote no, fearing retaliation from the government" (The Ottawa Citizen 16 Oct. 1995; IPS 9 Nov. 1995). The UN Special Rapporteur, cited by AFP, contended that the referendum "in no way reflects the genuine will of the people" (AFP 27 Nov. 1995). Saddam Hussein was the only person running in the referendum and according to The Middle East "even if someone had wanted to [run], it would not have been possible" (The Middle East Dec. 1995, 13; see also Sunday Times 22 Oct. 1995). Sources agree that the referendum was not so much a display of democracy but an opportunity to "demonstrate to Mr. Hussein's inner circle, split in recent months by defections and personal rivalries, that the dictator remains as firmly in control as ever" (The Economist 21 Oct. 1995, 45; MEI 20 Oct. 1995, 3). The referendum was not held in the Kurdish-controlled safe-haven regions of northern Iraq (Xinhua 14 Oct. 1995; Reuters 11 Oct. 1995).

NOTES
[2] According to Political Handbook of the World 1994-95 the original KDP splintered into a number of smaller organizations over the course of its existence (Political Handbook of the World 1994-95, 413). The KDP which joined the National Progressive Front in 1974 was a "Marxist rump of the original party" (ibid.). [back]


3. LEGAL CONTEXT

3.1 The Constitution

A provisional Iraqi constitution was issued in 1968 and promulgated by the RCC on 16 July 1970 (Flanz Apr. 1990, 21; Country Reports 1994 1995, 1084; Europa 1995, 1566; MEW 1990, 22; ICJ Feb. 1994, 26). This constitution can be amended by a two-thirds majority vote of the RCC (ibid., n.13; MEW 1990, 22; see also Europa 1995, 1566).

The constitution stipulates that Iraq is "a popular democratic and sovereign state with Islam as its state religion and its economy `based on socialism'" (Political Parties of the World 1988, 288; Flanz Apr. 1990, 23; Europa 1995, 1566). Article 19 states that all Iraqi "citizens are equal before the law, without discrimination because of sex, blood, language, social origin or religion" (Flanz Apr. 1990, 25; ICJ Feb. 1994, 119). Freedom of religion is guaranteed in article 25, while article 26 "guarantees freedom of opinion, publication, meeting, demonstrations and formation of political parties ... in accordance with the objectives of the Constitution and within the limits of the law" (Flanz Apr. 1990, 25; Europa 1995, 1566).

The 1970 Constitution is the first to recognize the ethnic identity of Kurds[5] and to guarantee Kurdish autonomy (ICJ Feb. 1994, 29; see also Cook 1995, 22-23). According to article 5(b) "the Iraqi people are composed of two principal nationalisms: the Arab nationalism and Kurdish Nationalism" (Flanz Apr. 1990, 23). The constitution states that both Arabic and Kurdish shall be the official languages in Kurdish regions (ibid., ICJ Feb. 1994, 28) and a 1974 addition to the constitution stipulates that "the region in which the majority of the population are Kurds shall enjoy autonomy in the manner provided for by law" (see section 4.2.1 for further information on the 1974 Kurdish Autonomy Law) (ibid.; Cook 1995, 24; Europa 1995, 1566).

The Constitution recognizes the RCC as the supreme authority in the State and article 38 states that the RCC exercises its powers by a two-thirds majority (Flanz Apr. 1990, 28; Europa 1995, 1566). A new permanent Constitution, which would abolish the RCC and provide for presidential elections, was approved by the National Assembly in 1990 but as of autumn 1995 had yet to be submitted to a nation-wide referendum for approval (Europa 1995, 1566; Political Handbook of the World 1994-95 1995, 410; MEI 20 Oct. 1995, 3).

3.2 The Judiciary

The Iraqi judiciary consists of a number of religious, civil, criminal, military, juvenile, permanent
and temporary special courts (MEW 1990, 23; Europa 1995, 1569; ICJ Feb. 1994, 92). The Court of Cassation, based in Baghdad, is the supreme or highest court in the country (ibid.; Europa 1995, 1569). It is comprised of a president, five vice-presidents and at least thirty judges (ibid.; ICJ Feb. 1994, 92). Country Reports 1994 states that "defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation" (Country Reports 1994 1995, 1087; see also ICJ Feb. 1994, 120).

All citizens are guaranteed the right to "apply to the courts for legal redress" (ICJ Feb. 1994, 88). Civil Courts of First Instance are located in all major towns: each court has a judge who hears civil and commercial cases (ibid.). Misdemeanour and Criminal Courts are also located where there is a Court of First Instance (ibid., 95). "A misdemeanour, as defined in the Iraqi Penal Code, is an offence punishable by imprisonment or penal servitude for a period of three months to five years" (ibid.). According to the International Commission of Jurists, the main town of each governorate "also has a criminal court which hears cases involving felonies. A felony, as defined in the Iraqi Penal code, is an offence punishable by death, life imprisonment or imprisonment for a period of 5 to 20 years" (ibid., 96). The Constitution stipulates that the accused is presumed innocent until proven guilty and maintains that the "right of defence is sacred at all stages of the investigation and trial" (ibid., 120).

Iraq's special security courts try cases of national security as well as some criminal cases (Country Reports 1994 1995, 1087; Freedom in the World 1995, 308). The 1994 report on rule of law in Iraq by the International Commission of Jurists remarks that the Iraqi regime has established special security, revolutionary and emergency courts "in recent years" (International Commission of Jurists Feb. 1994, 113-14). These courts reportedly continue to be used as "an instrument designed to protect the existing regime rather than to defend the safety and security of society" (ibid., 115; Freedom in the World 1995, 308). Sources indicate that suspects held in these courts are "frequently held incommunicado, confessions extracted through torture are admissible as evidence and there are no procedural safeguards" (ibid.; ICJ Feb. 1994, 121; see also LCHR July 1995, 128). Please see Iraq and the Rule of Law prepared by the International Commission of Jurists for more detailed information on Iraq's court system.

