

## Section Three

# Human Rights in the Countries Less Affected by the “Arab Spring”



# Iraq

Nine years after the overthrow of the brutal totalitarian regime headed by Saddam Hussein, human rights violations in Iraq have not diminished. Rather, chaos has reigned following the collapse of the Iraqi security and armed forces. Meanwhile, the grave human rights violations committed by the invading American forces in their efforts to overthrow Saddam Hussein, eradicate remnants of the Baath Party, and confront the armed militias which opposed the occupation have largely gone unpunished. In addition, the political aftermath of the Saddam era has triggered bloody sectarian conflicts. These conflicts exacerbated the difficulties of establishing a new political system based on quotas of the various ethnic groups in the country, even as this system failed to achieve consensus about how to fairly distribute power, land, and resources. The interference of regional players has also contributed to these conflicts, for while Iran backs some of the Shiite factions with which it has close ties, Turkey, Saudi Arabia, and Qatar support Sunni groups for religious and political reasons, including to limit the spread of both Shiite Islam and Iran's political influence in the region.

Some 132,000 people died in the period between the American invasion in March 2003 and the end of 2011, when the last American soldier left Iraq.<sup>1</sup>

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<sup>1</sup> Iraqi Body Count, "Documented Civilian Deaths from Violence,"  
<<http://www.iraqbodycount.org/database/>>.

Several parties are responsible for grave crimes, including the invading forces, the Iraqi military, and the Iraqi police forces, which were rebuilt along sectarian lines following the 2003 invasion. Armed militias loyal to vying factions within Iraq also committed serious violations, as did members of the terrorist organization Al-Qaeda, which made Iraq a base for its activities. Chronic failures to administer the political process in Iraq led to the continued regression of the state of human rights in the country. Arbitrary arrests and torture have spread while impunity for grave violations has become entrenched, especially in light of the absence of adequate guarantees for judicial independence. In recent years, the Iraqi government has also become less tolerant of the freedom of expression and criticisms aimed at government officials as well as of the right to peaceful protest and assembly. Minorities continue to be subjected to discrimination and attacks which aim to marginalize them in order to ensure that land and wealth are divided between the largest ideological and ethnic groups: Shiite and Sunni Arabs and Kurds.

The developments of 2012 do not indicate that the Iraqi government has the capacity to restore stability and security, to ensure domestic peace, or to rebuild the state and society based on respect for human rights in the foreseeable future.

Nouri al-Maliki's government has failed to implement the power-sharing deal which required that senior security positions be distributed between the major political, ideological, and ethnic groups in Iraqi society, including Shiite Arabs, Sunni Arabs, and Kurds. Shiite Islamist political parties continue to be concerned that Sunnis seek to end their hold on power, while Sunni parties sense that the Shiites are attempting to maintain Sunni marginalization. This political and security climate, along with failures to resolve outstanding issues with neighboring states in the region, has contributed to the spread of chaos and violations.<sup>2</sup>

Acts of violence and terrorism in did not diminish since 2011. This is partly due to the fact that security forces chronically lack adequate training and that al-Maliki's has tended to give high-ranking positions in the security apparatus to individuals close to him.<sup>3</sup>

Many of the acts of sectarian violence and terrorism target police officers, members of the army, and government officials – most of them Shiite – as well as Shiite residential areas and shrines. Violence also targets minorities,

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<sup>2</sup> Crisis Action Group: "Déjà Vu All Over Again: Iraq's Escalating Political Crisis," Jul. 30, 2012, <<http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/iraq/126-deja-vu-all-over-again-iraqs-escalating-political-crisis.aspx>>.

<sup>3</sup> Ibid.

particularly Christians, Yazidis, and Shabak people. The spread of attacks and repression against religious, ideological, and racial minorities is attributable to efforts of the major ethnic and ideological groups, such as the Shiite and Sunni Arabs and the Kurds, to increase their control on power, land, and natural resources in the regions in which they make up the majority of the population. In light of ongoing political conflict, ideological disputes, and security challenges, the state of human rights remains grave, according to United Nations reports.<sup>4</sup>

Growing restrictions on freedom of expression have been recorded, especially in the Kurdish region. If the law proposed by the central government is passed by the parliament, journalists, writers, bloggers, and rights activists may be subjected to severe sentences, including life in prison, as the vague language of the law allows for punishment of individuals for practices that are at the core of free expression and access to information. The Kurdish parliament is also discussing another draft law which provides a penalty of 10 years imprisonment for those who insult “the sacred.”

