



## Iraq

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor

February 23, 2001

Political power in Iraq lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995 nondemocratic "referendum" on his presidency, in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkomans, Assyrians, Yazidis, and Armenians. The religious mix is likewise varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Jews (most of whom have emigrated), and a small number of Mandaeans. Civil uprisings have occurred in recent years, especially in the north and the south. The Government has reacted with extreme repression against those who oppose or even question it. The judiciary is not independent, and the President may override any court decision.

The Government's security apparatus includes militias attached to the President, the Ba'th Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The economy was damaged by the Iran-Iraq and Gulf Wars, and Iraq has been under U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions (the "oil-for-food" program). Under the program, Iraq also is permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agricultural, and educational projects, and spare parts for the oil sector.

The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily perceived political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of--or related to persons suspected of--economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are extremely poor. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The judiciary is not independent. The Government continued to infringe on citizens' privacy rights.

The Government restricts severely freedom of speech, press, assembly, association, religion, and movement. The U.N. Commission on Human Rights and the U.N. General Assembly passed resolutions in April and November respectively criticizing the Government's suppression of these freedoms. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to Iraq, the Special Rapporteur bases his reports on the Government's human rights abuses on interviews with recent emigrants from Iraq, interviews with opposition groups and others that have contacts inside Iraq, and on published

reports. Violence and discrimination against women occur. The Government has enacted laws affording a variety of protections to women; however, it is difficult to determine the practical effects of such protections. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts severely trade union rights. Child labor persists, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok, and Sulaymaniah since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures have not been implemented. The KDP, PUK, and opposition groups committed human rights abuses. The PUK held municipal elections in February, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

The Government committed numerous political and other extrajudicial killings. The Government has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all have reported a heightened number of summary executions in Iraq since 1997, assertions that are supported in detail by several sources in Iraq. The Special Rapporteur has stated that "the country is run through extrajudicial measures." The list of offenses requiring a mandatory death penalty has grown substantially in recent years and now includes anything that could be characterized as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Special Rapporteur also noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'th Party. "The mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty," the Special Rapporteur stated. Government killings occurred with total impunity and without due process.

The regime periodically executed large numbers of political detainees en masse. During the year, the Special Rapporteur continued to receive reports referring to a "prison cleansing" execution campaign taking place in Abu Ghurayb, Radwanayah, and other prisons. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), the Iraqi National Congress (INC), and others with a network inside the country provided detailed accounts of summary executions, including the names of hundreds of persons killed.

On three occasions in January and February, prison officials reportedly executed 91 prisoners at Abu Ghurayb; some of the prisoners were accused of theft, some were accused of trafficking in drugs, and some reportedly were affiliated with a political opposition group. According to opposition groups, prison officials reportedly executed 58 prisoners who were held in solitary confinement at Abu Ghurayb; 14 were charged with political crimes and 44 were charged with common crimes. According to the U.N. Special Rapporteur, Human Rights Watch (HRW), and the Center for Human Rights of the Iraqi Communist Party (ICP), the Government executed nearly 200 prisoners at Abu Ghurayb prison between October and December 1999. The prisoners were detained originally for their opposition activities against the Government.

The Government's motive for such high numbers of summary executions--estimated at over 3,000 since 1997--may be linked to reported intimidation of the population and reduction of prison populations. As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba'th Party. These executions included high-ranking civilian, military, and tribal leaders. For example, according to various opposition groups, government officials reportedly executed Republican Guard Brigadier General Abd al-Karim al-Dulaymi and between 25 and 38 other Republican Guard officers on suspicion of disloyalty during the year. According to Human Rights Watch, the Government executed four Special Security Forces officers, including staff Colonel Kadhim Jawad Ali and Ali Muhammad Salman. On December 28, 1999, the Government executed Captain Husayn Hashim Muhsin on suspicion of disclosing military information. On December 29, 1999, the Government executed by firing squad five members of the Republican Guard allegedly for participating in antigovernment activities.

Government agents targeted for killing family members of defectors. For example, government agents reportedly killed Safiyah Hassan who allegedly criticized publicly the Government for killing her husband and

two sons, Hussein and Saddam Kamal. Her husband and sons had been senior government officials; however, the brothers defected to Jordan in 1996. The Government offered the men immunity if they returned to the country; however, upon their return government agents killed them and their father.

On June 3, the Government reportedly killed Jordanian citizen Dawud Sulayman al-Dalu and did not disclose information about the charges against him. According to the Iraqi National Party, government officials killed seven employees of the Central Computer Department in Baghdad because they allegedly purchased computer equipment from the UAE; the Government reportedly believed that the equipment would be used to send information abroad.