Article 60 of the Constitution provides for an independent judiciary: "the judiciary ... is subject to no other authority save that of the law" (Flanz Apr. 1990, 35; MEW 1990, 23). Despite this, however, both Middle East Watch and the International Commission of Jurists caution that Iraq's judiciary "is not an independent authority since its organization and the scope of its jurisdiction are subject to the will of the Revolution Command Council" (ICJ Feb. 1994, 89; MEW 1990, 23). Middle East Watch states that "the judiciary is, in effect, left to fend for itself, at the mercy of an all-powerful executive that appoints and dismisses judges, controls the various police services, and rules unimpeded in all areas" (ibid.). Citing the UN Special Rapporteur's 1994 report, Country Reports 1994 states that "the executive interferes regularly in `all aspects of normal judicial competence in matters ranging from property and commercial law, to family law and criminal law'" (Country Reports 1994 1995, 1087). Country Reports 1994 claims that the President has the power to override court judgments (ibid.).

According to the UN Special Rapporteur, the structure of the Iraqi government, including its constitution and judiciary, provides for an environment which has led to "widespread and systematic violations of human rights" (UN 15 Feb. 1995, 6; MEW 1990, 22; see also ICJ Feb. 1994, 88-90). In his previous report, the Special Rapporteur had already stated that "the politico-legal organization of the Republic of Iraq constitutes of itself a systematic cause of human rights violations" (UN 25 Feb. 1994, 58). Middle East Watch reports that Iraq has "a system of government wholly devoid of checks and balances, one in which many fundamental rights and freedoms are guaranteed in word but are
routinely trampled in deed" (MEW 1990, 22).

NOTE

[5] Kurds were recognized as a "distinct national group", however, in the Iraqi Provisional Constitution of 7 July 1958. This constitution stipulated that "Kurds and Arabs were accepted as associates in the state of Iraq and their respective national rights were guaranteed" (Cook 1995, 23).

4. SELECTED ISSUES

4.1 Reports of Human Rights Abuses


Human Rights Watch asserts that the Iraqi government relies upon the state's security forces, including police, military and intelligence agencies, to "control and intimidate" the Iraqi people (HRW 1995, 275; see also AI 1995, 167). *Country Reports 1994* supports this, stating that

the Government security apparatus includes militias attached to the President, the Ba'ath Party, and the Interior Ministry. Security forces have been responsible for widespread and systematic human rights abuses. They play a central role in maintaining the environment of intimidation and fear on which government power rests (Country Reports 1995 1995, 1084).

A 1990 Middle East Watch publication identifies three main security agencies that reportedly operated freely and with impunity (MEW 1990 17). The three agencies are the Amn, or State Internal Security, the Mukhabarat or General Intelligence Departments which is reportedly the Ba'ath Party's chief security apparatus and the Istikhbarat or military intelligence (ibid.). Citing the 1994 UN Special Rapporteur's report on human rights conditions in Iraq, the UNHCR claims that most allegations of arbitrary arrest and detention fall onto the Amn and the Mukhabarat (Nov. UNHCR 1994, 13). The same report notes that the al-Amn al-Khas, or the Special Security Forces, operate primarily in southern Iraq (ibid.). Amnesty International's 1995 Report also states that both military and special forces "launch deliberate and indiscriminate military attacks on civilian targets" in Iraq's southern marsh region (AI 1995 168).

### 4.1.1 Torture


Common torture methods reportedly employed against detainees in Iraq include:

- electric shocks administered to the genitals and other sensitive areas, beatings, burnings with hot irons, suspension from ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water and threats to rape or otherwise harm relatives (*Country Reports 1994 1995*, 1086; see also AI 1995, 167; UNHCR Nov. 1994, 13).

Between June and September 1994 the RCC issued several decrees which amended Iraq's 1969 Penal Code (HRW 1995, 282; HRWME June 1995, 1; *The Review* June 1994, 7; UN 15 Feb. 1995, 9; *Country Reports 1994 1995*, 1086-87; AI 1995, 166). The decrees introduced new punishments including amputation, branding and execution for a number of offences including theft, desertion, currency speculation, draft evasion, monopolizing rationed goods, performing plastic surgery on an amputated limb or removing the mark branded on convicted criminals foreheads (AI 1995, 166; *The Review* June 1994, 7-8; HRWME June 1995, 1-2; UN 15 Feb. 1995, 9-13). *The Sunday Times*, quoting an Iraqi army deserter, reports that 100-200 soldiers line up every day at hospitals in Baghdad, where their ears are mutilated without the use of any anaesthetic (*The Sunday Times* 22 Oct. 1995; see also Reuters 31 Oct. 1994). The Iraqi government maintains that the new decrees are based on Sharia (Islamic Law) and are a response to a significant rise in crime precipitated by the prevailing harsh economic conditions created by UN sanctions (HRW 1995, 282; HRWME June 1995, 1-3; *Stern* 6 Apr. 1995).

The UN Special Rapporteur summarized some of the new decrees:

Decree N°. 59 of 4 June 1994 prescribes: amputation of the right hand at the wrist for a first offence of theft over 5,000 Iraqi dinars (well under US$ 10 at the present real rate of exchange); amputation of the left foot at the ankle for a second offence; and death for a third offence. Decree N°. 109 of 18 August 1994 prescribes the "tattooing" or "branding" ...
with an "X" between the eyebrows of all persons having suffered legally prescribed amputations. Decree No. 115 of 25 August 1994 prescribes the cutting off of the auricle of one ear of each person evading military service, deserting military service, or sheltering any evader or deserter of military service (UN 15 Feb. 1995, 9; see also AI Apr. 1996, 3, 7).

The punishments introduced by the decrees are described by Country Reports 1994 as "new forms of torture" (Country Reports 1994 1995, 1086) and have been denounced as "cruel, inhumane and degrading" by Amnesty International (AI 1995, 166; see also AI Apr. 1996, 1-2). Human Rights Watch Middle East contends that the decrees "greatly impinge on individual human rights and constitute violations of several international human rights conventions and standards" (HRWME June 1995, 1; HRW 1995, 282). In its journal The Review, the International Commission of Jurists denounces the punishments prescribed by Decree 59 as "cruel and inhuman punishment under both international and Iraqi domestic law" (The Review June 1994, 8). The same report maintains that the provisions of Decree 59 violate Article 7 of the International Covenant on Civil and Political Rights and Article 22(a) of the Iraqi Constitution, which prohibits physical and psychological torture (ibid.).