The authorities imposed severe restrictions in order to limit political protests, and a number of assemblies were subjected to repression, particularly in the Kurdish region. Some 12,000 individuals remained arbitrarily arrested without official charges or trial, including a large number of Baathists who were detained on allegations of “conspiring against the regime.” Hundreds were held in preventative detention under the claim of “averting possible terrorist operations.” Crimes of torture and ill-treatment continued, particularly in secret detention facilities or prisons which are not subject to the surveillance of the judiciary or the Ministry of Justice. Moreover, the issuance and implementation of death penalties increased in cases related to terrorism as well as in other criminal cases. Such sentences are particularly grave in light of the contested nature of the independence of the judiciary and of the use of torture to extract confessions.

In April, the Council of Representatives announced the names of the members of the High Commission for Human Rights, which is responsible for monitoring human rights violations committed by government institutions or by any other parties. Nevertheless, the formation of the Commission was criticized for the lack of transparency regarding standards for selection of members, for being based on the system of sectarian and

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<sup>4</sup> UN News Center, “UN Report: Human Rights Situation in Iraq Remains Fragile,” May 30, 2012, <[http://www.un.org/apps/news/story.asp?NewsID=42117&Cr=Iraq&Cr1=human%20rights#.UMBltWdy\\_I](http://www.un.org/apps/news/story.asp?NewsID=42117&Cr=Iraq&Cr1=human%20rights#.UMBltWdy_I)>.

ethnic quotas, and for the fact that most of those selected did not have adequate experience in the field of human rights.<sup>5</sup>

## **Continued Acts of Violence and Terrorism**

Acts of violence and terrorism did not diminish even after the last American soldier was withdrawn from Iraq just before the end of 2011. Suicide bombings, parcel bombs, attacks with mortar bombs or firearms, and assassinations remained near-daily occurrences and targeted members of the police and the military, government officials, and civilians.

Throughout the year 2012, 4,471 people were killed, which represents a slight increase in the number of casualties as compared to the 4,137 deaths which occurred in 2011.<sup>6</sup>

A large percentage of attacks were sectarian in nature, targeting police forces and members of the military, most of whom are Shiite. Residential compounds and Shiite shrines were similarly targeted, especially during Shiite religious celebrations. This demonstrates that the intention of those who carried out such attacks was to instigate sectarian conflict. The Sunni organization Al-Qaeda claimed responsibility for a number of attacks which aimed to incur the highest number of casualties possible.<sup>7</sup> Some of the attacks targeted specific minorities – as will be discussed below – with the goal of changing the demographic composition of the population by forcing minorities in certain governorates to leave their homes and land.

Acts of violence and terrorism peaked between July 21 and August 18, which coincided with the Muslim month of fasting. During this period, 409 people were killed and 975 injured in numerous explosions and armed attacks in different regions.<sup>8</sup>

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<sup>5</sup> A K News, “Nashiton yinqasimon bi-sha’ in ‘asma’ ‘awel mofawdeyya li-huquq al-insan fe al-iraq,” Apr. 12, 2012, <<http://www.aknews.com/ar/aknews/3/301234/>>; Al-Wasat, “Mofawdeyya huquq al-insan bayn walid al-haly wa sahib al-hakim,” <[http://www.wasatonline.com/index.php?option=com\\_content&view=article&id=6117:2012-08-13-14-50-56&catid=35:2009-09-25-17-06-47&Itemid=116](http://www.wasatonline.com/index.php?option=com_content&view=article&id=6117:2012-08-13-14-50-56&catid=35:2009-09-25-17-06-47&Itemid=116)>.

<sup>6</sup> Iraq Body Count; Al Arabiya News, “Iraq Death Toll Down Sharply in 2011,” Jan. 1, 2012, <<http://www.alarabiya.net/articles/2012/01/01/185707.html>>.

<sup>7</sup> See Site: Jihadist Threat Monitoring Service, <<http://news.siteintelgroup.com/>>.

<sup>8</sup> Amnesty International, “Iraq: Amnesty International Condemns Killings of Civilians and Calls for Investigation,” Jul. 23, 2012, <<http://www.amnesty.org/en/library/asset/MDE14/009/2012/ar/87af54f5-ed72-4cda-b1ad-835b8e4fc970/mde140092012en.pdf>>; Al Arabiya News, “Attacks in Iraq Killed 409 People in Ramadan: AFP,” Aug. 20, 2012, <<http://english.alarabiya.net/articles/2012/08/20/233225.html>>.

