



Australian Government
Refugee Review Tribunal

Country Advice

Iraq

Iraq – IRQ37757 – Baghdad – Mahdi
Army – Sharia law – Women – Shi'as –
Virginity testing – Honour killings – Police
– State protection
10 December 2010

1. Please provide information about the level of Mahdi army activity in Baghdad generally, and in Madinat-al-Hurriya in particular.

The Mahdi Army (in Arabic *Ja'ish-al-Mahdi*) was very active in Baghdad, including in the neighbourhood of Madinat-al-Hurriya (or Hurriya), from 2003 until 2008.¹ In 2008 the group suffered heavy losses in the government's anti-militia campaign and was essentially disbanded as its leader Muqtada al-Sadr undertook to focus more on politics.² Since that time the Mahdi Army's activities in Baghdad and other areas have declined significantly.³ In 2010, however, news providers have reported that the militia may be regrouping. No information was found on the group's current activities in Hurriya, but the neighbourhood was a "stronghold" for the militia in 2006-2007, and it is likely that militiamen (or ex-militiamen) still have a presence there.

The Mahdi Army in Baghdad

Recent news reports indicate that the Mahdi Army may be regrouping and/or becoming more visible and active in Baghdad. In



*This graphic is sourced from the *New York Times*.

¹ "Profile: Muqtada al-Sadr" 2008, *BBC News*, 22 February, http://news.bbc.co.uk/2/hi/middle_east/3131330.stm – Accessed 9 December 2010 – Attachment 1; Harari, M 2010, "Status Update: Shi'a Militias in Iraq" (Institute for the Study of War Backgrounder Report), 16 August, www.understandingwar.org/files/Backgrounder_ShiaMilitias.pdf – Accessed 20 September 2010 – Attachment 2, p 4; "Feared Shiite Mahdi Army militia led by hardline cleric reviving in post-election Iraq" 2010, *Associated Press*, 4 May, <http://www.foxnews.com/world/2010/05/04/feared-shiite-mahdi-army-militia-led-hardline-cleric-reviving-post-election/> – Accessed 29 November 2010 – Attachment 3.

² Harari, M 2010, "Status Update: Shi'a Militias in Iraq" (Institute for the Study of War Backgrounder Report), 16 August, www.understandingwar.org/files/Backgrounder_ShiaMilitias.pdf – Accessed 20 September 2010, Attachment 2, p 4.

³ See for example UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p 13.

December 2010, for example, the *Associated Press* (AP) reported that Mahdi Army militiamen were “increasingly back” and Moqtada al-Sadr was “pressing for a bigger presence in the police and military apparatus”.⁴ A month earlier, the *Los Angeles Times* (*LA Times*) had reported that Sadr was reaping benefits from his “move to support Prime Minister Maliki’s bid for a second term”, with rewards taking the form of freed Mahdi Army personnel and the awarding of security positions to “veteran commanders of the militia”.⁵ In June 2010, the *LA Times* said that Mahdi Army “ex-militiamen” were being seen in Baghdad neighbourhoods, and quoted a resident as saying, “We’re seeing their mobility, their presence, in the mosques, in their gatherings, in the alleyways... We are worried that they will come back and sabotage our neighborhoods”.⁶ A May 2010 AP article reported that the Mahdi Army had “quietly started to regroup” and Sadr had deployed militiamen to protect Shi’a mosques in Baghdad’s Sadr City.⁷ The AP said “Mahdi Army militiamen in their trademark black shirts have taken to parading again on the streets of Shiite neighborhoods in Baghdad and elsewhere” and the group had threatened to attack US forces if they did not leave the country by the end of December 2011.⁸

Contrasting somewhat with these reports was an October 2010 *New York Times* (NYT) story on the “vibrant transformation” of Sadr City since the Mahdi Army lost control of it in 2008.⁹ The NYT said that the Mahdi Army was “letting the locals play” and cited the advice of several young people that the militia had lost its influence over Sadr City. However, the article did note that “[s]ome here say imprisoned Mahdi Army fighters have started to flow back to the neighbourhood” and a few Sadr City residents interviewed for the story were apparently fearful of speaking out against the militia.¹⁰