In October security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities (see Section 5). Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, including three doctors and one medical assistant.

During the year, a former officer from the Mukhabarat reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to "clean out" the country's prisons.

In 1998 and 1999, the Government killed a number of leading Shi'a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the Government that the killings might be part of a systematic attack by government officials on the independent leadership of the Shi'a Muslim community. The Government had not responded to the Special Rapporteur's letter by year's end.

Observers attributed the August 1999 death of Iraq's chief architect Husam Bahnam Khuduri to poisoning. Although not widely used in recent years, the use of slow-acting poisons such as thallium (a radioactive substance that can be dissolved in drinking water) was a preferred method of political killings in the late 1980's and early 1990's. Khuduri reportedly had extensive knowledge about the construction of Saddam Hussein's palaces, tunnels, and bunkers. While the official obituary did not state a cause of death, acquaintances reported that Khuduri showed signs of being under the effect of a slow-acting poison several days before he died. Several weeks before Khuduri died, he was interviewed for a satirical documentary about the regime by French filmmaker Joel Solar; according to Solar, Khuduri appeared healthy during the interviews.

Reports of deaths due to poor prison conditions continued (see Section 1.c.). Many persons who were displaced forcibly still live in tent camps under harsh conditions, which also results in many deaths (see Sections 2.d. and 5).

The Government reportedly does not investigate political or extrajudicial killings, and no investigations were made into the hundreds of killings committed by security forces in 1999, or in killings from previous years.

As in previous years, the regime continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and HRW have concluded that the Government's policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in the Kurd-controlled north of the country. For example, unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July unknown assailants killed parliamentary deputy Osman Hassan. In July PUK forces killed 4 members of the Iraqi Communist Workers Party and KDP forces killed several members of the Turkoman Front.

In June 1999, the Assyrian International News Agency (AINA) reported that the partially decomposed body of Helena Aloun Sawa, an Assyrian woman who had been missing for a month, was discovered. AINA concluded that the murder "resembles a well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in the north. However, the KDP reported that there did not appear to be a "political or racial" motive. In June 1999, the KDP appointed a commission to further investigate the killing. No results of the investigation were reported by year's end.

#### b. Disappearance

The Special Rapporteur continued to receive reports of widespread disappearances. The whereabouts of journalist and Baghdad professor, Hashem Hasan, who was arrested as he attempted to leave the country in September 1999, remained unknown at year's end (see Section 2.c.). The status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds still are missing in the

aftermath of the brief Iraqi military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported "prison-cleansing" campaign (see Section 1.a.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, still are unaccounted for. Sources inside the country reported the existence of special prison wards that hold individuals whose whereabouts, status, and fate is not disclosed (see Section 1.c.).

The Government continued to ignore the more than 16,000 cases conveyed to it in 1994 and 1995 by the United Nations, as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from Iraq's 1990-91 occupation of Kuwait, and from Iran on the whereabouts of prisoners of war that Iraq captured in the 1980-88 Iran-Iraq war. The majority of the 16,496 cases known to the Special Rapporteur are persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. HRW estimates the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of cases known to the Special Rapporteur consists of Shi'a Muslims who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry.

In 1997 and 1999, AI documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz Al-Sayyid Jassem, Sayyid Muhammad Sadeq Muhammad Ridha Al-Qazwini, Mazin Abd Al-Munim Al-Samarra'i, the six Al-Hashimi brothers, the four Al-Sheibani brothers, and numerous persons of Iranian descent or of the Shi'a branch of Islam. The report concludes that few of these victims became targets of the regime for any crime; rather, they were arrested and held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested due to their family's link to a political opponent or simply because of their ethnic origin (see Section 1.d.).

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the 1991 arrest of the late Grand Ayatollah Abdul Qasim Al-Khoei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status. Similarly AI identified a number of Ayatollah Sadeq Al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remain unknown. In its November 1999 report, AI identified eight aides of Al-Sadr who disappeared.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the persons who disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. In a December report to the U.N. Security Council, the U.N. Secretary General criticized the Government's refusal to cooperate with the United Nations on the issue of the missing Kuwaiti citizens. Iran reports that 5,000 Iranian prisoners from the Iran-Iraq War are unaccounted for by Iraq.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands of other Iraqis in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, the security services routinely and systematically tortured detainees. According to former prisoners, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, pulling out of fingernails, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture often was apparent when security forces returned the mutilated bodies of torture victims to their families. There are persistent reports that the families are made to pay for the cost of executions. Iraqi refugees who arrive in Europe often reported instances of torture to receiving governments, and displayed scars and mutilations to substantiate their claims. AI noted that Iraqi authorities have failed to investigate these reports.