According to Human Rights Watch Middle East "doctors in Baghdad, Kirkuk, and Basra, and elsewhere have been arrested for refusing to perform the amputations" (HRWME June 1995, 9). A Baghdad doctor, quoted by Reuters, states that "military doctors who dared to refuse to perform the operation were dealt with very severely ... . Some were executed. Those who do the operations fear tribal retribution" (Reuters 31 Oct. 1994; see also HRW 1995, 282; LCHR July 1995, 128). The non-profit organization Physicians for Human Rights (PHR) condemned decree 59 and noted that "the amputations and branding are performed in hospitals, where health professionals are threatened with imprisonment if they refuse to perform the operations" (PHR 1995, 1,4). According to PHR, "several hundred Iraqi health professionals called off a strike when threatened with jail last year, and at least nine doctors who refused to participate in this inhuman punishment have been arrested" (ibid., 4; see also AI Apr. 1996, 9). A 1996 Amnesty International report states that Iraqi health professionals are being forced against their will to perform amputations and tattooing (ibid., 8). "Amnesty International has received reports of the arrest and detention of scores of health professionals who have refused to carry out the operations" (ibid., 9). Both Amnesty International and Physicians for Human Rights state that use of medical professionals in carrying out these punishments contravenes "internationally accepted norms of medical ethics", including the World Medical Association's Tokyo Declaration and the UN Principle of Medical Ethics (ibid.; PHR 1995, 4).

On 17 March 1996 Saddam Hussein ordered the cancellation of the ear amputation penalty for draft evaders and deserters (INA 17 Mar. 1996; AFP 17 Mar. 1996a). According to President Hussein's order, deserters and draft evaders are to be released after they pay a 500,000 dinar bail and attend a "27-day military preparation course for psychological, intellectual and national rehabilitation" (INA 17 Mar. 1996; AFP 17 Mar. 1996a). The INA report states that the order "would also apply to current army deserters" (17 Mar. 1996).

4.1.2 Extrajudicial Killings

Extrajudicial killings reportedly continued throughout 1995 (AFP 13 Dec. 1995; HRW 1995, 283; Freedom in the World 1995, 308; UN 4 Mar. 1996, 6). According to Freedom in the World, state control in Iraq is sustained through the use of summary executions, along with torture and arbitrary detention (Freedom in the World 1995, 308). Citing the UN Special Rapporteur, Country Reports 1994 states that the Iraqi government's "aim of killing is a political one, with the objective of silencing dissent and suppressing opposition" (Country Reports 1994 1995, 1085). For example, a revolt in the region of Ramadi erupted in June 1995 when approximately 1,000 members of the Dulaimi clan...
organized to avenge the death of Air Force Brigadier General Turk Ismail Dulaimi, whose body had been returned to his family a month earlier bearing torture marks (HRW 1995, 283; Foreign Report 22 June 1995, 1; The New York Times 20 June 1995). Dulaimi had been arrested in April 1995 under suspicion of planning a coup (HRW 1995, 283; COMPASS 16 June 1995). Many of the Dulaimi clan members that participated in the revolt belonged to the Iraqi armed forces and the Republican Guards (Foreign Report 22 June 1995, 1; The New York Times 20 June 1995). After the Ramadi revolt was put down the Iraqi government reportedly "mounted a campaign of arbitrary detentions, torture and summary executions against persons presumed to have links to the coup plot and protests" (HRW 1995, 283; see also The Middle East Dec. 1995, 13; The New York Times 20 June 1995). The Voice of the People of Kurdistan reported that at least 300 soldiers and officers of the Dulaimi clan had been executed following the failed insurrection (Voice of the People of Kurdistan 30 June 1995).

The UN Special Rapporteur's March 1996 and February 1995 reports claim that extrajudicial executions continued throughout 1994 and 1995, noting that "extrajudicial executions have been reported in particular in relation to military operations in the southern marsh area of Iraq where civilian settlements are said to have been shelled and razed" (UN Feb. 1995, 6; ibid. 4 Mar. 1996, 6). In October 1995 Iraqi forces reportedly attacked villages in Mesan and Basra; the attack resulted in the death or wounding of several civilians (ibid.). Moreover, the UN Special Rapporteur noted that specific areas within northern Iraq are subject to indiscriminate shelling by Iraqi forces (ibid.).

4.1.3 Arbitrary Arrest and Detention

Due to provisions in Iraqi law, security officials seldom require warrants to conduct searches (Country Reports 1994 1995, 1088; Freedom in the World 1995, 308). RCC Decree 74, promulgated in June 1994, gives certain local Ba'ath Party members the power to arrest and detain—for up to five years without trial—alleged offenders who have been charged with purchasing foreign currency or hoarding or monopolizing rationed goods (AI 1995, 167; LCHR July 1995, 128-29; Freedom in the World 1995, 308; UN 15 Feb. 1995, 10). The UN Special Rapporteur notes that these new provisions clearly bestow on non-judicial authority powers of arrest and detention in violation of articles 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights. It is also to be observed that the absence of prescribed definitions or judicial controls for terms such as "monopolizes" and "hoarding" invites arbitrary arrests and detentions on a wide scale, particularly in the prevailing economic circumstances in Iraq (ibid.).

Extensive use of arbitrary arrest and detention continued in 1995 and early 1996 (UN 4 Mar. 1996, 8; ibid. 15 Feb. 1995, 7; AFP 27 Nov. 1995; Country Reports 1994 1995, 1087; Freedom in the World 1995, 308; HRW 1995, 282). The UN Special Rapporteur notes that so long as the 1994 decree which bestows the powers of detention to Ba'ath Party officials remains in place arbitrary arrests and detentions will be prevalent (UN 15 Feb. 1995, 7). Amnesty International reported that "thousands" of government opponents were arrested in 1994, remarking that most arrests were conducted by security and intelligence forces (AI 1995, 167); Amnesty International was not able to determine the fate or whereabouts of these detainees (ibid). Country Reports 1994 reported that "the authorities subjected the Shi'a religious clergy, Shi'a Muslim inhabitants of the southern marshes, and various ethnic minorities to searches without warrants" (Country Reports 1994 1995, 1088).

