



IRAQ

COUNTRY REPORT

October 2004

**COUNTRY INFORMATION & POLICY UNIT
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. SCOPE OF DOCUMENT

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 October 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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2. Geography

2.1 Europa 2004 noted that Iraq is bordered by Turkey to the north, Iran to the east, Kuwait and the Persian Gulf to the south, Saudi Arabia and Jordan to the south-west and Syria to the north-west. Between the Iraqi, Jordanian and Saudi Arabian borders is a neutral zone devised to facilitate the migrations of pastoral nomads. [1a] (p443)

2.2 The United States State Department (USSD) Background note of August 2004 noted that Iraq's area is 437,072 sq. km. The capital is Baghdad, with a population estimated in 1986 at 3.8 million. Other major cities are Basrah, Mosul, Kirkuk, Sulaymaniyah and Irbil. [2c] (p1)

2.3 Europa publications 2004 noted that politically, the country is divided into 18 Governorates. Three of these, in the north-east of the country, formed what after the 1991 Gulf War became the Kurdish Regional Government administered area known variously as the Kurdish Autonomous Area, the Kurdish Autonomous Region and the Kurdish Autonomous Zone. [1a] (p508) [1b] (2199)

2.4 A USSD background (dated August 2004) note stated that:

“Almost 75% of Iraq's population live in the flat, alluvial plain stretching southeast toward Baghdad and Basrah to the Persian Gulf... Iraq's two largest ethnic groups are Arabs and Kurds. Other distinct groups are Turkomans, Chaldeans, Assyrians, Persians and Armenians. Arabic is the most commonly spoken language. Kurdish is spoken in the north, and English is the most commonly spoken Western language.” [2c] (p2)

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3. Economy

3.1 According to a USSD 2003 background note dated August 2004:

“Historically, Iraq's economy was characterized by a heavy dependence on oil exports and an emphasis on development through central planning. Prior to the outbreak of the war with Iran in September 1980, Iraq's economic prospects were bright. Oil production had reached a level of 3.5 million barrels per day, and oil revenues were \$21 billion in 1979 and \$27 billion in 1980. At the outbreak of the war, Iraq had amassed an estimated \$35 billion in foreign exchange reserves.

The Iran-Iraq war depleted Iraq's foreign exchange reserves, devastated its economy, and left the country saddled with a foreign debt of more than \$40 billion. After hostilities ceased, oil exports gradually increased with the construction of new pipelines and the restoration of damaged facilities. Iraq's invasion of Kuwait in August 1990, subsequent international sanctions, damage from military action by an international coalition beginning in January 1991, and neglect of infrastructure drastically reduced economic activity. Government policies of diverting income to key supporters of the regime while sustaining a large military and internal security force further impaired finances, leaving the average Iraqi citizen facing desperate hardships.

Implementation of a UN oil-for-food program in December 1996 has improved conditions for the average Iraqi citizen. In 1999, Iraq was authorized to export unlimited quantities of oil to finance essential civilian needs including, among other things, food, medicine, and infrastructure repair parts. The drop in GDP [Gross Domestic Product] in 2001-02 was largely the result of the global economic slowdown and lower oil prices. Per capita food imports increased significantly, while medical supplies and health care services steadily improved. The occupation of the US-led coalition in March-April 2003 resulted in the shutdown of much of the central economic administrative structure. The rebuilding of oil, electricity, and other production is proceeding steadily in 2004 with foreign support and despite the continuing internal security incidents. A joint UN and World Bank report released in the fall of 2003 estimated that Iraq's key reconstruction needs through 2007 would cost \$55 billion. According to the General Accounting Office as of April 2004, total funds available towards this rebuilding effort include: \$21 billion in US appropriations, \$18 billion from the Development Fund for Iraq, \$2.65 billion in vested and seized assets of the former regime, and \$13.6 billion in international pledges. The US and other nations continue assisting Iraqi ministries, to the extent requested by the IIG [Iraqi Interim Government], and offer extensive economic support.

Agriculture

Despite its abundant land and water resources, Iraq is a net food importer. Under the UN oil-for-food program, Iraq imported large

quantities of grains, meat, poultry, and dairy products. Obstacles to agricultural development during the previous regime included labor shortages, inadequate management and maintenance, salinization, urban migration, and dislocations resulting from previous land reform and collectivization programs. A Ba'ath regime policy to destroy the "Marsh Arab" culture by draining the southern marshes and introducing irrigated farming to this region destroyed a natural food-producing area, while concentration of salts and minerals in the soil due to the draining left the land unsuitable for agriculture. Efforts have begun to overcome the damage done by the Ba'ath regime in ways that will rehabilitate the agricultural sector and confront environmental degradation.

Trade

The United Nations imposed economic sanctions on Iraq after it invaded Kuwait in 1990. Noncompliance by Iraq with its UN obligations, particularly Iraq's refusal to allow weapons inspectors full freedom of action in dismantling Iraq's weapons program, caused those sanctions to remain in place until the Ba'ath regime was removed in 2003. Under the oil-for-food program Iraq was allowed to export oil and use the proceeds to purchase goods to address essential civilian needs, including food, medicine, and infrastructure spare parts. With the removal of UN sanctions, Iraq is gradually resuming trade relations with the international community, including with the U.S." [2c] (p4-5)

3.2 An Al-Mashriq report carried in the Institute for War and Peace Reporting (IWPR) Iraqi Press Monitor on 23 February 2004 stated that according to the Ministry of Planning and Developmental Cooperation, unemployment nationally in Iraq was running at 38%. The highest level was in Nasiriya, at 46%, the lowest, 14%, in Karbala. Baghdad's unemployment was 33%. [46f]

3.3 On 29 July 2004 the Foreign Affairs Select Committee noted that, "However unemployment remains a serious problem. Most sources put the figure at 40-50 per cent, with an additional 20 per cent under-employed. In March [2004], the Foreign Secretary told us that 'Estimates vary about levels of unemployment, but it is almost certainly around 50 or 60 per cent'". [62a] (p18)

3.4 According to a report by Iraq Today on 28 October 2003, "Despite predictions of pandemonium and terror in the streets, Baghdad and most other Iraqi cities remained quiet on [22 October 2003] as the transition to the new, Saddam-free Iraqi Dinar officially began." The currency changeover was due to be completed by January 2004. The denominations available included ID50, ID 250, ID1,000, ID5,000, ID10, 000 and ID25,000. On 23 October 2003 the exchange rate was reported to be ID1,880 to US\$1. [9a]

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4. HISTORY

4.1 The Economist on 9 December 2003 records that:

“The area of Iraq, known as Mesopotamia in ancient times, was home to a succession of cultures including Sumerians, Assyrians, Babylonians and Persians. Divided between Romans in the west and Persians in the east, the Mesopotamian plain fell to the Muslim Abbasid caliphate in the seventh century A.D. The Abbasids made Baghdad (founded 762) into the seat of the caliphate, and the city became one of the world’s greatest repositories of literary and scientific learning.

Invading Mongols sacked Baghdad in 1258 and, devastated, the area eventually came under the control of the Ottoman Turks, who ruled Iraq from their capital in Constantinople until the end of the first world war. When the defeated Ottoman empire was broken up, three Ottoman provinces were combined into the British mandate (protectorate) of Iraq. After a short period of British control, Iraq became a fully sovereign kingdom in 1932.

In the 36 years that followed, Iraqi politics were unstable, including a series of coups and counter-coups after the death of King Faisal, Iraq’s first monarch, in 1933. In 1958 the political turmoil came to a head, when a coup led by General Abdul Karim Qasim toppled the monarchy for good.

But Qasim’s rule was short-lived too. In 1963 he was overthrown in a coup orchestrated by members of the Arab Socialist Renaissance Party (Baath party). A counter-coup deposed the Baathists nine months later, but the plotters failed to consolidate their power, and the Baathists returned in 1968. General Ahmad Hassan al-Bakr, a leading figure in the coup that deposed Qasim in 1963, was named president. His handpicked successor, Saddam Hussein, became president after al-Bakr’s resignation in 1979.

In 1980, Iraq invaded the newly formed Islamic Republic of Iran. After early successes (aided by America and Britain, which feared Iran’s militant Islamism), the Iraqi army was pushed back, and the conflict stalled into a devastating war of attrition. When it ended inconclusively in 1988, Iraq’s economy was in ruins.

Two years later Iraq, which had largely rebuilt its military machine, easily conquered oil-rich Kuwait in an unprovoked attack. But under the aegis of the United Nations, an American-led multinational force expelled Iraqi troops from Kuwait in February 1991. Subsequent UN resolutions were set up to halt its chemical, biological and nuclear weapons programme, and trade sanctions were imposed to enforce them.” [199]

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4.2 A US Library of Congress report in January 2004 stated that:

“In his 2002 and 2003 State of the Union messages, President Bush characterized Iraq as a grave potential threat to the United States because of its refusal to verifiably abandon its weapons of mass destruction (WMD) programs and the potential for it to transfer WMD to terrorist groups. In September 2002, the President told the U.N. General Assembly that unless Iraq fully disarmed in cooperation with United Nations weapons inspectors, the United States would lead a coalition to achieve that disarmament militarily, making clear that this would include the [ousting] of Iraq’s President Saddam Hussein’s regime. After a November 2002 - March 2003 round of U.N. inspections in which Iraq’s cooperation was mixed, on March 19, 2003 the United States launched Operation Iraqi Freedom to disarm Iraq and change its regime. The regime fell on April 9, 2003.” [33b] (introduction)

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Post-Saddam Iraq

4.3 According to Europa Yearbook 2004, “The ousting of Saddam Hussein’s government was followed by a period of civil unrest. Looting, revenge killings and destruction of property were regular occurrences.” The initial US administrator, General Jay Garner, was quickly replaced on 12 May 2003 by Paul Bremer who was to head the Coalition Provisional Authority (CPA), the provisional administration of Iraq. The unrest led to resentment of the occupation and the CPA made the restoration of law and order a priority. [1a] (p482)

4.4 On 12 May 2003 the Washington Post noted that one of the first acts of the CPA was to outlaw the Ba’ath Party and demobilise the Iraqi army and security apparatus including the ministries of defence and information. The dissolution of the Ba’ath Party was announced on 11 May 2003. [16a] The BBC on 16 May 2003 added that at least 15,000, and up to 30,000 senior Ba’ath Party members were banned from taking part in a new government. [4q] In Keesings 2003, it was noted that the US issued a pack of playing cards containing details of the 55 most wanted people in Iraq. [3a] [p45372]

4.5 The Europa Yearbook 2004 noted that the unrest that immediately followed the fall of Saddam’s regime continued. As coalition forces and, increasingly, the reformed Iraqi police force, concentrated on reducing criminality, the pattern of violence shifted to attacks on the coalition, international organisations, and Iraqis perceived to be collaborating with them, especially the police. [1a] (p483)

4.6 Keesings 2003 added that, following a series of violent demonstrations by demobilised troops, the US announced that it would pay stipends to approximately 250,000 Iraqi veterans and would create a new, 40,000 strong Iraqi army. [3a] [p45493 – 45494]

4.7 According to a US Library of Congress report in January 2004, "On July 13, 2003, [the Iraqi Interim] Governing Council was unveiled to the Iraqi public, appointed by the U.S.-led CPA but reflecting the influence of the major-party grouping. It also contained prominent Iraqis who were never in exile and were not affiliated with the exiled opposition. Prior to the assassination on September 20, 2003, of Council member Akila al-Hashimi (a Shiite woman and former foreign ministry official) the Council had 25 members, of which 3 were women and 13 were Shiite Muslims." [33b] (p24)

4.8 According to Europa 2004, August saw three major attacks against non-coalition targets. Separate bomb attacks on the Jordanian embassy and UN headquarters in Baghdad killed 12 people and more than 20 people respectively. But the largest death toll was caused by a car-bomb in Najaf in which Hojatolislam Muhammad Bakr al-Hakim, the leader of the Supreme Council for the Islamic Revolution in Iraq was killed along with 125 of his followers. [1a] (p483)

4.9 In November 2003 the security situation continued to deteriorate. As noted in a BBC report dated 4 March 2004, on the 15 November the Governing Council announced an accelerated timetable for transferring control of the country to Iraqis. [4s]

4.10 A US Congress Report of January 2004 stated that "On December 13 2003, U.S. forces captured Saddam Hussein in the town of Ad Dur, nine miles south of his hometown, Tikrit, in Iraq's predominately Sunni tribal area north of Baghdad. Saddam, who had been hiding in a tiny cellar on a farm with \$750,000 and a pistol, surrendered to soldiers of the Fourth Infantry Division without a fight." [33b] (p29)

4.11 According to the Institute for War and Peace Reporting (22 March 2004), on 8 March 2004, after considerable last minute wrangling, a 'Law of Administration for the State of Iraq for the Transitional Period', generally known as the Transitional Administrative Law, was signed. The law vested sovereignty initially in the Iraqi Interim Government from 30 June 2004 and dissolved the CPA on that date. The second phase provides for an Iraqi Transitional Government to take office after elections for a National Assembly. At this point the Transitional Administrative Law will expire; this must take place by 31 January 2005 at the latest. [11j]

4.12 The Guardian in a timeline updated on 8 August 2004 noted that in April 2004 there was serious unrest in various places in Iraq. "Demonstrations by supporters of Moqtada Sadr descend into riots in the Sadr city area of Baghdad, as well as in Najaf, Nasiriyah and Amara. Nine coalition troops and more than 50 Iraqis are killed in the clashes, which are described as the worst unrest since Saddam Hussein fell." [6s] (p9-10)

4.13 In addition the Europa World Yearbook 2004 reported that US forces surrounded and blockaded Fallujah. 100 Iraqis are reportedly killed in 5 days of fighting. Two members of the interim cabinet resigned in protest. [1b] (p2190) The Guardian added that on 8 April 2004 "Widespread fighting leaves 460

Iraqis and 36 Americans dead in Falluja. Meanwhile local militias take control of the cities of Najaf and Kut amid the Shia insurgency, and three Japanese civilians are taken hostage as the coalition shows signs of fracturing." [6s] (p9)
The same article added that on 29 April 2004 US forces announce an end to their siege of Falluja leaving a newly created Iraqi security force to secure the city. [6s] (p7)

4.14 On 28 June 2004 the Integrated Regional Information Networks (IRIN) reported that, "US administrator Paul Bremer on Monday morning [28 June 2004] handed over government documents to Iyad Allawi, the interim Iraqi prime minister, in the heavily fortified 'green zone' in the capital where many governmental offices and palaces of former President Saddam Hussein are located. Allawi was accompanied by other members of the new interim government, including Sheikh Ghazi Ajil al-Yawar, the new president". [18o] (p1)

4.15 The article further noted that, "US officials appointed a Governing Council of 25 members last autumn [2003]. That council was dissolved in June [2004] for the new interim government, formed through a process facilitated by Lakhdar Brahimi, Special Adviser to UN Secretary-General Kofi Annan, and approved by Governing Council members. The new government, expected to be in power until the January 2005 elections, has a president, two deputy presidents, and a prime minister who oversees a council of 32 ministers". [18o] (p2)

4.16 IRIN news (16 August 2004) noted that the National Conference which was postponed from 1 August until 15 August 2004 included some 1,300 Iraqi delegates who's task was to name an interim assembly of 100. The same article stated that, "The parliament will include 81 of the 1,100 delegates and 19 members of the former Governing Council, the authority named by US administrator Paul Bremer that served from November [2003] to June [2004], following the US-led invasion of Iraq in April 2003." [18v] (p1)

4.17 The Guardian in a timeline updated on 8 August 2004 noted that on 4 August 2004 ferocious fighting erupted in Najaf breaking a ceasefire agreement. [6s] (p1) The BBC (27 August 2004) added that on 27 August 2004 the 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shia leader. Iraqi Shia militants are instructed to lay down their arms and leave the Imam Ali shrine - Shia Islam's holiest. [4c]

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History of Northern Iraq

4.18 According to an Economist analysis on 5 August 2003:

"Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the two main parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The latter was formed in the aftermath of the 1975 Algiers Accord between Iraq and Iran. This put an end to the Iranian-sponsored Kurdish revolt in Iraq, and prompted some political introspection within

the Kurdish camp, leading to the split within the KDP. Divisions between the two leaderships reached a peak in August 1996 when the KDP formed a brief alliance with the Iraqi regime to oust the PUK from its main bases.

Long-standing aspirations among Iraqi Kurds for a substantial measure of autonomy have played a part in significant periods of open revolt against different Iraqi regimes at various times since 1960. Iranian support for the Kurds was a key element sustaining them in different periods of revolt. In early 1988 the collapse of Iran's military advantage over Iraq in the 1980s Gulf war enabled Iraq to defeat the Kurdish rebels during a brutal campaign.

The crushing of the February 1991 Kurdish revolt following the end of the 1991 Gulf war led the Western coalition to establish a temporary haven in northern Iraq. The withdrawal of the Iraqi military behind a heavily defended line along the border of the Kurdish area, the establishment of a de facto Kurdish administration and the commitment by the Western coalition to patrol Iraq's airspace north of the 36th parallel (the so-called 'no-fly zone'), resulted in the tentative growth of an Iraqi Kurdish entity." [197] (p1)

4.19 A US Congressional report in January 2004 stated that:

"In the aftermath of the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes, and the KDP turned to Baghdad for backing. In August 1996, Iraqi forces helped the KDP capture Irbil, seat of the Kurdish regional government; Iraqi forces acted at the KDP's invitation. With U.S. mediation, the Kurdish parties agreed on October 23, 1996, to a cease-fire and the establishment of a 400-man peace monitoring force composed mainly of Turkomans (75% of the force)... Also set up was a peace supervisory group consisting of the United States, Britain, Turkey, the PUK, the KDP, and Iraqi Turkomans.

A tenuous cease-fire held after November 1997, and the KDP and PUK leaders [Masud Barzani and Jalal Talabani] signed an agreement in Washington in September 1998 to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). Reconciliation efforts showed substantial progress in 2002 as the Kurds perceived that the United States might act to overthrow the regime of Saddam Hussein. On October 4, 2002, the two Kurdish factions jointly reconvened the Kurdish regional parliament for the first time since their 1994 clashes." [33b] (p5)

4.20 After Saddam was ousted, according to the report:

“In post-Saddam Iraq, both Barzani and Talabani were part of the major-party grouping that has now been incorporated into the Governing Council, and both are part of the Council’s rotating presidency. Talabani was Council president during November 2003. The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions.” [33b] (p5)

4.21 As noted in a BBC timeline dated 4 March 2004, the north, which had escaped much of the violence that had afflicted the rest of the country was rocked on 1 February 2004 by twin bombings at the offices of the Patriotic Union of Kurdistan and the Kurdistan Democratic Party in Erbil. Over 100 people were killed. [4s]

4.22 IRIN on 17 September 2004 noted that there is increasing ethnic tension in the north of Iraq. "In general, Iraqis who originally moved to northern Iraq under former president Saddam Hussein’s 'Arabisation' programme have been under attack since the regime fell in April 2003 and US-led troops came in." [18aa] (p1) Human Rights Watch in an article dated 3 August 2004 stated that, "In northern Iraq, the authorities’ failure to resolve property disputes between returning Kurds and Arab settlers threatens to undermine security in the region". [15f] (p1)

[[See also Human Rights - Specific Groups - Kurds](#)]

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5. STATE STRUCTURES

The Constitution

5.1 As documented by numerous reports, on 9 April 2003 Saddam Hussein's regime collapsed and the US established the Coalition Provisional Authority (CPA) to run the country. [4s] (p4) [1b] (p2189) [2a] (p1) Coalition Provisional Authority Regulation Number 1 dated 16 May 2003 vested in the CPA all executive, legislative and judicial authority necessary for the achievement of its objectives under relevant UN Security Council Resolutions and the laws and usage's of war, this authority to be exercised by the CPA Administrator. Otherwise, unless suspended or replaced by the CPA, or superseded by legislation issued by democratic institutions of Iraq, all laws that were in force as of 16 April 2003 continued to be in force insofar as they did not prevent the CPA doing its work or clash with existing or future CPA Regulations or Orders. [32a]

5.2 A number of state entities most closely associated with the abuses of the former regime were dissolved by Coalition Provisional Authority Order Number 2: Dissolution of Entities. They were:

State

- Ministry of Defence
- Ministry of Information
- Ministry of State for Military Affairs
- Iraqi Intelligence Service
- National Security Bureau
- Directorate of National Security (Amm al-'Am)
- Special Security Organisation
- Saddam Hussein's bodyguards
- Army, Air Force, Navy, the Air Defence Force
- Republican Guard
- Special Republican Guard
- Directorate of military Intelligence
- Al Quds Force
- Emergency Forces (Quwat al Tawari)

Paramilitaries

- Saddam Fedayeen
- Ba'ath Party Militia
- Friends of Saddam
- Saddam's Lion Cubs (Ashbal Saddam)

Other organisations

- The Presidential Diwan
- The Presidential Secretariat
- The Revolutionary Command Council
- The National Assembly
- The Youth Organisation (al-Futuawah)

The Transitional Administrative Law

5.3 According to the BBC (4 March 2004) after marathon negotiations, a "Law of Administration for the State of Iraq for the Transitional Period", generally known as the Transitional Administrative Law, was signed. [4s] The Institute for War and Peace Reporting (22 March 2003) noted that the law vests sovereignty initially in the Iraqi Interim Government from 30 June 2004 and dissolves the CPA on that date. The second phase provides for an Iraqi Transitional Government to take office after elections for a National Assembly. The Transitional Administrative Law will expire once a government is elected under a permanent constitution; this will happen no later than 31 December 2005. [11j]

5.4 The Institute for War and Peace Reporting added that the Law provides that the transitional government will contain checks and balances and the separation of powers; the people of Iraq are to be sovereign and free; the Law provides for a republican, federal, democratic and pluralistic system of government; federalism to be based on geography, history and separation of powers; and not ethnicity or sect. The armed forces are to fall under civilian leadership; Islam is to be the official religion and a source of legislation; the law is to respect the Islamic identity of the majority; freedom of religious belief and practice is to be guaranteed; Arabic and Kurdish are to be the official languages. [11j]

5.5 The full text of the Law is at [ANNEX G](#).

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Citizenship and Nationality

5.6 The IWPR Iraqi Press Monitor noted on 25 February 2004 that:

"Iraqis whose citizenship was cancelled by the former regime will have it restored when the new law of administering the country is issued, according to governing Council Member Naseer al-Chadirchi. The new law will terminate the notorious Resolution 660 under which hundreds of thousands of Iraqis were deported by Saddam, Chadirchi said. He also said cancelled citizenships will be renewed automatically, enabling participation in future elections. The new law will not allow discrimination into first- and second-class citizenship, and it will no longer allow cancellation of citizenship for any reason." [46g]

5.7 The Transitional Administrative Law confirms that under Article 11, Section E: "Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annulled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi." [Annex F]

5.8 According to the Foreign and Commonwealth Office in a letter dated 26 April 2004:

"There is a lack of clarity over the position of Iraqi Jews who left Iraq. Many of them were forced out in the early 60s and were made to renounce citizenship and property rights, so it is ambiguous whether they are allowed to return as, in practice, it was not Saddam's regime who cancelled their citizenship and on paper they volunteered to renounce their Iraqi nationality. But these decisions were clearly not voluntary." [66a] (p2)

5.9 The United Nations High Commissioner for Refugees (UNHCR) in a paper dated August 2004 noted that:

"Statelessness is a major issue in Iraq. Up to half a million Iraqis (including Faily Kurds and Arab Shi'ites) were stripped of their nationality by the previous government and expelled to Iran. Meanwhile, Bidouns (stateless nomads) live on either side of the Iraq/Kuwait border. In addition, children of mixed marriages (particularly in cases where the mother is Iraqi and the father of another nationality) may face problems if they wish to return to Iraq, while women (such as those who have married men of another nationality) may face particular obstacles when they wish to return. In the recent past, nationality issues have not been decided in courts, and nationality laws frequently revised, with the result that indigenous expertise on the subject has declined." [40e] (p7)

5.10 The same document stated that a Non Governmental Organisation (NGO) that operates a legal aid centre would help Iraqi returnees who lack Iraqi identity papers, translate and notarize any identity documents that they have in order that they can access legal and other services open to Iraqi nationals. [40e] (p15)

5.11 On 27 September 2004 the IWPR Iraqi Press Monitor reported:

"A Ministry of Interior official said all deportees and other Iraqis whose citizenship was cancelled by the former regime for political reasons soon would regain their rights after the issuance of the regulations. The Ministry's Director General of Travel and Citizenship Hadi al-Mehna said all Iraqis would receive the new citizenship cards and nationality certificates. The new documents would not be easily counterfeited, he added." [46d] (p1)

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Political System

Interim Government

5.12 IRIN reported on 28 June 2004 about the Interim Governing Council. "That council was dissolved in June [2004] for the new interim government, formed through a process facilitated by Lakhdar Brahimi, Special Adviser to UN Secretary-General Kofi Annan, and approved by Governing Council members. The new government, expected to be in power until the January 2005 elections, has a president, two deputy presidents, and a prime minister who oversees a council of 32 ministers." [18o] (p2)

5.13 The Economist reported on 23 July 2004 that the structure of the interim Government is as follows:

President: Ghazi al-Yawar
Vice presidents: Ibrahim Jaafari
Rowsch Shaways
Key Iraqi cabinet members:
Prime minister: Ayad Allawi
Deputy prime minister for national security: Barham Saleh
Agriculture: Sawsan Sherif
Defence: Hazem Shaalan al-Khuzaei
Education: Sami Mudhafer
Electricity: Ayham al-Sammarai
Finance: Adel Abdel-Mahdi
Foreign affairs: Hoshyar Zebari
Health: Ala Abdel Sahab al-Alwan
Industry and minerals: Hajim Hassani
Interior: Falah Mohammed al-Naqib
Justice: Malik Dohan al-Hassan
Oil: Thamir Ghadban
Planning: Mahdi al-Hafidh
Public works: Nesreen Mustafa Berwari
Telecommunications: Mohammed Ali Hakim
Trade: Mohammed al-Joubri [19c] (p1-2)

Interim National Council

5.14 The Economist (29 July 2004) noted that the National Conference was to determine the Interim National Council. The Economist observed that:

"Over half of the 1,000 delegates have earned their places in the tent after 'caucus' elections in Iraq's 18 provinces, with successful candidates sometimes defeating as many as 30 rivals. The remaining 440 places in the tent have been distributed among established political parties, civil-rights groups and tribes, as well as the entire 100-strong steering committee chosen a couple of months ago by the American-appointed, now-dissolved, Governing Council. A quarter of the seats will go to women." [19d] (p1)

5.15 The same article noted that, "The national assembly will have more clout than any Iraqi parliament for decades. It will be able to veto legislation with a two-thirds majority, approve the budget and appoint new ministers in

the event of their death—all too possible, given the insurgents' penchant for assassination." [19d] (p1)

5.16 However the article noted that:

"This week the Islamic Party, whose leader was in the old Governing Council, said it would stay away, so no Sunni religious party with support in the Sunni triangle will have a voice. Mr Massoum [head of the steering committee overseeing the selection of the tent's delegates] has again appealed to representatives of the turbulent Shia cleric, Muqtada al-Sadr, to join in. But they and the Muslim Scholars' Council, a Sunni body that uses its pulpits to encourage the rebels, merely say they will watch developments, implying that they may keep a foot in both the government's and the insurgents' camps." [19d] (p2)

5.17 IRIN news (16 August 2004) noted that the National Conference which was postponed from 1 August until 15 August 2004 included some 1,300 Iraqi delegates who's task was to name an interim assembly of 100. The same article stated that, "The parliament will include 81 of the 1,100 delegates and 19 members of the former Governing Council, the authority named by US administrator Paul Bremer that served from November [2003] to June [2004], following the US-led invasion of Iraq in April 2003." [18v] (p1)

5.18 According to Tareek al-Shaab newspaper, documented in the Iraqi Press Monitor on 25 August 2004, "The National Assembly will hold its first session by September 1 [2004], and will deal with the bylaw of the assembly and mechanism of work. The members will keep talking to all bodies not participating in the assembly to maintain their levels of communication. The 81 elected members represent all Iraqi currents, including secular, religious and liberal exponents along with independent figures and tribal leaders." [46b]

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Interim Governing Council

5.19 In a report provided by the Congressional Research Service and dated 7 January 2004 it was noted that on 13 July 2003, the Iraqi Governing Council (IGC) was appointed by the U.S.-led CPA. It reflected the influence of the major-party grouping and it also contained prominent Iraqis who were never in exile and were not affiliated with the exiled opposition. [33b] (p24)

5.20 CNN announced in June 2004 that the U.S. appointed Iraqi Governing Council dissolved itself in June 2004 after the announcement of an interim president and other new government positions. The council's role had been advisory to the U.S. led Coalition Provisional Authority. [17b] (p1)

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Cabinet

5.21 On 29 July 2004 the Foreign Affairs Select Committee stated that, "Of the thirty-one members of the cabinet, twenty-two had not served in the IGC and six are women. Following the announcement of the cabinet, the IGC dissolved itself and handed over its responsibilities to the new government, including control of the 14 ministries already under full Iraqi authority". The report further noted that several Shia parties were critical of the way the government had been formed. [62a] (p21)

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Northern Iraq

5.22 The Kurdistan Observer reported on 25 May 2003 that having fought bitterly for most of the 1990s, the leaders of the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) appeared to have maintained a truce since the overthrow of Saddam but were still mistrustful of Baghdad. Since breaking free of Saddam's control, northern Iraq was a relative oasis of prosperity with dozens of satellite TV channels, internet cafes and shops filled with goods. [10b] The Kurdistan Observer on 12 June 2003 reported that the, "Kurdish parties in northern Iraq [PUK and KDP] agreed Thursday to merge their regional administrations in a move intended to give them a united voice after the U.S.-led war that ousted Saddam Hussein, Kurdish television said". The article added that, "KDP leader Massoud Barzani and PUK head Jalal Talabani attended a meeting in Dukan, northern Iraq, to set up a committee to oversee the unification of their administrations, which are run from Erbil and Sulaymaniyah respectively." [10m]

5.23 The Daily Star, a Lebanese newspaper, stated on 27 April 2004, "However the rivalry and distrust between the PUK and the KDP still persist. After years of efforts and negotiations, the two leading parties in Irbil and Suleimaniyah still cannot agree to unify their administrations, despite intense popular demand. What is also worrying is that there is still no clear Kurdish strategy regarding relations with Baghdad. These are serious challenges that will keep alive the sense of insecurity in Kurdish psychology." [57a]

5.24 A US Congressional report in January 2004 stated that:

"The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions." [33b] (p5)

5.25 The Guardian on 23 July 2004 noted that, "The KDP and the PUK have taken tentative steps to unite the ministries they control in each half of the region. Education, health, and justice have merged, but the more sensitive

portfolios of economic planning and police, as well as the peshmerga, remain separate." [60] (p1)

5.26 The Kurdish Media on 29 July 2004 reported Massuad Barzani, the leader of KDP saying, "We would not accept in whatever shape to be directly ruled by Baghdad again.... Our decision on [the fate of] Iraqi Kurdistan is known. Iraq will [evolve to] become a federal structure, which is based on voluntary union. We would not accept less than this." [21b]

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Elections

5.27 On 14 September 2004 IRIN noted that, "The Iraqi election commission is putting together a voter database from existing food ration card data." [18y] (p2). Time magazine noted on 28 September 2004 that:

"At the polling stations, voters will be asked to choose a political party rather than an individual. The election will be run on a proportional-representation list system — each party contesting the election offers a list of candidates to fill the number of seats proportional to the share of the popular vote it wins. A party that earns 25 percent of the overall vote, for example, would be allocated 69 seats in the 275-member assembly, to be filled by the first 69 candidates on its electoral list. They'll also be invited to elect provincial assemblies on the same basis, and in the case of the autonomous Kurdish zone, to elect the members of the Iraqi Kurdistan National Assembly." [36b] (p2)

5.28 The Center for Strategic and International Studies (CSIS) noted in a September 2004 report that:

"This indicator [the elections] showed the most positive results of all those we reviewed, reflecting progress being made to prepare for national elections, scheduled for January [2005], and Iraqi participation in local elections that have already been held in certain parts of the country. Although Iraqis have not yet had the opportunity to vote, many are starting to have experience with democracy at the local level via the local, municipal, and provincial-level political councils that have been set up. Yet the councils have not been provided adequate resources, by either the CPA or Iraq's interim government, meaning they are largely hamstrung in terms of governing their locales or responding to citizens' demands." [63b] (p35)

5.29 The report added that, "The potential for the United Nations to fall behind in its elections preparations increases everyday because there is still no UN protection force to protect election workers, as called for in Security Council Resolution 1546. Security risks will also make it difficult for Iraqi politicians to engage in countrywide campaigning in the lead-up to the elections. Security is already impacting the ability of politicians to do their

jobs, as assassins have been targeting members of Iraq's interim government and local politicians." [63b] (p35)

5.30 The Economist questioned on 16 September 2004 whether an election is possible in the current climate of insecurity: "The prime minister, Iyad Allawi, and American officials insist that the promised parliamentary election in January is still possible—but maybe not everywhere in the country." The article added that even if Sistani, Iraq's most influential Shia cleric, does bless a partial election, others most certainly will not—particularly those whose support bases are designated no-vote zones. [19e] (p1) The Iraqi Press Monitor added on 28 September 2004 that, "Supporters of Muqtada Sadr, meanwhile, will not take part in the elections and Muqtada himself will present another new peace initiative, according to Sadr assistant in Nasiriya Aws al-Sheebani." [46k] (p1)

5.31 The Economist article predicts:

"The [political] parties have reason to prefer co-operation to competition. First, they assume that if they can portray themselves as a unified force, rather than a bunch of squabbling partisans, they may be able to capture support from those Iraqis who long for stability, whoever brings it. Second, most of the parties have never fought each other, or anyone else, in anything close to an open vote. Their leaders may choose to stick with the pecking order to which they have become accustomed, rather than risk all to gain all." [19e] (p1)

Political Parties

5.32 According to the International Crisis Group on 25 August 2003, there were over 100 political groups and parties functioning in post-war Iraq. [25a] (p1) A Joint British-Danish Fact-Finding Mission Report in August 2003 found that the parties operated freely and most had opened offices in Baghdad and other cities. There appeared to be a degree of co-operation between many of the various parties, most of which had a shared interest in restoring peace and stability and sooner or later ending the US occupation of the country. [30a] (paras 1.1 – 1.2)

5.33 However the same report added that:

"Another diplomatic source in Damascus suggested that the opposition groups are co-operating now because they are all in the same boat but if the situation does not improve they may start to lose credibility with their own constituencies. The source considered that although the main concerns of the Iraqi population are economic, as people become more frustrated there is a risk that they will start listening to the agitators. Beneath the surface there are many potential conflicts, e.g. between Sunni and Shi'a, Kurds and Turcomen, as well as potential friction within the Shi'a community." [30a] (paras 1.1 – 1.2)

5.34 CSIS noted in its September 2004 report that:

"Our interviews suggest major regional differences in terms of level of interest in politics, with residents in the southern cities of al-Hera and Kufa, for example, being completely apolitical, or at least uninformed about political events. Iraqis also seem disinclined to back particular political parties, likely a legacy of the Ba'ath party's reign. Although our interviews suggest that Iraqis are by and large giving their new government a chance, they are also incredibly frustrated with governance issues generally, suggesting a considerable hurdle in terms of laying the ground-work for democracy." [63b] (p36)

5.35 On 14 September IRIN noted that:

"New political parties in Iraq have been more interested in consolidating their power against other political parties, rather than letting voters know what they stand for, a senior US diplomat watching the process told IRIN, declining to be named. Residents regard many of the new political parties with suspicion, since they are made up of former exiles who lived outside the country during much of Saddam Hussein's regime, the diplomat said." [18y] (p1)

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Judiciary

5.36 According to the 2003 US State Department Human Rights report:

"At the fall of the regime, there were approximately 860 Iraqi judges and prosecutors. A number were not corrupt, connected to the security court or to high levels of the Ba'ath Party. Although far from a model of fairness, the judiciary was not significantly involved in the worst abuses of the prior regime. Pervasive human rights abuses existed in the regular judicial system, such as the use of tortured confessions. However, the ordinary courts in the Ministry of Justice were marginalized due to the regime's mistrust of many of the regular judges.

Bribery was a chronic problem in the judiciary, as was political influence. The regime intervened in the ordinary judicial system when a person of influence was arrested for the commission of an offense that was prosecuted in the Ministry of Justice Courts or where the victim of the crime had regime ties. However, judges, at times, demonstrated great courage." [2a] (p5-6)

5.37 Human Rights Watch reported on 7 April 2003 that Iraq's Revolutionary Courts, State Security Courts and Special Provisional Courts had been instrumental in the repression of the Iraqi people under Saddam's regime, and the state also interfered with other civil and criminal courts. [15b] Reporting the resumption of the justice system on 8 May 2003, the BBC stated that initially the courts would use the 1969 legal code which excluded the harsh criminal

punishments from Islamic law added by Saddam. But "They were staffed by judges who worked under Saddam Hussein, when the justice system was abused with arbitrary arrests and detention, torture and harsh punishment" [4n] and "After decades of Ba'ath Party rule, the Iraqi judiciary has been deeply compromised" according to Human Rights Watch on 15 April 2003. [15b]

5.38 On 29 July 2004 the Foreign Affairs Select Committee noted that, "Important progress has been made on reconstituting the judiciary." Sir Jeremy Greenstock, informed members of the Committee that:

"The Iraqi court system and judiciary generally have been developed quite well as an independent judiciary since the occupation began and is capable of handling more ordinary court cases.' The Judicial Review Committee has completed its review of judges and prosecutors for membership of the Ba'ath Party, corruption and human rights violations. The overall dismissal rate was around 25 per cent". [62a] (p13)

5.39 The Coalition Provisional Authority Order Number 13, amended on 22 April 2003, established a Central Criminal Court of Iraq consisting of two chambers: an Investigative Court; and a Felony Court. The court was to sit in Baghdad and in such sessions in other locations in Iraq as provided for by the Order. The Court would try offences committed after 19 March 2003. The Order establishing the court provides that judges must:

- a) be an Iraqi national,
- b) be of high moral character and reputation,
- c) have a background of either opposition to the Ba'ath Party, non-membership of the Ba'ath Party or membership that does not fall within the leadership tiers described in CPA/ORD/16 May 2003/01 and entailed no involvement in Ba'ath Party activity,
- d) have no criminal record unless the record is a political or false charge made by the Ba'ath Party regime,
- e) have had no involvement in criminal activities,
- f) have demonstrated a high level of legal competence; and
- g) be prepared to sign an oath or solemn declaration of office. [31c]

5.40 In a July 2003 report Amnesty International welcomed the abolition of the Revolutionary, Special and National Security Courts and noted the establishment of the Central Criminal Court. However, Amnesty expressed a number of concerns about the terms under which the court would operate including: the sweeping restrictions on former Ba'athists; that the appointment of judges for one year terms would not give them sufficient security of tenure to ensure their independence; that gender or political opinion were not listed among the grounds on which judges are not allowed to discriminate. [28b] (p15) AI also expressed concerns that the relationship between the Council of Judges and the Judicial Review Committee established by CPA Order No. 15 could give rise to a conflict of interest and that the restrictions on the employment of former Ba'ath Party members in the judiciary amounted to discrimination and contravened Principle 8 of the Basic Principles on the Independence of the Judiciary which lays down that the judiciary are like other

citizens entitled to freedom of expression, belief, association and assembly.
[28c] (p8)

5.41 Iraq Today reported on 15 September 2003 that Iraq's investigative courts were operating again but investigating judges had complained that the US military police who were in charge of the criminal justice system were doing a poor job of investigation and were ignoring due process in their haste. Investigative judges have a role similar to Grand Juries in the US and decide whether criminal charges should be filed against a suspect. Police are required to bring suspects and evidence before the courts for the investigating judge to decide whether charges should be filed but, the judges claimed, US military police would often bring the wrong suspects or mislay documents, causing cases to be delayed. The judges had appealed to the Ministry of Justice to do something about the problem. [9c]

5.42 Iraq Today on 15 September 2003 stated that the Iraqi appeals court, known as the Cassation Court, was struggling to overcome logistical and security concerns. The court was supposed to deal with civil and criminal cases but as of the middle of September 2003 was dealing with neither. Judges were concerned that so many files had been destroyed that they would find it difficult to discover the history in cases they were hearing. They also complained that they had no access to telephones, no desks, and that the air conditioning in their building did not work. [9c]

5.43 However, by early October 2003, Associated Press Television News (APTN) reported that Hashem Abed al-Raman, the Iraqi minister of Justice, claimed that 'the state of justice is good', with judges enjoying the freedom and responsibility to dispense justice in accordance with the law rather than with the wishes of Saddam Hussein's regime. The CPA had helped get Baghdad's courts up and running and have consulted with judges to develop new strategies. [51a]

5.44 APTN further reported that so far there had not been many dramatic changes to the Iraqi legal code, but there had been some critical ones: separation between the judiciary and legislature had been provided for; several dictatorial legal articles had been removed from the code; ministries, police and high-ranking military personnel no longer enjoyed legal immunity; and justices had been stripped of their right to issue sentences without due process. Salman al-Taie, a justice at Al Bayaa Court, was reported as saying that although the old legal structure was basically the one still being used, those elements that conflicted with human rights standards had been removed. Judge Sameer Ali Motlag said that there was no illegal force, beatings, insults, threats, fear tactics and that suspects had to be presented with legal evidence before being convicted. [51a]

5.45 According to Iraq Today on 22 September 2003, the Court of First Instance is a civil court dealing with such issues as unpaid debts, property ownership and disputes, patents, inheritance and contracts. Around 20% of the 50 or so cases before the court would be decided in any one week but judges were reported to be holding back some cases in the hope that the law

would be changed to erase the bad precedents established under Saddam's regime. [9d]

5.46 More recently, in September 2004 the Center for Strategic and International Studies (CSIS) noted that:

"When the CPA transferred power to Iraq's interim government, Iraq's courts were not yet functioning at prewar levels; by some estimates, the courts in Baghdad, for example, were functioning at about one-third their prewar capacity. Even the Central Criminal Court of Iraq, which the CPA established, lacks the basic materials needed to stock an office—it has no computers, typewriters, or filing cabinets and only a few bare desks and chairs. The CPA did undertake efforts to reform Iraq's justice system, including vetting Iraq's judges for ties to the Ba'ath party and corruption, and reestablishing the judiciary as an independent branch of government. It also began addressing Iraqi judges' outdated legal skills, including with a training program for a small number of judges in the Hague. Nonetheless, the justice system is completely overstretched by the rampant crime and security problems." [63b] (p37)

5.47 The Times on 9 August 2004 stated that, "Judicial and prosecutorial salaries have also been increased, to minimise the risk of temptation from bribes and to reduce corruption. Efforts have been made to refresh the legal skills and knowledge of the Iraqi judiciary in order to re-equip them with the necessary tools to conduct trials fairly and in accordance with internationally accepted standards." [5f] (p1) The article added that, "CPA order 35 restored the independence of the judiciary through the re-establishment of the Council of Judges, chaired by the Chief Justice of the Supreme Court." [5f] (p2) The source noted that the UK government is currently funding a programme of justice sector support in Iraq, implemented by the International Legal assistance Consortium, involving training on independence and international human rights law. [5f] (p3)

5.48 According to reports in the Washington Post on 4 November 2003 and the Independent on 5 November 2003, Judges have been the targets in a number of attacks including: on 3 November 2003 a senior judge, Mohan Jaber al-Shoueili, was kidnapped and killed in Najaf. The judge's deputy was also kidnapped but subsequently released. Both sources reported the deputy as saying that the killers had said they were obeying the orders of Saddam. The Independent reported that, "Mystery surrounds the murder because Najaf is a Shia holy city and most of its population hated the deposed president". But the Washington Post said that "Police in Najaf, a holy Shi'ite city, said they were investigating the killing of Shoueili, who had been leading probes into several Najaf officials who served under Saddam". On 5 November 2003, the Independent reported that a prominent judge was shot dead by gunmen in Mosul; "The reason for the killing is a mystery; he was not involved in prosecuting Baathists", the paper reported. Furthermore, "The assassination of two judges at opposite ends of the country differs from other killings in Iraq

in that the victims were prominent enough for their names to be recorded.” [8a]
[16c]

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Judiciary in northern Iraq

5.49 According to the US State Department Country Report on Human Rights Practices 2003, prior to the fall of Saddam’s regime the PUK and KDP enacted laws establishing an independent judiciary. According to press reporting and independent observers, both groups generally observed these laws in practice and in addition, both the PUK and KDP established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses. [2a] (p2)

Justice for Human Rights Abusers

5.50 On 10 December 2003 the Interim Governing Council issued a law creating a tribunal to try past atrocities. While welcoming some aspects of the law, Human Rights Watch on 11 December 2003 said that key provisions that were necessary for credible and legitimate trials were missing. “The law does not require that judges and prosecutors have experience working on complex criminal cases and cases involving serious human rights crimes. Nor does the law permit the appointment of non-Iraqi prosecutors or investigative judges, even if they have relevant experience investigating and prosecuting serious human rights crimes.” Human Rights Watch further stated that, “Human Rights Watch is also concerned that the law does not prohibit the death penalty or trials in absentia, and does not ensure that guilt must be proven beyond a reasonable doubt. In addition, the law does not sufficiently address protection of witnesses and victims or security for the tribunal and its staff.” [15g] (p1)

5.51 According to Amnesty International in a report in March 2004:

“To date, little action has been taken to address past human rights violations, including mass ‘disappearances’, or to investigate and bring to justice those found responsible for committing crimes against humanity, genocide and war crimes, or to provide compensation and restitution to victims. In December [2003] the Iraqi Governing Council established the statute of the Iraqi Special Tribunal in order to try Saddam Hussain and other former Iraqi officials, as well as a Committee on Truth and Reconciliation. However, it remains to be seen whether these will be effective and will help to gain justice for victims in accordance with international standards.” [28d] (p8)

5.52 On 8 March 2004 the Guardian reported that, “A team of US legal experts left for Iraq at the weekend to help build the case for Saddam Hussein and other members of his fallen regime to be tried for war crimes”. The CPA expected that the first prosecutions could begin towards the end of the summer or in early autumn of 2004, only weeks before the US Presidential election. US sources were anxious to stress that the US team was there only in an advisory capacity to the Iraqi Special Tribunal. [6f] On 21 April 2004 the

BBC reported details of the tribunal that was to try Saddam, including naming Salem Chalabi, nephew of IGC member Ahmad Chalabi, as President of the court. Seven judges and several prosecutors had also been named, and the tribunal allocated a budget of \$75 million for 2004-2005. The French lawyer expected to defend Saddam said a fair trial would be impossible. [4z]

5.53 On 1 July 2004 the BBC reported that former Iraqi President Saddam Hussein was told he faces seven preliminary charges. These were:

- Anfal 'ethnic cleansing' campaign against Kurds, 1988
- Gassing Kurds in Halabja in 1988
- Invasion of Kuwait, 1990
- Crushing the Kurdish and Shia rebellions after the 1991 Gulf War
- Killing political activists over 30 years
- Massacre of members of the Kurdish Barzani tribe in 1983
- Killing of religious leaders in 1974. [4b] (p1-2)

5.54 On 2 July 2004, in a press release AI stated that, "Amnesty International is deeply concerned at the absence of defence lawyers and the apparent censorship during yesterday's first court appearance by Saddam Hussain and 11 senior members of the former president's government." AI advised that the trial of Saddam Hussein and the other defendants be fair and open to the public scrutiny so that ordinary Iraqis and the international community can see that justice is being done. [28e]

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Legal Rights/Detention

5.55 The Netherlands general official report on Iraq dated June 2004 stated that, "CPA Order 10 transferred the management of detention and prison facilities to the Ministry of Justice. Regulations have also been issued governing the safeguarding of proper (according to international norms) living conditions in detention centres and prisons. This includes segregating the sexes, separating suspects from convicts and separating minors from adults. Prisoners are also required to be detained in separate cells. The regulations also provide safeguards relating to the supply of food and drink, sports, recreational and educational facilities, medical care, working conditions, the right to receive visits, the right to complain and faith. The Order also lays down requirements governing disciplinary instructions, including a ban on all forms of mistreatment and rules with which prison staff must comply." [71b]

5.56 The same report added that, "Since July 2003 the ICRC [International Committee of the Red Cross] has been registering detainees in Iraq at the request of the CPA." [71b] However according to an Amnesty International report in June 2004:

"There are detainees whom the International Committee of the Red Cross (ICRC) is not aware of their detention. These detainees, known as 'ghost detainees', were hidden largely to prevent the ICRC from

visiting them. On 17 June [2004], the US Defence Secretary Donald H. Rumsfeld admitted that in November 2003 he ordered military officials in Iraq to detain a senior member of Ansar al-Islam without listing him in the prison's register. This prisoner was reportedly arrested in late June or early July 2003 and was transferred to an undisclosed location outside Iraq. He was then returned to Iraq where he was detained in secret until May 2004 without being registered or assigned a prisoner number.

