

# Iraq

In 2011, Iraq remained the stage of grave human rights abuses, the immensity of which differed little from the patterns detailed in reports of recent years. This raises serious questions about the development and reform of the Iraqi security apparatus and exposes the inability of the political process to incorporate broad segments of the population. It might have appeared relatively positive that Iraq no longer led the Arab world as the most violent Arab country; however, this was not due to a marked decline in the level of repression and lethal violence in Iraq, but rather to the fact that Libya and Syria vied for this rank due to the broad crackdown and crimes against humanity perpetrated by the regimes of Moammar al-Qaddafi and Bashar al-Assad with the goal of crushing the popular revolutions in their countries.

The most conservative numbers indicate that from January 1 to October 30, 2011, 3,430 civilians were killed in Iraq, compared to 4,045 in 2010 and 4,704 in 2009.<sup>1</sup>

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<sup>1</sup> These numbers are taken from Iraq Body Count (IBC), an independent NGO established after the invasion of Iraq. Despite the credibility accorded the organization's reports, independent observers doubt the accuracy of the numbers of actual casualties because of the methodology used to document deaths. IBC counts only documented deaths and injuries rather than using surveys of samples of the Iraqi population to deduce the number of casualties, as is done by other organizations. This approach may seem sound at first glance, but because of the weakness of Iraqi state agencies, particularly the Ministries of Defense, Interior, and Health—the bodies responsible for documenting the number of dead and wounded—in addition to the absence of local and international media coverage across the country due to barriers to movement and limited resources, arriving at accurate statistics

Challenges in Iraq are not limited to the continued deterioration of the security situation, nor to the failure to reach a consensus regarding the political process, nor to the inability to agree on political ground rules for the constitution, for laws governing the distribution of wealth, and for drawing the borders of areas disputed by the region of Kurdistan and the central government. Rather, there are also challenges that test the very legitimacy of the government, particularly in the midst of growing waves of protests and peaceful demonstrations all over Iraq sparked by rampant corruption, poor government services, and a sense among growing numbers of Iraqis of the flagrant lack of mechanisms of oversight to monitor government performance. Exacerbating the situation is the fact that the Parliament is the least effective of the constitutional institutions, as it is characterized by extreme sectarianism. Moreover, the electoral process imposed the need for broad coalition governments, thus stripping the Parliament of any genuine opposition force. The Anti-Corruption Agencies and the Office of Financial Oversight also face various forms of interference, manipulation, and pressure by the government, made worse by the chronic weakness of the judiciary, which has not yet cast off its old subordination to the executive which has characterized its work since the era of Saddam Hussein.<sup>2</sup>

Given the inability to address structural problems in the system of governance, authoritarianism has been further entrenched. This is demonstrated in the growing tendency to use excessive force to suppress peaceful protests, as Iraq follows the model of other Arab regimes in using hired thugs to attack demonstrators, opening fire with live ammunition, and subjecting protestors to arrest, torture, or kidnapping.

There are no indications of improved conditions in detention facilities and prisons, as complaints continue to be heard of detention without charge or trial. Moreover, there is little or no judicial inspection of detention centers, and some illegal, secret prisons have been exposed.

Journalists and media workers continue to be targeted in killings, although less frequently, as well as subjected to physical assaults, threats,

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regarding casualties proves to be a difficult task, with the exception of troop casualties maintained by the American forces. Moreover, the causes of death of Iraqi victims is at times unknown, especially when bodies are found thrown in the streets, making it difficult to determine whether the deaths were politically or criminally motivated. According to IBC, the number of civilian Iraqi deaths since the American invasion is as follows: 12,049 in 2003; 10,751 in 2004; 14,832 in 2005; 27,676 in 2006; 24,534 in 2007; and 9,357 in 2008. For more information see the IBC website, <http://www.iraqbodycount.org/>.

<sup>2</sup> International Crisis Group, "Failing Oversight: Iraq's Unchecked Government," Sep. 26, 2011, <<http://goo.gl/TggP9>>.

and judicial harassment. The Christian and Yazidi minorities were also targeted in some attacks.

The legislative framework of the country remains in need of a genuine push to promote and protect liberties, yet changes in this area often involve the imposition of more restrictions, especially on the freedom of expression and the freedom of assembly and peaceful demonstration.

### **Violence, arbitrary killing, and the targeting of civilians:**

Data on violence and killings from January to October, 2011, reveal numerous worrying quantitative and qualitative indicators. First and foremost, an improvement of the security situation remains dependent on domestic and regional developments unlikely to occur in the near future.