According to several news sources, this violence included killings of entire families, most of which occurred when the homes of members of the security forces or government workers were stormed and everyone inside was killed. Such killings were at times committed using bladed weapons. These acts terrorized members of the government forces and other government workers and led them to leave their positions.<sup>9</sup> Deadly explosions also occurred on the occasion of the Muslim feast Eid al-Adha, when dozens were killed or injured, including Iranian citizens visiting the country. Families of the Shabak sect in Mosul were also targeted by armed attacks, and two car bombs in the city of Sadr led to deaths of 16 people and the injury of 159 others.<sup>10</sup>

The year 2012 saw an increase in the killing of youth identified as “emo,” as they are viewed by some as “Satan worshippers” due to their dress and practices which challenge prevalent social norms and which result in some of them being labeled homosexuals. Emo youth have become targeted by hate campaigns initiated not only by religious groups but also by some media outlets which described them as “immoral” and “vampires.” The Interior Ministry also contributed to the instigation of attacks against them through statements claiming that they represent a danger to society. Several emo individuals were forced to cut their hair or to go into hiding after receiving death threats, and ten individuals belonging to emo groups were killed since the middle of February.<sup>11</sup> Pictures have been circulated on the Internet of youth said to be emo who were killed by stoning; the perpetrators are unknown.<sup>12</sup>

Despite the passage of nine years since the fall of Saddam Hussein’s regime, more mass graves of the victims of Hussein’s repressive campaigns against his opponents continue to be discovered. According to officials from the Ministry of Human Rights, a mass grave was uncovered in the desert region

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<sup>9</sup>Press TV, “Gunmen Kill 5 Family Members in Iraq’s Samarra,” Jul. 29, 2012, <<http://www.presstv.ir/detail/2012/07/29/253353/gunmen-kill-5-family-members-in-iraq/>>; Daily Star, “Iraq Attacks on Shiites and Lawyers Kill 21,” Aug. 8, 2012, <<http://www.dailystar.com.lb/News/Middle-East/2012/Aug-08/183852-eight-iraq-family-members-killed-in-morning-attack.ashx#axzz23zIdfOOM>>.

<sup>10</sup> Al Sharq, “Tafgeerat damaweya tufsid fahat al-‘iraqiyin bi-‘eid al-adha,” Oct. 30, 2012, <<http://www.alsharq.net.sa/2012/10/30/556605>>.

<sup>11</sup> Human Rights Watch, “Iraq: Investigate ‘Emo’ Attacks,” Mar. 16, 2012, <<http://www.hrw.org/ar/news/2012/03/16>>.

<sup>12</sup> Reuters, “Iraq Militia Stone Youths to Death for ‘Emo’ Style,” Mar. 10, 2012, <<http://www.reuters.com/article/2012/03/10/us-iraq-emo-killings-idUSBRE8290CY20120310>>; see also photographs on Google: <[http://www.google.com/search?q=iraq+emo&hl=en&rlz=1R2ADRA\\_enEG398&prmd=imvns&tbm=isch&tbo=u&source=univ&sa=X&ei=Xr8wUN2eMaiP4gTvjYGACQ&ved=0CEUQsAQ&biw=1280&bih=536](http://www.google.com/search?q=iraq+emo&hl=en&rlz=1R2ADRA_enEG398&prmd=imvns&tbm=isch&tbo=u&source=univ&sa=X&ei=Xr8wUN2eMaiP4gTvjYGACQ&ved=0CEUQsAQ&biw=1280&bih=536)>.

north of the city of Najaf, bringing the number of mass graves which have been discovered in Najaf alone to 12, while 48 mass graves have been reported in the area.<sup>13</sup> According to government statistics, 80 mass graves containing some 400,000 corpses have been found in various governorates of the country since the fall of the former regime.<sup>14</sup>

## **The Situation of Minorities and Refugees**

Religious, ideological, and racial minorities continued to face various forms of discrimination and aggression under the domination of the major ideological and ethnic groups, including Kurds and Sunni and Shiite Arabs, as a result of the attempts by majority groups to tighten their grip on power, land, and natural resources.

Despite growing criticisms at the local, regional, and international levels regarding the severe repression experienced by Christians in Iraq, displacement of Christians from some of the regions in the northern governorate of Ninewa continues. Christian organizations assert that both the central government in Baghdad and the regional government in Kurdistan continue to issue administrative orders allowing for areas of land where Christians live to be allocated to government institutions, local administrative bodies, and even investment companies to build residential compounds. This reinforces plans to drive the Christian population out of these regions by force.<sup>15</sup>

The displacement of Christians from the governorate of Ninewa is exacerbated by the fact that they are targeted by armed groups such as al-Qaeda in order to force them to leave their lands and homes in the governorate, which had historically been home to the largest population of Christians in Iraq. The Amal Association for Christians' Rights blames the security apparatus for failing to provide necessary protections to Christians, thus forcing their families to flee the governorate. The Open Doors Organization states that the number of Christians in Ninewa has decreased

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<sup>13</sup> Aswat al-Iraq, "First Mass Grave in Najaf Unveiled," Aug. 2, 2012, <[http://en.aswataliraq.info/%28S%281ib3hamklbwgot452kuluufk%29%29/Default1.aspx?page=article\\_page&id=149830&l=1](http://en.aswataliraq.info/%28S%281ib3hamklbwgot452kuluufk%29%29/Default1.aspx?page=article_page&id=149830&l=1)>.

