



COI QUERY

Country of Origin	Iraq
Question(s)	<ol style="list-style-type: none">1. Information on the implementation of the 2016 law against Baathism (2016-2018)2. Treatment of family members of Saddam Hussein, former members of Saddam Hussein's regime and former Baath members, in Tikrit, Baghdad and Basra (2016-2018)3. Treatment of Baath party supporters in Tikrit, Baghdad and Basra, including treatment of online/social media activists who express support for Saddam Hussein/Baath party (2016-2018)
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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 13 June 2018. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

1. Implementation of the 2016 law against Baathism (2016-2018)

The Baath party - which had already been banned in 2003 under the Coalition Provisional Authority (CPA)¹ - was formally banned by Iraq's parliament in 2016². Passed on 30 July 2016, the bill, banned the 'the Arab Socialist Baath Party from exercising any political or cultural or intellectual or social activity under any name and by any means of communication or media'³.

According to the Geneva International Centre for Justice (GICJ), a non-profit, non-governmental organisation dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights⁴, the ban also includes:

'[...] other parties who have similar ideas and political messages to the Baath party. And, in regards to the classification of "a Baathist", Article 5 provides that the ban on the Party and its members include acts such as (1) "belonging to the Baath Party under any name whatsoever"; ... (3) "engaging in any political or intellectual activity that would encourage or promote or glorify the ideas of the Baath Party or membership with that group"; ... (5) using any audio-visual media or print to spread the ideas and opinions of the Baath Party; ... and (7) "participating in any rallies or demonstrations or sit-ins". Moreover, Article 8 also states that anybody caught "becoming a member of the outlawed Baath Party or promoting the ideas and opinions by any means" will be put in jail for up to ten years, and Article 9 provides that anyone who is caught "contributing or helping through the media to publish thoughts and opinions of the Baath Party" shall be punished by imprisonment "for a term of no less than six years"⁵.

In the same statement, GICJ adds that (before 2016), 'de-Baathification policies were used to legitimise the assassination of more than 150,000⁶ innocent Iraqi civilians based on the accusation that they were members of the Baath Party. Thousands of others were forced to leave Iraq due to continuous threats and intimidation'⁷.

In its report for the year 2017, Freedom House states that the Iraqi constitution:

'[...] guarantees the freedom to form and join political parties, apart from the Baath Party. A 2016 law strengthened the constitutional ban on the Baath Party, criminalizing Baathist

¹ After the fall of the Saddam Hussein regime and the 2003 US invasion of Iraq, the country underwent a programme of 'de-Baathification' which involved the dismantling of the Baath party and various associated organisations. For more information, see: ICTJ, *A Bitter Legacy: Lessons of De-Baathification in Iraq*, March 2013 ([url](#)); UK Home Office, *Country Policy and Information Note – Iraq: Ba'athists*, November 2016 ([url](#)); The George Washington University (The National Security Archive), *Coalition Provisional Authority - Order Number 1, De-Ba'athification of Iraqi Society*, 16 May 2003 ([url](#)).

² Gaub F., *Meet Iraq's Sunni Arabs – A strategic profile*, Brief Issue - European Union Institute for Security Studies (EUISS), October 2017, p. 4 ([url](#)).

³ GICJ, *Iraq – New bill contradicts basic principles of human rights*, 4 August 2016 ([url](#)).

⁴ For more information on GICJ, see: GICJ, *About, Who we are*, n.d., ([url](#)).

⁵ GICJ, *Iraq – New bill contradicts basic principles of human rights*, 4 August 2016 ([url](#)).

⁶ No source with regards to this number is provided by GICJ. See: GICJ, *Iraq – New bill contradicts basic principles of human rights*, 4 August 2016 ([url](#)).

⁷ GICJ, *Iraq – New bill contradicts basic principles of human rights*, 4 August 2016 ([url](#)).



protests and the promotion of Baathist ideas. The measure applies to any group that supports racism, terrorism, sectarianism, sectarian cleansing, and other ideas contrary to democracy or the peaceful transfer of power. Individual Iraqis' freedom to run for office is also limited by a vague "good conduct" requirement in the electoral law. In practice, Iraqis run for office, form parties, and take part in politics in large numbers. Party membership and multiparty alliances shift frequently⁸.

In the run-up to the Iraq's Parliamentary Elections, held on 12 May 2018, some media outlets and political analysts mentioned concerns, among the Iraqi voters, over a possible return of the Baath party on the political scene⁹.