Even though the average death rate settled at 11.4 per day in 2011, compared to an average of 12.2 per day in 2010,<sup>3</sup> a closer examination reveals less encouraging findings. Iraq has still not transitioned to the post-conflict phase predicted by numerous studies following the civil war of 2006-2008, in which more than 60,000 people were killed.

In the period covered by this report, acts of violence each month ranged from a low of 250 deaths in February to a high of 398 deaths in August.<sup>4</sup> The delay in reducing the number of civilian deaths can be attributed to various internal and external factors, especially when compared to the steep decline in victims after 2008, which was also due to internal and external factors. Firstly, the type and level of violent operations is linked to the political process, as violence has become an extension of debates at the negotiating table between Iraqi politicians, whether for those at the center of government or those on its margins. This indicates that an embrace of peaceful politics is still distant.<sup>5</sup>

A second factor is that Iraq remains an arena for settling regional scores between the country's neighbors, and between these neighbors and the US. This year a new element was introduced with the revolutions of the Arab Spring, which swept over Syria, Iraq's western neighbor, and sparked

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<sup>3</sup> Iraq Body Count.

<sup>4</sup> Ibid.

<sup>5</sup> For example, see the following article, which links increasing violence to negotiations over the withdrawal of American troops: Washington Post, "Iraq Violence Intensifies As Talks Continue on U.S. Troop Presence," June 22, 2011, <[http://www.washingtonpost.com/world/iraq-violence-intensifies-as-talks-continue-on-us-troop-presence/2011/06/21/AG3pX3eH\\_story.html](http://www.washingtonpost.com/world/iraq-violence-intensifies-as-talks-continue-on-us-troop-presence/2011/06/21/AG3pX3eH_story.html)>.

demonstrations of varying intensity demanding political and economic reform in Jordan, Saudi Arabia, and Kuwait.

The impacts of the Arab Spring led Iraqi politicians to accuse regional parties of backing violence in Iraq with the goal of diverting attention away from domestic conflicts in these states or of sending a message to the region and the world that the cost of ousting these regimes would be high and would be reflected in the level of stability and preservation of the social fabric of the religiously and ethnically diverse Arab Levant.<sup>6</sup>

The UN Assistance Mission in Iraq (UNAMI) also offered a new explanation for the continued elevated levels of violence, stating that violent ideological and political groups were increasingly turning to ordinary crime to fund their terrorist activities.<sup>7</sup> A prominent security leader estimated that business owners in Mosul alone pay some \$7 million every month as protection money to the group Islamic State of Iraq, which is linked to al-Qaeda.<sup>8</sup>

Data indicates that suicide missions, explosive devices, and car bombs still claim the most Iraqi lives, compared to assassinations or gunfights.<sup>9</sup> On August 28, 2011, 30 Iraqis, most of them Sunnis, were killed when a suicide bomber targeted the Umm al-Qura Mosque in Baghdad. Khaled al-Fahdawi, an MP for the Anbar province allied with the Sunni Iraqi list, and Sheikh Ahmed Abd al-Ghafur al-Samarra'i, the imam of the mosque and known for his sermons against Islamic extremism, died in the blast.<sup>10</sup>

On September 12, 2011, armed men killed 22 Shiite pilgrims from the province of Karbala after attacking a bus in the desert area of al-Nakhb in

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<sup>6</sup> For example, the leader of the Iraqi Awakening Council, Ahmed Abu Risha, accused Syrian intelligence in September of involvement in planning a series of bombings against Iraqi civilians to draw attention away from popular protests against the Assad regime. See Hathalyoum News Network, "Abu Risha yattahim Suriya bi-qatl 'Iraqiyin shi'a, Sep. 13, 2011, <<http://www.hathalyoum.net/news.php?action=view&id=2136>>.

<sup>7</sup> UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010, <[www.uniraq.org/documents/UNAMI\\_HR%20Report\\_English\\_FINAL\\_1Aug11.pdf](http://www.uniraq.org/documents/UNAMI_HR%20Report_English_FINAL_1Aug11.pdf)>. See also Iraq Body Count, where data on daily deaths points to increased targeting of jewelry stores, banks, and exchange offices.