There is in effect a two-tier system whereby people detained by the Coalition Forces have fewer safeguards than those held under Iraqi justice system. For example, those detained by Coalition Forces can be held for 90 days before being brought before a judge (according to CPA Memorandum No. 3), whereas those detained within the framework of the Iraqi Code of Criminal Procedure (Article 123) must have their case reviewed within 24 hours. Those in Iraqi-run prisons usually have access to lawyers and judges at some point. Many of those held in prisons and detention centres run by the Coalition Forces have invariably been denied access to family or lawyers and any form of judicial review of their detention. Many are still illegally being held beyond the prescribed 90 days for judicial review." [28a] (p2-3)

5.57 Moreover UNHCR noted in August 2004 that:

"Some cases have remained *incommunicado* while others have had the right to legal counsel and have been subsequently released. Reports concerning several cases who are still being detained without charge and whose whereabouts are unknown have also been received by UNHCR. Families often do not know where their relatives are detained and what the charges against them are. Many families have to travel to multiple prisons across the country searching for news. The right to meet with their families and lawyers and to have a judicial review of their detention is to date still denied to many detained persons." [40e] (4)

5.58 On 19 July 2004 IRIN reported that, "Prison control is now split into two parts at Abu Ghraib, following the recent handover of sovereignty. Iraqi guards are in charge of common criminals and Coalition forces are guarding 'security detainees' (those deemed to be a threat to Coalition forces). Several prisoners being released during the prison tour claimed they were treated better after the abuse pictures were released in April this year [2004]." [18m] (p1)

5.59 In a previous article dated 13 July 2004, IRIN stated that, "Officials at Iraq's Human Rights Ministry are now able to make weekly visits to previously off-limits security detainees at Abu Ghraib prison near the capital, Baghdad, to make sure abuse documented in pictures taken by US soldiers there never happens again, they say." The same report also noted that, "The ministry opened an advocacy office of lawyers and social workers earlier this spring to meet detainees, according to Baktiar Amin, the human rights minister." [18n] (p1)

5.60 The article further noted that, "While previous United Nations Security Council resolutions gave the 'security file' to Coalition forces, the Human Rights Ministry is now working as a partner of US forces, Amin said. However, when it comes to the interrogation of security detainees, Iraqis are still not involved, he added." [18n] (p1)

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Death Penalty

5.61 Capital punishment was suspended on 10 June 2003 by Coalition Provisional Order Number 7. [31b] However The Iraqi government announced the reintroduction of the death penalty on 8 August 2004. The Guardian reported on 9 August 2004 that, "Officials said the move was part of a raft of measures designed to impose the rule of law in Iraq and stem the violence that has shown little sign of easing since the US officially ended its occupation at the end of June [2004].... The death penalty was reinstated for a number of crimes including murder, kidnapping and drug offences." [6r]

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Torture

5.62 UNHCR noted in August 2004 that, "Welcome amendments to the Iraqi Penal code prohibiting the use of torture and cruel and inhuman or degrading treatment or punishment were made by the Coalition Provisional Authority during its occupation and administration of Iraq." [40e] (p4)

5.63 However according to an Amnesty International report in March 2004:

"Many detainees have alleged they were tortured and ill-treated by US and UK troops during interrogation. Methods often reported include prolonged sleep deprivation; beatings; prolonged restraint in painful positions, sometimes combined with exposure to loud music; prolonged hooding; and exposure to bright lights. Virtually none of the allegations of torture or ill-treatment has been adequately investigated.

In Basra, at least four people have died in British custody. In one case, the cause of death was torture. Several people interviewed by AI described being tortured by British soldiers during interrogation.

Eight Iraqis arrested on 14 September [2003] by British soldiers from the British military base Camp Steven in Basra were reportedly tortured. The men all worked for a hotel in Basra where weapons were reported to have been found. Baha' al-Maliki, the hotel's receptionist, died in custody three days later; his body was reportedly severely bruised and covered in blood. Kefah Taha was admitted to hospital in critical condition, suffering renal failure and severe bruising.

In February 2004, during a hearing into the death in June 2003 of Najem Sa'doun Hattab at Camp Whitehorse detention centre near Nassiriya, a former US marine testified that it was common practice to kick and punch prisoners who did not cooperate – and even some who did. The marine had been granted immunity from prosecution for his testimony. Najem Sa'doun Hattab, a former Ba'ath Party official, died after he was beaten and choked by a US marine reservist." [28d] (p6-7)

5.64 Asharq al-Awsat, a London based pro-Saudi independent paper was reported by the Institute of War and Peace Reporting on 17 February 2004 as stating that:

"The Ministry of Justice has warned several political parties and organisations of the consequences of summoning people illegally for interrogation. In a statement, the Ministry said such action is considered a violation of the law and those who conduct it will be liable to legal prosecution. The paper says some undisclosed political organisations, parties, and movements have illegally summoned people and interrogated them concerning different 'charges'." [46c]

5.65 In the north, according to the 2003 US State Department Human Rights report, there were reports that authorities of both the PUK and KDP tortured detainees and prisoners. The same report also stated that prior to the fall of Saddam's regime the PUK and KDP enacted laws establishing an independent judiciary, according to press reporting and independent observers generally observed these laws in practice, and in addition had established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses. [2a] (p2 & 5)

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Internal Security

5.66 As noted by Keesings in June 2004 the appointment of the new Iraqi government on 1 June 2004 and the impending 30 June 2004 deadline for the transfer of sovereignty to the new government prompted an escalation of attacks by insurgents designed to undermine the new authority. "The attacks were generally well organised and included: suicide attacks against foreign civilians working for the US-led coalition; assassination of senior Iraqi officials; the sabotage of military and industrial target, including oil pipelines; and the capture and execution of foreign hostages." [3b] (p46090)

5.67 The Department for International Development (DFID) advised on 2 July 2004 that:

"Iraqis control Iraq's security forces. The Multi-National Force in Iraq (MNFI) is there at the request of the Iraqi Government, under a mandate set out in UN Security Council Resolution 1546. The MNFI's principal roles are: helping to maintain security; protecting the UN; and helping to develop Iraq's own security capacity." [59a] (p1)

5.68 In June 2004 Keesings added that the mandate for the MNFI will be reviewed at the request of the Iraqi government or 12 months from the date of the Resolution. "The Mandate should expire on completion of the political process (i.e. by Dec. 31, 2005) but could be terminated earlier if requested by the Government of Iraq." [3b] (p46089)

5.69 DFID (on 2 July 2004) observed that, "The Iraqi Ministry of Justice has taken charge of all Iraqi prisons and police. Iraqis have responsibilities for legal processes, including those involving Saddam Hussein and other former regime members." [59a] (p1) According to a US Congressional research report in January 2004, "Among its first actions, the Council authorized the establishment of an Iraqi war crimes tribunal for Saddam and associates accused of major human rights abuses. It empowered a three-member delegation to seek formal U.N. recognition; Chalabi, Pachachi, and Akila Hashimi, traveled to the United Nations in July 2003 and received a supportive statement from Secretary General Kofi Annan." [33b] (p25-26)

5.70 The Economist reported on 8 July 2004 that under a new 'national safety law', Iyad Allawi's government can impose curfews, allow searches and detain suspects for up to 60 days. Mr Allawi's hope is that ordinary Iraqis, desperate for security, will turn against the insurgents, especially foreign ones, and deprive them of succour. [19b] (p1)

5.71 The Economist further reported that, "Mr Allawi is offering an amnesty to 'resistance fighters' provided they hand in their weapons. At the same time, he is trying to call back some six army divisions, totalling more than 50,000 men, who served under Mr Hussein." [19b] (p2)

5.72 In spite of this, the Christian Science Monitor noted on 20 September 2004 that, "Since early April [2004], when the health ministry in Baghdad began keeping figures, some 3,200 civilians (not including Iraqi police or insurgents) have been killed - some in terrorist attacks, some by the US-led coalition. On average, insurgents now are attacking US forces 87 times a day. More than 100 foreigners have been kidnapped, and some 30 of those killed. Attacks on oil pipelines are occurring nearly every day now." [34h] (p1-2)

5.73 As a consequence, on 17 September 2004, The Christian Science Monitor noted that, "In a week of violence and signs of increased sophistication among Iraq's insurgent groups, the Bush administration announced plans to divert \$3.5 billion of \$18 billion in reconstruction funds from infrastructure projects. About \$1.8 billion of the money would go to create 80,000 new posts in local security forces: 45,000 new police, 20,000 additional national guardsmen, and 16,000 additional border police." [34f] (p2)

5.74 The Foreign and Commonwealth office stated on 22 October 2004 that:

"Recent terrorist attacks on Iraqis and Iraq's infrastructure are attempts to disrupt the political process and ruin Iraq's future. The Iraqi Interim Government (IIG) is determined to clamp down on terrorism and

insurgency. In his statement of 20 June [2004], PM Allawi issued a robust statement on security. He outlined plans to create special police units trained and equipped in counter terrorism, a National Guard and [to] tighten border security.

Besides a campaign of kidnapping of both foreign military and 'soft target' civilian contractors and the Iraqi police, the insurgents are also targetting senior officials, assassinating the Mosul Governor on 15 July; wounding the Minister of Justice, and killing 4 bodyguards on 17 July. Steps are being taken to strengthen protection of IIG Ministers." [66c] (p2)

5.75 According to a BBC article dated 5 August 2004, Iraq's border control is struggling to get a grip on the insurgents into its territory. The Multi-National Force is keen to train and equip Iraqi security forces so that they can safely withdraw. However the challenge is enormous and the insurgents seem to be well armed compared to the lightly equipped and inexperienced border guards. [4a] (p1-2) However in August 2004 the US Federal Department and Agency stated that, "In another development that will brighten night border patrols in Iraq, members of the Iraqi Border Patrol battalion in Diyanah received 25 sets of night-vision goggles and 10 Jeep Libertys from Multinational Corps Iraq on Aug. 28 [2004]." [75a] (p2) The Foreign and Commonwealth added on 22 October 2004 that, "Foreign Minister Hoshiyar Zebari has been very active in working with his counterparts in the neighbouring States on border issues. PM Allawi has given priority to border security efforts and has announced that he will use advanced technology to intercept terrorists, smugglers, illegal immigrants and contraband. The UK are working with Iraqis to help this process. There are now over 11,000 Iraqi border police operational across Iraq, with the aim to increase the Department of Border Enforcement to 20,000 personnel." [66c] (p2) [66d]

5.76 The effectiveness of internal security varies greatly between the Kurdish Regional Government administered areas and elsewhere. According to Lebanese newspaper The Daily Star on 27 April 2004:

"Furthermore, law and order exists [in the Kurdish Regional Government administered area]. Kurdish police and security forces are efficient and the security situation in the self-ruled Kurdish region is a far cry from that in the rest of Iraq. Exemplary relations between coalition troops and the population further enhance stability, including political stability." [57a]

5.77 However UNHCR in its Return Advisory paper dated September 2004 noted that:

"In the North, although the overall conditions seem to be better than in the rest of the country, the situation remains tense due to a number of factors. These include the political agenda of and relations between the two main Kurdish parties (PUK and KDP) as well as that of the Kurdish Regional Government authorities (KRG) with the IIG, the on-going debate linked to the modalities of the constitutional process, as well as

the establishment of a representative government, and the degree of autonomy for the Kurdish populated areas." [40g] (p3)

5.78 In July 2004 the Center for Strategic and International Studies noted that within the Kurdish area, "The major security concern is infiltration by Arab extremist groups intent on destabilizing an area known for its secularism and its close relations with the United States. In Sulaimania, the security situation is stable, but residents are slightly less optimistic than those of Erbil. This may be due to apprehension that increasing Kurdish-Arab tensions may lead to armed conflict." [63a] (p16)

5.79 The Foreign and Commonwealth Office on 22 October 2004 provided a brief summary of insurgencies in some of the main towns/areas in Iraq:

"Sadr City (suburb of Baghdad)

A poor Shia suburb of Baghdad commonly known as Sadr City remains a centre of tension despite a current ceasefire between the IIG/MNF and supporters there of Moqtada al-Sadr. The Iraqi Interim Government has made every effort to resolve the situation peacefully but the militia has continued to use threats and violence to prevent over 17,000 Iraqis from working on \$160 million worth of essential services projects designed to improve the lives of the citizens of eastern Baghdad

Fallujah

The Multinational Force continues to carry out intelligence led, targeted airstrikes against terrorist strongholds in the city. There are plans for military action, if al-Zarqawi is not handed over.

Samarra

On 30 September [2004], following a request from the IIG, Iraqi and US MNF forces began operations to secure government and police buildings in Samarra. Operations were successfully completed on 4 October [2004] with new Iraqi counter-insurgency forces performing well. Reconstruction projects are now underway, but concerns remain that insurgents have withdrawn to outlying areas and could be preparing counter-attacks.

Kirkuk

Ethnic tensions continue between returning Kurdish refugees and Iraqi Arabs. Internally displaced persons (IDPs) are based in the camps around Kirkuk. The Committee for Internally Displaced Persons (IDPs) set up by the Provincial Council has stalled.

Mosul

There are concerns over tensions in Mosul and the possibility of displacement of violence from Fallujah. There are reports of intimidation of moderates in places like Mosul, with threats to blow up mosques if clerics preached moderation.

Maysan

There have been security problems in Maysan related to Moqtada al-Sadr supporters. There have been a number of incidents involving Improvised Explosive Devices (IEDs) in recent weeks. Following a peace agreement the situation appears to have improved in October [2004]. Despite this overall improvement, there have been a series of high profile murders of businessmen with ties to the Iraqi Police and security services. Fighting between the Garamsha and Al-Halaf tribes has continued sporadically, interrupting communications along the main road to Maysan." [66c] (p2-3) [66d]

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Police

5.80 The New York Times reported on 29 June 2003 that the job of rebuilding the Iraqi police force was made doubly difficult because the available personnel were seen as tainted: the public saw the police as the most visible arm of Saddam's repressive security apparatus. The police themselves, on the other hand, saw themselves as the poor relations of Saddam's security machine and because the other security agencies largely kept order, the police did not know how to. Poorly educated and mostly poorly paid, they supplemented meagre incomes with systemic corruption so severe that Iraqis had to pay a bribe just to report a crime. [24e] (p2)

5.81 At the other end of the police hierarchy, senior police officers were also associated with the former regime. As part of the de-Ba'athification of Iraqi institutions, on 21 May 2003 L Paul Bremer dismissed a Baghdad police chief because he was a former member of the Ba'ath Party, despite the help he had given US forces in rebuilding the city's ravaged police force, according to Yahoo News on 26 May 2003. Abdul Razak al-Abbassi was fired the day after Baghdad officers complained that a top Ba'athist still controlled the force – al-Abbassi was found to have full membership of the Ba'ath Party, disqualifying him from any of the three top positions in an Iraqi government bureaucracy. [42a]

5.82 In May 2004 the FCO informed the Foreign Affairs Select Committee that:

"According to statistics provided by the Coalition Police Assistance Training Team, there are 78,224 Iraqi Police Officers on duty. In total, 14,746 officers have completed police training to date. This figure comprises 12,422 who have completed refresher training for serving officers through the Transitional Integration Programme (TIP), and 2,324 students who have completed the 8 week new recruit training. There are a further 2,003 students currently attending TIP training, and 1,837 on new recruit training, totalling 3,840 students. It is anticipated that an additional 50,000 will be trained". [62a] (p8)

5.83 However the same report quotes Dr Alani from the International Crisis Group who stated that, "There is no entity to handle the security because the Iraqi army is demoralised and very weak... Establishing the Iraqi army and Iraqi bodies has become a joke because those people are coming for US\$280 a month and when they are really needed they say that they are not going to fight. They are demoralised, under armed and not really effective". [62a] (p8)

5.84 The report further documents that, "In April a US Army General was reported as saying that about 10% of new officers were rebels and a further 40% had left their jobs". [62a] (p8)

5.85 The Institute for War and Peace Reporting noted on 3 August 2004 that, "The massive deployment of Iraqi police, one of the first acts carried out by the prime minister Iyad Allawi's government after it assumed power on June 28 [2004], has won support from many Baghdadis, who lived in fear of both bombers and common criminals. Many believed that jumpy American soldiers were just as dangerous." [11p] (p1)

5.86 The article further noted that, "Other people said that since the police force is now operating without US supervision, they feel more confident about providing it with information on the actions of insurgents in their neighbourhoods." However the article concluded that whilst the police force is more active, Iraq's other security agencies are still in the process of rebuilding. [11p] (p1-2)

5.87 In the Kurdish Regional Government administered area, according to a Reuters report carried by the Kurdistan Observer on 16 October 2003, "The two Kurdish factions [the PUK and KDP] which took control of the north after the 1991 uprising, built up police forces and local governments which remain in place, largely unaffected by the war." [10f] (p2)

5.88 The police are often a target for insurgents. The Christian Science Monitor noted on 17 September 2004 that, "Since the war's end, 700 Iraqi police officers have died." The article added that, "The police are taking steps to try to reduce the risks for police applicants, Juburi [Baghdad's deputy police chief] says, but he adds that the efforts are often foiled by the sheer numbers of young men pressing for a job. 'The morning of the bombing I went out myself to beg these young men not to stand in large groups, for some of them to return another day, but they wouldn't listen,' he says. 'They all thought they would be disadvantaged if they didn't come in that day.'" [34f] (p2)

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Security Services

5.89 The Daily Telegraph reported on 4 January 2004 that the US was to establish a secret security service in Iraq in an attempt to root out Ba'athist regime loyalists who were behind the continuing insurgency in parts of Iraq. Personnel would be drawn from Iraqi exile groups, Kurdish and Shi'ite forces

and former mukhabarat agents who are working for the Americans. Central Intelligence Agency (CIA) officers were expected to play a role in leading the service's operations. [48b]

5.90 The Associated Press reported in Duluth News Tribune (15 July 2004) that Iraq will form new security services. "The new service, the General Security Directorate, 'will annihilate those terrorists groups, God willing,' Allawi said during a news conference. In remarks published earlier in the al-Hayat newspaper, Allawi was quoted as saying Iraq has arrested operatives linked to al-Qaida and is seeing increasing coordination between the terror network and Iraqi insurgents loyal to ousted dictator Saddam Hussein". [60a]

Militias

5.91 "Several of the biggest political parties in Iraq say they are determined to keep their well-armed militias despite American opposition to the idea. They contend that the militias remain necessary in light of the lack of security throughout the country", according to a report in the New York Times on 9 February 2004. The militias are thought to number in the tens of thousands and include the peshmerga in the north and the Badr Organisation in the south. [24b] (p1) However, on 22 March 2004 the Kurdistan Observer carried a report that the leaders of the approximately 50,000 Kurdish peshmerga and the 10,000 strong Badr Organisation had provisionally agreed to dissolve their forces. Members of the militias would be offered the opportunity to work in Iraq's new security services or get substantial retirement benefits. Members of smaller militias would also be able to apply for jobs in the new security apparatus. Those who choose not to disband would be confronted and disarmed by force if necessary. [10g]

5.92 Keesings 2004 noted that, "Prime Minister Allawi announced on June 7 [2004] that nine political groups had agreed to disband their private militias, although Muqtada al-Sadr's radical Shi'ite 'Mahdi Army' was not amongst them. He said that about 100,000 paramilitary soldiers would demobilise and re-enter civilian life or join the country's security forces, Most of the militias would be phased out by January 2005." [3b] (p46091) The article added that:

"The parties to the agreement included: the two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdish Democratic Party (KDP); the Badr Brigade of the Shi'ite Supreme Council for the Islamic Revolution in Iraq (SCIRI); the Iraqi Islamic Party; the Iraqi National Accord; the Iraqi National Congress; Iraqi Hezbollah; the Iraqi Communist Party; and the Da'wa." [3b] (p46091)

5.93 According to the Foreign and Commonwealth Office on 26 April 2004 "An Iraqi Civil Defence Corps (IDC) battalion has been set up which includes personnel formerly in political militias to work with Coalition forces. This is part of an overall aim to integrate these forces into new national security force structures and to build Iraqi capacity to take on responsibility for security in the country". [66a] (p5) However Global Security.org (on 8 August 2004) noted that, "In July 2004 the new Iraqi government changed plans to leave the Iraq

Civil Defense Corps as a largely passive defense force and converted it to a National Guard." [73a] (p1)

5.94 Amnesty International in June 2004 documented that a number of political and religious opposition with armed wings have moved back to Iraq. Amnesty stated that in different parts of Iraq, they have put pressure on women and girls to wear the hijab or the strict Islamic dress, and that other people have been targeted by these groups, including members of religious minorities such as Christians and Sabean/Mandeans, alcohol sellers, well-known secularists, Ba'athists, former civil servants and former members of the old security services. [28a] (p8)

5.95 The report stated that:

"Basra, for example, has seen the emergence of numerous armed groups, some related to Shi'a Islamist political groups such as the Badr Organization, but many are new such as *Tha'r Allah* (God's Revenge), *Harakat 15 Sha'ban*, *al-Talee'a* (The Vanguard) and *Jama'at al-Fudhala* (Group of Virtue). These groups have occupied former government buildings which had been looted during the war and use them now as their headquarters. They are feared by many people in Basra because they have been responsible for gross human rights abuses, including killing a large number of former Ba'ath party members or supporters, former security men and alcohol sellers." [28a] (p8)

5.96 Amnesty added that, "The occupation of Iraq also led to the emergence of armed groups who vowed to end the occupation using all available violent means including suicide attacks. These groups, said to be a mixture of former Ba'ath supporters, former members of the various security services, Sunni radical Islamist groups and foreign fighters, have targeted Coalition Forces, members of the IGC, Iraqis cooperating with or working for the CPA and Coalition Forces, as well as international aid workers and journalists." [28a] (p18) The report added that, "These groups have also resorted to hostage-taking and killing of hostages to put pressure on countries that have troops in Iraq to withdraw them." [28a] (p9)

For a detailed list of militias please refer to [ANNEX C](#).

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Prisons and prison conditions

5.97 Global Security.org (last modified on 10 June 2004) noted that:

"Under Saddam Hussein certain prisons were notorious for routine mistreatment of prisoners. Al-Rashidiya Prison, on the Tigris River north of Taji, reportedly had torture chambers. The Al-Shamma'iyah Prison, located in east Baghdad, held the mentally ill and is reportedly the site of both torture and disappearances. The Al-Radwaniyah Prison

is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions. This prison was the principal detention center for persons arrested following the civil uprisings of 1991, and is estimated to hold more than 5,000 detainees." [73b]

5.98 IRIN news reported on the publication of pictures documenting the apparent human rights abuses by US troops in Abu Ghraib. The 19 July 2004 article stated that, "One picture allegedly taken by a US military police officer showed a prisoner on a leash held by a female soldier. Other pictures showed a hooded prisoner apparently hooked up to electrical wires, naked prisoners forced to pile into a pyramid and a naked man cowering in front of dogs held by men in uniform. Many of the pictures were taken last autumn [2003] but not released until April [2004]. At the time, US President George Bush apologised for the photos and called for the prison to be demolished. However, there has been no sign since that the building will be pulled down". [18m] (p1)

5.99 IRIN further reported that, "Prison control is now split into two parts at Abu Ghraib, following the recent handover of sovereignty. Iraqi guards are in charge of common criminals and Coalition forces are guarding 'security detainees' (those deemed to be a threat to Coalition forces). Several prisoners being released during the prison tour claimed they were treated better after the abuse pictures were released in April this year [2004]". [18m] (p1)

5.100 In a previous article dated 13 July 2004, IRIN stated that, "Officials at Iraq's Human Rights Ministry are now able to make weekly visits to previously off-limits security detainees at Abu Ghraib prison near the capital, Baghdad, to make sure abuse documented in pictures taken by US soldiers there never happens again, they say." The same article added that, "The ministry opened an advocacy office of lawyers and social workers earlier this spring to meet detainees, according to Baktiar Amin, the human rights minister". [18n] (p1)

5.101 The article further noted that, "While previous United Nations Security Council resolutions gave the 'security file' to Coalition forces, the Human Rights Ministry is now working as a partner of US forces, Amin said. However, when it comes to the interrogation of security detainees, Iraqis are still not involved, he added". [18n] (p1)

5.102 Moreover the article notes that, "Since the prisoner abuse scandal, hundreds have been transferred or released from Abu Ghraib. US forces still hold about 25 criminal detainees, said US Lt-Col Barry Johnson, a spokesman for the office of the Deputy Commanding General for Detainee Operations. All have been before a review board to determine whether they remain a threat to Coalition forces and whether they should continue to be held or released, Johnson said". [18n] (p1-2)

5.103 The 19 July 2004 article stated that, "Prison life in Iraq's blistering summer heat now includes air-conditioning, pillows, ice to cool drinking water, and books, Capt Vincent Amerena, a spokesman for the 16th Military Police Brigade, told IRIN in Baghdad. In addition, troops receive training reminding them that prisoners should be treated with dignity and respect. The soldiers

now at Abu Ghraib were brought in after the abuse happened, Amerena pointed out." [18m] (p1)

5.104 The UK Government informed the Foreign Affairs Select Committee (29 July 2004) that, "Information about internees is available. When someone is arrested their details are passed to the International Committee of the Red Cross which then informs the person's family. Iraqi police stations and CPA offices hold lists of all those in detention. The CPA is currently in the process of listing all detainees on the CPA website in Arabic". [62a] (p25)

5.105 In the north, the US State Department Human Rights Report 2003 stated that "Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions was observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly deny access to ICRC officials. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners". [2a] (p5)

5.106 On 20 April 2004 the BBC reported that 22 inmates of Abu Ghraib – described as security detainees - were killed and a further 98 wounded in a mortar attack on the prison. [4v]

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Military Service

5.107 The Independent and The Baltimore Sun (May 2003) noted that Iraq's armed forces as they existed under Saddam Hussein were dissolved in May 2003 by a directive issued by L Paul Bremer. The Ministry of Defence, Ministry of Information, Republican Guard and other security institutions were abolished and conscription was ended. The coalition planned to create a New Iraqi Corps that would be professional, non-political, militarily effective and representative of all Iraqis. Candidates for the new force would be screened. [8b] [14b]

5.108 Although the Coalition imposed a September 2004 deadline for the 35,000 strong new Iraqi army to be in place, it was reported by the BBC on 18 March 2004 to have said that it wants to have most of the new army, including 1,400 officers, signed on by the end of June. The majority of the first batch of 550 officers was reported to have served formerly under Saddam Hussein, and to represent the country's ethnic and religious mix. [4p]

Medical Services

5.109 Initial reports of widespread looting of health facilities were found by WHO and UNICEF in a July 2003 report to have been overstated. In fact about 12% of hospitals were damaged and 7% were looted. Two out of three rehabilitation hospitals in Baghdad were looted and are closed but only about 15% of Community Child Care Units were closed. To help compensate, 31

military hospitals with around 12,000 nurses were to be integrated into the public health system. At least half of Iraqi health professionals worked through the war, sometimes in very trying conditions, and most returned to work as soon as the fighting ended. [23a] (p35)

5.110 The same report stated that while in July 2003 specialised medicines for emergency care were not widely available, no major communities were without emergency medical services and supplies for an extended period either during the war or since it had ended. [23a] (p36) It was not possible to get sophisticated treatments such as cardiac surgery, and cancer treatment was limited according to the Joint British-Danish Fact-Finding Mission report in August 2003. Only basic drugs were available for the treatment of cardiovascular diseases and radiotherapy could only be administered in Baghdad and Mosul. There was a lack of many chemotherapy drugs. [30a] (paras 3.11 – 3.21) The Guardian noted in an article dated 15 October 2003 that, wealthier families had the option of obtaining drugs that were not available in Iraq from neighbouring countries but this was not an option for poorer people – for example a three month supply of the leukaemia treatment ATRA bought in Jordan would cost in the region of £15,000. [6m]

5.111 In July 2003, according to the Joint British-Danish Fact-Finding Mission report and WHO/UNICEF, the drug importation pipeline was functioning and items in short supply immediately after the war, including insulin, asthma inhalants, anaesthetics and anti-hypertensives were available, albeit in reduced quantities. All basic medicines and drugs and most treatments were available, the major difficulties being administrative and logistical – i.e. getting them to where they were needed. There were still shortages of laboratory reagents, oxygen and drugs for some chronic diseases but the WHO (July 2003) reported that the \$160 million of drugs in the Oil-for-Food pipeline should meet most needs through to the spring of 2004. [23a] (p36) In principle the most common drugs could be sent to Iraq within a few days. In some cases, more specialised medication might take longer to obtain. [30a] (paras 3.11 – 3.21)

5.112 The major impediment to getting medical treatment continued to be insecurity and in making their assessment the WHO and UNICEF assumed that for this reason less than 50% of patients were able to access health care. Particularly disadvantaged were pregnant women, children and the chronically ill, who were afraid to travel. [23a] (p33)

5.113 According to IRIN (via ReliefWeb) on 12 June 2003 the NGO-run Emergency Surgical Centre for War Victims in Erbil treated landmine victims. It operated another surgical centre in Sulaymaniyah and had a network of 22 first-aid posts that provided out-patient treatment for less urgent cases. An integral part of the treatment was rehabilitation – for 6 months after the prosthetic fitting, patients were provided with vocational training to improve their chances of finding employment. [7a] The Observer reported on 10 August 2003 that Iraqi doctors working with child amputees were operating under almost impossibly primitive conditions. Iraq's main centre of excellence for amputees, the National Spinal Cord Injuries Centre in Baghdad was badly

looted and lacked such basics as sheets, pillows and sterilisation equipment; doctors had no anaesthetic for amputations. Wounds were being dressed with unsterilised cotton and there were no chemicals to make casts for prosthetic limbs. [37a]

5.114 A shortage of adequate medical equipment and expertise was hampering the treatment of tuberculosis in the three northern Governorates and the associated social stigma was fuelling its spread, according to a report on IRIN on 16 June 2003. Erbil's only TB clinic struggled to keep up with the number of patients. With the equipment available the clinic was able to provide patients with the first line of treatment but if patients proved resistant to the drugs they were unable to administer advanced treatment: most patients do recover after the first treatment. The WHO worked with the clinic on a Directly Observed Treatment Short Course (DOTS) which ensured that patients had access to the medicine by supplying the clinic near where they lived with the drugs. Since the introduction of DOTS in April 2002 the recovery of TB patients had improved by almost 90%. [18a]

5.115 A US State Department special report in December 2003 described a number of improvements to the Iraqi healthcare system. They included:

“The entire country is at pre-war capabilities for providing health care - 240 Iraqi hospitals and more than 1,200 primary health clinics are operating, offering basic healthcare services for the Iraqi people.

Doctors' salaries have increased to between \$120 a month and \$180 a month, in comparison to \$20 a month before the war. There are roughly 22,000 physicians affiliated with the Ministry of Health, and about 35,000 nurses and nursing assistants.

The Ministry has 100,000 healthcare professionals and staff. More than 80 percent are women.

Iraq's 2004 budget for health care is \$950 million. Saddam Hussein's regime provided only \$16 million for the Ministry of Health in 2002, a 90 percent reduction from a decade earlier.

Health care for some ethnic groups was almost nonexistent under Saddam's regime. The Ministry of Health is working to ensure that health care is available to all Iraqis regardless of ethnicity, geographic origin, gender, or religious affiliation.

More than 30 million doses of children's vaccinations have been procured and distributed, and the Ministry has received grants to immunize the country's 4.2 million children under the age of five against preventable diseases such as polio, tetanus, diphtheria, measles, and tuberculosis.

Routine vaccinations are now available to newborns, children, and mothers every day at Ministry of Health facilities across the country and

are promoted nationally through immunization days on the 22nd of each month.

Since May 24 [2003], the Ministry of Health has delivered more than 25,000 tons of pharmaceuticals and supplies to healthcare facilities across Iraq.

The Ministry is responsible for 29,000 hospital beds.

Since the liberation of Iraq, the country has not faced a major public health crisis.

Three Facility Protective Services classes have trained over 1,300 personnel to protect health facilities.

The Ministry of Health has completed a \$1.7 million headquarters refurbishment project." [2d] (p1)

5.116 More recently in July 2004, The Guardian reported that:

"There have been two big changes since Saddam's time. Doctors' pay has gone up from \$3 (£1.65) to \$200 a month, and the medical fees which Saddam introduced five years ago have been scrapped. Now inpatient care is free. But drug supplies are still erratic, and the occupation authorities have spent little money to remedy the problem. Fear of corruption deters them and Britain's aid to Iraq concentrates on primary healthcare. Iraq's new UK-trained health minister, Dr Ala'adin Alwan, acknowledges there is mismanagement and corruption, with drugs 'leaking' out of hospitals to be sold in the street....He cites a lack of drugs for cardiovascular diseases, diabetes and cancer, as well as antibiotics and those medicines used to control communicable diseases. 'There is a wide range of medicines where our stock is either zero or very, very small'". [6q] (p2)

5.117 UNHCR (August 2004) added that:

" While consultations at the public hospitals are free of charge, the price of medicines is very high. Hospitals are generally able to stock and dispense basic medical supplies, although the quantity and quality (there are many problems with expired medicines) are not reliable. Other drugs must be obtained from pharmacies. The high cost of medicines for persons with special medical needs is problematic, especially in light of the very high rate of unemployment and low salaries. The situation in the four southern governates, which each have a main hospital, is particularly severe, with only 25% of hospital equipment functioning IF there is electricity. Medical supplies are very erratic, and hospitals still suffer from the effect of sanctions. Special treatments such as chemotherapy and radiation therapy are difficult to obtain due to both the lack of drugs as well as electricity to run the radiation machines, and children in the paediatric ward who suffer from

leukemia and other treatable illnesses are not expected to survive due to the lack of adequate care". [40e] (p9)

5.118 IRIN reported in July 2004 that 15 out of 68 private hospitals across the country now donate at least one free surgical operation per month to patients in desperate need of care. This was set up by an Iraqi NGO called Health Friends Organisation. IRIN added that:

"Surgery regularly costs \$600 to more than \$1,200 - an astronomical sum for people used to paying less than \$1 for a visit to the doctor....Owners of private hospitals decide who should receive free surgery after looking at applications. Doctors often follow up with free after-surgery care as well, she added. The hospital charges patients whatever they can afford to pay, especially if they need to stay overnight or longer after the operation". [18q] (p1)

5.119 Further information on medical provision can be found at [ANNEX F](#).

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Mental Health Care

5.120 On 26 July 2003 the Freedom and Peace Trust reported that Al-Rashad Hospital in Baghdad was the only long-term mental institution in Iraq and was regarded as one of the most advanced mental health facilities in the region. [13a] (p1) In a separate article dated updated 12 July 2003 the Freedom and Peace Trust noted that in July 2003, Al-Rashad had a capacity of 1,250 beds, although half of these were without mattresses and conditions were poor. There were six wards, 3 each for men and women, a maximum security ward and an out-patient clinic. [13b] (p1) On 26 July the same source noted that Basra General Hospital had a 16 bed psychiatric ward which catered for thousands of out-patients in an area with a population of 2.5 million. Both hospitals were looted of critical medicines in April 2003 and Al-Rashad hospital's patients were forced onto the streets; staff and NGOs had been working to return them to the hospital and treat them. [13a] (p1)

5.121 According to the Freedom and Peace Trust, Ibn-Alrashid Hospital was the only hospital in Iraq dedicated to short-term in-patient treatment focusing on addiction and severe depression. It also had a children's unit although there was not a specialist child psychiatrist (and possibly not one in the whole of Iraq). The hospital had 75 beds (all of which were full at the time of the report in July 2003, and an out-patient unit that served 80-100 patients a day. In addition, the five psychiatrists working at the hospital treated many cases of Obsessive Compulsive Disorder, Post Traumatic Stress Disorder and Bipolar illness. However, most of the medicines in the hospital were looted after the war and they sought help in developing proper treatment programmes. Patients paid a minimal fee for their stay at the hospital; the average length of stay was two weeks and for many it was a half-way house. [13b]

5.122 The Guardian reported on 30 August 2003 that Iraq had less than 100 psychiatrists, and many of them were reportedly planning to emigrate once Saddam's travel restrictions had gone. Of the remainder, some were prevented from practising because they were members of the top four ranks of the Ba'ath Party. [69]

5.123 The Freedom and Peace Trust claims to be the only NGO in Iraq focusing on the mental health system. They have the help of large teams of American and European bi-lingual psychiatrists, psychologists and social workers who are committed to treating Post Traumatic Stress Disorder. The Freedom and Peace Trust has distributed consignments of psychotropic and anti-convulsive drugs, including Risperdal, Paxil and Phenytoin, sufficient to treat thousands of patients, to al-Nasiriyah, Baghdad and Basra. Further shipments are to follow. The Trust was also planning to open the first Behavioural Rehabilitation Centre and Women's Crisis Intervention Centre in Iraq, and hoped to duplicate the model throughout the country. [13a]

5.124 According to Provisions Consulting Incorporated, an American Mental Health Specialist, there is a serious dearth of mental health professionals in the country. The article noted on 16 April 2004 that, "According to Numan Ali, M.D., secretary-general of the Iraqi Society of Physicians (ISP), there are only 90 psychiatrists, no psychologists, counselors or other mental health providers". However the paper also stated that, "The Alwiyah Women's clinic provides maternal and mental health care for women in Baghdad. Under Hussein, there was no mental health system and very little care for the mentally ill. Prior to the increase in health funding, the cost of receiving services at the clinical (sic) was too expensive for many Iraqis. However, the cost is now equivalent to 12 U.S. cents per visit." [74a] (p1-2)

5.125 IRIN reported on 17 June 2004 that national health adviser Dr. Fakri Saieb Sabeh has named a National Council for Mental Health to discuss Iraq's future strategy for the mentally ill. The article noted that "Sabeh has sent numerous mental health care nurses and social workers for training programmes in Jordan, Lebanon, Syria and Turkey". The article further noted that, "The Red Cross has spent more than US \$1 million on various projects, re-equipping rooms and buying new air-conditioners to replace those that were looted". [18w] (p1-2)

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HIV/AIDS

5.126 According to IRIN on 18 March 2004, 117 AIDS cases and 150 HIV infections had been reported to Iraqi health authorities at the end of 2000; these figures were, in the same article, considered on the one hand to be fairly reliable and on the other possibly to underestimate the numbers. "Treatment and care of infected people remains rudimentary in most parts of Iraq. Of 173 persons with AIDS reported in Baghdad in 1985, only 73 were still alive." And "Although the total number of people living with HIV remains small in Iraq, many have reported numerous infringements of their civil

liberties, including having to sign a form agreeing only to marry others with the virus". [18i]

5.127 Resources in clinics in Baghdad for those with HIV/AIDS were limited and although WHO had financed some diagnosis kits, medicines such as anti-retrovirals such as AZT, which cost US \$300 per patient per month had all been looted. Many registered patients no longer attended hospital and "WHO and the A[IDS] S[tudy] C[entre] have together put together (sic) a plan to bring HIV-positive patients back to the health centre by paying them US \$20 a month on top of the small monthly allowance they currently receive". [18i]

People with disabilities

5.128 Handicap International Belgium (website accessed 18 August 2004) stated that it has been present in the Suleymaniya region since 1991, dealing mainly with victims of anti-personnel mines laid during the various recent conflicts. [72a] (p1) IRIN (August 2003) reported Handicap International as saying, "Normally, in most countries, the general proportion of people with disabilities in a population would be something like 10 percent - but in Iraq I would guess it's an awful lot more....There are a lot more chronic disabilities here, because they haven't had access to drugs that would control progressive diseases - for example, with a disease like Parkinson's, a lot of people wouldn't have the drugs." [18u] (p1-2)

5.129 Handicap International advised that:

"The Orthopaedic centre in Suleymaniya 'Vincent Orthopaedic Centre' was joined in 1998 by a second orthopaedic centre in Halabja. Next, in 2001 and 2002, two delocalised centres (satellite units) were put in place in the towns of Penjwin and Kalar, to make primary care (physiotherapy, minor repairs to appliances) more accessible to villagers in border areas, who are the first to fall victim to accidents caused by mines (farmers, shepherds etc.)." [72a] (p1)

The same article noted that these centres provide support to some 7,500 disabled people. [72a] (p2)

5.130 UNHCR in August 2004 noted that, "There are currently no facilities available in Iraq for children with special needs or learning disabilities." [40e] (p11)

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Educational system

5.131 Schools were generally back and functioning, according to the Joint British-Danish Fact-Finding Mission Report in August 2003. Teachers continued to work even when they were not receiving salaries. Attendance varied widely amongst communities. Fear of sexual violence and abduction disproportionately affected women's and girls' school attendance but the situation improved as families arranged for their daughters to travel to and

from school in groups, and as more male relatives began escorting female students to school. By the beginning of June 2003 attendance overall had reached approximately 75%. [30a] (para 3.27)

5.132 In a report on 26 March 2004 the US State Department said that more than 2,300 schools had been rehabilitated, with nearly 900 more underway and 4,500 new schools planned to be built over the next four years; more than 32,000 secondary school teachers and 3,000 supervisors had been trained; entry-level teacher monthly salaries had risen from a pre-war \$5 to \$66; over eight million new textbooks had been printed and distributed; and more than 180,000 desks, 61,000 chalk boards, 808,000 primary student kits and 81,000 teacher kits had been provided. [2e]

5.133 However, according to a UNHCR report dated August 2004:

"Approximately 50% of Iraq's primary and secondary schools are in a very poor state of disrepair and are not considered acceptable for children, as they have neither basic water nor latrine facilities". The report further noted that schools are very crowded and children are obliged to attend schools in shifts. The report added that, "While there is no notable lack of teachers in the north and centre, in the south, there is a general shortage of teachers which is mainly attributed to the lack of salaries." [40e] (p11)

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6. HUMAN RIGHTS

6.A HUMAN RIGHTS ISSUES

General

6.1 Amnesty International, in its March 2004 report 'Iraq: One year on the human rights situation remains dire' concluded that:

"Every day Iraqis face threats to their lives and security. Violence is endemic, whether in the form of attacks by armed groups, abuses by the occupying forces, or violence against women. Millions of people have suffered the consequences of destroyed or looted infrastructure, mass unemployment and uncertainty about their future. And there is little or no confidence that those responsible for past and present human rights abuses will be brought to justice.