The majority of arrests allegedly occurred in Baghdad although there were also reports of arrests in Mosul, Kirkuk, al-'Amara and al-Najaf (AI 1995, 167). Amnesty International particulary remarks upon a series of widespread arrests in July and August 1994 in the Imam Qassem, Rahim Awa and
Shorjah districts of Kirkuk; the arrests were reportedly part of a campaign to apprehend army deserters (ibid.).

The Iraqi government issued two general amnesties in 1995, reportedly in an attempt to deal with severe prison overcrowding; the first amnesty was offered to criminal offenders, the second to political prisoners and government opponents living abroad and in hiding (HRW 1995, 283). The amnesties resulted in the release of some political prisoners, although the majority remained incarcerated (ibid.). According to Human Rights Watch "in spite of the amnesty the Iraqi government continued to harass, threaten and arrest people on political grounds" in 1995 (ibid.; see also IAC (SM) Newsletter Database 25 Oct. 1995). In September 1995 the UN Special Rapporteur produced a ten page analysis of the 1995 amnesty decrees. The report concludes that the "the heavy conditions set out in Decrees No. 61 and No. 64 greatly reduce their value. Moreover, in the absence of great change in the legal and political order of Iraq ... [the decrees] warrant virtually no confidence" (UN 4 Sept. 1995, 5-6).

Human Rights Watch states that journalists and writers who openly criticize the regime or government policies are subject to arrest or detention (HRW 1995, 283). The UN Special Rapporteur also reports "severe constraints, indeed virtual prohibitions, on the freedoms of opinion, expression and association" in Iraq (UN 15 Feb. 1995, 7; AFP 13 Dec. 1995). The monitoring of personal communications such as mail and telephone communications, and the use of informers is also reportedly widespread in Iraq (Country Reports 1994 1995, 1088; Freedom in the World 1995, 308).

In December 1995 Iraqi authorities enacted measures that ban all direct international telephone calls (Voice of Iraqi People 26 Dec. 1995a; Radio Monte Carlo 28 Dec. 1995; AP 16 Jan. 1996). The Iraqi government maintained that it cut all direct international telephone links because it could no longer afford to pay the telephone bills (IPS 2 Jan. 1996). Another report states, however, that "it was widely believed that the government is deliberately restricting telephone contacts between people inside Iraq and foreign-based opposition groups seeking to topple Saddam Hussein's regime" (AP 29 Dec. 1995). According to a Voice of the Iraqi People broadcast, in December 1995 "the regime also increased its jamming of Arab and foreign radio stations, making them more difficult to hear in Iraq than before. This measure seeks to impose a media blackout and prevent Iraqis from listening to news about political developments related to their country" (Voice of the Iraqi People 26 Dec. 1995b).

4.2 Minority Issues

4.2.1 The Kurdish Autonomous Region
Almost immediately after gaining power in 1968 the Iraqi Ba'athist government set out to accommodate the country's Kurdish population (ICJ Feb. 1994, 141). Principle tenets of a 1970 Kurdish Autonomy Agreement stipulated that one Iraqi vice-president should be a Kurd; Kurdish, along with
Arabic, was to be the official language in areas where the majority of the population was Kurdish; public servants in Kurdish regions must be Kurdish or able to speak Kurdish; Kurdish linguistic and cultural rights were to be protected; and Kurdish regions were to receive further economic assistance and development (Cook 1995, 24-25; ICJ Feb. 1994, 141-42; The Middle East and Africa 1994 1993, 440).

Disagreement over the geographic extent of the Kurdish region and what the Gulf Information Project terms "mutual suspicion", however, became serious impediments to any further progress on the question of Kurdish self-government (Gulf Information Project 1994, np; Cook 1995, 26; see also The Middle East and Africa 1994 1993, 440).

The Iraqi government refused to consider the inclusion of Kirkuk which was considered essential by the Kurds. Demands by the Kurds for greater political and military authority ... could not be resolved. The Kurds accused the Government of pursuing its policy of arabization, in order to disrupt the demographic balance ... . Negotiations continued during 1973 and 1974 to resolve the deadlock but the situation was fast approaching full-scale armed conflict once more (Cook 1995, 26).

Despite the deadlock, on 11 March 1974 the RCC "promulgated the Kurdistan Regional Autonomy Act N° 33 of 1974 pursuant to the declaration of 11 March 1970" (ICJ Feb. 1994, 142).

The Autonomous Region created by the 1974 law totalled 37,062 square kilometres, approximately half the size envisioned by Mulla Barzani's KDP (see map) (MEW 1990, 73).

Under the terms of the Autonomy Law [1974] the Autonomous Area was to be an integral administrative unit with juridical personality and autonomy within the Republic of Iraq, with Arbil as its metropolitan centre. Kurdish was to be an official language and the language of education, together with Arabic which was also to be taught. The Autonomous area was to have its own budget with financial resources derived from local taxation and other charges and profits as well as appropriations from the central budget. The government structures it established were an elected legislature - the Legislative Council - and an appointed administrative body - the Executive Council. Executive Council members hold ministerial rank and report directly to the Council of Ministers (Cook 1995, 27; see also ICJ Feb. 1994, 144; World Encyclopedia of Political Systems and Parties 1987, 543).

The Legislative Council, which consisted of 50 members, was invested with the authority to "adopt decisions relating to the development of the area and the promotion of its local social, cultural and economic aspects" (Cook 1995, 27-28; Europa 1995, 1560; ICJ Feb. 1994, 144). Elections for the Legislative Council were to be held every three years; the last election was 10 September 1989 (ibid.).

The Executive Council, which was comprised of "a chairman, a vice-chairman and a number of members equivalent to the number of autonomous departments" (ICJ Feb. 1994, 144), administered the region's education, housing, agriculture, transport, culture, and internal and financial affairs (Cook 1995, 28). "The Executive Council has a much more restricted responsibility for matters relating to the administration of justice, security and public order... " (ibid.).