<sup>8</sup> See statements made by Mahdi Subbeih al-Azzawi, commander of the third division of the Federal Police, to Radio Sawa, Nov. 8, 2011. The Iraqi Interior Ministry says that dozens of small and medium business owners and professionals have been kidnapped for ransom by militias over the past few years.

<sup>9</sup> Iraq Body Count states that an average of 6.6 Iraqis died every day from January to October 2011 in suicide missions and car bombs, compared to 4.8 per day as a result of assassinations over the same period.

<sup>10</sup> BBC Arabic, "Maqtal 28 'ala-l-aqall fi hujum intihari 'ala masjid fi Baghdad," Aug. 28, 2011, <[http://www.bbc.co.uk/arabic/worldnews/2011/08/110828\\_iraq\\_bomb.shtml](http://www.bbc.co.uk/arabic/worldnews/2011/08/110828_iraq_bomb.shtml)>.

the Anbar province on the international highway between Iraq and Syria. Press reports stated that the militants ordered them off the bus, released the women, and took the men aside and shot them with automatic weapons.<sup>11</sup>

On October 27, 2011, two explosions of IEDs planted on the roadside targeted two shops selling music tapes in a majority-Shiite neighborhood of Baghdad, killing 40 and wounding 78, among them policemen.<sup>12</sup>

In this context, various political forces in Iraq have raised doubts about the professionalism and neutrality of Iraqi security forces, pointing to the questionable loyalties of their members and divisions among their ranks along political, sectarian, and ethnic lines, which ultimately affects their ability to fairly enforce the law.<sup>13</sup> The US has voiced similar concerns. US Secretary of Defense Leon Panetta complained that the Iraqi army is unwilling to pursue Shiite militias, which killed 14 US soldiers in June 2011, according to Washington – the highest number of US military casualties in the previous three years.<sup>14</sup>

Violence struck all Iraqi provinces, whether Sunni, Shiite, or Kurdish, but cities with a Sunni majority, particularly al-Ramadi, Mosul, and Baquba, bore the lion's share, along with the capital of Baghdad. Iraqi police and military personnel remained targets, as did members of the Sunni Awakening Councils established by the US army in 2006 to combat al-Qaeda cells. On June 11, unknown militants assassinated Saber Mahmoud, a prominent leader of the Awakening Councils, along with three of his relatives, in the Sunni-majority city of Samarra' in northern Iraq.<sup>15</sup> On October 24, five citizens, among them two policemen, were killed and 30 injured in four separate attacks carried out by suicide bombers and militants against Iraqi traffic police in Baghdad.<sup>16</sup>

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<sup>11</sup> BBC Arabic, "Mas'ul 'askari 'Iraqi yattahim musallahin 'Araban bi-qatl 22 'Iraqiyan 'ala-l-tariq ila Suriya," Sep. 18, 2011, <[http://www.bbc.co.uk/arabic/middleeast/2011/09/110918\\_iraq\\_arab\\_gunmen.shtml](http://www.bbc.co.uk/arabic/middleeast/2011/09/110918_iraq_arab_gunmen.shtml)>.

<sup>12</sup> Al-Wasat News, "Maqtal 32 shakhsan fi hujum bi-Baghdad," Oct. 29, 2011, <<http://www.alwasatnews.com/3339/news/read/604988/1.html>>.

<sup>13</sup> See, for example, Yezid Sayigh, "Armies and Civilians in the Arab Awakening: An Inevitable Compromise?" Oct. 27, 2011, Sada, <[http://carnegieendowment.org/sada/2011/10/27/armies-and-civilians-in-arab-awakening-inevitable-compromise/8b2y?solr\\_hilite=Yezid](http://carnegieendowment.org/sada/2011/10/27/armies-and-civilians-in-arab-awakening-inevitable-compromise/8b2y?solr_hilite=Yezid)>.

<sup>14</sup> Asharq al-Awsat, "Banita yuhadhdir min taharruk quwatih bi-shakl munfarid didd milishiyat al-shi'iya idha lam taf' al al-sultat al-'Iraqiya dhalik," July 12, 2011, <<http://www.aawsat.com/details.asp?section=4&issueno=11914&article=630690&feature=>>>.

<sup>15</sup> Sawt al-Arab, <[www.alarabnow.com/2011/06/11/مقتل-عضو-من-قوات-الصحو-العراقية/](http://www.alarabnow.com/2011/06/11/مقتل-عضو-من-قوات-الصحو-العراقية/)>.