Several reports underlined that current activity by Mahdi Army personnel (or former members of the Mahdi Army) included “morality policing” in Baghdad and elsewhere. The December 2010 AP news story cited above, for example, noted that Sadrist had recently intimidated local businesses in Shi’a areas of Baghdad into removing “offensive” merchandise (such as lingerie) from windows and keeping teenagers out of cafes so they

⁴ Santana, R 2010, “Anti-US Shiite Sadrist movement seeking big role in new Iraq government, raising worries”, *Associated Press*, 1 December, <http://www.newser.com/article/d9jr7eag0/anti-us-shiite-sadrist-movement-seeking-big-role-in-new-iraq-government-raising-worries.html> – Accessed 2 December 2010 – Attachment 5.

⁵ Parker, N 2010, “Sadr sees star rise again in Iraq”, *Los Angeles Times*, 25 November, <http://articles.latimes.com/2010/nov/25/world/la-fg-iraq-sadr-20101125> – Accessed 29 November 2010 – Attachment 6; see also Santana, R 2010, “Anti-US Shiite Sadrist movement seeking big role in new Iraq government, raising worries”, *Associated Press*, 1 December, <http://www.newser.com/article/d9jr7eag0/anti-us-shiite-sadrist-movement-seeking-big-role-in-new-iraq-government-raising-worries.html> – Accessed 2 December 2010 – Attachment 5.

⁶ Daragahi, B 2010, “Muqtada Sadr’s Mahdi Army militiamen slowly resurface”, *Los Angeles Times*, 28 June, <http://articles.latimes.com/2010/jun/28/world/la-fg-mahdi-army-20100628> – Accessed 29 November 2010 – Attachment 7.

⁷ “Feared Shiite Mahdi Army militia led by hardline cleric reviving in post-election Iraq” 2010, *Associated Press*, 4 May, <http://www.foxnews.com/world/2010/05/04/feared-shiite-mahdi-army-militia-led-hardline-cleric-reviving-post-election/> – Accessed 29 November 2010 – Attachment 3.

⁸ “Feared Shiite Mahdi Army militia led by hardline cleric reviving in post-election Iraq” 2010, *Associated Press*, 4 May, <http://www.foxnews.com/world/2010/05/04/feared-shiite-mahdi-army-militia-led-hardline-cleric-reviving-post-election/> – Accessed 29 November 2010 – Attachment 3.

⁹ Leland, J 2010, “Baghdad’s Shiite Heart Beats as War Ebbs”, *New York Times*, 29 October, <http://www.nytimes.com/2010/10/30/world/middleeast/30sadr-city.html> – Accessed 2 December 2010 – Attachment 8.

¹⁰ Leland, J 2010, “Baghdad’s Shiite Heart Beats as War Ebbs”, *New York Times*, 29 October, <http://www.nytimes.com/2010/10/30/world/middleeast/30sadr-city.html> – Accessed 2 December 2010 – Attachment 8.

would not be “corrupted”.¹¹ Although AP did not identify these “Sadrists” as Mahdi Army members, Human Rights Watch has referred to the Mahdi Army explicitly in its report on a 2009 “killing campaign against men suspected of being gay, or of not being sufficiently ‘masculine’”.¹² The campaign was most intense in Baghdad, and:

Most survivors and witnesses pointed to Moqtada al-Sadr’s Mahdi army, the largest Shia militia, as the driving force behind the killings. Sadrist mosques and leaders have warned loudly that homosexuality threatens Iraqi life and culture... While there was no accurate tally of the victims, the number may have well been in the hundreds. Iraqi police and security forces did little to investigate or halt the killings. Authorities announced no arrests or prosecutions; it is unlikely that any occurred.¹³

Amnesty International (AI) has also commented on the Mahdi Army’s human rights violations over the last year. In 2010, AI said that Shi’a militia groups including the Mahdi Army “continue[d] to commit human rights abuses, including kidnapping, torture and murder of civilians”.¹⁴

The Mahdi Army in Hurriya

Before the Iraq War, Hurriya was a mixed neighbourhood of Sunnis and Shi’as, but from 2004 it became the site of sectarian violence,¹⁵ and the Mahdi Army was reportedly instrumental in driving Sunnis out of the area in 2006 and 2007.¹⁶ Several sources point to

¹¹ Santana, R 2010, “Anti-US Shiite Sadrist movement seeking big role in new Iraq government, raising worries”, *Associated Press*, 1 December, <http://www.newser.com/article/d9jr7eag0/anti-us-shiite-sadrist-movement-seeking-big-role-in-new-iraq-government-raising-worries.html> – Accessed 2 December 2010 – Attachment 5.

