



## IRAQ

### REPUBLIC OF IRAQ

Head of state: Jalal Talabani

Head of government: Nuri al-Maliki (replaced Ibrahim al-Ja'afari in May)

Death penalty: retentionist

International Criminal Court: not ratified

Tens of thousands of civilians were killed or injured in daily and widespread violence that continued to escalate throughout 2006. Many of the killings were the result of deliberate attacks by Sunni and Shi'a armed groups as the conflict took on an increasingly sectarian nature. Iraqi security forces committed widespread human rights violations, including killings of civilians and torture and other ill-treatment of detainees, and were suspected of involvement in sectarian killings. Soldiers belonging to the US-led Multinational Force (MNF) also committed human rights violations, and some were prosecuted on charges including the killing, rape or inhumane treatment of civilians. The MNF held thousands of people in arbitrary detention without charge or trial. Members of Iraq's most vulnerable groups, including minorities and women, continued to be targeted for abuses. The violence caused many thousands of people to be displaced from their homes, as neighbourhoods in Baghdad and some other centres were increasingly affected by rising sectarianism; hundreds of thousands of Iraqis fled the country and sought refuge abroad. The first trial of officials from the pre-2003 Iraqi government resulted in death sentences for former President Saddam Hussain and two of his co-defendants after an unfair trial. Scores of other people were sentenced to death, including after unfair trials. At least 65 women and men, including Saddam Hussain, were executed.

## Background

A permanent Iraqi government took office on 22 May, some three years after the invasion of Iraq by a US-led coalition. Elections in December 2005 for the 275-member Council of Representatives ushered in a new parliament with a four-year term, but it took several months for the parties to agree on the composition of the new government. The main Shi'a alliance, the United Iraqi Alliance, held the largest number of seats, and Nuri al-Maliki of the Shi'a Da'wa Party became Prime Minister.

Hopes that the appointment of a new, popularly elected government would bring peace and stability were dashed virtually from the outset, and the year was marked by unrelenting, spiralling and increasingly sectarian violence. According to the UN Assistance Mission for Iraq (UNAMI), some 34,452 people were killed during 2006 and thousands of others were injured, adding to the toll of victims of violent deaths since the March 2003 invasion. An independent estimate published in September in the UK medical journal *The Lancet* suggested that more than 600,000 people had suffered violent deaths since March 2003; the US-led coalition and the Iraqi authorities said this was an over-estimate, but did not themselves provide accurate data.

Conditions in Baghdad and other centres became increasingly desperate as bombs were detonated in markets, other gathering places and near queues of people seeking recruitment to the police or other paid work. Added to this, groups of armed men carried out mass abductions from communities they targeted apparently for sectarian reasons; sometimes

their victims were released, but in many cases they were found murdered and mutilated, their bodies dumped in the streets. As the economy continued to founder and amid a proliferation of weapons, kidnapping for ransom by criminal gangs became common.

As casualties among US and UK forces continued to mount, these forces sought to hand over frontline duties to newly recruited and trained Iraqi government forces. In the south, UK forces moved out of Muthanna province in July to be replaced by Iraqi government forces, and Iraqi troops took on a greater role alongside US forces in central Iraq. At the end of the year, however, US President George Bush appeared ready to commit thousands of additional US troops in a new effort to buttress Iraqi government forces and overcome the insurgency.

## Sectarian violence and attacks by armed groups

Sectarian and political violence escalated throughout the year. Members of different armed groups, including Ba'athists, Sunni and Shi'a extremists and others, targeted civilians for deliberate killings, abductions and other abuses. Iraqi security forces linked to some of the armed groups were accused of involvement in sectarian killings. Many bodies of the victims bore marks of torture and were dumped on streets.

On 22 February, armed groups bombed the al-Askari mosque, a prominent Shi'a shrine, in the city of Samarra. No one was killed, but the mosque and its golden dome were seriously damaged. In the immediate aftermath, Sunni and Shi'a clerics and mosques were attacked, and random mortar shootings and bomb attacks reportedly claimed many lives. Thereafter, sectarian violence and sectarian "cleansing" intensified and continued throughout the year. Thousands of civilians were driven from their homes in mixed neighbourhoods in Baghdad. Both Sunni and Shi'a armed groups were responsible for the "cleansing" drive.

People were also targeted because of their ethnic identity. Palestinian residents of Iraq were among those particularly at risk. In the three weeks following the bombing of the al-Askari mosque, at least 12 Palestinians were killed, and attacks on their residential areas by unidentified assailants continued throughout the year.

- On 17 July, more than 40 people were killed at a mostly Shi'a market in Mahmoudiya, south of Baghdad. A group called Supporters of the Sunni People posted a message on the Internet taking responsibility for this and other attacks targeting Shi'a Muslims. The following day in the town of Kufa, a suicide bomber detonated a van packed with explosives at a market outside the golden-domed mosque, a Shi'a shrine, after luring labourers with job offers. At least 59 Shi'a Muslims were killed and more than 130 injured.