During the year, the Special Rapporteur continued to receive reports that arrested persons routinely are subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various

deprivations. For some years, the Special Rapporteur has expressed concern about cruel and unusual punishments prescribed by the law, including amputations and brandings. During the year, authorities reportedly introduced tongue amputation as a punishment for persons who criticize Saddam Hussein or his family. In September government authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein. Following the amputation, authorities reportedly drove him around in an open truck and broadcast his alleged crime and punishment.

Human rights organizations, and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly assault sexually both regime officials and opposition members in order to blackmail them into compliance. Former Mukhabarat member Khalid Al-Janabi reported that a Mukhabarat unit, the Technical Operations Directorate, uses rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure their future cooperation (see Section 1.f.).

The security forces allegedly raped women who were captured during the Anfal Campaign and during the occupation of Kuwait. The Government never has acknowledged these reports, conducted any investigation, nor taken action against those who committed the rapes.

There were reports that Uday Hussein ordered security forces to torture members of the country's national soccer team during the year. For example, three soccer players who lost an October game in the Asian Cup quarter finals reportedly were whipped and detained for three days. A former Iraqi international soccer player stated in August 1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. These claims lend credence to previous similar reports.

KDP forces reportedly entered Assyrian villages on different occasions and beat villagers (see Section 2.d.). Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years (see Section 5).

Prison conditions are extremely poor. There reportedly are numerous official, semiofficial, and private prisons throughout the country. Overcrowding is a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post after the interview, and the government-owned daily newspaper Babel reiterated the Government's longstanding claim that it holds virtually no prisoners. It is unclear to what extent the mass executions committed pursuant to the "prison cleansing" campaign have reduced overcrowding (see Section 1.a.).

Certain prisons are infamous for routine mistreatment of prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly have torture chambers. There are numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly is the site of torture and a number of disappearances. The Al-Radwaniyah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). This prison was the principal detention center for persons arrested following the civil uprisings of 1991.

During the year, the Special Rapporteur reported receiving information about two detention facilities in which prisoners are locked in metal boxes the size of coffins that reportedly are opened for only 30 minutes each day. There also were reports that in Sijn al-Tarbut prison and Quortiyya prison, prisoners are fed only liquids. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state—that is, those whose status, fate, or whereabouts are not disclosed.

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the Iran-Iraq war, reportedly are being held incommunicado at the Abu Ghurayb prison. According to a report received by the Special Rapporteur in 1998, such persons have been detained without charge for close to 2 decades in extremely harsh conditions. The report states that many of the detainees were used as subjects in the country's outlawed experimental chemical and biological weapons programs.

Reports of deaths due to poor conditions in prisons and detention facilities also continued during the year. The Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January as a result of torture and poor prison conditions. The 13 prisoners reportedly were among the Shi'a detained in the aftermath of the protests following the February 1999 assassination of Sheik Al-Sadr (see Section 1.g.). In August the ICP reported that three political prisoners died from illnesses contracted in Abu

Ghurayb prison. The prisoners reportedly were denied medical treatment.

The Government does not permit visits by human rights monitors.

Iraqi Kurdish regional officials reported that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions were observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintain private, undeclared prisons, and both groups reportedly deny access to ICRC officials.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999, AI report entitled, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in recent years because of suspected opposition activities or because they are related to persons sought by the authorities. Those arrested often are taken away by plainclothes security agents who offer no explanation and produce no warrant to the person or family members (see Section 1.f.). The authorities deny detainees legal representation and visits by family members. In most cases, family members do not know the whereabouts of detainees and do not make inquiries due to fear of reprisal. Many persons are taken away in front of family members who hear nothing further until days, months, or years later, when they are told to pick up the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Section 1.f.).

In April security forces reportedly arrested a number of Republican Guard and Special Security Forces personnel following what the Government claimed was a coup attempt.

Mass arbitrary arrests and detentions often occur in areas where antigovernment leaflets have been distributed. Other arrests have no apparent basis. For example, in July 1999, Ahlam Khadom Rammahi, a housewife who left Iraq in 1982, traveled from London using her British passport to visit her mother. Police arrested Rammahi on August 5, 1999. No reason was stated for the arrest, and government officials did not inform her family of her whereabouts. AI reported that Rammahi was released on September 1999 as a result of international pressure. She subsequently was able to rejoin her family in the United Kingdom.

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remain in detention.