In April 2018, Asharq Al-Awsat, a pan-Arab newspaper, reported about a statement 'attributed' to the US Ambassador to Iraq, Douglas Silliman, regarding a possible return of the 'Sunnis' to power after nearly 15 years since the fall of Saddam Hussein. The article states that the statement:

'[...] caused widespread confusion among Shiite circles which fear the return of Baathists in various ways. [...] "Accountability and Justice" commission took several measures such as excluding a large number of elections candidates for the elections, most of which are members of "National Coalition" led by former Prime Minister Eyad Allawi, who is often accused that majority of his Sunni supporters are of the Baathist party. [...] Independent politician Sami al-Askari said in a statement to Asharq Al-Awsat that there is no place for Baathists in political life, especially after the ban of Saddam's Baath party. [...] Head of al-Sadiqun bloc MP Hassan Salim, political wing of League of Righteous, announced that many Baathist candidates will take part in the upcoming parliamentary elections, noting that some were also among the leaders of the sit-ins at the western provinces'¹⁰.

A dispatch issued on April 2018 by Anadolu Agency, a Turkish news agency, claimed that Iraq's Justice and Accountability Commission had excluded 374 would-be candidates from the parliamentary elections due to their previous affiliation with the Baath Party¹¹.

On January 2018, the Egyptian weekly newspaper 'Al-Ahram'¹² revealed that the United Nations Assistance Mission for Iraq (UNAMI) had drafted a 'reconciliation plan' with proposals to ease restrictions against former Baathists and even put an end to the de-baathification laws. According to the same source, the UN plan was an attempt to break the political stalemate and chaos, which have engulfed the country since the 2003 US invasion¹³. No additional sources citing the above mentioned UNAMI draft plan could be found amongst all sources consulted however.

On February 2018, the Kurdish broadcast news station, Kurdistan24, wrote that Muqtada al-Sadr, the leader of the Sadrist Movement, warned political groups not to attempt a return of the Baath Party in

⁸ Freedom House, *Freedom in the World 2018 - Iraq*, 5 April 2018 ([url](#)).

⁹ Al-Qassab A., *The many challenges of Iraq's upcoming elections*, in Arab Centre Washington DC, 1 May 2018 ([url](#)).

¹⁰ Asharq Al-Awsat, *Despite Constitution Ban, Ba'ath Party Looms over Iraqi Elections*, 15 April 2018 ([url](#)).

¹¹ AA, *Candidates barred from Iraq polls for Baath party links*, 2 April 2018 ([url](#)).

¹² Al-Ahram Weekly is an independent English-language newspaper issued by Al-Ahram Organisation. For more information, see: Al-Ahram Weekly, *Letter from the Editor*, n.d., ([url](#)).

¹³ Al-Ahram Weekly, *The return of Saddam remnants*, Issue 1376, 11-17 January 2018 ([url](#)).



the upcoming elections. According to the article, he also declared: 'If they come back, we will not have mercy on them'¹⁴.

2. Treatment of family members of Saddam Hussein, former members of Saddam Hussein's regime and former Baath members, in Tikrit, Baghdad and Basra (2016-2018)

On 4 February 2018, Arab News, a Saudi Arabia English-language newspaper,¹⁵ reported on the existence of a list of 60 'most wanted' people by the Iraqi security services for individuals involved in terrorism over the past 14 years, which included some former Baathists. The article states that the 'Iraqi list links the Ba'ath officials to the Army of Muhammad, the Naqshbandi Army, the Army of Mujahideen, Al-Aussra Army, Al-Qaeda and Daesh' and that some of the names were already on a US wanted list for Saddam-era officials and alleges involvement in militant groups since 2003. The list included the name of Saddam Hussein's eldest daughter, Raghad Saddam Hussein, his nephews, Omar and Ayman Saba'awi, Ahmed Wattban Ibrahim Al-Hassan, as well as Saddam's cousin, Rafei'a Abdulatief Telfah. The article adds:

'The list seen by Arab News on Sunday includes about 60 names, mostly of senior aides of the former Iraqi president Saddam Hussein, his family members and top Daesh and Al-Qaeda leaders. [...] While some of the names are already on a US wanted list for 55 Saddam-era officials, the Iraqi list provides allegations that show how far leaders from the banned Ba'ath Party have been involved with militant groups operating in Iraq since the 2003 downfall of Saddam's regime. [...] The lists also included the names of many Ba'athist leaders who managed to maintain and run the party's work after the fall of Saddam in 2003 from outside Iraq. The leaders set up fixed and mobile cells in Syria, Yemen, Egypt, Jordan and Qatar, while others have been commanding armed groups fighting inside Iraq'¹⁶.

In March 2018, Rudaw, a Kurdish media network¹⁷, reported that the Iraqi government ordered the seizure of assets, which previously belonged to Saddam Hussein and to more than 4,200 former Baathist officials, including their spouses and relatives¹⁸.

In April 2018, The New Arab, a London based pan-Arab media outlet, mentioned a survey conducted by AFP, revealing that 14 former officials from the Saddam-era are still in prison in Iraq, 15 years after the ousting of the regime¹⁹.