There have been some welcome positive developments in the country, especially in the field of freedom of expression, association and assembly. Dozens of non-government organizations (NGOs), including organizations focusing on women's rights, have been established, more than 80 daily and weekly newspapers are published and scores of political parties and religious organizations have emerged...

However, the positive developments, along with almost everything else, were constantly threatened by the mounting insecurity...

Some progress in this direction has been made since the early months of the occupation, particularly in the south of Iraq. Iraqis interviewed by AI delegates in February and March 2004 in Basra and Amara, the two governorates under the control of British troops, said the general situation had improved, although lack of security was still a major concern. Members of religious minorities, such as Sunni Muslims, Christians and Sabeian/Mandeans, felt they were being targeted for attacks and other abuses.

Elsewhere in Iraq, however, violence and insecurity continue to dominate daily life. Attacks on Iraqi police stations and Coalition Forces have steadily mounted. Most have taken place in central and northern Iraq, as well as in Baghdad, and have resulted in hundreds of deaths, mostly of Iraqis but also of US and other nationals." [28d] (p1)

6.2 According to Human Rights Watch (January 2004), "The Coalition Provisional Authority has a Human Rights and Transitional Justice Division. Its mandate, however, does not include monitoring or reporting on current abuses, but only on abuses of the past." [15d] (p8)

6.3 However a June 2004 report by the High Commissioner for Human Rights noted that:

"As part of the arrangements introduced by the Iraqi Interim Governing Council, an Iraqi Ministry of Human Rights was established in September 2003. It was given the mandate of addressing past human rights atrocities and safeguarding the human rights and fundamental freedoms of all persons within the territory of Iraq in the future. Specifically the Ministry of Human Rights is to help establish conditions conducive to the protection of human rights and fundamental freedoms in Iraq and prevent human rights violations in Iraq; to make formal recommendations for measures to prevent human rights violations; and to assist all people in society in healing from past atrocities; to serve as focal point for relations with international human rights bodies; and to provide advice to law makers." [40d] (p40)

6.4 Furthermore the same document noted that the Interim Government plans to establish a National Commission for Human Rights which would carry out the commitments of the Transitional Administrative Law (TAL), and to examine complaints pertaining to violations of human rights. [40d] (p41)

6.5 In the north, according to the US State Department Country Report on Human Rights Practices 2003:

"The KDP, PUK, and other opposition groups have committed human rights abuses in the past. However, prior to the fall of the regime, the

PUK and KDP enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's' and workers' rights. According to press reporting and independent observers, both groups generally observed such laws in practice. In addition, both the PUK and KDP established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses.” [2a] (p2)

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Security Situation

6.6 On 2 March 2004 UNHCR issued an Update to the International Protection Response to Asylum-Seekers from Iraq. This reported that:

“Despite the arrest of former leader Saddam Hussein in late November 2003, as well as the timetable for the restoration of full Iraqi sovereignty, agreed upon by the Iraqi Governing Council (IGC) and the Coalition Provisional Authority (CPA) on 15 November 2003, a generalized climate of instability and insecurity continues in Iraq. Security incidents targeting both Coalition forces and, increasingly, Iraqis perceived to be supporting or collaborating with the CPA (including policemen, religious and community leaders, national UN and CPA staff, as well as the PUK and KDP administrations in northern Iraq) continue with alarming frequency. These incidents frequently result in the death or serious injury of the targeted individuals as well as other civilians. The last few months have also seen an increase in reported kidnappings, especially of women and children”. [40c] (p1)

6.7 On 5 April 2004 the Institute of War and Peace Reporting noted that “While security has improved dramatically since [the immediate post-conflict period], Iraqis still insist the situation must improve considerably before they will feel truly safe again”. Having reached a peak of 872 in August 2003, the number of violent deaths measured by Baghdad mortuary had slowly declined to 570 in February 2004 [but not counting the consequences of the latest upsurge in violence]. The report went on to describe a number of examples of how people do not feel safe on the streets either at certain times or in certain parts of the City. [11o]

6.8 On 5 April 2004 the BBC noted that April 2004 saw a further deterioration in the security situation outside the Kurdish Regional Government administered area, with hundreds of Iraqis, including many civilians, and dozens of Coalition forces killed in numerous incidents, centred on Falluja and Najaf but also elsewhere. Clashes between Coalition forces and insurgents increased dramatically, and were accompanied by a spate of kidnappings of foreigners. A new development was an uprising by supporters of Shi’a cleric Moqtada al-Sadr. US helicopter gunships and tanks were used in Baghdad in an attempt to quell the revolt. [4y] The BBC (24 April 2004) noted that by month’s end severe clashes between insurgents and US troops in Falluja appeared to have subsided and a ceasefire agreed. [4u] In addition

the BBC (21 April 2004) noted that a spate of bombing in the Basra area killed at least 68 people, including many children whose school buses were caught by the blasts. [4h]

6.9 Moreover August 2004 saw ferocious fighting in the holy city of Najaf, as reported by the Guardian (accessed 11 August 2004). [6s] The Financial Times (11 August 2004) noted that "Fighting between the troops and militia broke out on Thursday [5 August 2004] as US forces headed towards the holy city's Shia cemetery, a stronghold of the militia." [67a] IRIN news (16 August 2004) noted that the fighting affected the National Conference stating that, "In the conference hall on Sunday, delegates didn't waste time in getting their message across. At least 20 Shi'ite Muslims attending, shouted for an end to fighting in the southern city of Najaf, throwing things into turmoil. Fighting resumed in the city between Mehdi army fighters, loyal to Shi'ite cleric Moqtada Sadr and US troops." [18v] (p1) The Guardian (9 August 2004) concluded that, Najaf has seen some of the most ferocious fighting in Iraq for months, which has also sparked fighting in Shia areas of Baghdad and several cities across southern Iraq. Scores have been killed and hundreds wounded." [6r]

6.10 In a report entitled Capturing Iraqi Voices, by the Center for Strategic and International Studies and dated July 2004, it was noted that:

"The lowest rating for security was in Baghdad, which has been the scene of daily fighting even after the uprisings of April and May [2004] have died down. Bombings remain a regular occurrence in the capital, and kidnapping has become endemic, with many rich doctors and lawyers (especially Christians) remaining at home to avoid being taken hostage. In Sadr City, organized gangs appear to operate with impunity. There was, nevertheless, optimism among Baghdadis as the al-Sadr uprising appears to be heading toward resolution, and the presence of police and ICDC [Iraq Civil Defense Corps] is growing rapidly. Our interviewer reported that at least 3,000 residents of Sadr City have joined the ranks of these two institutions." [63a] (p18)

6.11 However according to an Al Jazeera report on 6 April 2004 the situation in the Kurdish Regional Government administered area is different. According to a representative of Irbil's university, life in Kurdistan had improved considerably over the past year:

"Like the Shia in the south, we have suffered greatly at [Saddam's] hands but we are now free from the fear of Saddam and we still have our self-rule government". But the area has not entirely escaped the violence: "People's standards of living have gone up in the last year. The Coalition provisional Authority has put a lot of money into this area as have UN agencies. There has especially been a lot of construction of roads, schools and water facilities."

“As a result of this political stability, there have been many social and psychological benefits. The only negative thing is there is more terrorism here now, which didn’t exist before.” [55b]

6.12 This view appeared to be confirmed by a report in the Lebanese newspaper The Daily Star on 27 April 2004:

“Furthermore, law and order exists [in the Kurdish Regional Government administered area]. Kurdish police and security forces are efficient and the security situation in the self-ruled Kurdish region is a far cry from that in the rest of Iraq. Exemplary relations between coalition troops and the population further enhance stability, including political stability.” [57a]

6.13 The article added that:

“Contributing to efforts by the coalition to confront the ongoing insurgency in Iraq, the Irbil and Suleimaniyah administrations, led by Massoud Barzani’s Kurdistan Democratic Party (KDP) and Jalal Talabani’s Patriotic Union of Kurdistan (PUK), have deployed some 60,000-70,000 Peshmerga fighters along the borders between the Kurdish-controlled and neighboring Iraqi provinces. Kurdish forces are also involved in protecting vital public installations in northern Iraq. Thanks to full-fledged Kurdish cooperation, the Americans have little to worry about when it comes to the security situation in the north.” [57a]

6.14 However, in early February 2004 at least 105 people were killed in nearly simultaneous bomb attacks on the offices of the PUK and KDP in Erbil. According to a report in the Kurdistan Observer on 11 February 2004, the PUK suicide bomber was a Kurd and the KDP an Arab. Ansar al-Sunna claimed responsibility for the attacks. [10c] Writing in the Kurdistan Observer on 11 February 2004 Peter Galbraith, a former US Ambassador, wrote that:

“Kurdistan was hit because it is secular, pluralistic, increasingly democratic and successful. As such, it is the major obstacle to a terrorist strategy that depends on chaos for success. The two main Kurdish parties, one-time rivals that fought a nasty civil war in the 1990s, have come together, moving to unify competing Kurdistan governments, one based in Irbil and the other further south in Sulaymaniya.” [10a]

6.15 Amnesty International in March 2004 commenting on the attacks on the PUK and KDP offices stated that:

“These bombings were just two of the more recent attacks, apparently carried out by armed groups, that have been a growing feature of life in Iraq since the occupation began. The attacks have targeted the US military, Iraqi security personnel, Iraqi-controlled police stations, religious leaders and buildings, media workers, non-governmental

organizations and UN agencies. They have resulted in the deaths of hundreds if not thousands of civilians.

Many other civilians have been killed by shooting – either targeted for assassination or shot dead by stray bullets. In Basra, for example, such victims have included former Ba'ath Party members and security or government officials, as well as people suspected of selling or drinking alcohol. Some of these killings appear to have been acts of revenge carried out by individuals. Many, however, appear to have been organized, reportedly by armed Islamist groups. The head of one police station in Basra openly endorsed revenge killings, telling an AI delegate that families of victims of past abuses 'were in the right' for avenging the deaths of relatives by the previous government." [28d]

6.16 The Institute for War and Peace Reporting carried a piece from Al-Mashriq on 17 February 2004 in which it was reported that Iraq's Deputy Minister of Trade, Hussein Abdul Fatah Shintaf, was assassinated in Baghdad. According to the CPA, some 1,000 Iraqis, many of whom were leading citizens, have been assassinated since May 2003. [46c] An Al Jazeera report on 30 March 2004 stated that more than 1,000 leading Iraqi professionals and intellectuals had been assassinated in the preceding year, resulting in a brain-drain in which perhaps more than 3,000 academics and high-profile professionals had left the country. [55a]

6.17 A UK/Danish Fact-Finding Mission Report to Damascus, Amman and Geneva reported in August 2003 that in Mosul and Kirkuk the situation was good immediately after the war but had since deteriorated, with increasing tension between Kurds and Arabs over de-Arabisation, although these problems had not been as severe as anticipated. Nonetheless, the situation remained much better than in Baghdad and the Sunni triangle. [30a] However, on 27 April 2004 the Lebanese newspaper The Daily Star reported that "In recent weeks many Kurds have been killed in Mosul, where Kurds from Irbil and Dohuk now avoid traveling." [57a]

6.18 In July 2004 the report entitled Capturing Iraqi Voices, noted that:

"Interviews in the northern, Kurdish region generally reveal a higher sense of security than in all other regions. In Erbil, police presence is high, backed up by many checkpoints provided by the *peshmerga*, the armed forces of the Kurdish Regional Government that has operated autonomously from the rest of Iraq since 1991. The major security concern is infiltration by Arab extremist groups intent on destabilizing an area known for its secularism and its close relations with the United States. In Sulaimaniah, the security situation is stable, but residents are slightly less optimistic than those of Erbil. This may be due to apprehension that increasing Kurdish-Arab tensions may lead to armed conflict." [63a] (p16)

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Humanitarian Situation

6.19 IRIN reported on 8 May 2003 that according to the United Nations humanitarian disaster co-ordinator in Baghdad: "You often hear that there is no humanitarian disaster in Iraq, and I tend to agree. But you have to remember that we have not yet gone over the hump. The potential for humanitarian disaster still exists." [18b]

6.20 In August 2004 UNHCR documented the problems Iraqis face, "In addition to the security situation, the second source of concern as well as main obstacle to return is constituted by the current high rate of unemployment in Iraq." [40e] (p8) The report added that, "Hospitals are generally able to stock and dispense basic medical supplies, although the quantity and quality (there are many problems with expired medicines) are not reliable." [40e] (p9) The report added that, "The water situation in the south of Iraq is extremely poor, and is described by all as worse than before the Coalition invasion, although the existing system was already badly neglected and in need of repair." [40e] (p10) Moreover, "The garbage collection system is community-based so far, but is ineffective as most communities lack the necessary funds to provide for regular collection and disposal." [40e] (p10) Furthermore the report noted that "The supply of electricity in central Iraq can at best be described as erratic, while in the North it is fairly stable and in the south it is extremely poor." [40e] (p12)

6.21 The UK Danish Fact Finding Mission to Damascus, Amman and Geneva published in August 2003 reported that all Iraqis were entitled to food coupons which they could exchange for their monthly food ration at local supply points; this applied equally to Iraqis returning from abroad. However, in some cases poorer people were forced to barter some of their food supplies for other essential supplies such as medicines, or to pay the nominal US \$0.20 registration fee to access food rations. This may have been one reason why almost 8% of children in Baghdad under the age of five were suffering from acute malnutrition, double the number in 2002. [30a] (paras 3.1-3.3)

6.22 For those with the money, the street economy was booming, with luxury goods available on an unprecedented level, according to a report in The Times on 27 November 2003. Particularly significant was the dramatic rise in incomes for public sector employees which combined with the abolition of import taxes and duties had fuelled the demand for cars, satellite dishes, expensive perfumes and other luxury items. However, business people were reported as saying that they would gladly pay taxes if it would lead to an improvement in the security situation, claiming that many professionals were fleeing the country in fear. [5b]

6.23 On 7 December 2003 ReliefWeb carried an Agence France-Presse report that "Iraq is verging on a catastrophic shortage of housing for its people". An official in the interim ministry of construction and housing reported that housing shortages were getting worse and were 'probably' a catastrophe. He said that neglect under Saddam had been compounded by damage done during the war and rent increases imposed by landlords, with those unable to

pay being evicted. The ministry has begun site preparation for three major housing complexes and plans to build one million new houses by 2010. [7b]

6.24 More recently in July 2004, a report by the Center for Strategic and International studies observed that, "Our interviewers found Iraqis to be generally optimistic in the area of income. One statement that cropped up repeatedly was confidence that foreign investment would begin to produce economic returns for Iraq." [63a] (p42)

6.25 According to a Report of the Secretary-General of the United Nations on 28 May 2003,

"In the three northern Governorates, the first group of United Nations international staff members who returned on 24 April 2003 found the humanitarian situation better than originally predicted. The local authorities have been able to maintain law and order, sparing the region from the widespread looting that followed the conflict in the rest of the country. Social services, such as hospitals, continue to function efficiently. Schools that were closed prior to the departure of international staff have reopened." [38a] (p2)

6.26 According to the Economist (9 August 2003), of the Kurdish Regional Government administered area, "Technically this is still Iraq but it is like entering another country. The land, largely untouched by the ravages of the recent war, is a world away from the lawlessness of Baghdad and its surrounds." Although the article noted that, "The first 100 miles (160kms) of the highway north from Baghdad towards the city of Kirkuk can be a white knuckle ride." The article added that drivers can be relieved of their valuables and their vehicles. However, once in the area administered by the PUK and KDP there was no night curfew, the shops were full of goods, there were no nervous American soldiers and little need to be wary of discussing politics. Water and electricity supplies were reasonably constant and there were good communications such as satellite TV and mobile telephones. [19a] On 14 November 2003 according to a report in the Kurdistan Observer, little had changed, and although the isolation of the Kurdish Regional Government administered area was now voluntary, it had led to little reintegration with the rest of Iraq. Both trade and security had improved and the troubles of the south were seen as 'their' problem. Unemployment was much less of a problem in the area and reportedly was virtually zero in Sulaimaniyah which was experiencing a construction boom. [10h]

6.27 On 27 April 2004 the Lebanese newspaper, The Daily Star, reported that, "Thanks to hundreds of millions of US dollars made available to the two Kurdish administrations in Irbil and Suleimaniyah by the Coalition Provisional Authority (CPA), the economy is bustling, unemployment is down and living standards are almost 90 percent better than a year ago. For example, schoolteacher's salaries have increased from the equivalent of \$70 per month to \$400, and manual laborers are paid \$17-\$20 for a seven-hour working day, compared to \$4 a year ago. Cities in Iraqi Kurdistan are big construction sites." [57a]

Freedom of Speech and the Media

6.28 According to a Human Rights Watch report in January 2004, "The despotic and abusive rule of Saddam Hussein is gone, and Iraqis today can express themselves without fear of arbitrary detention, torture or execution." [15d] (p1)

6.29 In August 2004 Freedom House stated that, "A year after the fall of Saddam Hussein's government, media analysts estimated that more than 200 newspapers and 90 television and radio stations were operating in Iraq, representing an unprecedented diversity of media in that country. However, the quality of these new publications and media outlets has been uneven." [70a] (p1) The report also noted that by March 2004 the CPA had formally issued decrees setting up a new national media network and establishing regulatory bodies for the media. [70a] (p1)

6.30 In late 2003 Amnesty International expressed concerns about the Iraqi Penal Code. "Amnesty International believes that several provisions of the Iraqi Penal Code falling in this category pose a clear threat to the right to freedom of expression." These included restrictions on insulting the president and public figures, dissemination of information, and violations of public integrity and decency. [28c] (p5)

6.31 Having accused them of providing too much prominence to anti-US attacks and giving the opposition to the occupation a platform, the Interim Governing Council announced on 23 September 2003 that it was banning Al-Jazeera and Al-Arabiya satellite television channels from covering IGC activities, according to a BBC report on 23 September 2003. The stations would be banned from official press conferences and their correspondents denied access to ministries and council buildings for an initial period of two weeks. [4o]

6.32 Furthermore Freedom House noted that, "The CPA's suspension on March 28, 2004, of Al-Hawza, a weekly newspaper controlled by the political movement of firebrand Shiite cleric Muqtada Al-Sadr, stood out among the CPA's efforts to maintain a balance between press freedom and public security. The CPA alleged that Al-Hawza's coverage irresponsibly assigned U.S. helicopters blame for the deaths of more than 50 Iraqi police recruits in a suicide truck bombing on February 10 [2004]". [70a] (p4) However a BBC article dated 6 August 2004 observed that, "The ban was lifted in mid-July by the interim Iraqi government, citing the move as proof of its belief in a free press, but the newspaper said it had been preparing to resume publishing anyway." [4r] (p1)

6.33 A report in Al-Mutamar, the newspaper of the Iraqi National Congress (INC), carried by the IWPR's Iraqi Press Monitor on 16 March 2004 claimed that an INC report had found that, whether intentionally or unintentionally,

government ministries were inhibiting the growth of the media by directing all their advertising spend to the Coalition backed Al-Sabah newspaper. [46]

6.34 Freedom House (August 2004) noted that the CPA had created a national media umbrella comprising of the daily newspaper Al Sabah, the national television channel Al-Iraqiyah, and a radio station. Al Iraqiyah had managed to reach three quarters of the public, making it the most watched television channel in Iraq. [70a] (p4-5)

6.35 Moreover Freedom House noted that, "In preparation for the transfer of political authority back to Iraq on June 30, 2004, the CPA began to establish structures intended to create the framework for regulating the Iraqi media. In March 2004, the CPA issued Order Number 65, which established the Iraq Communications and Media Commission (ICMC) as an independent, nonprofit administrative institution responsible for licensing and regulating the media, telecommunications, broadcasting, and information services." [70a] (p6)

6.36 The Guardian reported on 26 September 2003 what appeared to be the first attack intentionally targeting the media: a hotel in Baghdad housing NBC staff was bombed on 25 September, killing a Somali guard and injuring two other people. NBC's presence was not advertised but the hotel was widely known to house American reporters. [6]

6.37 Freedom House added that, "The year following the fall of Saddam was dangerous and sometimes deadly for journalists and other media professionals in Iraq—by the spring of 2004, nearly two dozen media professionals had been killed and scores more wounded in attacks. Some press casualties were the result of crossfire, while others were due to directed and politically motivated attacks." [70a] (p1)

6.38 IRIN in an article dated 11 August 2004 documented journalists from al-Takhi newspaper and al-Sabah newspaper have suffered problems, specifically, "Drive-by shootings and threatening letters, e-mails and phone calls are daily fare at the al-Sabah newspaper, which was financed by the US-led Coalition and is now supported by the interim government." [18x] (p2)

6.39 Furthermore IRIN noted that "International journalists have also been targeted - recently four reporters from NBC television were kidnapped in the city of Fallujah, some 50 km west of Baghdad a few months ago and held for several days before frantic negotiators were able to set them free. A translator who worked for Voice of America radio was killed recently, as was a translator for Time magazine among others." [18x] (p2)

6.40 Human Rights Watch on 17 August 2004 stated that, "Also on Sunday, Iraqi police ordered all journalists to leave the city by midnight, threatening to arrest those who did not comply and seize their equipment. Police reportedly surrounded the Sea Hotel in Najaf, where journalists were staying, and many journalists reportedly left." HRW added that, "A Ministry of Interior official later on Sunday said that the police order banning journalists was 'for their own safety' and that the authorities did not intend to enforce the order with arrests."

'The interior minister decided that if the journalists want to stay, it will be at their peril and they will then have to bear the consequences,' said interior ministry spokesman Adnan Abd al-Rahman." [15]

6.41 The Guardian documented on 26 August 2004 that, "Media organisations are preparing a formal protest to the Iraqi authorities after dozens of journalists in Najaf, including the entire BBC team, were forced from their hotel at gunpoint and detained by local police." The article went on to state that, "Najaf police chief Ghalib al-Jazaari told the journalists they were being detained because the satellite television channel al-Arabiya had reported that Grand Ayatollah Ali Al-Sistani would arrive in Najaf today to lead a demonstration." The article noted that, "Shia militants and US forces have been locked in fierce fighting in Najaf for the past three weeks, and last week, police threatened to kill journalists after they rejected a police order to leave town." [6e]

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Freedom of Religion

6.42 The US State Department religious freedom report 2003 stated that, "According to best estimates, approximately 97 percent of the population of 22-28 million persons are Muslim." The report added that, "The remaining approximately 3 percent of the overall population consists of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenians), Yazidis, Mandaean, and a small number of Jews." [2b] (p1)

6.43 It went on to state that "With the fall of Saddam Hussein, thousands of religious prisoners were released. While no firm statistics are available regarding the number of religious detainees held by the former regime, observers estimate that the total number of security detainees was in the tens of thousands or more, including numerous religious detainees and prisoners. Some individuals had been held for decades. Others who remain unaccounted for since their arrests may have died or been executed secretly years ago." [2b] (p3)

Shia Muslims

6.44 The 2003 USSD religious freedom report noted that, "Shi'a Muslims - predominantly Arab, but also including Turkoman, Farsi Kurds, and other groups - constitute a 60 to 65 percent majority.... Shi'a Arabs, although predominantly located in the south, also comprise a majority in Baghdad and have communities in most parts of the country." [2b] (p1)

[\[See also Section 6B Shia Arabs\]](#)

Sunni Muslims

6.45 According to the 2003 USSD religious freedom report "Sunni Muslims make up 32 to 37 percent of the population (approximately 18 to 20 percent are Sunni Kurds, 12 to 15 percent Sunni Arabs, and the remainder are Sunni

Turkomen)...Sunnis form the majority in the center of the country and in the north. Shi'a and Sunni Arabs are not ethnically distinct." The same report noted that, "Although Shi'a Arabs are the largest religious group, Sunni Arabs dominated economic and political life under the Hussein regime. Sunni Arabs were at a distinct advantage in all areas of secular life, be it civil, political, military, or economic." [2b] (p1-2)

[\[See also Section 6B Sunni Arabs\]](#)

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Christians

6.46 "Assyrians and Chaldeans are considered by many to be distinct ethnic groups as well as the descendants of some of the earliest Christian communities. These communities speak a distinct language (Syriac). Christians are concentrated in the north and in Baghdad", according to the US State Department 2003 religious freedom report. [2b] (p1)

6.47 Keesings documented in April 2003 that the largest single Christian group in Iraq are the Nestorians, with around 300,000 adherents. Chaldean Catholics number around 190,000. There are about 20,000 Armenian Christians who belong to the Armenian Orthodox Church, and are mostly in Baghdad. The Armenian Catholic Church, again in Baghdad, has around 3,000 followers. Syriac Christians are part of the Orthodox strand of the Syriac Church and number around 12,000; they are also known as Jacobites. There are also some 60,000 Syriac Catholics in Iraq. [3a] (p45375)

6.48 Iraq Today reported on 22 September 2003 that "Although the former regime waged a tacit religious and sectarian conflict, the attempts failed to achieve any final fragmentary effect. After the collapse of the regime, the various groups have managed to get on fairly harmoniously. This is probably a reflection of their understanding of the impact which civil war would have, and the necessity of building one united society." The report went on to note the view of Archbishop Gabriel T. Kassab, the highest religious man in Basra's Chaldean Christian Church, "He expressed his happiness that there were good relationships with Muslim clerics, pointing out 'both worked for the sake of the Iraqis' good without discrimination to religion or sect'." The information officer for Dawa Party headquarters concurred saying that, despite the efforts of the former regime, "Iraq failed the former regime as it stayed cohesive in all all its religions and sects." [9b] (p1)

6.49 A representative of the Assyrian Democratic Movement told the Joint British-Danish Fact Finding Mission in July 2003 that the overall situation of Christians in Iraq was good except for the south, where 3 Christians were killed in Basra for selling alcohol, alcohol shops had been destroyed, and Christian women had been harassed for not covering their hair. A source told the Mission that the attacks on alcohol sellers were because the victims sold alcohol rather than because they were Christian. [30a] (paras 4.14-4.17)

6.50 "Some extremist Muslims consider Christians as second-class citizens, and this could make problems for us in the future", a Catholic priest in Basra told IRIN as reported on 17 June 2003. The priest suggested that was a view shared by his 800 strong congregation. "But [G] and [HA], father and son, say Zacharia is worrying unnecessarily". These individuals informed IRIN that "We have lived here for 100 years and faced no persecution as Christians, why should we expect that to change? Every country has its fanatics and if Iraq is governed in the future by Islamic fanatics, then this will be a problem for everyone – not just Christians". In a series of interviews with different Islamic leaders in Basra, including SCIRI, IRIN was repeatedly told that any future Islamic government would rigorously defend the rights of all minorities. But since the fall of Saddam, Islamic radical groups have been flexing their new-found muscles and acts of violence have been committed against Christians including the killing by unknown militants of two shopkeepers in Basra for selling alcohol. [18e]

6.51 UNHCR advised the British Danish delegation in July 2003 that systematic attacks on the minority Christian community in Basra have been reported and that while approximately 120 Christian families remain in Basra, most have left Iraq fearing the resurgence of fundamentalist religious leaders. A representative of SCIRI told the mission that the attacks on Christians in Basra in May 2003 were stopped by SCIRI, which would not tolerate such acts in the future. The representative also said that Christian women did not need to follow the Muslim customs for clothing and behaviour and that the Christian shops which sold liquor and the cinemas showing international movies had re-opened. [30a] (paras 4.14-4.17) However, Shiite religious leader Sheikh Mohammed Fartussi was reported by the BBC on 9 June 2003 as wanting all women, even Christians, to wear veils, though he said Muslims would be punished more severely than others: "Women who don't wear the veil won't be served when they go shopping; taxis won't pick them up and they might have eggs and rotten tomatoes thrown at them". He further stated that, "As far as the sellers of alcohol, they will be forced to stop, if necessary, by bringing their shops crashing down on their heads." [4j] (p1-2)

6.52 On 1 August 2004, the BBC reported that bombs went off near four churches in Baghdad and one in Mosul. The article stated that, "The BBC's Peter Greste in Baghdad says that until now there has been no significant attacks on Iraq's Christian minority, although they were becoming increasingly concerned about the possibility of violence." The article further stated that "An interior ministry spokesman described them as one of Iraq's most respected groups. But he also said the attackers may have been trying

to antagonise the multinational forces in Iraq, who are from mostly Christian countries." [4g] (p2)

6.53 The Guardian, reported on the story on 2 August 2004 and added;

"Several hundred Christian families - who were relatively free to practise their religion under the former Ba'ath regime - have reportedly left the country out of fear of religious persecution at the hands of Islamic extremists. Christian leaders have also complained that kidnappings and murders of Christians and threats against bishops, especially in the Sunni Arab stronghold of Mosul, have gone unreported. In Baghdad, Islamic radicals have warned Christians running liquor stores to shut up shop. Some store owners have been beaten or suffered worse violence." [6b] (p2)

6.54 The Foreign and Commonwealth Office on 22 October 2004 further added that, "The Foreign and Commonwealth Office are receiving increased reports of intimidation against Christians. There have also been sectarian attacks. Over recent months Christian churches have been deliberately targeted (sic) in bomb attacks which have resulted in the deaths of eleven people. The latest attack was against 5 churches in Baghdad on 16 October, no casualties were reported. There have also been attacks on Christians, merchants and their businesses trading alcohol. Such attacks are thought to be the work of local Iraqi Islamists, aiming to enforce a strict Islamic code, including a ban on alcohol." [66c] (p1)

6.55 The Chaldean Patriarch, the Rev Emmanuel Delly told the paper, "We have seen fanaticism on the rise. We are accused of being collaborators with the 'crusader' coalition forces." He blamed the attacks on "Islamic fundamentalist and extremist" groups, adding that, "There is no general persecution of Christians." [6b] (p2) Asia Times (7 August 2004) adds to this view stating that, "As the movement for the Islamization of Iraq gathers momentum, their religious rights - and more worryingly, their personal survival - is likely to come under further threat." [56a] (p2)

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Mandaeans/Sabians

6.56 Estimates of the number of Mandaeans vary widely, with the Institute of War and Peace Reporting estimating around 100,000, while The Independent, quoted in Keesings, put the number at 30,000. The US State Department religious freedom report of 2003 describes the Mandaeans as a small sect, concentrated mostly in southern Iraq, but with small communities in Baghdad, Kirkuk and elsewhere. They have been present in the country since pre-Christian or early Christian times. [11i] [3a] [2b]

6.57 According to the World Directory of Minorities, published 1997, "The religion is a form of Gnosticism, descended from ancient Mesopotamian worship, with rituals that resemble those of Zoroastrian and Nestorian

worship. The practise immersion in flowing water, symbolic of the creative life force, as an act of ritual purity. They enjoy *dhimmi* status as 'people of the book', mentioned in the Qur'an." [78a] (p348)

6.58 Ten of Baghdad's 100,000 strong, closely knit, Mandaean community had been killed and more than 13 kidnapped in the three months prior to an Institute for War and Peace Reporting article on 22 January 2004. "A non-violent people who believe that God alone has the right to take a human life, the Mandeans are targets partly because they normally don't carry weapons. That makes them highly vulnerable in the near lawless chaos of post-war Baghdad." [111]

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Yazidis

6.59 According to the US State Department religious freedom report "The Yazidis are a syncretistic religious group (or a set of several groups). Many Yazidis consider themselves to be ethnically Kurdish, though some would define themselves as both religiously and ethnically distinct from Muslim Kurds. Yazidis predominately reside in the north of the country." [2b]

6.60 On 5 June 2003 an article in The Times stated that the Yazidis practise one of the more secretive and persecuted religions and claim to number 700,000 in Iraq. They are reportedly considered to be heretics and Devil-worshippers by their Muslim neighbours. The Yazidis had been reclaiming land and villages taken by Saddam and were resuming pilgrimages to their most holy shrine, the Lilash temple in the mountains of northern Iraq. They claim that they are descended from Adam while everyone else is descended from Eve. [5d] (p1)

6.61 The same article goes on to state that the Yazidis believe that, "Satan was redeemed and became a peacock, not a Devil. They deny that they are Devil-worshippers. The Yazidis pray twice a day and their day of rest is Wednesday. They can drink alcohol and eat pork but not lettuce, which is seen as a source of evil. Their beliefs are not written down but memorised and passed on. Many of their rituals are so secret that they have never been seen by outsiders. It is impossible to convert to Yazidism and it is forbidden for Yazidis to marry outside the religion." [5d] (p1-2)

6.62 The same article added that, "The Yazidis' stronghold is northern Iraq but they are spread across Turkey, Russia, Syria, Georgia and Armenia. They claim to number about 1.5 million world-wide. They say that they have been persecuted for centuries by Muslims and that they lived in caves for protection between the 14th and 16th centuries. Saddam forced them to evacuate about 20 villages in the 1970s, giving their homes to Arabs, and killed about 3,000 Yazidis." [5d] (p2)

6.63 Moreover the Times added that the Yazidis had won a seat on the governing council of the northern city of Mosul and were planning to restart

Yazidi lessons in schools. The tribes political and religious leader said this was the first time they had had political power in Iraq and that they wanted their religion in school, their name in the constitution, members in the parliament and ministers in government. "We want just the same rights as Christians and Muslims," he said. [5d] (p1)

6.64 According to the 2003 US State Department Human Rights report "The Constitution [before the fall of Saddam] did not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the regime, without any historical basis, defined the Yazidis as Arabs. There was evidence that the regime compelled this re-identification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to 'pursue and attack' Muslim Kurds. The regime imposed the same repressive measures on Yazidis as on other groups." [2a] (p11)

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Jews

6.65 According to a report by The Independent, recorded in Keesings 2003, there were only around 50 Jews left in Iraq, mostly in Baghdad. [3a]

6.66 The Foreign and Commonwealth Office in a letter dated 26 April 2004 stated that, "There is a lack of clarity over the position of Iraqi Jews who left Iraq. Many of them were forced out in the early 60s and were made to renounce citizenship and property rights, so it is ambiguous whether they are allowed to return as, in practice, it was not Saddam's regime who cancelled their citizenship and on paper they volunteered to renounce their Iraqi nationality. But these decisions were clearly not voluntary." [66a]

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Freedom of Association and Assembly

6.67 Article 13 of the Transitional Administrative Law stated that, "The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed." (Annex F) However Voices of Wilderness, a US non governmental organisation noted on 2 January 2004 that, "Order 45 issued on November 2003 by Governor Bremmer requires all organisations of Iraqi civil society and the international NGOs to register and undergo forms of control and scrutiny. This order is a serious impediment which violates the right of freedom of association." [35a] (p1)

6.68 According to the US State Department 2003 Human Rights report "In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991." [2a] (p11)

Employment rights

6.69 As noted above the TAL has provision for the right to join unions, however Voices of Wilderness are concerned about the implications of Order 45 on Iraqi civil society. [35a] (p1)

6.70 According to the US State Department 2003 Human Rights report "In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991." [2a] (p11)

People Trafficking

6.71 The US State Department report of 2003 stated that "There was no information available regarding whether the law [under Saddam] prohibited trafficking in persons, or whether persons were trafficked to, from, or within the country." [2a] (p12)

Freedom of Movement

Internal Travel

6.72 There are regular reports of car-jackings and robberies on Iraq's roads, in particular the highway between Baghdad and the Jordan border. According to the the UK Danish Fact Finding Mission to Damascus, Amman and Geneva in July 2003, these appeared to have had little impact on the high levels of traffic and trade along the road. Jordanian taxis, which in the immediate post-war period charged as much as US \$2000 for the journey from Amman to Baghdad, were by mid-July doing the trip for US\$200. Amman's markets were cleared of goods and second hand cars for resale in Baghdad by traders taking advantage of the absence of import duties. [30a] However, at least 400 Jordanian truck drivers stopped carrying goods to Iraq after a series of robberies and kidnappings in which seven trucks went missing, according to a Kuwait News Agency report carried by ReliefWeb on 8 December 2003. The drivers called on Coalition troops and Iraqi officials to provide patrols on the road between the Jordanian border and Baghdad. [7e] The Foreign and Commonwealth Office on 22 October 2004 further added that, "British Embassy Baghdad report that robbery and kidnap on the road from Jordan to Baghdad are common. Travelling the route without ID is difficult as the Iraqi Police or the Multinational Force may stop Iraqis or detain them. The road passes Fallujah, a terrorist stronghold, where MNF have been carrying out targetted airstrikes." [66c] (p1)

6.73 An article in The Times on 11 June 2003, describing conditions in the north of Iraq after the fall of Saddam, said that tourists were visiting the

mountainous north for the first time – a region that was forbidden to them under Saddam. Previously: “It was divided by two sets of internal checkpoints and border guards between the autonomous Kurdish-controlled north, and Saddam’s south. A trickle of people and trade was allowed across the border. Now the yellow internal border posts are ignored and the two-way flow of traffic is unimpeded.” Some benefits were obvious already in the markets of Erbil, the largest town in the Kurdish-controlled area, which was remarkably affluent compared to the south. [5g] (p1-2)

6.74 On 9 August 2003 the Kurdistan Observer carried a piece from The Economist which confirmed the generally positive picture of the north, but also reported robberies and car-jacking on the first 100 miles of the highway from Baghdad to Kirkuk. [19a] Nonetheless, on 16 October 2003, the Kurdistan Observer was still able to carry a report by Reuters in which it was claimed that the Kurdish north had become a holiday destination “With Saddam gone, thousands of Iraqis from the mainly Arab centre and south of the country spent the summer rediscovering what used to be a favourite holiday area, its cooler climate and mountains a welcome change from intense heat and flat dessert.” [10f] (p1)

6.75 UNHCR in a report dated August 2004 noted that, “Road travel is hazardous due to the possibility of mined areas, and is further restricted due to the numerous military checkpoints which have been set up, especially in and around Baghdad as well as at the ‘green line’, which separates the northern governates from central Iraq. Freedom of movement is further hindered by the additional illegal checkpoints which have been set up by armed groups linked to various political parties.” [40e] (p4)

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Travel to Iraq

6.76 On 28 October 2003 IRIN reported that one or two charter flights a day had been using a cargo terminal at Baghdad International Airport for several months but that the number of passengers had overwhelmed the terminal and at the end of October the authorities succumbed to pressure to open a passenger terminal. The first chartered humanitarian flight landed at Terminal C on 27 October 2003 but no-one would comment on when the airport’s other passenger terminals would open for commercial traffic. [18f]

6.77 On 21 July 2004 IRIN reported that, “Due to the security situation inside Iraq, UNHCR is not promoting refugee returns. However, a demand from refugees led to convoys being arranged under difficult circumstances and refugees are briefed before they leave. As well as receiving new arrivals and keeping an eye on their reintegration into Iraqi society, the IRC also has the job of giving legal aid and information to returnees.” [18j] (p1)

6.78 Mine Action noted on 5 February 2004 that, “Refugees and displaced people are particularly vulnerable to the threat of landmines. Poor and landless, they are often pushed to the margins of society and the economy. Through economic necessity, they are likely to be under pressure to use land

that may be mined." [64a] Moreover UNHCR in a paper dated August 2004 stated that the, "situation is particularly hazardous for spontaneous returnees who generally use illegal border crossing points and has already resulted in a number of deaths." [40e] (p8)

6.79 In the same paper UNHCR noted that, "Most people who have opted for voluntary repatriation from Iran and Saudi Arabia have returned to areas where their ethnic or religious group constitutes a majority. They therefore usually do not suffer from any systemic discrimination." [40e] (p18) However UNHCR noted that, "Moreover Iraqi returnees face a number of problems relating to their rights to housing, identification, freedom of movement and property restitution. Furthermore, housing, a general problem throughout Iraq, affects returnees in particular and specifically in the South." [40e] (p19)

6.80 In a report by the United Nations High Commissioner for Human Rights dated June 2004 it was speculated that Iraqis returning from Western countries may well be exposed to dangers in relation to kidnaping because they are perceived as being financially privileged. The paper noted that:

"In addition, since they did not suffer from the same ordeals as the Iraqis who stayed, they are also viewed with suspicion. Furthermore, those who return to areas where their ethnic or religious group does not constitute a majority may find themselves in a particularly vulnerable situation and exposed to new forms and agents of persecution. Alternatively, they may find themselves displaced upon return, which will further complicate the displacement situation within Iraq in addition to creating undue suffering to returning Iraqis and their families." [40d] (p24-25)

6.81 On 17 September 2004 UNHCR announced its resumption of the voluntary repatriation programme suspended since 12 August 2004. "UNHCR has resumed its voluntary repatriation programme for Iraqi refugees in Iran. A total of 251 Iraqi refugees left Ansar camp in Iran on Tuesday morning and arrived later that day in Basra, in southern Iraq. This was the first such convoy for over a month – all return movements were halted on 12 August at the request of the Iraqi authorities because of security concerns." [40f]

6.82 On 17 September 2004, IRIN noted that, "UNHCR itself has helped to repatriate around 8,000 people since late 2003. Most have gone to the south to rejoin relatives in and around Basra, the agency said. A second border crossing was opened at Haj Omran in June [2004] for northern Iraq, taking Iraqis of mainly Kurdish origin. But there have been no crossings there since early August in response to Iraqi authority concerns about a lack of housing, UNHCR said." [18z]

Travel out of Iraq

6.83 The Washington Post recorded on 31 July 2004 that, "Under Hussein, most Iraqis were not allowed to travel outside the country. Those who obtained permission had to pay high prices for their passports. Now that Iraqis

can travel freely again, tens of thousands are clamoring to take advantage, overwhelming the passport bureaus." [16f]

6.84 "The new Iraqi government started issuing passports as soon as it took sovereignty on June 28 [2004], and every day the offices are virtually under siege" noted the Guardian on 5 August 2004. "The procedure is relatively simple, or would be without the crowds: copies of identity papers, two colour photographs, a thumbprint and a form to fill out." [6c]

6.85 However the Washington Post added that:

"Although the new passport officially costs 50 cents, people are paying \$100 or more in bribes or other considerations for one of the coveted green booklets, a price too steep for many Iraqis. Passport bureau managers deny that such abuses are occurring in their offices, but Iraqis who have applied for passports say the system, just three weeks old, is already corrupted, deepening their doubts about the interim administration and the chances that it will pave the way for a genuinely democratic government." [16f]

6.86 The Associated Press reported the same problems on 10 August 2004 stating that hopefully a new anti-corruption commission would help eradicate the problem. [65a] (p2)

6.87 The Christian Science Monitor noted on 21 September 2004 that, "Every day long lines of Iraqis form outside passport offices. Officials say they have issued more than 500,000 passports since sovereignty was restored in June. Many applicants say the passport is a kind of insurance policy against deepening chaos." [34g] (p1)

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6.B HUMAN RIGHTS – SPECIFIC GROUPS

Ethnic Groups

Arabs

6.88 According to the Institute for War and Peace Reporting (IWPR) on 10 August 2004, "Iraqi Arabs who visit Iraqi Kurdistan increasingly claim hostility and unfair treatment at the hands of their Kurdish hosts." The article added that, "Arab visitors increasingly find they are singled out as potential security risks." However not all Arabs feel the hostility, "'There is no discrimination', said Salah Kaduri, 35, from Baghdad, who often travels to Sulaimaniyah with his wife". However IWPR stated, "But it's not hard to find Kurdish voices who admit to a strong sense of animosity towards their compatriots." [11r] (p1-3)

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Marsh Arabs

6.89 As observed by UNHCR in a report dated August 2004:

"The majority of Marsh Arabs are concentrated in southern Iraq (Bashrah and surrounding governates). Marsh Arabs have traditionally been regarded by other Iraqis as a very distinct group. A number of international NGOs with projects in the south attested to the fact that Marsh Arabs are often considered by the local population as second class citizens and discriminated against, both as regards access to employment as well as to basic services. Marsh Arab returnees from Iran seem to be especially suspicious in the eyes of the local population and are generally blamed for any criminal activity which takes places in the south." [40e] (p7)

6.90 The same document noted that the Marsh Arabs were subjected to forced migration as a result of the organised Marsh Drainage campaign undertaken by the former regime. As part of the policy, Marsh Arabs were forced to resettle in the north, in order to alter the ethnic balance of the area. Up to 40,000 persons are estimated to be returning displaced persons, and these are originally from the South, of which the principle group are Marsh Arabs. [40e] (p17)

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Shi'a Arabs

6.91 The BBC reported that Iraqi Shi'a were asserting their identity after years of brutal oppression under Saddam Hussein, and as the majority community they would play a major role in the running of the new Iraq. [4e] IWPR reported on 6 May 2003 that Shi'a religious parties and militias had stepped into the power vacuum left by the fall of Saddam's regime and in the

immediate aftermath of the war entire cities were being patrolled by Shiite militiamen, particularly in Baqubah, Kufa, Najaf, Kerbala, and to some extent Kut and the slums of East Baghdad. [11a] Iraq's senior cleric, Ayatollah Ali al-Sistani, had consistently opposed the involvement of Muslim religious leaders in the country's politics, while advocating the early formation of an elected constitutional convention to draw up a new constitution for the country, according to an Iraq Today report on 18 November 2003. Sistani had the widest following of any Iraqi cleric. However, not all Shia clerics supported Sistani's approach. [9e]

6.92 The BBC reported that within the Shi'a community there was infighting as young radical leaders were emerging to challenge the traditional clerics, some of whom were returning from years of exile. [4e] Iraq Today reported on 28 October 2003 that Kerbala had experienced little of this until, after an uneasy truce lasting several months, heavy fighting erupted between followers of Moqtada al-Sadr and Ali Sistani. During one week, 12 people were killed in a succession of clashes, 9 in a single morning. The disputes were reported to be about Sistani's refusal to seize government money and property and redistribute them to the people. [9f]

6.93 A particularly high profile bomb attack outside the Imam Ali Mosque in Najaf at the end of August resulted in the death of at least 95 people including the leader of SCIRI, Ayatollah Mohammed Baqr al-Hakim, according to a BBC report on 29 August 2003. [4i] The following day the BBC reported that four men had been arrested and were said to have confessed: "The local governor said two of the suspects were members of the former regime from Basra, while the others were non-Iraqi Arabs subscribing to the puritanical Wahhabi Muslim faith." [4m] Such an attack had been anticipated by a SCIRI source in Damascus and a diplomatic source speaking to the joint UK/Danish Fact Finding mission in July 2003, both of whom believed that high profile Shi'a might be targeted by remnants of the former regime. The SCIRI representative believed that he himself might be a target but planned to return to Iraq nevertheless. [30a]

6.94 "A series of simultaneous explosions ripped through neighbourhoods of Baghdad and the Shiite holy city of Karbala Tuesday, killing scores of people and injuring hundreds, Iraqi officials said." as reported by CNN on 2 March 2004. "The attacks came on the Ashoura holiday, one of the holiest days for Shia Muslims". [17a] An Al-Mada report carried by the IWPR Iraq Press Monitor on 4 March 2004 said that 15 people had been arrested in connection with the Karbala attack, nine of them by Iraqi police and six by Coalition forces. [46h]

6.95 IWPR reported on 5 March 2004 that: "According to members of both communities, Sunnis have rallied to the support of their Shia compatriots by condemning the [2 March] attacks, offering condolences and donating blood to the injured". "Even before the blasts, many Iraqis had expected bloodshed on the Shia holy day, fearing that it might lead to sectarian violence." The article added that, "Consequently, when the blasts occurred, Sunni and Shia religious leaders swung quickly into action to prevent simmering sectarian tensions from escalating into greater violence". Tensions had been particularly

high since the capture of Saddam Hussein, "But things have changed, says Haydar Anwar, a Shia doctor at al Kadhemiya hospital, as delegations are crossing the bridge to donate blood." [119]

6.96 In April 2004 the BBC reported that followers of Shi'a cleric Moqtada al-Sadr staged a revolt against the US led Coalition following the closure of al-Sadr's newspaper. US helicopter gunships and tanks were used to quash the rebellion. [4y] According to the Guardian on 8 April 2004, Grand Ayatollah Ali al-Sistani condemned both al-Sadr's actions and the response of the US, calling for calm. But al-Sistani's position was reported to be weak because his base in Najaf was effectively controlled by al-Sadr's Mehdi Army militia. [6n]

Sunni Arabs

6.97 According to The Economist on 5 August 2003:

"In the so-called 'Sunni triangle' running from Baghdad some 150km north to Baiji and about 150km north-west to Rawa, the population is almost exclusively Sunni Arab. Since the downfall of the regime of Saddam Hussein in early April, significant resistance from this area has been conducted against US forces, principally by remnants of the former regime's military and security services. This is conducted sporadically, with no clear evidence of co-ordination across the triangle. The resistance is also likely to have benefited from the support of tribal leaders in some towns, especially as the former regime decided to arm and fund a number of tribes in the two years preceding the US-led war. There is also evidence that the mosques within the area have served as a mobilising force, at least rhetorically, for the resistance, and some Sunni Arab clerics are emerging as leaders of political groupings. In addition, small numbers of foreign Islamist fighters entered the country before the war began, primarily from Syria and Saudi Arabia.