¹² Moumneh, R (Human Rights Watch) 2009, “Iraq’s new surge: Gay killings”, *Foreign Policy*, 9 September, <http://www.hrw.org/en/news/2009/09/15/iraqs-new-surge-gay-killings> – Accessed 1 December 2010 – Attachment 9; see also Human Rights Watch 2009, “They Want Us Exterminated: Murder, Torture, Sexual Orientation and Gender in Iraq”, HRW website, 16 August, <http://www.hrw.org/en/node/85049/section/2> – Accessed 7 December 2010 – Attachment 10.

¹³ See Moumneh, R (Human Rights Watch) 2009, “Iraq’s new surge: Gay killings”, *Foreign Policy*, 9 September, <http://www.hrw.org/en/news/2009/09/15/iraqs-new-surge-gay-killings> – Accessed 1 December 2010 – Attachment 9.

¹⁴ Amnesty International 2010, “Document – Iraq: Human Rights Briefing”, AI website, <http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/20f0c384-7dc6-409d-a0fb-767c349ef41c/mde140042010en.html#7.6> – Accessed 29 November 2010 – Attachment 11.

¹⁵ Chon, G 2008, “Vote on American withdrawal bares ethnic tensions in Iraq”, *Wall Street Journal*, 26 November, <http://online.wsj.com/article/SB122765293047357845.html> – Accessed 6 December 2010 – Attachment 12; Burns, J 2006, “Shiites Rout Sunni Families in Mixed Area of Baghdad”, *New York Times*, 10 December, <http://www.nytimes.com/2006/12/10/world/middleeast/10baghdad.html?ref=world> – Accessed 6 December 2010 – Attachment 13.

¹⁶ Burns, J 2006, “Shiites Rout Sunni Families in Mixed Area of Baghdad”, *New York Times*, 10 December, <http://www.nytimes.com/2006/12/10/world/middleeast/10baghdad.html?ref=world> – Accessed 6 December 2010 – Attachment 13; Parker, N & U Redha 2008, “Shiite behind Baghdad truck blast, U.S. says”, *Los Angeles Times*, 19 June, <http://articles.latimes.com/2008/jun/19/world/fg-iraq19> – Accessed 6 December 2010 – Attachment 14; International Crisis Group 2008, *Iraq’s Civil War, the Sadrists and the Surge*, ICG website, February, http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/72_iraq_s_civil_war_the_sadrists_and_the_surge.aspx – Accessed 7 December 2010 – Attachment 15; Morgan, W 2008, “In Hurriyah, Sunni families trickle home”, *Long War Journal*, 7 November, http://www.longwarjournal.org/archives/2008/11/in_hurriyah_sunni_fa.php – Accessed 6 December 2010 – Attachment 16. For a short overview of Hurriya during this time, see: Wing, J 2008, “Government Moves Against Squatters In Hurriyah, Baghdad”, EPIC website (NGO working on human rights and humanitarian conditions in Iraq), 18 November, <http://www.epic-usa.org/node/4131> – Accessed 6 December 2010 – Attachment 17.

the Mahdi Army having a significant presence in Hurriya during this time. *Time* magazine has described Hurriya as a “longtime Mahdi Army stronghold”,¹⁷ and an *LA Times* blog entry by a Hurriya resident stated that in 2007 the neighbourhood was used by the militia as a launching zone for “missiles and mortars against American bases in Baghdad”.¹⁸ The blogger noted that “[t]o avoid capture, the militia would hide among the civilians”.¹⁹ A 2008 report from the US’s Center for Strategic and International Studies said a US intelligence officer in Baghdad had advised that “[The Mahdi Army] infiltrated every branch of public service and political office they could get their hands on” in Hurriya.²⁰ Although reports indicate that Mahdi Army activity in Baghdad declined considerably in 2008²¹ and no information was found on the militia’s presence in Hurriya in 2009-2010, it is probable that there are still some militia members (or ex-members) in the area today.