The administration of the Kurdistan Autonomous Region, as established by the 1974 law, continues to operate within government-controlled regions of Iraq, despite the existence of the protected safe haven in northern Iraq (INA 20 Apr. 1995). In April 1995 the Legislative and Executive Kurdistan Councils rejected United Nations Security Council Resolution 986 (ibid.). This resolution provides the Iraqi government with an opportunity to accept a one-time oil-for-food offer in order
improve rapidly declining living standards in Iraq (ibid.; MidEast Mirror 23 Nov. 1995, 10). The councils reportedly declared that the resolution was "a malicious attempt to weaken the Iraqi domestic front" (INA 20 Apr. 1995).

4.2.2 Kurds

Researcher David McDowall, an independent specialist on Kurdish affairs, stated in November 1995 that he is of the opinion that

generally speaking Kurds in government-controlled areas of Iraq may expect the same level of violations of their human and political rights as any other Iraqis. The key consideration in all cases is whether a challenge or threat has been made verbally or otherwise, explicitly or implicitly, against the regime. ... The one area that must be considered an exception is the fringe area of Kurdistan, particularly the oilfields around Kirkuk. Here the situation is much more difficult for Kurds. ... Many [Kurds] continue to be harassed, and the policy of removing Kurds and Turkmans and replacing them with Arabs still persists, either by harassment or direct expulsion (McDowall 28 Nov. 1995).

Several documents report that this policy of "arabization" has persisted in the Kirkuk and Mosul regions of Iraq since 1991 (HRW 1995, 284; ibid. 1994, 277; Gulf Information Project 1994, 4; UN 15 Feb. 1995, 8; Voice of the People of Kurdistan 29 Sept. 1994; ibid. 12 Sept. 1995). The policy sets out to displace Kurds and replace them with Arabs in a effort to create a demographic Arab majority in Kirkuk (HRW 1995, 284; Voice of the People of Kurdistan 12 Sept. 1995). Resident Kurds of Kirkuk and the surrounding regions are given a choice of collecting their belongings and relocating to areas of southern Iraq or moving to the northern safe haven without any of their possessions (ibid.; ibid. 29 Sept. 1994; Gulf Information Project 1994, 4). Other groups, such as Turcomans, Assyrians, Chaldeans and the Kurdish Yazidis are also forced to either relocate from the Kirkuk region or are coerced into declaring themselves Arab, thereby increasing the number of Arabs in a census (HRW 1994, 277; ibid. 1995, 284; Gulf Information Project 1994, np; McDowall 28 Nov. 1995). A substantial number of Iraqi Shi'is from southern regions of Iraq have been forced to move to the Kirkuk area, in a further attempt to increase the Arab population in the region (HRW 1995, 284). Moreover, the Iraqi Government has reportedly refused to permit the return of "tens of thousands" of Kurds and Turcomans, currently living in the safe haven, to their homes in Kirkuk and Mosul (Country Reports 1994 1995, 1087; UN 15 Feb. 1995, 8; Gulf Information Project 1994, np; see also Voice of the Islamic Republic of Iran 31 May 1991). Country Reports 1994 asserts that this action "amounts to a policy of internal exile" (Country Reports 1994 1995, 1087).

According to the Voice of the People of Kurdistan, "tens of thousands" of Kirkuk's Kurds have been replaced with Arabs (Voice of the People of Kurdistan 12 Sept. 1995; see also ibid. 17 May 1995). The Islamic Republic News Agency (IRNA), citing a radio broadcast of the PUK, reported in March 1995 that the "Iraqi regime has starting moving 13,000 Kurdish families from the Karkuk region to the southern part of that country" (IRNA 14 Mar. 1995). The report continued, stating that "Iraqi troops have resumed arresting and exiling Kurds of Karkuk, Khanaqin and Jelola regions" (ibid.). A September 1995 broadcast of the Voice of the People of Kurdistan stated that "the authorities recently forced 16 Kurdish families to leave Karkuk and ... to make their way to the liberated areas of Kurdistan" (Voice of the People of Kurdistan 12 Sept. 1995). Kurds in the Laylan area of the Kirkuk governorate have also reportedly been forced to leave their homes (ibid. 29 Sept. 1994).

Several clandestine Iraqi radio programmes reported instances of detentions, arrests and executions of civilians in the Kirkuk and Mosul regions throughout late 1994 and 1995 (Voice of the

4.2.3 Shi'is

Iraqi Shi'is represent approximately 50-60 per cent of Iraq's population and live primarily in southern Iraq, Baghdad and in Saddam City, a satellite town on the outskirts of Baghdad (MEW 1990, 1; Middle East Report Mar.-Apr. 1995, 10; Islam and Islamic Groups 1992, 111; Contemporary Religions 1992, 426; Los Angeles Times 24 Aug. 1992). Despite their demographic majority, Iraqi Shi'is have historically played a subordinate role to the country's Sunni population (AI Apr. 1993, 9; Gulf Information Project 1994, np). Shi'i under-representation in government positions persisted after the Ba'athist Party came to power in 1968 (ibid.; Islam and Islamic Groups 1992, 111-12; Contemporary Religions 1992, 426).

During the Iran-Iraq war Sunni suspicion of possible Shi'i sympathy and support for Iran led to the arrest, expulsion and suppression of thousands of Shi'is (AI Apr. 1993, 9; Gulf Information Project 1994, np). Sources indicate that the 1991 uprisings in southern Shi'i regions led to a new wave of suppression (ibid.; AI Apr. 1993, 5-7; The Economist 8 Apr. 1995, 23). According to an April 1993 Amnesty International report

the uprising began on 1 March [1991] when Arab Shi'a Muslims in southern Iraq rose in revolt against the government ... . In the south opposition forces briefly seized control of several major towns and cities, including al-Najaf, Karbala' and Basra. However, by mid-to late March government forces had largely succeeded in crushing the uprising in this area. Thousands of people suspected of taking part were arrested, some of whom were subsequently summarily executed, while the fate of others remains unknown (AI Apr. 1993 5).