<sup>14</sup> Radio Nawa, "Wazaret huquq al-insan iktashafet 80 maqbara gama'aya dammet rufat 400 alf shahid khilal 9 senawat," July 31, 2012, <<http://goo.gl/TjxWiQ>>.

<sup>15</sup> Sawt al-Iraq, "Mitraqet al-tahjir al-qasry wa sindan al-tashwih al-demoghrafy," Jul. 13, 2012, <<http://www.sotaliraq.com/mobile-item.php?id=113453#ixzz215N62Pkh>>; Aswat al-Iraq, "Nashret al-mogtama' al-madany: akhbar wa taqarir wa maqalat tughaty mokhtalef qadaya al-mogtama' al-madany," Jun. 15, 2012, <[http://ar.aswataliraq.info/\(S\(dcl3c545fyii5qokrfacpe3\)\)/printer.aspx?id=299878](http://ar.aswataliraq.info/(S(dcl3c545fyii5qokrfacpe3))/printer.aspx?id=299878)>.



from 850,000 in 2003 to 345,000 in 2012. Pressures aiming to change the demographic make-up in Mosul, the capital of the Ninewa, led 5,000 families to leave the city.<sup>16</sup>

The Minority Rights Group International emphasizes the rising fears for the safety of some minority groups, particularly the Yazidi and Shabak peoples in northern Iraq.<sup>17</sup> Yazidi organizations condemn the discrimination experienced by the this minority group as well as repressive practices such as raids carried out by Kurdish security forces, arbitrary arrests of Yazidi leaders and activists who refuse to cooperate with the Kurdish regional authorities,<sup>18</sup> and destruction of temples and exhumation of Yazidi graves in Dohuk and Ninewa. The Yazidis have demanded that the Iraqi central government put an end to these violations committed against them by the authorities in Kurdistan.<sup>19</sup>

The Shabak people continued to suffer from violations and terrorist campaigns designed to force them to abandon their lands. According to news sources, at least five bombings took place throughout the year targeting the areas where the Shabak people live or the Shiite shrines belonging to them, resulting in dozens of deaths.<sup>20</sup>

The Turkmen represent the third largest ethnic group in Iraq, dwelling mainly in the disputed regions claimed by both the central authorities and the Kurdish regional government. Kirkuk is particularly disputed, as it is rich in oil. The Turkmen have occasionally been subjected to terrorist attacks in

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<sup>16</sup> Ishtar TV, "Mumethel kouta al-maseheyin fe maglas muhafizat ninawa hunalek muhawelat jadida li-istehdaf al-maseheyin fe al-mosul," Jun. 10, 2012, <<http://www.ishtartv.com/viewarticle,42724.html>>; Masrawy, "Istimrar nuzuh masehiye al-'iraq min al-mosul bisabab al-'onf dhidhom," Aug. 7, 2012, <[www.masrawy.com/news/MidEast/General/2012/July/8/5170460.aspx](http://www.masrawy.com/news/MidEast/General/2012/July/8/5170460.aspx)>.

<sup>17</sup> Minority Rights Group International, "Months after US Withdrawal, Iraq's Minorities Fear for Safety, Distrust Security Forces and Call for Justice, New Report," Jul. 19, 2012, <<http://www.minorityrights.org/11410/press-releases/months-after-us-withdrawal-iraqs-minorities-fear-for-safety-distrust-security-forces-and-call-for-justice-new-report.html>>.

<sup>18</sup> Yazidi Human Rights Organization International, "Quwat al-Asyash fe Sinjar tu'ataqil sheikh 'asheret al-fuqara' al-ayzidiya," May 31, 2012, <<http://www.yezidihumanrights.org/index.php?news&nid=59>>.

<sup>19</sup> Akhbar el-Yom, "Al-ayzidiya bi-al-'iraq teda'u al-'omam al-motahada l-il-tadakhul l-iyqaf hadm ma'abadiha," Aug. 13, 2012, <[http://www.akhbarelyom.org.eg/news58883\\_23.aspx](http://www.akhbarelyom.org.eg/news58883_23.aspx)>;

\*The Shabak are a small minority of Iranian ancestry residing mainly in the governorate of Ninewa, where they settled at the end of the 17<sup>th</sup> century; they belong to the Shiite sect. Under the rule of Saddam Hussein, they were subjected to forced displacement due to their resistance to policies of Arabization.

