

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Please provide information on the al-Dulimi tribe and its relationship with Saddam.
2. Is it traditionally based around al-Ramadi and Falluja?
3. Are the al-Dulimis known to be involved in the current insurgency in Iraq?
4. Are there any reports of forced recruitment by insurgents - particularly in the Falluja district?
5. What is the current strength of the insurgency?
6. Are tribal loyalties such that a member would be expected to join an insurgency if the tribe did so, or are there political divisions within tribes?
7. Do men who have affairs with married women suffer retribution from the woman's family?
8. What role, if any, would the tribe play in such a circumstance?
9. How effective are the security forces in providing protection at present?

RESPONSE

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The al-Dulimi tribe (variously al-Dulaym, al-Dulaimi, al-Dulaim) are one of the most powerful tribes in central Iraq. More accurately the al-Dulimi should be considered as a federation (*qabila*). In Iraq the tribes are collected under a major tribal grouping – for example the al-Dulimi – that contains a number of tribes (*'ashira*) (Wikipedia, nd, *Arab Tribes in Iraq*, (sourced from Answers.com) – Accessed 3 March 2005 – <http://www.answers.com/topic/arab-tribes-in-iraq> - Attachment 1). The al-Dulimi are considered the most powerful tribe in the al-Anbar province of central Iraq which includes within its boundaries the noted centres of Sunni insurgency Falluja and Ramadi. The Iraqi National League for Chiefs of Tribes is prominent Dulimi Sheik, Thameer al-Dulemi

(Council on Foreign Relations, nd, *Iraq: The Role of Tribes*, Accessed 21 March 2005 - http://www.cfr.org/pub7681/sharon_otterman/iraq_the_role_of_tribes.php - Attachment 2).

Whilst reports indicate that in 1995 a short-lived revolt against the Baathists in Ramadi was led by a sub-tribe of the Dulimi – the Al-Bu Nimr - the Dulimi are generally recognised as a tribal federation loyal to the former regime and hostile to the US-led occupation (Baram, A., 2003, *The Iraqi Tribes and the Post-Saddam System*, 8 July, the History News Network – Accessed 22 March 2005 - <http://hnn.us/comments/14860.html> - Attachment 3). As is so often the case within the complex environment of Iraq's tribal politics some prominent members of the Dulimi have been variously accused of being “close to the Americans” or openly aligned with the former regime and the insurgency. In 2003 it was alleged that the son of Sheikh Ali Suleiman, head of the Ramadi city council and the leading Dulimi tribesman in Ramadi was killed in an attack on the Sheikh's Ramadi residence on the basis that the Sheikh was working too closely with the US-led administration. This was followed later in the year by a bombing of the same residence (Al-Nahr, N., 2003, ‘Car Bomb Kills 14 Iraqis’, *Aljazeera*, 7 July – Accessed 3 March 2005 - <http://www.aljazeera.info/News%20archives/2004%20News%20archives/July/7%20n/Car%20Bomb%20Kills%2014%20Iraqis.htm> – Attachment 4; Al-Nahr, N. and Al-Awsat, A., 2003, ‘Suicide Bombings Kill Nine in Iraq’, *Aljazeera*, 21 November – Accessed 22 March 2005 - <http://aljazeera.info/News%20archives/2003%20News%20archives/November/21n/Suicide%20Bombings%20Kill%20Nine%20in%20Iraq.htm> – Attachment 5). Conversely, one of the lawyers representing Saddam Hussein is Khalil al-Dulaimi who reportedly recognises Hussain as the President of Iraq “despite orders from the US army to treat him as an ordinary citizen”. Mr al-Dulaimi has been the subject of a number of death threats; however he “was using his own resources and tribe to protect himself” (Janabi, A., 2005, ‘Saddam's lawyers cite death threats’, *Aljazeera*, 24 January – Accessed 3 March 2005 - <http://english.aljazeera.net/NR/exeres/C3A10A2C-A92E-4B67-9CF8-6A17A1EC0A92.htm> - Attachment 6). In February 2005 *Newsday* reported the capture of Taleb Mikhlef al-Dulaimi in the town of Anah in Anbar. Al-Dulaimi was described as a “top lieutenant” of Abu Musab al-Zarqawi the most wanted terrorist leader in Iraq. The report goes on to state:

Al-Dulaimi, the logistical planner, was captured in Anbar province, an area where the insurgency has been entrenched for more than a year. Anbar, a vast region that borders Jordan, Syria and Saudi Arabia, includes the cities of Fallujah and Ramadi...