Various coalition military operations have been conducted to crack down on the Sunni fighters, resulting in the arrest of many alleged resistance fighters. Although by definition disparate, the lead element among the Sunni Arab resistance appears to be those who are either loyal to the former regime or, like some of its former officials, sympathetic to Baathist ideology. Some, at least, are organised around the name al-Awdeh (the Return), which is reportedly paying Iraqis to kill coalition forces. They have engaged in attacks on US forces and conducted some of the acts of sabotage on oil facilities in the north of the country." [19f] (p3)

6.98 According to a report by IWPR on 9 February 2004. "Competing with Kurds and Shias, the Sunnis are creating new organisations to represent their interests." The article added that, "Sunni Arabs are represented in several different religious trends, as well as by tribes. Some also claim allegiance to the toppled Ba'ath Party." The most prominent of the new organisations are the Hayat al-Ulama al-Muslimin (Muslim Scholars Board – primarily a religious

authority) and Ahl al-Sunna wal-Jamaa (People of the (Prophet of Muhammad's) Way and Solidarity), an umbrella group which claimed to co-ordinate various Sunni religious movements. Neither organisation had made much display of mobilising power, and lacked the institutional base of the two big Kurdish parties or the huge grassroots organisation of Moqtada al-Sadr, but they were still young. [11h]

6.99 The Hayat tested its religious muscle by declaring the end of Ramadan a day earlier than the Sharia Observatory recognised by the CPA. The Hayat also had secular ambitions although it was considered too radical for the CPA to deal with it as a representative of the Sunni community. The council of Ahl al-Sunna wal-Jamaa included Kurds and Turkmens as well as Arabs, and intended to lobby for Sunni Islamist concerns in the transitional government. It brings together three trends: the Iraqi branch of the Islamist Muslim Brotherhood; Sufi mystic groups; and an ultra-conservative trend including the Salafis. [11h]

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Kurds

6.100 The following is taken from the Middle Eastern Review of International Affairs on 4 December 2002:

“The Kurds, an Iranian ethno-linguistic group unlike Persians, Lurs, Baluch and Bakhtiari, inhabit the mostly mountainous area where the borders of Turkey, Iran, Iraq, and Syria converge. Following World War I and the breakup of the Ottoman Empire, the Kurds were promised their own country under the terms of the 1920 Treaty of Sevres only to find the offer rescinded under the 1923 Treaty of Lausanne. Numbering at least 25 million people, Kurds are mostly divided among Turkey, Iraq, Iran and Syria. The main area they inhabit is about 230,000 square miles, equal to German (sic) and Britain combined. The Kurds are the largest ethnic group in the world without a state. The term ‘Kurdistan’ is widely used in Iraq to refer to the Kurdish area of northern Iraq and in Iran to refer to the Kurdish area of northwest Iran. Turkey and Syria, however, avoid this term for political reasons, although under the Ottomans it was widely used.

The area of northern Iraq where Kurds predominate, is a region of about 83,000 square kilometers. This is roughly the same size as Austria. Smaller ethno-linguistic communities of Assyrian-Chaldeans, Turkomans, Arabs, and Armenians are also found in Iraqi Kurdistan. In Iraq there are approximately 3.7 million Kurds in the predominantly Kurdish northern safe haven area, and between 1 and 2 million in the rest of Iraq, particularly Baghdad, Mosul and that part of Iraqi Kurdistan still under the control of the Baghdad regime.

The majority of Kurds are Sunni Muslims. There are also Shi’a and Yezidi Kurds, as well as Christians who identify themselves as Kurds.

Yezidis are Kurds who follow a religion that combines indigenous pre-Islamic and Islamic traditions. The once thriving Jewish Kurdish community in Iraq now consists of a few families in the Kurdish safe haven." [54a] (p2)

Anfal

6.101 The Middle Eastern Review on 4 December 2002 added:

"Since the creation of the modern state of Iraq, the history of Iraqi Kurdistan has been one of underdevelopment, political and cultural repression, destruction, ethnic cleansing and genocide.... Al-Anfal (The Spoils) was the codename given to an aggressive, planned, military operation against Iraqi Kurds. It was part of an ongoing, larger campaign against Kurds because of their struggle to gain autonomy within the Republic of Iraq. Anfal took place during 1988 under the direction of Ali Hasan al-Majid, Saddam Hussein's cousin. He became known as 'Chemical Ali' because of his use of chemical and biological weapons on Kurdish towns and villages.

The broad purpose of the campaign was to eliminate resistance by the Kurds by any means necessary. Its specific aim was to cleanse the region of 'saboteurs'--who included all males between the ages of 15 and 70. Mass executions were carried out in the targeted villages and surrounding areas. The operation was carefully planned and included identifying villages in rebel held areas, declaring these villages and surrounding areas 'prohibited' and authorizing the killing of any person or animal found in these areas.

Economic blockades were put onto these villages to cut them off from all support. The army also planned for the evacuation of them and the inhabitants' relocation to reservation-like collective towns. People who refused to leave were often shot. In some cases, people who agreed to leave were gathered up and separated, with men from 15 to 70 in one group; women, children, and elderly men in another. Many of the men were executed while the others were removed to the collective towns or to camps in the south of Iraq.

During the Anfal operation, some 1,200 villages were destroyed. More than 180,000 persons are missing and presumed dead. While the Iraqi government was motivated partly by the fact that some Kurdish groups cooperated with Iran during the Iran-Iraq war, documentation recovered in the Kurdish safe haven in 1991 reveals that this operation was part of a larger campaign undertaken by Saddam throughout his time in power. Many now regard this operation as proof of genocide against Iraqi Kurds. In all phases of the ethnic cleansing program, which began when the Baath Party first seized power in 1963 and culminated in the Anfal operation, it is estimated that more than 4,000 villages in rural Kurdistan were destroyed and perhaps 300,000 people perished.

The best-known chemical attack occurred at Halabja in March 1988. This town is located in the mountains near Sulaimaniya, about 11 kilometers from the Iranian border. Between 40,000 and 50,000 people were living there at the time. The Iranian army had previously pushed Iraqi forces out of the area. During three days, the town and surrounding district were attacked with conventional bombs, artillery fire, and chemicals—including mustard gas and nerve agents (Sarin, Tabun, and VX). At least 5,000 people died immediately as a result of the chemical attack and it is estimated that up to 12,000 people died during those three days.” [54a] (p2)

Faili Kurds

6.102 The World Directory of Minorities dated 1997 noted that, "Those north of the Greater Zab river speak Kumaniji Kurdish as do most of Turkish Kurds, while those south of it speak Sorani and have greater affinity with Iranian Kurds. The majority of Shafi'i Sunni, but about 150,000 in Baghdad and the south-east were Shi'i (known locally as Faili), mostly of Luri origin. In Baghdad the Failis were important both as traders and porters in the main *sug*. Most were expelled by the government in the 1970's." [78a] (p349) The Netherlands general official report on Iraq dated June 2004 added that, "The new draft nationality law contains provision for reviving the nationality rights of Fayli Kurds. A number of aspects of this draft version have also been included in the TAL. During the period under review [January to May 2004] it was not clear which procedures Fayli Kurds have to follow to actually obtain Iraqi nationality. The decrees of the Revolutionary Command Council (including decree 666 of 1980) affecting the withdrawal of Iraqi citizenship have been abolished. Fayli Kurds are said to have returned from Iran since the fall of the old regime. Exact numbers are not known." [71b]

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Turkmens

6.103 The Iraqi Turkmen Front had offices in Mosul and Kirkuk but virtually no presence elsewhere in the country according to the Kurdistan Observer on 1 July 2003 [10k] but there was also a Turkmen presence in Baghdad according to the Foreign and Commonwealth Office on 26 April 2004. [66a] (p4)

6.104 Mustafa Kemal Yaycili, a senior official of the Iraqi Turkmen Front (ITF) based in northern Iraq, called for dialogue and co-operation with all Iraqi groups, according to a report by the Kurdistan Observer on 1 July 2003. Turkmens were represented by six members on Kirkuk city council and by one member in Mosul. The official said that Turkmens constituted some 65% of the population of Kirkuk although the percentage might be decreasing as Kurds move back to the area. He added that there is no need for a peace-keeping force in Kirkuk. [10k]

6.105 On 24 August 2003, the Washington Post carried reports of an ethnic feud between Kurds and ethnic Turkmens. Eight people were killed in Tuz

Khurmatu in a dispute over a religious shrine although “One of the few things that Tuz Khurmatu residents agree on is that religion played a secondary role in the dispute: The primary source of the tension between Kurds and Turkmen is a political struggle over the administration of Tuz Khurmatu.” [16d]

6.106 In early November 2003 the Kurdistan Observer carried a report by Turkish newspaper ‘Zaman’ that “Tension between Kurds and Turkmen in Kirkuk have gradually been growing to the point where hostilities can break out at any time”. There had been a rocket attack on the ITF offices in Musalla and a gun attack on the car of ITF leader Faruk Abdullah Abdurrahman; Faruk himself was not in the car at the time. He said that tensions had become so severe in Kirkuk during Ramadan that the Turkmen had been unable to organise the customary Turkish plays. [10f]

6.107 On 5 January 2004 Kurdish Media carried an Agence France Presse report that Turkmen IGC member Shangul Shapuk had demanded that Kurdish militias in Kirkuk be disarmed after Kurdish fighters shot dead four people at an Arab and Turkmen demonstration protesting against Kurdish attempts to incorporate Kirkuk into Kurdistan. Shapuk said that they were with the Kurds if they keep out of Turkmen affairs but if they insist on annexing Kirkuk the Turkmen would demand an Iraqi Turkmenistan. [21c]

6.108 The Christian Science Monitor on 8 March 2004 reported that, “The long-simmering friction between Kurds and Turkmen here is taking a sectarian turn, with thousands of Shiite militiamen recently arriving to protect the Turkmen and Arab coreligionists against Kurdish hopes to incorporate Kirkuk into their sphere of influence in the north”. The article further reported that Kurds viewed a march by 2,000 of Moqtada Sadr’s Mehdi Army militia earlier in the month as a provocation. The next day, 100 Kurds ransacked the headquarters of the Iraqi Turkmen Front and looted shops owned by Turkmen and Arabs. [34d] (p1-2)

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Assyrians

6.109 The US State Department Human Rights report for 2003 stated that,

“Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defined Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime. The regime did not permit education in languages other than Arabic and Kurdish. In areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.” [2a] (p10)

6.110 A representative from the Assyrian Democratic Movement (ADM) informed the fact-finding delegation in July 2003, that "In the immediate aftermath of the war, Assyrians in northern Iraq in some cases had been attacked by criminal Kurds. ADM's armed wing is licensed to carry weapons and has protected Assyrians in northern Iraq in the area from Mosul to Al Qush and from Mosul towards the north-west. There are at moment no security problems for Assyrians in northern Iraq: ADM co-operates with KDP, PUK and Arabic and Islamist parties in the area." [30a] (para 4.13)

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Chaldeans

6.111 The US State Department Human Rights report for 2003 stated that,

"Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defined Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime. The regime did not permit education in languages other than Arabic and Kurdish. In areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac." [2a] (p10-11)

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Women

6.112 A Human Rights Watch report - Sideline: Human Rights in Postwar Iraq, in January 2004 stated that, "The widespread fear of rape and abduction among women and their families has kept women and girls at home, preventing them from taking part in public life. Iraqi police give a low priority to allegations of sexual violence and abduction. The victims of sexual violence confront indifference and sexism from Iraqi law enforcement personnel, and the U.S. military police are not filling the gap." [15d] (p4)

6.113 According to a Guardian report on 8 March 2004:

"A lack of security and proper policing have led to chaos and to growing rates of crime against women. Women can no longer go out alone to work, or attend schools or universities. An armed relative has to guard a woman if she wants to leave the house.

Girls and women have become a cheap commodity to be traded in post-Saddam Iraq. [The Organisation of Women's Freedom in Iraq]

knows of cases where virgin girls have been sold to neighbouring countries for \$200, and non-virgins for \$100.” [6k]

6.114 Previously, in July 2003, Human Rights Watch (HRW) had found that reports of sexual violence and abduction of women and girls abounded in Baghdad. Although doctors, victims, witnesses and law enforcement authorities had documented some of these crimes, HRW was concerned that many more went unreported and uninvestigated because of the social stigma which attached to victims of sexual violence: victims may face social ostracism, rejection by their families or physical violence. Such concerns were long-term but the condition in Iraq post-war had been exacerbated by generally poor security and a small, badly managed police force. Not only were women discouraged from reporting sexual crimes but in some cases they could also face difficulty obtaining medical treatment for any injuries they had suffered because some hospital staff did not consider treating victims of sexual violence as their responsibility, or gave such care low priority because of limited resources. [15e] (p1)

6.115 HRW’s July 2003 report drew attention to the deficiencies in Iraqi law in addressing sexual violence and abduction. For example, the Penal Code allowed a man to escape punishment for abduction if he married his victim, and allowed for significantly reduced sentences for honour killings, rape and other cases of sexual violence. In addition to these legal barriers, HRW also came across cases where the police were reluctant to investigate cases, or where they blamed the victim, doubted her credibility, showed indifference or conducted inadequate investigations. [15e] (p1)

6.116 Abortion in Iraq was illegal and socially taboo except in medical emergencies, according to a 26 October 2003 report in The Daily Telegraph. But the fall of Saddam’s regime had seen an upsurge in sexual promiscuity and corresponding increase in demand for back-street abortions, which were now readily available. One woman offering abortions, a qualified mid-wife, charged over £250 per procedure and claimed to offer medical attention to hospital standards. But a doctor in Al Aliya women’s hospital in Baghdad said he had seen one or two patients with sceptic abortions each week, claiming some people offering illegal abortions did not know what they were doing. [48a]

6.117 The same source stated that, many of the abortions had been for women who had been raped or who had been driven to prostitution to earn money to feed their families. A number of brothels had opened and red light areas developed, particularly al-Bataween Street. Under Saddam, prostitutes were liable to be executed but now, one Madam was reported as saying, prostitution was quite safe because the Iraqi police protect them. [48a]

6.118 While the late Shiite cleric Ayatollah Muhammad Bakr Al-Hakim considered himself to be a moderate, “More militant clerics issued fatwas, or orders, that women be veiled, that schools and workplaces be segregated by sex, and that their strict version of Islamic law be enforced, complete with death by stoning for women who have sex out of wedlock”. According to a 16 June 2003 report on Newsday.com, these were seen as minority views

among Iraqis but held sway among millions of angry young Shi'a determined to take the power long denied them. Maysoon Al-Damluji, a London based leading voice for women's rights in Iraq said that the clerics issuing these fatwas were not senior or even middle ranking figures but that they had popular support among the poor and the repressed. [26a]

6.119 On 16 May 2003 Shiite religious leader Mohammed al-Fartussi threatened 'sinful women' if they did not stop their practices within a week, according to the Kurdistan Observer on 16 May 2003. "We warn women and their go-betweens who take them to the Americans: if in a week from now they do not change their attitude the murder of these women is sanctioned (by Islam)." [10e] Al-Fartussi was reported as wanting all women, even Christians, to wear veils, though he said Muslims would be punished more severely than others: "Women who don't wear the veil won't be served when they go shopping; taxis won't pick them up and they might have eggs and rotten tomatoes thrown at them", reported the BBC (9 June 2003). [4j] Another BBC (13 June 2003) report stated that an Iraqi UN staff member received a handwritten letter at home saying she would be killed unless she started covering her hair. The spokesman for the UN Children's Fund, Geoffrey Keele, said that in some areas there had also been pressure on schoolgirls to start putting on the veil. UN officials had raised the issue with American and British forces. They also said Iraqi women could no longer drive or walk in the streets at night as freely as they did in pre-war Iraq. [4k] More recently in a report by the United Nations High Commissioner for Human Rights dated June 2004 it was noted that, "The OHCHR [Office of the High Commissioner for Human Rights] team was told that women in Basra have complained about being harassed by groups of men into wearing headscarves or avoiding make-up and being under pressure to follow strict Islamic codes, sometimes from religious group militias." [40d] (p26)

6.120 Shi'a women were reported by IWPR on 3 December 2003 to be taking an increased interest in religious matters, an activity effectively barred to them under Saddam's regime. An educational programme was operating in three mosques in Baghdad under the banner of the Association to Commemorate Religious Rituals, with the emphasis on exposing the women to a broad range of Shi'a thought, as well as political and practical matters, without endorsing any specific trend. A number of prominent clerics were also operating their own programmes. However, the formal Shi'a system of religious education, which would qualify adherents to teach Islamic precepts to the public, remained closed to women. [11e]

6.121 Reuters (via ReliefWeb) on 20 June 2003 stated that no one knew how many women there were in Iraq but some estimates were that they made up more than 60% of the population because three wars in two decades had killed so many Iraqi men. Some of them were working with the U.S.-led Coalition Provisional Authority to try to ensure that women carved out a better position in the new Iraq than they had in the old. This could include cancelling some legislation such as a 1992 law that banned the foreign travel of a woman if she was not escorted by her father or husband and the law that prevented an Iraqi woman married to a non-Iraqi giving her nationality to her

children. Women said they had also suffered increasing job discrimination in government ministries in the 1990s, though exceptions were made for female Ba'ath party members. The combined impact of these changes was profound. [7c]

6.122 Human Rights Watch in June 2003 stated that they had received several reports of kidnappings and rapes of women in Basra but could not confirm a pattern of attacks targeting women. Discussions with medical personnel confirmed three cases of abduction of girls or women, possibly involving sexual violence. Two of these apparently involved family disputes. [15a] (p15)

6.123 Human Rights Watch claimed on 5 March 2004 that: "Iraq's proposed interim constitution fails to give adequate protection to women's human rights". The report quoted LaShawn R. Jefferson, executive director of the Women's Rights Division of Human Rights Watch as saying, "Equal rights for women in marriage, inheritance and their children's citizenship should not be left in jeopardy". [15c]

6.124 UNHCR in a report dated August 2004 noted that, "The United Nations Development Fund for Women (UNIFEM) is currently trying to implement a strategy to support women leaders in Iraq. UNIFEM works with the Interim Iraqi Government and has assigned a gender focal point to each Ministry. A Ministry of Women's Affairs has also been created." [40e] (p6)

6.125 There have been attacks against Women's Rights Activists within Iraq. On 9 February 2004 the Feminist Majority Foundation reported that a women's rights activist received a death threat for campaigning for the repeal of the US-backed Iraqi Governing Council's Resolution 137. Mohamed denounced the Governing Council's decision to cancel current family laws and place family law under the jurisdiction of Islamic (Sharia) law. [68a] The Guardian on 12 March 2004 reported that a lawyer went to Iraq to help the nation's women and that she was one of three civilians killed after several gunmen posing as Iraqi police officers stopped her vehicle at a makeshift checkpoint. Her family believes she was targeted by assassins because of her work. [6a] (p1)

6.126 On 21 April 2004 IRIN reported that, "US Major Martha Boy[d], a civil affairs officer with the 350th Civil Affairs Unit plans to open a women's shelter in two weeks in the 'green zone' [Baghdad], now a protected area for US administrators in Iraq where former President Saddam Hussein and his elite Republican Guard used to live." The article added that, "The centre will be open 24 hours a day, seven days a week, with male and female staff who will be able to work with 15-20 women at a time." The report observed that, "And another women's group is trying to open a longer-term women's centre in Baghdad, Boyd said." [18s] (p1-2)

6.127 The United States Federal Department and Agency Documents (29 August 2004) noted that the Baghdad safe house was opened in April and that, "With the transfer of power to the interim Iraqi government, the women's shelter has fallen under the minister of labor and social affairs. The safe

house operates on a \$75,000 annual budget, which includes payroll. For the first time, Iraqi women have a place to escape from physical or sexual abuse, officials said." The report added that, "To date, five women, including one with five children, have taken advantage of the shelter." [75a] (p1-2)

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Women in the North

6.128 In the Kurdish Regional Government administered area women's experience had been different, according to Nermin Othman, education minister in what had been an autonomous Kurdish administration in northern Iraq since the 1991 Gulf War. Othman was reported on Reuters (via ReliefWeb) on 20 June 2003 as saying: "In Iraqi Kurdistan, women have full rights and freedom of speech and organisation. We have cancelled some discriminatory laws and introduced new legislation that ensures their rights." Othman said Kurds had worked hard to reduce violence against women and had set up shelters for battered women; a woman had the right to divorce an abusive husband, and honour killings were treated legally as violent crimes: "We are trying now to upgrade the status of [all] Iraqi women to that of Kurdish women." [7c]

6.129 However, a spokesman for UNHCR in Damascus told the Joint British-Danish Fact-Finding Mission in July 2003 that there is still some persecution of women in northern Iraq: women activists expressing liberal views might find themselves at risk of persecution; women are also at risk from honour killings, gender based persecution and arbitrary detention without the KDP or PUK being involved, especially around the Halabja and Sulaymaniyah areas. Erbil and Sulaymaniyah had sanctuaries for women but the reach of the protection provided by the KDP and PUK was limited. [30a] (para 4.20)

6.130 As reported in IRIN on 3 June 2003, "A recent survey of domestic violence in Erbil showed that over 60 percent of women interviewed reported that they had been subjected to abuse and harassment in public places. Close to 60 percent had suffered some form of violence from their immediate family. Divorced women, the report noted, were particularly targeted." [18d]

6.131 WADI, a German NGO, working on assistance for distressed women noted that, "With the help and support of WADI a first shelter for Women in Distress 'Nawa Centre' opened its doors in Suleymnaiah an (sic) January 1999, another 'Khanzad Home' followed in 2002 in Arbil. Another protection centre 'Asuda' is working in Suleymnaiah since the year 2000." [69a] (p1) IRIN on 12 August 2004 added "Nawa does shy away from potentially more violent cases, such as women threatened with murder by their relatives for staining the family honour. Instead, it passes them on to more specialised shelters in Sulaimaniyah, like the recently-opened Asuda Centre." [18f] (p1) Now, WADI added, the women's organisations are planning to expand these activities to the other regions of northern and central Iraq, especially the cities of Kirkuk and Mosul. [69a] (p1)

Honour Killing

6.132 According to the Guardian on 8 March 2004, “The idea that a woman represents family 'honour' is becoming central to Iraqi culture, and protecting that honour has cost many women their lives in recent months. Rape is considered so shaming to the family's honour that death – by suicide or murder – is needed to expunge it.” [6K]

6.133 IRIN reported on 3 June 2003 that human rights groups estimated that since 1990 when the Iraqi penal code exempted from prosecution men who killed their female relatives in defence of their family honour, 4,000 women had fallen victim to it. [18d]

6.134 According to The Times on 28 September 2003, Iraqi police reported that the number of honour killings of Iraqi women had increased rapidly in the months since the war, particularly in rural Sh'ite dominated areas where moral and religious codes were strictly observed. The Organisation of Women's Freedom in Iraq, a group set up after the fall of Saddam, said that dozens of young women had been killed by male relatives since the war. Women might be killed because they lost their virginity before marriage, had extra-marital affairs, or even because they were raped. Honour killings were treated leniently by the Iraqi judicial system, with perpetrators facing a maximum of one year in prison. [5e]

6.135 The Times further reported that in one reported case, a 17 year old man in Saddam City in Baghdad shot dead his mother, her lover (who was also his half-brother) and his four year old sister who he believed was a product of the illicit liaison. The man then gave himself up to police knowing that the crime was not considered a grave one and that he faced no more than a year in jail. In another case, in southern Iraq, a 16 year old girl was shot dead by her father and her body left on a rubbish dump after she ran away from the home of her step-mother who was mistreating her. [5e]

6.136 Again in The Times report, a couple who fled to the relative safety of the Kurdish Regional Government administered area after eloping three years previously were reported to fear for their lives now there was freedom of travel between the Kurdish Regional Government administered area and the rest of Iraq. They had moved back to the relative anonymity of Baghdad and were living under the protection of a women's group but had regularly to change their accommodation. [5e]

Honour killing in the north

6.137 On 17 February 2004 IRIN reported that “After Jordan, northern Iraq is believed to have the highest levels of honour killing in the Middle East according to aid groups. Particularly in the conservative, tribal regions around Dahuk, women like Nazire [who had been raped] are seen as having defiled

their family's reputation. Only their death can right the wrong they have done in this society." There are no recent statistics but a Sulaymaniyah based women's group recorded 3,979 cases of women killed as a result of domestic violence in the 1980s. The group believes the actual number to be much higher. [18h] (p1)

6.138 The Christian Science Monitor reported on 3 March 2004 that since the law in the Kurdish Regional Government administered area was changed in 2002 to define honour killings as straightforward murder, the number of honour killings in the area had dropped dramatically. A secure womens shelter in Dahuk provided safety for women and their children. Stating that "There is no future for a single mother in Kurdistan", the director of the shelter accepted that they have to be pragmatic and that "Of the eight women who have lived in the shelter since it opened in 2000, two have been helped to find husbands willing to look after them and their children. Two more have been helped to move in with relatives away from Dohuk. Others have been reconciled with their families." [34c]

6.139 But the previously referred to IRIN report stated that:

"Treading the grey area between traditional codes and the law is just one of the many difficulties facing staff at the [Dahuk] centre. Their biggest obstacle is the conservative attitude of the Dahuk authorities.

It took Sheikhmuhamed nine months to persuade the governor to transfer Nazire to the shelter, and she knows there are nine other women – single mothers or adultresses – still locked up in the city's jails." [18h] (p2)

6.140 The 2002 Joint British-Danish Fact Finding Mission to Amman and Ankara Regarding Iraqi Asylum Seekers found a political will on the part of the KDP and PUK to address the issue of honour killings, but an inability to enforce the law. However, unlike in Saddam controlled Iraq, honour killing was classed as murder and a clear message sent out to that effect, which acted as a deterrent. [30b] (p18-19)

6.141 The same report stated that the KDP was sceptical about the basis of many asylum claims based on honour killing, accepting that such killings do take place but not on the claimed scale. It was suggested by diplomatic sources in Turkey that honour crimes in northern Iraq were becoming more visible rather than more frequent. There may still have been some problems in the villages far away from the cities but there have been concerted efforts to cut down on honour killings in remote rural areas with organisations such as the Women's Federation, the Students Union and the Social Affairs department being involved. [30b] (p18-19)

6.142 According to the 2002 Report, the PUK operated shelters for women and offered protection to both men and women. A man in fear of reprisals could go to Sulaimaniya and get assistance from the PUK. The wife of the PUK leader had been involved in the establishment of a society which would

take in women threatened with honour crimes and offer them protection. [30b]
(p18-19)

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Children

6.143 The Joint British Danish Fact Finding Mission in July 2003 reported that Iraq is a signatory to the Convention on the Rights of the Child and this commitment is deemed to remain intact. [30a] (para 4.22)

6.144 The Mission reported that there were many street children who had been released from orphanages and prisons, in addition to those who were on the streets already; accurate numbers were not available. A major problem was how to deal with children who were in trouble with the law, for example for looting, until a Ministry was created to deal with these issues. The pre-war social services were like those in Eastern Europe and de-institutionalising these would be a major challenge. There had been some reform in foster care but UNICEF said that the rest remained in a mess. [30a] (para 4.23)

6.145 IRIN reported on 13 August 2003 that in Mosul, children as young as four were sent by their families onto the streets of Iraqi towns to beg or sell goods. Sometimes 'working' for twelve hours a day, some of the children had been victims of violence. The children may have dropped out of school or never have been to school in the first place. In many cases members of their families were sick, disabled and unable to work. The article noted that, "According to findings, there were only 12 social workers for the whole of the city of Mosul, which has a population of 1.3 million, and concluded that they faced a mammoth task in protecting children and vulnerable groups." [18c]

6.146 The Times reported on 4 August 2003 that Shi'a Islamic groups had taken over the Dar al-Rahma orphanage in Sadr City. The orphanage was reported to be safe and clean but the new authorities imposed a strict Islamic code. Girls were required to wear a headscarf tight round their hair or they were beaten. They were required to pray five times a day, could not listen to music and must not even look at the boys' quarters. A former worker said that marriage and social control appeared to be the priorities of the orphanage management, saying that in the month she worked there five girls were married. UNICEF had withdrawn its support from the orphanage and withdrew any child who wanted to leave. The only orphanage in Baghdad supported by UNICEF at that time was the Child House in central Baghdad, half an hour's drive away from Dar al-Rahma. Here the children appeared to be content with their pink cardboard doll's houses, flowers in the rooms and television to watch. [5a] [5c]

6.147 On 8 January 2004, IWPR reported that a specialist unit had been set up to address the alarming numbers of kidnapping for ransom of children. A spokesman for the unit estimated that there were 100 kidnapping gangs operating in Baghdad and two neighbouring governorates and that they had carried out 350 kidnappings in October and November 2003 alone. The

number of incidents was said to be falling but the kidnap gangs still exerted fear over Baghdad. [111]

6.148 An article in Al-Adala carried in the IWPR Press Monitor on 4 March 2004 stated that: "An official in the Ministry of Human Rights claimed to have (sic) evidence that 100 homeless children have been raped in the Betawiyeen neighbourhood in Baghdad." The article added that, "An official in the Ministry of Labour said there was an obvious slackness on the part of the Ministry of Interior, which is responsible identifying homeless children and reporting them to the Ministry of Labour. For its part, the Ministry of Interior claims the Ministry of Labour has refused to receive the homeless into its shelters." [46h]

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Homosexuals

6.149 The International Lesbian and Gay Association noted in July 2000 that, "Homosexual behaviour between consenting adults is not an offence under Iraq's Penal Code. However homosexuality is taboo, and there is no viable support for lesbian and gay rights." The article added that, "Under Article 395 of the 1969 Penal Code, the age of consent to sodomy was set at 18. Where the minor is between 15 and 18 years old and does not resist the act, the adult may be punished with imprisonment of up to 7 years. Where the minor is 14 years or below, the punishment is a maximum of 10 years." [53a]

6.150 A Canadian Immigration and Refugee Board stated on 5 September 2003 that:

"An article on homosexuals in the American army during the Iraqi conflict, published in 2003 on the AtomicQueens.com Website, cited the remarks of a gay man in Baghdad who said in an interview that gays are treated better in Iraq than in other Arab countries, and that he had never witnessed overt gay abuse in Iraq. He nevertheless went on to describe Iraq as a 'complex and repressive' society whose eyes are shut to the reality of gays and which uses 'homophobic proclamations against political opponents, rather than to target gays'." [77a]

6.151 The report added that:

"An article on the status of homosexuals in Iraq since the fall of Saddam Hussein, published in the Atlanta magazine *Southern Voice*, quoted a gay American-Arab journalist who frequently travels to the Middle East as saying that the family unit dictates the direction of a country in the Middle East, that families and tribal communities have widely differing views on individual rights, and that thinking 'any government change in the short term will secure the rights of gays and lesbians in Iraq is unbelievably naïve'." [77a]

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Other Groups

Ba'ath Party

6.152 Radio Free Europe/Radio Liberty reported on 12 March 2003 that "According to official figures, the Iraqi Ba'ath Party has more than 2 million members and sympathisers. Many educated Iraqis, qualified specialists, and intellectuals are connected to the party." but only a minority of these were really pro-Saddam Hussein. [22a] "Participation in the party was virtually a requisite for social mobility." according to an old report published by the Library of Congress in 1988. Most members joined for pragmatic reasons: membership was more or less obligatory to get children into good schools, to study at university, get a government job, to obtain membership of the lawyers bar association or the artists association, or to attend a military academy. In order to study at Mosul University, membership of the Ba'ath Party was essential; elsewhere, only exceptional students could study medicine or engineering if they were not members of the Ba'ath Party and even then they would not be recruited to government jobs. [30a] [33a] (p3)

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Structure and Membership

6.153 The aforementioned Library of Congress report stated that only a small percentage of the Ba'ath Party membership then were 'full' members: 30,000, or 0.2% of the 1.5 million membership in 1988. The remainder are known as 'supporters' and 'sympathisers'. [33a] (p2) In a 27 July 2003 report in the Washington Post it was estimated by a former Iraqi ambassador that at least 95% of the total 'membership' was not loyal to the regime nor did they believe in the doctrine of the Ba'ath Party. [16b] 'Coalition Provisional Authority Order Number 1: De-Ba'athification of Iraqi Society' identified the top four ranks of the Ba'ath Party as: Udw Qutriyya (Regional Command Member); Udw Far (Branch Member); Udw Shu'bah (Section Member); and Udw Firqah (Group Member). Believed to number up to 30,000 in total, the Order banned holders of these ranks from future employment in the public sector. It further undertook to investigate them for criminal conduct or as a potential threat to the Coalition. [31a]

6.154 The 1988 Library of Congress report stated that "Generally, party recruitment procedures emphasized selectivity rather than quantity, and those who desired to join the party had to pass successfully through several apprentice-like stages before being accepted into full membership." [33a] (p2-3) The 27 July 2003 Washington Post report stated that a potential member would have to spend 1-2 years as a sympathiser; another 1-2 years as a supporter, during which time they would receive training; 6 months to 1 year as a candidate member undergoing further training; and finally, if accepted, they would become a full member of a local 'Cell'. [16b] (p2)

Party organisation and membership ranks

6.155 The 27 July 2003 Washington Post and the 1988 US Library of Congress noted that the party organisation is as follows:

National Command

Theoretically the highest policy making and co-ordinating council for the Ba'athist movement throughout the Arab world, in 1966 a split in the Ba'athist movement resulted in rival National Commands, one based in Damascus in Syria, the other in Baghdad.

Regional Command

The core of the Iraq party leadership and the top decision making body at national level with (in 1988) 9 members elected for 5 year terms at regional congresses of the Party. Its Secretary General was Saddam Hussein and in practice he took all the decisions.

Central Bureau (Maktab Markazi)

Ran the regions.

Branch (Fira or Fara)

Comprised at least 2 Sections and operating at the provincial level.

Section (Shabah or Shubaa)

Formed of 2 – 5 divisions, a Section operated at the level of a large city quarter, a town, or a rural district.

Division or Team (Firqah)

2 – 7 cells formed a Division which operated in urban quarters, larger villages, offices, factories, schools and other organisations. Division units were spread throughout the military and bureaucracy.

Cell (Halaqah)

Cells operated at the neighbourhood or village level where full members would meet to discuss and to carry out Party directives.

Candidate Member

Supporter

Sympathiser [16b] (p2) [33a] (p3)

6.156 The Foreign and Commonwealth Office on 20 September 2004 categorised the ranks as below, from junior to senior:

"Sadiq (friend)

Mu'ayyid (supporter)

Nasir (partisan)

Nasir Mutaqaddam (Senior Partisan)

Rafiq (Comrade)

Udw Firqa (Division Leader)

Udw Shu'ba (Section Leader)

Dissolution of the Party

6.157 The Washington Post on 12 May 2003 reported that, "The [Ba'ath] party essentially evaporated after U.S. forces invaded Iraq and overthrew Hussein and his government, but [General] Franks made it official by ordering an institution that exercised power in every Iraqi city and village to cease immediately." However, the US also requested that many former high-ranking government officials, most of whom were Ba'ath Party members, should report to their jobs as usual. The article went on to state that, "Officials in charge of Iraq's reconstruction have emphasized that the majority of Ba'ath Party members are useful citizens who joined the party without passion, whether out of fear or pragmatism." [16a]

6.158 The Coalition Provisional Authority (CPA) said that at least 15,000, and up to 30,000 senior Ba'ath Party members would be banned from working in the public sector according to a BBC report on 16 May 2003. [4q] TimesUnion reported on 17 May 2003 that former members would be vetted for criminal conduct and to determine whether they might pose a threat to the security of the occupation forces. [12a] Acknowledging that the ban would make it even more difficult to find qualified staff to run ministries and other authorities, the BBC reported a CPA official as saying that, "That is a price we are willing to pay to be sure we extirpate Ba'athism from Iraq's society." [4q] Amnesty International raised concerns that the sweeping nature of the de-Ba'athification Order may violate the right to freedom of expression and association and that mere membership of the Ba'ath Party should not itself have been reason enough to deny the opportunity to hold employment in the top three layers of government ministries. [28c] On 23 April 2004 the BBC reported an apparent U-turn in US policy when Paul Bremer said that former senior Ba'athists who had a clean record could return to their old jobs in the military or education, a decision condemned by some members of the IGC one of whom, Ahmad Chalabi, was quoted as saying "This is like allowing Nazis into the German government immediately after World War Two." [4f]

6.159 In the Kurdistan Observer on 17 May 2003 it was reported that "[Paul] Bremer [the head of the CPA] reserved the right to himself to make exceptions to the ban in cases where the knowledge and expertise of a former Ba'ath official might be essential to government functions, where the person's prior membership in the party was deemed non-threatening, and where a renunciation of Ba'ath principles had been secured". [10f] (p3)

6.160 The banning of Ba'ath Party members was likely to cause real difficulties in some fields according to a report in The Guardian on 30 August 2003. Out of less than 100 psychiatrists in Iraq, some were banned because of their rank in the Ba'ath, despite the fact that they had no connection with the security services. And an estimated 2,000 senior staff at Iraq's universities and colleges were told by the CPA to stay at home. The Coalition claimed that de-Ba'athification was the most popular thing they had done but there

appeared to be growing concerns that the good are being removed along with the bad. [69]

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Reprisals against Ba'ath Party Members

6.161 With Ba'ath Party membership a prerequisite for advancement in many fields in Saddam Hussein's Iraq, ordinary membership did not of itself imply support for the Party's policies. Sources told the 2003 UK-Danish Fact Finding Mission that Iraqis differentiated between those who joined the Party because it was necessary for them to get jobs, and others such as members of the security services who committed crimes against them. Only those former Ba'athists who were known to have abused their position were being targeted for reprisals; these would mostly be former members of the intelligence services, the security services or Fedayeen Saddam, but according to one source, even in these categories only individuals known to have committed abuses would be targeted. This could however mean that relatively low ranking Ba'ath Party members could be at risk because they had operated at street level and were therefore known to their victims or their victims' families or associates. [30a]

6.162 On 20 May 2003 a report in the Seattle Times began:

"Iraqis have begun tracking down and killing former members of Saddam Hussein's Ba'ath party, doubtful that the United States intends to adequately punish the midlevel government functionaries they say tormented them for three decades.

The number of former Baath party officials killed since the war ended is difficult to pin down in a city of 5 million people with only two functioning police stations, no record keeping and a destroyed government. Drawing on anecdotal evidence, however, former exile groups and Iraqis familiar with some of the killings say it could reach several hundred in Baghdad alone.

The killers appear to be working from lists looted from Iraq's bombed-out security-service buildings, which kept records on information and victims alike. But others are simply killing Baathist icons or irksome party officials identified with the Saddam government." [20a]

6.163 On 24 May 2003 the Baltimore Sun carried a report that detailed a number of killings, and stated that "Hospital officials report that at least 50 Ba'ath Party members have been killed in [Baghdad in May], along with scores of other people who were victims of domestic disputes or rivalries between clans." However the article stated that, "The numbers are impossible to verify because there are no police reports, no investigations, no official statistics. Word of violence spreads from house-to-house, neighbourhood to neighbourhood, fueled by rumour and suspicion". [14a] (p1) A former member of Fedayeen Saddam and a former officer in Saddam's internal security service were murdered in Basra in separate incidents on the same day. An Iraqi

police officer at the scene of the shooting was reported to have condoned the killing, according to a report by IWPR on 17 June 2003. [11b] A source told the 2003 UK-Danish Fact Finding Mission in July 2003 that the number of attacks had been less than he had expected but estimated that nonetheless more than one hundred members of the security apparatus of the former regime had been killed. [30a]

6.164 On 1 March 2004 IWPR reported that "Traditional courts offer a non-violent route for pursuing claims against Saddam's henchmen". "Relatives of victims had killed an untold number of Ba'athists, particularly in the south where tribal traditions of vendetta were especially strong." But while Tribal rules tend to sanction blood vengeance in the case of murder relatively minor injuries such as minor gunshot wounds did not call for such drastic retribution. Instead, victims could take their grievance to a local tribal court which could order the accused to pay compensation. A local Sheikh who sat on a tribunal believes that the arbitration system provides a consensual way of defusing potentially violent disputes: "This approach satisfies all the tribes. It prevents bloodshed and prevents [further] disagreements". However, "Although such traditional courts are widely accepted by local tribes, some policemen argue that it will deter their colleagues from enforcing the law in the post-Saddam era." [11f]

6.165 According to a report in The Guardian on 20 May 2003, "Two gunmen shot and killed a senior Ba'ath Party official who appeared regularly in uniform on Iraqi state television singing anthems praising Saddam Hussein." Daoud al-Qaisy, who held the relatively senior Ba'ath Party rank of Comrade was shot dead by two gunmen The Guardian stated that "It was one of the first known revenge executions since the fall of the regime". "Similar attacks on the party's leaders have been reported from other areas including an attack earlier this month [May] in a Shia district formerly known as Saddam City, where a Ba'athist and several members of his family were killed." [6h]

6.166 The Kurdistan Observer reported on 26 May 2003 that a senior Republic Guard officer was shot dead by unidentified gunmen in Mosul. Colonel Abdul Karim Mohsen Juhaish had been accused by Kurds of involvement in the killing of more than 60 residents of Surie village in Dahuk in 1991. There were also reports that two former Iraqi intelligence officers were executed after being captured by the PUK. [10j]

6.167 Low ranking Ba'ath member Muayid Ghadad, a security guard at a sewage plant, was killed when two men shot him six times in the head and chest, according to a report in the New York Times on 19 June 2003. The victim's brother said "I think it was because he was in the Ba'ath. He was not a senior member". [24a]

6.168 A US aid worker reported that former Ba'ath Party members were the target of revenge attacks in the town of Kut, 100 miles south-east of Baghdad. A news report on the BBC on 20 June 2003 stated that up to 30 houses belonging to party officials were systematically demolished and that the attacks were intensifying and were being carried out almost on a nightly basis.