- On 14 October, dozens of Sunnis were reportedly killed in the town of Balad; some were shot dead, others bore signs of torture. The killings were apparently in retaliation for the deaths the previous day of 17 Shi'a workers, whose beheaded bodies were reportedly found in al-Duliyah, a predominantly Sunni town, north of Baghdad.

Non-Muslim religious minorities were frequently targeted for attack because of their faith. Many were killed, including religious leaders. The attacks prompted thousands of members of these communities to seek safety abroad.

- On 10 October, Raad Mutar Falih al-Othmani, a jeweller and trainee religious leader from the Mandaean community, was reportedly shot dead in his house in al-Suwayra by unknown assailants.

- The decapitated body of Father Boulos Iskandar, a priest from the Syriac Orthodox Church, was found in Mosul on 11 October, a week after he was kidnapped. The kidnappers had allegedly demanded that the priest's church denounce controversial public remarks on Islam made by Pope Benedict XVI in September.

There were reports of people being harassed, threatened or killed because of their actual or perceived sexual orientation.

By the end of the year, more than 400,000 people had fled their homes for other locations within Iraq, most because of the sectarian violence. UNHCR, the UN refugee agency, estimated that the number of Iraqis living as refugees in neighbouring countries, mainly Syria and Jordan, had swelled to 1.8 million.

## Violations by Iraqi security forces

Iraqi security forces under the control of the Interior Ministry reportedly committed widespread human rights violations, including involvement in killings of civilians and torture and other ill-treatment of detainees. They reportedly maintained close links with two Shi'a armed groups, the Mahdi Army and the Badr Brigades, from whose ranks many were said to have been recruited, and were accused of supporting or acquiescing in abuses committed by these groups. The security forces were also alleged to have been involved in "death squad"-style killings.

- In October, an entire police brigade was suspended pending investigations into its involvement in the abduction of 26 Sunni factory workers in October, at least 10 of whom were later found dead.

Torture and other ill-treatment of detainees by Interior Ministry security forces was reported.

- On 30 May, a joint Iraqi-MNF team inspected Site 4 detention centre in Baghdad, where 1,431 detainees were held under the control of the Interior Ministry. The inspection found that detainees had been systematically abused, in some cases amounting to torture, and were being held in unsafe, overcrowded and unhealthy conditions. In November, the Interior Minister announced that arrest warrants for 57 employees, including a police general, had been issued in connection with the abuses.

No findings were made public of investigations launched in 2005 into alleged human rights violations in an Interior Ministry detention centre in the al-Jadiriya district of Baghdad. US military forces had raided the detention centre and reportedly found at least 168 detainees in appalling conditions, many of whom had allegedly been tortured.

## Violations by US-led Multinational Force

There were frequent allegations that US forces committed human rights violations against Iraqi civilians, including unlawful killings. In some cases, investigations were launched. Charges were brought against several US and UK military personnel, including for human rights violations in previous years. In cases where investigations were concluded without any prosecutions, no detailed findings were published.

- In December, four US soldiers were charged with unpremeditated murder and faced trial before a military court. The charges related to the deaths of 24 men, women and children in Haditha, north of Baghdad, on 19 November 2005. Four other US soldiers were charged with attempting to cover up the incident.

- In November, a US soldier pleaded guilty before a military court to raping and killing Abeer Qasim Hamza, a 14-year-old girl, and murdering three of her relatives in Mahmoudiya in March. He was sentenced to life imprisonment. Three other soldiers faced charges of rape and murder in the same case, as well as arson for burning the girl's body to destroy evidence. A fifth soldier, who had already been discharged from the army on mental health grounds when the charges arose, pleaded not guilty in a civilian federal court.

- A court martial of seven UK soldiers began in September. One soldier pleaded guilty to inhumane treatment. The six others pleaded not guilty to charges relating to the death of Baha Dawud Salim al-Maliki, also known as Baha Mousa, a hotel receptionist, who died in British custody in Basra in 2003, and the ill-treatment of other detainees. Baha Mousa and the other detainees were arrested in September 2003 and taken to a detention centre where they were allegedly beaten and otherwise abused.

Thousands of people were held by the MNF without charge or trial and without the right to challenge the lawfulness of their detention. Many were released without explanation after months or years in detention, and thousands continued to be held without any effective remedy. Detainees in US custody had their detention initially reviewed by a magistrate and thereafter every six months by a non-judicial body. MNF forces also detained people standing trial before Iraqi courts.

In December, more than 14,500 detainees were being held by US forces, mainly in Camp Cropper, near Baghdad, and Camp Bucca, near Basra. Increased capacity at Camp Cropper enabled the US authorities to transfer detainees out of Camp Fort Suse and Abu Ghraib prison and hand both facilities to the Iraqi authorities in September. At the end of the year UK forces were holding approximately 100 detainees in Iraq.