The Government reportedly targets the Shi'a Muslim community for arbitrary arrest and other abuses. Security forces arrested hundreds of persons in al-Najaf, Karbala, and the Shi'a section of Baghdad following an anonymous distribution of antigovernment leaflets. In the weeks preceding the February 1999 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (see Sections 1.a. and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing (see Section 1.g.).

Although no statistics are available, observers estimate the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

The Government announced in June 1999 a general amnesty for Iraqis who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (see Section 2.d.). No citizens are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens reportedly remain fearful of returning to the country.

The PUK and the KDP reportedly hold approximately 500 political detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (see Section 1.g.).

#### e. Denial of Fair Public Trial

The judiciary is not independent, and there is no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive

nature of the political and legal systems precludes application of the rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two parallel judicial systems: The regular courts, which try common criminal offenses, and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court.

Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or personal predilection. There are no Shari'a (Islamic law) courts; however, regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honor crimes," a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct (see Section 5). A 1992 decree grants immunity from prosecution to members of the Ba'th Party and security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials. The PUK declared during the year that "honor crime" immunity would not apply in the area under its control.

It is difficult to estimate the number of political prisoners, because the Government rarely acknowledges arrests or imprisonments, and families are afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in recent years originally were held as political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities effectively are exempt from the legal requirement to obtain search warrants, and searches without warrants are commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts from outside the country, including those of opposition groups. The security services and the Ba'th Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public.

In November 1999, the Government expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

In 1999 and previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches, evidently as part of its "Arabization" campaign to harass and expel ethnic Kurds and Turkomans from the region (see Sections 2.d. and 5). Government officials also take hostage members of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5).

The authorities continued systematically to hold family members and close associates responsible for the alleged actions of others (see Sections 1.a., 1.b., 1.d., and 1.g.). For example, former General Najib Al-Salahi, who fled to Jordan in 1995, reported that some of his relatives had been arrested and harassed since he left the country and criticized publicly the Government. In June General Al-Salahi reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the Government. The Special Rapporteur reported that security forces killed the mother of a prominent opposition leader.

In the past, the authorities demolished the houses and detained and executed family members of Shi'a who protested government actions (see Section 1.g.).

The Special Rapporteur noted that guilt by association is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, relatives who do not report deserters may lose their ration cards for purchasing government-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons-training camps (see Section 5). Conscripts are required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted.

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities during the year.

#### g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

Following the February 1999 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons (see Section 1.a.), there were widespread reports of military assaults on protesters in areas of Baghdad heavily populated by Shi'a, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra, in which hundreds of persons were killed. While a funeral for Al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Government security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons. For example, in the Shi'a district of Al-Thawra in Baghdad, a crowd of tens of thousands was attacked by government security forces using automatic weapons and armored vehicles. The attack resulted in the deaths of approximately 25 mourners (although estimates range up to 400) including, according to one report, the imam of the Al-Thawra mosque. According to Shi'a sources, martial law was declared throughout the region in reaction to the Al-Sadr killing.

Authorities continued to target alleged supporters of Al-Sadr during the year. In February security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In March numerous Shi'a who fled the country in 1999 and earlier in the year, told HRW that security forces interrogated, detained, and tortured them. In May six other students who were arrested following the killing were sentenced to death. It was unknown whether the death sentences had been carried out by year's end.

As a reprisal for the disturbances following Al-Sadr's killing, the Government expelled approximately 4,000 Shi'a families from Baghdad and sent them to the south and west in 1999 and during the year.

The Government continued to "Arabize" certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 2.d. and 5).

Landmines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War; however, the army failed to clear them before it abandoned the area. The mines appear to have been planted haphazardly in civilian areas. Landmines also are a problem along the Iraq-Iran border throughout the central and southern areas in the country. There is no information on civilian casualties or the Government's efforts, if any, to clear old mine fields in areas under the central Government's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, over 3,000 persons have been killed by landmines in the three northern governates since the 1991 uprising. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various nongovernmental organizations (NGO's) continued efforts to remove landmines from the area and increase awareness of the mine problem among local residents.

In December 1998, the Government declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking as directly related to the Gulf War. HRW and other organizations have worked with various governments to bring a genocide case at the International Court of

Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

No hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress was made toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDP's) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented; however, the PUK and KDP conducted a small prisoner exchange in March (see Section 1.d.). In April the ICRC reported that IDP's on both sides still were living in tents or in open, unheated buildings (see Section 2.d.).

Armed hostilities and resulting deaths were reported between the KDP and the Iraqi Turkoman Front (ITF), the PUK and the IWCP, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. There were a number of bomb attacks on civilian targets during the year in both the KDP- and PUK-controlled areas, which killed at least 12 persons.