<sup>20</sup> Al Sumaria News, "Mumathel al-shabak bi-maglas ninewa: tafjir nahiyet bartella al-intiharey 'asfar 'an maqtal wa isabet 82 shakhsan," Aug. 10, 2012, <<http://www.alsumarianews.com/ar/2/45968/news-details-Iraq%20security%20news.html>>.



greatly.<sup>27</sup> During 2012, three media professionals were killed: Ghazwan Anas, a presenter with the channel *Sama Mosul*, was killed by armed attackers in front of his family after they stormed his home;<sup>28</sup> Cameron Salah el-Din, a presenter on the satellite channel *Salah el-Din*, was killed on April 12 following the explosion of a bomb which had been placed by unknown attackers under his car in the city of Tikrit;<sup>29</sup> and Samir al-Sheikh Ali, the editor-in-chief of the newspaper *al-Jamahir al-Baghdadiyya*, was shot and killed by unknown assailants on November 17 as he was driving in downtown Baghdad – a number of sources claimed that he was targeted due to his journalistic activities.<sup>30</sup>

The authorities exert various forms of pressure to hinder the work of journalists and reporters,<sup>31</sup> yet the most serious violations are those which occur in the Kurdish region. On April 8, the Media and Communications Authority threatened to close the satellite channel *The Sumerian* and to suspend its license if it continued to broadcast a satire program and another program discussing various political and social issues.<sup>32</sup>

In June, the Media and Communications Authority announced its decision to suspend the work of 44 media outlets, claiming that they had breached the conditions set for their work. The outlets were given a period of 45 days to rectify their statuses and verify their licenses to work. At the same time, some media outlets accuse the Authority of delaying the issuance of broadcast licenses.<sup>33</sup> The Authority was later forced to postpone implementation of its decision due to widespread protests by journalists and reporters and the intervention of the parliament's Culture and Information Committee in the matter.<sup>34</sup>

In December, the security forces closed the offices of the television station *Al-Baghdadiyya* and the independent radio station *al-Mohebbba* and banned

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<sup>27</sup>Journalistic Freedoms Observatory, “272 intihakan dhid al-sahafiyin wa al-sulutat ta’ud hazmet qawanen li-taqeyed hurriyet al-ta’beer,” <<http://www.jfoiraq.org/newsdetails.aspx?back=0&id=870&page>>.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Reporters Without Borders, “Newspaper Editor Gunned Down while Driving in Baghdad,” 26 Nov. 2012, <<http://en.rsf.org/iraq-newspaper-editor-gunned-down-while-26-11-2012,43722.html>>.

<sup>31</sup> Journalistic Freedoms Observatory.

<sup>32</sup> Ibid.

<sup>33</sup> Gulf Center for Human Rights, “Iraq: Freedom of Press and Expression at Risk as Restrictions are Placed on up to 44 Media Outlets,” Jun. 26, 2012, <<http://www.gc4hr.org/news/view/183>>.

<sup>34</sup> Al Hayat, “Al-‘Iraq yeteraga’ ‘an mana’ 44 waseelet ia’lameya,” Jun. 26, 2012, <<http://alhayat.com/Details/413597>>.

them from broadcasting based on claims that they had committed administrative breaches to broadcasting regulations. The directors at the two stations denied such charges. Some accounts point to the decision to shut down *Al-Baghdadiyya* as being strongly connected to the station's work in exposing government corruption, while *al-Mohebbba* was also known for being critical of the government. Security forces had previously prohibited correspondents from *al-Baghdadiyya* from covering Shiite celebrations in 'Ashoura and accused them of being supporters of the Saddam Hussein regime.<sup>35</sup>

The Iraqi government is moving towards imposing greater legal restrictions on the freedom of expression, the repercussions of which could have serious consequences for civil society and rights activists. The government has presented to the parliament a draft law on "information crimes" which would punish anyone who intentionally used computers or the Internet to "imperil the supreme economic, political, military, or security interests of the country" with life in prison. The same penalty may be imposed for crimes of "participating, negotiating, propagating, contracting, or dealing with any hostile body with the intention of destabilizing security or public order or of endangering the country," as well as for the use of computers and the Internet for the purpose of "inciting ideological or sectarian conflicts or damaging the reputation of the country" or to publish or broadcast false or misleading facts with the intention of undermining confidence in the current regime or weakening the national economy and financial confidence in the state. The draft law further imposes a prison term of one year for the crime of "violating religious and moral values", "social values", or "the sanctity of private life."<sup>36</sup> The law uses vague expressions in its classification of "crimes" which may easily be used to punish those who express opposing political opinions or criticize economic, social, human rights, and other policies.

Despite the increasing growth in the number of media outlets and journalists in the Kurdish region, violations against journalists and reporters have also increased.<sup>37</sup> Several cases have been reported of journalists who have been

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<sup>35</sup>Committee to Protect Journalists, "Iraqi Broadcaster and Radio Station Forced Off the Air," Dec. 17, 2012, <<http://cpj.org/2012/12/iraqi-broadcaster-and-radio-station-forced-off-the.php>>.