Al-Dulaimi comes from Anbar's most powerful Sunni tribe, the Dulaim, whose members have played a key role in the insurgency. Without support from local tribes, foreign militants such as al-Zarqawi would find it difficult to operate in Iraq.

"The foreign terrorists need people like al-Dulaimi to carry out their work," said the security official. "Otherwise, al-Zarqawi would be easy to isolate." (Bazzi, M, 2005, ‘Top al-Zarqawi aide captured’, *Newsday*, 26 January – Accessed 2 March 2005 -

<http://www.newsday.com/news/printedition/world/ny-wozarq264158370feb26,0.48420.story?coll=ny-worldnews-print> – Attachment 7)

Significantly, in January 2005 the Dulimi tribe officially announced that it would not take part in the elections held on 30 January and that it encouraged other Iraqi's to boycott the elections stating:

"[t]he Iraqi people won't accept the results of these polls because they have no legitimacy ... because there are no election programmes or clear political programmes. The security

situation has not stabilized and there are well-known regional forces influencing them in order to further their interests." The declaration further states that, "the democratic process cannot take place in an occupied, hungry and expelled society, disposed of its sovereignty." ('Dulaym tribes decide to boycott the elections and ask associated clans to join them', 2005, electionmonitoriraq.com, 12 January – Accessed 22 March 2005 - <http://www.electionmonitoriraq.com/content.php?contentTypeID=59&id=147> – Attachment 8)

Attachment 9 is a map provided by the Perry-Castañeda Library Map Collection, University of Texas, showing the major tribes of Iraq. (Perry-Castañeda Library Map Collection, University of Texas, 2003, *Iraq: Distribution of Ethnoreligious Groups and Major Tribes*, January – Accessed 23 March 2005 - http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethno_2003.jpg – Attachment 9)

4. Are there any reports of forced recruitment by insurgents - particularly in the Falluja district?

Very little information could be found in the sources consulted specifically indicating that forced recruitment by insurgents is a significant issue. However it should be noted that it is not improbable that community pressures may be brought to bare on individuals in communities which foster insurgents. According to advice from the Department of Foreign Affairs and Trade (DFAT) in January 2005:

No evidence has emerged during enquiries of people being forced to join militia groups anywhere in Iraq. There may be family or community pressure to participate in insurgency activities, especially for those who return to areas where insurgents are prevalent and if their family or community support the insurgency. (Department of Foreign Affairs and Trade, 2005, *Current Situation in Iraq – Baghdad*, 9 January, CIR No. 6/05 – Attachment 10)

5. What is the current strength of the insurgency?

Although it is difficult to calculate the current strength of the insurgency some estimates are above one hundred thousand with one recent estimate of 40 000 insurgents in the 'Sunni Triangle' alone (Clifford, L., 2005, 'Special Report: Defusing Sunni Anger', Institute for War and Peace Reporting, 26 January – Accessed 21 March 2005 - http://www.iwpr.net/index.pl?archive/irq/irq_101_1_eng.txt - Attachment 11). It is not clear whether this represents actual fighters carrying arms or a broader definition comprising of fighters and sympathisers. More significant than numbers, however, is the broader categorisation of the insurgency and its manifestations. An analysis of the insurgency in Iraq by *Stratfor* has identified the three main guerrilla movements operating at present as "nationalist, Shiite and jihadist", with each of these containing many different elements and sub-groupings. Of these, it is the "nationalist" group which contains some former Baathists, although their aim is not primarily loyalty to Saddam Hussein or to the Baath Party itself. *Stratfor* regards this group as the strongest of the three:

Summary

Of the three main guerrilla movements in Iraq -- nationalist, Shiite and jihadist -- the first makes up the core and leadership of the insurgency. It might not always be that way -- not if the Shiite community rises en masse -- but the Iraq war is being shaped by a well-trained, Sunni-led militant nationalist movement that essentially has nothing to lose.