In their report on the 'Protection of Civilians in the Armed Conflict in Iraq' (covering the period 1 November 2015 – 30 September 2016), UNAMI and the United Nations Office of the High Commissioner for Human Rights (OHCHR) mentioned the killing of two former members of the Saddam Hussein's regime. The reports states:

'On 29 April [2016], unidentified gunmen travelling in a vehicle (reportedly without a number plate) shot and killed a man in the al-Ma'aqal area of central Basra. The victim was a high-

¹⁴ Kurdisan24, *Influential Iraqi Shia cleric warns against revival of Ba'ath party*, 1 February 2018 ([url](#)).

¹⁵ For more information on Arab News, see: Arab News, *About us*, n.d., ([url](#)).

¹⁶ Arab News, *Iraq issues 'most wanted' terror list*, 4 February 2018 ([url](#)).

¹⁷ For more information on Rudaw, see: Rudaw, *About us*, n.d., ([url](#)).

¹⁸ Rudaw, *Iraq orders seizure of Baathist-remnant assets*, 5 March 2018 ([url](#)).

¹⁹ The New Arab, *14 Saddam-era officials remain jailed in Iraq: survey*, 23 April 2018 ([url](#)).



ranking member of the Ba'ath party. On 27 September [2016], another former member of the Ba'ath party was shot and killed in the al-Junaina area of central Basra'.²⁰

Amongst all sources consulted and within the time allocated for this response, no additional information could be found on the treatment of family members of Saddam Hussein, former members of Saddam Hussein's regime and former Baath members, in Tikrit, Baghdad and Basra (2016-2018).

3. Treatment of Baath party supporters in Tikrit, Baghdad and Basra, including treatment of online/social media activists who express support for Saddam Hussein/Baath party (2016-2018)

Among all sources consulted and within the time constraints of this response, no specific information could be found on the treatment of Baath party supporters in Tikrit, Baghdad and Basra, including treatment of online/social media activists who express support for Saddam Hussein/Baath party (2016-2018).

Nonetheless, the following background information on the Iraqi online media landscape could be of relevance.

Although not in reference to Baath supporters, according to Freedom House, there have been cases when the conflict with the Islamic State (IS) led the Iraqi government to restrict access to the internet and social media. In its Freedom of the Press 2017 report, the organisation states:

'Shortly after the militant group gained control of Mosul in June 2014, the prime minister's office ordered the Ministry of Communications to shut down internet service in IS-occupied provinces, ostensibly to prevent the group from using social media to plan attacks and release propaganda. Access to websites such as Facebook, YouTube, Twitter and the internet in general is periodically blocked throughout Iraq. In May 2016, the Ministry of Communications shut down all broadband and mobile internet connections for three hours each day over a period of several days to prevent students from cheating on Iraq's national exams'²¹.

In 2016, the Committee to Protect Journalists (CPJ) reported that the Iraqi authorities revoked the license of the pro-Sunni satellite channel Al-Baghdadia TV²² and forced the staff out from the channels' offices in 16 Iraqi cities²³.

According to a paper published by the European Journalism Centre (EJC):

'Al-Baghdadia is based in Cairo and was founded by Aoun Hussein al-Khashlok, a businessman of Nasiriya who is sometimes described as a former Baathist that enriched himself in a suspicious way. What is certain is that Al-Baghdadia maintains a sharp and irreverent approach to Iraqi politicians, as well as a secular consciousness which is particularly critical of political Islam'²⁴.

²⁰ UNAMI/OHCHR, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 November 2015 – 30 September 2016*, 30 December 2016 p. 30 ([url](#)).

²¹ Freedom House, *Freedom of the Press 2017 - Iraq*, 1 November 2017 ([url](#)).

²² The website of Al-Baghdadia can be accessed at: <http://www.elahmad.com/tv/albaghdadia.php>

²³ CPJ, *Authorities close Al-Baghdadia TV in Iraq, force staff out of channel's offices*, 18 March 2016 ([url](#)).

²⁴ Giloti A., *Iraq – Media Landscape*, European Journalism Centre (EJC), 2018, p. 6 ([url](#)).



The online media organisation Fanack²⁵ mentions the website 'Quds Press'²⁶ as a pro-Sunni website which is 'popular among the country's remaining Baathist supporters'²⁷.

²⁵ Fanack is an independent online media organization committed to publishing and disseminating balanced and informed analysis about the Middle East and North Africa. For more information on Fanack, see: *Fanack, About us*, n.d., ([url](#)).

²⁶ The website of Quds Press is currently running and can be accessed at: <http://www.qudspress.com/>

²⁷ Fanack, Iraq's media landscape: An Overview, 15 May 2017 ([url](#)).



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