<sup>16</sup> BBC Arabic, "al-'Iraq: maqtal 5 fi silsilat hajamat istahdafat shurtat al-murur bi-Baghdad," Oct. 24, 2011,

Iraqi civilians continued to be targeted and killed by US forces, although the numbers declined markedly in the period covered by this report. On March 7, 2011, according to Iraqi sources, US military forces killed Iyad Ibrahim Mohammed, a Iraqi university professor, in a village in al-Huweija, near the city of Kirkuk, after an air strike. The forces took Mohammed's body and detained his brother. Official US clarifications later stated that the role of US forces was limited to providing support and air transport to Iraqi forces.<sup>17</sup>

### **Minorities and refugees:**

The year 2011 saw a decline in the death rate of members of religious and ethnic minorities which had been most subjected to acts of violence and killings since the 2003 US invasion. These minorities were targeted due to the dominance of extremist religious discourses and groups in the political and cultural arenas, including among the security apparatus responsible for protecting these minorities. Most of these minorities also lacked armed militias to defend themselves.<sup>18</sup> Despite the decline in violence, members of the Christian and Yazidi minorities continued to complain of being targeted in the street and of their homes coming under armed assault to expel them from the area, especially in the north.

On August 2, 16 Iraqis were injured when a car bomb exploded near the Catholic church in northern Kirkuk. The police said the explosion was part of a wider attack that involved two additional car bombs near two churches in the same city which were defused before they went off.<sup>19</sup> A Christian

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<[http://www.bbc.co.uk/arabic/middleeast/2011/10/111023\\_iraq\\_gunmen\\_traffic\\_police.shtml](http://www.bbc.co.uk/arabic/middleeast/2011/10/111023_iraq_gunmen_traffic_police.shtml)>

<sup>17</sup> Iraq News Network, "al-Mustashar al-i'lami li-l-ihtilal: lam nusahim fi qatl al-duktur Iyad Ibrahim bal qaddamna al-da'm wa-l-isnad li-l-quwat al-'Iraqiya faqat," Mar. 10, 2011, <[http://www.aliraqnews.com/index.php?option=com\\_content&view=article&id=25242:2011-03-10-08-39-35&catid=13:politics&Itemid=26](http://www.aliraqnews.com/index.php?option=com_content&view=article&id=25242:2011-03-10-08-39-35&catid=13:politics&Itemid=26)>.

<sup>18</sup> The year 2010 was the bloodiest for Iraqi Christians, with 92 killed and 280 injured in a series of attacks targeting churches and Christian homes. Review the report of the Hammurabi Human Rights Organization in Iraq at al-Mowaten News, "Akthar min 822 masihi 'Iraqi qutil khilal sab' sanawat wa al-'am al-madi kan al-aswa'," May 23, 2011, <<http://www.almowatennews.com/news.php?action=view&id=21133>>.

<sup>19</sup> Huffington Post, "Iraq Catholic Minority Target of Three Car Bombs," Aug. 2, 2011, <[http://www.huffingtonpost.com/2011/08/02/iraq-catholic-minority\\_n\\_915970.html](http://www.huffingtonpost.com/2011/08/02/iraq-catholic-minority_n_915970.html)>. Data indicates that the Christian population of Iraq dropped from some 1.5 million in 2003 to 850,000 by mid-2011. According to the Hammurabi Human Rights Organization, 882 Christians have been killed since the US invasion of 2003.

citizen named Bassam Boulos was also killed on October 2, when unknown persons shot him in the eastern part of Mosul.<sup>20</sup>

The Christians minority also complained that the Iraqi security apparatus failed to arrest those involved in violence against them, although the government did, for example, build cement walls around churches, some of them as high as 3 meters, turning many churches into military barracks.<sup>21</sup>

Members of Iraq's Yazidi community, most of whom live in the Nineveh province in northern Iraq, also continued to be targeted with violence. On September 19, Yazidi leader Sheikh Elias Badal was killed and his son seriously injured when Iraqi army forces raided his home in Qada Sinjar, near Mosul.<sup>22</sup>

Sites where Iraqi citizens gather to express their faith also continue to be targets. On February 12, 2011, for example, at least 33 people were killed and around 20 more injured following an attack by a suicide bomber on a bus carrying Shiite pilgrims headed to Samarra' to commemorate the death of Imam al-Hassan al-Askari, the eleventh Shiite imam.<sup>23</sup>

The status of refugees and internal displaced persons (IDPs) continued to be a major social and political issue in Iraq. According to information from the UN High Commissioner for Refugees, as of January 2011 Iraq was home to 1,343,568 IDPs. UNAMI stated that Baghdad alone is hosting 358,457 IDPs, many of whom do not have adequate access to basic services such as water, sewage, and electricity.<sup>24</sup> These groups face numerous problems because of administrative and practical obstacles hindering them from exercising their basic rights, such as obtaining civil status documents in a timely manner and the provision of housing and work; they also risk expulsion from shelters.