<sup>36</sup> Human Rights Watch, "Iraq: Cybercrimes Law Violates Free Speech," Jul. 12, 2012, <<http://www.hrw.org/news/2012/07/11/iraq-cybercrimes-law-violates-free-speech>>.

<sup>37</sup> Reporters Without Borders, "Between Freedom and Abuses: The Media Paradox in Iraqi Kurdistan," Mar. 29, 2012, <<http://en.rsf.org/irak-between-freedom-and-abuses-the-03-11-2010,38736.html>>.

subjected to threats and detention, and media institutions have also been raided.<sup>38</sup>

On May 7, the Kurdish authorities arrested Hemin Ari, the editor-in-chief of the magazine *Sheria*, after it published an article written by a Kurdish man living in Norway which included a fictional conversation with God, which was considered “offensive to Islam.” Despite the fact that the magazine apologized for having published the article, the authorities banned it from publication for an undetermined period. The publication of the article led to protests in front of a mosque, and some of the demonstrators in the streets of Arbil called for the writer to be killed.<sup>39</sup> Meanwhile, the parliament of Kurdistan began discussing a draft law for the “protection of the sacred,” which would impose penalties reaching up to 10 years in prison and the closure of publishing bodies in cases of “depicting the prophets in an inappropriate manner” and “insulting or mocking the divine.”<sup>40</sup>

In April, the Kurdish authorities arrested Sherwan Sherwani, editor-in-chief of the monthly magazine *Bashour*, which is issued in Dahok, after it published two articles condemning financial and administrative corruption. Sherwan was released ten days later on a bail of 1,000,000 Iraqi dinars.<sup>41</sup>

In October, the Criminal Court in Arbil sentenced independent journalist Karzan Karim to two years in prison following his conviction on charges of “undermining the institutions of the state” and “imperiling the security and stability of the region” after he published a report about alleged corruption in the security apparatus of the Kurdish region. It is important to note that Karzan had worked previously with this security apparatus in the Arbil airport. According to Karzan, he was subjected to beatings and torture while in detention, and his lawyer was threatened by security officials.<sup>42</sup>

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<sup>38</sup> Kurdiu, “Markaz metro l-il-dufa’ ‘an al-sahafiyin yutalib al-itihad al-watany al-kurdistani bi-tawdeeh,” Jul. 25, 2012, <<http://www.kurdiu.org/ar/hawal/index.php?pageid=106926>>.

<sup>39</sup> Reporters Without Borders, “Kurdish Authorities Arrest Magazine Editor to Appease Islamists,” May 16, 2012, <<http://en.rsf.org/iraq-kurdish-authorities-arrest-16-05-2012,42630.html>>.

<sup>40</sup> Human Rights Watch, “Iraqi Kurdistan: ‘Insulting’ Religion Bill Threatens Free Speech,” Jun. 22, 2012, <<http://www.hrw.org/news/2012/06/22/iraqi-kurdistan-insulting-religion-bill-threatens-free-speech>>.

<sup>41</sup> Committee to Protect Journalists, “Attacks on Iraqi Journalists Should Be Investigated,” May 9, 2012, <<http://cpj.org/2012/05/attacks-on-iraqi-journalists-should-be-investigate.php>>.

<sup>42</sup> Human Rights Watch, “Iraqi Kurdistan: Journalist Gets Two Years in Prison,” Oct. 14, 2012, <<http://www.hrw.org/news/2012/10/14/iraqi-kurdistan-journalist-gets-two-years-prison>>.

## The Right to Peaceful Protest and Assembly

The political protest movement which had swelled in 2011 saw a major decline in 2012 due to the repressive campaigns undertaken by the security apparatus against demonstrations. This repression even led to the deaths of a number of protestors. Moreover, new legislation was passed to further restrict the right of Iraqis to protest and express their opinions freely.<sup>43</sup>

On the one-year anniversary of the repression of protests which had occurred in the capital on February 25, 2011, security forces attempted to prevent demonstrators from reaching Liberation Square by closing the roads leading to it, claiming that explosives had been planted and that terrorists were present in the area surrounding the square. In order to frighten away protestors who approached the square, members of the security forces stated that they had a long list of individuals wanted for arrest and required that those who wished to pass through the square show their identity cards to see if their names were on the list. Journalists were prevented from entering the square with cameras, recorders, or even mobile phones, and some of them were detained briefly on charges of having “breached the regulations for protests” and “entered forbidden areas.”<sup>44</sup> The security authorities also prohibited the Communist Party from organizing an assembly and a march in the capital on the occasion of the International Workers’ Day on May 1.<sup>45</sup>

In the Kurdish region, similar protests in February were subjected to more violent forms of repression. Protestors in Suleimaniyah were subjected to beatings, arrests, and brief periods in detention, and media professionals were attacked and their equipment confiscated.<sup>46</sup>

In southern Iraq, repressive measures were taken to confront activists, union members, and workers in the field of oil production following a series of protests against the poor living conditions of workers. These measures included punishments of arbitrary transfers, dismissals, financial penalties, and travel restrictions. On April 17, 26 workers at the Maysan Oil Company

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<sup>43</sup> For more information about the repression of 2011 protests and the draft law, see CIHRS annual report 2011, “Fractured Walls, New Horizons,” <[www.cihrs.org/?p=2539&lang=en](http://www.cihrs.org/?p=2539&lang=en)>.