2. Deleted.

3. Deleted.

4. Are there reports on the extent to which Sharia law – in particular, the pursuit of non-compliant moderate couples – is practiced in Baghdad? Do reports indicate known family/tribe or localised risk factors?

Although there is a 2007 news article reporting that gunmen imposed a strict interpretation of Sharia law in the Dora district of Baghdad,²² no other information was found on the extent to which Sharia law is practiced in Baghdad.

Overall in Iraq the interpretation of Sharia law varies in different provinces, between rural and urban populations and between religions. No information was found on the extent to which Sharia law is used in the pursuit of moderate couples. Iraq is a conservative, tribal-based society and social freedoms for individuals, particularly women and girls, are

¹⁷ Kukis, M 2009, “As Iraqi Elections Loom, al-Sadr’s Political Clout Fades”, *Time*, 26 January, <http://www.time.com/time/world/article/0,8599,1874040,00.html> – Accessed 6 December 2010 – Attachment 18.

¹⁸ Redha, U 2008, “IRAQ: In one ‘Black Night,’ another Baghdad neighborhood is walled in”, *Los Angeles Times* (blog entry), <http://latimesblogs.latimes.com/babylonbeyond/2008/07/iraq-in-one-bla.html> – Accessed 6 December 2010 – Attachment 19.

¹⁹ Redha, U 2008, “IRAQ: In one ‘Black Night,’ another Baghdad neighborhood is walled in”, *Los Angeles Times* (blog entry), <http://latimesblogs.latimes.com/babylonbeyond/2008/07/iraq-in-one-bla.html> – Accessed 6 December 2010 – Attachment 19.

²⁰ Cordesman, A & E Davies (Center for Strategic and International Studies) 2007, *Iraq’s insurgency and the road to civil conflict*, Praeger Security International, Westport, http://books.google.com.au/books?id=LzFaaWCuhdQC&pg=PA413&lpg=PA413&dq=Mahdi+army+hurriya&source=bl&ots=fBix7ii0Pb&sig=EybfUEWq9m-hS-3VPj1R1XGv-5U&hl=en&ei=tG38TJfMCJHwvwPkIL3MCg&sa=X&oi=book_result&ct=result&resnum=6&ved=0CC4Q6AEwBTgU#v=onepage&q=Mahdi%20army%20hurriya&f=false – Accessed 6 December 2010 – Attachment 20, p 419.

²¹ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p 13; “Feared Shiite Mahdi Army militia led by hardline cleric reviving in post-election Iraq” 2010, *Associated Press*, 4 May, <http://www.foxnews.com/world/2010/05/04/feared-shiite-mahdi-army-militia-led-hardline-cleric-reviving-post-election/> – Accessed 29 November 2010 – Attachment 3; Redha, U 2008, “IRAQ: In one ‘Black Night,’ another Baghdad neighborhood is walled in”, *Los Angeles Times* (blog entry), <http://latimesblogs.latimes.com/babylonbeyond/2008/07/iraq-in-one-bla.html> – Accessed 6 December 2010 – Attachment 19.

²² “People flee Baghdad district as gunmen impose Shariah law” 2007, *Integrated Regional Information Networks (IRIN)*, 27 August <http://www.reliefweb.int/rw/rwb.nsf/db900sid/EMAE-76GLRN?OpenDocument&rc=3&cc=irq> – Accessed 8 December 2010 – Attachment 28.

restricted by family honour and tribal and religious customs. Crimes against family members, mostly women, for perceived or actual behaviour or attitude seen to have dishonoured the family, tribe or community, are prevalent in all parts of Iraq.²³

The most recent UNHCR eligibility guidelines for Iraq, released in April 2009, state that since 2003 the role of Sharia law has remained “highly contentious”.²⁴ The Iraq constitution provides for Iraqis to be free on personal status matters according to their religions, sects, beliefs or choices.²⁵ It is open for different sects to apply their own sets of laws and interpretation.²⁶ Varying interpretations of Sharia law could result in different practices in different provinces, between rural and urban populations and different religions.²⁷ Areas under the control of Shia or Sunni extremist groups have been pressured to adhere to strict Islamic rules.²⁸

5. Is it known whether the practice of virginity testing is widespread, and whether it occurs in Kadhimiya Hospital or similar hospitals?

