

UN Assistance Mission for Iraq



(UNAMI)

بعثة الأمم المتحدة

لتقديم المساعدة للعراق

Human Rights Report

1 September– 31 October 2006

Summary

1. The Government has firmly stated its commitment to address growing human rights violations and lay the ground for institutional reform. Nonetheless, violence reached alarming levels in many parts of the country affecting, particularly, the right to life and personal integrity.
2. The Iraqi Government, MNF-I and the international community must increase efforts to reassert the authority of the State and ensure respect for the rule of law by dismantling the growing influence of armed militias, by maintaining discipline within the security and armed forces and by combating corruption and organized crime. In this context, it is noted that the Government, especially the Ministry of Human Rights, is engaged in the development of a national system based on the respect of human rights and the rule of law and has expressed readiness to address issues related to transitional justice so as to achieve national reconciliation and dialogue.
3. The preparation of the International Compact for Iraq, an agreement between the Government and the international community to achieve peace, stability and development based on the rule of law and respect for human rights, is an important development in the period. The objective of the Compact is to facilitate reconstruction and development while upholding human rights, the rule of law, and overcoming the challenges of today and the legacy of the recent and distant past.
4. According to information provided by the Ministry of Health to UNAMI Human Rights Office (HRO), 7,054 civilians were violently killed in September and October 2006, with almost 5,000 in Baghdad alone, most of them bearing signs of torture and killed as a result of gunshot wounds. Compared to the number of 6,599 killed in July and August as reported by HRO previously, it is evident that violence continued to claim an increasingly alarming number of victims (see paragraph 18).
5. Sectarian attacks seem to be the main source of violence in the country, fuelled by action of the insurgents and militias, as well as various criminal groups. HRO received information about a large number of indiscriminate and targeted killings. During the

reporting period, 3, 253 unidentified bodies were found in Baghdad. Entire communities have been affected to various degrees and, in some areas, neighbourhoods have been split up or inhabitants have been forced to flee to other areas or even to neighbouring countries in search of safety.

6. The civilian population of Iraq continues to be victim of terrorist acts, roadside bombs, drive-by shootings, military operations, police abuse, kidnappings, common crimes, cross fire between rival gangs, or between police and insurgents. The security environment, marked by sectarian intolerance and prejudice, further erodes the freedom to worship or manifest one's religion or to express thoughts. Growing unemployment, poverty, discrimination and diminishing access to basic services undermine socio economic rights.

7. The inability of law enforcement agencies and the justice system to protect the population of Iraq is reflected in the increasing ability of the militias and criminal gangs to operate with growing impunity. HRO receives continuing reports that the militias have infiltrated the police and security forces and act in collusion with them. Furthermore, individual citizens and civil society organizations have frequently expressed their lack of confidence in the police and security forces to carry out their duties effectively.

8. Facing criticism about action by the police, the Government has reportedly started a vetting process which has led to the removal of at least 3,000 members of the Ministry of Interior on allegations of human rights abuses and corruption. HRO welcomes this step yet notes that in order to assess fully this process, additional information would be needed regarding the charges made against those individuals, the procedures leading to their discharge and further prosecution of their cases or whether due process concerns are being met, including the appropriate appeals mechanisms. Much more determined efforts should be made in order to ensure that the security forces achieve an acceptable level of professionalism through enforcing exclusive state control, through senior management training, including human rights training, and the setting up of accountability mechanisms based on the development of standard operating procedures and standing orders, a monitoring system to ensure their application and an internal investigation procedure leading to concrete sanctions including prosecution in case of misconduct.¹ The recent establishment of a Centre for Human Rights and Ethics attached to the Ministry of Interior is a development that may address some of those needs.

9. Police and military operations continued to be based on massive sweeps which result in growing numbers of individuals detained often without adequate justification and without access to adequate judicial review. According to the Ministry of Human Rights, the total number of detainees for the entire country was 29,256 (13,571 of whom are in MNF I detention facilities) at the end of October, a slight decrease from the number of 30,104 detainees reported at the end of September and 35,543 reported at the end of August, resulting from the release of some detainees held without charge.

¹ HRO is also following up on MoI action concerning abuses at Site 4 announced by the Minister of Interior on 6 November. More on this issue will be made available in the next HRO Bimonthly.

10. Military operations by MNF I, particularly in Al-Anbar, continued to cause severe suffering to the local population who also find themselves in the midst of cross-fire among rival insurgent and criminal groups and the security forces. Ongoing restrictions on freedom of movement of persons and goods and severely limited access to basic services such as healthcare, education, clean water, electricity, and above all, the monthly food rations, are depriving the population of basic rights. HRO reiterates its call to MNF-I and the Iraqi security forces to avoid any excessive use of force and fully comply with international human rights and humanitarian principles.

11. Freedom of expression is undermined, with increasing number of journalists and media workers apparently targeted specifically because of their work, and assassinated with utmost impunity. In the last two months, 18 journalists were reported killed: 6 in September and 12 in October. Two media houses, Al-Shaabiya satellite television and Al Iraqiya satellite TV station were attacked in October. The Government should ensure that this fundamental right, which is a prerequisite for a functioning democracy, does not regress further for lack of security or due to restrictive legal measures.

12. Minorities have continued to be targeted. Attacks against Christians have intensified since September while other groups, such as the Sabeen-Mandeans, continue to be targeted by extremists and their continuous presence in the country is endangered. Militias have forcibly evicted some Palestinian refugees from their homes and have attacked them with mortars and other fire arms.

13. The situation of women has continued to deteriorate. Increasing numbers of women were recorded to be either victims of religious extremists or “honour killings.” Some non-Muslim women are forced to wear a headscarf and to be accompanied by spouses or male relatives.

14. Targeting of professionals, intellectuals, political, tribal and religious leaders, Government officials and members of the security forces continued unabated. The effect of violence is also affecting education, as many schools and universities have failed to open or have had their schedules disrupted and educators, professors and students were forced to leave the country.² Increasing activity of extremist groups inside universities negatively affect access to education.

15. The deteriorating situation in the country, coupled with increasing poverty, generated unparalleled movements of population in search of safety within and outside the country. The United Nations High Commission for Refugees estimated that over 418,392 people have been displaced due to sectarian violence and 15,240 due to military operations since the bombing of the Al-Askari Shrine in Samara on 22 February 2006. UNHCR estimated that 1.6 million had sought refuge in neighbouring countries since

² On 14 November, between 100 and 150 employees and visitors of the Ministry of Higher Education were kidnapped in Baghdad by perpetrators in police uniform. UN Special Representative of the Secretary General for Iraq issued a press release condemning the attacks “that could dangerously and negatively effect progress and development in Iraq, a country long known for its literary and scientific tradition.” The issue will be covered in the next Bimonthly report.

2003. It has been estimated that some 100,000 people per month have left Iraq during the past few months.

16. In the reporting period, HRO engaged Iraqi governmental and non-governmental partners as well as international donors in a series of consultations on the launching of the independent National Human Rights Commission, promotion of good governance and the rule of law. In particular, HRO has continued to work in support of the strengthening of institutions such as the High Judicial Council, Ministry of Human Rights and the Ministry of Justice and for the establishment of a strong and effective national human rights protection system.

17. Monitoring human rights in Iraq remains challenging because the security situation makes it difficult to gather more comprehensive information on human rights violations and to independently verify the allegations received. However, individual accounts received by UNAMI, as well as information obtained from official sources, reports by local human rights organizations, private security firms and the press, all provide indicators pointing to clear patterns.

Protection of Human Rights

Extra-judicial executions, targeted and indiscriminate killings

18. According to information provided by the Ministry of Health, the number of civilians violently killed in the country was 3,345 in September (including 195 women and 54 children) and 3,709 in October (including 156 women and 56 children).³ The number of wounded reached 3,481 in September, including 251 women and 125 children), and 3,944 in October (including 276 women and 112 children). As a way of comparison, the total figure of civilians killed in Iraq was 3,590 in July and 3,009 in August 2006. In Baghdad the total number of civilians violently killed in September and October was 4,984 (2,262 in September and 2,722 in October: among those the number of unidentified bodies was 1,471 in September and 1,782 in October).

