

UN Assistance Mission for Iraq



بعثة الأمم المتحدة

(UNAMI)

لتقديم المساعدة للعراق

## Human Rights Report

1 January – 30 June 2008

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## **Executive Summary**

1. Iraq witnessed improvements in general security conditions in the first half of 2008, with a marked drop in violent, high-visibility and high-casualty attacks by militias or criminal groups. However, grave human rights violations that are less widely reported, and the elimination of which requires long-term political commitment remain unaddressed. Ongoing widespread ill-treatment and torture of detainees by Iraqi law enforcement authorities, amidst pervasive impunity of current and past human rights abuses, constitute severe breaches of international human rights obligations and represent examples of challenges faced by the Iraqi government.

2. The conduct of security operations in Basra and Sadr City by Iraqi and the Multi National Forces in Iraq (MNF-I) between March and May 2008, put the improved security reported in other cities in Iraq into perspective. Heavy fighting in densely populated urban areas, where militia members positioned themselves, resulted in hundreds of civilian deaths and injuries. Allegations of targeting civilians, and other alleged violations of international humanitarian and human rights law by all parties to the conflict continue to be investigated by UNAMI. As the fighting in Sadr City ended in June, security crackdowns and mass arrests began in many governorates. UNAMI remains concerned for the physical safety and legal protection of the hundreds of suspects arrested during the course of these operations, including children as well as for their conditions of detention and lack of due process of the law.

3. The targeted killings of journalists, educators, medical doctors, judges and lawyers continued, as did criminal abductions for ransom. A great number of murders, alleged suicides and other suspected “honour crimes” were reported from the Region of Kurdistan. As Iraqi security institutions slowly and tentatively asserted their control of more territory, politicians, security officials, policemen and members of pro-government militias frequently came under attack by armed groups.

4. The situation of detainees across the country, including in the Region of Kurdistan, remains of great concern. UNAMI visits detention facilities and prisons to monitor the situation of detainees held by the ministries of Interior, Justice, Defence, and Labour and Social Affairs. Many have been deprived of their liberty for months or even years, often under harsh physical conditions, without access to defence counsel, or without being formally charged with a crime or produced before a judge. Continuing allegations of widespread torture and ill-treatment of inmates are of particular concern. Yet again, slow bureaucratic procedures, insufficient resources, degraded infrastructure and lack of effective accountability measures result in inordinate delays in processing detainees’ cases. UNAMI also maintained its monitoring activities of criminal proceedings before the Central Criminal Court of Iraq as well as the criminal courts in the Kurdistan Region. Contacts and visits resulted in a number of reforms introduced by the regional authorities aimed at improving the conduct of its law enforcement officials.

5. A General Amnesty Law came into force on 27 February 2008. However its application is yet to lead to large scale release of those covered by it as announced. No final statistics have been provided yet on the number of those who are benefiting from the provisions of the law.

6. UNAMI continued advising and lobbying government officials and parliamentarians on the draft High Commission for Human Rights Law, which after long delay was presented to the Council of representatives for its first reading on 12 February 2007. At the time of completion of this report the draft has not gone for a second reading.

7. In line with its mandate, UNAMI continued its efforts in supporting the Iraqi government and civil society organizations through capacity-building activities. These activities aim at helping the development of an Iraqi lead and owned human rights protection system and in consolidating a culture of human rights in Iraq.

### **Recommendations**

8. The United Nations Assistance Mission for Iraq (UNAMI), through its Human Rights Office (HRO) engages in the promotion and protection of human rights and the rule of law in close collaboration with Iraqi governmental and non-governmental sectors, in accordance with UN Security Council Resolutions 1830 (2008)<sup>1</sup> and 1770 (2007), paragraph 2 (c), which mandates UNAMI to “promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq”<sup>2</sup>. To that end, UNAMI monitors the human rights situation in Iraq and assists, especially through capacity-building activities, in the rehabilitation and reconstruction of state and civil society institutions. It collaborates closely with local human rights groups and seeks to maintain direct contact with victims and witnesses of human rights violations.

9. UNAMI’s regular human rights reports are intended to assist the Government of Iraq and the Kurdistan Regional Government in ensuring protection of basic human rights and respect for the rule of law. Iraq remains bound by both its international treaty obligations and its domestic legislation in taking measures to curb violence and uphold human rights norms. The International Covenant on Civil and Political Rights (ICCPR), is in particular, clear on the basic protections that must be afforded to persons.<sup>3</sup> UNAMI remains committed to maintaining a constructive dialogue with the authorities in order to achieve these objectives, and to providing capacity building and training programmes for the governmental and non-governmental sectors.

10. Based on its assessment of the human rights situation in Iraq, UNAMI reiterates the following recommendations:

### **Recommendations to the Government of Iraq**

- a) Issue on a regular basis mortality data compiled by the Ministry of Health, based on information received from all governorates and statistics kept at the Medico-Legal Institute in Baghdad, together with details of the methodology used to calculate the figures.
- b) Sustain efforts and adopt effective measures to support vulnerable communities, including religious and ethnic minorities (through the allocation of additional resources to meet the needs of the large numbers of displaced persons from these communities); adopt measures to ensure that other vulnerable groups, including third country nationals, receive required protection from the state; reaffirm the authorities’ commitment to the principle of *non-refoulement*.
- c) Investigate incidents involving gender-based violence, in particular so-called ‘honour crimes’ perpetrated against women, and take measures to ensure that persons found responsible for committing these crimes are held accountable and brought to justice; consider amending criminal legislation permitting the application of mitigating circumstances to ‘honour crimes’;

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<sup>1</sup> SC Resolution 1830 was passed on 7 August 2008, deciding that the Special Representative of the Secretary-General and UNAMI “shall continue to pursue their expanded mandate as stipulated in Resolution 1770 (2007).

<sup>2</sup> SC Resolution 1770 was passed on 10 August 2007, replacing SC Resolution 1546 (2004).

<sup>3</sup> Iraq ratified the ICCPR in 1971, and all successive governments are bound by this treaty obligation.

- consider ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>4</sup>
- d) Grant detainees timely, regular and adequate access to relatives and legal counsel.
  - e) Maintain efforts aimed at ensuring prompt access to judicial officials for suspects held in pre-trial detention, including those held under the Baghdad Security Plan; examine additional measures aimed at ensuring access to investigative judges and other judicial personnel beyond initial referral and on a regular basis, to enable to enable speedy resolution of cases; ensure that detainees are promptly released unless charged with a cognizable offence and referred to trial.
  - f) Address urgently the issue of abuse of detainees, including juveniles; law enforcement personnel and detaining officials known or suspected of having tortured or ill-treated detainees in their custody should not enjoy immunity from prosecution; credible allegations of detainee abuse should be promptly and thoroughly investigated and the perpetrators brought to justice; the findings of such investigations should be made public.
  - g) Implement policies aimed at achieving the proper vetting and training of law enforcement personnel; establish effective monitoring and accountability mechanisms to ensure oversight of the conduct of security forces personnel.
  - h) Maintain efforts to alleviate overcrowding in prisons and detention facilities and to improve sanitation and hygiene conditions; in particular, institute urgent measures to examine conditions at juvenile detention facilities in respect of overcrowding and lack of adequate rehabilitation programs.
  - i) Give consideration to establishing public reporting procedures by the Ministry of Human Rights on its activities on a regular basis, covering human rights developments and both interventions and achievements to allow such reports to serve as a protection tool.
  - j) Support the prompt adoption of the long delayed High Human Rights Commission law.
  - k) Review procedures before criminal courts and adopt measures consistent with minimum standards for fair trial; adopt measures to ensure basic rights for defendants, including timely and adequate access to defence counsel, and continuity of representation by counsel at all stages of the proceedings; give consideration to implementing a moratorium on the death penalty pending a thorough review of legal proceedings followed at both pre-trial and trial stages.
  - l) Cooperate with the Kurdistan Regional Government (KRG) authorities and the MNF-I in resolving the cases of detainees in KRG custody who were allegedly arrested jointly by MNF-I or US military forces and Iraqi security forces, including the establishment of mechanisms to enable the transfer of detainees from KRG to central government authority as appropriate.
  - m) The Iraqi armed forces should ensure full respect for international humanitarian law when engaged in all military operations, in particular the obligation to respect the principle of proportionality and the obligation to distinguish between civilians and combatants and between civilian objects on the one hand, and military objectives on the other.
  - n) Give consideration to the creation of a high-level committee to establish appropriate child protection policies and to the establishment of a monitoring and reporting mechanism to gather concrete data on grave human rights violations affecting children, such as child recruitment, in line with the recommendations from the UN SRSG on Children and Armed Conflicts.

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<sup>4</sup> The Optional Protocol to CEDAW entered into force on 22 December 2000. By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women -- the body that monitors States parties' compliance with the Convention -- to receive and consider complaints from individuals or groups within its jurisdiction.

## **Recommendations to the Kurdistan Regional Government**

- a) Review current policies in respect of journalists and other media professionals, respond to individual cases raised by UNAMI, clarifying the legal basis and reasons for such arrests and ensuring that no person is held unless charged with a cognizable offence and referred to court.
- b) Sustain efforts and adopt effective measures to support vulnerable communities, including religious and ethnic minorities, through the allocation of additional resources to meet the needs of the large numbers of displaced persons from these communities; adopt measures to ensure that other vulnerable groups, including third country nationals, receive protection from the regional authorities.
- c) Ensure that incidents involving violence against women, including ‘honour crimes’, are promptly and thoroughly investigated and their perpetrators brought to justice; make clear, through public statements and criminal prosecutions, that these crimes will not be tolerated and will not go unpunished.
- d) Conduct independent, thorough and prompt reviews of cases of detainees held for prolonged period without charge or trial by the Asayish forces; the results of these reviews should be made public, as should accurate data on the number of detainees held in Asayish custody; ensure that detainees are promptly released unless charged with a cognizable offence and referred to trial; no one should be held on suspicion of having committed crimes that did not constitute offences under the law at the time of their commission; ensure timely referral of detainees to investigative judges in accordance with Iraqi criminal procedure.
- e) Review the current practice of administrative detention and grant detainees the right to challenge the lawfulness of their detention; ensure prompt and regular access to relatives and defence counsel, and adopt measures to guarantee prompt and regular access to investigative judges and other judicial officials.
- f) Give consideration to implementing a moratorium on the death penalty pending a thorough review of legal proceedings followed at both pre-trial and trial stages.
- g) Allegations of torture should be promptly and thoroughly investigated, and criminal proceedings taken against officials found to have abused detainees in their custody; every effort should be made to ensure that juvenile detainees are held at separate locations, and additional resources devoted to address the issue of overcrowding at detention facilities.
- h) Cooperate with the Government of Iraq and the MNF-I in resolving cases of detainees in KRG custody who were allegedly arrested jointly by MNF-I or US military forces and Iraqi security forces.

## **Recommendations to the Multinational Force – Iraq**

- a) Continue to investigate thoroughly, promptly and impartially all credible allegations of unlawful killings by MNF-I military personnel, and take appropriate action against those found to have used excessive or indiscriminate force. The initiation of investigations into such incidents, as well as their findings, should be made public.
- b) Give consideration to implementing basic due process guarantees enshrined in international human rights law, notably the ICCPR, to detainees in MNF-I custody; take steps to improve detainees’ access to defence counsel at all stages of the proceedings; permit defence counsel to represent their clients before administrative review boards; review all cases where detainees whose cases were dismissed at trial with a view to release them promptly; continue to refrain from transferring prisoners under sentence of death to the Iraqi authorities pending a thorough review of legal proceedings followed in their cases at trial.