Limited sources indicate that virginity testing is common in Iraq and may occur in medical institutions. No reports were found regarding the availability of virginity examinations at Kadhimiya Hospital.

Reports of virginity testing in Baghdad

A 2004 article in the *New Yorker* by an American journalist in Iraq recounts the advice of an Iraqi doctor that “an entire subspecialty of forensic medicine in Iraq deals with virginity”, and “[i]n any criminal case involving a woman, it’s the most important piece of information”.²⁹ The article also noted the existence of a virginity examination room in the same building as the Baghdad morgue:

Down the hall from the morgue, which is in a squat, two-story yellow building called the Medico-Legal Institute, is an examination room with a reclining chair and stirrups. This is where virginity exams on living subjects take place—most of them on suspected prostitutes, but also on runaways, kidnapping victims, and girls who have suffered an accident and whose parents, for the sake of marriageability, want a medical certificate establishing their purity.³⁰

The doctor advised that since the Iraq war broke out in May 2003, virginity examinations had fallen off as the morgue filled to overflowing. Before the war he had performed “five

²³ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p 193, para 332.

²⁴ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4.

²⁵ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4; UK Home Office 2009, *Country of Origin Information Report – Iraq*, 10 December – Attachment 29, pp. 96-97, para 13.29.

²⁶ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p.148/footnote 778.

²⁷ UK Home Office 2009, *Country of Origin Information Report – Iraq*, 10 December – Attachment 29, pp. 96-97, para 13.29.

²⁸ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p. 191 para 330.

²⁹ Packer, G 2004, “Will moderate Iraqis embrace democracy-or Islamist radicalism?”, *The New Yorker*, 17 May, http://www.newyorker.com/archive/2004/05/17/040517fa_fact – Accessed 3 December 2010 – Attachment 30.

³⁰ Packer, G 2004, “Will moderate Iraqis embrace democracy-or Islamist radicalism?”, *The New Yorker*, 17 May, http://www.newyorker.com/archive/2004/05/17/040517fa_fact – Accessed 3 December 2010 – Attachment 30.

or six virginity exams a day”, he said, but as of March 2004, the virginity examinations room was “usually empty”.³¹ The situation may have changed again since then, but this report underlines the importance of virginity in Iraqi culture and suggests that “virginity testing” may be offered at medical institutions or facilities.

Along these same lines, a *Reuters/National Public Radio* report on honour killings in Iraq quoted Baghdad-based Shi’a gynaecologist Dr Menal al-Rubaie as saying that families sometimes “[brought] in an unmarried daughter to be checked if they suspect she’s been sexually active or abused”, or husbands might bring in wives to verify their virginity.³² Dr Rubaie said that she felt she could not tell the family when she discovered a girl was not a virgin, as she did not know what their response would be, and

[r]ather than sign a potential death sentence, Dr. Rubaie dodges the issue. She refers the family to the morgue, where a special panel of doctors is authorized to check if a woman’s hymen is intact. If it’s not, the young girl could well end up in the morgue again, dead.³³

This reference to a “special panel of doctors” at the Baghdad morgue appears to accord with the *New Yorker* article’s mention of a “committee of five doctors, including Iraq’s leading hymen expert”, though the latter source did not say that this committee was based at the morgue.³⁴ There was no suggestion in either report that *only* these specialists could undertake virginity examinations – rather, it seemed that other doctors could and did perform such tests.

6. Please provide information about the following:

a. Do the Baghdad police (in Madinat al-Hurriya) offer protection to Shia women who have shamed their families? If not, why not?

b. Do the Baghdad police offer men such protection? If not, why not?