There were no indications whether any particular political or religious group was behind the attacks but the perpetrators appeared to be well organised, going to the target house the day before and raising a coloured flag; they may even have dropped in to warn the inhabitants in person. [41]

6.169 albabwaba.com reported that the head of Saddam Hussein's Bani al-Nasiri tribe was shot and killed and his son injured as they drove through Tikrit. Abdullah Mahmoud al-Khattab was close to Saddam during his rule but publicly disavowed him after the US led invasion. The regional governor said that al-Khattab had many enemies having killed lots of people and confiscated many properties: "The person who killed him could have taken revenge." [27b]

6.170 According to a New York Times report on 22 July 2003, Kurdish Ba'ath Party member Ahmad al-Jaf was shot dead as he walked home from his shoe repair shop in Baghdad – Mr al-Jaf reportedly joined the Party after the Persian Gulf war to protect his family when he was asked by Ba'athists whether he was 'with them or against them'. In another incident Ali Talib al-Jabouri, an officer in the security forces for 10 years, was shot nine times. And in another, Nazeedah Abdullah Salom, an art teacher and party member was fatally shot three times from a passing car. [24c]

6.171 "Just weeks after the murder of three professors, an anonymous note calling on professors to stay home 'or else' has shaken Mustansiriyah University's staff and some of its students", according to the New York Times on 30 June 2003. The note threatened four professors who were former members of the Ba'ath Party. Students at the university say Ba'athists pressurised them to join the party and students were recruited as spies. The murdered professors included the former deputy dean of the college of sciences, a mid-ranking Ba'ath Party member. [24d]

6.172 On 9 Decemer 2003 the BBC reported a sharp rise in the number of reprisal killings of former Ba'athists in Basra: "It seems the killings are targeting anyone from the previous regime, and not only senior figures connected with ousted leader Saddam Hussein". Police sources reported that in the preceding few weeks at least 20 former Ba'ath Party members had been murdered and "In some instances the killers have left signs around the victim's neck denouncing him as a Ba'athist". The attacks were variously blamed on tribal feuds, the jostling for power in Basra, and Islamic organisations. No one had been arrested at the time of the report. [4w]

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Threat to families of Ba'ath Party members

6.173 There is little evidence of widespread deliberate targeting of the families of Ba'ath Party members in reprisal attacks and a source informed the 2003 UK/Danish Fact Finding Mission that the families of Ba'ath Party officials or people associated with the former regime would not be targeted in revenge for crimes committed during the Saddam regime, saying that Muslims do not attack family members and such reprisals would not occur in Iraq. [30a]

6.174 There is however evidence that the family of Ba'ath Party members are being caught up in attacks on the members themselves. The Guardian reported on 20 June 2003 that in Hilla, from where most of the senior Ba'athists fled after several of their homes were attacked, four children of a Ba'athist were killed, and his wife badly injured, when a grenade was thrown over their wall. [61] In Tikrit, the son of the head of Saddam Hussein's Bani al-Nasiri tribe was injured in an attack on his father, who was shot and killed according to a report on alBawaba.com on 1 July 2003. [27b]

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Prosecution of former Ba'ath Party members

6.175 The IWPR noted in a report on 17 June 2003 that, "In a test case for post-Saddam justice, Kurdish police have arrested a party official accused of triple murder." Police in Kirkuk arrested Hadi Hama Salih, a former Ba'ath Party official who was accused of murdering three of his neighbours in Sulaymaniyah in 1991. Salih was one of the first Ba'athists to have been arrested in the formerly Saddam controlled areas since the regime collapsed. Areas of Iraq formerly controlled by Saddam had no government and as a result were bedevilled by a law and order vacuum. But the Kurdish region had had its own autonomous institutions, including a judiciary, since the Kurds rose up against the regime in 1991. Many believed that if Salih was convicted and sentenced this would act as a deterrent to anyone who might be thinking of taking justice into his own hands in the wake of Saddam's overthrow. [11n]

6.176 In Hilla, where 4 children of a Ba'athist were reportedly killed and his wife badly injured when a grenade was thrown over their wall, some people were working to bring the former Ba'athists to court, the Guardian reported on 20 June 2003. Witnesses named several individuals in the area known to have taken part in the extra-judicial execution of hundreds of people in 1991 and prosecutors found a secret Ba'ath Party book, titled "In Order Not to Forget", which named several men who took part in the executions. Among those named was Mohamed Jawad An-Neifus, who played a vital part in organising the killings. An-Neifus was arrested by US Marines but then accidentally released from a detention camp in Umm Qasr on 18 May 2003. [61]

6.177 The Coalition offered a 'parole program' to former Ba'athists who agreed to hand over their weapons, report periodically to US forces, inform them if they were moving out of the area, and provide help in tracking down insurgents. As reported in the Christian Science Monitor on 12 January 2004, 12 senior Ba'athists from the Talafar region denounced the Ba'ath Party in a ceremony broadcast on radio and handed over weapons. "About 200 more Baath Party members from the next level down in the hierarchy are scheduled to follow their lead Monday." in return for a reduced prospect of arrest, eventual rehabilitation in their communities and a chance to get their jobs back. The US would issue letters acknowledging the former Ba'athists co-operation but the IGC has said that no senior Ba'ath members (i.e. all those who had so far signed on to the programme) would ever work for the

government again. The US officer who led the programme hoped that it could be repeated elsewhere in the country but acknowledged it could be more difficult in other areas. [34e]

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The Tribes

6.178 While the various religious and ethnic groupings were making the most noise in post-Saddam Iraq, the country's 2,000 tribes were quietly working behind the scenes to ensure that they played a major political role, according to a Christian Science Monitor report on 17 June. The tribes potentially wielded a great deal of influence: while most tribes comprise tens of thousands of members, the largest, the Shumar, based south-west of Baghdad, claimed it had well over 100,000 members. Other large tribes include the Obeidi from northern Iraq, the Azzawi from Diyala, and the Hiyalin of Baghdad, led by Sheikh Talib al-Said. [34a] (p1) Another Christian Science Monitor report on 24 September 2003 noted that the Jubouri in Salah al-Din governorate is another large and influential tribe. [34b] (p3)

6.179 The Christian Science Monitor quoted Sheikh Yunis Hamed al Lateef, chief of the Utbah tribe, as saying: "People have begun to realise how much political power the tribes have. We have learned a lot, we've organised, and we are ready; we have a real future now". The tribes were credited with providing protection and some degree of law and order in the countryside. In his home town of Aziziya, Sheikh Lateef was acting as chief of police, judge and mayor. This level of control did however attract criticism. Tribal application of the 'law' extended to extra-judicial killings in tribal wars. And some leaders acknowledged they were still bound by the law of dakheel requiring them to offer unequivocal protection to any stranger who presented himself to the tribe. This led to accusations that the tribes were giving refuge to former Ba'athist leaders. [34a]

6.180 Saddam's own tribe, the Abu Nasir, one of the Tikriti tribes, comprises a number of clans and houses, not all of whom remained loyal to Saddam after members once close to the regime fell from favour, often fatally. A Brookings Institute report (via ReliefWeb) on the Iraqi tribes on 8 July 2003 stated that the bayt (house) of Abd al-Mun'im was disgruntled when Lt. Gen. Maher 'Abd Rashid was placed under house arrest and suspects that Saddam arranged the death of Maher's brother, Brigadier General Tahir, at the end of the Iran-Iraq war. Another house with a grudge is the bayt of Major General Umar al-Haza who was tortured and executed by Saddam for slandering his mother. The Abu Latif sub-group blamed the former regime for the death of one of its favourite sons, Brigadier Gen. Adnan Sharif Shihab, when his helicopter was 'accidentally' shot down by an Iraqi SAM at the beginning of the Iran-Iraq war. Other Tikriti tribes, beyond the Abu Nasir, that bore grudges against Saddam included the al-Shaya'isha, the Hadithiyyin, the Rifa'iyyin, and the Jawa'ina. [7f] (p1-2)

6.181 Brookings Institue (via ReliefWeb) on 7 December 2003 reported that, in spite of these fallings out, most Sunni tribes enjoyed privileges under Saddam's rule, especially those bordering Tikrit: the Jubbur in Sharqat; the 'Ubayd in al-Alam and Tarmiya; the Mushahadah in Tarmiya; the Luhayb in Sharqat; and al-Azza in Balad. Further afield, the Harb in ad-Dur, the Tayy in Mosul, the Khazraj from south of Mosul, the Maghamis from Khalis and the large Sunni tribal federation of the Dulaym, west of Baghdad, were close to the regime. The Shammar Jarba, from north-west of Baghdad, and the Albu Nimr from al-Ramadi were reported to have collaborated rather less enthusiastically with the regime. Even among the tribes closest to the regime, their loyalty seems to have been based on self-interest and certainly was not unwaivering – some members of the above mentioned tribes were implicated in coup attempts and attempted assassination of Saddam. [77] (p2-3)

6.182 According to the same report, it was not only Sunni tribes that could be linked to the former regime: a number of Shiite tribes around Najaf also collaborated very closely with Saddam including the Bani Hasan, Aal Jaryu, Albu Dush, Aal 'Isa, Aal Shibil, and the Shiite branch of Saddam's own Albu Nasir. [77] (p3-5)

6.183 Maps of the distribution of Iraqi tribes can be found at:

<http://www.humanitarianinfo.org/iraq/maps/284%20A4%20Tribes%20in%20Iraq.pdf>
http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethno_2003.jpg

6.184 IWPR reported on 20 October 2003 that there have been reports that tribal networks in southern Iraq were involved in extortion and organised crime to the extent that they threatened security and reconstruction in impoverished Shi'a areas. The police were reportedly reluctant to intervene for fear of reprisals from other tribe members and victims may have been reluctant to report crime for the same reason. British forces in the area were reluctant to get involved in tribal issues unless they were directly threatened, preferring instead to leave it to the Iraqi police to sort out. [114]

6.185 The same IWPR report stated that people had also been exploiting the tribal arbitration mechanism whereby tribal leaders would mediate between the families of victims and perpetrators to try to arrive at a figure for compensation, or 'blood money'. In the aftermath of the conflict, tribal leaders had been 'swamped' with false claims from people trying to earn a few dollars and openly expressed concern at the damage that tribal based criminality was having on their communities. [114]

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Third Country Nationals

6.186 According to the July 2003 Joint British-Danish Fact-Finding Mission, third country nationals in Iraq were viewed with suspicion by many Iraqis due to their perceived affiliation with the former regime. In particular Palestinian refugees had been targeted in the aftermath of the war. Several hundred Palestinian families had been evicted, mainly by landlords who were unhappy

with the lease terms imposed by the former regime. The evictions, which had in some instances been violent, continued. There were 800 such displaced Palestinian families in a camp in Baghdad and perhaps a further 900 families in Jordan. There had also been reports of harassment against couples of mixed nationality, e.g. Egyptians married to Iraqi nationals. [30a] (para 4.29-4.33)

6.187 UNHCR added in August 2004 that, "Refugees have witnessed a marked deterioration in their access to basic services and other humanitarian assistance. In addition, as regards respect for their basic human rights, the situation changes according to groups and regions, but is overall far from satisfactory." [40e] (p4)

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Palestinians

6.188 The Scotsman reported on 30 June 2003 that more than 1400 Palestinian refugees were living in what was quickly becoming a tent city in west Baghdad, having been evicted from their homes. The Palestinians, who sought sanctuary in Iraq under Saddam, were provided with free government housing or accommodation rented cheaply from Iraqi landlords at Saddam's instruction. Saddam's generosity was politically motivated but many Iraqis resented their leader's patronage and since Saddam's fall many Palestinians had been evicted or forced to leave because of massive rent increases. [29a] On 10 September 2003 the UN's Office for the Co-ordination of Humanitarian Affairs reported that UNHCR and the Iraqi Red Crescent had provided tents, installed electricity and built showers and toilets at the camp. The ICRC had built a water piping system with additional water dispensers provided by 'The Muslim Hands' NGO. A Norwegian church provided medicines to the Palestinian clinic. But residents at the camp said the tents were unbearably hot in summer, there was no water supply to individual tents and not enough water overall. The UNHCR was pushing the CPA to allow the Palestinians to use an empty apartment complex nearby as an interim measure while a permanent solution was found. [18g]

6.189 IRIN noted on 21 June 2004 that, "170 Palestinians who fled Iraq last year have now left a no man's land site and the adjacent al-Ruweished refugee camp on the Jordanian border and returned to Baghdad. The refugees said they had given up hope of finding a new home in the Middle East and preferred to return to Baghdad. UNHCR is providing all the returnees with transport assistance and various relief items." [18p] (p2)

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Iranians

6.190 IRIN reported that accommodation is being provided for 250 Iranian Kurdish refugee families who went to the northern Sulaymaniyah governorate, saying they had left deteriorating conditions in Al-Tash camp in the western Iraqi province of Al-Anbar. In the 13 July 2004 article IRIN stated that in April and May numerous families fled the Sunni triangle area. The article

documents a backlash against Kurds and a reduction in aid getting through to Al Tash camp. [18t] (p1-2)

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Perceived Collaborators

6.191 The UNHCR in a Return Advisory dated September 2004 noted that:

"While most security incidents prior to the handover directly targeted soldiers and or nationals of countries participating in the Coalition Forces, threats and attacks over the past six months have been increasingly aimed at Iraqi civilians employed by the UN, NGOs and foreign contractors as well as foreign nationals who work for any of the above. Furthermore, Iraqi intellectuals, medical staff, doctors, journalists, artists, as well as anyone associated with or perceived as supporting the new Interim Iraqi Government (IIG) have also become frequent targets of both harassment and violence. Members of the Iraqi police force, as well as potential police recruits are often the victims of lethal attacks." [40g] (p2)

6.192 The Guardian reported on 25 February 2004 that the deputy police chief of Mosul was assassinated just days after a huge car-bomb outside Kirkuk police station killed eight police officers and injured at least 50 others. In another attack on a police station in Fallujah, dozens of gunmen stormed the building and killed 25 people. [6d]

6.193 Furthermore an unofficial Islamic court imposes harsh sentences on Iraqis who work for the Americans and their allies. IWPR on 10 August 2004 observed that, "An 'Islamic resistance' court based in western Iraq has begun to order harsh punishments against Iraqis accused of collaborating with so-called foreign occupiers, inhabitants in the region said. The court, they said, originated in late 2003 as one of a number of Islamic clerical committees that locals have been using to arbitrate personal and family disputes". IWPR noted that in recent months this particular court has become more political, passing sentence on translators, truck drivers, informers, and others who allegedly work with the foreigners. [11q] (p1-3)

University staff

6.194 Jordan Times reported on 17-18 September 2004 that, "Iraqi universities, once among the most prestigious in the Arab world, are facing potential catastrophe, with rampant kidnappings and murders causing the post-Saddam Hussein intelligentsia to flee abroad en masse." The article stated that, "In the 2003-2004 academic year alone, Bakaa [Higher Education Minister] said 14 university staff members were murdered. Iraq's university teachers' union handed AFP a list of 75 lecturers registered as killed or kidnapped over the same period." The report added that, "Aware of the administration's weakness, Bakaa publicly appealed to clerics and tribal leaders to try to calm threats against university lecturers." [50a] (p1-2)

6.195 The Christian Science Monitor on 21 September 2004 added that, "More than 200 university professors have been either killed or kidnapped, according to academic organizations, prompting as many as 2,000 of Iraq's best educators to leave - and many more to consider posts abroad." [34g] (p1)

6.196 The same article added that, "The security crisis is only the latest challenge to Iraq's university system, once considered among the best in the Arab world. Salaries have fallen well below those at universities in the region, which saps the will to stay and fight against the obscure anti-intellectual forces." [34g] (p2)

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6.C HUMAN RIGHTS – OTHER ISSUES

Treatment of Non-Governmental Organisations

6.197 NGOs were maintaining a low profile in Iraq because of the security environment, according to a 15 March 2004 report by IRIN: "Seven months after 22 people, including UN Special Representative Sergio Vieira de Mello, were killed by a truck bomb at the United Nations headquarters in Baghdad, aid workers are driven around in local vehicles. They don't go out to eat much, following the New Year's Eve bombing of a restaurant popular with foreigners. In fact, many of the workers spend most of their time in neighbouring Jordan, only coming to Iraq when absolutely necessary". In fact, according to the vice-President of the International Medical Corps, people would be surprised at what had been achieved so far but they do not want to advertise their presence for fear their staff would be targeted. [18k]

6.198 Voices of Wilderness, a US non governmental organisation noted on 2 January 2004 that, "Order 45 issued on November 2003 by Governor Bremmer requires all organisations of Iraqi civil society and the international NGOs to register and undergo forms of control and scrutiny. This order is a serious impediment which violates the right of freedom of association." [35a] (p1) The article added that, "We also demand that, as contemplated in Resolution 1483, the activities of the international NGOs should be coordinated by the United Nations and not 'caged' within the restriction of Order 45." [35a] (p2)

6.199 UNHCR in its return advisory paper dated September 2004 noted that:

"Although the UN continues to review the possibility of re-deploying international staff to Iraq and at the end of August 2004 sent a small team to Baghdad for six weeks, under the auspices of the Special Representative to the Secretary-General, in order to assess the humanitarian situation, it is unlikely, in light of continued security concerns, that any type of sustained international presence will be possible in the near future." [40g] (p3)

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Internally Displaced Persons

6.200 The UN Office for Project Services (via ReliefWeb) reported on 5 May 2003 that people who were internally displaced before the recent conflict were slowly returning to their places of origin in the centre and south and virtually all those who were displaced during the conflict had returned to their places of origin, whether in the northern Governorates, central Iraq or the south. [7d] (p1)

6.201 According to an IRIN special report on refugees in January 2004, there were an estimated 900,000 IDPs in Iraq. Although there were no accurate current statistics, on pre-war figures between 600,000 and 800,000 of these were living in the north, with Mosul and Kirkuk having the largest numbers. [18j] (p1)

6.202 At the time of the IRIN report, humanitarian organisations expected to be concentrating their efforts over the coming year on providing proper shelter for IDPs: approximately 400,000 were estimated to be living in purpose built settlements, 300,000 lived in homes, and the rest were in government or other types of accommodation. Nearly 200,000 IDPs in the north were still living in collective towns they had been moved to by Saddam's regime which, IRIN reported, had been described by inhabitants as little better than concentration camps. [18j] (p1-2)

6.203 Thousands of IDPs live in tents or mud shacks, with no income with which to buy their way out of the situation and totally dependent on the monthly food rations under the Oil-for-Food programme. The Kurdistan Regional Government's Deputy Minister of Reconstruction told IRIN that the IDP situation was by far the biggest problem the Kurdish Regional Government faced, with \$12,000 - \$15,000 per family required to rehouse people in reconstructed villages once infrastructure costs were taken into account. The problem was exacerbated in the north because it was perceived by the international community to be relatively well-off compared to the rest of the country. [18j] (p3-4)

6.204 In September 2003 UNHCR reported that it had selected four villages for an initial returns programme for IDPs and plans to make them a showcase for what it planned to do to help other returning IDPs in collaboration with local authorities, the CPA, other UN agencies and relief organisations. In Dengawa, which was destroyed by Saddam in 1986, 200 Kurds were rebuilding their lives with the help of UNHCR, having agreed a settlement to share the 2003 harvest with the Arabs who had occupied their land. [40a] UNHCR was also undertaking improvements to health facilities and water supplies to improve conditions for 2,500 Arab IDPs who had relocated to the Haweeja district west of Kirkuk. UNHCR emphasised that the conflicts in Iraq had affected all communities and it believed they should be helped even-handedly. [40b]

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De-Arabisation

6.205 The 2003 US State Department Human Rights report noted that:

“[Saddam's] regime pursued an Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from regime-controlled areas. According to press reports and opposition sources, the regime forcibly displaced hundreds of families. Since the fall of the regime, citizens throughout the country have reported histories of forced expulsion from their homes and relocation by the former regime. It is currently estimated that hundreds of thousands of citizens were forcibly displaced, although actual numbers are unknown. Large numbers of these forced relocations occurred in Kirkuk, Sinjar, throughout the southern Shi'a region, especially in the marshlands and Basra”. [2a]

6.206 The British-Danish Fact-Finding Mission to Damascus, Amman and Geneva reported in August 2003 that:

“According to UNHCR in Geneva, under Saddam there were several land reforms including the appropriation of lands to distribute available agricultural land more equally (except in the three northern governorates). However, persons belonging to some ethnic groups (Sh’ites, Kurds, Assyrians, Turkmen, Asides [Yazidis], Marsh Arabs) or holding political opinions contrary to those of the Ba’ath Party were singled out and forced to leave their places of origin or habitual residences, their properties confiscated, in certain cases against compensation. In many cases, the regime deliberately destroyed villages in the north and south to ensure that these groups had no place to return to. Land and housing were then allocated to other Arabs to use or, in the case of persons holding high ranks in the Ba’ath Party or in the military, to own. Many of the Arab resettlers were poor labourers attracted by the settlement packages (the right to use the agricultural land and 10,000 Dinars) but others were forced to move. In addition, further displacement was caused by the conflict between the two Kurdish parties and the Turkish invasion.” [30a] (para 3.22)

6.207 On 9 July 2003, an Agence France-Presse story carried in the Kurdistan Observer reported that “Kurdish peshmerga fighters returning to their former homes in eastern Iraq have driven out thousands of Sh’ite Muslim families relocated to the region by Saddam Hussein’s regime a generation ago.” Around 7,000 Arab families had been forced to flee on foot or by car from Khanaqin. One former peshmerga who was then a policeman thought that the evictions were a fair state of affairs. Another policeman said that it had been made clear to the Arabs that they were not welcome but that a few Arab and Turkmen families who were not considered guilty of collaboration with Saddam’s regime had stayed. [10n]

6.208 The British-Danish Fact Finding Mission reported in August 2003 that “Leaders of Arab tribes in these areas have approached KDP and PUK and informed them that the former regime brought these Arab tribes to the Kurdish areas under pressure. The Arab tribal leaders acknowledged that they inhabited Kurdish properties and assured the Kurdish parties that they would leave but asked for this process to be implemented in an orderly way.” [30a] (paras 4.9-4.12)

6.209 On 19 February 2004 the Kurdistan Observer reported that: “[The Global IDP Project] that monitors displaced people says about 100,000 Arabs have been forced from their homes by returning Kurds in northern Iraq. The Global IDP Project estimates that about 30,000 Kurds who were evicted under Saddam Hussein have gone back to their home towns and villages. The Arab families have been pushed out, or fled, the group says. Many are camped in abandoned public buildings in non-Kurdish areas and are dependent on food aid.” [10d]

6.210 An article from HRW (3 August 2004) quotes Sarah Leah Whitson,

executive director of Human Rights Watch's Middle East and North Africa division as saying, "Kurds are flocking back to Kirkuk, but the city has little capacity to absorb them....They are living in abandoned buildings and tent camps without running water or electricity supplies, and they face precarious security conditions". Arabs are in a precarious position as well. HRW notes that, "Many such families fled their homes during the U.S.-led invasion or were forced to do so subsequently, particularly in rural areas, but have remained in the vicinity in makeshift shelters and without basic amenities. Others living in urban areas, notably Kirkuk, never left and are waiting for their own property claims to be resolved." [15f] (p1-2)

6.211 In a separate report dated August 2004 HRW documented that:

"In almost all cases, returning Kurds left pre-Arabization Arab populations alone and focused their threats and intimidation on the Arabs who had come north during the Arabization campaign. In most cases of intimidation documented by Human Rights Watch, fighters and sometimes civilian politicians of the two main Kurdish political parties—the KDP and the PUK—took a direct role in the intimidation, suggesting that the two political parties either actively supported the forced displacement of Arabs who had come north through Arabization, or at the very least condoned such abuses." [15h] (p35)

6.212 HRW noted that the U.S. forces often reached trouble areas after forced displacement had occurred, and that most U.S. troops took aggressive steps to end such abuses once they reached the scene. [15h] (p35)

6.213 The same report noted that:

"Many other families in government-owned housing in Khanaqin faced similar eviction threats from PUK officials—including Kurdish and Turkoman families, in addition to Arab families. It appears that the main motivation behind many of these evictions was to free up housing for PUK *Peshmerga* families, and the families of PUK members who had been killed ('martyred') by the government of Saddam Hussein, rather than to allow those displaced by Arabization to return." [15h] (p37)

6.214 On 17 September 2004 IRIN reported that, "An estimated 11,300 residents of the towns of Khanaqin and Mandeli in the Diyala governorate in northern Iraq are occupying a football stadium and tents near Baqouba in the south of the governorate, after being forced out of their homes. Residents not considered ethnically Kurdish or Turkmen were asked to leave their houses by the governor of Diyala province recently, Safah Hussein, internally displaced persons coordinator at the Iraqi Ministry of Migration and Displacement, told IRIN." [18aa] (p1) The article added, "But to complicate matters, 'hundreds' of Kurdish people have been forced out of houses in the towns of Ramadi and Samarra in the insurgent-heavy 'Sunni Triangle' north and west of Baghdad. Many of them want to return to their homes in the northeast region, Amin said." [18aa] (p1)

Land and Property Rights

6.215 UNHCR in a document dated August 2004 observed that:

"The Iraq Property Claims Commission (IPCC) is the organization set up to reinstate peoples' property rights that were taken away by widespread property confiscations by the former Iraqi Government....The Iraqi Governing Council (IGC) played a lead role in drafting the Statute that established the IPCC and its boundaries....The IPCC process is open to all persons, or their heirs, who have been wrongfully deprived of real property (e.g. house, apartment or parcel of land) or an interest in real property (e.g. right to farm the land) because of actions taken by the former governments between July 17, 1968 and April 9, 2003 and or actions which can be attributed to them. The latter includes actions carried out by Ba'ath party members and relatives of senior officials of the government or Ba'ath party.

Claims may also be made by people who lost or lose real property or an interest in real property between March 18, 2003 and June 30, 2005 as a result of their ethnicity, religion, or sect, or for purposes of ethnic cleansing, or by individuals who had been previously dispossessed of their property as a result of the former government's policy of property confiscation...." [40e] (p13)

6.216 The Ministry of Migration and Displacement published an article in a local newspaper in April 2004 in order to inform readers about the existence and functions of the IPCC. However, no further public information on the IPCC was forthcoming. UNHCR noted that persons interviewed expressed frustration at not having heard anything about the IPCC since April, and that they had scepticism about its ability to resolve property disputes in a timely manner. [40e] (p14-15)

6.217 On 26 April 2004 the Foreign and Commonwealth Office said that:

"The Iraqi Property Claims Commission (IPCC), established by the Iraqi Governing Council, is a high-profile initiative that is a key part of the effort to redress the Ba'athist crimes against the Iraqi people. Strongly supported by the CPA, the IPCC provides Iraqi citizens of all ethnic and religious backgrounds with legal mechanisms to apply for the return of, or compensation for, real property - land, homes and other buildings - removed from them during from July 17, 1968 until April 9, 2003. The IPCC opened its offices across Iraq during March and April 2004, and will remain open until 1 January 2005. No estimate has been made of the number of property complaints in Iraq, but there are an estimated 1,000,000 internally displaced people (IDPs) in the country, of which 800,000 are estimated to be in the Kurdish Regional Government (KRG) areas. It is estimated that the IPCC will take over 5 years to process the applications and rule on the individual cases. A

Ministry for Displacement and Migration has been established by the Iraqi Governing Council." [66a] (p4)

6.218 However Human Rights Watch reported on 3 August 2004 that:

"Although legislation was formally passed in January [2004] establishing an Iraq Property Claims Commission (IPCC), neither it nor its implementing instructions were finalized until June. More than 6,000 claims have reportedly been lodged at IPCC offices in 10 of the country's 18 governorates, but the judicial mechanism put in place for the adjudication of these property disputes has still not been implemented. The commission's statute also failed to adequately address the question of where Arab settler families are to be resettled once they have vacated disputed property. Many of them have lived in Kirkuk and other Arabized areas since the 1970s and have long since severed connections with their area of origin". [15f] (p1-2)

6.219 IRIN news added on 17 September 2004 that, "The law also says no final decisions can be made about houses and property before a government is elected and a new Iraqi constitution is approved." [18aa] (p1) Moreover the Netherlands General Official Report on Iraq dated June 2004 noted that, "The interim constitution states that the status of Kirkuk will be reviewed when a permanent constitution has been adopted." [71b]

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Liquor Sellers and Sex Cinemas

6.220 Liquor stores and sex cinemas have been the target of a number of attacks by Islamists. The BBC reported on 24 September 2003 that a grenade exploded in the Nojoom Cinema in Mosul killing two and injuring up to 20. Witnesses said that the cinema was showing a pornographic film at the time. The BBC reported that "Islamic militants are known to oppose what they call 'immoral' movies and have attacked some cinemas in post-war Iraq for showing them." The article added that, "Religious and political groups have distributed flyers warning theatre owners not to show films of a sexual nature." [4f]

6.221 IWPR carried a report from Al-Mashriq on 19 February 2004 stating that: "Eight people were killed and 10 wounded when unknown assailants opened fire at liquor sellers in the old market of Basra. Eyewitnesses said the victims were ordinary people shopping in the market. This area recently has witnessed many crimes due to unknown assailants shooting randomly at owners of liquor shops. The attacks also are taking place in Baghdad and many other locations around the country." [46e]

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Kidnappings

6.222 Centurion, a risk assessment service, stated on 14 June 2004 that:

"There remains a very high threat of kidnappings in both Sunni and Shi'a Arab areas of Iraq. This includes kidnap by tribal and criminal gangs in order to obtain a reward from militia groups. The threat in Baghdad remains very high and there is an increase of warnings to the north in Tikrit and Mosul. It is also assessed that the threat of kidnapping directed against members of the international community remains high. The threat is now exacerbated by events in the Shi 'a south. Insurgent groups are reported to be offering financial rewards for any foreign nationals taken hostage. In some areas of Iraq, reports state that criminal kidnapping is 'rampant and apparently unstoppable'". [58a] (p3)

6.223 The Center for Strategic and International Studies in a report dated July 2004 noted that in Baghdad, "Bombings remain a regular occurrence in the capital and kidnapping has become endemic, with many rich doctors and lawyers (especially Christians) remaining at home to avoid being taken hostage." [63a] (p18) Amnesty in June 2004 also noted that, "Doctors and other professionals have been amongst the primary targets for kidnapping or killing because they are perceived to be wealthy." [28a] (p8)

6.224 Asia Times reiterated this in an article dated 7 August 2004, "Several Iraqi Christians have been kidnapped over the past year. This again has to do with a general perception in Iraq that the Christian community is wealthy. But not all Christians are, and some of those who have been abducted have not been able to raise the enormous ransom demanded by their kidnappers." [56a] (p1)

6.225 The Institute for War and Peace Reporting noted on 17 September 2004 that there is disagreement between various insurgents in Falluja over the treatment of hostages: "The Black Banners have a reputation for killing any foreigner or accused collaborator who falls into their hands, while Naami claims that Janabi's group only seeks ransom and 'does not kill any spy or hostage'." The article added that, "In a possible indication of internal debate over the issue, a group with a similar name to Hadid's issued a request over Arab satellite television, asking the Muslim Clerics' Board – a gathering of Sunni religious scholars which many insurgents take as their ideological reference-point – to issue a fatwa or ruling defining hostage-taking." [11m] (p2)

6.226 With regards to protection in Falluja, the article added, "Iraqi government forces are absent from the equation of power in the town. The police play little role, there is no National Guard, and even the Fallujah Protection Brigade, established last April to keep order in the town, was dissolved a month ago when its members were seen fighting alongside the insurgents." [11m] (p2)

6.227 The Iraqi Press Monitor on 22 September 2004 noted that Al-Mutamar newspaper reported that, "Kirkuk police claim to have arrested two kidnapping networks. Police chief Tarhan Yousif said the networks were responsible for kidnapping 38 Kurd and Turkmen persons for ransom and for political

motives. Yousif added that investigations are underway to get more information about the networks' activities." [46j] (p2)

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Organised Crime and Corruption

6.228 The Associated Press noted on 10 August 2004 that, "Iraqis are learning that they still need to push recalcitrant clerks to perform their duties, and that 'Ikramiya,' an Arabic euphemism for bribery, still reigns - and is getting worse." A new anti-corruption commission was set up in June 2004 to investigate complaints dating back from the previous regime, however few people know about it. [65a] (p2)

6.229 UNHCR in August 2004 noted that, "Despite the introduction of a Code of Conduct, the temptation for police officials to supplement their meagre salaries through corruption is of particular concern. Nevertheless, a strong willingness to learn and good attendance for duty have also been demonstrated. The accountability of the Iraqi Police Forces currently falls under the Minister of Justice." [40e] (p3)

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ANNEX A: CHRONOLOGY OF MAJOR EVENTS

14 July 1958: The monarchy is overthrown. The new Government consists of military and civilian members under Brigadier Abd Al-Karim Qassem.

February 1963: Qassem is killed in a coup organised by nationalist and Ba'athist officers, who then seized power under Abd Al-Salam Aref.

17 July 1968: A group of Ba'athist officers led by Ahmad Hasan Al-Bakr organise another coup.

30 July 1968: Ahmad Hasan Al-Bakr made President, and Saddam Hussein is appointed Deputy President.

March 1970: An agreement is reached between Barzani (leader of the KDP) and the regime.

Spring 1974: Ba'ath Party promises regarding a Kurdish autonomy are not fulfilled which results in a major conflict between the Kurds and the regime.

March 1975: Iran and Iraq sign the Algiers agreement, ending their border disputes.

16 July 1979: Ahmad Hasan Al-Bakr resigns as President in favour of Saddam Hussein. At this time, real power moves away from the Ba'ath Party and almost exclusively to Saddam Hussein.

September 1980: Saddam Hussein orders Iraqi forces into western Iran, which starts the Iran/Iraq war (also at the time, called the "Gulf War"). Around this time, Saddam also expels many Iraqi's of possible Iranian extraction, mainly Shi'a, from Iraq. They are taken to the Iranian border and left. Many remain there, although some travel to other countries and claimed asylum.

June 1987: The United Nations pass Resolution No.598, which calls for a cease-fire of the Iran/Iraq war.

8 August 1988: The United Nations announce a cease-fire, which comes into effect on 20 August 1988. The economic situation in Iraq after the end of the war is precarious which leads to high inflation and steep rises in the cost of living.

16 March 1988: Saddam launches the Anfal Campaign. This involves chemical bombing against the Kurds residing in the north of Iraq. Many thousands of Kurds are killed or disappear during this campaign. Halabja is the most publicised town, as many as 5,000 people were poisoned there by chemical gases. This campaign is initially set up to resettle Kurds to where they are more easily controlled.

20 August 1988: A ceasefire comes into effect to be monitored by the UN Iran-Iraq Military Observer Group (UNIMOG).

Spring 1990: Saddam demands access to the Kuwait islands of Bubiyan and Warba as well as reviving Iraq's claim to part of the Rumailia oil fields. This leads to the Gulf War/Desert Storm.

2 August 1990: Iraq invades Kuwait and is condemned by United Nations Security Council (UNSC) Resolution 660 which calls for full withdrawal.

6 August 1990: UNSC Resolution 661 imposes economic sanctions on Iraq.

29 November 1990: UNSC Resolution 678 authorises the states co-operating with Kuwait to use "all necessary means" to uphold UNSC Resolution 660.

16-17 January 1991: The Gulf War commences, in which Iraq is opposed by the UN with coalition forces including troops from 40 countries (including Egypt, Syria, Saudi Arabia, Kuwait). ("Operation Desert Storm").

27 February 1991: A cease-fire is agreed upon.

24 February 1991: The start of a ground operation results in the liberation of Kuwait on 24 February. On 3 March Iraq accepts the terms of a ceasefire.

28 February 1991: The Intifada commences (also known as the 1991 uprising by the people against the regime). This begins in the southern city of Basra.

March 1991: There is a spontaneous uprising in the north of Iraq in the town of Ranya, which spreads across Kurdistan.

29 March 1991: Samawa (southern Iraq), which holds out the longest against the authorities is retaken.

3 April 1991: The Iraqi army recaptures Sulaimaniya (northern Iraq). About 1.5 million Kurds flee to the mountains and this eventually leads to setting-up of the "Safe Haven" in the north of Iraq.

October 1991: The Iraqi Government withdraws its armed forces from the north, together with police units and pro-Ba'ath employees from the governorates of Irbil, Suliamaniya and the Dohuk areas which it had occupied.

December 1992 & May 1993: Gulf War allies imposes "no-fly" zones over both northern and southern Iraq.

27 June 1993: US forces launch a cruise missile attack on Iraqi intelligence headquarters in Al Mansur district, Baghdad in retaliation for the attempted assassination of US President, George Bush, in Kuwait in April.

29 May 1994: Saddam Hussein becomes Prime Minister.

October 1994: An attempted coup is uncovered resulting in the execution of senior army officers.

10 November 1994: The Iraqi National Assembly recognises Kuwait's borders and its independence.

November 1994: The UN Security Council votes to continue economic sanctions imposed on Iraq after the Gulf War.

14 April 1995: UNSC Resolution 986 allows the partial resumption of Iraq's oil exports to buy food and medicine ("oil for food programme"). Iraq does not accept it until May 1996 and it is not implemented until December 1996.

15 October 1995: Saddam Hussein wins a referendum allowing him to remain President for another 7 years.

1996: Fighting resumes between the KDP and the PUK

February 1996: Two of Saddam's son-in-laws, Hussein Kamel and Saddam Kamel, are executed after returning to Iraq following their earlier defection to Jordan.

31 August 1996: KDP forces with Iraqi Government troops, first shelled and recaptured the city of Erbil in northern Iraq. Disturbances continue in September until government authorities are forced to leave the "Safe Haven".

3 September 1996: The US extends the northern limit of the southern no-fly zone to latitude 33 degrees north, just south of Baghdad.

23 October 1996: A cease-fire between the KDP and PUK ends the fighting for the rest of 1996.

12 December 1996: Saddam Hussein's elder son, Uday, is seriously wounded in an assassination attempt in Baghdad's Al-Mansur district.

12 October 1997: Truce brokered by the United states, the United Kingdom and Turkey, called the "Ankara Process" broken when PUK forces attack KDP positions.

December 1997: Reports of over 1,200 executions of prisoners.

January 1998: Crisis between the Iraqi Government and the United Nations Special Commission following the stopping of the work of the UN investigation team.

13-14 January 1998: Iraq prevents UNSCOM team led by Scott Ritter from carrying out inspection work.

17 January 1998: President Saddam threatens to halt all co-operation with UNSCOM if sanctions are not lifted.

February 1998: Kofi Annan, the Secretary-General of the United Nations agrees a deal with the Iraqi Government, and averts a military attack. An agreement for Iraq to double its oil output was also accepted by the UN.

6 February 1998: Amidst build-up of US and UK forces in the Gulf, President Clinton and Prime Minister Blair reiterate their determination to prevent Saddam from threatening neighbours and the world with weapons of mass destruction.

23 February 1998: UN Secretary-General Kofi Annan brokered a memorandum of understanding allowing UNSCOM to inspect eight "presidential sites".

2 March 1998: UN Security Council adopts Resolution 1154 threatening Iraq with the "severest consequences" if it breaches the February 23 memorandum of understanding.

26 March 1998: UNSCOM begins inspection of "presidential sites".

2 April 1998: UNSCOM completes first round of inspections of "presidential sites".

27 April 1998: After reviewing the latest six-monthly UNSCOM report, UN Security Council decides against reviewing sanctions against Iraq.

30 April 1998: Clinton announces intention to reduce strength of US forces in the Gulf.

April and June 1998: Two Shi'a clerics are murdered.

11-15 June 1998: UNSCOM head Richard Butler and Iraqi Deputy Prime Minister Tariq Aziz reach agreement on "road map" for verification of Iraqi disarmament and the eventual lifting of UN sanctions.

19 June 1998: UN Security Council adopts Resolution 1175 allowing Iraq to purchase US\$300 million worth of equipment for its oil industry.

24 June 1998: In a presentation to the UN Security Council, Butler asserts that Iraq has loaded missile warheads with the chemical weapon VX before the 1991 Gulf War.

27 July 1998: The International Atomic Energy Agency (IAEA) reports that there is evidence that Iraq was concealing nuclear weapons.

August 1998: The Iraqi National Assembly votes to temporarily suspend UNSCOM inspections.

August 1998: The Iraqi National Assembly votes to suspend most co-operation with UNSCOM.

5 August 1998: After the collapse of the latest round of Aziz-Butler talks, the Iraqi legislature votes for immediate suspension of UNSCOM inspections.

9 August 1998: UNSCOM suspends inspections.

20 August 1998: UN Security Council decide to maintain sanctions against Iraq.

9 September 1998: UN Security Council adopts Resolution 1194 demanding that Iraq co-operate with UNSCOM and suspending indefinitely periodic reviews of UN sanctions against Iraq.

September 1998: The Iraqi National Assembly votes to suspend all co-operation with UNSCOM and the IAEA.

October 1998: The Iraqi National Assembly ceases all co-operation with UNSCOM

31 October 1998: A joint meeting of the Revolutionary Command Council and the Ba'ath Party formally ends all forms of co-operation with UNSCOM and calls for Butler's dismissal.

5 November 1998: Amidst a fresh build-up of US and UK forces in the Gulf, the UN Security Council adopts Resolution 1205 demanding that Iraq rescind immediately and unconditionally the Oct 31 decision, but make no mention of military threat.

15 November 1998: Only hours before planned US and UK air strikes, Saddam annuls the October 31 decision.

17 November 1998: UNSCOM inspectors returns to Iraq.

24 November 1998: UN Security Council approves the renewal of the "oil-for-food" deal which allows Iraq to sell US\$5,200 million worth of oil over the next six months for the purchase of humanitarian goods.

9 December 1998: Iraq blocks UNSCOM inspectors from entering a sensitive site in Baghdad.

15 December 1998: Butler delivers a highly critical report to the UN Security Council.

16-20 December 1998: "Operation Desert Fox" The US and UK launches air strikes on Iraq to destroy Iraq's nuclear, chemical and biological weapons programmes. [1a] (p472-473) [1b] (p2185)

January and February 1999: Iraq's repeated violation of the northern and southern no-fly zones and threats against UK and US aircraft causes the latter to respond in self-defence. [1a] (p473-474)

19 February 1999: Disturbances in southern Iraq following the assassination of Grand Ayatollah Mohammed Sadeq al-Sadr, spiritual leader of the Shi'i sect, and his sons. Later followers of al-Sadr are arrested and executed. There are also demonstrations by Kurds in northern Iraq against the capture by the Turkish authorities of the Turkish PKK leader Abdullah Ocalan. [4s] (p2)

June 1999: The Iraq Revolutionary Council issued Decree 101 which bans the detention of women accused of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case of manslaughter during the investigation and trial stages until a decision or sentence is issued in the case. The Iraq Revolutionary Council also issues Decree 110 amending the constitution regarding Iraqi nationals who illegally left the country.

December 1999: The UN Security Council adopts Resolution 1284 (1999) which creates a new weapons inspection body for Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM. The new body is established to operate a reinforced system on ongoing monitoring and verification to eliminate Iraq's nuclear, chemical and biological weapons arsenal. [1a] (p474) Iraq rejects the resolution.

January 2000: Iraq repeats its rejection of Resolution 1284, insisting on the total lifting of sanctions as a precondition for the return of UN arms inspectors to Iraq. [1a] (p475)

February 2000: Hans Blix, a former director of the IAEA, is appointed chairman of UNMOVIC.

27 March 2000: In the National Assembly elections, Saddam Hussein's son, Uday, becomes a member for Baghdad Governorate's fifth constituency.

August 2000: Re-opening of Baghdad airport, followed by a stream of international flights organised by countries and organisations to campaign against sanctions. The flights are labelled humanitarian missions to comply with UN sanctions.

October 2000: Iraq resumes domestic passenger flights, the first since the 1991 Gulf War. Commercial air links re-established with Russia, Ireland and the Middle East.

November 2000: Deputy Prime Minister Tariz Aziz rejects new weapons inspection proposals.

1 December 2000: Iraq temporarily halts oil exports after the UN rejects a request for a surcharge to be paid into a Iraqi bank account not controlled by the UN.

2001: Free-trade zone agreements set up with neighbouring countries. Rail link with Turkey re-opened in May for first time since 1981.

February 2001: Britain and United States carry out bombing raids in an attempt to disable Iraq's air defence network. [4s] (p2)

18 February 2001: Franso Hariri, former governor of Arbil and a central committee member of the KDP, is assassinated on his way home from Arbil. He was allegedly killed by armed terrorists.

May 2001: Saddam Hussein's son Qusay elected to the leadership of the ruling Ba'ath party. [4s] (p2)

January 2002: Iraq invites a UN human rights expert to visit for the first time since envoys were banned from the country in 1992. [1b] (p2187)

4 February 2002: It is announced that Iraq has expressed its willingness to hold talks "without preconditions" with Kofi Annan, the UN Secretary General. [1b] (p2187)

May 2002: UN SC members agree to revise sanction regime to ease humanitarian impact. [1a] (p480)

1-3 May 2002: Talks aimed at achieving a breakthrough in the stand-off over weapons inspection take place in New York between Iraqi Foreign Minister Naji Sabri Ahmad al-Hadithi, UN Secretary General Kofi Annan and Hans Blix head of the UN's weapons inspection agency UNMOVIC. They end without any agreement reached, Iraq agrees to attend a third round in Vienna in early July. [1b] (p2187)

17 September 2002: UNMOVIC and Iraq hold preliminary talks at UN headquarters in New York about arrangements relating to the resumption of inspections as a follow up to earlier talks in Vienna. Further talks agreed.

1 October 2002: The United Nations and Iraq end 2 days of talks in Vienna on practical arrangements needed to facilitate the return of UN weapons inspectors to Iraq.