Analysis

Perhaps the most misunderstood militants in Iraq are the nationalist guerrillas, who were viewed a year ago as mainly former regime officials (mostly Sunni) who had the most to lose by a democratic (and largely Shiite) government in Iraq. **While it is true that the nationalist movement is mostly Sunni and includes former soldiers and regime members, it also is clear that any Baathist orientation the movement might have is largely irrelevant.**

Iraqi tribal sources say even those nationalist guerrillas who associate themselves with the Baathist Party are not trying to preserve the unity of the party or make it a leading force in the nationalist movement. Moreover, sources say, the vast majority of Baathists in the nationalist ranks are convinced the future of Iraq and the future of the Baath Party have nothing to do with Saddam Hussein.

The continuation of the insurgency, and its increased effectiveness over the last year, is more a result of a growing distaste for Western occupation than any loyalty to the former Iraqi ruler or his political party. With Shia a majority in Iraq, some Sunni insurgents are naturally motivated by fear that they would lose power in any democratically elected government. Members of a former ruling minority suddenly faced with the rise of the Shia, a once-oppressed majority, might want to go out fighting. In any case, in spite of the fact that most nationalist guerrillas are Sunnis, like Hussein, the former Iraqi leader has had little to do with inspiring or sustaining nationalist insurgent operations.

So far, of the three insurgent movements in Iraq – nationalist guerrillas, Shiite militants and jihadists – nationalist insurgents have had the most significant impact on the U.S.-led war effort. However, this impact has had more to do with the military aspects of the campaign than U.S. political decision-making. The movement posing the greatest potential for influencing events strategically in Iraq is the Shiite resistance. If it expands beyond Muqtada al-Sadr's Mehdi Army to embrace other Shiite segments of Iraqi society, and if it is blessed by the country's top Shiite religious authority, then the Shiite guerrillas will dominate the insurgency.

At this stage of the war, one could argue the impact of the Shiite insurgency is mainly political while the impact of the nationalist insurgency is mainly military. Indeed, nationalist guerrillas are, and likely will remain, the most skilled, organized and numerous of the insurgent forces fighting the coalition ('Iraq insurgency: Understanding nationalism' 2004, *Stratfor*, 22 December – Attachment 12).

Stratfor states that nationalist attacks have had the most influence on US strategy and decisions about force structure and equipment:

In the end, it will be the nationalist guerrillas who will have done more to stretch and shape U.S. forces and their resources than any other movement in Iraq...

... While the jihadist bombings, in particular, have a demoralizing effect on Iraqi government forces, it is the systematic and dogged attacks by nationalist insurgents that have caused government forces to crumble, leaving U.S. troops without meaningful local support. Major desertions of Iraqi troops and officers in Al Fallujah and As Samarra occurred when they were faced with fighting nationalist insurgents. While some government troops are too frightened to face nationalist guerrillas in combat, others refuse to fight them out of sympathy for their cause – namely, the liberation of Iraq. This has led to the growing clandestine cooperation between nationalist guerrillas and Iraqi security personnel, who provide insurgents with intelligence about the movements and vulnerabilities of U.S. forces ('Iraq insurgency: Understanding nationalism' 2004, *Stratfor*, 22 December – Attachment 12).

The significance of this analysis is that 'the Insurgency' cannot be regarded as a monolithic organisation with any semblance of central command structure or common objectives beyond

the removal of the occupying forces. Attachment 13 provides a brief overview of the insurgency and a map indicating the general areas of operation of the main insurgent groups (BBC online, 'Life in post-Saddam Iraq: Security' – Accessed 23 March 2005 - http://news.bbc.co.uk/1/shared/spl/hi/in_depth/post_saddam_iraq/html/2.stm - Attachment 13).

6. Are tribal loyalties such that a member would be expected to join an insurgency if the tribe did so, or are there political divisions within tribes?