19. In its September 2006 issue, the “Lancet,” an independent and authoritative journal, published a study on mortality rates in Iraq. The study estimated that 654,965 excess Iraqi deaths, including 601,027 due to violence, have occurred in Iraq since the invasion of the country in March 2003. The “confidence range” for the number of excess Iraqi deaths due to violence has been estimated between 426,369 and 793,663 with the figure of 601,027 as the median number. The study is based on interviews of 1,849 households containing 12,801 persons. The Government of the United States and Iraq as well as others, including the Iraq Body Count, an organization which has conducted other type of surveys, denied the validity of the study’s findings. The Iraqi Minister of Health, in a statement made in Vienna, in early November, indicated that up to 150,000 Iraqi civilians might have been violently killed since 2003.

³ Figures of civilians violently killed are based on the number of casualties compiled by the Ministry of Health from hospitals throughout the country and the Medico-Legal Institute in Baghdad.

20. Terrorist activities and murders and extra-judicial executions, carried out by death squads linked to militias, often in collusion with or the support of the Iraqi police, as well as indiscriminate killings of civilians as a result of suicide bombings and mortar or rocket attacks, are the main cause of Iraqi deaths. Hundreds of civilians continued to be kidnapped and their bodies subsequently scattered in different areas of Baghdad, handcuffed, blindfolded and bearing signs of torture and execution-style killing. Many witnesses reported that perpetrators wore militia attire and even police or army uniforms. The perpetrators were reported to operate in groups, arrive in what appeared as police vehicles and were not deterred by the presence of police forces in the vicinity. Such killings have sectarian connotations and have affected all communities in the country, albeit to various degrees.

21. For example, between 11 and 17 September, the number of extrajudicial executions in Baghdad spiked dramatically. The media reported that over 180 bodies appeared in several parts of the Capital. On 22 September, 45 unidentified bodies were found in different areas of Baghdad: bound, blindfolded and bearing signs of torture. According to an eye witness, 6 members of the Sunni community were hanged publicly in front of a pharmacy in Nowab Al-Dhubatt neighbourhood between 25 and 28 September.

22. In October, the trend continued. On 14 and 15 October, a total of 46 unidentified bodies, with gunshot wounds and bearing signs of torture, were reportedly found in Baghdad and on 16 October alone, 64 more bodies were found in the capital. A surge in sectarian violence affected central areas of the country, particularly the town of Balad, where at least 100 people were reported killed by random attacks on civilians by rival death squads.

23. Targeted assassination of professionals, such as journalists, teachers, professors, lawyers, doctors and other intellectuals, political, tribal and religious leaders, Government officials and members of the Iraqi security forces, police and military recruits continued to be recorded in an alarming number in the past two months.

24. On 18 September, police in Baqouba reported that gunmen assassinated the mayor of the nearby village of Udayem. On 25 September, the Minister of Health, Dr. Ali Al-Shemmari and the Diyala Governor, Raad Reshid survived assassination attempts. A Kurdish member of the Council of Representatives and his driver were found dead with shots in the head and chest after being kidnapped on 5 October in Baghdad. Although other members of the Parliament have been killed in the past this is the first case in which Shi'a militias have been blamed. On 9 October, Amer Al-Hashimi, brother of Vice-President Tariq Al-Hashimi and an advisor in the Ministry of Defense, was murdered in his home in Baghdad. On 15 October, unidentified attackers targeted a convoy carrying Hala Mohammed Shahr, head of the Ministry of Interior Financial Affairs Department, killing two bodyguards and five civilian bystanders. Also on 15 October, the Media Director of the Education Department in Mosul, Raad al-Hayali, was killed by unidentified gunmen. On 16 October, in the town of Khalis, gunmen killed two bodyguards of former Prime Minister Ibrahim al-Jaafari. On 17 October, a senior

member of the Patriotic Union of Kurdistan (PUK), Fattah Rashid Harki, was shot dead by unknown gunmen in Mosul. On 17 October, in Basra, Dr Youssra Hashem was assassinated on her way to work and four university students were shot down in the University Campus by unidentified gunmen in civilian and what appeared as police cars. On 18 October, a bomb planted on the main highway between the cities of Amarah and Basra killed Ali Qassim al-Tamimi, head of intelligence for the Missan provincial police force, along with four bodyguards.

25. Terrorist attacks and deliberate targeting of civilians continued to take place in several parts of the country. The purpose of the targeted attacks has mainly been to eliminate prominent members of a community, seek reprisal for the death of a family or sect member, often sparking sectarian violence, thus perpetuating the vicious cycle of revenge killings. Many of those attacks were random, and targeted mosques, crowded markets, restaurants, bakeries, bus stations and areas where labourers gather to search for work. Assassinations by drive-by shootings were frequently recorded as well. Some of these attacks appear to be directed towards a specific group, for instance in mixed areas where the militants use the attacks to intimidate the members of the unwanted group so as to force them to leave. Frequent revenge attacks are recorded against police stations and recruitment centres either in retaliation for the kidnappings and murders attributed to the militias or designed to intimidate individuals and institutions from collaborating with MNF I or the Government.

26. On 21 September, eight civilians were killed and 28 others were wounded when a car bomb exploded near the house of Sheikh Khalid Al Flaiyh, one of Samarra's tribe leaders. Reportedly, most of the victims were women and children from the Sheikh's family. On 1 October, in Falluja, a car bomb detonated in a market, killing four civilians and injuring six. On 4 October, gunmen killed five persons and wounded six when they opened fire in a café in the district of Zafraniya, south of Baghdad. On the same day, a roadside bomb wounded 20 labourers in Baghdad Tayaran square and a bomb in the neighborhood of Karrada killed 14 and injured 75. On 10 October, a bomb placed outside a bakery killed at least 10 civilians and wounded four others in Al-Dora while another car bombing on the same day in Sha'ab, a mainly Shiite district of Baghdad, killed 13 and wounded 46. On 15 October, seven bomb attacks in Kirkuk killed 14 persons and wounded 72. One of the attacks was on a young women training centre. Two women were reported killed and 25 wounded in the attack. On 16 October, two car bombs killed 20 people and wounded 17 in the neighbourhood of Ur in northern Baghdad. On the same day, gunmen killed five members of the same Arab Shi'a family in their home in the town of Mahmudiya, a car bomb exploded in a market in the town of Suwayra, 40 km south of Baghdad, killing at least 10 people and wounding other 15, and several incidents took place in the town of Khalis: unidentified gunmen opened fire at shops, killing four shop owners and wounding five others. On the same day, a woman and her four sons died after unidentified gunmen entered their home in Basaniya, in Diyala, and shot them during their sleep. The woman's husband was wounded in the attack.

27. The Iraqi Ministry of Finance has recently issued procedural amendment on Regulation Number 3/2005 regarding the financial compensation for the spouses of those

killed or injured in terrorist attacks: covering such incidents as car bombs, roadside bombs, killing by armed groups. HRO was told that citizens who are not Government employees need to submit documents to governorate councils where the attack occurred in order to receive their compensation. When contacted, the Baghdad Governorate Council informed HRO that the Council is in the process of formulating operational procedures and until those are in place, no compensation can be paid.

Sectarian violence

28. Violence in Iraq has been increasingly acquiring a sectarian nature, with each attack generating a surge of revenge attacks in Baghdad and around the country. Sunni and Shi'a mosques have been attacked by rival factions, while mixed neighbourhoods, such as Dora, have been increasingly polarized along the Sunni-Shi'a lines. Many of the death squads and rival militias have direct links with or are supported by influential political parties belonging to the Government and are not hiding their affiliation. There have also been frequent cases of mass kidnappings in which the victims appear extra-judicially executed, bearing signs of torture before death. In other cases, the fate or the whereabouts of the kidnapped remained unknown.