- c) Continue to cooperate with the Government of Iraq and the KRG authorities in resolving cases of detainees in KRG custody who were allegedly arrested jointly by MNF-I or US military forces and Iraqi security forces.
- d) Give consideration to granting access to MNF-I detention facilities to independent human rights monitors engaged in public reporting, including UNAMI; this should include regular, unimpeded and confidential access to detainees.
- e) The US authorities should continue to investigate reports of deaths caused by privately hired contractors working on behalf of the United States Government, and strengthened effective mechanisms for holding them accountable for unlawful killings; take steps to ensure that offences committed in Iraq by all categories of US contractor employees are subject to prosecution under the law.
- f) The MNF-I should ensure full respect for international humanitarian law when engaged in all military operations, in particular the obligation to respect the principle of proportionality and the obligation to distinguish between civilians and combatants and between civilian objects on the one hand, and military objectives on the other.

### **Protection of Human Rights**

#### **Extrajudicial executions, targeted and indiscriminate killings**

11. During the first half of 2008 and despite the improvement in general security conditions, indiscriminate violence and targeted killings continued throughout Iraq. UNAMI received numerous reports of deliberate attacks on civilians as a result of car and suicide bombings, extrajudicial executions and abductions. Armed groups continue to ignore the distinction between civilians and combatants. These systematic and widespread attacks against a civilian population are tantamount to crimes against humanity and violate the laws and customs of war, and their perpetrators should be prosecuted.

12. Attacks were also perpetrated with impunity by armed groups targeting government officials, religious figures, state employees, law enforcement personnel and a number of professional groups including academics, journalists, lawyers and judges. Additionally, religious and ethnic minorities and other vulnerable groups were deliberately targeted, as were women including in cases involving so-called 'honour crimes'. Numerous other incidents involving intimidation, threats, kidnappings, abduction of individuals from their homes, torture and killing took place throughout the country.

13. The year began with several bomb attacks in which many civilians were killed. Nine civilians were killed and 15 others wounded in a suicide attack during a funeral ceremony in Baghdad on 1 January. Three civilians were killed and 12 others wounded when a car bomb detonated in Baghdad on 6 January. Four civilians were killed and 16 others wounded by a roadside bomb in Baghdad on 7 January. Eight civilians were killed and 14 wounded in a suicide attack to a Shi'a shrine in Baquba on 16 January. Fifty six civilians were killed amid clashes between armed groups in Nasiriyah on 18 January. On 22 January, a suicide bomber injured 21 civilians including four women teachers and 5 students in Baquba. Fifteen civilians were killed and 10 others wounded by a suicide bomber targeting funeral reception in Salahadeen on 22 January. Fifteen civilians were killed and 132 others wounded on 23 January when a building was blown up in Mosul.

14. Some of the deadliest attacks on civilians during the reported period occurred during the month of February. On 10 February, 57 civilians were killed and 49 others wounded in two car bomb explosions in Balad. Four civilians were killed and 28 others wounded by car bomb in Sadr

City in Baghdad on 14 February. Five civilians were killed and 14 others wounded when mortar rounds fell near Baghdad Airport on 18 February. The same day, a family of four, including two children was killed by gunmen, near Baquba. Twenty-five civilians were killed and 45 others wounded on 24 February in a suicide attack against religious pilgrims travelling to Al Iskandariya in Babil. Fourteen civilians were killed and 7 others wounded by a suicide bomber in Mosul on 26 February.

15. On 3 March, 12 civilians were killed and 22 other wounded by a roadside bomb detonated in Bab al Mu'tham. On 11 March, a roadside bomb killed 14 civilians and injuring 18 in Nassiriya. Thirty civilians were killed and 30 more injured by car bomb in Sulaimaniya on 11 March. Five civilians were killed and 7 others wounded by mortar rounds in Baghdad on 23 March. The same day, seven civilians were killed and 16 others wounded by gunmen in Baghdad.

16. Indiscriminate violence continued in April. Four civilians were killed in an armed attack in Baghdad on 3 April. Twenty civilians were killed and fifteen others wounded in a suicide attack on Shia pilgrims in Al Sa'diyah, Baquba on 3 April. On 7 April three children were killed by a rocket in Al-Ameen. On 14 April, suspected Al-Qaeda elements attacked the village of Tal Al-Thahab in Balad, injuring 17 civilians, including women and children. At least 38 civilians were killed and 70 others wounded by an explosion in Diyala. On 17 April a suicide bomber killed 6 civilians and injured four in Tuz Khormatu on 18 April.

17. Forty-five civilians were killed and 75 others wounded when a car loaded with explosives and a roadside bomb exploded simultaneously as a wedding convoy passed by in Balad Ruz, Diyala on 1 May. Twenty civilians were killed and 15 injured by a suicide bomber targeting a funeral in Fallujah. Thirty civilians were killed and 20 others were wounded by a suicide bomber in a funeral in Abu Ghraib, Baghdad on 14 May.

18. Several deadly attacks occurred during the month of June. Eight civilians were killed, including two children below the age of 10 years and 45 others wounded in a suicide car bomb attack on 3 June. Twenty-five civilians were killed when a suicide bomber detonated himself in local market in Khanekken on 14 June. Eleven civilians were killed including women and children and 38 wounded when a car bomb exploded in the middle of a busy local market in Al Hurriyah in Baghdad on 17 June. Seventeen civilians were killed and 62 wounded by car bomb explosion in Mosul on 26 June.

19. UNAMI recorded 13 attacks by female suicide bombers in Baghdad, Karbala and Dyala, which left 140 persons killed and 307 injured, the large majority of who were civilians. These attacks by suicide bombers were among the deadliest incidents during the reporting period as the female suicide bombers targeted places such as markets, shrines, checkpoints, public buildings and cafes. The first of February was a particularly bloody day as two female suicide bombers blew themselves in two popular pet markets in Baghdad leaving 72 civilians killed and 149 injured. On 17 March, 40 civilians were killed and 56 injured when a female suicide bomber detonated herself as pilgrims approached the Imam Al Hussien Shrine in Karbala. Among the victims were many women and some Iranian pilgrims.

20. Civilians are a large proportion of the casualties in targeted attacks especially those against checkpoints located in main streets of residential areas since the start of the law enforcement plans in February 2007.

21. Five civilians were killed and 11 others wounded in a car-bomb explosion targeting the convoy of an Iraqi General in Kirkuk on 23 January. A car bomb targeting an MNF-I convoy

injured 15 civilians in Mosul on 29 January. Five civilians were wounded when a roadside bomb targeting an Iraqi patrol detonated in Baghdad on 30 January. Seven civilians died and nine others were wounded when a car bomb detonated, targeting a tribal leader in Baghdad on 3 March. Four civilians were killed and 17 others wounded when a car bomb targeting a police station in Mosul on 7 March. Sixteen civilians were killed and 22 others wounded by a road side bomb targeting an MNF-I convoy on the main road between Basra and Nasiriyah on 11 March. Nine civilians were wounded by a suicide bomber against the Peshmerga headquarters in Mosul on 16 March. On 23 March, seven civilians were killed and 12 injured by a suicide truck bomber in a check point in Mosul. On 29 May, 16 civilians were killed and 18 others by a suicide bomber targeting police recruits in Sinjar. Thirteen civilians were killed in a suicide truck attack targeting the house of a high ranking Iraqi police official in Baghdad on 4 June. Nine civilians were killed in a suicide car attack, targeting a police station south of Mandeli, Diyala on 30 June.

**Targeted killings of Iraqi security forces, government employees and entities, religious figures, professional groups and other civilians**

22. Police and military personnel remained prime targets of armed groups. Checkpoints, and police and army patrols in Baghdad, Diyala, Anbar and Nineveh were targeted by car and suicide bombers and high explosives detonated from a distance.

23. On January 6, four policemen, three soldiers and four civilians were killed, and 12 more wounded, when a suicide bomber targeted a group of people celebrating the Army National day in Baghdad's Karadah district. On 10 January, two security forces personnel were killed and 10 wounded, when a roadside bomb detonated after they arrived to the site where an earlier bomb had exploded in Baghdad. On 24 January, two policemen were killed and 3 others were injured in Baghdad. On 3 March, gunmen killed Colonel Qasim Abid Fuleih, and three policemen in Basra. On 6 March, a roadside bomb targeting an Iraqi army patrol near Khanaqeen, Dyala killed one officer and injured four soldiers. On 19 March, Colonel Midhat Ali, from the military intelligence services was killed when a magnetic bomb attached to his car exploded in Karrada. On 14 April, gunmen assassinated Major Rafia Mohammad in Basra. On 15 April, a civilian was killed and eight persons, including five policemen were wounded when a car bomb exploded targeting the convoy of Major Ali Sabri, Director of Police Affairs in Karrada, Baghdad. On 21 April, gunmen killed Captain Saed Ibrahim al-Bayyati outside his house in Tuz Khormatu. On 26 April, five Salahaddin Traffic Police personnel and two civilians were seriously wounded when an improvised explosive device exploded at the pass of their patrol in central Tikrit. On 9 May, an hour attack with machine-guns and rockets against Yathreb Police Station in Balad left three police officers and five civilians, including three women, wounded. On 21 May, gunmen assassinated Colonel Abdul Kareem Muhsin, Director of the Protection Department in the Ministry of Transportation in East Baghdad. On 31 May, a suicide bomber detonated himself among a crowd of policemen in Ramadi, killing nine policemen. On 2 June, a suicide car bomber in Mosul targeted the Nineveh Police Department, killing nine civilian and injuring 46 others. On 12 June, a roadside bomb targeting the convoy of Major General Sameer Al-Waeli's, Head of the Social Care Department in the Ministry of Interior, left three policemen and three civilians injured. On 25 June, one police officer and one child were killed while 70 civilians were injured, when a suicide bomber blew up a booby-trapped truck targeting the Khazrag Police Station in Mosul.

24. Government officials, parliamentarians and civil servant continued to be targeted, kidnapped and assassinated, including members of their families and bodyguards.

25. On 3 January, Falah Hasan Shanshal, Chairperson of the De-baathification Committee of the Iraqi Council of Representatives (CoR)<sup>5</sup> and member of the United Iraqi Alliance<sup>6</sup> escaped an assassination attempt. On 14 May, two separate bomb attacks targeting the convoys of Ayad Samarrai and Abdul Kareem Samarraj, Iraqi Islamic Party members of the CoR resulted in the killing of six civilians and injuring 30 others. On 20 February, Sameer Salim Al-Attar, Deputy Minister of Science and Technology was injured as an explosion targeted his convoy. On 31 January, the attack on the convoy of Salam al-Qazaz, Deputy Minister of Electricity, left two of his escorts and one civilian injured. On 25 May, Ali Hashim, Director of the Investigation Unit at the Ministry of Health, was shot dead by gunmen in Baghdad. On 26 May, seven civilians were wounded in an attempt on the life of Brigadier General Abdel Hussein, Director for Tribal Affairs at the Ministry of Interior,. On 31 May, gunmen assassinated Ahmed Foad, Head of the Diyala morgue, in Baquba. On 25 May, a car bomb targeted Babil governor's convoy in Yarmouk Baghdad injuring seven bodyguards and four civilians. On 10 January, a roadside bomb killed Falah Mansour Hussein, Chair of the Yarmouk District Council in Baghdad, and wounded two of his bodyguards. On 17 April, Saad al-Nuaimi, Doura Local Council Member, was assassinated by gunmen. On 20 April, Shamdein Ibrahim Shamdein, a member of Sinjar District Council and his brother were found dead after being abducted by gunmen in military uniform. On 23 January, Ali Mahmoud, engineer working in Basra Airport was kidnapped from his house and killed. On 28 February, Mudhaffar Turki from the Public Integrity Commission was injured after gunmen opened fire on his car in east Baghdad. On 28 February, Matar Thamer Muhyee, Director of the Electricity Department in Basra, was kidnapped. On 15 March, Munther Khalaf, coach for Al Karkh Football Sports Club was seriously injured by gunmen. On 20 March, Raad Shlal, Adviser to the Minister of Energy was kidnapped by gunmen at a fake check point in Nahiyat al Ceeniyah,. On 23 March, gunmen shot dead an employee from the Mosul Water Department in Mosul. Seven workers of the Ministry of Energy were abducted in Balad, on 6 April. On 2 June, Dalshad Abdullah, member of the Municipal Council in Tikrit, and Naseh Moussa, member of the Salahaddin Provincial Council from the Kurdish List were killed by gunfire. The blast also wounded a security guard at the University. On 12 June, five people were wounded including three guards in an explosion targeting the mayor of Saab, in Baghdad. On 24 June, Mahdi Atwan, Mayor of Abu Dheer was killed by gunmen in Baghdad. The same day, two members of the Sadr City Council were killed and 10 others wounded when an explosion detonated inside the Council building.