No specific sources were found in the sources consulted that indicated that tribal fealty would compel an individual to participate in insurgent activities. However, there is enough evidence in the sources cited in Questions 1-4 to indicate that tribal obligations and family 'honour' may serve as powerful agents of coercion for an individual if their tribal groupings were supportive of the insurgency. It can also be seen from the evidence above outlining the involvement of various members of al-Dulimi tribe and the activities of the al-Dulimi sub-tribe the Al-Bu Nimr in 1995 that there can and does exist a degree of political division of factionalism within tribes. (See Attachment 3)

7. Do men who have affairs with married women suffer retribution from the woman's family?

8. What role, if any, would the tribe play in such a circumstance?

The extent of tribal influence is not absolute throughout Iraq. The tribes are more significant outside of the major city of Baghdad in the rural districts and provincial centres such as Basra in the south and in Anbar province to the west of Baghdad; with tribal allegiance also being strong in the Kurdish zone to the north of the country.

Marriage is a very important issue within the Iraqi tribal system. Marriage within the tribe is common with marriage to cousins or second-cousins a prevalent feature of marriage within Iraq (Tierney, J., 2003, 'Iraq Family Ties Complicate American Efforts for Change', *New York Times*, 28 September (sourced from freerepublic.com) – Accessed 21 March 2005 - <http://freerepublic.com/focus/f-news/990738/posts> - Attachment 14). This inter-marriage serves to consolidate not only the power of the broader tribal federation (*qabila*) but also the prestige of the smaller sub-tribe (*'ashira*), and so on throughout the tribal structure – clan (*fakhdh*), the extended family (*khamis*) and the house (*biet*) (see Attachment 1 and Attachment 2). Thus marriage is very much seen through the paradigm of 'honour' and as such falls clearly within the ambit of tribal justice and dispute mechanisms. Such mechanisms thrived under the *Baath* regime, particularly from the 1990s, as Saddam attempted to gain greater loyalty from the tribes. As such the tribes – in the areas they are strong – have become accustomed once more to being important agents in the administration of justice – regardless of laws passed by the interim administration in the post-Saddam era (GlobalSecurity.org., 2004, 'Tribal Structures', 10 June – Accessed 10 March 2005 - <http://www.globalsecurity.org/military/world/iraq/tribes.htm> - Attachment 15).

Whilst issues surrounding marriage would definitely involve the relevant tribes the resolution mechanism will differ between men and women. Whilst a woman would clearly be subjected to the very real threat of violence (*ird* eg. 'Honour Killings'), a man and his tribal leaders may be able to 'negotiate' an amicable settlement through the payment of money or goods of equivalent value (*diyyeh*) or some other settlement agreeable to all parties in order to avoid the situation escalating into that of a 'blood feud'. (See Attachment 1 and Attachment 2.)

9. How effective are the security forces in providing protection at present? (See response prepared under Preliminary Research Request IRQ17229.)

Sources indicate that although much effort is being directed towards building up the Iraqi police force and army, they are still far from being able to provide adequate protection to the community. Some of the problems described in reports include: the large scale of violent incidents; inadequate leadership; infiltration by insurgent groups; corruption; and continuing allegiance to ethnic or religious groups which lesson the ability to act impartially. There is little community confidence in the police, and victims of crimes instead turn to their own support networks for help. Police and army recruits are among those most often targeted by insurgent groups.

An August 2004 report by UNHCR on conditions for returning refugees stated of current law enforcement and political structures:

A great deal of effort has been made by the Coalition Forces to revise and revamp the structure, methods, and composition of the Iraqi Police Forces in the hope that the Iraqi security forces will be capable of providing adequate security following the Transition of Authority on 28 June 2004. Through the so-called Security Sector reform, four entities (IPS – Iraqi Police Service; ING – Iraqi National Guard (former ICDC – Iraqi Civil Defense Corps); FPS – Facilities Protection Service; and ICS – Iraqi Correctional Service) were created.

As of June 2—4, the ING was the most successful of these institutions and constituted a total of 5082 persons. Specialist training by Coalition Forces was being carried out, although the operational effectiveness of such training was hampered by delays in the delivery of specialist material necessary for the training courses, which include among others EOD (explosives ordinances disposal) and DBE (Border monitoring) training. The future of this unit following the handover of power remains to be seen and will depend on the Iraqi authorities. While ING members may become part of the army, the unit may also be disbanded.