29. Much of this violence is carried out by militias and other armed gangs, some purporting to grant the community protection that cannot be guaranteed by the state law enforcement agencies. Militias and other armed groups are said to be in control of whole areas in the east and west of Baghdad and continue to carry out illegal policing, manning of checkpoints and "dispensation of justice" through illegal trials and extra-judicial executions. They operate with almost total impunity. Attacks against minorities, Palestinian refugees and women are often allegedly carried out by such groups. Many victims are kidnapped by militias at improvised checkpoints and then extra-judicially executed. These tactics have been employed by both Sunni and Shi'a armed groups or militias to various degrees.

30. For example, on 1 September, three Indian and eleven Pakistani pilgrims were shot dead by insurgents near Ramadi. The men were part of a group of about 40 pilgrims who were on their way to Karbala. Two of the victims were elderly, two were in their 20s and others were middle-aged. UNAMI Special Representative of the Secretary-General, Ashraf Qazi, strongly condemned the deliberate murder of the pilgrims. In a press release on 3 September, Mr. Qazi described the killing as "a heinous crime that violates the fundamental precepts of Islam and humanity."

31. Families in Al-Hurriya district, a mixed area dominated by Shi'a militia, have reportedly received messages signed by the militia warning them to evacuate the area within 24 hours. On 22 September, armed men reportedly burned two houses with their residents inside and fired several shots against two mosques one hour before the beginning of a ban on vehicle circulation. On 23 September, in Najaf, unidentified gunmen killed Fadil Abu-Sayba, a member of the Shiite Supreme Council for the Islamic Revolution in Iraq (SCIRI).

32. One of the most atrocious recent acts of sectarian violence occurred in the town of Balad. On 13 October, 17 Arab Shi'a construction workers were kidnapped and their decapitated bodies were found in an orchard in Al-Dhuluiyah, near Balad. Over the following days estimates indicate that up to 90 Sunni Arab civilians were killed and hundreds fled to avoid further violence after armed men wearing black militia clothes chased the Sunni minority out of town, attacking the villages with mortar fire and setting their houses on fire. Two Iraqi police officers have been reportedly detained for collaborating in the killings with the militias. While local officials in Balad claimed that local residents had carried out the attack, others reported that militia groups were sent from Baghdad to participate in the massacre. As a result of this attack most local Sunni residents fled the town.

33. On 17 October, in a Turkoman area of the Toz Khormato-Tikrit highway, unknown gunmen established an illegal checkpoint and arrested 17 Turkoman officials working in Tikrit. They were questioned on their ethnicity and those of Sunni identity were released. However, 15 Shia's were detained and have not been seen since.

34. Concerned about growing violence in the country, Iraqi Shi'a and Sunni clerics gathered in Mecca, Saudi Arabia, on 20 October, for a meeting organized by the Organization of Islamic Conference (OIC). They signed a declaration calling for an end to the killing of Shi'a and Sunni Muslims, protection of Sunni and Shi'a holy places, unity and the release of "all innocent detainees." Regrettably, however, there has been no visible decline in the number of sectarian attacks following this declaration.

35. On the same day the Mecca Declaration was signed, militias took over the town of Amara for one day after a fight with local police, allegedly dominated by a rival militia group. At least nine persons were killed and 60 wounded. On 30 October, Iraqi Ministry of Interior reported 25 people killed and 60 wounded when a bomb blasted through a crowd of labourers in a square in Baghdad's Shi'ite Sadr City.

36. On 4 September, in Baghdad, unidentified gunmen wearing army uniforms kidnapped Ghanem Khudhair Hussein, a football player from the Iraqi Olympic team. On 1 October, 26 workers from a food factory in Hay al-Amil neighbourhood of Baghdad were kidnapped and loaded onto a refrigerated truck (please see paragraph 95). On 2 October, 14 individuals were kidnapped from computer stores near Baghdad's Technical University where they worked. In both instances armed men in military and police style clothing abducted large numbers of workers from busy neighbourhoods of the city in broad daylight, acts which led to the withdrawal of an entire Iraqi police brigade under suspicion of collusion.

37. The number of disappeared and missing persons was on the rise. HRO estimates that during the reporting period, over 200 unidentified bodies were transferred to cemeteries in Karbala and Najaf. If a victim was killed in a military operation, the family members may be reluctant to go to the morgues to claim the body, fearing that the militias or security forces may be there to take revenge against the rest of the family.

38. Victims' families, in addition to emotional distress, face loss of income in cases where kidnapped family members were employed. In some cases, vulnerable members of the family such as elders, women, disabled, students and children were forced to seek low paid work to meet financial needs.

Judges and Lawyers

39. Judges and lawyers, who are fundamental in upholding the rule of law and promoting and protecting human rights in the country, were also targeted during the reporting period. Not only are the legal professionals targeted but also their families and relatives, and at least one attack on a correctional facility was recorded. For example, the body of Abdel Monem Yassin Hussein, a 50-year-old assistant to lawyer Badih Aref Izzat, one of the defence lawyers in the trial of Saddam Hussein was reportedly found on 3 September in the Medico-Legal Institute of Baghdad. Mr. Abdel Monem had been kidnapped on 29 August. On 17 September, a car bomb targeted the juvenile's and women's prison in Kirkuk, killing at least 8 women and 3 children, some of whom were probably family members visiting detainees.

40. On 29 September, Kadhim Abdel Hussein, the brother-in-law of the Presiding Judge in the Anfal trial was shot dead along with his nephew. Two other relatives were severely wounded. The victims were shot when Mr. Kadhim went to pick up some possessions he had left in his west Baghdad home, which he had abandoned months earlier because of lack of security. On 4 October, Abdel Muttaleb Al-Haidari, a famous lawyer was shot dead by unknown gunmen inside his house in Al-Amiriya area in Baghdad. On 9 October, Mithat Salih, a public notary in Mada'an city, south of Baghdad, was shot dead on his way to work. On 16 October, Emad Al-Faroon, the brother of the Chief Prosecutor in the current Anfal trial against Saddam Hussein and six other co-defendant was killed by gunmen in front of his wife, in the neighbourhood of Al-Jamaa. The couple had earlier fled the neighbourhood as it had become unsafe for them and had returned to their house to collect personal possessions.

41. The intimidation of judges and lawyers throughout Iraq, documented in this HRO report as well as in previous reports, is not in conformity with international human rights standards, especially the Basic Principles on the Role of Lawyers that entails the obligation on the part of the State to protect legal professionals. The Principles state:

“16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”

42. Further, the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights require the States to ensure the availability of fair, public, independent and impartial legal institutions. More explicit protections for the independence and impartiality of the courts were adopted at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in the Basic Principles on the Independence of the Judiciary in 1985, stating that

"[t]he independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary," and further that "[t]he judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason”.

Freedom of expression

43. The overall deterioration of the security and human rights situation has tremendous impact on Iraqi and international journalists. “Reporters Without Borders” declared the Iraqi conflict to be the deadliest for media workers since World War II. In the last two months, 18 journalists were reported killed: 6 in September and 12 in October. Two media houses were attacked in October: Al-Shaabiya satellite television, where eleven employees were killed by gunmen on 11 October, and Al Iraqiya satellite TV station, where two guards were wounded in an attack on 29 October. Journalists are also frequent victims of random or targeted kidnappings and detention.⁴

44. Unprecedented numbers of journalists have been killed, wounded or threatened while several media outlets have been bombed. According to international NGOs monitoring freedom of expression, over 150 journalists and media workers have been assassinated since 2003. On 21 September, UNESCO’s Director-General Koïchiro Matsuura issued a press release condemning ongoing murder of journalists, editors and other media professionals in Iraq “killed for exercising the basic human right of freedom of expression.”