KDP forces attacked the Erbil headquarters of the ITF in July, killing at least two persons and injuring several others. Tension between the KDP and the ITF had been building for months as the KDP leadership expressed frustration that the ITF failed to accept the KDP as the local authority. The ITF complained that the KDP interfered in its internal affairs.

In July the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the IWCP reportedly refused to move. PUK security forces subsequently killed at least six IWCP members and arrested several others at an IWCP office in Sulaymaniah. PUK forces also killed several IWCP members who were inside a car. In connection with this dispute, the PUK closed the IWCP-affiliated Independent Women's Organization and the Women's Protection Center in July and detained temporarily 12 women who had been staying at an abused women's shelter within the Center.

There were repeated military incursions by Turkish security forces into northern Iraq during the year. In late 1999, the Turkish airforce targeted PKK positions in both KDP and PUK controlled areas. In April, May, and August, Turkish troops again were deployed to the region. In one incident, Turkish troops killed 38 Kurdish civilians. In July the PUK attempted to push the PKK out of its territory and fighting ensued. Both the PKK and the PUK suffered a number of casualties. In December hundreds of Turkish troops were deployed to the region, threatening to intervene on the PUK's behalf. Subsequently, the PUK and the PKK declared a cease-fire.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press "in compliance with the revolutionary, national, and progressive trend;" however, in practice the Government does not permit freedom of speech or of the press, and does not tolerate political dissent in areas under its control. In November the U.N. General Assembly criticized the Government's "suppression of freedom of thought, expression, information, association, and assembly." The Special Rapporteur stated in October 1999 that citizens lived "in a climate of fear" in which whatever they said or did, particularly in the area of politics, involved "the risk of arrest and interrogation by the police or military intelligence." He noted that "the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty."

The Government and the Ba'th Party own all print and broadcast media, and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed, either domestically or abroad. A 1999 Freedom House report rated Iraqi press freedom at 98 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high government officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'th Party.

According to the Special Rapporteur, journalists are under continuous pressure to join the Ba'th party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (see Section 6.a.). In September 1999, journalist and Baghdad University

professor Hashem Hasan was arrested after declining an appointment as editor of one of Uday Hussein's publications. The Paris-based Reporters Sans Frontieres (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts remain unknown (see Section 1.b.).

The Ministry of Culture and Information periodically holds meetings at which they issue general guidelines for the press. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens. Many Western news services are represented in Baghdad by bureaucrats who are based in the Ministry of Culture and Information.

The Government regularly jams foreign news broadcasts (see Section 1.f.). Satellite dishes, modems, and fax machines are banned although some restrictions reportedly were lifted in 1999. Security forces reportedly raided homes of persons suspected of using satellite dishes during the year. In October the Ministry of Foreign Affairs notified all diplomatic missions and international organizations that they would need to obtain government approval before bringing "any technical apparatus" into the country. During the year, the Government opened five Internet cafes where persons are permitted to view websites provided by the Ministry of Culture and Information.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with proregime propaganda to Kurdish regions; however, Kurds routinely remove propaganda items from such textbooks.

The Government does not respect academic freedom and exercises strict control over academic publications. University staff are hired and fired depending on their support for the Government.

In the north, many independent newspapers have appeared over the past 8 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists are influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services are available. Although the rival Kurdish parties in the north, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution of the opposing group's newspapers and other literature.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Except in Kurdish-controlled northern areas, citizens legally may not assemble other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial incentives for those who participate and threats of violence against those who do not. Widespread military and paramilitary attacks on persons who violated restrictions on peaceful assembly were reported throughout the year (see Section 1.g.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The political magazine Alef-Be, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which include the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'th party to power. Several parties are outlawed specifically, and membership in them is a capital offense (see Section 3). A 1974 law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In contrast, in the Kurdish-controlled north, numerous political parties and social and cultural organizations exist.

#### c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. Islam is the official state religion.

The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves the building and repair of all places of worship, and approves the publication of all religious literature.

Over 95 percent of the population are Muslim. The (predominantly Arab) Shi'a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkomans). The remaining approximately 5 percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenian Orthodox), Yazidis, and a small number of Jews and Mandaeans.

The Government does not recognize political organizations that have been formed by Shi'a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, "must believe in God" (see Section 3).

Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi'a and Sunni Arabs are not distinct ethnically. Shi'a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the army in the 1980-88 Iran-Iraq War.

The Government has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a Muslim population. Despite nominal legal protection of religious equality, the regime has repressed severely the Shi'a clergy and those who follow the Shi'a faith. Forces from the Mukhabarat, General Security (Amn Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party have killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites (particularly in the aftermath of the 1991 civil uprising), arrested tens of thousands of Shi'a, interfered with Shi'a religious education, and prevented Shi'a adherents from performing their religious rites. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshipers.