26. The Awakening Councils, formed with the MNF-I support to combat Al-Qaeda in Anbar, Salahaldin, Baghdad and Dyala governorates, became target of armed groups' attacks. Awakening Councils leaders were targeted including Abo Sajjad, Head of the Baquba Awakening Council, killed on 2 January, and Odeh Khalaf Zidan, Head of the Abbasi district Awakening Council, injured by roadside bomb in Kirkuk on 11 March. Three leaders of the Salahadin Awakening Council were kidnapped on 13 March. On 26 June, a suicide bomber targeted a meeting between the Awakening Councils in Anbar and the US military killing at least 15 persons, including Sheikh Mizhir of the Jumaili tribe and injuring 30 others. The bloodiest incident occurred on 18 April when 51 civilians were killed and 22 wounded as a suicide bomber attacked the funeral reception for the Awakening Council members in Al Bo Mohammad, in Diyala. Check-points run by the Awakening Councils were also targeted by suicide bombers and roadside bombs in Baquba on 2 January, in Thuloiyah, Tikrit on 11 March, in Adamiyah, Baghdad, on 17 April and in Ramadi on 22 April, all of which caused numerous civilian casualties.

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<sup>5</sup> Iraqi National Assembly

<sup>6</sup> The United Iraqi Alliance is Shia coalition of several parties and groups that had initially 140 seats following January 2005 Iraqi national elections.

27. Religious figures and activists have been the victims of targeted violence throughout Iraq during the reporting period. These attacks included the killing of Sheikh Essam Fleih Hassani, Imam of Al-Mukhtar mosque in Samarra, a member of the Sunni “*Association of Muslim Scholars*” and a well-known figure opposed to Al-Qaeda and other militia groups. On 8 February, four Christian activists who were on a missionary work with the Norwegian Churches Organization were kidnapped by gunmen from Al Sakhra Church in Basra. On 29 February, Paulos Faraj Rahho, Chaldean Bishop of Mosul, was kidnapped and killed. On 5 April, gunmen shot dead Adel Yousif, a priest in Hay al Karrada in Baghdad. On 11 April, Riyad al Nouri, director of Al Sadr Office was shot dead by gunmen in Najaf. On 15 April, Ali al Fadhli, a representative of Grand Ayatollah Ali Al-Sistani was shot in downtown Basra city. On 16 April, gunmen attacked and injured Sheikh Habib Al-Khateeb another of Sistani’s representative in Kut.

28. Judges and lawyers continued to be targeted during the reporting period. On 1 January, Judge Tahseen Omer Naji of the Kirkuk Supreme Court was rescued by security forces after he was abducted a day earlier. Judge Amer Jawdat Al Nae’b, from the Cassation Court, was killed as he was leaving his house in Mansour, Baghdad on 14 January. On 2 April, unknown gunmen killed a female lawyer in Hay al Zahra’, Mosul. A female lawyer and her sister were killed on 15 April as they were leaving their house in Hay al Ta’meem, Mosul. Judge Rasheed Al Manhal from Diyala Appeals Court, was kidnapped in Baquba on 8 May. Judge Qasem Mohammad, from Abu Ghraib Court was seriously injured in a bomb attack on 22 May. Lawyer Adel Hussein al Wakka’, was killed in Al Darkazleya when gunmen attacked his office and shot him dead on 16 June. Between 27 and 30 June, there was a chain of coordinated attacks targeting judges working at the Appeals Court in the Al Rusafa complex in Baghdad. The Chief justice of Baghdad’s Appeals Court in Al Rusafa, Kamel al Shuweili, was shot dead while two more judges Suleiman Abdallah and Ali Al Allaq were injured in separate attacks.

29. Medical workers and doctors continued being targeted. These attacks included the killings of surgeon Jinan Al Sabbagh in Basra on 12 January, Munther Mehrej Radi, Dean of the Faculty of Dentistry in Baghdad University, on 23 January, Khalid Nasir Al Meyahee, Director of Basra Hospital on 9 March, Dr. Amer Lazem in Baghdad on 17 April, Dr. Barakat Kathem in Balad Ruz on 16 June and the kidnappings of surgeon Mohammad Abid Ali Al Ta’ei in Hilla on 10 April, Dr. Sabbar Mahrooz Abdullah, and his assistant, Dr. Ahmad Salah, in Tikrit on 15 May.

30. Academics and other professionals were targeted during the reporting period. On 30 January, Ahmed al-Nuami, Head of the Islamic Sharia Department of Mosul University was shot dead by gunmen. On 5 March, Dr. Abdil Sattar Sharif, a 75-year old Professor at Kirkuk University was assassinated in Kirkuk city. On 2 June, Dr. Fares Younes Abdul Rahman, Deputy Dean of the Agriculture Faculty in Mosul University was killed by a bomb placed inside his vehicle. On 15 June, Walid Sa’dallah Al Mawla, a University Professor in Mosul was shot dead.

31. Civilians, in general, have not been only victims of indiscriminate violence during the reporting period but also of targeted attacks. Sheikh Wahhab Al Mandeel Al Obiedi was kidnapped along with 15 members of his family by Al-Qaeda members in Al Tahweelah near Al Khalis on 6 January. Unknown gunmen shot dead, Sherwan Othman, an Iraqi civilian owner of a liquor store in Sulaimaniya on 12 January. Hadi Hussein, who has been released from American custody, was killed along with five other civilians when a suicide bomber blew himself in the middle of his house in Fallujah on 20 January. Sheikh Falih Zemam Al Oqabi was abducted and shot along with his four sons on 22 January in Behrez in Dyala. On 30 January, gunmen attacked Abdul Hameed village, 10 kilometres north of Baquba, kidnapping three civilians. Twenty-one civilians were kidnapped when gunmen attacked their bus at a fake checkpoint in Al Atheem

village north of Baghdad. On 14 February, three civilians were abducted by gunmen who had set up a false checkpoint in Balad Ruz Baquba. Nine civilians from the same family including women and children were killed 14 February, when gunmen attacked residential houses in Tikrit. On 25 February, gunmen kidnapped 21 men and three women from two minibuses in Al Athaim Baquba, of whom they only released the women. Fifteen civilians were kidnapped when gunmen attacked them in their vehicles near Sarha village on the main road in Toz Khormato on 1 March. A woman and her husband were found dead after they were kidnapped from their house in Al Bzayez, Baquba, on 12 March. Four civilians were kidnapped in an armed attack near Al Dolo'eiyah, Baghdad, on 3 April. Three members from Al Obaid tribe, including the son in law of Izzat Al Duri, Saddam Hussein's Deputy, were killed when gunmen attacked the house of the tribe's chief of Al Khalis and Baquba on 7 April. Abdel Karim Sabe, a civil society activist was killed in Diyala on 14 April. On 15 April, in Kerbala, Mahdi Army attacked Al Daoum village in Karbala killing five people and kidnapping six others. They destroyed four houses belonging to Iraqi Army and police officers. On 10 June, Sheikh Ali Al Nada, Chief of Al Bo Naser tribe<sup>7</sup>, was killed in Tikrit.

32. During the reporting period, Diyala governorate witnessed the highest number of kidnapping incidents, particularly on the main road that leads to Kirkuk city. Many of these incidents took place at fake check-points, some of which involved students on their way to university. On 18 March, gunmen kidnapped the eleven passengers of a minibus at a fake check-point outside Baquba. On 20 April, nine university students and two drivers were kidnapped near Baquba when gunmen stopped their vehicles at a fake checkpoint. Seven of the students were later freed by the police. Four students at Mosul University were kidnapped on 24 June by gunmen as they were heading towards university. On 12 May, gunmen abducted six university students near Baquba. On 26 June, Five students were wounded when bodyguards of Khudair al Khaza'e, Minister of Education, opened fire during students' protest in Sabe' Abkar.

33. Large numbers of unidentified bodies were found in Diyala, Nineveh, Anbar and Diwaniyah and mainly in Baghdad. Many of these bodies bore signs of torture, some were blind-folded and others were decapitated.

34. During the reporting period, between 3 and 5 unidentified bodies were found almost on daily basis in different areas of Baghdad, including Karrada, Mansour, Sadr City, Dora, Tobchi, Shaab, Fedlihyah and Hurriyah. However, compared with previous reports, the overall number of unidentified bodies has decreased.

35. In other parts of Iraq, 37 bodies were found in Baquba, five in Mosul, three in Ramadi and five in Falujah. Some of the incidents include sixteen decapitated male bodies with signs of torture, which were found in plastic bags in Diwaniya on 20 April. On 28 June, seven bodies showing signs of torture and bullet wounds were found in a secret prison in Samara, believed to be run by Al-Qaeda operatives.

36. Mass graves were discovered often after security forces took over areas where insurgent activities occurred, particularly in certain parts of Dyala near Khalis and Muqdadya.

37. In January, Iraqi police discovered a mass grave with some fifty bodies west of Samarra. On 25 February, in Diyala governorate, police found a mass grave with the bodies of eight unidentified women in Al Horujah village in Nahiyat Al Salam, Al Khalis town, 9 miles north of Baquba. On 8 March, a joint patrol of Iraqi police and US army found dozens of corpses, and

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<sup>7</sup> Saddam Hussein's tribe

probably as many as one hundred in Albo Toma village, in Al Khalis town. Most of the bodies had been killed more than one year earlier. No identification documents were found on the site. On 11 March, police found a mass grave containing the bodies of 20 people including three children and women. The grave was found during a raid at an Al-Qaeda stronghold in Al Jlam , 13 miles east of Samara city. On 13 April, two mass graves each containing 15 bodies, were found in Al-Mehmodia in the yard of a house used to be occupied by militia. On 20 April, Iraqi soldiers and police discovered 30 decomposed bodies in a mass grave near the town of Muqdadiya. On 23 April, police and Awakening Council members found remains of four dead bodies at Sansal in Muqdadiyah, north east Baquba. A mass grave containing 50 bodies was found on 27 April in Al Kubba village in Baquba. Most of the bodies were beyond identification.

### **Civilian deaths and injuries involving private security contractors**

38. During the reporting period, two incidents occurred in which civilians were killed or injured by contractors working for private military and security companies. Five pupils of Al-Messara primary school aged 6 to 10 were reportedly killed on 15 January 2008, when a vehicle trying to manoeuvre away from gunfights struck the children in central Baghdad's Al-Salhiyah neighbourhood (Al-Karkh district). The incident reportedly happened when the official convoy to which the car belonged, failed to stop at a checkpoint outside the Ministry of Foreign Affairs, prompting a fire fight between checkpoint guards and the contractors. *Al-Hurra* TV reported later that day that the driver of the vehicle that hit the children had been arrested. On the morning of 3 February, one civilian was allegedly injured when contractors opened fire to clear a way for their convoy through a traffic jam in central Baghdad. On 22 June Iraqi-Canadian translator Alaa Mohammad Ali was sentenced by a military court to five months' prison for assault on another translator, becoming the first civilian contractor to be convicted under a 2006 amendment to the Uniform Code of Military Justice.