45. In the beginning of September, the Government closed the Baghdad bureau of Al-Arabiya satellite TV station for one month for “inciting sectarian violence and unprofessional reporting.” The closing replicates procedures taken against satellite TV channel “Al-Jazeera” in August 2004. Following an initial one month closing, Al-Jazeera was finally banned from Iraq in September 2004. During the same period, the Basra

⁴ CPJ recorded the number of 41 abducted journalists which admittedly does not include “numerous journalists who have been held briefly.”

Governor is reported to have warned journalists that those portraying a “false picture” of the conflict in Basra would be sued in court.

46. Because of their high profile, many media workers have left the country in order to protect themselves and their families, while others have inevitably become extremely vigilant about their whereabouts, as well as what they say or write. In addition, many journalists are being criminally prosecuted for alleged defamation of state officials. Local legislation, in effect since 1969, treats defamation as a criminal offence punishable, *inter alia*, by time in prison for up to ten years. A number of cases of detention of journalists were reported in September and October. On 11 September, in Tikrit, security forces arrested Kalshan Al-Bayaati, a correspondent to Al-Hayat newspaper, along with her young brother Najad Al-Bayaati for allegedly supporting the insurgency. They were released on 13 September. Ms. Al-Bayaati was arrested again on 20 September when collecting her personal computer confiscated during her first detention, also under the suspicion of having links with armed groups.

47. MNF-I reportedly arrested journalist Al-Badrany together with his two sons and a cousin on 14 September in Fallujah. According to reports, the arrests took place during the funeral of Mr. Al-Badrany’s brother, a student, who was allegedly shot dead by MNF-I two days earlier on his way to college. Another brother of Mr. Al-Badrany was also a journalist and allegedly killed by MNF-I in 2005. Sadon Al Jaberi, Al Nahrain satellite channel correspondent, and Amer Al Akahiashi, from Al Mada newspaper, were detained on 29 October by the Iraqi police in Najaf. On the same day, the MNF-I arrested two journalists, Rabiaa Abdul Wahab and Ali Burhan, both from Dar Al Salam Radio Station linked to an Islamist party.

48. The draft law on Demonstrations and General Meetings is currently before the Kurdistan National Assembly which essentially requires political parties and other organizations to obtain a written approval from the Minister of Interior before proceeding to hold a rally or demonstration. On 17 October, the President of KRG vowed in a meeting with Kurdish journalists that they will not be subject to legal proceedings if they criticized him in their writings and encouraged them to report on public officials who do not fulfil their obligations to citizens. A draft Journalism Act submitted by the Kurdistan Journalists Syndicate is widely seen as timely and critical in protecting freedom of the press.

Women

49. Violence, poverty, unemployment, growing tensions and displacement are reported to continue to aggravate the situation of women in the country. There are increasing numbers of widows without a reliable source of income and few work opportunities. Incidents of honour killings, kidnappings associated with rape and sex slavery, and killing of women and children for sectarian reasons were reported in Kurdistan, Kirkuk and Mosul. As already reported, the Special Representative of the Secretary General (SRSG) for Iraq, Ashraf Qazi, expressed his concern to the Iraqi President Jalal Talabani and the President of the KRG, Massoud Barzani, about the practices related to “honour

crimes” in a letter dated 24 August 2006. A worrying trend of female “suicides” and “attempted suicides” as a result of family conflicts were reported in the Kurdistan Region. These incidents are often in reality crimes committed or incited by the women’s own family members on the grounds of “honour”. On 14 October, in Kirkuk, a married woman reportedly set herself on fire after a family dispute. Three days later, in the Makhmour district of Erbil Governorate, Ahmed Ali was reportedly arrested after stabbing his daughter during a dispute. On the same day, at the Nawroze quarter in Erbil city, an 18-year-old woman died after setting herself on fire after a family argument.

50. Women and women groups, especially those of secular or Christian orientation, continue to report harassment and death threats for not abiding to the strict dress code, such as long skirts and headscarves. HRO recorded a case on 6 October when two Christian women in Basra received anonymous letters demanding that they wear headscarves. In Mosul, female Christian and Muslim students alike have received leaflets warning them to wear ‘proper Muslim attire’ at the local universities. Shops selling inappropriate clothing reported receiving threats.

51. Besides the general deterioration of the human rights situation, violations of women’s rights continued to increase. In Mosul on 18 September, four women who had been abducted two days earlier were found dead in a garbage dump. It appears that the victims had been raped and killed and had their faces mutilated. Two days later, a female school principal was abducted and then killed by having her throat slit reportedly by 20 armed men after failing to pay the so called “protection money.” The targeting of women also occurs as a means to punish other members of the family. On 28 September, the wife of a police officer in Mosul was shot dead reportedly after the attackers failed to find her husband. In late October, Faliha Ahmed, a women rights activist, was killed by ten unidentified men in Haweeja and the motive remains unclear. Prior to her death, Ms Ahmed, an Arab, had received threats from Islamic militias discouraging her from associating with international organizations and “collaborating” with the Coalition. She had publicly called for Arabs in Kirkuk to be protected against discrimination and was against the assimilation of Kirkuk into the Kurdistan region.

52. An institution known as Muta’a or “enjoyment marriage” has appeared in the Iraqi society recently and these cases are on the rise. It is basically a marriage with time limitation that can range from a few hours to a year. The woman can claim no rights after the marriage is dissolved even if she has children. Largely driven by the economic situation, this marriage has become very familiar among university female students. In Missan, two females were reportedly killed in September after their families discovered their engagement in Muta’a marriage.

Minorities

53. Religious minorities have been increasingly targeted and have experienced severe restrictions in the right to express their religion or affiliation. A new wave of violence and intimidation against Christians has taken place since Pope Benedict XVI made controversial public remarks on Islam on 12 September. Following the Pope’s speech,

extremists groups issued threats to kill all Christians unless the Pope apologized. As a result of the community's fears, many churches have reportedly cancelled services and attendance in church has dwindled. Christian churches in Baghdad and elsewhere have reportedly displayed banners dissociating themselves from the Pope's comments.

54. On 24 and 25 September, rockets were reportedly fired against the Chaldean Church of the Holy Spirit in Mosul and an explosive device was detonated outside the church's door. On 4 and 5 October, unidentified men opened fire on the same church, injuring one of the guards. It was reported that young men wrote the following message on church doors: "If the Pope does not apologize, we will bomb all churches, kill more Christians and steal their property and money."

55. In Mosul, a high-ranking clergy reportedly claimed that priests in Iraq can no longer wear their clerical robes in public for fear of being attacked by Islamists. On 2 October, in Mosul, a convent of Iraqi Dominican Sisters was fired upon.

56. On 9 October, Paulos Eskander, a priest from the Syriac Orthodox Church, was kidnapped. His decapitated body was found two days later in Mosul's Muharaibin neighbourhood bearing signs of torture. The kidnappers had asked for a significant ransom and that his Church displays posters denouncing Pope Benedict XVI's comments. While the banners regarding the Pope's speech were displayed, the hostage was killed before the sum was paid. Two separate incidents occurred on 16 October 2006. In the Baghdeda sub-district of Nineveh governorate, KRG security officers reportedly burst into the offices of a Christian run media outlet, Ashour satellite channel, beat up the staff and took them away. They were subsequently released hours later. On 16 October, in Mosul, unknown gunmen fired at Al-Safena Church causing some damage to the church.

57. The United Nations High Commissioner for Refugees (UNHCR) estimates that 44% of Iraqis seeking asylum in Syria are Christians. According to UNHCR estimates, in the first four months of 2006, Christians were the largest group of new asylum seekers in Jordan. There is also much migration to Turkey, Sweden and Australia. Internal displacement of Christians from Mosul, Baghdad and Basra, towards the more peaceful Kurdistan Region is also significant. For instance, according to International Relief and Development, as of 30 September, there were approximately 7,502 Christian IDP families in Dahuk.