Several sources allege that Iraqi Shi'is have been the victims of arbitrary arrest, detention without trial, disappearance and extrajudicial execution in the months and years following the uprising (ibid.; ibid. 1995, 168; UN 15 Feb. 1995, 7-8; HRWME June 1995, 2; HRW 1994, 277; MEI 5 Aug. 1994, 15). Citing a document published by the London-based Public Affairs Committee for Shi'i Muslims, a November 1994 UNHCR paper states that "the repression of the Shi'a Moslem majority of Iraq continues unabated since the end of the Gulf War and the March 1991 uprising ..." (UNHCR Nov. 1994 14). Furthermore, the UN Special Rapporteur, quoted by Middle East International, "called the events in the south since 1991 'one of the worst cases of massive violation of human rights anywhere in the world since the second world war'" (MEI 29 Apr. 1994, 18).

1993, 36). While the zone prevents aerial attacks, Iraqi ground forces are still able to enter the region and launch artillery attacks on inhabitants (CRS 13 Apr. 1994, 4; Country Reports 1994 1995, 1088; The Economist 8 Apr. 1995, 23).

Since 1991 the Iraqi government has grown increasingly hostile to the Shi'i faith and culture; Shi'i institutions have been closed, shrines destroyed and restrictions have been imposed on the practice of the religion (Gulf Information Project 1994, np; Freedom in the World 1995, 308; AI Apr. 1993, 8; see also UNHCR Nov. 1994, 14). Members of the Shi'i clergy have also been targeted for arrest and several have "disappeared" since 1991 (ibid., 5; Freedom in the World 1995, 308; Gulf Information Project 1994, np).


"Because the marshes consist of winding networks of waterways bounded by high reeds, the central government in Baghdad has always had difficulty controlling the area" (CRS 13 Apr. 1994). As a result of this inaccessibility vast stretches of marshland have been drained in order to facilitate Iraqi government control over the region and to permit easier troop movement into the marshes (Middle East International 29 Apr. 1994, 19; Gulf Information Project 1994, np). Inhabitants of the marshes have been targeted by large-scale burning operations, artillery bombardment, arbitrary arrest and killing (Country Reports 1994 1995, 1088; CRS 13 Apr. 1994, 1-2; The Middle East Review 1995 1995, 37; UNHCR Nov. 1994, 15). According to Country Reports 1994 as the marshes dried, military units launched land-based attacks on villages. On March 4 [1994], the military began the largest search-and-destroy operation in the marshes in 2 years. The offensive included the razing of villages and burning operations concentrated in the triangle bounded by Nasiriyah, Al-Qurnah, and Basrah. The magnitude of the operation caused the inhabitants to flee in several directions: deeper into the marshes, to the outskirts of southern Iraqi cities, and to Iran (Country Reports 1994 1995, 1088; see also MEI 29 Apr. 1994).

Quoting an October 1994 The Times article, a UNHCR report states that "'while the marshlands are drained, ground-to-ground missiles and Iraqi tanks continue to assault the remaining inhabitants" (UNHCR Nov. 1994, 15). According to The Economist "the Iraqi army flushes them [Shi'i Iraqi rebels] out, together with fishermen and villagers, mercilessly" (The Economist 8 Apr. 1995, 23).


the regime has begun to shell residential areas with heavy artillery to force the citizens to flee their homes ... Several villages in Al-'Amarah [Maysan] Governorate's al-Majarr al-Kabir district have been shelled by regime artillery, causing civilian casualties and forcing dozens of families to escape the area and look for other shelters (ibid.; see also Voice of Rebellious Iraq 30 Mar. 1996; Al-Hayah 4 Apr. 1996).

There have been reports that Shi'i residents in Baghdad have also encountered difficulties (The Economist 12 Nov. 1994, 60). The Iraqi government has reportedly forced people who were not residents of Baghdad before 1991 to leave the city (ibid.; Middle East Report Mar.-Apr. 1995, 8; UN 15 Feb. 1995, 8). According to one report, this action was precipitated by an overwhelming demand for housing in Baghdad (Middle East Report Mar.-Apr. 1995, 8; see also UN 15 Feb. 1995, 8). According to The Economist, however, the move is an attempt to consolidate Sunni support in Baghdad and central Iraq (The Economist 12 Nov. 1994, 60). Shi'i's have been the group principally affected by this policy (ibid.; Middle East Report Mar.-Apr. 1995, 8). According to The Economist those "who cannot prove residency in the city before 1975 can no longer buy property" (The Economist 12 Nov. 1994, 60; see also Middle East Report Mar.-Apr. 1995, 8). An April 1996 report maintains that the Iraqi government is pursuing a renewed campaign "aimed at reducing the percentage of Shiite and Kurdish inhabitants in Baghdad" (Voice of Rebellious Iraq 15 Apr. 1996).

4.2.4 Other Minorities

As previously noted, Iraq's population is largely Muslim; approximately 90-95 per cent of all Iraqis are Sunni Arab, Sunni Kurd or Shi'i (Europa 1995, 1569; Islam and Islamic Groups 1992, 111). The remainder of the population is comprised of a number of small religious and ethnic minorities (ibid.). The Turcomans, the largest of these minorities, are predominately Sunni Muslim (Europa 1995, 1569; Islam and Islamic Groups 1992, 111) although there exists a small community of Shi'i Turcomans (Gulf Information Project 1994, np; UNHCR Nov. 1994, 16). The Turcomans are concentrated in northern Iraq, principally in the governorates of Kirkuk (the main centre of the Turcoman population), Mosul, Arbil, and Diyala (ibid.). Population estimates of the Turcomans range from 300,000 to as high as one million (Sellier 1993, 73; Gulf Information Project 1994, np).


According to the UN Special Rapporteur, cited by the UNHCR, Turcoman linguistic, cultural and
proprietary rights have been restricted in Iraq (UNHCR Nov. 1994, 16; see also Gulf Information Project 1994, np). In addition, "since 1975, directors of ... [Turcoman] societies have been replaced by pro-government Ba'ath party members" (UNHCR Nov. 1994, 16). Shi'i Turcomans, alleging "double discrimination," report that they have been specifically targeted for harassment by the Ba'athist government (Gulf Information Project 1994, np). The Gulf Information Project reports that the Turcomans "allege they have suffered oppression and persecution by the Ba'athist government ... . In particular, this was related to attempts by the regime to 'arabize' the Kirkuk governorate" (ibid.). As noted previously in this report, Turcomans, along with Kurds and Assyrians, continued to be forcibly deported from northern cities and villages, especially around Kirkuk, in 1995, as the government pushed ahead with its bid to increase the Arab percentage of the population (see section 4.2.2) (Country Reports 1995 1996, 1167-68; HRW 1995, 284; McDowall 28 Nov. 1995; Gulf Information Project 1994, np).