George Bush tells a UN General assembly session to confront "the grave and gathering danger" of Iraq, or stand by as the US acts. [4s] (p3)

October 2002: The British government publishes its dossier on Iraq's weapons of mass destruction.

4 October 2002: PUK & KDP reconvene parliament in northern Iraq.

16 October 2002: Saddam Hussein wins 100% vote in a referendum ensuring him another 7 years as President.

20 October 2002: Reported that Saddam Hussein announced a general amnesty for Iraqi prisoners.

27 November 2002: UN weapons inspectors resume inspections within Iraq after a four-year absence. They are backed by a UN resolution which threatens serious consequences if Iraq is in "material breach" of its terms. [4s] (p3) [1b] (p2188)

March 2003: Chief weapons inspector Hans Blix reports that Iraq has accelerated its co-operation with the UN but says inspectors need more time to verify Iraq's compliance. [4s] (p4)

20 March 2003: The US and the UK begin military action against Iraq. [4s] (p4)

9 April 2003 US forces advance into central Baghdad. Saddam Hussein's grip on the city is broken. In the following days Kurdish fighters and US forces take control of the northern cities of Kirkuk and Mosul. There is widespread looting in the capital and other cities. [4s] (p4) [1b] (p2189) [2a] (p1)

10 April 2003: Senior Shi'a Cleric, Abdul Majid al-Khoei is murdered in Najaf. [4r] (p2)

April 2003 US lists 55 most-wanted members of former regime in the form of a deck of cards. Former deputy prime minister Tariq Aziz is taken into custody. [1b] (p2189)

1 May 2003 President Bush officially declares an end to 'major combat operations'. [1b] (p2189)

May 2003 UN Security Council approves resolution backing US-led administration in Iraq and lifting of economic sanctions. US administrator abolishes Ba'ath Party and institutions of former regime. [4s] (p5)

July 2003 Interim Governing Council (IGC) meets for first time. Commander of US forces says his troops face low-intensity guerrilla-style war. Saddam's sons Uday and Qusay are killed in gun battle in Mosul. [4s] (p5)

August 2003 Bomb attack at Jordanian embassy in Baghdad kills 11; attack at UN HQ in Baghdad kills over 20 including UN's chief envoy. Saddam's cousin Ali Hassan al-Majid, or Chemical Ali, captured. Car bomb in Najaf kills 125 including Shia leader Ayatollah Mohammed Baqr al-Hakim. [1a] (p483) [1b] (p2189)

October 2003 UN Security Council approve amended US resolution on Iraq giving new legitimacy to US-led administration but stressing early transfer of power to Iraqis. [4s] (p5)

October 2003 Dozens are killed in Baghdad bombings, including attack on Red Cross office. [4s] (p5)

November 2003 Security situation continues to deteriorate. By early November - six months after President Bush declared the war over - more US soldiers have been killed in Iraq than died during the war to oust Saddam. In the course of the month 105 coalition troops are killed - the highest monthly

death toll since the war began. [4s] (p5)

15 November 2003 Governing Council unveils accelerated timetable for transferring country to Iraqi control. [1b] (p2189)

13 December 2003 Saddam Hussein is captured. [1b] (p2190)

1 February 2004 More than 100 people are killed in Erbil in a double suicide attack on the offices of PUK and KDP. [10c] [4s] (p5) [6s] (p14)

March 2004 US-backed Governing Council agrees an interim constitution after marathon negotiations and sharp differences over role of Islam and Kurdish autonomy demands. [1b] (p2190)

2 March 2004 A series of bombs exploded during the Shia festival of Ashoura killing more than 180 people. [1b] (p2190)

4 April 2004 Demonstrations by supporters of Moqtada Sadr descend into riots in the Sadr city area of Baghdad, as well as in Najaf, Nasiriyah and Amara. Nine coalition troops and more than 50 Iraqis are killed in the clashes, which are described as the worst unrest since Saddam Hussein fell. [6s] (p9-10)

April 2004 US forces surround and blockade Fallujah. 100 Iraqis are reportedly killed in 5 days of fighting. Two members of the interim cabinet resign in protest. [1b] (p2190) Coalition forces fight Shia gunman and sunni insurgents on several fronts. Local Militia take control of Najaf and Kut [6s] (p7-9)

21 April 2004 Five suicide bombings near police stations and police academy in southern city of Basra kill 74 people and wound 160 others. [6p]

29 April 2004 Photos released of US human rights abuses in Abu Ghraib. Many of the pictures were taken in Autumn 2003 but not released until April. [18m] (p1) [6s] (p7)

17 May 2004 Ezzedine Salim, then head of the Iraqi Interim Governing Council is assassinated. [62a] (p1)

28 May 2004 The 25 members of Iraq's US-appointed governing council choose Ayad Allawi, a former Ba'athist turned CIA supporter, to serve as the country's interim prime minister after the June 30 handover. [6s] (p5)

12 June 2004 Deputy Foreign Minister Bassam Qubba is killed. [62a] (p1) [6s] (p4)

17 June 2004 A sport utility vehicle packed with artillery shells slams into a crowd waiting to volunteer for the Iraqi military, killing 35 people and wounding 138. [6p]

21 June 2004 Members of Iran's Revolutionary Guard detain eight United Kingdom servicemen for allegedly straying into the Iranian side of the Shatt al-

Arab waterway. The men are shown blindfolded on Iranian television, but are released on 24 June 2004. [62a] (p7)

24 June 2004 Coordinated attacks in north and central Iraq leave 89 people dead, including three U.S. soldiers; at least 318 are wounded. [6p]

28 June 2004 Iraq's US-led administration transfers sovereignty to the interim Iraqi government in a surprise move two days ahead of the scheduled handover. Paul Bremer, the outgoing US governor, signs over control of the country and responsibility for dealing with its escalating security troubles to the interim prime minister, Ayad Allawi, in Baghdad. [6s] (p3)

1 July 2004 Saddam Hussein is shown in court. [6s] (p3)

28 July 2004 A car bomb explodes outside a police station used as a recruiting center in Baqouba, killing at least 68 people and wounding more than 50. [6p] [6s] (p3)

1 August 2004 A series of co-ordinated explosions on churches across Baghdad and Mosul. 12 people are killed and 40 others wounded. [3b] (p46177)

August 2004 Ferocious fighting erupts in Najaf breaking a ceasefire agreement. [6s] (p1)

Salem Chalabi, the man organising the trial of Saddam Hussein, is left facing a murder charge after an Iraqi judge issues a warrant for his arrest. [6a] Clashes also break out in Baghdad's Sadr City slum, and in the southern towns of Kut and Amara, while demonstrators in Nassiriya torch prime minister Iyad Allawi's political party office. [67a] (p1)

11 August 2004 Ahmed Chalabi, a former US ally, has returned to Iraq where he faces arrest on money counterfeiting charges. [6j] (p1) These charges were later (28 September 2004) dropped. [46k] (p2)

27 August 2004 The 22-day stand-off in Najaf ends with a deal brokered by Ayatollah Sistani, Iraq's most influential Shia leader. Iraqi Shia militants are instructed to lay down their arms and leave the Imam Ali shrine - Shia Islam's holiest. [4c]

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ANNEX B: POLITICAL ORGANISATIONS

Al-Daawa (Hezb al-Daawa al-Islamiyya)(Islamic Call Party)

According to the Middle East Intelligence Bulletin in June 2003, al-Daawa is the oldest organised Shiite political force in Iraq. It has historically kept a low profile: "The organization's secretive structure made it Saddam Hussein's most fearsome opponent - its remarkable list of accomplishments includes at least seven attempts to assassinate the former Iraqi president and the near-fatal shooting of his son, Uday. The organization pioneered the use of suicide bombings and simultaneous terror attacks in the Middle East. US officials thought the movement had been largely eradicated inside Iraq - until it organized the first major anti-American demonstration in April." [39a] (p1) (The Foreign and Commonwealth Office disputes that US officials would ever have thought al-Da'awa had largely been eradicated in Iraq [56a]) The Middle East Intelligence Bulletin added that unlike SCIRI, al-Daawa has never advocated direct clerical control of the state and ostensibly supports a pluralist democratic system. [39a] (p1)

According to the Middle East Intelligence Bulletin, Al-Daawa emerged in the aftermath of Iraq's 1958 revolution. Its spiritual leader was Muhammad Baqir al-Sadr. Grand Ayatollah Muhsin al-Hakim and other senior clergymen also influenced the party, though the religious establishment was careful to avoid taking overtly political stances. The operational leader of the party was Sheikh Arif al-Basri. [39a] (p1-2)

The Middle East Intelligence Bulletin also noted that:

"The toppling of the Baathist regime enabled al-Daawa to establish itself openly in the southern and central regions of the country. It was al-Daawa that organized the first demonstrations against the US presence in Nasiriyah. The meticulous planning that had underpinned those demonstrations indicates the party had maintained an active presence in certain regions of Shiite Iraq throughout the rule of Saddam Hussein. Several key al-Daawa leaders have since returned to Iraq, most notably Ibrahim al-Jaafari and Muhammad Baqir al-Nasiri, an influential ideologue previously based in Tehran.

Although the party has not been willing to officially cooperate with the American authorities, its leaders appear intent on avoiding actions that might sabotage the delicate transition to some form of representative government in Iraq. A member of its political bureau recently told Al-Hayat that his organization 'does not see any interest in a US withdrawal from Iraq at this moment.' Nasiri has openly criticized those who have attempted to impose strict Islamic dress codes in Shiite areas. There are also some indications that the party may be cooperating with the United States in rooting out armed resistance. A recent statement by an anti-American Iraqi nationalist group accused

al-Daawa of treason for "informing the occupation forces about the resistance forces.

Hezb al-Daawa has proved itself to be an adaptable and resilient ideological movement and activist network. Its main challenge will be transforming itself from a secretive cell-based organization into a popular political party." [39a] (p5)

The Basra headquarters of Al-Daawa was targeted in gunfire attacks in early September according to a report by alBawaba.com on 7 September 2003. No one was injured. Two men were captured by Al-Daawa people in connection with the attack but no information was available on who they were or which group they might belong to. An Al-Daawa spokesman said the men would be handed over to Iraqi police after they had been interrogated. [27a]

Assyrian Party

One of five parties that called for the formation of an organisation to unify the various Kurdish concerns. The five parties were the Islamic Union, the Islamic Democratic Party, the Communist Party of Kurdistan, the Workers Party of Kurdistan and the Assyrian Party. The five parties urged the PUK and the KDP to join them in an organisation they proposed to call the New Kurdistan Front. [46a]

Bet-Nahrain Democratic Party (BNDP)

Formed in 1976, seeks the establishment of an autonomous state for Assyrians in Iraq (Bet-Nahrain) [1a] (p514)

Constitutional Monarchy Movement (CMM)

Founded in 1993, supports the claim to the Iraqi throne of Sharif Ali Bin al-Hussain, cousin to the late King Faisal II, as constitutional monarch with an elected government. [1a] (p514) Although this royalist movement was active in the opposition prior to the military intervention in Iraq political significance is small. The CMM has a number of offices throughout Iraq. The Party has hardly any support in Iraq. The Constitutional Monarchy Movement refrained from taking a seat on the IGC. [71b] (Appendix 4)

Communist Party of Kurdistan

See Assyrian Party. [46a]

Conservative Party

The BBC reported on 1 January 2003 that "The Conservative Party, led by Umar Surchi, is a junior partner in the PUK-led coalition government in Sulaymaniyah. The party represents tribal leaders and is dominated by the Surchi family. During 1996 KDP forces clashed with fighters from the Surchi family's home villages, killing Umar Surchi's brother. The PUK supported the Conservative Party in the short-lived conflict, prompting the Conservative Party to ally itself openly with the PUK". [4d]

Democratic Assyrian Movement (Zowaa)

Formed in 1979, seeks recognition of Assyrian rights within the framework of a democratic national government. Secretary General is Younadam Yousuf Kana. [1a] (p514)

Free Officers and Civilians Movement

Formed in 1996, and based in Baghdad, the founder and leader is Nagib al-Salihi. [1a] (p514)

Hezbollah

This conservative-religious party is headed by Abdel-Karim Mahoud Al-Mohammedawi, dubbed the 'price of the marshes'. Al-Mohammedawi played a leading role in the resistance to the regime of Saddam Hussein from the southern marsh territories. The party is said to enjoy support mainly among Marsh Arabs in the south of Iraq. [71b] (Appendix 4)

Independent Democratic Movement (IDM)

Founded by Adnan Pachachi in 2003. Seeks a secular and democratic government of Iraq. [1a] (p514)

Iraqi Communist Party (ICP)

Founded in 1934 and led by First Secretary Hamid Majid Moussa. [1a] (p514)

IWPR reported on 2 February 2004 of the Iraqi Communist Party that

"The party was once considered one of the more powerful Marxist organisations of the Arab world, and was a particularly attractive alternative to Shia and Kurds who rejected the pan-Arab philosophy of the Baath and other Sunni parties.

Viciously repressed in the 1960s and 1970s, the Communists were driven underground, and their dwindling support base was eventually surpassed by the rising tide of Shia religious movements.

Since the downfall of the Saddam regime, however, the Communist Party has staged a comeback. Not only has it opened dozens of offices around the country, but its general secretary, Hamid Majid Mousa, 61, is a member of Iraq's US-appointed Governing Council." [11k]

According to the Washington Post on 29 January 2004, "The comeback of the Iraqi Communists is one of the most remarkable political stories of the post-Hussein era. Once ruthlessly persecuted, the party has rapidly reemerged, this time as an influential, moderating force in national life." [16e]

The 2 February 2004 IWPR report carried details of a bomb attack on a newly opened office of the ICP in the al-Jadidah district of Baghdad on 22 January 2004 in which two people were killed. According to the report "The Communists have many enemies in this poor district of the capital, from neighbours who resent the presence of such 'unbelievers' and local politicians angry at the party's attempts to build support, to Islamists who are said

concerned (sic) about its cooperation with the United States-led Coalition Provisional Authority.

“Some officials in the Communist Party reportedly blame former members of Saddam Hussein’s intelligence and security organisations for the attack.

“But conservative Shia groups also are said to harbour long-standing enmity towards the Communists. Last summer, a Shia mob burned down a Party office in the southern city of Nasiriyah.” [11k]

Iraqi Homeland Party (Hizb al-Watan al-Iraqi)

Formed in 1995, the Iraqi Homeland Party is a liberal Sunni party allied with SCIRI. Its leader is Mishaan al-Jubouri. It publishes a newspaper called al-Ittijah al-Akhar. [1a] (p514)

Iraqi Islamic Party (IIP)

Founded in 1960. Secretary General is Mohsen Abd al-Hamid. [1a] (p514) This Sunni party has links with the international Islamic (Sunni) organisation known as the ‘Muslim Brotherhood’ and aims to establish an Islamic state system. [71b] (Appendix 4)

Iraqi National Accord (INA)

A US Congressional Research Report in January 2004 stated that:

"The INA, originally founded in 1990 with Saudi support, consisted of defectors from Iraq’s Baath Party, military, and security services who were perceived as having ties to disgruntled officials in those organizations. It is headed by Dr. Iyad al-Alawi, former president of the Iraqi Student Union in Europe and a physician by training. He is a secular Shiite Muslim, but most of the members of the INA are Sunni Muslims. The INA’s prospects appeared to brighten in August 1995 when Saddam’s son-in-law Hussein Kamil al-Majid — architect of Iraq’s weapons of mass destruction programs — defected to Jordan, suggesting that Saddam’s grip on the military and security services was weakening. Jordan’s King Hussein agreed to allow the INA to operate from there. The INA was ultimately penetrated by Iraq’s intelligence services and, in June 1996, Baghdad dealt it a serious setback by arresting or executing over 100 INA sympathizers in the military.

Baghdad’s offensive against the opposition accelerated with its August 1996 incursion into northern Iraq, at the invitation of the KDP. Iraq not only helped the KDP capture Irbil from the PUK, but Saddam’s forces took advantage of their presence in northern Iraq to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout the north. In the course of its incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested as many as 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 oppositionists, mostly from the INC.

Prior to Operation Iraqi Freedom, Alawi claimed that the INA was operating throughout Iraq, and it apparently had rebuilt its presence in Iraq to some extent after the June 1996 arrests. Although it was cooperating with the INC at the start of the U.S.-led 2003 war, there is a history of friction between the two groups. Chalabi and the INC have argued for comprehensive purging of former Baathists from Iraq's institutions, while the INA, which has ex-Baathists in it, has argued for retaining some members of the former regime in official positions. Like the INC, the INA does not appear to have a mass following in Iraq, but it has close ties to the U.S. government and does have a constituency among pro-Western Iraqis. In post-Saddam Iraq, Alawi has also taken the lead in pushing for the establishment of an internal security service for post-war Iraq, dominated by the major exile factions. Alawi was part of the major-party grouping that became the core of the Governing Council, and Alawi has been named a member of that Council and one of its nine member rotating presidency; he was president in October 2003." [33b] (p11-12)

Iraqi National Alliance (INA)

Formed in 1992 and led by Abd al-Jabbar al-Qubaysi. Supports constitutional multi-party government. [1a] (p514)

Iraqi National Congress

A US Congressional Research Service report in January 2004 stated that:

"The INC was formally constituted when the two main Kurdish militias, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), participated in a June 1992 meeting in Vienna of dozens of opposition groups. In October 1992, major Shiite Islamist groups came into the coalition when the INC met in Kurdish-controlled northern Iraq. The INC appeared viable because it brought under one banner varying Iraqi ethnic groups and diverse political ideologies, including nationalists, ex-military officers, and defectors from Iraq's ruling Baath Party. The Kurds provided the INC with a source of armed force and a presence on Iraqi territory. Its constituent groups publicly united around a platform that appeared to match U.S. values and interests, including human rights, democracy, pluralism, "federalism", ... the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq. However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian internal structure, and because of inherent tensions among its varied ethnic groups and ideologies. The INC's first Executive Committee consisted of KDP leader Masud Barzani, ex-Baath Party and military official Hassan Naqib, and moderate Shiite cleric Mohammad Bahr al-Ulum. (Barzani and Bahr al-Ulum are now on the 25-member post-war Governing Council and both are part of its nine member rotating presidency.)" [33b] (p3)

According to the Foreign and Commonwealth Office on 26 April 2004, the INC had become dominated by Ahmad Chalabi rather than a genuine umbrella organisation. [66a] (p5)

Iraqi Turkmen Front

Formed in 1995 and based in Erbil, the Iraqi Turkmen Front is a coalition of 26 Turkmen groups led by Faruk Abdullah Abd ar-Rahman. It seeks autonomy for Turkmen areas in Iraq, recognition of Turkmen as one of the main ethnic groups in Iraq and supports establish of a democratic multi-party system in Iraq. [1a] (p515)

Iraqi Women's Organisation

Led by Sondul Chapouk [1a] who is a member of the Interim Governing Council. [66a] (p5)

Islamic Amal Organisation (Munazzamat al-Amal al-Islami)(Islamic Action Organisation)

According to a January 2004 US Congressional Research Service Report for Congress:

"Another Shiite Islamist organization, the Islamic Amal (Action) Organization, has traditionally been allied with SCIRI. In the early 1980s, Islamic Amal was under the SCIRI umbrella but later broke with it. It is headed by Mohammed Taqi Modarassi, a Shiite cleric, who returned to Iraq from exile in Iran in April 2003, after Saddam Hussein's regime fell. Islamic Amal, which has a following among Shiite Islamists mainly in Karbala, conducted attacks against Saddam Hussein's regime in the 1980s. However, it does not appear to have a following nearly as large as SCIRI or the other Shiite Islamist groups. Modarassi's brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which tried to stir up Shiite unrest against the Bahrain regime in the 1980s and 1990s. Since returning to Iraq in April 2003, Mohammad Taqi has argued against violent opposition to the U.S. occupation, saying that such a challenge would plunge Iraq into civil warfare. On November 14, 2003, Modarassi criticized the United States for not holding elections to any of the political bodies formed thus far." [33b] (p11)

Islamic Democratic Party

See Assyrian Party. [46a]

Islamic Movement in Iraq

Based in Tehran, a Shi'ite organisation that is a member of SCIRI. Led by Sheikh Muhammad Mahdi al-Kalisi. [1a] (p515)

Islamic Movement of Iraqi Kurdistan (IMIK)

IMIK was founded in 1987 when Saddam attacked Halabja and Islamist activists fled into the mountains where they formed IMIK, under the leadership of Mullah Osman Abd-al-Aziz, and declared 'jihad' on Baghdad. In 1988, despite its Sunni foundations, IMIK joined Iranian forces on Iraqi territory in

Operation Val-Fajr 10; Saddam's forces were routed and he retaliated with the 16 March 1988 chemical attack on Halabja. [25b] (p2)

During the 1990s IMIK at times allied itself with the KDP and was involved in armed clashes with the PUK. Then, in 1997, an Iranian facilitated rapprochement between the PUK and IMIK led to severe internal tensions in the Islamist party and IMIK began to splinter. At least two new parties emerged, both more radical than IMIK: Kurdish Hamas, led by Omar Baziani; and Tawhid, under the leadership of Abu Bakr Howleri. [25b] (p3)

Mullah Osman Abd-al-Aziz died in 1999 and his brother Ali assumed control of IMIK and joined the PUK's Kurdistan Regional Government, competing in local elections in Spring 2001 and gaining around 20% of the vote in both PUK and KDP controlled areas, and over 50% in the Halabja area. In May 2001, a further off-shoot of IMIK, Komaly Islami, was formed. Later in 2001 the two earlier splinter groups, Hamas and Tawhid, unified under the name Jund al-Islam, changing the name to Ansar al-Islam under the leadership of Mullah Krekar after the 11 September 2001 terrorist attacks on the World Trade Centre in New York. [25b] (p3-4)

According to an interview by London based Al-Zaman with IMIK representative Ihsan Shaykh Abd-al-Aziz, translated and published by the Kurdistan Observer on 27 January 2003, IMIK was one of seven movements listed in the US Iraq Liberation Act issued by Bill Clinton's administration. However, it did not receive the financial assistance provided for in the Act because, according to the IMIK representative, it was wrongly associated with terror organisations, and in particular Ansar al-Islam, after 11 September 2001. The representative said that IMIK deplored the killing of women, children, the elderly and civilians anywhere in the world. He said that IMIK could not be held responsible for the actions of Ansar al-Islam and that IMIK was willing to mediate between Ansar al-Islam and the PUK. [10i]

The Netherlands General Official Report on Iraq dated June 2004 noted that, "The 'Islamic Movement of Iraqi Kurdistan' (IMIK) has very local support in the north of Iraq, namely in Halabja, Khormal, Tawileh, Biyara and Ahmed Awah. Until 2002 the IMIK effectively ruled Halabja and the surrounding area until the PUK took power. The PUK has subsequently entered into negotiations with the IMIK. So far as is known, relations between the PUK and the IMIK have since normalised. The IMIK is said to want to merge with the 'Iraqi Islamic Party' but it is not known whether specific steps have been taken towards this objective." [71b] (Appendix 4)

Islamic Union

See Assyrian Party. [46a]

Komaly Islami (Islamic Group of Kurdistan)

Founded in 2001 as splinter group of the Islamic Movement of Iraqi Kurdistan (IMIK), described by Europa as moderate Islamist aligned with the PUK, but see below. [1a] (p515)

A fringe Islamic group in northern Iraq, Komaly Islami claimed to be a moderate organisation according to the Kurdistan Observer on 3 September 2003. [10p] But according to an LA Times report carried in the Concord Monitor on 15 July 2003 it is allied to Ansar al-Islam. Its leader, Ali Baqir, and three of his followers, were arrested by the Americans in July 2003. Before the war, Komaly Islami had between 3 – 5,000 followers living in and around Khurmali, in north-eastern Iraq. The PUK had been paying Komaly Islami hundreds of thousands of dollars a year in the hope of tempering its radical tendencies but in early 2003 decided the group was too close to Ansar and included them in the targeting instructions it gave to the Americans, which widened the scope of its cruise missile attacks to include several Komaly Islami bases around Khurmali. [45a]

Kurdistan Democratic Party (KDP)

The Kurdistan Democratic Party was formed in 1946, under the leadership of Mullah Mustalafa al-Barzani, in Soviet occupied territory in northern Iran. The current leader is Masud Barzani. [41b] The KDP controls Erbil and Dahuk provinces in Iraqi Kurdistan in a coalition government that includes the Iraqi Communist Party, the Assyrian Movement, the Independent Workers Party of Kurdistan, the Islamic Union and independents. The KDP participates in the Iraqi National Congress and purports to favour self-determination for Iraq's Kurds within a unified Iraq [52a] but like the PUK, post-Saddam, although publicly it still maintains this position, it has been suggested that its real agenda is an independent Kurdish state.

Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the KDP and the Patriotic Union of Kurdistan (PUK). [19f] (p1) Following the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes and the KDP turned to Baghdad for backing. In August 1996 the KDP sought and received help from Baghdad to capture Irbil, seat of the Kurdish regional government. [33b] (p5)

The KDP and PUK agreed a tenuous cease-fire in October 1996 [33b] (p5) but fighting between them continued through 1997 with the KDP claiming that 58,000 of its supporters were expelled from Sulaymaniyah and other PUK controlled areas. In addition, many villagers who supported the KDP were killed in attacks by the Patriotic Union of Kurdistan (PUK). [41b]

In September 1998 the KDP and PUK signed the Washington Agreement to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). On October 4 2002 they jointly reconvened the Kurdish regional parliament for the first time since the 1994 clashes. [33b] (p5)

After Saddam was ousted, Masud Barzani was part of the major-party grouping that was incorporated into the Governing Council, and both are part of the Council's rotating presidency. The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994.

The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq, although clashes have flared in December 2003-January 2004 between Arabs and Kurds in the city of Kirkuk as Kurdish leaders have sought to politically incorporate that city into the Kurdish regions. [33b] (p5)

Kurdistan Democratic Solutions Party (KDSP)

Kurdish Media on 19 May 2003 carried a report from Ozgurpolitika (a Turkish language, pro-PKK Kurdish daily) that the Kurdistan Democratic Solutions Party (PCDK) announced that it is abandoning armed struggle and would instead be directing its energies into political action. PCDK was formed after the Kurdistan Workers Party (PKK) was dissolved and transformed into the Kurdistan Freedom and Democracy Congress (KADEK). [21a]

Kurdistan National Democratic Union (YNDK)

The BBC reported on 13 January 2003 that: "The Kurdistan National Democratic Union (YNDK) worked closely with the Kurdistan Workers' Party (PKK) in the late 1990s. The two organisations issued joint statements in 1997 calling on Torkomans and Assyrians to join the PKK's attack on Turkish 'occupation' forces'. Under the leadership of Ghafur Makhmuri, the party remains hostile towards Turkish policy in the region, but has moved away from the PKK to cooperate with the Kurdistan Democratic Party (KDP). The YNDK publishes a weekly newspaper in Kurdish, Medea". [4d]

Kurdistan People's Movement

"The Kurdistan People's Movement, led by Abd al-Khaliq Zanganah is also supportive of the KDP regional government. The party publishes Dangi Millet, a weekly newspaper in Sorani Kurdish" according to the BBC on 13 January 2003. [4d]

Kurdistan Toilers Party (KTP)

According to a report by the BBC on 13 January 2003, the left-wing Kurdistan Toilers Party was led by Qadir Aziz. It had been supportive of the PUK in recent years and was a member of the PUK-led regional government in Sulaymaniyah. "During clashes between the Kurdistan Workers Party (PKK) and the PUK in 2000, a delegation from the KTP and KSDP [Kurdistan Socialist Democratic Party] attempted to mediate between the two sides." "The KTP runs a radio station – Voice of Kurdistan Toilers – and publishes a weekly newspaper – Alay Azadi – in Sorani Kurdish." Three KTP peshmergas were killed in armed clashes with Jund al-Islam in November 2001. [4d]

Kurdish Revolutionary Hezbollah

Kurdish Islamist group Kurdish Revolutionary Hezbollah announced that it was disbanding following the ousting of Saddam Hussein and the achievement of its aims: the overthrow of Saddam's regime and the liberation of Iraq and (Iraqi) Kurdistan, according to a report by the Kurdistan Observer on 14 May 2003. The group said it was disbanding in order to boost efforts to rebuild Iraq and that it was not seeking any gains or official posts. KRH comprised Sunni Muslims and was headed by Adham Barzani, a tribal chief related to Masud Barzani, leader of the KDP. The group commanded several

thousand fighters but its role had receded in recent years. [10s]

Kurdistan Socialist Democratic Party (KSDP)

The BBC reported on 13 January 2003 that the KSDP was led by Muhammad Haj Mahmud. It had been supportive of the PUK over recent years and was a member of the PUK-led regional government based in Sulaymaniyah. "During clashes between the Kurdistan Workers Party (PKK) and the PUK in 2000, a delegation from the KTP [Kurdistan Toilers Party] and KSDP attempted to mediate between the two sides." "The Kurdistan Socialist Democratic Party publishes a weekly newspaper, *Rebazi Azadi*." [4d] The Netherlands General Official Report on Iraq dated June 2004 stated that, "After the KDP and the PUK, the 'Kurdistan Socialist Democratic Party' (KSDP) is one of the larger parties in the KRG areas. The KSDP is active in the PUK area and has a majority on the municipal councils of Said Saddiw and Qalat Deza where party members are mayors. The KSDP has council members in Sulaymaniyya and Raniya. Khaled Ahmed Hussein of the KSDP sits in the KRG/PUK government." [71b] (Appendix 4)

Patriotic Union of Kurdistan (PUK)

The PUK was formed in 1975 in the aftermath of the Algiers Accord between Iraq and Iran. Its leader is Jalal Talabani who was part of the major-party grouping that was incorporated into the Governing Council post-Saddam and as one of the Council's rotating presidents held the Presidency in November 2003. [33b] (p5) Historically the PUK sought self determination for the Kurds in a unified Iraq. [Since the fall of Saddam Hussein it purports still to do so but there are suggestions that its real agenda is a separate Kurdish state.] It controls Sulaymaniyah province in Iraqi Kurdistan with a population of approximately 1.5 million, leading a coalition government which includes the Kurdistan Toilers Party, the Kurdistan Social Democratic Party, the Islamic Movement and the Kurdistan Conservative Party. The PUK participates in the Iraqi National Congress. [52a]

Kurdish nationalist aspirations within Iraq have historically been weakened by rivalry between the KDP and the Patriotic Union of Kurdistan (PUK). [19f] (p1) Following the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes and the KDP turned to Baghdad for backing. In August 1996 the KDP sought and received help from Baghdad to capture Irbil, seat of the Kurdish regional government. [33b] (p5)

The KDP and PUK agreed a tenuous cease-fire in October 1996 [33b] (p5) but fighting between them continued through 1997 with the KDP claiming that 58,000 of its supporters were expelled from Sulaymaniyah and other PUK controlled areas. In addition, many villagers who supported the KDP were killed in attacks by the Patriotic Union of Kurdistan (PKK). [41b] (p2)

In September 1998 the KDP and PUK signed the Washington Agreement to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). On October 4 2002 they jointly

reconvened the Kurdish regional parliament for the first time since the 1994 clashes. [33b] (p5)

The KDP and PUK are said to be increasingly combining their political resources and efforts to re-establish the joint governance of the Kurdish regions that was in place during 1992-1994. The Kurdish parties are also negotiating with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq. [33b] (p5)

Royal Democratic Alliance (RDA)

The aim of the RDA is by its own account the restoration of the Hashemite Kingdom of Iraq. The organisation is led by Nabil Janabi, an exile who has returned to Iraq since the fall of Saddam Hussein. The RDA upholds mainly Arab-nationalist views. Its support is said to consist primarily of Sunni Arabs. [71b] (Appendix 4)

Sadrist Movement (Al-Sadriyuun)(Jamaat as-Sadr ath-Thani)

In July 2003 the Middle East Intelligence Bulletin stated that:

“In an incendiary speech before thousands of Shiite Muslim worshipers in Kufa on July 18, a zealous young cleric condemned the 25-member Governing Council appointed by the United States to run Iraq as made up of 'nonbelievers,' declared that he was forming a religious army, and called for a "general mobilization to fight the American and British occupiers." Although Muqtada al-Sadr, the son of a revered ayatollah killed by Saddam Hussein's regime in 1999, was careful to specify that his army would use 'peaceful means' to achieve this objective and explicitly condemned attacks on coalition soldiers, his strident opposition to the presence of American troops on Iraqi soil has begun to generate concern in Washington.”

The initial response of the US to al-Sadr was to ignore him and hope he and his followers would go away. It soon became clear that this was not going to happen and that “Their integration of Iraqi tribalism with Shiite puritanism has yielded a potent social and cultural force that could create headaches for the United States.”

The Sadrist movement grew following the martyrdom of Moqtada al-Sadr's father, Muhammad Sadiq al-Sadr, at the hands of Saddam loyalists in 1999. "Their ideology envisages the creation of an Iraqi theocracy that respects scholastic diversity, tolerates tribal norms and is completely independent of the Iranian clergy. This sets them apart from SCIRI and some in al-Daawa, who have identified the creation of an Iranian-style theocracy in Iraq as their ultimate ideological objective.”

When Saddam's regime collapsed, the Sadrists took control of the al-Thawra district of Baghdad, which they renamed Sadr City. Moqtada al-Sadr has called for the US to leave Iraq but has also condemned attacks on coalition forces, knowing that his control of Sadr City depends on American forbearance.

MEIB went on to say:

"The Sadrists have imposed strict Islamic practices in areas they control, under the direction of firebrand cleric Muhammad al-Fartousi, who preaches at the Hikmat mosque in Sadr City. According to reliable sources, the Sadrists have vandalized, and even firebombed, cinemas, liquor shops, and video stores in areas under their control. Adnan al-Shamhani, the official spokesman for the Sadrists, claims that such acts 'did not take place at the instructions of our office, but were carried out by zealous young people spontaneously.' Recently, the Sadrists appear to have relaxed restriction, apparently so as to avoid antagonizing the Americans. 'We had some imams saying women will be beaten in the streets if some of their hair is showing and liquor stores burned down,' al-Fartousi told the Associated Press. 'This is not what we are about. A gentle advice to such women or a tap on the shoulder should suffice.

The Sadrists' support base is primarily confined to Sadr City, though the tribal ties of many of its residents have allowed the movement to gain influence in some southern towns, such as al-Amarah. The Sadrists' chief weakness is their isolation from the seminaries, where Muqtada al-Sadr (who often speaks in colloquial Arabic, rather than the classical Arabic typically used by clerics) is viewed with palpable disdain. They have little presence in Karbala, whose scholastic community is largely of Iranian origin. What meager influence they had in Najaf was undermined by the murder in April of Majid al-Khoei and the siege on Grand Ayatollah Ali Sistani's estate - both of which were attributed to Sadrist sympathizers." [39b] (p2-3)

On 13 August 2004 The Financial Times noted that, "Mr Sadr's temporal power, however, is substantial. His constituency consists of the majority of Iraqi Shia. A poll by the coalition authorities in May [2004] gave Mr Sadr 68 per cent approval nationwide. However, only 2 per cent backed Mr Sadr for Iraq's presidency. In other words, he attracts much popular sympathy but is not taken seriously as a leadership choice. His standing comes partly from the enormous prestige of his father, a grand ayatollah killed by Mr Hussein's people in 1999." [67b] (p2)

The Iraqi Press Monitor noted in the al-Taakhi newspaper that, "The leadership of the Mahdi Army has held an emergency meeting to discuss the possible responses to the arrest of Sadrist officials. Meanwhile, National Guardsmen yesterday announced the arrest of Sadrists in Najaf, including Ahmed al-Sheibani. National Guardsmen, Iraqi police and multilateral forces made the arrests, and confiscated huge quantities of weapons and ammunition. Sadrist leader Muqtada al-Sadr reportedly has turned to Grand Ayatollah Sayyid Ali al-Husseini al-Sistani for protection." [46j] (p1) In a report dated 28 September 2004, the Iraqi press Monitor noted that, "Supporters of Muqtada Sadr, meanwhile, will not take part in the elections and Muqtada himself will present another new peace initiative, according to Sadr assistant

in Nasiriya Aws al-Sheebani." [46k] (p1)

Supreme Council for the Islamic Revolution in Iraq (SCIRI)

According to a Middle East Intelligence Bulletin report of October 2003, SCIRI was the best organised, the most capable and perhaps the most popular of the Sh'ite political organisations. Its leaders are ideological compatriots of the Iranian clerical establishment (many of them are of Iranian descent), while its military commanders have worked closely with the Iranian Islamic Revolutionary Guard Corps for twenty years. However, SCIRI looked increasingly to mobilise support among Iraqi Shi'a and maintain good relations with Sunni and Kurdish groups. After the fall of Saddam, SCIRI was particularly strong in Diyala governorate and exercised political control over the towns of Shahraban and Khalis, and also in al-Kut. In the south, SCIRI used its office in Basra to extend its political influence in nearby towns and villages, with significant influence in Najaf and Karbala, although the precise extent of this influence was difficult to gauge. [39c] (p2-3)

SCIRI is governed by a General Assembly of 70-100 key personalities. The General Assembly elects a 12-member Central Committee, SCIRI's highest decision-making body. The Chairman is Abdelaziz al-Hakim, who assumed the role when his brother, Muhammad Baqir al-Hakim, was killed, along with over a hundred others, in a bomb attack in Najaf on 29 August 2003. SCIRI appeared to have coped well with the assassination of Muhammad Baqir al-Hakim, but Abdelaziz's leadership was at the time of the MEIB report relatively untested. [39c] (p1-2)

After initially refusing to take part in the provisional Iraqi government, in July 2003 SCIRI changed its mind and Abdelaziz agreed to take a seat on the Interim Governing Council; one of its members assumed the post of Reconstruction and Housing Minister in the Iraqi cabinet and SCIRI also assumed control of the Ministry of Sports and Youth. [39c] (p4)

SCIRI's militia is the Badr Brigade, established in 1983. The Badr corps was thought to have 10,000-15,000 fighters, of whom around 3,000 were professionally trained. Large numbers of Badr Brigade fighters entered Iraq following the collapse of Saddam's regime and there were intense clashes between Badr forces and pro-regime elements, including Ba'ath Party loyalists, local tribesmen loyal to Saddam and the Mojahedin-e-Khalq. [39c] (p2-3)

The Brigade had begun to disarm after the war but after the assassination of al-Hakim it established a heavy security presence in Najaf and, although the militia later reduced its presence on the streets, it still operates in the city. In mid-September 2003 armed Badr fighters stormed the residence of a former Ba'ath party official in Najaf and took him away for questioning. A number of subsequent security breaches, including the mortar attack on SCIRI's office in Kirkuk in early October that killed a SCIRI official, have led to calls for an even broader resurgence of the militia. Officially however, the Badr Corps was renamed the "Badr Organization for Development and Reconstruction" and was put to work rebuilding infrastructure and other humanitarian projects. [39c] (p4)

SCIRI has enjoyed good relations with both the PUK and KDP. Relations with Sunni (or predominantly Sunni) factions have been cooler, and sometimes hostile. [39c] (p4) According to the Middle East Intelligence Bulletin:

"SCIRI is anathema to secular Arab nationalists who fear Iranian domination, while some Sunni Islamists see the resurgence of Shiite religious freedom as a threat. In early September, the Council of Ulema, a grouping of Sunni clerics established five days after the fall of Saddam's regime, accused Shiite clerics of seizing control over 18 Sunni mosques around the country, calling it 'a grave phenomenon akin to ethnic cleansing and the Balkanization of Iraq.' Nevertheless, it must be borne in mind that Sunni Islamists also suffered immensely under Saddam and many developed ties with SCIRI while in exile. Serious conflict between Shiite and Sunni Islamists in Iraq is unlikely to materialize in the near future." [39c] (p4-5)

The same document goes on to note that:

"Although SCIRI's relations with the Daawa party and the marjaiyya remain good, its relationship with the Sadrists has been marked by tensions. Nevertheless, this rivalry is not yet as explosive as some have suggested. Asked if a rival Shiite faction may have been responsible for the killing of Hakim, Jabr replied, 'I totally rule this out. Throughout hundreds of years, the holy city of Najaf has witnessed only conflicts of ideas and dialogue of thoughts. Such acts are alien to the city of Najaf and to Shiite religious action.' In fact since Hakim's assassination SCIRI's relations with the Sadrists have improved." [39c] (p5)

Unified Iraqi Front

The Netherlands General Official Report on Iraq dated June 2004 stated that, "It is understood from press reports that in September [2003] a number of small parties announced their decision to unite and become the 'Unified Iraqi Front'. These are the 'Democratic Constitution Party', the 'Movement for Building Iraq's Future', the 'Free Speech Party', the 'Islamic Iraq Movement', 'Liberal Independents Movement', 'Unified Nasirite Pan-Arabist Party', 'Iraqi Republican Party', 'New Iraq Party', 'Islamic Revolution Party', 'Iraqi National Bloc', 'Common Destiny Party', 'Independent Progressive National Movement' and the 'Islamic Accord Movement'. [71b] (Appendix 4)

Workers' Communist Party of Iraq (WCPI) or Iraqi Workers' Communist Party (IWCP)

The Workers' Communist Party of Iran website reported on 25 April 2003 that WCP of Iraq had established two offices in Baghdad (In the Bab al-Sharjy and Keradeh districts), in Kirkuk and in several other Iraqi cities. A meeting with cadres and members was held in Nasiriyah and mass meetings held in Baghdad, Mosul, Tuz and Kirkuk. Several thousand copies of the weekly newspaper Al Shiuye Al-amaliyeh were distributed. [47a]

On 26 June 2003, the Independent Media Centre Ireland carried what appeared to be a news release by WCPI itself, it announced that:

“Following 10 years of clandestine activity, the Workers’ Communist party of Iraq (WCPI) has begun overt activities in Baghdad and in central and southern cities of Iraq.

WCPI launched a wide movement to set up mass organizations, Trade Unions and Workers’ Councils, supporting women in Iraq to establish their organizations.

WCPI’s Radio and offices in Kirkook, are the only part of city’s politics to which people could turn up, in order to stop the bloody ethnic cleansing and nationalistic conflicts.” [49a]

“The Iraqi Workers’ Communist Party (IWCP) was formed in 1993 from four small communist groups. The IWCP accused Patriotic Union of Kurdistan (PUK) forces of attacking the organisation’s office in Sulaymaniyah in 2000. The PUK also reportedly prevented the IWCP from holding its 2nd conference in December 2002.” According to a report by the BBC on 13 January 2003. [4d]

Workers Party of Kurdistan

See Assyrian Party. [46a]

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ANNEX C: CURRENT MILITIA

Ansar al-Islam

According to a US Congressional research report in January 2004:

"In the mid-1990s, the two main Kurdish parties enjoyed good relations with a small Kurdish Islamic faction, the Islamic Movement of Iraqi Kurdistan (IMIK), which is headed by Shaikh Ali Abd-al Aziz. Based in Halabja, Iraq, the IMIK publicized the effects of Baghdad's March 1988 chemical attack on that city, and it allied with the PUK in 1998.

A radical faction of the IMIK split off in 1998, calling itself the Jund al-Islam (Army of Islam). It later changed its name to Ansar al-Islam (Partisans of Islam). This Ansar faction was led by Mullah Krekar, an Islamist Kurd who reportedly had once studied under Shaikh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Ansar reportedly associated itself with Al Qaeda and agreed to host in its northern Iraq enclave Al Qaeda fighters, mostly of Arab origin, who had fled the U.S.-led war in Afghanistan in 2001. Prior to Operation Iraqi Freedom, during which its base was captured, about 600 primarily Arab fighters lived in the Ansar al-Islam enclave, near the town of Khurmal. Ansar fighters clashed with the PUK around Halabja in December 2002, and Ansar gunmen were allegedly responsible for an assassination attempt against PUK prime minister Barham Salih in April 2002. Possibly because his Ansar movement was largely taken over by the Arab fighters from Afghanistan, Krekar left northern Iraq for northern Europe. He was detained in Norway in August 2002 and was arrested again in early January 2004.