Some 3,250 Iranian refugees, members and supporters of the dissident Iranian group Mujahedeen-e Khalq, continue to reside in Camp Ashraf in Diyala, where their situation is extremely worrying. Reports continue that food and fuel are being denied entry to the camp, which has been under

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<sup>20</sup> Iraq Body Count.

<sup>21</sup> Al-Mowaten News, "Akthar min 822 masihi 'Iraqi qutil khilal sab' sanawat wa al-'am al-madi kan al-aswa'."

<sup>22</sup> Lalish Media Network, "al-Hay'a al-'ulya li-markaz lalish tastankir 'amaliyat mudahamat manzil al-shahid Ilyas Badal fi-l-Khansur," Sep. 21, 2011, <<http://www.lalishduhok.com/2010-10-12-15-22-02/2011-01-05-15-01-47/6578-2011-09-21-12-56-50.html>>.

<sup>23</sup> AFP, Feb. 12, 2011.

<sup>24</sup> UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010.

partial siege since Iraqi forces assumed the responsibility of securing the camp in July 2009. International reports in November warned that the camp's residents faced "serious danger" if the Iraqi government proceeds with its plan to close the camp by December 31, 2011.<sup>25</sup> According to these reports, 36 residents of the camp, among them 8 women, were killed and some 300 injured after Iraqi forces raided the camp on April 8, 2011. On November 4, Mujahdeen-e Khalq said that Iraqi authorities had denied entry to fuel supplies needed for cooking and heating, threatening a disaster with the onset of winter.<sup>26</sup>

The Iraqi authorities' continued harassment of the camp's residents and the ongoing siege impede attempts by the EU to find a solution for camp residents. The EU has proposed to the Iraqi authorities settling and hosting all the camp's residents in EU and non-EU countries, including the US, Canada, and Australia, but the success of these efforts requires Iraqi forces to withdraw from the boundaries of the camp, lift the siege, allow the entry of medical services, launch an independent investigation by a delegation of rights advocates on the attack on the camp in April, and return all camp residents' property confiscated during the attack.<sup>27</sup>

### **Media freedoms:**

Iraq remains one of the most dangerous places in the world for journalists; in terms of the number of murders and abductions of journalists and media workers, it is surpassed only by Pakistan, thereby topping the list among Arab countries. The period from January 1 to October 30, 2011 saw the deaths of 7 Iraqi journalists, the same number of victims as in 2010 but significantly fewer than in 2008 and 2007, when 14 and 47 journalists were killed, respectively.<sup>28</sup>

On September 8, an armed militant assassinated Hadi al-Mahdi, a journalist with Radio Tammouz known for his activities denouncing

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<sup>25</sup> Amnesty International, "Iraq: Iranian Asylum-Seekers in Iraq at Risk," Nov. 2, 2011, <<http://www.amnesty.org/en/library/asset/MDE14/043/2011/en/129408bd-ea14-4a55-89c5-b89aeee3fce3/mde140432011en.html>>.

<sup>26</sup> al-Youm al-Sabia, "Munazzamat 'khlaq' tattahim 'Iraq bi-fard al-hisar 'ala sukkan mukhayyam Ashraf," Nov. 4, 2011, <<http://www.youm7.com/News.asp?NewsID=526861&SecID=88&IssueID=0>>.

<sup>27</sup> "Awdat al-idtirabat al-amniya fi-l-'Iraq," <<http://www.tunisia-sat.com/vb/showthread.php?t=1737217>>.