According to the Coalition Forces (CF), the Iraqi Police service requires a total of 6928 persons, of whom 63% had been trained by June 2004. The Iraqi police officers are being trained by the Jordanian Police for an average period of 3 months (for specialists: 6 months). While the training is considered to be of high quality, it is too short in order to be efficient. In addition, while many policemen of the former regime have been re-instated in their functions, CF stressed that the re-training of former policemen has represented a far greater challenge than the training of first-time policemen. Some of the main problems encountered with former policemen include:

- Limited leadership at all levels;
- A legacy of corruption;
- The influence of political/religious parties;
- A reluctance to take control.

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...

...The general Iraqi public lacks faith in the capacity of the Iraqi Police Forces to effectively maintain law and order, an attitude which has to date been repeatedly confirmed by the numerous security incidents currently plaguing Iraq. Many crimes are therefore simply never reported to the police. In turn, perpetrators generally carry out acts of violence, vandalism and other crimes

without fear of prosecution or conviction. As a result, more and more people have begun to rely on other forms of protection such as tribal links and or vigilante-type justice.

Following the hand-over, some local councils have requested that militias assist in the provision of security services. Militias have an unknown chain of command, lack standard operational procedures and tend to blur the distinction between law enforcement and judicial procedures. For example, on 30 July 2004 four Iraqis were arrested, interrogated, charged, tried and executed by a militia in Najaf. The four Iraqis were mistakenly accused of involvement in a car bombing. The four Iraqis were national staff members of a French NGO, and an implementing partner for UNHCR in the Muthanna governate (UNHCR, 2004, *Country of Origin Information – Iraq*, 12 August, pp.2-3 – Attachment 16).

In September 2004, a joint British-Danish fact finding mission visited Amman and Baghdad, and spoke to a range of sources including diplomats, NGOs, UN and Iraqi government sources. Of the security situation, the report states:

3.22 UN sources in Amman (1) advised that the police force was not effective enough to provide security to ordinary Iraqis. The source added that the police force was more corrupt than ever before, and that the kidnappers were very rich and so could bribe police officers. In the rural areas crime rates were lower because the tribal system oversees the community. Tribal power was not so prevalent in the cities.

3.23 A diplomatic source in Amman (2) informed the delegation that the Iraqi police had widened their influence and that the Jordanians had increased their training of Iraqi police recruits. This visible increase of police presence rather than the Multi National Force was a positive sign to regular Iraqis. However the source informed the delegation that half of the police recruits had left because they felt they were targets.

3.24 As to whether Iraqis were reporting problems to the police, the source informed the delegation that they were not for two reasons: a) they were not accustomed to it (under the Iraqi regime, an Iraqi would need to have close contacts to get an investigation from the police), and b) the Iraqi people were using alternative routes for resolution such as tribal/family/community ties. Within the rural areas, a tribal resolution was effective, however in the city this route was only marginally effective.

3.25 UN sources in Amman (2) advised that the police service was present and functioning. There was a need to re-educate the command structure however the source advised that the general population would still view the police as Ba'athists. The source advised that the police had not had human rights training during their time in Jordan, however the training and structure of the police service was improving. The source added that quite often police ignored court orders. The source added that prisoners often showed signs of trauma when they were brought to court. However the source noted that the Minister of Human Rights was a very progressive Minister and should be able to improve the situation. It was recognised that during Saddam's regime there was no rule of law whatsoever; corruption was then, and was still, considered normal. The source stated that UNAMI was involved in the training of Iraqi police.

3.26 An international humanitarian organisation working in the region advised the delegation that the police were ever present in Iraq. They organised the traffic and could be seen on the streets. Police responding to emergencies were less well organised. The source added that US soldiers were hardly ever seen now. The source stated that the Iraq Civil Defence Corps was currently trying to recruit a mix of ethnic groups; the source was unaware whether the police had a proportional distribution of ethnic recruits. However a diplomatic source in Amman (1) informed the delegation that in Kirkuk there were many different types of police forces and that, depending on which ethnic group you belonged to, would affect which type of police force came to you. The source advised that since the handover the Iraqi police were trying harder, and that they had more of a sense of responsibility. There was venal corruption using money or politics. The source advised that there was a court system and the judges were largely politically neutral however the laws could be internally contradictory due to the additional laws put in place by the CPA.