39. Investigations into the killing of 17 civilians on 16 September 2007 involving the private security company Blackwater continued at the writing<sup>8</sup> of this report. FBI agents and US Justice Department attorneys were reported to have returned to Baghdad in late February to re-examine forensic evidence and re-interview witnesses. In April and May, UNAMI met with US Embassy officials in Baghdad to discuss issues of concern relating to deaths of civilians in incidents involving private contractors and UNAMI's recommendations in this regard. UNAMI welcomed the provision of additional information and clarification received. The United States Government declared to have taken numerous steps to strengthen oversight and accountability over the operations of contractors. The U.S. Departments of State and Defense signed a Memorandum of Agreement on December 5, 2007, that improved coordination and communication between the U.S. embassy and MNF-I regarding rules for the use of force, movement coordination and control, and incident reporting and investigations. Actions include the placement of U.S. Diplomatic Security Agents in certain protective convoys, increase use of video and audio technology, and expanded investigative policies and resources. The United States government assured that it will continue to work towards strengthening appropriate mechanisms to hold private security contractors and their personnel accountable for any illegal or unauthorized actions while working for the United States Government in Iraq. In early July, UNAMI also discussed with US Embassy officials aspects of two related draft laws: a draft providing for the lifting of immunity from public prosecution in Iraq currently enjoyed by the private contractors and subjecting them to Iraqi law, and a second draft law regulating the presence of private security companies operating in Iraq. Both laws remained before the CoR by late June.

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<sup>8</sup> See incident reported in UNAMI Human Rights Report 1 July-31 December 2007, paras. 25 to 26

### **Civilian deaths in the context of MNF-I and Iraqi military operations**

40. UNAMI remained concerned about civilian deaths reportedly from MNF-I air strikes, military ground operations or checkpoint confrontations. Air strikes in which civilian casualties were reported included: nine civilian deaths (including a child) near Al-Iskandariya on 2 February; six to eight members of one family (including a woman and her 11-year-old daughter) killed in the Al-Zab of Hawijah district south of Kirkuk on 15 February; a teenager killed 30 km south of Samarra on 29 February when an MNF-I helicopter crew mistook for bomb planters six boys digging up tree roots for firewood; three civilians killed in Mosul on 11 March when an MNF-I helicopter fired on a truck laden with gas bottles; three civilians killed near Tuz (Tikrit) on 28 March, and five to seven civilians killed near Tikrit on 26 March, when MNF-I soldiers requested air support against suspected Al-Qaeda militants who, according to US military sources quoted by the *Associated Press*, were “using civilians as shields.”<sup>9</sup> On 4 May an air strike reportedly killed five civilians in Baghdad’s Al-A’mel neighbourhood.

41. In other incidents including ground operations, two civilians reportedly died in Mosul on 2 January when MNF-I opened fire after hitting a roadside bomb; one civilian was killed in northern Falluja on 13 January when his car approached an MNF-I patrol; Ali Hamad Shihab and Naima Sulaiman and their son were killed when MNF-I stormed their house in Al-Dawr south of Tikrit on 4 February; a pedestrian deemed suspicious because he approached an MNF-I patrol “wearing a bulky jacket”<sup>10</sup> was shot dead on 28 February in Al-Muqyadiyya; and three civilians, including a 2-year-old girl, were killed in Baghdad’s Zafraniya neighbourhood, Al-Karrada district on 29 March. Five civilians were killed amid clashes between US forces and gunmen in Al Jame’iya in Hilla on 3 and 20 April. Another US soldier killed one civilian whose vehicle approached a checkpoint near Al-Hadeed in Ba’qubah. On 25 May, three employees of a bank at Baghdad International Airport were killed in their car near the airport by US forces who claimed that the occupants had fired at them.

42. Several US soldiers<sup>11</sup> were subject to court-martial proceedings under US law on suspicion of having committed crimes while stationed in Iraq: in March, Sgt. Ryan Weemer became the third marine to be charged with murdering an Iraqi civilian Falluja in November 2004. He belonged to the same unit involved in the alleged killing of 24 civilians in Haditha on 19 November 2005. In connection with the Haditha incident, the suspected ringleader Sgt. Frank Wuterich had his first court appearance on 9 January, while involuntary manslaughter charges against his team mate Lance Cpl. Stephen Tatum were dismissed by the Marine Corps on 28 March, making him the fifth Haditha suspect (of eight) to go free. On 25 April, Sgt. Trey Corrales was acquitted of killing an Iraqi civilian during a raid near Kirkuk in June 2007. Lawrence Hutchins, previously sentenced to 15 years in prison for kidnapping and murdering Iraqi civilian Hashim Ibrahim Awad in Hamdaniya (Anbar governorate) in April 2006, had his sentence reduced by four years on 6 May. Two soldiers were sentenced during the reporting period: Sgt. Evan Vela on 10 February to ten years in prison for murder without premeditation of an Iraqi civilian near al-Iskandariya in May 2007 and planting a weapon next to him, and Spc. Christopher Shore on 20 February to 120 days confinement for aggravated assault in killing an Iraqi civilian near Kirkuk on 23 June 2007. In May, MNF-I officials provided UNAMI with additional information regarding so-called “high visibility criminal cases” where investigations

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<sup>9</sup> The intentional use of civilians as human shields constitutes a war crime. Separately, international humanitarian law requires combatants to take all feasible precautions to minimize harm to civilians. See UNAMI Human Rights Report 1 July-31 December 2007, para. 30

<sup>10</sup> MNF-I press release quoted in 28 February 2008 *Kuwait News Agency* wire service

<sup>11</sup> The list presented in this paragraph is not exhaustive

had taken place or criminal proceedings instituted in cases where US military personnel were implicated in the killing of civilians and other offences against civilians. MNF-I officials undertook to provide such information on a regular basis and to clarify procedures being followed in these cases, which UNAMI welcomed.

43. Civilian deaths reportedly caused by Iraqi Security Forces (as well as by US-supported armed groups such as Awakening Councils and the Sons of Iraq) included the following: a lawyer shot by Iraqi police during an exchange of fire with gunmen in Kut on 8 January; 15 civilians killed in a fight between Awakening Council members and suspected insurgents in three villages around Mosul on 10 February; nine civilians killed in clashes between Iraqi Security Forces and the Mahdi Army in Kut on 11 March; 9 civilians were killed amid clashes between armed groups and Iraqi security personnel in Hay al Mithaq in Mosul on 11 March; one woman was killed by police in a car that failed to stop at a checkpoint in Samarra on 14 March; in Mosul four civilian were killed on 9 April, and two others amid clashes between gunmen attacking a security checkpoint and the armed people defending the checkpoint (south east of Mosul) on 27 April.

44. The number of civilian casualties rose significantly during the last week of March, when Iraqi Security Forces battled the Mahdi Army in Basra, Baghdad and other towns including Kut, Karbala, Nasiriyah, Hilla, Diwaniya and Amarah.

45. By mid-April the focus of the military operations had shifted to Sadr City, whose densely populated urban environment exposed the civilian population to extreme danger. The military operation took its residents unprepared for basic needs and deprived them access to basic services such as electricity, fuel and water supply and access to health care. By 30 April, more than 925 people had been killed and 2,605 injured in Sadr City, according to Tahsin Al-Shaykhali, spokesman of the Baghdad Security Plan. The situation was further aggravated by the imposition of a 48-hour curfew which prevented the movement of ambulances in and out of Sadr City and the transport of wounded civilians to hospitals. Reports suggested that all parties to the conflict failed to sufficiently distinguish between combatants and civilians, between military objectives and civilian objects and often used disproportionate force. Iraqi, US and Mahdi Army forces were reported to have closed, damaged or used, for military purposes, civilian buildings like schools. For example, according to Dr. Yassin Al-Rikabi, Director of the Mohammed-Bakr Al Hakim Hospital, some 40 Iraqi soldiers raided the hospital on 5 May, arresting 35 staff members on suspicion of having treated Mahdi Army fighters and forced the closure of the institution. US air strikes in support to the Iraqi army and police, have allegedly resulted in civilian casualties during the operation as was reported from Al-Hilla's Thawra neighbourhood on 26 March (citing figures of 11 to 29 persons killed); Baghdad's Al-Khadimiyya neighbourhood, on 28, 31 March, 6, 7, 10 April and 4 May (citing figures of 57 civilians killed); Baghdad's Al-Shulaa in Al-Khadimiyya neighbourhood on 29 March (32 killed), Basra's Hayaniyah on 29 March and 5 April (five killed), and Basra on 3 April (six killed). Fifty three civilians were reportedly killed by Iraqi or US security forces in street battles with the Mahdi Army in Sadr City on 8, 9, 15 and 25 April. Sadr City General hospital and some twelve ambulances were damaged by US missiles on 3 May.

46. In a similar situation in Basra on 18 January, Iraqi Security Forces battled members of the Shi'a militia Soldiers of Heaven (*Jund al-Sama'*)<sup>12</sup>, without distinction between civilians, security personnel and gunmen, either when casualties were counted: 97 killed and 217 injured. Both in Basra and Sadr City operations, UNAMI and WHO called for the importance of ensuring that casualties of the military operations receive health care and that health providers be protected.

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<sup>12</sup> See UNAMI Human Rights Report 1 January-31 March 2007, para. 19

47. Several civilians died during the escalation of violence in Sadr City and other towns when members of the Mahdi Army or its radicalized splinter groups fired several rounds of mortars and rockets, many of which missed their intended targets and hit residential buildings. According to several witnesses, the Mahdi Army was accused of using civilians as human shields.

### **Situation of women**

48. During the reporting period, UNAMI received numerous complaints from women regarding restrictions on their freedoms by conservative elements operating in neighbourhoods, governmental institutions and educational establishments in certain parts of Iraq. Women reported receiving verbal comments on their mode of dress, particularly in cases where they were not wearing headscarves. UNAMI also received reports of instances where women faced harassments or threats at checkpoints for similar reasons. Female students at universities reported increasing pressure on them by their families to conform to a more conservative style of dress and behaviour in order to avoid harassment by guards of university campuses affiliated with various militias. Where female students failed to comply, retaliatory measures outside the university grounds were reported against them. Certain areas formerly controlled by radical elements have witnessed a lessening of such pressures on women and girls since it came under the control of Iraqi Security Forces or the Awakening Councils. This includes the ability to move more freely, report to work or attend educational activities.

49. Cases involving violence against women continue to be reported in various parts of the country, including in Baghdad. In April, a female member of the Council of Representatives called for an investigation into a series of incidents said to have involved violence against women in the Tobchi district of Baghdad. One monitor reported that Iraqi Special Forces deployed patrols in the Palestine Street district following a number of women kidnapping incidents in the second quarter of 2008. The monitor reported 26 kidnapping incidents, involving mainly young females aged 11 and above. While most were released within days, their families remained unwilling neither to disclose information on the circumstances of the kidnappings nor to report the matter to the police. There was no information indicating that ransom had been demanded or paid. Individual acts of targeted violence against women were also perpetrated<sup>13</sup>.

50. There is increasing concern about the situation and rights of widows and women abandoned by their husbands. UNAMI has received reports highlighting the social and economic difficulties faced by women particularly to access the labour market. This situation impacts on their children who dropout of school at an early stage as they are forced to work. The situation is more acute for internally displaced women who face problems to receive aid, shelter or health care.

51. In the Kurdistan Region, UNAMI continued to receive reports of violent killings, domestic violence and burning of women. Some of these cases followed previously documented patterns involving so-called “honour crimes” where the victims were shot and left to die at home or in public places characterized as “accidental shootings” by family<sup>14</sup>. Statistics vary on the prevalence and scale of these cases and details are often unattainable. Official statistics provided

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<sup>13</sup> On 15 April, for example, unidentified gunmen shot dead a woman lawyer and her sister as they left their home in Al-Ta'meem neighbourhood, in Mosul. See section 28

<sup>14</sup> UNAMI referred these cases to the Erbil and Sulaimaniya Directorates on 17 March. Officials confirmed their occurrence and undertook to initiate investigations.

to UNAMI showed that between January and June 2008, 56 women have been murdered and 150 have been burned<sup>15</sup> in the Kurdistan region.