## Targeting of professionals and human

rights defenders

Many professionals and human rights defenders were targeted for abuses in connection with their work.

Several judges and lawyers were killed or threatened, especially those involved in terrorism-related cases. Several lawyers refused to defend those accused of terrorism to avoid being targeted.

- A M, a Palestinian lawyer resident in Iraq, fled the country in October after allegedly escaping an attempt on his life and being threatened. His clients included people accused of terrorism-related offences.

More than 60 journalists and media workers were reportedly killed in Iraq in 2006.

- Masked gunmen killed 11 people and wounded two at the Baghdad office of the satellite TV channel al-Sha'abiya in October.

- On 22 February Atwar Bahgat, a correspondent with the TV channel al-'Arabiya, and her colleagues Khaled Mahmoud

al-Falahi and 'Adnan Khairallah were kidnapped. Their bodies were found the next day near Samarra.

Academics, teachers and members of the medical profession were kidnapped for ransom. This prompted many other professionals to flee Iraq.

## Violence against women

The situation of women continued to deteriorate. There was increased violence against women, including abductions, rapes and "honour killings" by male relatives. Politically active women, those who did not follow a strict dress code, and women human rights defenders were increasingly at risk of abuses, including by armed groups and religious extremists.

- On 29 July, unidentified assailants shot dead Salah Abdel-Kader, a lawyer in Baghdad who acted in cases of "honour killings" and custody battles. A note was reportedly found near his body accusing him of not following Islamic law.

## Trial of Saddam Hussain and others

The first trial before the Supreme Iraqi Criminal Tribunal (SICT) concluded in July. Former President Saddam Hussain and seven other former officials were tried for human rights violations in connection with the killing of 148 people from the largely Shi'a village of al-Dujail following an attempted assassination of Saddam Hussain in 1982.

Saddam Hussain, his half brother and former head of the intelligence service Barzan al-Tikriti, as well as Awad al-Bandar, former head of the Revolutionary Court, were sentenced to death in November. Their death sentences were upheld by the Appeals Chamber on 26 December and four days later Saddam Hussain was executed.

Political interference undermined the independence and impartiality of the SICT, causing the first presiding judge to resign and blocking the appointment of another. The court failed to take adequate measures to ensure the protection of witnesses and defence lawyers, three of whom were assassinated during the trial. Saddam Hussain was denied access to legal counsel for the first year after his arrest, and complaints by his lawyers throughout the trial relating to the proceedings appeared to have been inadequately addressed by the tribunal. The appeal process was conducted in haste and failed to rectify any of the flaws of the trial; the appeals chamber instructed the SICT to reconsider the life sentence imposed on former Vice-President Taha Yassin Ramadan because it considered it too lenient.

A second trial before the SICT began on 21 August to consider allegations that Saddam Hussain and six others were responsible for mass killings and enforced disappearances of members of Iraq's Kurdish minority in 1988 in the so-called Anfal Campaign. In September the presiding judge was forced to step down following accusations of bias by the Iraqi government. Following his replacement, the trial continued but had not concluded by the end of the year; it was expected to continue against the other accused following the execution of Saddam Hussain.

## Death penalty

Scores of people were sentenced to death and at least 65 men and women were executed. The authorities reported three execution sessions in Baghdad, each involving the hanging of more than a dozen people. At the end of the year, about 170 men and women reportedly remained on death row.

In May the Court of Cassation confirmed the death sentences imposed on Shihab Ahmad Khalaf and Abdullah Hana Hermaz Kelanah, who had been found guilty of leading the activities of a terrorist organization in November 2005. Although both men confessed, at least one of them, Shihab Ahmad Khalaf, said he had done so under duress. The judge allegedly refused to launch an investigation into his allegations of torture. At the end of 2006 no further information was available.

## Northern Iraq

The largely autonomous Kurdish region was much more stable than the rest of the country in 2006, although some human rights violations were reported. The two dominant parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), agreed to form a unified government for the region, the Kurdish Regional Government, which was announced in May.

- Security forces opened fire at protesters in the towns of Darbandikhan and Kalar on 7 and 9 August respectively, reportedly killing two people. In other towns where demonstrations took place, scores of people were reportedly detained, among them nine local journalists. Demonstrators had taken to the streets to protest against fuel shortages and to call for improved public services.

Several people were believed to be held incommunicado, and there were reports that the Kurdish authorities ran secret detention centres.

- Three Turkish nationals, members of the Turkey-based non-governmental Association for the Rights of Freedom of Thought and Education, were detained in June at or near the Turkish-Iraqi border crossing of Habur/Ibrahim Halil near Zakho in Iraq. At the end of the year, Metin Demir, Mustafa Egilli and Hasip Yokus remained in detention in Arbil in Northern Iraq without having been charged or tried.

The first executions in the Kurdish-controlled region of Northern Iraq since 1992 took place on 21 September, when 11 people were executed after being convicted of killings and kidnappings.