58. Other minorities continue to suffer. The Sabean-Mandean, one of the oldest groups in Iraq, have continued to receive threats that they must convert to Islam or be killed. The community has been dwindling fast; only a few thousand of them are said to remain and live in isolation and fear. On a number of occasions, HRO met with members of the Sabean-Mandean community that, like other minority groups, is subjected to religious persecution and forceful displacement. The Sabean-Mandean community decreased from 13,500 persons in 2001 to roughly 4,000 persons in 2006 in Iraq.

59. Many Sabean-Mandeans have been targeted for religious reasons. In October alone, 4 Sabean-Mandeans were killed: Abdul Razzaq Jabbar Sayyad was killed in Baghdad on 2 October, Raad Mutar Falih, a jeweller, was killed in his house in Al Suwayra on 9 October, Ridha Saeed, a barber, was killed in his shop in Abu Ghraib on 10 October; and Ayar Sattar Fadhil was killed in Basra on 12 October 2006. Sabean-Mandeans complain about being discriminated by their Muslim neighbours or peers, and not as a result of an official policy of the Iraqi Government. For instance, in schools, Muslim children refuse to sit together with Sabean-Mandean children. There are “fatwas” or religious edicts against the Christian communities and overall economic opportunities are often not equal.

Palestinian refugees

60. The Palestinian refugees in Baghdad have continued to be harassed and targeted by militias using light weapons and mortars to force them out of their homes in Baghdad, particularly the Al-Baladiyat and Al-Hurriya neighbourhoods. The Palestinian Embassy in Baghdad reported that Palestinians have received constant verbal threats and abuses. Further, the Embassy has reported incidents of random shooting at their buildings from moving vehicles, which the Palestinians have described as a daily occurrence. Several have been killed or injured in these incidents. As a result, many families living in Al-Hurriya and a majority of the 2,200 Palestinian families residing in Al Baladiyat have reportedly left their homes, which they had rented or bought after having been forcibly evicted from other neighbourhoods in Baghdad. For many Palestinians, leaving Iraq is not an option, as the only documents they have are either Iraqi Travel Documents or Palestinian passports. Neither document is accepted by neighbouring countries.

61. Following threats delivered through leaflets at the end of September, militias reportedly raided Palestinian neighbourhood of Al-Hurriya on 7 October at 22:00 hours and ordered the residents to vacate their houses by 10:00 the following day or they would be killed. UNHCR, MNF-I and the US Embassy were alerted and it appears that the Iraqi Army visited the area. During the same militia raid of 7 October, at least one individual and his family were forcibly evicted from their home. The militias confiscated the keys to their home, and up to 20 families have relocated from the area out of fear.

62. On 20 October, 6 mortars were fired at the Baladiyat complex, used as a sewing training centre and currently occupied by about 20 Palestinian families evicted from their homes in 2003. The complex is situated close to a mosque and a residential area. Three Palestinian men were killed and 21 sustained light or critical injuries. According to witnesses along the main road to Baladiyat, the attackers were dressed in black outfits. The witnesses, who were shop owners, were asked to get inside their shops during the attack.

Military operations

63. Military operations by MNF-I and Iraqi Security Forces continue to affect the rights of the local population. In Ramadi, military clashes between MNF-I and Iraqi Security forces on one side, and insurgents on the other, continued to be reported in late

September and throughout October, especially in the districts of Aziziya, Soufiya and Al-Mala'ab, and the surrounding streets such as Al-Eshreen and 17 Tammouz. MNF-I reportedly occupied three public schools in Al-Eskan district, close to Aziziya, while the Iraqi forces occupied the garden of the local hospital and used it as a recruitment centre. Adjacent residents, fearing being caught in cross-fire, had to evacuate their homes.

64. MNF-I snipers were reportedly placed over civilian houses and high buildings and on the roof of the Ramadi Faculty of Medicine and General Hospital. This development, as well explosion of a motorcycle in front of the hospital on 20 September, has led to the reluctance of most medical staff and local population to access these facilities. Patients are now seeking treatment in Tikrit General Hospital, in Salaheddin Governorate, some 100 kilometres away. The Ramadi Education Directorate building was also reportedly occupied by MNF-I. Schools opened later in the city and Al-Anbar University has refused to start classes for as long as MNF-I remained inside the university campus.

65. In Fallujah, following a series of renewed bombings on 17 September, the MNF-I implemented a complete siege of the city. Those who were outside the city at the time have not been allowed to return to their homes. All the roads driving to the city were blocked for days and access became extremely difficult.

66. On 25 October, MNF-I and Iraqi security forces carried out several targeted cordon and search operations in various parts of Baghdad, including inside the Al-Sadr City, and launched air raids on certain areas when MNF-I soldiers were attacked. In one such operation, four civilians were reportedly killed and 18 others wounded.

Displacement

67. The numbers of displaced persons continued to grow steadily, primarily as a result of sectarian and criminal violence. Some 418,392 people have been displaced due to sectarian violence and 15,240 due to military operations since the attack on the Samarra Al-Askari Shrine on 22 February 2006. UNHCR estimates that an additional 1.6 million people have become refugees outside the country since 2003, of which between 500,000 and 700,000 people are currently in Jordan; approximately 600,000 in Syria, and about 100,000 in Saudi Arabia and Kuwait. A total 436,000 of Iraqis have moved to Europe, Americas, Africa and Asia. Of these, UNHCR has characterized 240,300 as migrants, 180,700 as recognized refugees, mainly from before 2003, and 15,000 as asylum-seekers. According to UNHCR, nearly 100,000 Iraqis are fleeing each month to Syria and Jordan. UNHCR is in the process of compiling statistics about the recent increase in asylum applications by Iraqis, but it appears that there has been a 50% increase in the number of Iraqi asylum seekers in industrialized states between January and June 2006, and a 94% increase in Iraqi asylum seekers in industrialized states between June 2004 to June 2006.

68. Turkish police say they seized up to 8,000 Iraqis in the first six months of this year trying to illegally cross to Greece, and a four-fold rise in the number of Iraqis arriving illegally to Sweden in the past six months, compared with the same period last year, has been reported.

69. The tracing of the movement of displaced and their needs, conducted by the Ministry of Displacement and Migration (MoDM) and the International Organization for Migration (IOM), shows that all governorates are equally affected, each accommodating several thousand internally displaced families. The movement of Arab families to Kirkuk Governorate was reportedly discouraged by the Governor.

70. Most IDPs continue to seek shelter with their relatives and extended family, as well as in empty public buildings. At the beginning of the school year in September, IDPs were asked to leave the schools they had occupied in parts of Baghdad, Basra and Missan, and the authorities offered displacement camps as an alternative. One of the UN concerns has been to ensure that the camps are located in a secure area away from military and other targets and in proximity to services as well as education and health facilities. In at least some locations, IDPs are reported to be using tent camps as a transitory shelter. The fast approaching winter adds another major concern for the well being of the most vulnerable IDP -the children and the elderly.

71. IDPs who sought shelter with their families and relatives reported facing a number of problems, such as the rising tension between families over scarce resources. Also, some IDPs have reported not to be able to enrol their children in schools due to the lack of available spaces. Others reported having their houses in the places of origin illegally occupied, further complicating the prospects of their return. Most IDPs therefore prioritize their needs to be those of a more permanent shelter, food assistance, personal safety and access to school, health and other social services and economic resources.

72. With the intensification of sectarian violence, there has been an increase in the number of reports on sectarian militias forcibly evicting people from houses and shops in order to rent them to incoming IDPs from other areas. In other cases, sectarian militias are forcing people who abandoned their houses in the area to rent them out to IDPs at a very low cost.

Education: schools and universities

73. The school year for primary and secondary education in Iraq officially started on 20 September, but many schools failed to open on that day. Schools in remote areas of Baghdad have not opened so far, especially girls' schools. Schools have become increasingly a target for sectarian and other criminal attacks and parents are worried about the safety of their children, girls in particular. According to the Ministry of Education statistics, over 300 teachers and employees in the Ministry of Education (MoE) were killed and additional 1,158 wounded in 2006 alone, with several schools closed as a result of threats and violence.