<sup>44</sup> Human Rights Watch, “Iraq: Intimidation at Anniversary Protests,” Mar. 1, 2012, <<http://www.hrw.org/news/2012/03/01/iraq-intimidation-anniversary-protests>>.

<sup>45</sup> Sawt al-Hurriya, “Al-hukuma al-‘iraqiya tamna’ hezb al-sheyu’ayi al-‘iraqi min tanzeem tagamu’ gamahiri bi-munasibet ‘eid al-‘omal,” May 10, 2012, <<http://www.baghdadtimes.net/arabic/?sid=100698>>.

<sup>46</sup> Ibid.

were arrested in southern Iraq following their participation in a protest against corruption.<sup>47</sup>

During the month of September, the armed forces closed a number of night clubs based on orders from Nouri al-Maliki, who is considered the head of the armed forces. The office of al-Maliki justified these actions as coming in response to judicial orders and complaints of citizens who had been negatively affected by the presence of bars, restaurants, and night clubs in their areas of residence, as such establishments contradict the prevalent social traditions, morals, and values. However, the High Judicial Council denied having any link to these measures or having issued any judicial orders on the matter.<sup>48</sup>

## **Establishing Political Parties**

There continues to be no legal framework in Iraq to govern the work of political parties despite the existence of over 500 political parties, most of which were established following the fall of the regime of Saddam Hussein in 2003.

Last year, the government prepared a draft law to govern political parties, yet the parliament has yet to adopt it. In contradiction of democratic standards, this draft law includes restrictions that hinder the freedom to establish and take part in the activities of political parties. The law imposes severe penalties for those who fail to abide by these restrictions, including dissolution of the party by judicial order.<sup>49</sup>

Among the draft law's restrictions to the freedom to establish political parties is the condition that the party's program must differ from the programs of other parties. This closely resembles the Egyptian law on political parties, which was annulled following the ouster of Mubarak and

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<sup>47</sup> Iraqi Civil Society Solidarity Initiative, "No Trials, No Sanctions, No Fines Targeting Unionists, and No Governmental Intervention in Iraqi Unions Elections!" Jun. 14, 2012, <<http://www.iraqicivilsociety.org/archives/718>>; LaborStart Campaigns, "Iraq: End Harassment of Oil Union Activists," <[http://www.labourstartcampaigns.net/show\\_campaign.cgi?c=1390](http://www.labourstartcampaigns.net/show_campaign.cgi?c=1390)>.

<sup>48</sup> Sot al-Iraq, "Press Release, Office of the Supreme Commander of the Armed Forces," Sep. 6, 2012, <<http://www.sotaliraq.com/iraq-news.php?id=70418#ixzz25mN6UDRT>>.

<sup>49</sup> Draft Law on Political Parties, Iraqi Council of Representatives, <[http://www.parliament.iq/Iraqi\\_Council\\_of\\_Representatives.php?name=articles\\_ajsdyawqw\\_qdjasdba46s7a98das6dasda7das4da6sd8asdsawewqeqw465e4qweq4wq6e4qw8eqwe4qw6eqwe4sadj&file=showdetails&sid=5369](http://www.parliament.iq/Iraqi_Council_of_Representatives.php?name=articles_ajsdyawqw_qdjasdba46s7a98das6dasda7das4da6sd8asdsawewqeqw465e4qweq4wq6e4qw8eqwe4qw6eqwe4sadj&file=showdetails&sid=5369)>; Human Rights Watch, "Iraq: Cybercrimes Law Violates Free Speech," Jul. 12, 2012, <<http://www.hrw.org/news/2012/07/11/iraq-cybercrimes-law-violates-free-speech>>.

which was formerly used as a pretext to reject requests to establish parties in Egypt.

The draft law further stipulates that the founders or leaders of any party must not include anyone who was proven to have called for, participated in, or circulated ideas which contradict the general principles of the constitution. This represents a blatant violation of the right to freedom of opinion and expression, including the right to criticize constitutional texts and principles and to call for their amendment or annulment. The draft law imposes a 10-year prison sentence on those who establish, lead, belong to, or fund any unlicensed political party which espouses ideas that undermine the provisions of the constitution. Another unjustified restriction requires at least 2,000 founding members for the establishment of a party, with not less than 100 founding members residing in each of at least six different governorates of the country. Although the draft law grants the administrative courts and the Federal Supreme Court the authority to rule on requests to establish parties and on cases filed to dissolve them or suspend their activities, it also allows for the courts to review requests to establish parties in private sessions if deemed necessary due to considerations of public interest, public order, or public morality.