<sup>28</sup> Figures from Reporters Without Borders and the Committee to Protect Journalists. According to the former, 8 journalists were killed in Pakistan in 2011. Yemen was second among Arab countries, with 6 journalists killed in 2011.

corruption in state institutions. The assassination of al-Mahdi, who had led anti-corruption demonstrations in the past, came one day before a demonstration organized by civil society and activists demanding the dismissal of the Maliki government, dubbed the Friday of Freedom. Al-Mahdi had previously been arrested on February 25, 2011, days after organizing a demonstration against the Maliki government. At the time, he said he was tortured by the security apparatus.<sup>29</sup>

On June 21, Salem Elwan al-Gharabi, a photographer with the Iraqi Afaq channel, was killed in a suicide bombing of the city council building of al-Diwaniya, in southern Iraq.<sup>30</sup> On March 29, 2011, Iraqi journalists Sabah al-Bazi of Reuters and Muammar Khodeir Abd al-Wahed of the Eye Media Agency were killed in a suicide attack against the provincial council building of Salah al-Din in Tikrit. The attack left at least 65 people dead and over 100 wounded.<sup>31</sup>

Iraqi journalists continued to face other forms of harassment as well, including physical assaults, threats, and what are thought to be politically motivated prosecutions. On August 29, the founder of the Kurdish independent *Awena*, Asos Hardi, was brutally beaten in the Kurdish city of Suleimaniya by an unidentified person in black clothing. He required surgery for a head wound. Reporters Without Borders reported increased attacks on journalists in the Kurdistan province since the beginning of the protest movement of February 17, 2011, which demanded an end to corruption.<sup>32</sup>

On October 19, unidentified armed men attacked Abd al-Hassan al-Rikabi, a correspondent with the Iraqiya channel, while on the road in his car from al-Rifai to Nasiriya in the south. He sustained light injuries to his neck after leaving his car and fleeing the gunfire.

On October 1, the director of the Kurdish News Network, Hoshiyar Abdullah, affiliated with the opposition Kurdistan Movement for Change, was summoned to a court in Suleimaniya. He was released on bail of 145,000 Iraqi dinars (EU90), after being charged with defaming the former minister of water resources, Abd al-Latif Mohammed Jamal, who is

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<sup>29</sup> Al-Hayat, "Ightiyal al-sahafi al-'Iraqi Hadi al-Mahdi fi manzilih qabl tazahurat al-ghad," Sep. 8, 2011, <<http://international.daralhayat.com/internationalarticle/305469>>.

<sup>30</sup> Reporters Without Borders, "Maqtal musawwir fi hujum fi janub al-'Iraq," June 22, 2011, <[http://arabia.reporters-sans-frontieres.org/imprimer\\_ar.php3?id\\_article=32055](http://arabia.reporters-sans-frontieres.org/imprimer_ar.php3?id_article=32055)>.

<sup>31</sup> Reporters Without Borders, "Sahafiyan min bayn dahaya al-hujum al-sittin," Mar. 30, 2011, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31993](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31993)>.

<sup>32</sup> Reporters Without Borders, "Darb Asus Hardi min abraz wujuh fi-l-sahafa al-mustaqilla fi Kurdistan al-'Iraq," Aug. 30, 2011, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=32093](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32093)>.

suspected of corruption.<sup>33</sup> American journalist Daniel Smith was also arrested on October 21 while at a demonstration in Baghdad. He was held in a detention center near the Muthana airport before being released and deported on October 26.<sup>34</sup>

Authorities in the province of al-Qadisiya, south of Baghdad, cut the transmission of the sole independent radio station in the province, on the grounds that the music programs were contrary to public morals; according to the station director, the station broadcasts classic Iraqi songs.<sup>35</sup>

This year saw limited positive development in the legislative arena after the parliament passed a law on the protection of journalists on August 9, more than two years after the Iraqi government approved it. The law partially expanded the definition of a journalist, formerly limited to members of the Journalists Syndicate, to include any person who works in journalism on a regular basis, excepting those who work on a temporary basis and unpaid bloggers. Nevertheless, many observers saw the law as merely a statement of intentions, as it contained no provisions prescribing penalties for institutions or persons who violated the theoretical safeguards for journalists enshrined in the law. The law also contains no provisions for the establishment of a compensation fund for journalists harmed by violations, or procedural provisions for prosecuting violations against the press. More importantly, the guarantees upheld by the law in theory that allow journalists freedom of opinion, access to information, and freedom to publish appear meaningless or, at the least, are subject to provisions in other laws. The law repeatedly states that the rights of journalists apply “within the bounds of the law,” or “in the framework of respect for laws and court orders,” or “insofar as they do not violate the law and the public order.”<sup>36</sup>

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<sup>33</sup> Reporters Without Borders, “I’tida’at wa mudayaqat yawmiya li-l-i’lamiyin,” Oct. 21, 2011, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=32121](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32121)>.