74. The situation is particularly difficult in Ramadi. Although no official statement regarding the school situation has been issued, according to MoE Spokesperson and local media, almost all Ramadi schools have not opened yet due to threats from Al-Qaida disseminated in the form of public warnings to the local population at the beginning of the school year. In Heet, schools for girls received threats and remain closed.

75. In Diyala, the situation is extremely grave in relation to education. A statement issued at the end of October by the Governorate Council of Diyala, indicated that 90% of schools in the province are entirely closed due to the deteriorating security conditions, threats and terrorist acts. This was also confirmed by the MoE Spokesperson. Fearful of killing or kidnapping, the Director General of Directorate of Education in Diyala has abandoned the Education Department building and is now running his day-to-day office work from a room provided by the Governorate Council.

76. HRO has recorded a trend of mass departure of Iraqi professionals from areas of conflict to more peaceful parts of Iraq, such as Iraqi Kurdistan region or abroad. The Ministry of Higher Education (MoHE) has registered 154 assassinated professors from 2003 to August 2006. In the last 3 months, 15 more academics and university staff were assassinated. Dr. Isam Al-Rawi, Professor in the Geology Department of the University of Baghdad and the Head of the League of the University Professors was assassinated on 30 October.

77. The highest rate of assassinations, i.e., 44% of all assassinations of Iraqi academics, was recorded in Baghdad; Anbar, Mosul and Basra each accounted for 10% of the total number of assassinated academics, while in Diyala this figure was 5%. To circumvent some of the obstacles faced by professors and students, MoHE introduced more flexible measures for the attendance at the examinations held in September this year, allowing both academics and students to meet at convenient hours and in convenient locations.

Rule of Law

Detention

78. According to the Ministry of Human Rights, the total number of detainees for the entire country, at the end of October, is 29,256, which constitutes a slight reduction from 30,104 reported at the end of September. The numbers of detainees reported in the last bimonthly were 28,378 in July and 35,543 in August.

Detention jurisdiction	September	October
MNF – I	13,571	13,571
MOJ	8,450	8,528
MOI	4,181	3,613
MOD	873	873
MOLSA	480	456
Totals except KRG	27,555	27,041
Totals in Kurdistan	2,549	2,215
Totals all over Iraq	30,104	29,256

79. Arbitrary detention, grievous conditions of detention, allegations of torture and mistreatment continue to remain an issue of serious concern in Iraq. The absence of judicial guarantees is a pattern and individuals are often arrested without warrant, not informed of the charges against them, and not brought promptly before an investigative judge. Most of the arrests emerge from various factors: the “state of emergency,” extended by the Council of Representatives for an additional 30 days on 2 October, as well as the Anti-Terrorism Law promulgated in 2005 and continuous security sweeps resulting from the various security plans in Baghdad. All those factors continue to swell the number of detainees and overwhelm the judicial system. HRO is also of the view that protracted internment of detainees for “imperative reasons of security”, without judicial oversight, is *de facto* arbitrary detention.

80. The synchronization of Iraq’s key justice sector institutions (computerized sharing of data and improved collaboration of police, prisons and courts) is crucial to enhance the effectiveness of the administration of justice, as well as remedy arbitrary detention. HRO hopes that the increase in the number of judges will facilitate processing a growing number of judicial cases and avoid impunity for major human rights violations.

81. The process of hand over of MNF-I prisons to Iraqi control continues with the transfer of authority for Abu Ghraib prison to the Iraqi Ministry of Justice (MoJ) and the Iraqi Army on 2 September. The Suse prison was handed over to the Ministry of Justice on 16 September in an attempt to create enough space for the transfer of detainees from the custody of the Ministry of Interior (MoI). UNAMI is concerned that there has been no reduction in the number of security internees detained by MNF-I, despite reports of their continuous release by the Combined Release and Review Board (CRRB) and the review by the Joint Detention Committee (JDC) of the cases of individuals held for over 18 months.

82. The situation of juveniles in detention is particularly worrisome. According to Iraqi law, juveniles should have come under the jurisdiction of the Ministry of Labour and Social Affairs (MoLSA) since March 2005. However, due to a lack of facilities at MoLSA, juveniles held outside Baghdad still remain in the custody of the Ministry of Justice. According to figures provided by MoLSA, as at 12 October 2006, there were 406 juveniles, including 22 female, being detained in 3 facilities in Baghdad. Due to the fact that there is only one investigative judge in Baghdad dealing with juvenile cases, judicial oversight is almost absent. An increase in juvenile arrests has been noted by MoLSA officials as a result of phase II of the Baghdad Security Plan.

83. A recent joint MNF-I and Iraqi experts’ inspection of Al-Kharkh juvenile prison, carried out at MoLSA’s request, revealed that there were 284 inmates, aged from 7 to 22 years, in deplorable hygiene and medical conditions with signs of physical and sexual abuse allegedly committed by the prison guards and/or by their fellow inmates. Some were being detained without convictions or even charges. Inhumane conditions of detention were noticed during the inspection: overcrowding (4 cells holding approximately 70 juveniles each); lack of food, potable water and ventilation and inadequate medical care (3 cases of tuberculosis). Moreover, the convicted were not

separated from pre-trial detainees. Of all inmates, 41 inmates were handed over to the MoLSA by the Ministry of Interior bearing signs of mistreatment/torture and sexual abuse.

84. Poor detention conditions have been revealed in the past, during joint MNF-I and Iraqi inspections in places of detention under the control of the Ministry of Interior, Defence and Special Forces throughout the country. HRO encourages frequent and regular conduct of such inspections now that a formal authorization to conduct those inspections has been issued by the Prime Minister.

85. Plans for a forthcoming amnesty, as part of the National Reconciliation Plan announced by Prime Minister Nouri Al-Maliki on 25 June are being articulated. According to information communicated to HRO, draft legislation has not yet been circulated. It is understood however that a future amnesty in Iraq will benefit primarily individuals currently in detention (mostly neither charged nor convicted) as well as individual members of the insurgency, militias and other armed groups, who renounce violence and, consistent with international standards, have not been responsible for war crimes, crimes against humanity and genocide. HRO recommends that the category of offences to be covered by the proposed amnesty be clearly defined so as to establish legal certainty and to eliminate ambiguities in implementation and to have national final lists of those to be excluded from the amnesty so as to avoid individual institutions drawing up their own lists. As a general principle, an amnesty shall be without effect with respect to the victims' right to reparation and shall not prejudice the right to know.

86. In Kirkuk, HRO continued to receive reports alleging that Kurdish militias detain individuals and transfer them to the Kurdistan Region without notifying governorate authorities or the police. There have been allegations that officials in Kirkuk are aware of such practices, yet no effort has been made to halt them. According to official reports, on 30 October, at the request of the Human Rights Committee, the Legal, Health, Social Affairs, Human Rights and Women Parliamentary Committees of the Kurdistan National Assembly met with several KRG ministers. These Committees have visited prisons in Dahuk, Suleimaniya and Erbil and have concluded that a large number of prisoners have been arrested without judicial intervention; most were arrested under violent circumstances; they have been held without trial for long periods and there have been complaints by family members that prisoners were held in unknown locations. The Committees presented their findings and recommended prison and corrective centre reforms.

Death Penalty

87. The judiciary has increasingly applied capital punishment which is viewed by the Government and many Iraqi dominant parties as a means of deterring growing crime and violence in the country. The Government's media office informed the public that on 5 September, 27 individuals – including one woman – were executed for murder and kidnapping. Two of the 27 had been sentenced for terrorism-related charges. The executions by hanging were carried out in Baghdad. Thirty eight (38) death sentences

have been pronounced by the Central Criminal Court of Iraq between May and September 2006. Since the reinstatement of the death penalty in 2004, more than 150 individuals have been sentenced to capital punishment and 51 of those have been executed.