The draft law also introduces a “Political Parties Affairs Department” under the Justice Ministry to be responsible for following the activities of political parties and to evaluate their compliance with the law. This department is mandated to investigate breaches to the law committed by political parties and to present appeals to decisions related to political parties to the appropriate courts. Thus, the draft law essentially places political parties under the oversight of the executive. A more acceptable alternative would have been for the draft law to provide for the formation of an independent commission to deal with the affairs of political parties.

### **Arbitrary Arrest and Torture**

The security apparatus continued to arrest those suspected of acts hostile to the government. In many cases, detainees are detained in unknown locations for long periods of time, often without being presented with formal charges or brought before a court. At the beginning of the year, it was reported that some 12,000 detainees were being held without trial in prisons under the



control of the Ministry of Justice alone. Further prisoners continued to be held in detention centers under the supervision of the police and the army.<sup>50</sup>

In May it was reported that a large number of those who had belonged to the now-dissolved Baath Party remained in detention. It is important to note that security campaigns rounded up nearly 1,500 former Baath members in October and November 2011, based on allegations that they were conspiring against the government. These measures were not subject to judicial oversight.<sup>51</sup>

Immediately prior to the Arab Summit in Baghdad, a wave of arrests in March resulted in the preventive detention of 532 individuals, according to security reports presented to the parliament. It is believed that many were targeted simply for having been arrested previously.<sup>52</sup>

Although the authorities had announced the closure of the infamous prison at Camp Ashraf in March 2011, rights sources indicated that some of those detained during the security campaign against the Baathists and the wave of arrests which preceded the Arab Summit were indeed held in the camp's prison. It is important to note that the Camp Ashraf prison had been under the oversight of the Office of the Supreme Commander of the Armed Forces rather than the Ministry of Justice. Other prisons also exist that are not under the administration of the Ministry of Justice, including the Muthanna airport prison.<sup>53</sup>

Reports asserted that Iraq continues to maintain a number of secret detention facilities run by the security forces. The detention centers are not subject to judicial oversight, nor are lawyers allowed to contact the detainees held at these sites. It is likely that detainees in these facilities are subjected to torture.<sup>54</sup>

Serious questions were raised over whether the death of Amer Seriut Zeidan al-Batawi, who was the bodyguard of former vice president Tarek al-Hashmi, resulted from torture. Al-Batawi had been held in detention for about three months after having been charged of committing acts of terrorism. When his body was received by his family on March 20, it bore clear signs of torture, including on sensitive areas of the body. Burns and

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<sup>50</sup> Amnesty International, "Annual Report 2012; Iraq," <<http://www.amnesty.org/en/region/iraq/report-2012>>.

<sup>51</sup> Human Rights Watch, "Iraq: Mass Arrests, Incommunicado Detentions," May 15, 2012, <<http://www.hrw.org/news/2012/05/15/iraq-mass-arrests-incommunicado-detentions>>.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

cuts were visible on various parts of his body, and he had lost 17 kilograms while in custody.<sup>55</sup>

It is important to mention that an arrest warrant had been issued for Tarek al-Hashmi in December 2011 based on charges related to murder and leading death squads. Al-Hashmi had fled to the Kurdish region and then to Turkey. The Iraqi Criminal Court issued death sentences against him in three separate cases.<sup>56</sup>

It is also important to note that during the first ten months of 2012, 119 people were sentenced to death for criminal offenses, many related to state security or terrorism. These sentences are even graver in light of the fact that trials in Iraq do not meet fair trial standards, the judiciary lacks independence, and torture is frequently used to extract confessions.<sup>57</sup>

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<sup>55</sup> Human Rights Watch, "Iraq: Investigate Death of VP's Bodyguard in Custody," Mar. 23, 2012, <<http://www.hrw.org/news/2012/03/23/iraq-investigate-death-vp-s-bodyguard-custody>>.

<sup>56</sup> Al-Ahram, "Al-quda' al-'iraqi yusdir hokman gheyabayan thalathan bi-ia' dam tareq al-hamishi wa sihrih," Nov. 4, 2012, <[bit.ly/SH6FKs](http://bit.ly/SH6FKs)>.

<sup>57</sup> Human Rights Watch, Iraq: Urgent Need for Death Penalty Moratorium," Oct. 10, 2012, <<http://www.hrw.org/news/2012/10/10/iraq-urgent-need-death-penalty-moratorium>>.