Estimates of Iraq's Christian population vary greatly. According to the Atlas des peuples d'Orient, Christians (Assyrians and Chaldeans) represent three percent of Iraq's population of over nineteen million (Sellier 1993, 73; Contemporary Religions 1992, 426). Other sources estimate the Assyrian population to be between 30,000 and 77,000 (Gulf Information Project 1994, np; Contemporary Religions 1992, 426; Ethnologue 1992, 643). The Chaldean population is approximately 190,000 to 250,000 (Contemporary Religions 1992, 120; Gulf Information Project 1994, np; Europa 1995, 1569). Ethnologue notes that the terms Chaldean and Assyrian are occasionally used to refer to both groups as a whole (Ethnologue 1992, 644).

Europa reports that Christian communities can be found in most major Iraqi cities, "but their principal villages lie mostly in the Mosul district" (Europa 1995, 1569; see also Gulf Information Project 1994, np). The Chaldean Patriarchate, formerly based in Mosul, is now located in Baghdad (Europa 1995, 1569; Sellier 1993, 73; Contemporary Religions 1992, 121).

Iraqi Christian communities are represented in Saddam Hussein's government and in the Republican Guards; according to a UNHCR report Hussein "apparently finds [Christians] more trustworthy than either Shi'i or Sunni Moslems" (Nov. 1994, 17). Tarek Aziz, member of the RCC and Deputy Prime Minister, is a Chaldean (Sellier 1993, 73; Gulf Information Project 1994, np; People in Power Jan. 1996, 89). Despite this, however, the Gulf Information Project notes that the "influence of Christians in the Ba'thist government has been small" (Gulf Information Project 1994, np).


The fates of Christians and Kurds have been closely linked in the past; Assyrian "fears of persecution stem from Iraqi government policies toward the Kurdish areas ... . In the anfal operations of 1988 in particular, Assyrians, along with Kurds had their homes and churches destroyed, and many people were deported from their homes areas, or killed" (Gulf Information Project 1994, np; MEW 1990, 35). Assyrians have been forced to declare themselves Arab in Iraqi census' and according to the UN Special Rapporteur, Assyrians have experienced incidents of arbitrary arrest, detention, torture and extrajudicial execution (UNHCR Nov. 1994, 17). Chaldeans and Assyrians are among those minorities in Kurdish controlled regions of northern Iraq who have not been permitted to return, or are simply afraid...
to return, to their homes in Kirkuk (LCHR Apr. 1992, 5). *Country Reports 1995*, citing the Special Rapporteur, stated that Assyrians continued to face discrimination throughout 1995 (*Country Reports 1995 1996, 1170*). Furthermore, "according to opposition reports, many Assyrian families were forced to leave Baghdad" in 1995 (ibid., 1170-71).

Assyrians residing in areas of northern Iraq controlled by Kurdish factions are represented in the Kurdish parliament (*Political Handbook of the World 1994-1995 1995, 413-14*; *Gulf Information Project 1994, np*; *Reuters 9 Apr. 1995*). According to one source, Assyrian schools are operating in the Kurdish-controlled regions (ibid.).

Most of Iraq's Jews have immigrated to Israel, leaving only 200 to 300 Jews in Iraq, principally in Baghdad and Basra (*MRG 1991, 194; *AntiSemitism World Report 1995 1995, 261*). According to *Freedom in the World* Jews are free to practice their religion, although they face "restrictions in travelling abroad and in contacting Jewish groups outside the country" (*Freedom in the World 1995, 308*).

### 4.3 Travel Restrictions

Iraqi citizens are restricted in their freedom of movement, both with regard to internal and external travel (*UN 15 Feb. 1995, 8*; *Freedom in the World 1995, 309*; *Country Reports 1994 1995, 1091*). According to *Country Reports 1994*, anyone entering border areas or security zones is at risk of arrest and detention (ibid.). Checkpoints are reportedly common in Iraq, and several late-1994 and 1995 reports note an increase in road-blocks and checkpoints throughout the country, in particular along major highways between Baghdad and the Jordanian border and on highways between Baghdad and the cities of al-'Amarah, al-Basrah and Kirkuk (ibid.; *Voice of the Iraqi People 3 Apr. 1995*; ibid. 30 Nov. 1994; *AFP 21 Aug. 1995*; *Radio Monte Carlo 15 Mar. 1995*; *Kuwait News Agency 10 Apr. 1995*). According to a 4 November 1995 report, security at the Syrian border has been increased, reportedly the result of a series of Iraqi military defections to Syria (*Voice of the People of Kurdistan 4 Nov. 1995*). Another report states that at each barrier along the highway between Baghdad and the Jordanian border "soldiers mark the names of all the travellers, the license plate numbers of the vehicles and then pass them along to the next check point" (*AFP 21 Aug. 1995*).[8] The same report notes that inspection procedures have been tightened since the defection of General Hussein Kamel Hassan al-Majid in August 1995 (see section 2.2.3 for further information on the defection) (*AFP 21 Aug. 1995*).

The RCC passed a decree on 14 March 1995 which saw an increase in the travel fee which must be paid by all citizens who travel outside of the country (*Al-Qadisiyah 26 Mar. 1995*). Another increase ordered in December 1995 stipulates that adults must pay 400,000 dinars, or approximately US$150.00 to $180.00, to travel outside the country (*Radio Monte Carlo 28 Dec. 1995*; *Al-Urdun 1 Jan. 1996*; *Voice of the Iraqi People 26 Dec. 1995a*). The average monthly salary in Iraq was reported in 1995 as being between 4,000 and 6,000 dinars (*AFP 24 Aug. 1995*). According to one source "the measure is tantamount to a ban on Iraqis' travel abroad without explicitly announcing it" (*Voice of Iraqi People 26 Dec. 1995a*). Furthermore, the cost of renewing an Iraqi passport increased to 50,000 dinars in December 1995 (ibid.), and as of January 1996 it takes one month for Iraqis to obtain approval to leave Iraq (*Al-Urdun 1 Jan. 1996*).