52. Official statistics provided by the Erbil-based Directorate to Combat Violence against Women showed that 145 cases of women victims of violence were registered in January and February, including using women as compensation in disputes and domestic violence. A higher incidence of such cases in rural areas in Erbil and Dohuk continued to be recorded. During the first quarter of 2008, the Sulaimaniya-based Directorate to Combat Violence against Women recorded three suspected honour killings; 20 suspicious burning cases; 27 domestic violence and 31 cases of verbal threats against women. Police have initiated investigations into the majority of these cases. The media and KRG official departments released conflicting reports and assessments of the situation of women in the region. However, some officials and civil society organizations believe that there has been a steady increase in the first half of 2008, and that the KRG authorities' claims of a decline in violence cannot be substantiated. UNAMI recorded eight shooting cases in the first two weeks of May and in the majority of these cases, family members claimed "accidental" shooting. Between January and May, officials recorded 23 apparent murders of women in Erbil and Dohuk and 74 burning cases, including 32 fatalities.<sup>16</sup> The Sulaimaniya Directorate recorded 16 apparent murders; 76 cases of burning and 266 cases of domestic violence between January and May, in Garmiyan district and Sulaimaniya<sup>17</sup>. Official data transmitted to UNAMI in April, showed that 136 women had died from unnatural causes in the first quarter of 2008 in the three Northern Governorates, as compared with 118 deaths in the first quarter of 2007.

53. Although reporting incidents involving violence against women to the authorities is a significant step forward, investigators and judges are often hampered by insufficient reliable evidence and the reluctance of witnesses, who are often family members, to testify. Problems of under-reporting of such cases also remain, including the absence of reliable data on certain specific issues like the rate and causes of death, and on the outcomes of police investigations. Investigators continue to claim inability to bring to justice alleged perpetrators, and courts continue to practice leniency in honour-related crimes, despite recent assurances from KRG officials of greater commitment to investigate and prosecute<sup>18</sup>. According to official statistics for Dohuk Governorate, there were 10 convictions for honour-related crimes between 2000 and 2007 and 50% served a maximum sentence of 15 years' imprisonment although all were charged with first-degree murder<sup>19</sup>. The rest served sentences between 2 to 10 years for killing female relatives and wives. According to the KRG, half of the claims filed in Erbil governorate during the first six months of 2008 have been successfully solved.

54. On 12 May, Nechirvan Barzani, KRG Prime Minister chaired a second meeting of the Commission on Violence against Women,<sup>20</sup> which decided to reorganize the existing Directorates to Combat Violence against Women into a single body to facilitate the centralization of data analysis. UNAMI welcomes this decision, as well as measures aimed at ensuring that women

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<sup>15</sup> According to UNAMI statistics, a great number of these women were under 20 years of age.

<sup>16</sup> Forty-one cases were described as "accidental."

<sup>17</sup> Data provided by Directorate to Combat Violence against Women in Erbil and Sulaimaniya.

<sup>18</sup> Data received on 18 May 2008 from the Erbil Directorate to Combat Violence against Women.

<sup>19</sup> Pursuant to art 406 of the Iraqi Penal Code of 1969.

<sup>20</sup> The Commission was established in June 2007 to examine and solve at the policy level, violence against women. The Commission comprises KRG Ministers for the Interior, Justice, Human Rights, Women's Affairs, Education, Awqaf, Civil Society Affairs, Sports and Youth and Police. On 13 May, the KRG provided UNAMI with two reports on proceedings of the Commission's meetings on the situation of women.

shelters in the region be provided adequate funding and security. However, at the time of writing this report, no specific measures have been initiated by the KRG authorities.<sup>21</sup>

### **Situation of minorities and other groups**

55 During the first half of 2008, minorities and other vulnerable groups in Iraq have continued to be targeted by organized armed factions, militias and insurgents. The situation of Shabak, Yazidis, Christians and Turkmen in Nineveh and Tameem is particularly worrying. UNAMI continued to receive reports of attacks against minority groups being conducted with total impunity. Also members of minorities groups were allegedly forced to identify themselves as Kurdish or Arab in order to get access to education or health care. There were also reports on members of minorities being forced to sell their property, which resulted in many of them leaving Iraq.

56. UNAMI HRO had received 17 reports of attacks and kidnappings against Chaldo-Assyrians (Christians) throughout Iraq, which resulted in at least ten assassinations. Nine incidents occurred in Mosul, and the rest were registered in Basra, Baghdad and Kirkuk. One of the most notorious incidents occurred on 29 February, when Archbishop Paulos Faraj Rahho of the Chaldean Church of Mosul, was abducted and his driver and bodyguards shot dead as he was leaving the Holy Spirit Church in the Al-Noor, Mosul. Despite international condemnation and attempts to negotiate his release, the Archbishop was found dead ten days later. He is the third Christian religious authority to be killed since 2006<sup>22</sup>. Accounts of attacks against Christian sites have been registered; on 6 January, seven churches and monasteries in Mosul and Baghdad were attacked during Orthodox Christmas celebrations and in January, St. Maskinta's church, which also is orphanage for girls, was damaged by explosion.

57. Attacks on Shabak and Yazidis have been recorded in Nineveh: nine attacks against Shabaks, including five killings, most of them in Mosul. On 26 April, police officers found the bodies of two Shabaks who had been kidnapped earlier in Bashikha. In Sinjar, at least five Yazidis were murdered in the first half of 2008.

58. Two Turkmen leaders, Abdel Noor Mohammad Noor Al Tahan, Chieftain of Al Obaid tribe and Sheikh Mohammad Khalil Hansh, Chieftain of Al Halaybek tribe were killed by gunmen in Mosul on 10 June. The two leaders were strongly committed to the reconciliation process between tribes and were denouncing violence in Tal Afar.

59. The situation of the 4,000 Sabeen Mandeans remains of serious concern as they have been cited in several religious edicts<sup>23</sup> calling for the extermination of the non-believers, which were published on web-sites. The Mandaean Human Rights Group (MHRG)<sup>24</sup> recorded 42 killings, including of women and children, 46 kidnappings, 10 reported threats and 21 attacks

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<sup>21</sup> Based on discussions with officials at the Ministry of Religious Affairs, UNAMI notes that there is a tentative support from some religious figures regarding possible amendments to the 1959 Personal Status Law, aiming to restrict the practice of polygamy and to seek a more equitable role for women in marriage and society. However, the passage of more progressive laws through Parliament remains fraught with difficulties.

<sup>22</sup> On 3 June 2007, Friar Ragheed Ganni and three deacons were gunned down in their car that was rigged with explosives in Mosul to prevent anyone from retrieving the bodies. On 30 November 2006, Friar Mundhir Al-Dayr of the Protestant Church in Mosul was abducted and found dead with a bullet in his head.

<sup>23</sup> Although they were mentioned on web sites as *Fatwa*, these edicts have not been pronounced by distinguished Islamic scholars in Iraq.

<sup>24</sup> Mandaean Human Rights Annual Report March 2008.

between January 2007 and February 2008. MHRG reported that since 2003 more than 80% of the Mandaean community has fled Iraq: 10,000 Mandeans have fled to Syria, 3000 to Jordan and some to Yemen and Egypt. Currently there are some 5,000 Sabeian Mandeans in Kurdistan where many families have found shelter after being expelled from Baghdad, Basra and Baquba.

60. UNAMI received a report of 15 cases of kidnappings, involving the killing of 12 members of the Sunni communities in Abo-Al Khasib and Al-Zubair, Basra. These communities have also reported being subjected to threats, intimidation, and property damaging aiming at forcible evictions.

61. In April, the UN Special Representative of the Secretary-General for Children in Armed Conflicts visited Iraq following an invitation from the Government of Iraq. In her report, she highlighted widespread violations of children rights, including more than 1,000 children facing legal processes and those held by MNF-I, child recruitment into armed militia groups, and in general diminished access to essential services including safe water, education and health care. She recommended the creation of a high-level, inter-ministerial body to establish appropriate child protection policies, particularly for the Iraqi judicial process. She also called for the creation of a monitoring and reporting mechanism inside Iraq to gather more data on grave human rights abuses affecting children such as child recruitment.

62. The Committee on the Rights of the Child in its concluding observations (CRC/C/OPAC/USA/CO/1) adopted on 22 May 2008 to the initial US report submitted in conformity with article 8 of the Optional Protocol to the Convention on the Rights of the Child, on involvement of children in armed conflict, noted the presence of considerable numbers of children in US administered detention facilities in Iraq. The Committee, while taking note of the measures undertaken to establish educational programmes for children detained in Iraq, regrets that not all detained children have access to education. The Committee is concerned about the number of children detained over extended periods of time, in certain instances for one year or more, without adequate access to legal advisory services or physical and psychological recovery measures. Furthermore, the Committee was concerned over reports indicating the use of cruel, inhuman and degrading treatment of detained children. The Committee made a set of recommendations to the State party including ensuring that children are only detained as a measure of last resort and that the overall number of children in detention is reduced.

### **Freedom of expression and targeted media workers**

63. Journalists and media workers remain one of the most vulnerable professional groups throughout Iraq being subjected to threats, targeted violence, kidnappings and assassination.

64. On January 30, Ala' Abdel Karim, a photographer in Al Furat Television was killed in Balad by the explosion of a roadside bomb targeting his car. The incident also killed his driver and wounded a female correspondent Fatima Al Hosni and an assistant photographer Haidar Jawad. On 6 February 2008, journalists in Babil protested the restrictions imposed on the media by the security forces. The protest was followed by threats against those who challenged these restrictions. On 10 February, Husam Mijoud was kidnapped and two days later assassinated in Rusafa, Baghdad. On 27 February, Shehab al Tamimi, Head of the Journalist Union, died from serious injuries sustained four days earlier when gunmen shot him in Baghdad. On 13 March, Qasim Abdel Hussein Al-Oqabi, from Al-Muwaten newspaper was killed in Baghdad.

65. On 3 April, Maitham Ibrahim, a cameraman working for Al Diyar TV channel was seriously wounded in a roadside bomb attack near Al Sadr City. The same day, Mazen Al Tayyar,

an Iraqi journalist was wounded by sniper fire in Al Qebala, Basra. Hasan Al Rekabi, a correspondent for Beladi TV, Hameed Hashim, a cameraman and, Azmi Habeeb, a driver, were seriously injured when gunmen attacked them in Zayyouna on 22 April. On 25 April, Jasim al Battat, from Nakheel TV was shot dead by unknown gunmen as he was heading to his office in downtown Basra. On 4 May, gunmen killed Sirwa Abdul-Wahab, a 36-year old journalist working for the Baghdad-based Muraseloon news agency. Abdul-Wahab wrote for many Iraqi local newspapers, worked in the IHEC office in Mosul, and was a member of an Iraqi association to protect journalists' rights. On 22 May, Wissam Ali Ouda, from Afaq TV, was killed by sniper fire in Obaidi, Baghdad. On 22 May, the bullet rigged body of Haider Hashim Al-Hasseni, a journalist of Al-Sharq newspaper, was found in Buhruz, Baquba. He had been abducted a few days earlier. On 4 June Odai Sabri, a cameraman from Iraqia TV was severely wounded when a roadside bomb exploded in downtown Basra. On 17 June, Muhyee al Deen Abdel Hameed al Naqeeb, an Iraqi Media Net presenter was shot dead by gunmen as he was leaving his house in Hay al Zera'i, Mosul.

### **Freedom of expression in Kurdistan Region**

66. UNAMI continued to receive reports of intimidation and/or arrests of media professionals in the Kurdistan region, in particular those who had reported on issues of public interest. Officials have also filed several criminal defamation complaints against journalists<sup>25</sup>. During the same period of time, KRG human rights authorities have declared to work at improving the situation of journalists.