88. On 2 September, the Kurdistan National Assembly voted to repeal restrictions on the application of the death penalty remaining from the time of the Coalition Provisional Authority. According to this decision, the final authority for confirmation of death sentences approved by the Kurdish Supreme Court rests with the Kurdish Executive. On 16 September, the Special Representative of the Secretary-General (SRSG), Ashraf Qazi, wrote to President Jalal Talabani expressing deep regret regarding the executions carried out on 5 September, and reiterating that the United Nations Secretary General rejects capital punishment for all cases and has expressed the hope that the Government of Iraq would abolish the death penalty and prevent further executions by calling for a moratorium on this form of punishment.

89. Following the lifting of restrictions in the application of the death penalty, the Kurdistan Regional Government announced on 21 September, that 11 members of a criminal gang were executed in Al-Mahatta prison in Erbil. The execution, by hanging, took place reportedly in front of representatives from the KRG Ministries of Justice, Religious Affairs, and Health.

90. UNAMI issued a press release on 23 September, released also in Kurdish on the following day, in which the SRSG expressed concern about capital punishment and urged the Government of Iraq “to commute all future sentences of capital punishment and to base its legitimate quest for security on the protection and promotion of the right to life.”

Police

91. The Iraqi security forces face formidable challenges to its professional integrity and reputation as a result of its inability to defend the Iraqi population from terrorist, sectarian or revenge attacks. Its officers and forces are frequently accused of engaging in kidnapping, torture, murder, bribery, excessive use of force, extortion and theft, which have in turn, undermined public confidence in the police. There are increasing reports of militias and death squads operating from within the police ranks or in collusion with them. There are also numerous credible reports of police officials requiring payment from would-be recruits to join the police, with the intention of payroll fraud. Consequently, absenteeism is widespread and there are reports that in Kirkuk alone, half of the 5,000 police force and 13,000 Army soldiers, are not reporting to duty at any given time, and many fail to return to duty.

92. HRO continues to receive reports alleging that the police forces and, to a lesser extent, the Army are infiltrated by sectarian militias. Factional divisions among militia groups have led to violent clashes over control of areas or even cities. Faced with a credibility issue, the Ministry of Interior (MoI) has recently announced that it has taken action against individuals suspected of collusion with militias and has instituted reforms

to discourage corruption. Some measures were also reportedly taken to increase the ethnic and sectarian diversity of the Public Order Division (e.g. the recruitment of Christians and Turkomans in the Ninawa Province, resulting in 8,000 potential new recruits). At a press conference on 17 October, MoI Spokesperson stated that 3,000 police members were laid off since last May for human rights violation and corruption charges. Of these, 1,228 were dismissed for “breaking the law”, while nearly 2,000 more were dismissed for “dereliction of duty”. There is no indication whether these former officers will be further prosecuted for their alleged misconducts.

93. In response to mounting outcry relating to the operation of deaths squads with the support of or in collusion with security forces, the Iraqi authorities announced on 4 October that the 8th Police Brigade, composed of about 700 policemen, was relieved of its duties. Reportedly, the brigade commander was relieved of his duties while a battalion commander was arrested. The brigade was accused of collusion in the 1 October kidnapping and subsequent killing of 26 workers “by men wearing police uniforms” in the area of Hay al-Amil, Baghdad, which the brigade was supposed to be protecting. Again, there is no indication as to whether the officers and forces allegedly involved in this mass kidnapping and killing will be further prosecuted. On 17 October, 2 generals, Rasheed Fleyah and Mahdi Sabeh, the country's two most senior police commanders, were removed from their posts in the first broad move against the top leadership of Iraq's special police forces. In a restructuring that has been applied to the leadership of the National Police, all brigades were brought directly under the commander of the National Police. It is yet to be seen whether the above measures will have a tangible impact on improving the state of conduct and discipline in the police force.

MNF-I investigation of allegations of human rights violations by its servicemen

94. UNAMI follows with interest all investigations of violations of humanitarian and human rights law by MNF-I soldiers and takes note of the dialogue initiated by MNF-I with the Government of Iraq, especially the Ministry of Human Rights on this issue.

95. Four US soldiers face prosecution for their alleged involvement in the rape of a young girl and murder of her family in Mahmoudiya on 12 March 2006. A pre-trial investigation (Article 32 hearing of the Uniform Code of Military Justice) was held in August at Victory Base, Baghdad. The General Court-Martial Convening Authority, Commanding General, 101st ADB DIV, referred the charges against the four accused to general courts-martial. Charges against two of the accused were referred to as capital (meaning the maximum possible punishment is death), and charges against the other two accused were referred to as non-capital (meaning the maximum possible punishment is life imprisonment without the possibility of parole). Courts-martial will occur at Fort Campbell, Kentucky, USA.

96. The US-led investigation is on-going into the alleged killing of 24 Iraqi civilians by U.S. Marines in Haditha in November 2005. To date, no Marines have been charged. The unit has redeployed to Camp Pendleton, California, USA.

97. Six US Marines and one Navy corpsman were charged in connection with the alleged murder of an unarmed Iraqi man and cover-up of the crime in Hamdaniya. The Navy corpsman pleaded guilty and was convicted of kidnapping, conspiracy to kidnap, and false official statement on 6 October. Pursuant to a pre-trial agreement, his sentence is limited to 12 months confinement and possible reduction in grade. Two Marines also pleaded guilty on charges of assault and conspiracy to obstruct justice at courts-martial held in late October and early November. Their sentencing proceedings are scheduled for later this month. Other trials are scheduled for early 2007. Courts-martial will occur at Camp Pendleton, California, USA.

Iraqi High Tribunal

98. The second trial of former Iraqi president Saddam Hussein and six co-defendants on charges of genocide and crimes against humanity related to the so-called "Anfal" operation resumed in Baghdad on 11 September with the testimony of a former Kurdish guerrilla. The trial continued for another five days in September and again on 18 October with testimony from two other Kurdish witnesses. Prosecutors alleged that some 180,000 people died during the "Anfal" offensive.

99. On 13 September, Chief Prosecutor Munqidh Al Faraun requested that Presiding Judge Abdullah al-Amiri remove himself from the case following accusations that he was biased in favour of the defendants. The Judge removed when he told Saddam Hussein in the court on 14 September that he was not "a dictator." Concerns over political interference in the judiciary were expressed, especially by international human rights organisations, after the replacement of the Presiding Judge.

100. On 20 September, the new Presiding Judge, after protests from Saddam Hussein, promptly removed him from the courtroom, following which the entire defence team walked out. The same day, in a statement before the UN Human Rights Council in Geneva, Mr. Leandro Despouy, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, reiterated his reservations about the legitimacy of the IHT and expressed concern at the conditions under which Saddam Hussein and other co-defendants were being processed.

101. On 14 October, two of Saddam Hussein's defence lawyers, Ramsey Clark and Chris Doebbler, met the Special Representative of the Secretary-General (SRSG) to discuss the working methods of the IHT. The verdict, announced on 5 November, had Saddam Hussein and two other co-defendants, his half brother Barzan Ibrahim and Awad Hamed al-Bandar, the head of Iraq's former Revolutionary Court, sentenced to death by hanging for crimes against humanity in the 1982 Dujail case. Former Iraqi Vice President Taha Yassin Ramadan, was convicted of premeditated murder and sentenced to life in prison. Three other co-defendants were convicted of murder and torture and sentenced to up to 15 years in prison. One defendant was acquitted for lack of evidence.

102. On the same day, High Commissioner for Human Rights, Louise Arbor, issued a statement urging the Iraqi Government to ensure the fair appeals process and requested a moratorium on executions.

Promotion of Human Rights

Action taken by the Iraqi Government and the Council of Representatives

103. HRO welcomes the establishment of the Office for Human Rights within the Deputy Prime Minister's office and the appointment of a human rights adviser to the President of the Council of Representative (CoR). Both are expected to contribute to the promotion and protection of human rights within Government and State institutions and to assist in overseeing the Government's action on and the Council's oversight over critical human rights concerns, including conditions of detention.