3.27 The source added that the standard of the Iraqi police force had improved due to training conducted in Jordan, and the numbers had increased substantially. The police were working hard and patrolling the streets. This was viewed positively by many Iraqis and was considered to be an improvement to foreign military forces taking care of security. However, Iraqis were not used to reporting crimes to the police and many would prefer to go to the tribe-leaders to get a problem solved. The source advised that it was still possible to approach the Multi National Forces and ask for help. Many Iraqis had in fact received assistance from the Multi National Forces in various criminal cases but sometimes the soldiers were too busy to respond to the call for assistance.

3.28 UNHCR in Amman stated that sometimes the Iraqi police could protect people and sometimes they could not. It would depend on the situation and the status of the people involved (UK Home Office, 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 17).

A September 2004 UNHCR return advisory stated:

The Iraqi security bodies as well as foreign troops remain unable to provide adequate physical protection. The general lack of law and order is exacerbated by the absence of a properly functioning judicial system. As a result, many crimes are never reported to the police and disputes are often settled through tribal justice mechanisms or by persons who decide to take the law directly into their own hands (UNHCR 2004, *UNHCR return advisory regarding Iraqi asylum seekers and refugees*, September – Attachment 18).

Dr Charles Tripp at his Tribunal seminar in November 2004 commented on the security forces:

One of the problems for the Iraqi security forces is that it is almost certain that they too are infiltrated by the leaders of the insurrection. There was a great drive to recruit people to the new Iraqi army, the new police force, the civil defence force, and it's almost certain that many people who have been involved in the insurrection infiltrated those forces at the same time. So one can argue that that part of Iraq, the centre and the north, is in a condition of classic guerrilla war. In addition to that, what makes life very dangerous for many ordinary Iraqis in that whole area, is not so much the political insurrection, but the criminality. This is a terrain now of kidnapping for profit – you kidnap somebody, you hold them to ransom, their family desperately searches around for the money and they try and get the person to be returned. Kidnapping is a flourishing growth industry unfortunately, allied to protection rackets, drug rackets, and arms rackets in Iraq. All of these are highly desirable commodities and all of them are now subject to a good deal of criminality. The Iraqi police forces and security forces are completely overstretched – they can't deal with this – and insofar as they are able to deal with anything, they try and keep their eyes on the insurrection. But in fact the criminal gangs operating in Iraq are probably just as much of a threat to ordinary Iraqis' security as anything else. So it's a very dire and pretty terrible picture in the north and centre of Iraq at the moment (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004*, 24 November – Attachment 19).

A recent map produced by Stratfor (Strategic Forecasting) shows incidents of violence that have occurred around Iraq from 5-10 March. The comment is made that some recent incidents have involved insurgents dressed in police uniforms, and that:

The Iraqi police and security forces are penetrated by hostile intelligence at every command and operational level. One police official told Western media, "it is just a matter of paying money and anyone can infiltrate the police force".

The infiltration of the Iraqi police and security forces constitutes a major problem for both the coalition and the Iraqi Interim Government. One of the main strategies of the coalition is the gradual assumption of more responsibility for security by Iraqi forces. With their ranks so heavily compromised by hostile intelligence agents, the Iraqi security forces will be effectively unable to assume that mission (Stratfor Inc. 2005, *Events in Iraq March 5-10, 2005*, accessed 11 March – Attachment 20).

In his recent article for *Jane's* on kidnapping in Iraq, Aarons also comments that “use of disguise, particularly the wearing of Iraqi police uniforms, is common to attacks on both mobile and static targets, either to bring vehicles to a halt at bogus checkpoints in the first case or to gain entry to buildings in the latter”. Of the genuine security forces ability to offer protection, he states:

Local Iraqi security forces will take months, if not years, to become strong enough and experienced enough to take on insurgents and kidnapping gangs, therefore foreigners of all nationalities and occupations will need to remain vigilant and should take steps to avoid presenting themselves as soft targets (Aaron, C. 2005, ‘Kidnappings endanger reconstruction in Iraq’, *Jane's Intelligence Review*, 18 February – Attachment 21).