67. A few journalists UNAMI was in contact with<sup>26</sup> alleged that on 31 January and 1 February 2008, they were arrested, harassed and ill-treated by KRG police. They also reported that their photographs and notes were confiscated whilst attempting to cover the impact of Turkey's military operations on civilians and civilian properties along the border. Photographs provided to UNAMI showed a journalist being surrounded and dragged by security forces. Local journalist associations have condemned the conduct of the KRG authorities while other journalists were also prevented from covering the military operations<sup>27</sup>.

68. On 4 February, the Editor-in-chief<sup>28</sup> of an independent newspaper<sup>29</sup>, was summoned to court in Sulaimaniya to respond to a complaint filed against him by President Jalal Talabani for publishing an article on the President's personal assets. He was released on bail and his case postponed indefinitely<sup>30</sup>. On 10 February, Umar Ahmed Mahmood, journalist from Hawlati newspaper, was summoned to Kalar Court, Sulaimaniya, where the Head of the KDP Office in Kalar district filed a complaint based on an article Mahmood had written about conflicting loyalties of KDP politicians. The journalist was subsequently detained for three days and released on bail. On 16 February, a journalist and blogger<sup>31</sup> was arrested by Kurdish Peshmargas in Talkif District,

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<sup>25</sup> Pursuant to article 433 of the Iraqi Penal Code.

<sup>26</sup> The names of the journalists have been withheld for security reasons.

<sup>27</sup> On 23 February, the Pen Squad tried to visit the restricted area through Sidakan sub-district in Erbil but was intercepted by security officers of KRG (KDP). Their cameras were confiscated but returned undamaged when they were driven back to Soran District.

<sup>28</sup> The name of this Editor-in-Chief has been withheld for security reasons.

<sup>29</sup> The name of the newspaper has been withheld for security reasons.

<sup>30</sup> According to sources, the article was written by US researcher Michael Rubin of the American Enterprise Institute for Public Policy Research, criticizing several Kurdish figures including the Iraqi President. The Editor-in-chief said he reproduced the article in his newspaper in good faith.

<sup>31</sup> The name of this journalist has been withheld for security reasons.

Nineveh, and was interrogated for four days at an Asayish facility in Dohuk. He was forced to sign a letter whereby he agreed not to “defame” KRG leaders and Christian clergymen before being released. On 16 March, a Dohuk court issued an arrest warrant against Muhamad Salih Haji, Editor-in-chief of Rasan Newspaper (licensed to the Kurdistan Islamic Union (KIU)) and another KIU member, for publishing an article charging the court’s decision to arrest a number of KIU members for alleged involvement in terror activities last year as politically motivated. Both were subsequently released on bail.

69. On 9 February, staff members of Kurdistan TV received death threats and had their equipment damaged when they tried to film an attack on a traffic policeman by a group of armed men in Erbil. The Kurdistan Journalists’ Syndicate has condemned the attack and requested the Minister of Interior to investigate. On 2 March, Nabaz Goran, a journalist received a death threat in a letter sent by Halo Ibrahim Ahmad, a relative of a high-ranking Iraqi official. It was reported that although Halo Ibrahim had apologized, he subsequently reiterated his threat on Kurdistan post web-site<sup>32</sup>. On 17 March, UNAMI wrote to KRG authorities requesting justifications for the arrests and complaints filed against these journalists and urged the KRG to investigate the death threat against Nabaz Goran. Srood Mukarram Fatih, a journalist arrested a year ago by the Asayish in Erbil has yet to be charged noting that he was accused of being involved in terror activities<sup>33</sup>.

70. Government officials insisted that actions taken against journalists in such instances are legal and appropriate. They complained of lack of professionalism and poor standards of reporting, which resulted in inaccuracies and unsubstantiated allegations against public figures<sup>34</sup>. Journalists blamed authorities for denying their access to information, whereas, government officials invited journalists to verify reports and noted the lack of respect by media in highlighting issues of public interest.<sup>35</sup>

71. On 5 May, the Committee to Protect Journalists (CPJ), a New York based NGO, released a report highlighting the challenges facing journalists in Kurdistan region<sup>36</sup>, and called upon the KRG to publicly condemn violence against and intimidation of the press including detention of journalists and threats of job dismissals. It also called to cease the indiscriminate use of criminal defamation laws against media workers. Responding to the report on 7 May, Masoud Barzani, KRG President acknowledged the many shortcomings in the region’s struggle towards achieving the right to freedom of expression but stressed that progress has been made in the last decade<sup>37</sup>.

72. Despite the KRG President’s observations, journalists and editors continue to face lawsuits and defamation charges. On 3 June, Dukan newspaper was closed down pursuant to a court order citing “administrative breaches”. However, a source at the newspaper believed that the newspaper had been targeted for its reports on corruption in the KRG<sup>38</sup>. On 3 June, Goran Dokani, a free-lance reporter was sentenced to three months’ imprisonment after a court found him liable for a story criticizing a hospital administration in Dukan<sup>39</sup>. Rabaz Ahmed, a journalist

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<sup>32</sup> UNAMI had previously reported in the Human Rights Quarterly Report covering Apr-June 2007 that Goran was abducted and assaulted by unknown persons on 4 April 2007, in Erbil. The matter was never investigated as Goran refused to file a police claim.

<sup>33</sup> Human Rights Quarterly Reports Apr-June 2007 and July-December 2007.

<sup>34</sup> Interview with the Minister of Interior, Sulaimaniya 26 March 2008.

<sup>35</sup> Meeting with NGOs and journalists, Sulaimaniya 27 March 2008.

<sup>36</sup> The report was based on a two-week fact-finding mission last year to Erbil and Sulaimaniya.

<sup>37</sup> Quote of 7 May from the KRG official website (<http://www.krg.org/>)

<sup>38</sup> Interview with journalist on 3 June 08.

<sup>39</sup> Dokani had alleged that the hospital was dispensing expired medicines.

with Hawlati newspaper was convicted for criminal defamation on 5 December 2007, and is serving a suspended sentence<sup>40</sup>.

73. Many newspapers continue to practice self-censorship, and independent journalists are dissuaded by their editors from reporting misconduct by influential politicians, particularly if the politicians were linked to powerful tribes. It is also alleged that in Sulaimaniya, newspaper vendors have been discouraged from distributing independent publications<sup>41</sup>. Intelligence apparatus such as Parasten and Zenyari have been implicated in intimidating and threatening journalists with injury and death<sup>42</sup>

### **Displacement of civilian population**

74. According to UNHCR estimates, over 2.8 million people are currently displaced inside Iraq of whom, 1.2 million were displaced before 2006 and almost 1.6 million between 2006 and 2008. Some 250,000 were living in public buildings and under the threat of evictions. Since 2007, over 100,000 individuals returned to their places of origin, mainly to Baghdad and some to Anbar. In addition, the situation of 42,102 non-Iraqi refugees, especially the 14,915 Palestinians and 588 Syrians residing inside Iraq is of concern to UNAMI due to security issues.

75. Fewer new displacements occurred in 2008, although military operations in Sadr City, Basra, and along the borders with Iran and Turkey, continue to displace Iraqi civilians. Military operations in Sadr City led to the displacement of some 4000 families within Baghdad, of which most have returned. During military operations in Basra, Mosul and Al-Amarah, only limited displacement took place. New and secondary displacement were recorded in the first months of 2008 in Baghdad neighbourhoods of Al Dora, Al Jamia'a, Al Sulaik, Al Adhamiya and Al Karkh districts due to specific targeting of persons or due to obstruction to the return by groups in control of these areas.

76. UNAMI is concerned about reports that displaced persons found it increasingly difficult to move within Iraq as well as to neighbouring countries given the more restrictive entry policies, and visa imposed at state borders and governorate boundaries. In early 2008, relatively safe provinces appeared increasingly reluctant to receive more Internally Displaced Persons (IDPs). At least eleven out of Iraq's 18 governorates imposed informal and formal restrictions on IDPs entry and residence, or denied them registration as displaced persons, which prevented them from accessing public services and aid. These measures, designed to restrict entry into some governorates, areas or cities, were motivated by reasons of security, political considerations or due to saturation of social services.

77. Ongoing needs assessments have consistently shown that the most urgent needs identified by IDPs and returnees are: access to shelter; access to food; work/employment opportunities and access to documentation, in that order. In addition, access to basic services has deteriorated alongside the rising IDP population and returnees. Potable water, adequate sanitation and health services remain pressing needs, particularly in villages and rural areas.

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<sup>40</sup> Rabaz Ahmed was convicted and sentenced to three months' imprisonment on 5 December 2007 at the Halabja Misdemeanour Court and will have to serve his sentence if any claim is filed against him during the next three years.

<sup>41</sup> Meeting with journalists in Dohuk on 23 April 2008 and meeting with journalists in Sulaimaniya on 16 June 2008.

<sup>42</sup> Interviews with journalists in Dohuk and Sulaimaniya 23 April and 16 June 2008 respectively..

78. The situation of the estimated 3,300 members of the People’s Mojahedin Organization of Iran (PMOI) residing in the Camp Ashraf in Diyala, remains of concern. This situation deteriorated on 8 February when a bomb explosion in Zorganieh interrupted the water supply in an area covering more than 20,000 persons, including residents of the Ashraf Camp. On 6 March 2008, the UN Special Rapporteur on the right to food issued a press release to express concerns regarding the reported deteriorating situation in the Ashraf Camp and its surrounding area, following the explosion. He urged the competent authorities to restore urgently the water supply to all the inhabitants of the region. The Camp, under MNF-I protection since 2003, was attacked by a missile on 26 May. On 17 June, the Government of Iraq issued a statement declaring the PMOI a terrorist organization and calling for their expulsion from Iraq in accordance with provisions of the Iraqi Constitution. UNAMI has consistently advocated that PMOI members, residing in the Camp must be protected from forcible deportation, expulsion or repatriation in violation of the non-refoulement principle. UNAMI has also reminded the concerned parties that the Ashraf Camp residents should enjoy fundamental rights, including fair trial principles and due process of the law. UNAMI feels that those individuals suspected of responsibility for illegal past activities should be brought to justice in conformity with internationally recognized standards of fair trial and due process of law. Similarly, if they are to remain on Iraqi territory, the residents of Ashraf are expected to continue to fully respect the laws of Iraq.

**Rule of Law**

**Detention and internment**

79. The situation of detainees across the country, including in the Region of Kurdistan, remains of great concern to UNAMI, which continues to visit detention facilities and prisons under the authority of the Ministries of Interior, Justice, Defence, and Labour and Social Affairs. Many detainees have been deprived of their liberty for months or even years, often under precarious physical conditions, without access to defence counsel, or without being formally charged with a crime or produced before a judge. Continuing allegations of widespread torture and ill-treatment of inmates are of particular concern. Slow bureaucratic procedures, insufficient resources, degraded infrastructure and lack of effective accountability measures result in inordinate delays in processing detainees’ cases. UNAMI also continues to observe criminal proceedings before the Central Criminal Court of Iraq and criminal courts in the Kurdistan Region.

80. At the end of June 2008, according to data provided to UNAMI by the Government of Iraq and the KRG authorities, the total number of detainees, security internees and sentenced prisoners across Iraq stood at 50,595 with a peak at 56,320 at the end of March. The Ministry of Human Rights in Baghdad provided all data on inmates. Those relating to the KRG were received by UNAMI from the Ministry of Human Rights in Erbil. The number of detainees held by the KRG authorities does not include those held by the Asayish forces<sup>43</sup>.

Detaining Authority	January	February	March
MNF-I	23,800	23,862	23,862
MOJ	16,344	16,377	20,414
MOI	6,540	6,892	7,112
MOD	1,010	1,002	1,202
MOLSA	783	783	860

<sup>43</sup> UNAMI was not provided with statistics regarding detainees held by Asayish forces.