No information was found regarding Baghdad or Hurriya police protection for Shi’a women or men who have shamed their families, specifically, but recent reports indicate that the Iraqi authorities have done little to protect women from violence, including at the hands of relatives, and honour killings continue to occur across the country in a climate of impunity. While little information was located on police protection for men involved in honour offences, sources suggest that men have also been targeted for honour killings and may receive no more protection from the authorities than women. Traditional cultural values and social acceptance for honour crimes appear to be key factors in authorities’ failure to offer adequate protection to those who are perceived to have committed honour violations. In addition, reports indicate that the Mahdi Army may still have connections and influence in the police and security forces in Baghdad, and Mahdi Army families may be able to take advantage of these connections to exact revenge on individuals who have injured or “shamed” the family.

³¹ Packer, G 2004, “Will moderate Iraqis embrace democracy-or Islamist radicalism?”, *The New Yorker*, 17 May, http://www.newyorker.com/archive/2004/05/17/040517fa_fact – Accessed 3 December 2010 – Attachment 30.

³² Garrels, A 2005, “Concern grows over Iraqi ‘honor killings’”, *Reuters/National Public Radio*, 7 December, <http://www.npr.org/templates/story/story.php?storyId=5043032> – Accessed 3 December 2010 – Attachment 31.

³³ Garrels, A 2005, “Concern grows over Iraqi ‘honor killings’”, *Reuters/National Public Radio*, 7 December, <http://www.npr.org/templates/story/story.php?storyId=5043032> – Accessed 3 December 2010 – Attachment 31.

³⁴ Packer, G 2004, “Will moderate Iraqis embrace democracy-or Islamist radicalism?”, *The New Yorker*, 17 May, http://www.newyorker.com/archive/2004/05/17/040517fa_fact – Accessed 3 December 2010 – Attachment 31.

Police protection for women

Although no reports were found of specific “shame” cases or honour killings involving women in Hurriya or Baghdad at large in recent years, reliable reports have indicated that Iraqi police have not provided adequate protection to women who have shamed (or are perceived to have shamed) their families. The UK Home Office, UNHCR and human rights NGOs have noted that such women are at risk of being seriously hurt or killed by relatives in order to restore their family’s “honour”.³⁵ In 2010, for example, Amnesty International (AI) stated that that “[v]ery little has been done by the Iraqi authorities with regards to the provision of adequate protection [to women] against violence, including by other family members”.³⁶ In a separate report from 2010, AI said that police “frequently fail[ed] to arrest men accused of violence against their female relatives” and “[w]omen continue[d] to be killed with impunity by their relatives because their behaviour [was] perceived to have infringed traditional roles”.³⁷ AI reported that the authorities had recorded 56 honour killings of women in the southern governorates (one of which is the Baghdad governorate), and said that:

Most men get away with these murders because the authorities are unwilling to carry out proper investigations and punish the perpetrators. Iraqi legislators have failed to amend laws that effectively condone, even facilitate, such violence against women and girls.³⁸

These comments are corroborated by the 2009 *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers* (the *UNHCR Guidelines*), which note that honour killings occur all over Iraq and are

most frequently committed with impunity given the high level of social acceptance vis-à-vis this type of crimes, including among law enforcement officials. On the rare occasions where perpetrators are arrested and charged, they are given lenient punishments.³⁹

Human Rights Watch noted that police themselves were often perpetrators of violence against women,⁴⁰ as was illustrated in the case of an honour killing victim in Tikrit, north of Baghdad. According to a report published in the *LA Times* and other newspapers, in 2008 a young imprisoned woman was killed by her brother after becoming pregnant as the result being raped by a “police lieutenant colonel who reportedly supervised guards at the

³⁵ UK Home Office 2010, “Operational Guidance Note – Iraq”, October – Attachment 32; Human Rights Watch 2010, *World Report 2010 – Iraq*, 20 January – Attachment 33; see also Amnesty International 2010, “Document – Iraq: Human Rights Briefing”, AI website,

<http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/20f0c384-7dc6-409d-a0fb-767c349ef41c/mde140042010en.html#7.6>%20Impunity|outline – Accessed 29 November 2010 – Attachment 11; Amnesty International 2010, *Iraq: Civilians Under Fire*, April – Attachment 34.