Medical doctors, dentists, retired professionals, government employees, university professors and, according to *Freedom in the World*, Jews, are reported to be severely restricted in their ability to travel outside the country (*Freedom in the World 1995, 308*; *UN 15 Feb. 1995, 8*; 1995, 308; *HRW 1995, 283*). Women under the age of 45 cannot leave Iraq unless accompanied by a male relative (*UN 15 Feb. 1995*).
1995, 8; *Country Reports 1994* 1995, 1092). According to *Country Reports 1994*, students who wish to study abroad must provide the government with a guarantor; if the student fails to return to Iraq the guarantor and the student's parents may have to reimburse the government financially (ibid.). In 1995 President Hussein issued an order requiring all government employees and officials to obtain "presidential authorization" before they are permitted to travel outside of Iraq (AFP 21 Aug. 1995; HRW 1995, 283). President Hussein's office issued a decree in May 1996 which prohibits all journalists, members of the media, authors and all employees of the Information Ministry from travelling abroad (Voice of Iraqi People 5 May 1996).

*For information updates, please consult the Refinfo database and sources available at IRB Regional Documentation Centres.*

**NOTES**

[6] The Yazidis are a Kurmanji-speaking group and are exclusively Kurdish (Van Bruinessen 1992, 24; MRG Sept. 1991, 10). Yazidi beliefs incorporate aspects of several major religions in the region, including Zoroastrianism, Islam, Nestorian Christianity, Judaism and Manichaeanism (Bulloch and Morris 1992, 224; MRG Sept. 1991, 10). According to one source cited by Middle Eastern Studies, there are currently over 200,000 Yazidis (Yezidi, Ezidi) worldwide, of whom the bulk of 120,000 are found in Iraq (*Middle Eastern Studies* Oct. 1992, 994). Other sources indicate that the Yazidis number only 70-100,000 and live predominately in the Mosul region of Iraq (More 1984, 38; Bulloch and Morris 1992, 225; see also Van Bruinessen 1992, 24)

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[7] According to *Middle East International* by April 1994 6,000 square miles of marshland had been deliberately drained (MEI 29 Apr. 1994, 18). *Europa* reports that the government had drained "some 70% of the southern marshlands" by August 1993 (Europa 1995, 1559) while the Voice of Iraqi Islamic Revolution reported in May 1994 that "90 percent of the marshlands in the south have been dried up" (Voice of Iraqi Islamic Revolution 7 May 1994).

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[8] According to Human Rights Watch, Iraqi asylum seekers who entered Jordan were still not free from surveillance as "for several months in 1995, Iraqi agents occupied an apartment across the street from the United Nations High Commissioner for Refugees (UNHCR) offices in Amman in order to monitor and photograph Iraqis seeking asylum" (HRW 1995, 283).

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**Cook, Helena:**

Helena Cook is an international lawyer, Fellow of the Essex University Human Rights Centre and former head of Amnesty International's Legal and Intergovernmental Organisations Office. Her book *The Safe Haven in Northern Iraq: International Responsibility for Iraqi Kurdistan*, published jointly by the Essex University Human Rights Centre and the Kurdistan Human Rights Project, is a study of the status of the Kurdish safe haven in Northern Iraq from the standpoint of international law.

**Country Reports on Human Rights Practices:**

The United States Department of State prepares an annual volume of reports on human rights conditions around the world. The United States does not have an embassy in Iraq, therefore, the entry on Iraq in *Country Reports* draws much of its information from non-US government sources. The Lawyers Committee for Human Rights (LCHR) publishes a yearly critique of the Department of State's *Country Reports* (LCHR July 1995, 125). Regarding the 1994 report on Iraq, the LCHR notes that access to reliable information on Iraq remains limited, and while the report on Iraq "does for the most part specify the sources of its information, ... it would have been helpful for the reader to be made fully aware of the constraints under which the report is compiled" (ibid.) Furthermore, the LCHR states that "the role of the international community and the human rights consequences of its interventions in Iraq since 1990 continue to be played down or left unexplained [in the report].... Given that the United States has been a key player in decision-making within the UN Security Council on issues relating to
Iraq during this period, this perspective would seem very relevant" (ibid.).

**Gulf Information Project:**
The Gulf Information Project provides information on refugees, displaced people and vulnerable groups in the aftermath of the 1991 Persian Gulf War. It was established by the British Refugee Council and is supported by British NGOs.

**International Commission of Jurists (ICJ):**
The International Commission of Jurists is a non-governmental organization devoted to promoting the understanding and observance of the Rule of Law and the legal protection of human rights throughout the world. Its activities include publishing *The Review*; organizing conferences and seminars; conducting studies or inquiries into particular situations or subjects concerning Rule of Law; and sponsoring proposals within the United Nations and other international organizations for improved procedures and conventions for the protection of human rights.

**McDowall, David:**
David McDowall is an independent specialist on Kurdish and Middle Eastern Affairs. Based in Surrey, UK, Mr. McDowall has written extensively on the Kurds and Palestinians, including several reports for the London-based Minority Rights Group. His book entitled *A Modern History of the Kurds* was published in late 1995 by I.B. Tauris.

**United Nations Report on the Situation of Human Rights in Iraq:**
The United Nations Human Rights Commission passed a resolution in 1991 that requested Mr. Max van der Stoel, a respected Dutch jurist, to a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur may deem relevant. The Special Rapporteur is to present his reports to sessions of the General Assembly and the Commission on Human Rights. The Iraqi government has refused Mr. van der Stoel permission to enter Iraq since 1992.

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1996, 33).


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**NOTES**

[9] This is an incorrectly transliterated name that refers to the same newspaper as the one listed below as *Al-Hayat*. [back]

[10] This is an incorrectly transliterated name that refers to the same newspaper as the one listed below as *Al-Hayat*. [back]