Total excluding KRG	48,477	48,991	53,450
Total in KRG region	1,999	1,800	2,870
Total across Iraq	50,476	50,791	56,320

Detaining Authority	April	May	June
MNF-I	23,862	23,229	23,229
MOJ	16,632	16,641	17,152
MOI	7,193	6,688	5,535
MOD	991	899	1,060
MOLSA	706	640	613
Total excluding KRG	49,384	48,097	47,589
Total in KRG region	2,761	3,160	3,006
Total across Iraq	52,145	51,257	50,595

81. The General Amnesty Law, excluding those sentenced to death, and those convicted for terrorism related offences, premeditated murder, abduction and other offences<sup>44</sup>, which came into force on 27 February 2008, has yet to lead to large scale releases of Iraqi detainees. At the end of June, over 100,000 persons were said by the judicial authorities to qualify under the terms of the amnesty, although less than 20,000 are currently in detention; the remainder are either at large or had previously been released on bail. According to estimates received by UNAMI, some 2,000 detainees and convicted prisoners were reportedly released since the law came into force, but no reliable or verifiable data was received during the reporting period.

#### **Detention under Government of Iraq authority**

82. The number of detainees in Iraqi Government custody remained higher in the first six months of 2008 relative to the second half of 2007: they totalled 24,360 in June 2008 as compared with 23,765 in December 2007. The steady increase was in large part attributable to ongoing arrests following crackdowns on suspected insurgents in many parts of the country.

83. UNAMI continued to monitor and assess the situation of detainees, focusing on due process rights, treatment and conditions of detention. The Ministries of Justice, Defence, Interior and Labour and Social Affairs maintained their cooperation with UNAMI, including facilitating access to detention facilities and prisons. During the reporting period, UNAMI conducted four visits to four different detention facilities or prisons in Baghdad and Ramadi: Al-Rusafa Complex, Al-Karkh Juvenile Detention Centre in Baghdad, and Al-Hurriya and Shebab prisons in Ramadi (the latter two under the *de facto* control of Al-Anbar governorate authorities).

<sup>44</sup> The list of crimes excluded as per Article 2 of the General Amnesty Law: Persons sentenced to death., offences stipulated in Article 1(2) of the Law of the Iraqi Supreme Criminal Tribunal, No. 10 of 2005, terror offences leading to death or injury of a person, or to sabotage of public or private assets, or to the displacement of residents from their areas, premeditated murder, abduction of persons, aggravated theft, embezzlement, rape and sodomy, incest, currency counterfeiting, drug trafficking and smuggling of antiquities.

84. The Iraqi authorities remained hard pressed to handle the detainee population given the general security conditions in the country, the lack of capacity and resources, slow bureaucratic procedures and degrading infrastructure. Ministerial directives for the handling of detainees from arrest through the investigation and trial processes, as well as treatment and conditions of detention are slow to implement and remain partially or totally ignored in many detention centres. UNAMI is monitoring and assessing the implementation of these directives, which would afford greater protection of due process rights for persons deprived of their liberties.

85. UNAMI remains gravely concerned at continuing reports of the widespread and routine torture or ill-treatment of detainees, particularly those being held in pre-trial detention facilities, including police stations. Detainees interviewed by UNAMI at Ministry of Interior facilities regularly claimed to have been beaten or otherwise ill-treated, particularly upon arrest or while undergoing initial interrogation, most commonly to extract confessions from them. In some cases, the detainees presented traces on their bodies consistent with the beating or torture alleged. Ministry of Human Rights staff continued to conduct prison visits and to document abuses during the reporting period; however, the results of their findings have yet to be made public. Plans in April to publish the Ministry's 2007 annual report on prisons and detention facilities were shelved allegedly following objections by the ministries of Defence and Justice to making public some of the information contained in the report. By late June, no prosecutions of officials found responsible for abusing detainees are known to have taken place.

#### **Detention under Multinational Force Authority**

86. During the reporting period, the number of detainees held in MNF-I custody remained steady around 21,000 - 23,000 and was down to 21,881 on 30 June 2008. UNAMI remained concerned about the internment of suspects in MNF-I custody for prolonged periods without judicial review of their cases, and administrative review procedures that do not fulfil the requirement to grant detainees due process in accordance with internationally recognized norms<sup>45</sup>. The US Government states that due process "is a human rights concept generally associated with criminal arrests and trials" and does not apply to security detentions under MNF-I authority in Iraq, based in part on its own interpretation of the nature of the conflict<sup>46</sup>. In December 2007, upon a request for clarification by UNAMI, the MNF-I confirmed that the US Government continues to consider the conflict in Iraq as an international armed conflict, with procedures currently in force consistent with provisions of the Fourth Geneva Convention. UNAMI believes that alongside common article 3 to the four Geneva Conventions and customary international law, human rights law also applies. As such, persons held in MNF-I custody are entitled to be informed of the reasons for their arrest, to be brought promptly before a judge if held on a criminal charge, and to challenge the lawfulness of their detention<sup>47</sup>. A directive issued by the

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<sup>45</sup> UNAMI Human Rights Report, 1 April-30 June 2007, paras. 68-81.

<sup>46</sup> Letter from the US Embassy in Baghdad to UNAMI dated 2 October 2007, sent in response to UNAMI's Human Rights Report, 1 April-30 June 2007.

<sup>47</sup> These rights are consistent with the US Government's obligations under the International Covenant on Civil and Political Rights (ICCPR). The US Embassy challenged the extra-territorial application of the ICCPR, stating in its letter of 2 October 2007 that UNAMI "asserts that international human rights law applies to international armed conflict. The United States has long taken the position that the ICCPR does not apply extraterritorially" (*Ibid.*). UNAMI does not share the view expressed by the US that the international human rights law including the ICCPR lacks extraterritorial reach under all circumstances. Extraterritorial interpretation was confirmed by the Human Rights Committee's General comment n° 31 of 2004 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, in which "States Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to all persons who may be within their territory **and to all persons subject to their jurisdiction**". This means

Prime Minister's Office in September stipulated, *inter alia*, that discussions take place between the Iraqi authorities and the MNF-I under the supervision of Iraq's National Security Adviser "to resolve the cases of detainees held by [the MNF-I] in accordance with the law in order to release those against whom there is no evidence, and to record those who committed crimes in the Iraqi criminal register"<sup>48</sup>.

### **Detention under Kurdistan Regional Government authorities**

87. UNAMI continues to document cases of prolonged detention of individuals often on the basis of vague accusations, and of inordinate delays in investigations and trial proceedings. In a sample group of 55 detainees held at Asayish detention facilities in Erbil, 38 had been held for up to four years without referral to an investigative judge, charge or transfer to court. Asayish Gishti officials maintained that these detentions were legal and reviewed by the court every six months. However, one judge informed UNAMI in March that he had no oversight over detainees who are not introduced before him, and that the responsibility for ensuring legality of detention lies with judicial investigators. The KRG authorities also failed to respond to UNAMI's earlier requests to process cases of detainees who remain in detention for over seven years without charges or trials<sup>49</sup>. The Human Rights Committee of the Kurdistan National Assembly (KNA), which is mandated to review detention facilities, registered 140 cases of persons detained longer than 2 years without charges at Asayish detention facilities<sup>50</sup>.

88. According to data provided to UNAMI by Asayish officials, progress was made during the reporting period in relation to reviews of detainee cases and releases. However, UNAMI was not in a position to independently verify this information. Between January and March, Asayish Gishti Erbil released 553 detainees and continued to detain 350 as of March 31. Asayish Gishti Sulaimaniya told UNAMI that as of late March, it held 561 detainees and was preparing to transfer 50 Arab detainees to authorities outside the KRG region. In addition, judicial officers in Sulaimaniya released 162 detainees between January and March, while, Asayish Gishti Sulaimaniya released 43 detainees during the same period. On 21 April, Asayish Gishti Sulaimaniya told UNAMI that it had conditionally released 122 Arab detainees to Kirkuk as they

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that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party. This is also reflected in the Human Rights Committee's General Comment 15 of 1986 stating that "the enjoyment of Covenant rights is not limited to citizens of States Parties but must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party". At the highest political level of the United Nations, the General Assembly, in its Resolution A/RES/45/170 of December 1990 on the situation of human rights in occupied Kuwait, confirmed the application of Iraq's obligations under the Covenant in territory occupied by it in Kuwait (adopted by vote of 144 -1, with the United States in favour). Also, the International Court of Justice in its Advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory of July 2004, considered that the Covenant is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory.

<sup>48</sup> For an exhaustive description of MNF-I procedures for the handling of detainees within the current framework, see UNAMI Human Rights Report, 1 July-31 December 2007, paras. 66-73.

<sup>49</sup> Meetings with Asayish Gishti Erbil officials on 24 Feb 2008 and 23 August 2007; meeting with KRG Minister of Justice on 12 November 07; meeting with a Parasten official on 9 December 2007; letters dated 29 August 2007, 30 Oct 2007 and 17 March 2008 addressed to KRG authorities. These cases were also highlighted in a confidential report prepared by the Legal Committee of the Council of Ministers in June 2007.

<sup>50</sup> Rozhama newspaper of 18 May 2008, and interview with the Human Rights Committee of the KNA of 16 July 08.

were no longer considered “a threat to security”, while continuing to hold some 75 Kirkuk detainees at the Kani Goma facility. On 5 June, Asayish Gishti Erbil released 59 detainees who had been held in connection with ties to Islamist groups. Between 1 April and 17 July, 781 detainees were released from Asayish Gishti Erbil custody with 473 remaining in detention. As of 16 June, Asayish Gishti Sulaimaniya held 391 pre-trial detainees, including Arabs from Mosul and Kirkuk.

89. Despite these encouraging developments, UNAMI continues to document serious violations of the rights of suspects and those deprived of their liberties by the KRG authorities. In particular, suspects arrested on suspicion of involvement in terror-related incidents in the region, have been routinely singled out for violent treatment amounting to torture during investigations. Despite denials by intelligence officials that detainees are interrogated at “secret detention” cells during initial stages of investigations,<sup>51</sup> UNAMI continues to document related claims. Between April and June, UNAMI documented sixteen cases of detainees were tortured during investigations by both security and intelligence officials, including two detainees who alleged being raped during investigations<sup>52</sup>. Both detainees allegedly suffered internal injuries and did not receive adequate medical attention. UNAMI also continues to receive reports of abusive treatment of detainees generally, particularly those held in Asayish custody, in order to extract information or confessions<sup>53</sup>. Allegations include beatings with cables and fists, forcing detainees to remain in stressful positions for prolonged periods, subjected to public humiliation, and withhold of family visits.

90. Investigative judges do not often refer suspects alleging torture and involuntary confessions to a medical committee, electing instead to return them to the custody of investigators for “further investigations”. One detainee alleged that he was bleeding from injuries sustained during a beating when first produced before an investigative judge, who failed to pursue the matter. Additionally, while judicial officers in the region often dismissed charges of conduct amounting to torture as “common”, the majority of judicial sources UNAMI interviewed, acknowledged the existence of a persistent pattern of abuse and that confessions, if made, were likely to have been provided under torture. They concluded that torture remains prevalent as the Asayish leadership is alleged to sanction violent treatment for individuals suspected of affiliation to Islamists groups, particularly where corroborative evidence implicating these suspects is absent. Judges maintained that a legal procedure to examine allegations of torture exists, but were unable to provide concrete cases despite receiving frequent complaints from accused persons in court. In terrorism related trial held in an Erbil criminal court in Mid-March, the judges did not order investigations despite dismissing confessions extracted under coercive circumstances. Additionally, judicial investigators fail to advise detainees of their right to a lawyer and their right to silence, as UNAMI’s research indicates. In most cases, suspects are blindfolded in order to prevent them from identifying law enforcement officials who inflicted ill-treatment upon them. Lawyers have no regular access to clients in Asayish detention facilities and for “security reasons”, are not allowed to engage in confidential discussions without the presence of an Asayish official. Acknowledging that this procedure contravenes international standards and rights of suspects, the Director of Asayish Dohuk agreed to monitor these discussions within

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<sup>51</sup> Interview with Dr Khisro, Head of Dezgar Zanyari (PUK Intelligence), Sulaimaniya on 15 June 2008 responding to a 13 June 2008 newspaper article in Hawlati Newspaper.