³⁶ Amnesty International 2010, “Document – Iraq: Human Rights Briefing”, AI website, <http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/20f0c384-7dc6-409d-a0fb-767c349ef41c/mde140042010en.html#7.6>%20Impunity|outline – Accessed 29 November 2010 – Attachment 11.

³⁷ Amnesty International 2010, *Iraq: Civilians Under Fire*, April – Attachment 34, p 20.

³⁸ Amnesty International 2010, *Iraq: Civilians Under Fire*, April – Attachment 34, p 20.

³⁹ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p. 195, para 337.

⁴⁰ Human Rights Watch 2010, *World Report 2010 – Iraq*, 20 January – Attachment 33.

prison”.⁴¹ Her brother shot her while visiting her in jail.⁴² The outcome of the case was unclear, and questions remained as to how the victim’s brother had been allowed to enter the prison with a gun.⁴³ A morgue worker involved in the case reportedly indicated that prison guards and police were relieved the woman had been killed, because they believed her death would end the rape case.⁴⁴

As suggested by the AI and UNHCR quotations above, traditional cultural values and social acceptance for honour crimes appear to be key factors in authorities’ failure to offer adequate protection to women who are perceived to have shamed their families.

Police protection for men

Little specific information was found regarding police protection for men involved in honour offences, though sources note that Iraqi men may also become targets for honour killings. The *UNHCR Guidelines*, for instance, state that

[m]any women and girls, and, to a lesser extent, men and boys, are at risk of death if they are accused of behaviour believed to have brought shame on the family, such as loss of virginity (even by rape), infidelity, a demand for divorce or a refusal of marriage.⁴⁵

While it is not disputed that men may also come under threat of honour killings, few sources were located to comment on protection for such individuals. A Danish Immigration Service report on the Kurdistan Region of Iraq (KRI) indicated that men were equally at risk of being punished for honour offences as women, but less likely to find assistance and protection from authorities and NGOs.⁴⁶ Given that the KRI is a culturally and politically distinct area of Iraq, however, this assessment cannot be taken to apply to the rest of the country.

Other sources on protection for men at risk of honour killings focused on the situation of gay men or men perceived to be “effeminate”. As noted at question one, various sources have reported on an apparent campaign of violence against gay men and/or men perceived to be insufficiently “masculine” in Baghdad and other cities in Iraq in recent years.⁴⁷

⁴¹ Susman, T & C Ahmed 2009, “In Iraq, a story of rape, shame and ‘honor killing’”, *Los Angeles Times*, 23 April, <http://articles.latimes.com/2009/apr/23/world/fg-iraq-woman23> – Accessed 29 November 2010 – Attachment 35.

⁴² Susman, T & C Ahmed 2009, “In Iraq, a story of rape, shame and ‘honor killing’”, *Los Angeles Times*, 23 April, <http://articles.latimes.com/2009/apr/23/world/fg-iraq-woman23> – Accessed 29 November 2010 – Attachment 35.

⁴³ Susman, T & C Ahmed 2009, “In Iraq, a story of rape, shame and ‘honor killing’”, *Los Angeles Times*, 23 April, <http://articles.latimes.com/2009/apr/23/world/fg-iraq-woman23> – Accessed 29 November 2010 – Attachment 35.

⁴⁴ Susman, T & C Ahmed 2009, “In Iraq, a story of rape, shame and ‘honor killing’”, *Los Angeles Times*, 23 April, <http://articles.latimes.com/2009/apr/23/world/fg-iraq-woman23> – Accessed 29 November 2010 – Attachment 35.

⁴⁵ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p. 145, para 256.

⁴⁶ Refugee Documentation Centre (Ireland) 2010, “Up to date information regarding ‘honour killings’ in Iraq of both men and women”, 18 May – Attachment 36.

⁴⁷ For example Amnesty International 2010, *Iraq: Civilians Under Fire*, April – Attachment 34; Moumneh, R (Human Rights Watch) 2009, “Iraq’s new surge: Gay killings”, *Foreign Policy*, 9 September, <http://www.hrw.org/en/news/2009/09/15/iraqs-new-surge-gay-killings> – Accessed 1 December 2010 – Attachment 9; UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p. 194, paras 333-334.