The following government restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a Muslims; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the Government; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising, which listed thousands of forbidden Shi'a religious writings. Security forces reportedly still were encamped in the shrine to Imam Ali at Al-Najaf, one of Shi'a Islam's holiest sites, and at the former Shi'a theological school in Al-Najaf; security forces have been there since 1991.

In June 1999, several Shi'a opposition groups reported that the Government instituted a new program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an unauthorized location. Shi'a sources outside the country who reported this policy believe that it is aimed not only at preventing unauthorized religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, to which many pious Shi'a have turned since the closure of their own mosques.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. This followed years of government manipulation of the Najaf theological schools. AI reported that the Government deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970's and early 1980's, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially, were prime targets for deportation. In the 1980's, during the Iran-Iraq war, it was reported widely that the Government expelled and denied visas to thousands of foreign scholars who wished to study at Najaf. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools, perhaps believing that this would reduce popular anger over the arrests and executions of religious leaders. However, the revival of the schools appears greatly to have exceeded the Government's expectations, and led to an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends. A campaign of arrests in Mosul against fundamentalist trends was reported in September 1999.

Authorities continued to target alleged supporters of Al-Sadr during the year (see Sections 1.a. and 1.g.). Two months prior to the anniversary of Al-Sadr's killing, security forces were deployed around shrines, mosques, and other religious institutions, and mosques were closed except during prayer time. In February security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In May

six other students who were arrested following Al-Sadr's killing were sentenced to death. It was unknown whether the death sentences had been carried out by year's end. As a reprisal for the disturbances following Al-Sadr's killing, the Government expelled approximately 4,000 Shi'a families from Baghdad and sent them to the south and west in 1999 and during the year.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims who travel to holy sites in the country (see Section 2.d.).

Approval procedures established by the U.N. Sanctions Committee require advance notification to regional air controllers and coalition military aircraft for flights undertaken for religious and humanitarian purposes that originate from and return to the country. In 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the Government rejected this offer. In 1999 the Sanctions Committee offered to disburse funds to cover Hajj-related expenses via a neutral third party. The Government again rejected the opportunity. In both years, the Government insisted that these funds would be accepted only if they were paid in cash to the central bank. As a result, in both 1998 and 1999, no Iraqi pilgrims were able to take advantage of the available funds. According to press reports, only 4,000 Iraqi pilgrims made the Hajj in 1999, despite the availability of 22,000 spaces.

In 1999 the Government flew several airplanes full of elderly Hajj pilgrims unannounced to Saudi Arabia.

Twice each year--on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar--Shi'a pilgrims from throughout the country and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The Government for several decades has interfered with these "Ashura" commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between Iraqi pilgrims on one side and Ba'th party members and security forces enforcing the ban on the other. In May the Government prohibited persons from making the pilgrimage to Karbala. Security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.).

The Government also has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (see Section 2.d.). Most Assyrians live in the northern governates, and the Government often has accused them of collaborating with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians, as well as ethnic Kurds and Turkomans, in expulsions from Kirkuk in order to attempt to Arabize the city (see Section 2.d.).

The Government imposes some repressive measures on Yazidis (see Section 5). For example, 33 members of the Yazidi community of Mosul, arrested in July 1996, still are unaccounted for (see Section 1.b.).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways.

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), cancelled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In what appeared to be an effort to lure citizens living abroad back to the country, government radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (see Section 1.d.). The

decree stated that "charges of illegal departure, forging official documents towards this purpose, and disrupting public duties that were pressed before the issuance of this decree shall be dropped effective immediately." In October 1999, Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to Iraqis living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor Iraqis inside the country who received money from relatives living abroad.

A November 1999 law placed additional penalties on citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In January the director of the Real Estate Registration Department stated that pursuant to the decree, the Government confiscated the property of a number of persons.

The Government restricts foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogate all media employees, journalists, and writers upon their return from foreign travel. In December 1999, Captain Ammar Yasir Mahyush and retired Major Jasim Muhsin Ala reportedly were executed for their attempt to flee the country in February 1999.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in Iraq (see Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) are required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimates that there are more than half a million IDP's remaining in the three northern provinces (Erbil, Dohuk, and Sulaymaniah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. As reported by the Special Rapporteur, the Government continued its "Arabization" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkomans, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers view the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area. For example, Kurdish grade school teachers and low-ranking civil servants are reassigned systematically outside of Kirkuk province, which has been renamed Al-Ta'mim ("Nationalization"). The Revolutionary Command Council has mandated that new housing and employment be created for Arab residents who have been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly is prohibited. Non-Arabs are not permitted to sell their homes, except to Arabs, nor register or inherit property. In contrast, in September the Ta'mim Voice newspaper reported that a significant sum of money would be made available to Arab citizens of Kirkuk to fund construction.