According to the US Department of State:

Due to the insurgency, high-crime rates, and limited police training, innocent persons were sometimes arrested and detained erroneously

The MOI's responsibilities extended only to internal security. MOI commands a number of uniformed forces, including the Iraqi Police Service (IPS) and Department of Border Enforcement. The MOI also has criminal and domestic intelligence capabilities and regulates all domestic and foreign private security companies operating in the country. The MOI also has authority over the Civil Defense Directorate, the firefighters and emergency response organization, and the Facilities Protection Service shielding strategic infrastructure, government buildings, and cultural and educational assets.

In the aftermath of the fall of the former regime, a police presence temporarily vanished, except in the Kurdish North. Police equipment was stolen. After April 2003, a large recruitment and training program was established, including hiring former police officers.

During the year, various specialized units were created, including an Emergency Response Unit (with capabilities similar to a SWAT team) and Public Order Battalions that perform riot control functions, as well as specialized counterinsurgency units.

More than any other group, the police have been a target of terrorist attacks. Over 1,500 IPS personnel have been killed between April 2003 and year's end. Additionally, pervasive lawlessness has led to an increase in violent and organized crime, particularly related to kidnappings (see Section 1.g.).

Detainees generally were informed of the charges against them, although sometimes with delay.

There was a widespread perception that police made false arrests to extort money. Some police officers did not present defendants to magistrates and held them in detention cells until their families paid bribes for their release. In the Central Criminal Court in Baghdad, the time between arrest and arraignment was often in excess of 30 days, despite the 24-hour requirement.

There were organized police abuses. For example, on September 4, approximately 150 police, none of whom had uniforms or badges, surrounded the Iraqi Institute of Peace (IIP), which is associated with the International Center for Reconciliation of the Coventry Cathedral, in response to an alert that a prominent former regime figure might be inside the Cathedral. Four individuals identified themselves as MOI officials, but did not show badges. Armed men, some with heavy weapons, broke down the doors and ransacked the IIP building, stealing phones and money. The incident ended with no serious injuries but without judicial follow-up.

On August 16, a ministry, reportedly wishing to occupy the real property used by a political party, caused party members to be arrested and detained for almost 60 days without charges. During their detention, a habeas corpus writ from the Chief Investigative Judge of the Central Criminal Court was ignored. The minister involved also refused to appear before the judge to explain his ministry's actions. The political party members were eventually released; however, the property involved remained under the control of the ministry at year's end.

Reportedly, coerced confessions and interrogation continued to be the favored method of investigation by police. According to one government official, hundreds of cases were pending at year's end alleging torture. There have been several arrests, and both criminal and administrative punishments were handed out to police in cases where allegations of torture were substantiated.

Additionally, corruption continued to be a problem with the police. The CPI was investigating cases of police abuse involving unlawful arrests, beatings, and the theft of valuables from the homes of persons who were detained; however, the police often continued to use the methods employed by the previous regime. In addition to the CPI, several other mechanisms were put into place to address this problem, including an internal affairs capability, mentoring, and training programs that focus on accountability.

Efforts to increase the capacity and effectiveness of the police were ongoing; however, there was little indication that the IIG took sufficient steps to address this problem adequately or to reinforce publicly the message that there will be no climate of impunity.

Because of arbitrary arrest and detention practices, some prisoners were held in incommunicado detention. (USDOS 2005, *Country Reports on Human Rights Practices: Iraq*, 28 February – Attachment 22).

List of Sources Consulted

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Google search engine. Sites specifically referred to include:

Answers.com – www.answer.com

Council on Foreign Relations – www.cfr.org

History News Network - <http://hnn.us/>

Aljazeera – www.aljazeera.net

Newsday – www.newsday.com

Electionmonitoriraq.com – www.electionmonitoriraq.com

Perry-Castañeda Library Map Collection, University of Texas -

http://www.lib.utexas.edu/maps/map_sites/country_sites.html

Institute for War and Peace Reporting – www.iwpr.net

BBC online – www.news.bbc.co.uk

Freerepublic.com – www.freerepublic.com

GlobalSecurity.org – www.globalsecurity.org

UNHCR	<i>REFWORLD</i>	UNHCR Refugee Information Online
Databases:		
Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

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