The leader of the Arab contingent within Ansar al-Islamis said by U.S. officials to be Abu Musab al-Zarqawi, an Arab of Jordanian origin who reputedly fought in Afghanistan. Zarqawi has been linked to Al Qaeda plots in Jordan during the December 1999 millennium celebration, the assassination in Jordan of U.S. diplomat Lawrence Foley (2002), and to reported attempts in 2002 to spread the biological agent ricin in London and possibly other places in Europe. In a presentation to the U.N. Security Council on February 5, 2003, Secretary of State Powell tied Zarqawi and Ansar to Saddam Hussein's regime, which might have viewed Ansar al-Islam as a means of pressuring Baghdad's Kurdish opponents. Although Zarqawi reportedly received medical treatment in Baghdad in May 2002 after fleeing Afghanistan, many experts believed Baghdad-Ansar links were tenuous or even non-existent; Baghdad did not control northern Iraq even before Operation Iraqi Freedom. Zarqawi's current whereabouts are unknown, although some unconfirmed press reports indicate he might have fled to Iran after the fall of the Ansar camp to U.S.-led forces. Some recent press accounts say Iran might have him in custody. U.S. officials have said since August 2003 that some Ansar fighters, possibly at the direction of

Zarqawi, might have remained in or re-entered Iraq and are participating in the resistance to the U.S. occupation, possibly including organizing acts of terrorism such as recent car/truck bombings (see below). One press report quotes U.S. intelligence as assessing the number of Ansar fighters inside Iraq at 150. Ansar al-Islam is not listed by the State Department as Foreign Terrorist Organization (FTO)." [33b] (p5-6)

US officials estimated that 250 of Ansar al-Islam's estimated 700 fighters were killed in attacks by US and Kurdish forces in March 2003. Its bases were destroyed and its arms seized. Hundreds of Ansar members fled into Iran or hid out on the Iran/Iraq border. At the time it was written off as an effective force but there is evidence that it is returning to Iraq and operating in small groups throughout the country. Ansar is closely linked with al-Qaeda and US officials believe it is one of the groups responsible for attacks on their forces. [10p] In mid-July 2003 US forces uncovered a seven-member Ansar al-Islam cell in Baghdad, suggesting the group had expanded its area of operations, according to a report in Time on 11 August 2003. Further doubt on the extent to which the Ansar threat had been neutralised was raised by the bombing of the Jordanian embassy in Baghdad in August, an attack which bore the hallmarks of an Ansar operation. [36a]. According to the Kurdistan Observer in a report on 24 August 2003 Ansar was also linked with the bombing of the UN's Baghdad Headquarters but denied that they were responsible. [10q]

Kurdistan Observer reported on 3 September 2003 that some Iraqi local authorities doubted that Ansar had the resources or the sophistication to mount a co-ordinated nation-wide campaign, particularly in the south where they did not have the necessary knowledge of the terrain, but acknowledged that the group may be involved in some attacks. It was also suggested that the US and the Kurds were exaggerating the threat from Ansar al-Islam as an excuse to maintain the pressure on political Islamic groups more generally. [10p]

The Economist reported on 5 August 2003 that

"The forces of the largely Kurdish Sunni extremist Islamists, Ansar al-Islam, who were believed by the Kurdish leadership before the war to be linked to the al-Qaida organisation of Saudi dissident Osama bin Laden and to have had "international" fighters among their number, appear to have been largely dislodged. However, some are alleged to remain close to the Iranian border, as well as on the run in Baghdad itself, and they could target coalition forces." [19f] (p3)

On 27 August 2003 an Ansar fighter known as Mullah Namo and two or three (reports vary) other Islamic militants were involved in a battle with over 100 Kurdish police and security forces according to reports in the Kurdistan Observer on 29 August and 3 September 2003. After lengthy negotiations Mullah Namo agreed to surrender but, as police approached, he and the militants opened fire, killing a Kurdish colonel and, according to one report, a

young girl. Namo and 2 militants were killed. In one report, a third militant was arrested. [10p] [10o]

A May 2004 Middle East Intelligence Bulletin reported that, "In October, coalition forces in Mosul captured a senior Ansar leader, Aso Hawleri. A week later, Lt. Gen. Norton Schwartz, director of operations for the Pentagon's joint staff, warned that Ansar al-Islam had reemerged as the coalition's 'principal organized terrorist adversary in Iraq.'" [39d] (p2)

Ansar al-Sunna

According to a Kurdish newspaper report referred to by Kurdistan Observer on 11 February 2004: "The newspaper said Ansar al-Sunna broke away from the Ansar al-Islam group [in] October [2003] and was led by an Arab whose alias is Abu Abdullah Hasan bin Mahmud. Ansar al-Sunna is more extreme, said the newspaper". The group claimed responsibility for twin suicide bomb attacks on the offices of the PUK and KDP in Arbil in which at least 105 people died. "The newspaper said the motive of the attack was to 'punish' the two Kurdish secular groups, which control Iraqi Kurdistan, for their alliance with the US-led coalition." [10c]

In May 2004 the Middle East Intelligence Bulletin noted that, "According to Hawlati [independent Kurdish newspaper], Abu Abdullah's deputies, in order of rank, are Hemin Bani Shari and Umar Bazynai. Hawlati alleges that Bani Shari was once a KDP peshmerga. Subsequent claims of responsibility and statements indicate that in addition to its political leadership, Ansar al-Sunna maintains both military and information operation committees." [39d] (p2)

The same article added that, "Ansar al-Sunna unequivocally presents itself as a pan-Islamic movement. Of seven Ansar al-Sunna suicide bombers who have given pre-operation interviews on video, the accents and appearance of six clearly suggest that they are non-Iraq Arabs; one is an Iraqi Kurd." [39d] (p2) The same report stated that, "Ansar al-Sunna's activities show a well-trained group able to operate throughout much of northern Iraq and Western Iraq, though it does not appear able to operate effectively in the Shiite heartland." [39d] (p3)

Jund al-Islam

See Ansar al-Islam. [33b] (p5)

Kurdistan Workers' Party (aka: PKK; KADEK; Kurdistan People's Congress (KHK); People's Congress of Kurdistan; KONGRA-GEL)
(For clarity, the Kurdistan Workers' Party is referred to here as the PKK throughout.)

According to an Agence France Presse report on KurdishMedia on 13 January 2004, the latest names to be adopted by the Kurdistan Workers Party were the Kurdistan People's Congress, the People's Congress of Kurdistan and KONGRA-GEL. The names were added to the US terrorism blacklist. [21d]

According to the Federation of American Scientists, the PKK had 5,000 heavily armed guerrillas, mostly based in northern Iraq. At its 2000 Congress, PKK claimed that it would henceforth use only political means to achieve its new goal of improved rights for Kurds in Turkey. At its April 2002 Congress the PKK changed its name to KADEK: the Kurdistan Freedom and Democracy Congress, although most reporters tend still to use PKK. It also restated its commitment to non-violent activity but refused to disband or disarm its armed wing, the People Defence Force. [41a] Kurdistan Observer reported on 2 September 2003 that on 1 September PKK revoked its cease-fire although it said that it did not plan an immediate offensive. [10r] The US and Turkey were working together to disband PKK guerrillas in northern Iraq and were offering a partial amnesty to fighters who were not part of the leadership: if they surrendered by February 2004 they would earn lenient sentences, according to a report by BusinessWeek on 29 September 2003. [43a] On 10 November 2003 the BBC reported that US forces had clashed with 'unknown forces' near Dahuk. The Turkish foreign minister said the clash had been with PKK rebels; if that is confirmed it would be the first known clash between US and PKK forces. [4x] The Kurdistan Observer reported on 11 November 2003 that the PKK announced that it was dissolving in order to make for a new, more democratic structure that would allow for broader participation with a view to negotiating a peaceful settlement. The announcement made no direct mention of the clash with US forces just days before. [10u]

Mehdi Army - Moqtada Al-Sadr (see Other Prominent People)

The Foreign and Commonwealth Office on 22 October 2004 stated that, "Moqtada Al-Sadr, a radical Shia cleric has a group of illegal militia supporters, also known as the Mehdi Army. Following a ceasefire with the Iraqi authorities and US military in Najaf, and Sadr city, the Iraqi Interim Government, with the help of the religious authorities and other Iraqi groups, are attempting to draw Muqtada Al-Sadr and his supporters to be brought back into the political process." [66c] (p4)

Al Tawhid wa al-Jihad - Al-Zarqawi (see Other Prominent People)

The Foreign and Commonwealth Office on 22 October 2004 noted that Abu Musab Al-Zarqawi is based in Fallujah and leads the Al Tawhid wa al-Jihad group of extremist fundamentalist Sunnis. "HM Treasury have ordered any UK assets belonging to the group to be frozen." [66c] (p4)

The US Weekly Standard on 16 August 2004 noted that Umar Baziyani, Zarqawi's number four, a member of the Tawhid legislative council, and the "emir" of Baghdad, was captured by the US and through several days of interrogation revealed substantial information about Zarqawi's militia. The article stated that:

"He claims that there are nine regional leaders of the Falluja-based Tawhid and Jihad under Zarqawi. His deputy, also based in Falluja, is known as Mahi Shami. If U.S. intelligence manages to catch up with these two top leaders, there are still regional 'emirs' fanned out around Iraq, which could make the network incredibly difficult to break. For

instance, Baziyani explained during his interrogation that he had been replaced as emir of Baghdad after his arrest. There are also regional emirs in the Kurdish north (Hussein Salim), the western Anbar province (Abdullah Abu Azzam), and the city of Mosul (Abu Tallah). In this way, Tawhid and Jihad can execute spectacular terrorist attacks throughout the country." [76a] (p1-2)

In addition the article added that:

"Baziyani also details the military strength of Tawhid and Jihad. He lists seven military commanders under Zarqawi's control throughout Iraq with about 1,400 fighters at their disposal. Not surprisingly, Baziyani stated that the Falluja group, headed by Abu Nawas Falujayee, has the most fighters with 500. Second to Falluja is Mosul, with 400 fighters. (Analysts believe Mosul is a haven for former Ansar al Islam fighters.) There are also strongholds in Anbar (60 fighters), Baghdad (40 fighters), and Diyala, the province just northeast of Baghdad (80 fighters). According to Baziyani, most of the fighters in Tawhid and Jihad are Iraqi Arabs and Kurds--not foreign jihadis--which corroborates reports by U.S. intelligence that the foreign fighter presence is much smaller than previously imagined." [76a] (p2)

Other Militias

IWPR reported on 23 February that a statement signed by a dozen shadowy groups vowed that they would take control of Iraqi cities once the coalition withdraws. The signatories included: Muhammed's Army (Jaysh Muhammed), Ansar al-Sunna (Followers of the Sunna [Faith]), and the Iraqi Islamic Resistance (Muqawama al-Iraqi al-Islamiya). Most of the groups have previously claimed responsibility for attacks against the coalition. "Baghdad residents dismiss the pledge to win control of Iraqi cities as mere bravado." [11c]

A US congressional research report in January 2004 said that the resistance was operating under a number of different names including:

Al Awda (the Return), believed to be one of the largest and most active resistance group;

Saddam's Fedayeen, remnants of the paramilitary force that were the most tenacious of Iraqi forces during the 2003 major combat;

Saddam's Jihad;

Movement of the Victorious Sect;

Iraq's Revolutionaries - Al Anbar's Armed Brigades;

The Popular Resistance for the Liberation of Iraq;

Salafist Jihad Group (Salafi is a Sunni extremist Islamic movement);

Armed Islamic Movement for Al Qaeda - Falluja Branch. Actual linkages to Al Qaeda, if any, are not known;

Jaysh (Army) of Mohammad, said to be a highly active group;

Black Banners Group

Nasirite Organization and;

Armed Vanguard of the Second Mohammad Army. Claimed responsibility for U.N. headquarters bombing and threatened attacks on any Arab countries that participate in Iraq peacekeeping. The credibility of the claim is not known.
[33b]

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ANNEX D: PAST MILITIAS

This information relates to the situation prior to the fall of the Saddam regime. It should be considered in that context.

Fedayeen Saddam

The paramilitary unit responsible for security duties was also used for specific propaganda objectives. Over the years the Fedayeen Saddam became better equipped and earned a healthy wage under Iraqi standards. There were also some elite units. The Fedayeen Saddam was made up of both Sunnis and Shiites. There were several brigades of the Fedayeen Saddam in the southern towns of Najaf, Kerbala, Amara, Nasiriyah and Basra who had partially taken over the duties of the local police. [30b] (p9)

Recruitment was not performed according to the same, rigid procedures each time. In view of the fact that there were enough young men who wanted to join the unit, it seemed very unlikely that new recruits had to be forced to join the Fedayeen. An unconfirmed press report noted that they were allowed to perform summary executions. [71a] (p72)

Many young people were recruited through teachers and lecturers at schools and universities affiliated to the Ba'ath party. This occasionally involved forced recruitment, but it was possible for them to be put under pressure, for example, by a leader of their own tribe, or if they have shown that they possess special (physical and other) capabilities. If they refused to join, they would quite possibly run the risk of being picked up and tortured. Young people sometimes fled or went into hiding to evade the Fedayeen Saddam. Early resignation from the Fedayeen Saddam was not accepted and could have attracted problems, such as arrest, intimidation or physical violence. The gravity of the problems encountered depended on the specific circumstances. Young girls and young women could join the Fedayeen Saddam; it couldn't be completely ruled out that they may have also been forced to join. [71a] (p72)

Al Quds

Initially this army unit was known as the 'Volunteer Forces of Jerusalem Day'. This army, was, according to the Ba'ath authorities, supposed to be made up of volunteers, and was used for the liberation of the Palestinian areas. It was used in particular for propaganda purposes and had little military power. The name of the army was changed in February 2001 to 'Jerusalem Liberation Army/Al Quds Army'. Although the term 'voluntary' no longer featured in the name, the authorities still considered it to be a volunteer army, which is why no formal legislation had been issued making it an offence to refuse to serve in the army. Officially no charges were brought against people who refused to join this army. This would have run counter to the alleged voluntary nature of the army. Nothing was recorded in Iraqi criminal law about the 'Jerusalem Liberation Army'. [71a] (p75)

Although a volunteer army in principle, in practice it appeared that people were urgently sought to enlist. In general, 'volunteers' (men aged from

approximately eighteen to fifty) were being recruited during house calls by representatives of the Ba'ath party. Men who refused to join (and were unable to bribe the recruitment officer) might have been punished, although the lack of legislation meant that the punishment was not clearly defined. It could have included food ration restrictions, problems at work, or forced termination of studies. Those who refused also found themselves registered as disloyal to the Ba'ath government in the security service files. This could possibly have led to (serious) problems for the relevant 'volunteer' and the members of his family at a later stage. As a result few probably refused. If you were already recorded as being disloyal, prior to the recruitment (because you came from a 'tainted' family, for example), refusal to serve in the 'Jerusalem Liberation Army' could have been considered a political act. Detention and maltreatment could have then be used. This was a rare category, however. [71a] (p75-76)

It was relatively simple to bribe the relevant recruitment officer. You were then released from the 'obligation' to put yourself forward as a 'volunteer'. Apparently Iraqis living abroad could have bought themselves free for USD 1,000 (€ 988). They would have had to pay this sum at the Iraqi embassy in the country where they were living and once they had paid, they were issued with a written declaration which could have been presented to the (military) authorities should they have entered Iraq. They were then no longer called up for Al Quds. Although the above amount was high in Iraqi terms, settlement has shown that the Iraqi authorities were accommodating towards people who did not want to serve as volunteers in this army. [71a] (p76)

Jash

Kurdish militias who were allied to Saddam Hussein's regime and operated as mercenaries outside the regular army (popularly derided as 'Jash' or 'Jahsh') were located in Central Iraq, especially in and around Mosul. After the intifada in 1991, large groups of Jash deserted to the Kurdish resistance. The KDP and the PUK gave the militias a 'general pardon'. The Jash were incorporated in the existing military structures there or surrendered their weapons. As far as it is known, there was little if any meting out of retribution or settling of scores. The former members of the Jash generally experienced no problems in KAZ because they came from strong tribes, who could defend themselves (if required) in the area. [71a] (p73-74)

Initially the Jash were responsible for espionage, ensuring that no anti-Government opinions were voiced and no anti-Government activities were attempted by the local Kurdish population in the north of Central Iraq. These activities also included contacts with the KDP or the PUK. They were responsible, in conjunction with the Central Iraqi security troops, for maintaining order in the district where they were serving. [71a] (p74)

Because of the military nature of the Jash-militias and the authoritarian culture in the Ba'ath regime of Central Iraq, some of these militias regularly abused their power and employed (excessive) violence. There were reports of intimidation, threats and extortion employed against the local Kurdish population. However, there were also Jash-militias who adopted a more accommodating attitude towards the local population. According to reports,

the militias were no longer created purely on the basis of clan and tribal relations, unlike in the past, and members also joined on an individual basis. Privileges and financial reward could have been considered the most important motives for joining. [71a] (p74)

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ANNEX E: PROMINENT PEOPLE

Members of Iraq's Interim Government

President of Iraq

Sheikh Ghazi Ajil Al-Yawar

- Sheikh Ghazi Al-Yawar, 45, a former Iraqi Governing Council member and president of the group during part of May, is the nephew of the leader of the Shammar tribe. He is a civil engineer who studied at the Petroleum and Minerals University in Saudi Arabia and at Georgetown University in Washington, D.C. Sheikh Ghazi Al-Yawar was recently the vice president of the Hicap Technology Company in Riyadh, Saudi Arabia. He was born in Mosul. [61a] (p6)

Deputy President of Iraq

Dr. Ibrahim Jaafari

- Dr. Jaafari was born in Karbala in 1947 and earned his medical degree from Mosul University. Dr. Jaafari joined the Dawa movement in 1966 and eventually became its chief spokesman. The group, the oldest Islamist movement in Iraq, was founded in the late 1950s and is based on the ideology of reforming Islamic thought and modernizing religious institutions. The party was banned by Saddam Hussein in 1980, forcing Dr. Jaafari to move to Iran and then to London in 1989. He is a former Iraqi Governing Council member. [61a] (p6)

Deputy President of Iraq

Dr. Rowsch Shaways

- Dr. Shaways is currently president of the Kurdistan National Assembly. He was Prime Minister of the Arbil-based Kurdistan Regional Government from 1996-99, and resigned to become President of the Iraqi Kurdistan National Assembly. Dr. Rowsch's period in office saw key legislative changes affording women and children greater human rights than had been permitted under the old Iraqi penal system. While in Germany as a student, he was head of the Kurdish Student Union and returned to Iraq in 1975 to join the Kurdish rebellion. After the withdrawal of Saddam Hussein's forces in 1991, he became Deputy Prime Minister in the joint Kurdistan Regional Government. He was born in 1947, and earned a doctorate in engineering while studying in Germany. [61a] (p6)

Prime Minister of Iraq

Dr. Ayad Allawi

- Dr. Ayad Allawi graduated from Baghdad University from the Faculty of Medicine, and he obtained a master's of science in medicine from London University in 1976 and a doctorate in medicine from the same university in 1979. Dr. Allawi is a neurologist and businessman who began his opposition to the former regime in 1971 when he moved to Beirut. He left Beirut in 1972 to begin his studies in the U.K. He has been a consultant to the United Nations Development Program, the World Health Organization, and the United Nations Children's Fund. After surviving the brutal attack and assassination attempt ordered by Saddam Hussein, Dr. Allawi continued his

efforts against the regime and co-founded the Iraqi National Accord, which attempted a failed 1996 coup against Saddam. He was most recently an Iraqi Governing Council member and chaired its security committee. He was born in 1945 in Baghdad. [61a] (p6)

Deputy Prime Minister

Dr. Barham Salih

- Dr. Salih, who was most recently the Regional Administrator for Sulaimaniya, was born in 1960 in Iraqi Kurdistan. He joined the Patriotic Union of Kurdistan (PUK) in 1976 and was arrested twice by the Iraqi secret police. He left Iraq in 1979, and soon became the PUK's spokesman in London. In 1991, having been elected to the PUK leadership, he departed for Washington, D.C., and served for 10-years as the PUK and Kurdistan Regional Government representative to the United States. Dr. Salih earned a bachelor's degree in civil and structural engineering from the University of Cardiff and earned a doctoral in statistics and computer modeling from the University of Liverpool. [61a] (p7)

Minister of Agriculture

Dr. Sawsan Ali Magid Al-Sharifi

- Dr. Al-Sharifi, the former Deputy Minister of Agriculture, was charged with programming and planning for reconstruction of the sector, and for ensuring the continuation of high quality research at the Ministry's numerous state boards and national production programs. She also has been the point-of-contact for USAID, CPA and World Bank reconstruction and development efforts in agriculture. Dr. Al-Sharifi earned her bachelor's degree in animal production from Baghdad University and her master's and doctoral degrees in animal breeding from Iowa State University. After returning to Iraq in 1984, Dr. Al-Sharifi held the position of Scientific Researcher at the prestigious Scientific Research Council. She is the author of more than 40 scientific research papers published in Iraqi and international journals, and she continues to supervise the research efforts of doctorate and master's degree students in Iraq. In addition to her main professional responsibilities, Dr. Al-Sharifi is also the editor of the Iraqi Journal of Agriculture. She was born in 1956 in Baghdad. [61a] (p7)

Minister of Communications

Dr. Mohammad Ali Al-Hakim

- Dr. Al-Hakim was most recently the Deputy Secretary General of the Iraqi Governing Council and Ambassador at the Iraqi Ministry of Foreign Affairs. He earned his bachelor's degree in statistics from Al-Mustansiriyyah University in Baghdad, his master's degree in computer science from Birmingham University, U.K., and a doctorate in information management from the University of Southern California. He was a global director for Nortel Networks and Cambridge Technology, and also co-founded a U.S.-based technology company called Infoclarus. Dr. Al-Hakim has been part of several delegations representing Iraq to the international and global financial community. He was born in 1952 in Najaf. [61a] (p7)

Minister of Culture

Mr. Mufeed Mohammed Jawad al-Jaza'iri

- Mr. al-Jaza'iri obtained a master's degree in journalism in 1966 while studying in Prague. Throughout the 1960s and 1970s, Mr. Al-Jaza'iri worked as a journalist and correspondent for Al-Bilad, Arba'atash Tammouz and Tareeq ash-Sha'ab and as an editor and broadcaster for the Arabic section of Czechoslovak Radio. From 1982-1988, he traveled to Kurdish northern Iraq to join the underground opposition to Saddam Hussein. He is a member of the Iraqi Democratic Journalists, Writers & Artists Association. He was born in Al-Madhatiyah in 1939. [61a] (p7-8)

Minister of Defense

Mr. Hazem Sha'alan

- Mr. Sha'alan is Sheik of the Ghazal Tribe. He earned his degree in economics and management from Baghdad University in 1972 and began his career managing the Kut Dewanyah branches of the Iraqi Real Estate Bank. He served as Inspector General of the main branch in Baghdad from 1983-1985. He was forced to leave Iraq in 1985 because of his opposition to the former regime and managed a successful real estate firm in the U.K. He has been governor of Diwaniyah since April 2003. He was born in 1947 in Diwanyah. [61a] (p8)

Minister of Displacement and Migration

Ms. Pascale Isho Warda

- Ms. Warda is president of the Assyrian Women's Union in Baghdad. She co-founded the Iraqi Society for Human Rights and served as the representative of the Assyrian Democratic Movement Foundation (ADM) in Paris. This was the highest position of any woman in the ADM, which is the primary Assyrian political party in Iraq. Additionally, Ms. Warda is the external affairs manager for the Assyrian Aid Society. She holds a degree from the Human Rights Institute at the University of Lyon in France. She was born in Duhok in 1961. [61a] (p8)

Minister of Education

Professor Sami Al-Mudhaffar

- Professor Al-Mudhaffar is the one of the most senior biochemists in Iraq and has played an important role in promoting biochemistry and related subjects such as molecular biotechnology research. He received his bachelor's degree in science with honors from Baghdad University in 1960, and then obtained his doctorate from the Virginia Polytechnic Institute and State University. Professor Al-Mudhaffar began his career in 1967 with a teaching and research lecturing position at the University of Basra in the College of Science. He was promoted to assistant professor in 1971, and in 1979 he was promoted a position as professor of biochemistry at Baghdad University. From 1968-2000, Dr. Al-Mudhaffar was a lecturer at the University of Basra and Baghdad Univeristy in the College of Science. He has published more than 250 scientific papers, and he is a member of the editorial board of the Iraqi Journal of Chemistry and the Irari National Journal of Chemistry. He has received numerous fellowships, and is a member of many Iraqi and international societies and ssociations. Professor Al-Mudhaffar has over 33 years of teaching experience in different branches of biochemistry to

undergraduate and postgraduate students. He was born in 1940 in Basra. [61a] (p8)

Minister of Electricity

Dr. Aiham Al-Sammarae

- Dr. Al-Sammarae earned his undergraduate electrical engineering degree from Baghdad University and completed his doctoral studies at Chicago ITT University. He worked for three decades for KCI, an electrical contractor, and eventually rose to become its executive director. His experience includes power plant design and power generation. He presided over the Scientific Conference for Nuclear Energy in the United States for five years and published more than 30 technical papers. During the past 12-years, Dr. Al-Sammarae participated in most of the opposition's national conferences as an executive member of the Iraqi Middle Democratic Trend. [61a] (p8-9)

Minister of Environment

Professor Mishkat Moumin

- Professor Moumin teaches law at Baghdad University and specializes in human rights courses. She is currently Assistant Director of the Iraq Foundation and is very active with the Advisory Council on Women's Affairs, which is the political branch of the Higher Council on Women. [61a] (p9)

Minister of Finance

Dr. Adel Abdul Mahdi

- Dr. Mahdi is an economist and member of the Supreme Council for the Islamic Revolution in Iraq. Born in Baghdad in 1942, he has graduate degrees in Politics and Economics from French Universities. He worked in a number of French think tanks, most recently as Head of the French Institute for Islamic Studies. He has also edited a number of magazines, in both Arabic and French and is the author of numerous publications. He was active in political life from an early age, being imprisoned, tortured and sentenced to death more than once in the 1960s. He was stripped of his job and passport in 1969 which forced him into exile in France. He lived in Iran for a time and joined the Supreme Council for the Islamic Revolution in Iraq, later serving as the official SCIRI representative in Kurdistan from 1992-1996. He served as the Deputy for Abdul Aziz al Hakim on the Iraqi Governing Council. [61a] (p9)

Minister of Foreign Affairs

Mr. Hoshyar Mahmood Mohammed Zebari

- Mr. Zebari earned a political science degree in 1976 from Jordan University in Amman and completed his master's degree in the sociology of development in 1979 from Essex University in the United Kingdom. He became a member of the Central Committee and Political Bureau of the Kurdistan Democratic Party in 1979, and served as a representative of the KDP in Europe before managing its International Relations Office from 1988-2003. Mr. Zebari was elected to the executive council of the Iraqi National Conference in 1992 and was elected to its Presidential Council in 1999. He was born in Aqrah in 1953. [61a] (p9)

Minister of Health

Dr. Ala'adin Alwan

- Dr. Alwan holds a medical degree from the Alexandria Medical College in Egypt and postgraduate degrees from universities in the United Kingdom. He served as dean and professor at the Medical College at al-Mustansiriya University, Baghdad. Dr. Alwan was the World Health Organization's representative and head of mission in Jordan and Oman, and served as head of the department of chronic and non-contagious diseases at the World Health Organization's offices in Geneva. He has held several positions in the Iraqi Ministry of Health and the Iraqi Ministry of Higher Education, and although his background is in medicine, Dr. Alwan also spent a major part of his career in the academic and teaching profession. He was born in 1949 in Baghdad. [61a] (p9)

Minister of Higher Education

Dr. Taher Khalaf Jabur Al-Bakaa

Dr. Al-Bakaa was most recently president of Al Mustansiriya University, where he has been a professor for more than a decade. Before rising to its presidency in 2003, Dr. Al-Bakaa's academic posts at Al-Mustansiriya include being the chair of the Department of History in 1994, chairman of the Academic Promotion Committee since 1996, and editor of the college press. He holds memberships in the Federation of Arab Historians, the Iraqi Historians and Archaeologists Association, and the Federation of Iraqi Writers and Men of Letters. Dr. Al-Bakaa earned his bachelor's, master's, and doctorate degrees in history from Baghdad University. He has authored books on regional history and has been published in several journals and magazines. He was born in 1950 in Dhi Qar. [61a] (p9-10)

Minister of Housing and Construction

Dr. Omar Al-Farouq Salim Al-Damluji

- Dr. Al-Damluji earned his bachelor's, master's, and doctoral degrees in engineering from Baghdad University, where he eventually became a civil engineering professor. He also taught at the University of Technology's Civil Engineering Department and supervised about 30 graduate and doctoral students studying civil engineering in the Universities of Baghdad, Technology, Nahrain and Kufa. He also wrote two books in soil mechanics and was a visiting professor to Hanover University and City University in London. Since 2000, Dr. Al-Damluji has served as the head of the Civil Engineering Department at Baghdad University. He is registered engineer in the Iraqi Engineers society, American Engineers society and a member of UNESCO/Iraqi higher Education Committee. [61a] (p10)

Minister for Human Rights

Dr. Bakhtiar Amin

- Dr. Amin earned a master's degree in international affairs and a doctorate in political geography from the Sorbonne in Paris. During that time, he also studied the media in Sweden and eventually returned to become country's Councilor in Immigration, Immigrants and Refugees in the 1980s. He was also Secretary General for the Kurdish Institute in Paris, councilor to Mrs. Daniel Meteran for the France Organization of Liberties, Director of the Human Rights Coalition in Washington, D.C., and the Executive Director of Coalition

for Justice in Paris and Washington. He has participated in many national and international conferences, including the Human Rights Conference in Vienna and the Durban conference in South Africa. He has also organized educational courses for Iraqi correspondents, lawyers, academics, political activists and minority's rights in Paris, Geneva and London, and he has given testimony about situations in Iraq to the U.S. Congress, European Parliament and the Arabic Cooperation Organization. He has also been published widely on the issue of human rights. He is a native of Kirkuk. [61a] (p10)

Minister of Industry & Minerals

Dr. Hajem Al-Hassani

- Dr. Al-Hassani was born in Kirkuk in 1954 and graduated from Mosul University. In 1979 he moved to the U.S. to study international trade at the University of Nebraska and earned a doctorate in industrial organization from the University of Connecticut. He has lectured at a number of American universities, managed an Internet company and worked most recently as head of the American Investment and Trading Company in Los Angeles. He has been a member of the board of a number of NGOs. Dr. Al-Hassani worked in the Iraqi Opposition for a number of years and became a member of the Politburo and then official spokesman of the Iraqi Islamic Party. He was elected to the follow up committee of the London Conference and has served as a Deputy Member of the Iraqi Governing Council and the Deputy Chair of its Finance Committee. [61a] (p10-11)

Minister of Interior

Mr. Falah al-Nakib

- Mr. al-Nakib is a former opposition leader with the Iraqi National Movement. He is from a prominent military family in Samarra; his father was a military chief of staff in the 1960s. Mr. al-Nakib, 48, is a U.S.-trained civil engineer and was most recently the Governor of Salah ad-Din. [61a] (p11)

Minister of Justice

Dr. Malik Dohan Al-Hassan

- Dr. Al-Hassan is a practicing lawyer and recently appointed Chairman of the Special Task Force on Compensation for Victims of the Previous Regime. In 2003, he was elected President of the Iraqi Bar Association. Dr. Al-Hassan, one of Iraq's foremost authorities on tort law, began his career as an investigating judge and then served as a law professor at the University of Baghdad. He was elected twice to the Iraqi Parliament during the Monarchy and was appointed Minister of Culture and Information in 1967. Dr. Al-Hassan received his diploma in Public and Private Law and his doctorate in Law while studying in France. He was born in Al-Hilla in 1920. [61a] (p11)

Minister of Labor & Social Affairs

Ms. Leyla Abdul Latif. [61a] (p11)

Minister of Public Works

Ms. Nasreen Mustapha Berwari

- Ms. Berwari graduated in 1991 from Baghdad University with a degree in architectural engineering and urban planning. She also studied public policy

and management at Harvard University's Kennedy School of Government, where she completed her master's degree in 1999. She also headed the UN Office in Kurdistan region of Iraq as Head of UN Field Office for Human Settlement in Dohuk from 1997-1998, and participating in the reconstruction of 4,000 villages destroyed under Saddam Hussein's regime. Ms. Berwari became the Minister of Reconstruction and Development for the Kurdistan Region in 1999. She was born in 1967 in Baghdad. [61a] (p11)

Minister of Oil

Mr. Thamir Abbas Ghadban

- Mr. Ghadban has worked for the Iraqi Ministry of Oil since 1973, and was detained and demoted from his position within the ministry for supporting democratic reforms. He earned his bachelor's degree in geology from University College in London and his master's degree in petroleum reservoir engineering from Imperial College at the London University. During his long career with the oil ministry, Mr. Ghadban was a reservoir engineer, head of petroleum and reservoir engineering, director general of studies and planning, a chief geologist, and chief executive officer. Mr. Ghadban has authored and co-authored more than 50 studies and technical reports dealing with various aspects of Iraqi oil fields. He was born in 1945 in Babil. [61a] (p11)

Minister of Planning

Dr. Mehdi Al-Hafidh

- Dr. Al-Hafidh represented Iraq as minister plenipotentiary at the UN in Geneva from 1978-1980. He later joined the UN system in Trade and Development where he was Director for Special Industrial Development from 1983-1996, and then served as regional director for Industrial Development until 1999. Dr. Al-Hafidh has been a member of the Council of Trustees & Consultants at the Arab Ideology Institute since 1996, and was head the Arab Association for Economic Research in Cairo from 1998-2000. He was also a founding member of the Arab Organization for Human Rights, and worked as vice president of Al-Tasami Afro Asian Organization since 1980. After completing his undergraduate studies in chemistry, he earned his doctorate in economic science from the University of Prague. [61a] (p12)

Minister of Science & Technology

Dr. Rashad Mandan Omar

- Dr. Omar obtained his doctorate in civil engineering from the University of London in 1977 and was the Director of the Committee for Oil Construction at the Ministry of Oil until 1999. Dr. Omar then worked in Dubai as a construction manager both in the private and state sector until his appointment as Minister of Science and Technology last September. [61a] (p12)

Minister of State for Provinces

Judge Wa'il Abdul al-Latif

- Judge al-Latif was born in Basra in 1950, and graduated with a degree in Law from Baghdad University in 1973 and with a Diploma from the Judicial Institute in 1982. He served as a Judge in Basra, Samawah and as Deputy Head of the Appeals Court in Nasseriya before being imprisoned and prevented from traveling and working under the previous regime. Judge al-

Latif published a number of legal articles, especially on family law. He was elected by the Basra Provincial Council to be the Governor of Basra. [61a] (p12)

Minister of State for Women

Ms. Narmin Othman

- Ms. Othman is the former Minister of Education for Sulaimaniya, former advisor to the Ministry of Justice, and a former Minister of Social Affairs in the Kurdistan region of Iraq. She was a member of the Conference Advisory Steering Committee for the Voice of the Women of Iraq Conference on July 9, 2003. Prior to joining government service, she was an educator for eight years and a member of the Peshmerga. Ms. Othman also became the manager of the Save the Children office in Arbil and also served as manager of the Youth Activity Center in Sulaimaniya. [61a] (p12)

Minister of State

Dr. Kasim Daoud

- Dr. Daoud, a native of Nasiriyah, graduated from Baghdad University's Faculty of Science with a bachelor's degree in 1971. He obtained his master's of science from Lawdiff in 1978, and a doctorate in microbiology and environment from the University of Wales in 1982. He worked as a scientist in the United Arab Emirates for a number of years and was the General-Secretary for the Iraqi Democratic Movement. Dr. Daoud was born in Hilla on April 13, 1949. He is married and has two daughters and one son. [61a] (p12)

Minister of State

Dr. Mamu Farham Othman

- Dr. Othman holds doctorates in English and German Philosophy. He was born in 1951. He is a scholar and linguist. [61a] (p13)

Minister of State

Mr. Adnan al-Janabi

- Mr. al-Janabi is a London-trained economist who heads the 750,000-member Janabi tribe. He earned his bachelor's degree in economics with honors from the University of London and his master's degree in petroleum technology from Loughborough University in the United Kingdom. Mr. al-Janabi was head of marketing for the Iraqi oil industry in the 1970s and was responsible for economics and finance at OPEC headquarters in Vienna for several years. He was head of foreign relations for the Iraqi Oil Ministry in the early 1980s and was also elected to the National Assembly in 1996, where he served as vice-chair of its oil committee. [61a] (p13)

Minister of Trade

Mr. Mohammed Mostafa al-Jibouri

- Mr. al-Jibouri was born in Mosul in 1949 and graduated from Mosul University in 1974 with a degree in Economics. He received a post-graduate degree in Economics from Glasgow University in 1983, and then returned to Iraq to work for the State Oil Marketing Organization (SOMO). He was elected Director General of SOMO in May 2003. [61a] (p13)

Minister of Transportation

Mr. Louay Hatem Sultan Al Erris

- Mr. Al Erris was vice chairman of the Baghdad Provincial Council, Governor-Elect of Baghdad Province, an aircraft engineer for Boeing, and is now a Director General for Iraqi Airways. He has been a leading proponent of women's rights during his service on the local councils, and is particularly active on the City Council's Women and Children Committee. He acted as a spokesperson during the inaugural session of the City Council. Mr. Al Erris, 52, was lected to the Provincial Council in January 2004, and was subsequently chosen by his fellow council members to be vice-chairman. [61a] (p13)

Minister of Water Resources

Dr. Abdul Latif Jamal Rashid

- Dr. Rashid graduated with a degree in civil engineering from Liverpool University, U.K., in 1968 and completed his doctorate in engineering at Manchester University in 1976. He is a member of the Institution of Civil Engineers and a member of the International Commission for Irrigation & Drainage. Dr. Rashid has worked in the fields of irrigation and drainage, water control engineering, and agricultural development and management. He has provided services and consultancy for projects in Saudi Arabia, Somalia, South Yemen, and Egypt. Dr. Rashid has also been an official spokesman and representative for the Kurdistan Front Union in the United Kingdom since 1978. He was born in Sulaimaniya in 1944. [61a] (p13)

Minister of Youth and Sports

Mr. Ali Fa'iq Al-Ghabban

- Mr. Al-Ghabban was born in Baghdad in 1955. He received his Bachelor Degree in Agricultural Engineering from the University of Baghdad in 1977. He was an active member in the Supreme Council of the Islamic Revolution in Iraq and was forced to leave Iraq in 1980. Mr. Al-Ghabban has participated in several youth and sports activities outside Iraq, especially in Iran where he worked to help Iraqi refugees. He has served as a supervisor for many clubs and refugee youth centers. [61a] (p14)

Members of Iraq's past Governing Council

Ahmad Chalabi: A Shiite and leader of the Iraqi National Congress. Chalabi, a 58-year-old former banker who left Iraq as a teenager, had been touted in some U.S. government circles as a future Iraqi leader — though he denies he has any ambitions to lead the country. He also has many critics who are opposed to anyone ruling Iraq after spending so many years abroad. Chalabi was convicted in absentia of fraud in a banking scandal in Jordan in 1989 and sentenced to 20 years in prison. His group was formerly an umbrella organization for a number of disparate groups, including Kurds and Shiites. [65b] (p2) In August 2004 Ahmed Chalabi faced charges of money counterfeiting in Iraq [6j] (p1) however these were dropped a month later. [46k] (p2)

Abdel-Aziz Al-Hakim: A Shiite and a leader of the Supreme Council for the Islamic Revolution in Iraq. SCIRI opposes a U.S. administration in the country

but has close ties with the other U.S.-backed groups that opposed Saddam, including the Kurds and Chalabi's INC. [65b] (p2)

Jalal Talabani: A Sunni Kurd and leader of the Patriotic Union of Kurdistan. He and Massoud Barzani of the Kurdistan Democratic Party led the Kurdish zone in northern Iraq that had near-autonomy from Saddam's regime since the 1991 Gulf War. Born in Kirkuk Province in 1934, Talabani joined the KDP at the age of 15 and rose to its politburo in 1953. But he broke with the KDP and founded the PUK in 1975. [65b] (p2)

Massoud Barzani: A Sunni Kurd and leader of the Kurdistan Democratic Party. Barzani, 56, leads the KDP, founded in 1946 by his father, the legendary mountain warrior Mustafa Barzani. He was a teenager when he became an aide to his father, then became KDP president when his father died in 1979. In 1983, three of his brothers disappeared in what Kurds call an Iraqi massacre of the Barzani clan when 8,000 people were rounded up by the Baghdad regime. [65b] (p2)

Ibrahim Al-Jaafari: A Shiite and the main spokesman for the Islamic Dawa Party. The party, once based in Iran, launched a bloody campaign against Saddam's regime in the late 1970's, but it was crushed in 1982. The group said it lost 77,000 members in its war against Saddam. Born in Karbala, al-Jaafari was educated at Mosul University as a medical doctor. [65b] (p2)

Naseer Kamel Al-Chaderchi: A Sunni and leader of the National Democratic Party. He lives in Baghdad and works as a lawyer, businessman and farmowner. He is the son of Kamel al-Chaderchi, who played a leading role in Iraq's democratic development until 1968, when the Baath Party seized power. [65b] (p2)

Adnan Pachachi: A Sunni who served as foreign minister in the government deposed by Saddam's Baath party in 1968. The respected, 80-year-old politician founded the Independent Democratic Movement in February to provide a platform for Iraqis who back a secular, democratic government. He returned to Iraq in May after 32 years in exile. [65b] (p2)

Ahmad Shya'a Al-Barak: A Shiite and general coordinator for the Human Rights Association of Babel. He also is coordinator for the Iraqi Bar Association. He has worked with U.N. programs in Iraq since 1991 in the Foreign Ministry. [65b] (p2)

Raja Habib Al-Khuzaai: A Shiite woman who heads the maternity hospital in the southern city of Diwaniyah. She studied and lived in Britain from the late 1960s until 1977, when she returned to Iraq. [65b] (p2)

Hamid Majid Moussa: A Shiite and secretary of the Iraqi Communist Party since 1993. He is an economist and petroleum researcher. He left Iraq in 1978 and returned in 1983 to continue his political activities against the Saddam regime. [65b] (p2)

Mohammed Bahr Al-Uloum: A highly respected Shiite cleric who returned from London where he headed the Ahl al-Bayt charitable center. He was elected as the Shiite member of a leadership triumvirate by the Iraqi opposition after the 1991 Gulf War. [65b] (p2)

Ghazi Mashal Ajil Al-Yawer: A Sunni who was born in the northern city of Mosul. He is a civil engineer and recently vice president of Hicap Technology Co. in Saudi Arabia. [65b] (p3)

Mohsen Abdel-Hamid: A Sunni and secretary-general of the Iraqi Islamic Party. He was born in the northern city of Kirkuk and is author of more than 30 books on interpretation of the Quran. He was detained in 1996 on charge of reorganizing the IIP. [65b] (p3)

Samir Shakir Mahmoud: A Sunni and member of al-Sumaidy clan. A writer from the western city of Haditha, he was a prominent figure in the opposition to Saddam's regime. [65b] (p3)

Mahmoud Othman: A Sunni Kurd who is politically independent but a longtime leader of the Kurdish National Struggle. [65b] (p3)

Salaheddine Muhammad Bahaaeddine: A Sunni Kurd who was first elected secretary-general of the Kurdistan Islamic Union in the first conference of the party in 1994. He was born in the Kurdish village of Halabja and has written several books in Kurdish and Arabic. [65b] (p3)

Younadem Kana: An Assyrian Christian, secretary-general of the Democratic Assyrian Movement and active member of the Assyrian-Chaldian Christian community. He was a former minister of public works and housing and a former minister of industry and energy in Iraqi Kurdistan. He began activism against Saddam in 1979. [65b] (p3)

Mouwafak Al-Rabii: A Shiite and longtime human rights activists. A member of the British Royal Doctors' College, he practices internal medicine and neurology. [65b] (p3)

Dara Noor Alzin: A Sunni Kurd who served as a judge on the Court of Appeal. He ruled that of Saddam's edicts — confiscating land without proper compensation — was unconstitutional. He was sentenced to two years in prison, eight of them served at the notorious Abu Ghraib prison west of Baghdad before being released in a general amnesty in October. [65b] (p3)

Sondul Chapouk: A Turkoman from the northern city of Kirkuk. She was trained as an engineer and teacher. She serves as leader of the Iraqi Women's Organization and is a member of the Interim Governing Council. [65b] (p3)

Abdul-Karim Mahmoud Al-Mohammedawi: A Shiite, dubbed "Prince of the Marshes" for leading the resistance movement against Saddam in the

southern march region of Iraq for 17 years. He was imprisoned for six years and leads the Iraqi political group Hezbollah in the southern city of Amarah. [65b] (p3)

Abdel-Zahraa Othman: A Shiite and the leader of the Islamic Dawa Movement in Basra. He is a writer, philosopher and political activist, who served as editor of several newspapers and magazines. [65b] (p3)

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Prominent people in Saddam Hussein's regime

(Based on US 'pack of cards')

Saddam Hussein

President of Iraq, commander-in-chief of military: **Captured by coalition forces 13 December 2003**

War crimes claims against the Iraqi leader include genocide of the Kurds, "ethnic cleansing" in which tens of thousands of Kurds, Turkmen, Assyrians around the oil-rich city of Kirkuk were expelled as part of an "Arabisation" programme, mass civilian executions after the Kurdish and Shia uprisings in 1991, and religious persecution.

Qusay Hussein

Special Republican Guard and Republican Guard commander: **Killed 22 July 2003**

Saddam Hussein's younger son and chosen successor. The 36-year-old Qusay was in charge of the Special Republican Guard and the feared intelligence and security services. He is accused of curbing dissident activity in Basra after the failed Shia uprising in 1991 with mass executions and torture.

Uday Saddam Hussein

Fedayeen commander: **Killed 22 July 2003**

Saddam Hussein's 38-year-old son was commander of Saddam's Fedayeen forces and president of the Iraqi National Olympic Committee. Uday's alleged brutality is legendary in Iraq. According to Indict, the committee seeking to prosecute the Iraqi leadership for war crimes, he was personally engaged in acts of torture and ordered torture by forces under his command. He is said to have routinely abducted and raped women.

Abid Hamid al-Tikriti

Presidential secretary: **Taken into custody 18 June 2003**

One of Saddam Hussein's closest aides, Abed Hamoud controlled access to the president and was frequently at his side. He is said to have directed matters of state and handed down many of the regime's repressive orders. The US says he was also authorised to deploy weapons of mass destruction.

Ali Hasan Majid

Presidential adviser, southern region commander: **Captured by coalition forces 21 August 2003**

Saddam Hussein's cousin, Ali Hasan Majid, was known as "Chemical Ali" for his alleged role in the use of poison gas against Kurds in 1988. He had earlier been reported killed in a coalition airstrike on his house in Basra.