As part of the Arabization process, the Government continued to deport Kurdish and Turkoman families. Regional Kurdish authorities report that between January and June, 155 families (a total of 875 individuals) were expelled to the Kurdish-controlled north. The authorities estimate that since 1991, more than 94,000 persons have been displaced. Persons may avoid expulsion if they relinquish their Kurdish, Turkoman, or Assyrian identity and register as Arabs. Persons who refuse to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

According to numerous deportees in the north, the Government generally uses a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demands that a family change its ethnicity from Kurdish or Turkoman to Arab. Subsequently, security officials frequently arrest the head of household and tell the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families frequently choose to move to the north; family members must sign a form that states that the departure is voluntary and they are not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The Government frequently transfers the family's house to an Arab Ba'th Party member.

Those expelled are not permitted to return. The Special Rapporteur reported in 1999 that citizens who provide employment, food or shelter to returning or newly arriving Kurds are subject to arrest. In order to encourage departure and prevent displaced persons from returning, the Government reportedly has placed landmines in the area around Kirkuk, and has declared it a military and security zone. Roads into the area are fortified with

military checkpoints. The Government denies that it expels non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled during the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to areas in the north, outside government control.

The Government does not provide first asylum or respect the rights of refugees.

Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in northern areas controlled by the central Government. The UNHCR is treating such displaced persons as refugees until it reaches an official determination of their status.

The KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons that each had expelled as a result of intra-Kurdish fighting in the three northern provinces; however, little effort to implement the agreement took place during the year. In April the ICRC observed that the displaced persons in the north still were living in tents or in open, unheated public buildings (see Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. ICRC monitors reportedly intervened on the villages' behalf, and the blockade subsequently was lifted. However, KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. AINA reported that a similar raid occurred in another village. The KDP denied that the blockade or village raids occurred.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The President wields power over all instruments of government. Almost all important officials either are members of Saddam Hussein's family or are family allies from his home town of Tikrit. Although the Government has taken steps to increase the perception of democracy, the political process still is controlled firmly by the State. The 1995 so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal if they cast a dissenting vote. A total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Elections for the National Assembly were held in March; 220 of the 250 parliamentary seats were contested and the 30 remaining seats were filled by presidential appointees. Out of the 250 seats, 165 seats reportedly were won by members of the Ba'th Party, 55 by independents, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who are estimated to constitute about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council (RCC). The council is headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death. In October security forces reportedly executed eight persons on charges of forming an opposition organization (see Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law is used to prohibit parties that do not support the President and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an insufficient number of members.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, Kurds, Assyrians, Turkomans, or other communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly; however, they have only token representation.

In the north of the country, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. The two major Kurdish parties in de facto control of northern Iraq, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures were not implemented. The PUK held municipal elections in February, which were the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit the establishment of independent human rights organizations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from most foreign and international human rights groups are not allowed in the country. However, the Government allows several international humanitarian and aid organizations to operate in the country.

The Government harassed and intimidated relief workers and U.N. personnel throughout the country, maintained a threat to arrest or kill relief workers in the north, and staged protests against U.N. offices in the capital (see Sections 1.g. and 2.a.).

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit Iraq, nor did it respond to his requests for information.

In April and again in November, the U.N. Commission on Human Rights and the U.N. General Assembly criticized the "systematic, widespread, and extremely grave violations of human rights" by the Government, which resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

For the eighth consecutive year, the Commission called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommittee on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these calls.

The Special Rapporteur nonetheless was able to gather more evidence, in part due to interviews with current and past government officials that illustrated the systemic nature of human rights violations. He dispatched members of his staff to Kuwait, Jordan, and other locations to interview victims of government human rights abuses.

The Government operates an official human rights group that routinely denies allegations of abuses.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the Government systematically violates these rights.

##### Women

Domestic violence against women occurs but little is known about its extent. Such abuse customarily is addressed within the tightly knit family structure. There is no public discussion of the subject, and no statistics are published. Spousal violence constitutes grounds for divorce and criminal charges; however, suits brought on these charges reportedly are rare. Under a 1990 law, men who kill female family members for "immoral deeds" may receive immunity from prosecution for such honor crimes (see Section 1.e.).

In October security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities (see Section 1.a.).