<sup>52</sup> Detainees who were confined in Mosul by Iraqi forces before being transferred to KRG custody have also alleged brutal treatment by Iraqi security forces at Al-Kindi Military Camp in Mosul.

<sup>53</sup> From a sample group of 25 such, nineteen alleged conduct amounting to torture by Asayish officials during investigations, with seven cases occurring within the last 7 months.

“sight” but not within “hearing”<sup>54</sup>. Although Asayish Gishti Erbil officials expressed willingness to conduct internal investigations, many detainees have rejected this mechanism as less than objective, particularly where senior Asayish officials were implicated.

91. During the reporting period, UNAMI visited 17 prisons, remand and detention centres between January and June 2008 in the KRG region, including the Erbil Central Prison, Zarga Prison in Dohuk, the Tasfirat facilities in Dohuk and Sulaimaniya, and the Women and Juvenile Rehabilitation centres in Erbil, Dohuk and Sulaimaniya. UNAMI also conducted seven visits to four Asayish detention facilities in the three northern governorates. Although prison administrators and the KRG authorities continued to grant UNAMI access to these facilities, information received indicated that detainees were often removed from their cells before a UNAMI visit occurred and transferred to “houses” close to the facilities. Detainees also alleged threats of physical violence by officials after talking to representatives of international organizations. In one facility managed by Asayish, detainees refused to speak to UNAMI for fear of retaliation<sup>55</sup>, whilst in another, detainees alleged that fellow inmates worked as informers, leading to a climate of mistrust in the facility. At the time of writing this report, UNAMI raised these concerns with concerned authorities.

92. Conditions in which detainees were held at some facilities remain of equal concern, particularly with regards to overcrowding and lack of basic hygiene and sanitation. For example, the Asayish Gishti facility in Shaqlawa remains seriously overcrowded following the transfer of inmates from the now closed Akre facility. Some 64 detainees remain held in six cramped cells, with no visible signs of the renovations promised by the authorities. At Mu’askar Salam Camp in Sulaimaniya, 397 prisoners were held in six dilapidated buildings which had previously served as military barracks. Prisoners interviewed claimed poor access to medical services and sanitation despite improvements, which prison officials told UNAMI had resulted from a change in management and personnel. These were said to include fewer incidents of prisoners’ abuse by guards, better quality food, a library with computers, an elementary school, a large exercise yard within each building and a soccer field. Similarly, at Al-Mahatta Central Prison in Erbil, where 286 convicts were held, UNAMI continued to receive complaints of poor and irregular medical services and severe overcrowding in some cells<sup>56</sup>. UNAMI welcomes the improvements instituted by the KRG authorities to date, and the ongoing work on new draft legislation aimed at reforming the prison system<sup>57</sup>.

### **Death penalty in the Kurdistan Regional Government**

93. Between January and March 2008, courts in Kurdistan sentenced four persons to the death penalty for murder. KRG authorities executed three persons convicted of murder and terror-related offences<sup>58</sup>. According to the KRG Ministry of Human Rights, 34 prisoners are on death-row in Erbil Central Prison as of June 2008<sup>59</sup>.

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<sup>54</sup> Meeting with Director, Asayish, Dohuk on 24 April 2008.

<sup>55</sup> UNAMI raised concerns with an official at Asayish Gishti in 2007 meetings but without results.

<sup>56</sup> Those in remand are held in 8 cells and the convicts in 11 cells. The largest cell measuring 8 X 10 held 83 inmates with 40 bunk-beds. Prisoners take turns to sleep on the beds. Other cells measuring 9x6 or smaller held between 27-30 inmates. See UNAMI’s initial assessment of Al-Mahatta prison in the April-June 2007 Human Rights Report.

<sup>57</sup> The improvements introduced include workshops for prisoners to create and sell handicrafts and train them in repair-works; laundry facilities; a computer room and means to allow prisoners to access the education system.

<sup>58</sup> Letter from KRG Ministry of Justice dated 6 May 2008.

<sup>59</sup> Information provided during MOHR conference on the death penalty on 1 July 2008.

94. The KRG has, however, made some progress to restrict the number of offences for which the death penalty may be imposed. On 1 July 2008, the KRG Ministry of Human Rights organized a conference in Erbil to review the KRG policy and practices on capital punishment and legislative offences attracting mandatory death penalty, including provisions of the KRG Anti-terror Law<sup>60</sup>. Participants in the conference recommended that eight Anti-Terror Law offences attracting the death penalty be amended<sup>61</sup>. However, because of the impossibility of avoiding execution of the innocent and absence of proof of deterrence effect of the penalty, UNAMI continues to urge the KRG authorities to move towards abolishing or suspending the death penalty and imposing a moratorium on executions.

### **Promotion activities of UNAMI**

95. In line with its mandate, UNAMI maintained its efforts in supporting the Iraqi government and civil society organizations through capacity building activities focusing on key human rights issues. These activities aim at helping the development of an Iraqi led and owned human rights protection system and in consolidating a culture of human rights in the country.

96. UNAMI also continued to work on joint projects with a number of UN agencies. Together with the UN Economic and Social Commission for Western Asia (ESCWA) as the lead agency, and with the participation of the UN Educational, Scientific and Cultural Organization (UNESCO), the UN Children's Fund (UNICEF) and the UN Development Fund for Women (UNIFEM), UNAMI was involved in the conceptualization and preparation of a project entitled: "*Supporting Peaceful Co-Existence in Iraq through Adolescent Informal Education and Communal Awareness Raising Activities*". The project aims to enhance inter-communal trust and cooperation in Iraq as well as to reduce ethno-sectarian tensions through informal educational and communal awareness raising activities targeting Iraqi young people aged 12-15 and 15-18. Following discussions between the UN Country Team and relevant Iraqi ministries and non-governmental groups, the project reached its final approval stages by late June. Another initiative, entitled "*Enhancing the Learning Environment in Vulnerable areas in Iraq for Meeting Education for All (EFA) Goals*", brings together six UN agencies including UN-Habitat, UNICEF, UNESCO, WHO, UNIFEM and UNAMI. The development goal of the joint program is to enhance access to, and quality of, basic education (primary and intermediate levels) by improving the learning and teaching environment in the most vulnerable areas in Iraq. It also aims to strengthen educational planning, and management and support systems, ensuring quality basic education (formal and non-formal) in three governorates. UNAMI's role focuses on ensuring, through assistance and technical support, the incorporation of human rights principles throughout the planning of this program. UNAMI will focus on promoting and integrating the human rights based approach at policy level through the provision of training for Ministry of Education officials. Further, jointly with UNIFEM, UNAMI plans to conduct advocacy campaigns on human rights issues especially on the importance of girls' education, and provide training material on human rights issues with a focus on vulnerable groups.

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<sup>60</sup> In June 2008, the Kurdistan Regional Parliament extended the application of the Anti-Terror Law for two additional years.

<sup>61</sup> In a follow-up meeting on 15 July 2008, a Committee established during the conference made further recommendations to review the Iraqi Penal Code and other regional legislation. These recommendations will be submitted to the Legal Committee of the KRG Council of Ministers and thereafter to the Regional Parliament for debate and approval. The Regional Parliament is also empowered to suspend or re-activate provisions in the Iraqi penal legislation but not to amend it.

## **Support to the rule of law sector**

97. In March, UNAMI organized a seminar on “The Protection of Human Rights in Counter Terrorism” attended by some 80 senior and middle ranking officials of Office of the Prime Minister and the ministries of Interior and Defence involved in designing and implementing policies in counter-terrorism and adjudicating terrorism-related crimes. Representatives of the ministries of Justice and Human Rights, parliamentarians, judges, prosecutors and defence counsels also participated in the seminar, held in Baghdad from 9 to 12 March. Experts from the Terrorism Prevention Branch of the UN Office of Drugs and Crime (UNODC) and from the UK Police Force focused on the investigation of acts of terrorism, the UN global legal framework against terrorism, issues related to rule of law, due process and fair trial in the prosecution of terrorism crimes, and the compatibility of Iraq’s anti-terror legislation with international law. A representative of the Ministry of Interior Counter-Terrorism Directorate delivered a presentation on the Iraqi experience in combating terrorism, and the Director of the Strategy and Planning in the Counter-terrorism Bureau presented the recently approved Counter-terrorism Strategy for Iraq. A number of recommendations were presented by both experts and participants, including the provision of specialized training for Iraqi officials, the ratification by Iraq of relevant international instruments related to the combat of terrorism, and a review of Iraq’s anti-terror legislation.

98. In partnership with UNDP, UNAMI began the implementation of a project aimed at strengthening the rule of law in Iraq through building the capacities of the ministry of Defence and Interior in mainstreaming human rights into their policies and strategies, and sensitizing law enforcement personnel to international human rights standards in dealing with the civilian population. The project includes basic human rights training for ministry officials, a training-of-trainers component for Ministry of Defence officials, and a review of the ministries’ training manuals and standing orders from a human rights perspective. At the time of writing this report, UNDP and UNAMI were holding consultations with officials representing the two ministries on both substantive and procedural aspects of the training project.

## **Support to the governmental sector**

99. In cooperation with the Arab Institute for Human Rights as its implementing partner, UNAMI conducted a specialized training course on “*Monitoring, Documenting and Reporting on Human Rights Violations*” for 33 staff members from the Ministry of Human Rights. Participants in the course, held in Amman from 7 to 13 April, included 13 women and represented the various field offices of the ministry throughout Iraq involved in monitoring and reporting on human rights violations. The main objectives of this training, as requested by the Ministry, included the deepening of the participants’ understanding of human rights concepts, international human rights standards, international conventions, and strengthening their practical skills in monitoring, documenting and report writing.

100. In May, UNAMI organized a 5-day specialized training course in cooperation with UNICEF-Iraq on the Human Rights Based Approach to Programming (HRBAP) for 25 programme staff members of 17 ministries and other state institutions representing both the Government of Iraq and the Kurdish Regional Government. Participants in the course, held in Amman from 18 to 22 May, included officials from the Office of the Prime Minister, the Municipality of Baghdad and the Kurdistan National Assembly. The main objective was to familiarize participants, half of whom were women, with processes aimed at integrating human rights principles in development projects. It also focused on mechanisms designed to increase the ministries’ efficiency in identifying existing gaps in relation to the provision of rights by duty

bearers and empowering the rights holders. The course was the first training of its kind to be conducted in Arabic for Iraqi counterparts.

### **Support to the non-governmental sector**

101. UNAMI participated in a seminar held from 16 to 21 April in Amman for 22 Iraqi legal aid lawyers in the framework of the Justice Network of Prisoners. The seminar, conducted by the non-governmental group "Un Ponte Per", included introductions to international human rights and humanitarian law, and principles of criminal justice and criminal law, including juvenile justice. Input for the seminar was provided by the Justice Network for Prisoners, UNOPS, UNAMI and the Office of the High Commissioner for Human Rights (OHCHR).

102. In cooperation with the International Center for Transitional Justice (ICTJ) as its implementing partner, UNAMI held the third in a series of workshops on specialized transitional justice issues in Amman from 3 to 5 June. The participants comprised of 18 journalists and media practitioners working for various newspapers and television channels in Iraq. The aim was to introduce participants to transitional justice principles, and discuss case studies where transitional justice strategies have been implemented, including Morocco, Algeria, Liberia and Sierra Leone. The workshop also explored the crucial role played by the media in covering transitional justice issues and related guidelines, and provided the participants with the skills needed to assist them in their reporting on transitional justice issues in the Iraqi context.

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