Izzat Ibrahim al-Douri

Vice-chairman Revolutionary Command Council, Northern regional commander

The 61-year-old deputy chairman of the Revolutionary Command Council and deputy chief of the armed forces is considered to have been Saddam Hussein's daily right-hand man. He was born in Tikrit, the Iraqi leader's home town. He was a key commander in the suppression of the failed Shia uprising in 1991. Indict also accuses Mr Ibrahim of the use of excessive military force against the Marsh Arabs of the south. He escaped an assassination attempt in Karbala in 1998. War crimes charges have been issued against him in Austria.

Aziz Salih al-Numan

Baath Party regional commander, militia commander: **Taken into custody 22 May 2003**

The former governor of occupied Kuwait and commander of the popular army in Kuwait is accused of complicity in atrocities allegedly carried out on Kuwaiti citizens. He was governor of the Karbala and Najaf areas in the 1970s and 1980s and is believed to have been involved in the destruction of Shia Muslim shrines during that time.

Taha Yassin Ramadan

Vice-president: **Taken into custody 18 August 2003**

The 65-year-old vice-president and commander of the popular army was known as Saddam Hussein's enforcer. He is accused of complicity in the occupation of Kuwait. He is also accused of involvement in the brutal repression of Shia Muslims who rose up against the regime in 1991 and of the killing of thousands of Kurds in the town of Halabja in 1988 when the town was attacked with poison gas bombs.

Tariq Aziz

Deputy prime minister: **Surrendered 24 April 2003**

The only Christian in the leadership was at Saddam Hussein's side from the 1950s. The 67-year-old deputy prime minister is one of the most well-known faces of the former regime in the West. As a member of the Revolutionary Command Council, he is accused by Indict of complicity in war crimes against Iran, Kuwait and his own people.

Barzan Ibrahim Hasan al-Tikriti

Baath party official: **Taken into custody 16 April 2003**

The former director of the notorious intelligence service, or Mukhabarat, which is believed to have tortured and murdered thousands of opponents of the regime. He is listed as number 52 in the US deck. He is also a former ambassador to the UN in Geneva.

Watban Ibrahim al-Tikriti

Baath Party official: **Taken into custody 13 April 2003**

Saddam Hussein's half-brother and former intelligence minister and number 51 on the list. The former interior minister is believed to have been involved in repressing the 1991 uprisings.

Muhammad Hazmaq al-Zubaidi

Central Euphrates region commander: **Taken into custody 21 April 2003**

Former deputy prime minister and member of the Revolutionary Command Council (RCC) Mr al-Zubaidi was captured by pro-US Free Iraqi forces on 21 April.

Humam Abd al-Khaliq Abd al-Ghafur

Minister of higher education and scientific research: **Taken into custody 21 April 2003**

Number 54 on the list and a former member of Saddam Hussein's cabinet, Mr al-Ghafur was taken into custody by US troops on 21 April.

Jamal Mustafa Abdallah Sultan al-Tikriti

Deputy chief of tribal affairs: **Taken into custody 20 April 2003**

Saddam Hussein's son-in-law and private secretary, and number 40 on the wanted list, he returned to Iraq after fleeing to Syria and was taken into custody on 20 April.

Hikmat al-Azzawi

Finance minister: **Taken into custody 19 April 2003**

Number 45 on the list, Mr al-Azzawi was captured by Iraqi police in Baghdad and handed over to US forces on 19 April

Samir abd al-Aziz al-Najm

Baath Party chairman, Diyala region: **Taken into custody 17 April 2003**

Iraqi Kurds handed over Samir abd al-Aziz al-Najm, the Baath Party regional command chairman for east Baghdad and number 24, to US troops near Mosul on 17 April

Amir Hamudi Hasan al-Saadi

Presidential scientific adviser: **Surrendered 12 April**

Saddam Hussein's high-profile scientific adviser surrendered in Baghdad after learning he was number 55 on the US list.

Hani abd Latif Tilfa al-Tikriti

Special Security Organisation director

Kamal Mustafa Abdallah Sultan Tikriti

Republican Guard secretary: **Surrendered 17 May 2003**

Barzan abd Ghafur Sulayman al-Tikriti

Special Republican Guard commander: **Taken into custody 23 July 2003**

Muzahim Sa'b Hassan al-Tikriti

Air defence force commander: **Taken into custody 23 April 2003**

Ibrahim Ahmad abd al-Sattar Muhammad al-Tikriti

Armed forces chief-of-staff: **Taken into custody 15 May 2003**

Sayf al-Din Fulayyih Hassan Taha al-Rawi

Republican Guard forces commander

Rafi Abd Latif al-Tilfah

Director of general security

Tahir Jalil Habbush al-Tikriti

Internal intelligence services director

Hamid Raja Shalah al-Tikriti

Air force commander: **Taken into custody 14 June 2003**

Abd al-Tawab Mullah Huwaysh

Deputy prime minister: **Taken into custody 2 May 2003**

Sultan Hashim Ahmad al-Tal

Minister of defence: **Surrendered 19 September 2003**

Ayad Futayyih Khalifa al-Rawi

Al-Quds chief of staff: **Taken into custody 5 June 2003**

Zuhayr Talib Abd al-Sattar al-Naqib

Director of military intelligence: **Taken into custody 23 April 2003**

Abd al-Baqi abd Karim al-Sadun

Baath Party chairman and Baghdad militia commander

Muhammad Zimam Abd al-Razzaq al-Sadun

Baath Party chairman, Ta'mim and Ninawa Governate

Yahya Abdallah al-Ubaydi

Baath Party chairman, Basra Governate

Nayif Shindakh Thamir

Baath Party chairman, Salah al-Din Governate

Sayf al-Din al-Mashhadani

Baath Party chairman and militia commander, Muthanna Governate:

Captured 24 May 2003

Fadil Mahmud Gharib

Baath Party chairman, Babil and Karbala Governate: **Taken into custody 15 May 2003**

Muhsin Khadar al-Khafaji

Baath Party chairman, Qadisiyah Governate

Rashid Taan Kazim

Baath Party chairman, Anbar Governate

Ugla Abid Sighar al-Kubaysi

Baath Party chairman, Maysan Governate: **Taken into custody 20 May 2003**

Ghazi Hamud al-Adib

Baath Party chairman, Wasit Governate: **Taken into custody 7 May 2003**

Adil Abdallah Mahdi al-Duri al-Tikriti

Baath Party chairman, Dhi Qar Governate: **Taken into custody 15 May 2003**

Husayn al-Awawi

Baath Party chairman, Ninawa Governate: **Taken into custody 9 June 2003**

Khamis Sirhan al-Muhammad

Baath Party chairman, Karbala Governate

Sad Abd al-Majid al-Faysal

Baath Party chairman, Salah al-Din Governate: **Taken into custody 24 May 2003**

Latif Nussayif Jasim al-Dulaymi

Deputy chairman, Baath Party: **Taken into custody 9 June 2003**

Rukan Razuki abd al-Ghaful Sulayman al-Tikriti

Chief of tribal affairs

Mizban Khidir Hadi

Revolutionary Command Council member, regional commander, Euphrates region: **Surrendered 9 July 2003**

Taha Muhyl al-Din Maruf

Vice-president and RCC member: **Taken into custody 2 May 2003**

Walid Hamid Tawfiq al-Tikriti

Governor of Basra Governate: **Surrendered 29 April 2003**

Mahmud Dhiyab al-Ahmad

Interior minister: **Taken into custody 8 August 2003**

Amir Rashid Muhammad al-Ubaydi

Former oil minister: **Taken into custody 28 April 2003**

Muhammad Mahdi al-Salih

Minister of trade: **Taken into custody 23 April 2003**

Hossam Mohammed Amin

National monitoring director: **Taken into custody 27 April 2003**

Sabawi Ibrahim

Baath Party, Saddam Hussein's maternal half brother

Huda Salih Mahdi Ammash

Scientist: **Taken into custody 5 May 2003**

Other Prominent People**Abu Musab Al-Zarqawi**

On 29 July 2004 the Foreign Affairs Select Committee noted that, Zarqawi is a Jordanian-born al Qaeda leader [62a] (p3) The US Weekly Standard (16 August 2004) noted that Abu Musab al Zarqawi heads the Tawhid and Jihad (Unity and Holy War) group. [76a] (p1) The Foreign and Commonwealth Office on 22 October 2004 stated that, "Abu Musab Al-Zarqawi, a Jordanian-born terrorist with links to Al-Qa'eda, claims to have been behind several of the most devastating suicide bomb attacks as well as the beheading of Western hostages." [66c] (p4)

Moqtada Al-Sadr

The BBC (14 August 2004) noted that Sadr is a radical Shia cleric, thought to be aged 30. The youngest son of Muhammad Sadiq Sadr - a senior Shia cleric assassinated in 1999, reportedly by agents of the Iraqi Government - Moqtada Sadr was virtually unknown outside Iraq before the US-led invasion in March 2003. He mixes Iraqi nationalism and Shia radicalism, making him a figurehead for many of Iraq's poor Shia Muslims. In June 2003 he established a militia group, the Mehdi Army, in defiance of coalition arms controls, pledging to protect the Shia religious authorities in the holy city of Najaf. [4r] (p1-2) The Financial Times (13 August 2004) noted that, "Mr Sadr's temporal power is substantial. His constituency consists of the majority of Iraqi Shia. A poll by the coalition authorities in May gave Mr Sadr 68 per cent approval nationwide. However, only 2 per cent backed Mr Sadr for Iraq's presidency. In other words, he attracts much popular sympathy but is not taken seriously as a leadership choice." [67b] (p2)

Grand Ayatollah Ali Sistani

The BBC (14 August 2004) noted that Sistani is a moderate cleric [4r] (p1-2) The Financial Times (13 August 2004) stated that, "Mr Sistani is the most senior of Najaf's four grand ayatollahs." Adding that, "Mr Sistani is a very active political player. He has imposed prior truces in Najaf and Kerbala, scuppered US plans for regional caucuses in the constitutional process, forced the June 30 [2004] date for the handover of sovereignty and dictated the abandonment of federalism in the latest United Nations resolution. [67b] (p1-2)

Abdul Majid al-Khoei

The BBC (14 August 2004) noted that al-Khoei was a moderate Shia leader who was killed two days after the fall of Baghdad. An arrest warrant has been issued for Moqtada Sadr for the alleged involvement in the murder. [4r] (p1-2)

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ANNEX F: HEALTH CARE FACILITIES

Health care facilities in Iraq - WHO + UNICEF July 2003

Type of Facility	Definition and/or Service Provided	Location	Cost	Working Hours	Additional Countrywide Information *
General and Specialised Hospitals	Preventive, primary, secondary and tertiary care.	Urban and rural areas	Nominal fee	8:00 - 14:00 (A & E Depts are open 24 hr)	282 Hospitals (211 Public and 71 Private) and 110 Specialized Centres.
Health Centres (HC)	Preventive and primary health care	Urban and rural areas	Free	8:00 - 14:00	With or without doctors. Approx. 1,570 in the country.
Public Clinics (PC)	Preventive, primary, secondary and tertiary care. Doctors have at least two years of experience.	Urban areas	Nominal fee	16:30 - 19:30	Health Centres in the morning often work as Public Clinics in the afternoon. Approx. 339 in the country.
Health Insurance Clinics (HIC)	Same services as PC's but staffed by newly qualified doctors.	Rural areas outside the city	Nominal fee	16:30 - 19:30	Approximately 339 in the country.
Chronic Illness Pharmacy (CIP)	Provide drugs for treatment of chronic diseases on prescription issued by specialist and upon presentation of a special card for chronic illness.	Mainly in urban areas, usually attached to public clinics	Nominal fee	16:30 - 19:30	Approximately 299 in the country.
Bilat Al Shuhada Pharmacies or Pharmacy for Rare Drugs	Bilat Al Shuhada Pharmacies are pharmacies for rare drugs. Patients can obtain rare drugs against prescriptions from medical specialists. Rare drugs are determined by Ministry of Health, based on availability and cost.	Usually attached to public clinics but may be free standing.	Nominal fee	16:30 - 19:30	Approximately 32 Bilat Al Shuhada Pharmacies in the country.

* All totals are preliminary and are subject to confirmed totals from this current review. This update is as of July 2003.

[23a] (p58)

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Facilities of the Ministry of Health in Iraq, 2003 + UNICEF July 2003

Governorate	Ministry of Health & Directorates of Health	Health Sectors	Warehouses	Public Hospitals	Private Hospitals	Total Hospital Beds	Specialized Centres	Primary Health Centres with Doctors	Primary Health Centres without Doctors	Within Health Centres: Public Clinics	Health Insurance Clinics	Chronic Illness Pharmacy	Pharmacy for Rare Drugs	Research Institutions	Production Plants
Anbar	1	9	7	11	1	1,242	4	52	67	16	26	21	2	0	0
Babil	1	5	9	8	2	1,098	6	37	35	22	16	11	3	0	1
Baghdad	9	20	59	44	40	11,425	20	127	5	94	23	25	8	14	5
Basra	1	10	8	14	3	3,142	7	64	8	30	37	13	2	0	0
Diyala	1	1	5	9	2	1,059	4	33	24	10	21	22	1	0	0
Karbala	1	-	4	5	0	663	5	22	4	15	9	12	1	0	0
Missan	1	1	5	7	1	869	5	20	11	12	13	17	1	0	0
Muthanna	1	3	5	4	0	826	4	29	1	12	16	11	1	0	0
Najaf	1	2	5	6	0	1,160	4	21	20	14	11	14	2	0	0
Ninewa	1	8	7	14	4	2,603	8	78	45	20	23	22	2	0	2
Qadissiya	1	7	4	8	2	878	6	29	21	17	18	15	1	0	0
Salah al-Din	1	9	6	9	0	812	3	44	33	14	30	20	3	0	1
Tameem	1	5	7	8	2	1,156	5	41	23	22	26	26	2	0	0
Thi-Qar	1	1	4	7	1	977	5	36	29	14	20	9	2	0	0
Wassit	1	5	4	9	1	773	4	29	8	12	19	16	1	0	1
Dahuk	1	-	2	7	12	977	3	48	32	2	20	45	0	0	0
Erbil	1	-	2	12		?	8	61	86	6	11		0	0	0
Sulaymaniyah	1	-	3	29		2,019	9	63	284	7	0		0	0	0
Totals	26	86	146	211	71	31,679	110	834	736	339	339	299	32	14	10

Source: Ministry of Health, WHO & UNOHCI

[23a] (p50)

ANNEX G: LAW OF ADMINISTRATION FOR THE STATE OF IRAQ (for the transitional period)

8 March 2004

PREAMBLE

The people of Iraq, striving to reclaim their freedom, which was usurped by the previous tyrannical regime, rejecting violence and coercion in all their forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law.

These people, affirming today their respect for international law, especially having been amongst the founders of the United Nations, working to reclaim their legitimate place among nations, have endeavored at the same time to preserve the unity of their homeland in a spirit of fraternity and solidarity in order to draw the features of the future new Iraq, and to establish the mechanisms aiming, amongst other aims, to erase the effects of racist and sectarian policies and practices.

This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being.

CHAPTER ONE – FUNDAMENTAL PRINCIPLES

Article 1.

(A) This Law shall be called the “Law of Administration for the State of Iraq for the Transitional Period,” and the phrase “this Law” wherever it appears in this legislation shall mean the “Law of Administration for the State of Iraq for the Transitional Period.”

(B) Gender-specific language shall apply equally to male and female.

(C) The Preamble to this Law is an integral part of this Law.

Article 2.

(A) The term “transitional period” shall refer to the period beginning on 30 June 2004 and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution as set forth in this Law, which in any case shall be no later than 31 December 2005, unless the provisions of Article 61 are applied.

(B) The transitional period shall consist of two phases.

(1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This government shall be constituted in accordance with a process of

extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations. This government shall exercise authority in accordance with this Law, including the fundamental principles and rights specified herein, and with an annex that shall be agreed upon and issued before the beginning of the transitional period and that shall be an integral part of this Law.

(2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held as stipulated in this Law, provided that, if possible, these elections are not delayed beyond 31 December 2004, and, in any event, beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent constitution.

Article 3.

(A) This Law is the Supreme Law of the land and shall be binding in all parts of Iraq without exception. No amendment to this Law may be made except by a three-fourths majority of the members of the National Assembly and the unanimous approval of the Presidency Council. Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.

(B) Any legal provision that conflicts with this Law is null and void.

(C) This Law shall cease to have effect upon the formation of an elected government pursuant to a permanent constitution.

Article 4.

The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

Article 5.

The Iraqi Armed Forces shall be subject to the civilian control of the Iraqi Transitional Government, in accordance with the contents of Chapters Three and Five of this Law.

Article 6.

The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and

property, and dismissal from government employment for political, racial, or sectarian reasons.

Article 7.

A) Islam is the official religion of the State and is to be considered a source of legislation. No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period. This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice.

(B) Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation.

Article 8.

The flag, anthem, and emblem of the State shall be fixed by law.

Article 9.

The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, shall be guaranteed. The scope of the term “official language” and the means of applying the provisions of this Article shall be defined by law and shall include:

- (1) Publication of the official gazette, in the two languages;
- (2) Speech and expression in official settings, such as the National Assembly, the Council of Ministers, courts, and official conferences, in either of the two languages;
- (3) Recognition and publication of official documents and correspondence in the two languages;
- (4) Opening schools that teach in the two languages, in accordance with educational guidelines;
- (5) Use of both languages in any other settings enjoined by the principle of equality (such as bank notes, passports, and stamps);
- (6) Use of both languages in the federal institutions and agencies in the Kurdistan region.

CHAPTER TWO – FUNDAMENTAL RIGHTS

Article 10.

As an expression of the free will and sovereignty of the Iraqi people, their representatives shall form the governmental structures of the State of Iraq.

The Iraqi Transitional Government and the governments of the regions, governorates, municipalities, and local administrations shall respect the rights of the Iraqi people, including those rights cited in this Chapter.

Article 11.

- (A) Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State.
- (B) No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted.
- (C) Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose citizenship was withdrawn because he acquired another citizenship shall be deemed an Iraqi.
- (D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.
- (E) Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annulled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi.
- (F) The National Assembly must issue laws pertaining to citizenship and naturalization consistent with the provisions of this Law
- (G) The Courts shall examine all disputes arising from the application of the provisions relating to citizenship.

Article 12.

All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Article 13.

- (A) Public and private freedoms shall be protected.
- (B) The right of free expression shall be protected.
- (C) The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed.
- (D) Each Iraqi has the right of free movement in all parts of Iraq and the right to travel abroad and return freely.

- (E) Each Iraqi has the right to demonstrate and strike peaceably in accordance with the law.
- (F) Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice. Coercion in such matters shall be prohibited.
- (G) Slavery, the slave trade, forced labor, and involuntary servitude with or without pay, shall be forbidden.
- (H) Each Iraqi has the right to privacy.

Article 14.

The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.

Article 15.

- (A) No civil law shall have retroactive effect unless the law so stipulates. There shall be neither a crime, nor punishment, except by law in effect at the time the crime is committed.
- (B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness would render him liable to punishment. Extreme exigent circumstances, as determined by a court of competent jurisdiction, may justify a warrantless search, but such exigencies shall be narrowly construed. In the event that a warrantless search is carried out in the absence of an extreme exigent circumstance, the evidence so seized, and any other evidence found derivatively from such search, shall be inadmissible in connection with a criminal charge, unless the court determines that the person who carried out the warrantless search believed reasonably and in good faith that the search was in accordance with the law.
- (C) No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs.
- (D) All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay.

(E) The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. At the time a person is arrested, he must be notified of these rights.

(F) The right to a fair, speedy, and open trial shall be guaranteed.

(G) Every person deprived of his liberty by arrest or detention shall have the right of recourse to a court to determine the legality of his arrest or detention without delay and to order his release if this occurred in an illegal manner.

(H) After being found innocent of a charge, an accused may not be tried once again on the same charge.

(I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.

(J) Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise.

Article 16.

(A) Public property is sacrosanct, and its protection is the duty of every citizen.

(B) The right to private property shall be protected, and no one may be prevented from disposing of his property except within the limits of law. No one shall be deprived of his property except by eminent domain, in circumstances and in the manner set forth in law, and on condition that he is paid just and timely compensation.

(C) Each Iraqi citizen shall have the full and unfettered right to own real property in all parts of Iraq without restriction.

Article 17.

It shall not be permitted to possess, bear, buy, or sell arms except on licensure issued in accordance with the law.

Article 18.

There shall be no taxation or fee except by law.

Article 19.

No political refugee who has been granted asylum pursuant to applicable law may be surrendered or returned forcibly to the country from which he fled.

Article 20.

(A) Every Iraqi who fulfills the conditions stipulated in the electoral law has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections.

(B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

Article 21.

Neither the Iraqi Transitional Government nor the governments and administrations of the regions, governorates, and municipalities, nor local administrations may interfere with the right of the Iraqi people to develop the institutions of civil society, whether in cooperation with international civil society organizations or otherwise.

Article 22.

If, in the course of his work, an official of any government office, whether in the federal government, the regional governments, the governorate and municipal administrations, or the local administrations, deprives an individual or a group of the rights guaranteed by this Law or any other Iraqi laws in force, this individual or group shall have the right to maintain a cause of action against that employee to seek compensation for the damages caused by such deprivation, to vindicate his rights, and to seek any other legal measure. If the court decides that the official had acted with a sufficient degree of good faith and in the belief that his actions were consistent with the law, then he is not required to pay compensation.

Article 23.

The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.

CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT**Article 24.**

(A) The Iraqi Transitional Government, which is also referred to in this Law as the federal government, shall consist of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and the judicial authority.

(B) The three authorities, legislative, executive, and judicial, shall be separate and independent of one another.

(C) No official or employee of the Iraqi Transitional Government shall enjoy immunity for criminal acts committed while in office.

Article 25.

The Iraqi Transitional Government shall have exclusive competence in the following matters:

(A) Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; formulating foreign economic and trade policy and sovereign debt policies;

(B) Formulating and executing national security policy, including creating and maintaining armed forces to secure, protect, and guarantee the security of the country's borders and to defend Iraq;

(C) Formulating fiscal policy, issuing currency, regulating customs, regulating commercial policy across regional and governorate boundaries in Iraq, drawing up the national budget of the State, formulating monetary policy, and establishing and administering a central bank;

(D) Regulating weights and measures and formulating a general policy on wages;

(E) Managing the natural resources of Iraq, which belongs to all the people of all the regions and governorates of Iraq, in consultation with the governments of the regions and the administrations of the governorates, and distributing the revenues resulting from their sale through the national budget in an equitable manner proportional to the distribution of population throughout the country, and with due regard for areas that were unjustly deprived of these revenues by the previous regime, for dealing with their situations in a positive way, for their needs, and for the degree of development of the different areas of the country;

(F) Regulating Iraqi citizenship, immigration, and asylum; and

(G) Regulating telecommunications policy.

Article 26.

(A) Except as otherwise provided in this Law, the laws in force in Iraq on 30 June 2004 shall remain in effect unless and until rescinded or amended by the Iraqi Transitional Government in accordance with this Law.

(B) Legislation issued by the federal legislative authority shall supersede any other legislation issued by any other legislative authority in the event that they contradict each other, except as provided in Article 54(B).

(C) The laws, regulations, orders, and directives issued by the Coalition Provisional Authority pursuant to its authority under international law shall remain in force until rescinded or amended by legislation duly enacted and having the force of law.

Article 27.

- (A) The Iraqi Armed Forces shall consist of the active and reserve units, and elements thereof. The purpose of these forces is the defense of Iraq.
- (B) Armed forces and militias not under the command structure of the Iraqi Transitional Government are prohibited, except as provided by federal law.
- (C) The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any offices or organizations subordinate to it, may not stand for election to political office, campaign for candidates, or participate in other activities forbidden by Ministry of Defense regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to vote in elections.
- (D) The Iraqi Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate pursuant to law and in accordance with recognized principles of human rights.
- (E) The Iraqi Transitional Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Article 28.

- (A) Members of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and judges and justices of the courts may not be appointed to any other position in or out of government. Any member of the National Assembly who becomes a member of the Presidency Council or Council of Ministers shall be deemed to have resigned his membership in the National Assembly.
- (B) In no event may a member of the armed forces be a member of the National Assembly, minister, Prime Minister, or member of the Presidency Council unless the individual has resigned his commission or rank, or retired from duty at least eighteen months prior to serving.

Article 29.

Upon the assumption of full authority by the Iraqi Interim Government in accordance with Article 2(B)(1), above, the Coalition Provisional Authority shall be dissolved and the work of the Governing Council shall come to an end.

CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY

Article 30.

(A) During the transitional period, the State of Iraq shall have a legislative authority known as the National Assembly. Its principal mission shall be to legislate and exercise oversight over the work of the executive authority.

(B) Laws shall be issued in the name of the people of Iraq. Laws, regulations, and directives related to them shall be published in the official gazette and shall take effect as of the date of their publication, unless they stipulate otherwise.

(C) The National Assembly shall be elected in accordance with an electoral law and a political parties law. The electoral law shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly and of having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others.

(D) Elections for the National Assembly shall take place by 31 December 2004 if possible, and in any case no later than by 31 January 2005.

Article 31.

(A) The National Assembly shall consist of 275 members. It shall enact a law dealing with the replacement of its members in the event of resignation, removal, or death.

(B) A nominee to the National Assembly must fulfill the following conditions:

(1) He shall be an Iraqi no less than 30 years of age.

(2) He shall not have been a member of the dissolved Ba'ath Party with the rank of Division Member or higher, unless exempted pursuant to the applicable legal rules.

(3) If he was once a member of the dissolved Ba'ath Party with the rank of Full Member, he shall be required to sign a document renouncing the Ba'ath Party and disavowing all of his past links with it before becoming eligible to be a candidate, as well as to swear that he no longer has any dealings or connection with Ba'ath Party organizations. If it is established in court that he lied or fabricated on this score, he shall lose his seat in the National Assembly.

(4) He shall not have been a member of the former agencies of repression and shall not have contributed to or participated in the persecution of citizens.

(5) He shall not have enriched himself in an illegitimate manner at the expense of the homeland and public finance.

(6) He shall not have been convicted of a crime involving moral turpitude and shall have a good reputation.

(7) He shall have at least a secondary school diploma, or equivalent

(8) He shall not be a member of the armed forces at the time of his nomination.

Article 32.

(A) The National Assembly shall draw up its own internal procedures, and it shall sit in public session unless circumstances require otherwise, consistent with its internal procedures. The first session of the Assembly shall be chaired by its oldest member.

(B) The National Assembly shall elect, from its own members, a president and two deputy presidents of the National Assembly. The president of the National Assembly shall be the individual who receives the greatest number of votes for that office; the first deputy president the next highest; and the second deputy president the next. The president of the National Assembly may vote on an issue, but may not participate in the debates, unless he temporarily steps out of the chair immediately prior to addressing the issue.

(C) A bill shall not be voted upon by the National Assembly unless it has been read twice at a regular session of the Assembly, on condition that at least two days intervene between the two readings, and after the bill has been placed on the agenda of the session at least four days prior to the vote.

Article 33.

(A) Meetings of the National Assembly shall be public, and transcripts of its meetings shall be recorded and published. The vote of every member of the National Assembly shall be recorded and made public. Decisions in the National Assembly shall be taken by simple majority unless this Law stipulates otherwise.

(B) The National Assembly must examine bills proposed by the Council of Ministers, including budget bills.

(C) Only the Council of Ministers shall have the right to present a proposed national budget. The National Assembly has the right to reallocate proposed spending and to reduce the total amounts in the general budget. It also has the right to propose an increase in the overall amount of expenditures to the Council of Ministers if necessary.

(D) Members of the National Assembly shall have the right to propose bills, consistent with the internal procedures that are drawn up by the Assembly.

(E) The Iraqi Armed Forces may not be dispatched outside Iraq even for the purpose of defending against foreign aggression except with the approval of the National Assembly and upon the request of the Presidency Council.

(F) Only the National Assembly shall have the power to ratify international treaties and agreements.

(G) The oversight function performed by the National Assembly and its committees shall include the right of interpellation of executive officials, including members of the Presidency Council, the Council of Ministers, including the Prime Minister, and any less senior official of the executive authority. This shall encompass the right to investigate, request information, and issue subpoenas for persons to appear before them.

Article 34.

Each member of the National Assembly shall enjoy immunity for statements made while the Assembly is in session, and the member may not be sued before the courts for such. A member may not be placed under arrest during a session of the National Assembly, unless the member is accused of a crime and the National Assembly agrees to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY

Article 35.

The executive authority during the transitional period shall consist of the Presidency Council, the Council of Ministers, and its presiding Prime Minister.

Article 36.

(A) The National Assembly shall elect a President of the State and two Deputies. They shall form the Presidency Council, the function of which will be to represent the sovereignty of Iraq and oversee the higher affairs of the country. The election of the Presidency Council shall take place on the basis of a single list and by a two-thirds majority of the members' votes. The National Assembly has the power to remove any member of the Presidency Council of the State for incompetence or lack of integrity by a three-fourths majority of its members' votes. In the event of a vacancy in the Presidency Council, the National Assembly shall, by a vote of two-thirds of its members, elect a replacement to fill the vacancy.

(B) It is a prerequisite for a member of the Presidency Council to fulfill the same conditions as the members of the National Assembly, with the following observations:

(1) He must be at least forty years of age.

(2) He must possess a good reputation, integrity, and rectitude.

(3) If he was a member of the dissolved Ba'ath Party, he must have left the dissolved Party at least ten years before its fall.

(4) He must not have participated in repressing the *intifada* of 1991 or the Anfal campaign and must not have committed a crime against the Iraqi people.

(C) The Presidency Council shall take its decisions unanimously, and its members may not deputize others as proxies.

Article 37.

The Presidency Council may veto any legislation passed by the National Assembly, on condition that this be done within fifteen days after the Presidency Council is notified by the president of the National Assembly of the passage of such legislation. In the event of a veto, the legislation shall be returned to the National Assembly, which has the right to pass the legislation again by a two-thirds majority not subject to veto within a period not to exceed thirty days.

Article 38.

(A) The Presidency Council shall name a Prime Minister unanimously, as well as the members of the Council of Ministers upon the recommendation of the Prime Minister. The Prime Minister and Council of Ministers shall then seek to obtain a vote of confidence by simple majority from the National Assembly prior to commencing their work as a government. The Presidency Council must agree on a candidate for the post of Prime Minister within two weeks. In the event that it fails to do so, the responsibility of naming the Prime Minister reverts to the National Assembly. In that event, the National Assembly must confirm the nomination by a two-thirds majority. If the Prime Minister is unable to nominate his Council of Ministers within one month, the Presidency Council shall name another Prime Minister.

(B) The qualifications for Prime Minister must be the same as for the members of the Presidency Council except that his age must not be less than 35 years upon his taking office.

Article 39.

(A) The Council of Ministers shall, with the approval of the Presidency Council, appoint representatives to negotiate the conclusion of international treaties and agreements. The Presidency Council shall recommend passage of a law by the National Assembly to ratify such treaties and agreements.

(B) The Presidency Council shall carry out the function of commander-in-chief of the Iraqi Armed Forces only for ceremonial and protocol purposes. It shall have no command authority. It shall have the right to be briefed, to inquire, and to advise. Operationally, national command authority on military matters shall flow from the Prime Minister to the Minister of Defense to the military chain of command of the Iraqi Armed Forces.

(C) The Presidency Council shall, as more fully set forth in Chapter Six, below, appoint, upon recommendation of the Higher Juridical Council, the Presiding Judge and members of the Federal Supreme Court.

(D) The Council of Ministers shall appoint the Director-General of the Iraqi National Intelligence Service, as well as officers of the Iraqi Armed Forces at the rank of general or above. Such appointments shall be subject to confirmation by the National Assembly by simple majority of those of its members present.

Article 40.

(A) The Prime Minister and the ministers shall be responsible before the National Assembly, and this Assembly shall have the right to withdraw its confidence either in the Prime Minister or in the ministers collectively or individually. In the event that confidence in the Prime Minister is withdrawn, the entire Council of Ministers shall be dissolved, and Article 40(B), below, shall become operative.

(B) In the event of a vote of no confidence with respect to the entire Council of Ministers, the Prime Minister and Council of Ministers shall remain in office to carry out their functions for a period not to exceed thirty days, until the formation of a new Council of Ministers, consistent with Article 38, above.

Article 41.

The Prime Minister shall have day-to-day responsibility for the management of the government, and he may dismiss ministers with the approval of a simple majority of the National Assembly. The Presidency Council may, upon the recommendation of the Commission on Public Integrity after the exercise of due process, dismiss the Prime Minister or the ministers.

Article 42.

The Council of Ministers shall draw up rules of procedure for its work and issue the regulations and directives necessary to enforce the laws. It also has the right to propose bills to the National Assembly. Each ministry has the right, within its competence, to nominate deputy ministers, ambassadors, and other employees of special grade. After the Council of Ministers approves these nominations, they shall be submitted to the Presidency Council for ratification. All decisions of the Council of Ministers shall be taken by simple majority of those of its members present.

CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY

Article 43.

(A) The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the accused pursuant to law, without interference from the legislative or executive authorities.

(B) All judges sitting in their respective courts as of 1 July 2004 will continue in office thereafter, unless removed from office pursuant to this Law.

(C) The National Assembly shall establish an independent and adequate budget for the judiciary.

(D) Federal courts shall adjudicate matters that arise from the application of federal laws. The establishment of these courts shall be within the exclusive competence of the federal government. The establishment of these courts in the regions shall be in consultation with the presidents of the judicial councils in the regions, and priority in appointing or transferring judges to these courts shall be given to judges resident in the region.

Article 44.

(A) A court called the Federal Supreme Court shall be constituted by law in Iraq.

(B) The jurisdiction of the Federal Supreme Court shall be as follows:

(1) Original and exclusive jurisdiction in legal proceedings between the Iraqi Transitional Government and the regional governments, governorate and municipal administrations, and local administrations.

(2) Original and exclusive jurisdiction, on the basis of a complaint from a claimant or a referral from another court, to review claims that a law, regulation, or directive issued by the federal or regional governments, the governorate or municipal administrations, or local administrations is inconsistent with this Law.

(3) Ordinary appellate jurisdiction of the Federal Supreme Court shall be defined by federal law.

(C) Should the Federal Supreme Court rule that a challenged law, regulation, directive, or measure is inconsistent with this Law, it shall be deemed null and void.

(D) The Federal Supreme Court shall create and publish regulations regarding the procedures required to bring claims and to permit attorneys to practice before it. It shall take its decisions by simple majority, except decisions with regard to the proceedings stipulated in Article 44(B)(1), which must be by a two-thirds majority. Decisions shall be binding. The Court shall have full powers to enforce its decisions, including the power to issue citations for contempt of court and the measures that flow from this.

(E) The Federal Supreme Court shall consist of nine members. The Higher Juridical Council shall, in consultation with the regional judicial councils, initially nominate no less than eighteen and up to twenty-seven individuals to fill the initial vacancies in the aforementioned Court. It will follow the same procedure thereafter, nominating three members for each subsequent vacancy that occurs by reason of death, resignation, or removal. The Presidency Council shall appoint the members of this Court and name one of them as its Presiding Judge. In the event an appointment is rejected, the Higher Juridical Council shall nominate a new group of three candidates.

Article 45.

A Higher Juridical Council shall be established and assume the role of the Council of Judges. The Higher Juridical Council shall supervise the federal judiciary and shall administer its budget. This Council shall be composed of the Presiding Judge of the Federal Supreme Court, the presiding judge and deputy presiding judges of the federal Court of Cassation, the presiding judges of the federal Courts of Appeal, and the presiding judge and two deputy presiding judges of each regional court of cassation. The Presiding Judge of the Federal Supreme Court shall preside over the Higher Juridical Council. In his absence, the presiding judge of the federal Court of Cassation shall preside over the Council.

Article 46.

(A) The federal judicial branch shall include existing courts outside the Kurdistan region, including courts of first instance; the Central Criminal Court of Iraq; Courts of Appeal; and the Court of Cassation, which shall be the court of last resort except as provided in Article 44 of this Law. Additional federal courts may be established by law. The appointment of judges for these courts shall be made by the Higher Juridical Council. This Law preserves the qualifications necessary for the appointment of judges, as defined by law.

(B) The decisions of regional and local courts, including the courts of the Kurdistan region, shall be final, but shall be subject to review by the federal judiciary if they conflict with this Law or any federal law. Procedures for such review shall be defined by law.

Article 47.

No judge or member of the Higher Juridical Council may be removed unless he is convicted of a crime involving moral turpitude or corruption or suffers permanent incapacity. Removal shall be on the recommendation of the Higher Juridical Council, by a decision of the Council of Ministers, and with the approval of the Presidency Council. Removal shall be executed immediately after issuance of this approval. A judge who has been accused of such a crime as cited above shall be suspended from his work in the judiciary until such time as the case arising from what is cited in this Article is adjudicated. No judge may have his salary reduced or suspended for any reason during his period of service.

CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS**Article 48.**

(A) The statute establishing the Iraqi Special Tribunal issued on 10 December 2003 is confirmed. That statute exclusively defines its jurisdiction and procedures, notwithstanding the provisions of this Law.

(B) No other court shall have jurisdiction to examine cases within the competence of the Iraqi Special Tribunal, except to the extent provided by its founding statute.

(C) The judges of the Iraqi Special Tribunal shall be appointed in accordance with the provisions of its founding statute.

Article 49.

(A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below.

(B) The method of appointment to the national commissions shall be in accordance with law.

Article 50.

The Iraqi Transitional Government shall establish a National Commission for Human Rights for the purpose of executing the commitments relative to the rights set forth in this Law and to examine complaints pertaining to violations of human rights. The Commission shall be established in accordance with the Paris Principles issued by the United Nations on the responsibilities of national institutions. This Commission shall include an Office of the Ombudsman to inquire into complaints. This office shall have the power to investigate, on its own initiative or on the basis of a complaint submitted to it, any allegation that the conduct of the governmental authorities is arbitrary or contrary to law.

Article 51.

No member of the Iraqi Special Tribunal or of any commission established by the federal government may be employed in any other capacity in or out of government. This prohibition is valid without limitation, whether it be within the executive, legislative, or judicial authority of the Iraqi Transitional Government. Members of the Special Tribunal may, however, suspend their employment in other agencies while they serve on the aforementioned Tribunal.

CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES

Article 52.

The design of the federal system in Iraq shall be established in such a way as to prevent the concentration of power in the federal government that allowed the continuation of decades of tyranny and oppression under the previous regime. This system shall encourage the exercise of local authority by local officials in every region and governorate, thereby creating a united Iraq in which every citizen actively participates in governmental affairs, secure in his rights and free of domination.

Article 53.

(A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. The term "Kurdistan Regional Government" shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

(B) The boundaries of the eighteen governorates shall remain without change during the transitional period.

(C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.

(D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.

Article 54.

(A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.

(B) With regard to the application of federal laws in the Kurdistan region, the Kurdistan National Assembly shall be permitted to amend the application of any such law within the Kurdistan region, but only to the extent that this relates to matters that are not within the provisions of Articles 25 and 43(D) of this Law and that fall within the exclusive competence of the federal government.

Article 55.

(A) Each governorate shall have the right to form a Governorate Council, name a Governor, and form municipal and local councils. No member of any regional government, governor, or member of any governorate, municipal, or local council may be dismissed by the federal government or any official thereof, except upon conviction of a crime by a court of competent jurisdiction as provided by law. No regional government may dismiss a Governor or member or members of any governorate, municipal, or local council. No Governor or member of any Governorate, municipal, or local council shall be

subject to the control of the federal government except to the extent that the matter relates to the competences set forth in Article 25 and 43(D), above.

(B) Each Governor and member of each Governorate Council who holds office as of 1 July 2004, in accordance with the law on local government that shall be issued, shall remain in place until such time as free, direct, and full elections, conducted pursuant to law, are held, or, unless, prior to that time, he voluntarily gives up his position, is removed upon his conviction for a crime involving moral turpitude or related to corruption, or upon being stricken with permanent incapacity, or is dismissed in accordance with the law cited above. When a governor, mayor, or member of a council is dismissed, the relevant council may receive applications from any eligible resident of the governorate to fill the position. Eligibility requirements shall be the same as those set forth in Article 31 for membership in the National Assembly. The new candidate must receive a majority vote of the council to assume the vacant seat.

Article 56.

(A) The Governorate Councils shall assist the federal government in the coordination of federal ministry operations within the governorate, including the review of annual ministry plans and budgets with regard to activities in the governorate. Governorate Councils shall be funded from the general budget of the State, and these Councils shall also have the authority to increase their revenues independently by imposing taxes and fees; to organize the operations of the Governorate administration; to initiate and implement province-level projects alone or in partnership with international, and non-governmental organizations; and to conduct other activities insofar as is consistent with federal laws.

(B) The *Qada'* and *Nahiya* councils and other relevant councils shall assist in the performance of federal responsibilities and the delivery of public services by reviewing local ministry plans in the afore-mentioned places; ensuring that they respond properly to local needs and interests; identifying local budgetary requirements through the national budgeting procedures; and collecting and retaining local revenues, taxes, and fees; organizing the operations of the local administration; initiating and implementing local projects alone or in conjunction with international, and non-governmental organizations; and conducting other activities consistent with applicable law.

(C) Where practicable, the federal government shall take measures to devolve additional functions to local, governorate, and regional administrations, in a methodical way. Regional units and governorate administrations, including the Kurdistan Regional Government, shall be organized on the basis of the principle of de-centralization and the devolution of authorities to municipal and local governments.

Article 57.

(A) All authorities not exclusively reserved to the Iraqi Transitional Government may be exercised by the regional governments and governorates as soon as possible following the establishment of appropriate governmental institutions.

(B) Elections for governorate councils throughout Iraq and for the Kurdistan National Assembly shall be held at the same time as the elections for the National Assembly, no later than 31 January 2005.

Article 58.

(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.

(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

(3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

(4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.

(B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.

(C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

CHAPTER NINE – THE TRANSITIONAL PERIOD

Article 59.

(A) The permanent constitution shall contain guarantees to ensure that the Iraqi Armed Forces are never again used to terrorize or oppress the people of Iraq.

(B) Consistent with Iraq's status as a sovereign state, and with its desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period, the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511 (2003) and any subsequent relevant resolutions. This arrangement shall last until the ratification of a permanent constitution and the election of a new government pursuant to that new constitution.

(C) Upon its assumption of authority, and consistent with Iraq's status as a sovereign state, the elected Iraqi Transitional Government shall have the authority to conclude binding international agreements regarding the activities of the multi-national force operating in Iraq under unified command pursuant to the terms of United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions. Nothing in this Law shall affect rights and obligations under these agreements, or under United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions, which will govern the multi-national force's activities pending the entry into force of these agreements.

Article 60.

The National Assembly shall write a draft of the permanent constitution of Iraq. This Assembly shall carry out this responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Iraq and through the media, and receiving proposals from the citizens of Iraq as it writes the constitution.

Article 61.

(A) The National Assembly shall write the draft of the permanent constitution by no later than 15 August 2005.

(B) The draft permanent constitution shall be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. In the period leading up to the referendum, the draft constitution shall

be published and widely distributed to encourage a public debate about it among the people.

(C) The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it.

(D) If the permanent constitution is approved in the referendum, elections for a permanent government shall be held no later than 15 December 2005 and the new government shall assume office no later than 31 December 2005.

(E) If the referendum rejects the draft permanent constitution, the National Assembly shall be dissolved. Elections for a new National Assembly shall be held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government shall then assume office no later than 31 December 2005, and shall continue to operate under this Law, except that the final deadlines for preparing a new draft may be changed to make it possible to draft a permanent constitution within a period not to exceed one year. The new National Assembly shall be entrusted with writing another draft permanent constitution.

(F) If necessary, the president of the National Assembly, with the agreement of a majority of the members' votes, may certify to the Presidency Council no later than 1 August 2005 that there is a need for additional time to complete the writing of the draft constitution. The Presidency Council shall then extend the deadline for writing the draft constitution for only six months. This deadline may not be extended again.

(G) If the National Assembly does not complete writing the draft permanent constitution by 15 August 2005 and does not request extension of the deadline in Article 61(F) above, the provisions of Article 61(E), above, shall be applied.

Article 62.

This law shall remain in effect until the permanent constitution is issued and the new Iraqi government is formed in accordance with it.

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ANNEX H: LIST OF SOURCE MATERIAL

- 1 **Europa Publications**
 - 1a The Middle East and North Africa 2004 - October 2003
 - 1b The Europa World Yearbook 2004 - May 2004
- 2 **United States Department of State** <http://www.state.gov>
 - 2a Country Report on Human Rights Practices 2003 - 25/02/04
 - 2b International Religious Freedom Report 2003 - 18/12/03
 - 2c Background Note: Iraq – August 2004
 - 2d The new Iraqi healthcare system – 15/12/03
 - 2e Iraq one year later: Freedom and progress – 26/3/04
- 3 **Keesings Record of World Events**
 - 3a 2003
 - 3b 2004
- 4 **BBC** <http://www.bbc.co.uk/>
 - 4a Protecting Iraq's Frontiers - 5/08/04
 - 4b Charges facing Saddam Hussein - 01/07/04
 - 4c Iraq rebels told to leave shrine - 27/08/04
 - 4d Profile: Kurdish 'satellite' parties – 13/1/04
 - 4e Overview: Shia – 2003
 - 4f Blast hits Iraqi 'sex cinema' – 24/9/03
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