In April the PUK abolished in the Kurdish-controlled territories provisions of the Iraqi Penal Code that legitimized honor crimes.

The Special Rapporteur has noted that there is an unusually high percentage of women in the Kurdish areas, reportedly as a result of the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur reported that the widows, daughters, and mothers of the Anfal Campaign victims are dependent economically on their relatives or villages because they may not inherit the property or assets of their missing family members.

Evidence concerning the Anfal Campaign indicates that the Government killed many women and children, including infants, by firing squads and in chemical attacks.

The Government states that it is committed to equality for women, who make up about 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine the extent to which these protections are afforded in practice. Women are not allowed to travel outside the country alone (see Section 2.d.).

There are several women's organizations in the PUK-controlled regions in the north.

#### Children

The Government claims that it has enacted laws to make education for girls compulsory. No information is available on whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the Government's continued disregard for the rights and welfare of children. The evidence allegedly includes government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that could have been made available to the general public were stockpiled in warehouses rather than ordered, or diverted for the personal use of some officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January letter to the Government, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and oil sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in Iraq through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The Government's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in Iraq that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the Government in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and center parts of the country, home to 85 percent of the population, children under 5 years old are dying at more than twice the rate that they were a decade ago. In contrast mortality rates for children under 5 years old in the Kurdish-controlled north dropped in the period from 1994 to 1999. The Special Rapporteur criticized the Government for "letting innocent people suffer while [it] maneuvered to get sanctions lifted." Had the Government not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

For the seventh year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration

cards if they refused to enroll their children in the grueling course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (see Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization.

#### People with Disabilities

No information is available on the Government's policy towards the disabled.

#### Religious Minorities

The country's cultural, religious, and linguistic diversity is not reflected in its political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse (see Section 2.c.).

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years.

Although few Jews remain in the country, government officials frequently make anti-Semitic statements. For example, during the year, a Ba'th Party official stated that the "lowly Jews . . . are descendants of monkeys and pigs and worshippers of the infidel tyrant."

#### National/Racial/Ethnic Minorities

Non-Arabs are denied equal access to employment, education, and physical security. Non-Arabs are not permitted to sell their homes except to Arabs, nor to register or inherit property. The Government continued to relocate forcibly the non-Arab population, including Kurds, Turkomans, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back over 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (see Section 2.c.).

The Government does not permit education in languages other than Arabic and Kurdish. Public instruction in Syriac, which was announced under a 1972 decree, never has been implemented. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. In areas of the north under Kurdish control, classes in Syriac have been permitted since the 1991 uprising against the Government. By October 1998, the first groups of students were ready to begin secondary school in Syriac in the north; however, some Assyrian sources reported that regional Kurdish authorities refused to allow the classes to begin. Details of this practice (for example, the number of students prepared to start secondary courses in Syriac and the towns where they were located) were not available, and Kurdish regional authorities denied that they engaged in such a practice. In November 1999, the Kurdistan Observer reported that the central Government had warned the administration in the Kurdish region against allowing Turkoman, Assyrian, or Yazidi minority schools.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party (KWP), a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. The Christians reported feeling caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies.

Many Assyrian groups reported a series of bombings in Erbil in 1998 and 1999. Although the bombings have not been linked to any particular faction or group, Assyrians believe that they are part of a terror campaign designed to intimidate them into leaving the north. The Assyrian Democratic Movement, the Assyrian Patriotic Party, and other groups have criticized the investigation into these incidents conducted by the Kurdistan

Regional Government. There were no reported arrests by year's end.

In June 1999, the Assyrian National News Agency reported a "well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in the north (see Section 1.a.).

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988-89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government imposes the same repressive measures on Yazidis as on other groups (see Section 2.c.).

Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

## Section 6 Worker Rights

### a. The Right of Association

Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th Party, which uses it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (see Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country.

The 1987 Labor Law restricts the right to strike. No strike has been reported over the past 2 decades. According to the International Confederation of Free Trade Unions, severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

### b. The Right to Organize and Bargain Collectively

The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of employed persons) are set by the Government. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, a failure that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

Compulsory labor theoretically is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises accused of breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in Iraq have been prevented from terminating their employment to return to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available on forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment

The employment of children under age 14 is prohibited, except in small-scale family enterprises. Children reportedly are encouraged increasingly to work in order to support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

e. Acceptable Conditions of Work

There was no information available on minimum wages.

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situations that endanger their health or safety, or on those who complain about such conditions.

f. Trafficking in Persons

There was no information available on whether trafficking in persons is prohibited by law, or whether persons were trafficked to, from, within, or through the country.

[End.]