104. HRO also welcomes a number of legislations concerned with human rights and the rule of law recently adopted or in the processes of adoption by the CoR. Among the most important legislations is the new correctional facilities law, drafted by the Ministry of Justice, and passed by the Council of Representatives in July 2006, containing provisions that are in line with the Iraqi Constitution and relevant international human rights norms; the new proposed law on the re-organization of the structure of MoI; and the reorganization legislation of the Ministry of Labor and Social Affairs, passed into law in July 2006. Other positive steps were taken by MoI such as the development, in collaboration with MoJ, of regulations for the internal security forces currently under consideration at the Council of Ministers. MoI has also established a Center for Human Rights and Ethics, led by Brigadier General Ausama Badri Mohannad Salih in September. The Centre's responsibilities focus on the training of the police, especially on human rights, and on additional oversight and monitoring of the work of policemen.

105. HRO welcomes the initiative of the Ministry of Civil Society Affairs to draft the law on nongovernmental organizations, and reiterates the need for the law to take into consideration international standards as well as the 2004 Report to the UN General Assembly (A/59/401) by Hina Jilani, UN Special Representatives of the Secretary-General on Human Rights Defenders, which UNAMI has made available to the Ministry.

106. In a statement submitted to the Ministry, UNAMI stressed that the establishment of the registration regime, even though accepted under international law, is less preferable to notification/declaratory regime, and that the law should spell out as clearly as possible the composition and establish the independence of the body in charge of carrying out registration and oversight of NGO operations, should the registration system be adopted. Moreover, the law must guarantee the freedom of fund-raising within the limits imposed by criminal and civil law.

107. UNAMI also stressed that internal management and operations of NGOs must not be burdensome and intrusive, and all efforts should be employed to try to avoid *a-priori* control, which represents a clear interference of the executive into freedom of association

including the rights of organizations to freely define their own internal procedures and structures of management. UNAMI suggested that a provision regarding a regulatory framework is made clear and in accordance to the paragraphs 71-74 of Hina Jilani's report:

“With regard to the suspension and closure of NGOs: (a) Suspension. Government authorities should not be granted the power to arbitrarily suspend the activities of human rights groups. The courts alone should be entitled to order a suspension, and only in situations of clear and imminent danger that could result directly from such activities, and that is objectively ascertained; (b) Dissolution. Actions by the Government against NGOs must be proportionate and subject to appeal and judicial review. Administrative irregularities or non-essential changes in the specifics of an organization should never be considered as sufficient grounds for closing down an organization.”⁵

UNAMI's cooperation with the Iraqi governmental and non-governmental organizations

108. HRO continued its efforts in promoting human rights and the rule of law in Iraq through coordination and consultations with representatives of the Iraqi Government as well as civil society organizations under the framework of its human rights project for Iraq 2006-2007.

109. Consultations within the framework of the Rule of Law Sector Working Group (RoLSWG) continued in Baghdad with meetings of the various core teams for the High Judicial Council, and the Ministries of Human Rights and Justice. Core teams were formed in order to facilitate discussions on short term needs at the working level. HRO, under the leadership of the Chief Justice and with the support of the Ministry of Justice plans to organize a meeting in early 2007, in order to define an overall Iraqi strategic framework for the rule of law and thus the key elements for a justice reform programme. Efforts within the RoLSWG have also been reflected in the International Compact for Iraq which contains a separate section on human rights and the rule of law.

110. On 28 September, HRO held its periodic consultation with the NGO Protection Group made up of representatives of some 30 NGOs in Baghdad. The meeting aimed at discussing various provisions contained in the draft law and progress made in the establishment of the National Human Rights Commission. In addition, it also focused on an assessment of the impact of various UNAMI Bimonthly Reports on the human rights situation in Iraq.

111. On 1 October, a follow-up meeting on transitional justice was organized by HRO in Baghdad where all the participants to the July 22-23 consultation reiterated their support for the implementation of the key recommendations concerning De-Ba'athification, truth-telling, prosecutions and reparations. Participants also expressed their deep concern at the deteriorating security situation which they believe would affect the implementation of

⁵ 2004 Report to the UN General Assembly (A/59/401) by Hina Jilani, UN Secretary General Special Representatives on Human Rights Defenders

some of the recommendations. Certain activities, such as the creation of truth-telling commissions could only be considered when Iraq stabilizes. The expertise and the role of the UN were recognized and numerous calls were made for a greater UN involvement in implementing the various recommendations. A working group of representatives of the Government, Council of Representatives and civil society organizations was created to initiate dialogue with the relevant Government agencies and take concrete steps to put into effect the working group's proposals. HRO, in cooperation with the International Center for Transitional Justice, has planned further consultations with victims' groups and NGOs in November/December 2006.

112. The third meeting of the Thematic Working Group on Human Rights within UN country team (UNCT) made up of UN agencies and programs was held, on 16 October in Amman, under the chairmanship of the Deputy Special Representative of the Secretary General for Development and Reconstruction, and Humanitarian Coordinator (DSRSG), Mr. Jean-Marie Fakhouri. The goal of this meeting was to facilitate information sharing on human rights and rule of law issues, to identify priorities and critical gaps in these areas as well as ensure a rights-based approach to programmes carried out by the UN Country Team.

113. HRO continued to work for the establishment of a National Human Rights Commission in Iraq, as mandated by the Iraqi Constitution and in accordance with international standards.

114. On 17 October, HRO organized a two-day workshop in Amman with the participation of 30 Iraqis members of CoR as well as representatives of civil society organizations. The objectives of the workshop were to increase the level of information on national human rights institutions in line with international standards (the so-called Paris Principles) among representatives of all political groups within the CoR and enhance the chances of early action by the CoR on the draft law currently pending approval by its Human Rights Committee. The meeting included discussions related to measurement indicators for the independence of the Commission, implementing the draft legislation; investigative and complaint powers, roles of the Commission and relationships with the Parliament and civil society organisations.

115. HRO is supporting the establishment and strengthening of human rights libraries and departments within the Ministry of Human Rights, the Ministry of Justice and CoR through professional trainings and the distribution of human rights publications from OHCHR and other resources and materials on human rights. HRO is also supporting Iraqi human rights NGOs active on issues of human rights education, women, children, minority and disabled rights, by providing them with small grants to help them implement specialized human rights seminars and workshops in coordination with Government, State or local partners. The main objective of this activity is to increase human rights awareness and strengthen the capacity and role of civil society organizations working for the promotion and protection of human rights.

Actions taken by HRO offices in the Kurdish Region (KRG) and Basra

116. In September and October, HRO expanded its office in Erbil, KRG, and temporarily relocated staff of the Basra regional office to Baghdad, due to the security situation. The engagement with local authorities and non-governmental sector therefore expanded in Erbil and continued, albeit at a more limited degree, in Basra.

117. In KRG, HRO participated in the first monthly meeting of the Ministry of Human Rights Consultative Board, which includes 10 Kurdish NGOs. The Board started to discuss terms of reference for the group and the rules of procedures. On 5 September, HRO visited the KRG Ministry of Human Rights and met with the Ministry Director General, Tavga Rasheed, to discuss the Ministry's plan to establish a human rights monitoring network in the Kurdish Region. HRO was invited to participate in this activity. The KRG Minister for Human Rights, Dr. Yousif Aziz, has requested HRO to facilitate training for Government officials on international human rights standards as well as on monitoring and documenting human rights violations for past crimes. HRO was also requested to help the Ministry conceptualize and develop a monthly publication covering human rights issues in the region.

118. In Basra, HRO worked with the Ministry of Human Rights on organizing three seminars on human rights that would bring together religious leaders, members of the political parties, members of the Provincial Council, regional Ministries representatives and non-governmental organizations to discuss the human rights concerns and elements of protection necessary for curbing the growing violence in the lower south area. The first seminar, entitled Basra Leadership and Human Rights Awareness Training started on 20 October and lasted three days. The three seminars were accompanied by the distribution of 3,000 human rights posters around the four governorates of the Lower South areas.