Reports indicate that authorities do not offer adequate protection to those at risk.⁴⁸ For instance, Amnesty International said that:

members of the gay community under threat of attack or murder cannot expect any assistance from the authorities, even when urgent protection is needed. On the contrary, members of the security forces and possibly other authorities appear in some cases to have encouraged the targeting of people suspected of same sex relationships, in blatant violation of the law and international human rights standards.⁴⁹

Prevalent homophobia and conservative attitudes about masculinity seem to play a major part in the authorities' lack of responsiveness to this kind of honour crime.⁵⁰ In relation to men perceived to have committed other honour offences, it is likely that as in the case of women, traditional cultural values and social acceptance of honour crimes affect police and other authorities' responsiveness to men under threat of retaliation for honour offences.

Mahdi Army influence over police and security forces

Reports indicate that the Mahdi Army has had members working in, and/or influencing, police and security forces in Baghdad and elsewhere in Iraq (for example, Basra).⁵¹ Some sources suggest that the militia (or Sadrists more broadly) still has "reach" within security agencies including the police, and news stories from 2010 have reported that Muqtada al-Sadr has leveraged his clout with the Maliki government to secure "security positions for veteran commanders of the militia" and is pushing for "a bigger presence in the police and military apparatus".⁵² As noted at question one, the neighbourhood of Hurriya has been described as a Mahdi Army stronghold and US intelligence believed that the militia had infiltrated public services in this area in 2006-2007. It is probable that some militiamen, or ex-militiamen, remain in positions of authority in Hurriya and other areas of Baghdad.

In addition, a recent news report offers some evidence that Mahdi Army families may be able to take advantage of connections in the police or security forces to exact revenge on

⁴⁸ Amnesty International 2010, *Iraq: Civilians Under Fire*, April – Attachment 34, p 22; Moumneh, R (Human Rights Watch) 2009, "Iraq's new surge: Gay killings", *Foreign Policy*, 9 September, <http://www.hrw.org/en/news/2009/09/15/iraqs-new-surge-gay-killings> – Accessed 1 December 2010 – Attachment 9.

⁴⁹ Amnesty International 2010, *Iraq: Civilians Under Fire*, April – Attachment 34, p 22.

⁵⁰ UNHCR 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April – Attachment 4, p 194.

⁵¹ See for example United Nations Assistance Mission for Iraq (UNAMI) 2009, "Human Rights Report 1 July – 31 December 2009", http://www.uniraq.org/documents/UNAMI_Human_Rights_Report16_EN.pdf – Accessed 9 December 2010 – Attachment 37, p 39; Trejos, N 2007, "Battling With Sadr for Iraqi Soldiers' Hearts", *The Washington Post*, 13 January, <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/12/AR2007011202217.html> – Accessed 9 December 2010 – Attachment 38; UNHCR 2007, "Addendum to UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers", December – Attachment 39.

⁵² Parker, N 2010, "Sadr sees star rise again in Iraq", *Los Angeles Times*, 25 November, <http://articles.latimes.com/2010/nov/25/world/la-fg-iraq-sadr-20101125> – Accessed 29 November 2010 – Attachment 6; Santana, R 2010, "Anti-US Shiite Sadrist movement seeking big role in new Iraq government, raising worries", *Associated Press*, 1 December, <http://www.newser.com/article/d9jr7eag0/anti-us-shiite-sadrist-movement-seeking-big-role-in-new-iraq-government-raising-worries.html> – Accessed 2 December 2010 – Attachment 5; Rubin, T 2010, "Injustice in Iraq", *Pittsburgh Post-Gazette*, 25 April, <http://www.post-gazette.com/pg/10115/1052858-109.stm> – Accessed 2 December 2010 – Attachment 40.

enemies.⁵³ In April 2010, the *Pittsburgh Post-Gazette* reported on the case of a Shi'a Iraqi from Baghdad who had been "unjustly imprisoned" and tortured as a result of a Mahdi Army family using its "personal connections with senior army and intelligence officers to get him arrested".⁵⁴ The man's offense against them was to have informed on militia members in the family in 2007.⁵⁵

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