<sup>34</sup> Reporters Without Borders, “Mawja jadida min al-intihakat wa-l-tarhib didd al-sahafiyin,” Oct. 31, 2011, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=32128](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32128)>.

<sup>35</sup> Ibid.

<sup>36</sup> Reporters Without Borders, “Qanun li-himayat al-sahafiyin: ta’widha tashri’iya ‘amiqa wa hatta khatira,” Sep. 6, 2011, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=32096](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32096)>.

## **Repression of the freedom to peaceful assembly, protest, and expression:**

The authorities cracked down on numerous peaceful demonstrations, largely free of sectarian discourses, which erupted with the wave of Arab revolutions. Several people were killed in the crackdown due to excessive use of force, while the government is currently preparing legal restrictions that would largely criminalize freedom of expression, assembly, and peaceful demonstration.

On February 17, 2011, thousands of Iraqis took to the streets in several cities, including Suleimaniya and al-Kut, to protest the rampant corruption in state institutions and the deterioration of services, particularly electricity, education, health, and sanitation. Iraqi forces dealt harshly with the protests, killing at least 4 people.<sup>37</sup>

Borrowing from the lexicon of the Egyptian revolution, civil and youth groups on February 25 organized a Day of Rage in several Iraqi cities, which was met with extreme brutality by Iraqi security forces supported by groups of hired thugs,<sup>38</sup> a scenario seen repeatedly in several Arab countries. As a result, at least 8 people were killed and dozens injured.<sup>39</sup>

On June 10, groups of pro-government thugs, observed by security forces, attacked a peaceful protest in Baghdad with clubs, knives, and iron rods. The demonstration was held in protest of corruption and poor government services. Thugs beat and stabbed several demonstrators and sexually harassed female protestors, attempting to strip some of them, calling them whores and using other sexually provocative language.<sup>40</sup>

The Iraqi authorities at times intentionally harass and abuse demonstration organizers. In this context, security forces stormed a meeting of protest organizers in Baghdad on June 28, leading away 13 activists handcuffed and blindfolded and confiscating documents and their phones and computers. Some of the activists were beaten and kicked on various parts of their bodies while blindfolded.

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<sup>37</sup> Human Rights Watch, "Iraq: Investigate Protester Deaths," Feb. 17, 2011, <<http://www.hrw.org/news/2011/02/17/iraq-investigate-protester-deaths>>.

<sup>38</sup> Human Rights Watch, "Iraq: Attacks by Government-Backed Thugs Chill Protests," June 30, 2011, <<http://www.hrw.org/news/2011/06/30/iraq-attacks-government-backed-thugs-chill-protests>>.

<sup>39</sup> Human Rights Watch, "Iraq: Open Immediate Inquiry into Protester Deaths," Feb. 25, 2011, <<http://www.hrw.org/news/2011/02/25/iraq-open-immediate-inquiry-protester-deaths>>.

<sup>40</sup> Human Rights Watch, "Iraq: Attacks by Government-Backed Thugs Chill Protests."

Abuses of protest organizers by the central authorities differ little from those meted out by the authorities in the Kurdistan province, although the regional government of Kurdistan issued a report on the findings of its investigations into acts of violence over 60 days of demonstrations. Although the report ultimately held both demonstrators and security forces responsible for the violence, it admitted that the police and security forces lack adequate training to deal appropriately with protests.<sup>41</sup>

Instead of engaging with growing peaceful protests using political means, putting an end to corruption, improving government performance, and strengthening oversight instruments, an increasing authoritarianism is evidenced as in the government's approval on May 16 of the law on freedom of expression of opinion, assembly, and peaceful demonstration, which undermines Iraqis' right to protest and express themselves freely. The bill gives the authorities broad prerogatives to circumscribe Iraqis' liberties and rights on the pretext of public interest, public order, or public morals, without defining or setting limits to any of these terms. Although the bill recognizes in theory the right of Iraqis to peacefully demonstrate to express their opinions or demand their rights, Article 7 requires demonstration organizers to obtain a permit at least five days in advance of any demonstration. The application for a permit must be accompanied by a statement of the subject and purpose of the demonstration and the names of organizers, although no standards are specified by which the Iraqi authorities will approve or reject the application. Some of the provisions of the bill criminalize freedom of expression, prescribing penalties of up to ten years in prison. The bill imposes a one-year prison term on any person who attacks the belief of any religious sect, shows contempt for its rites, or insults religious symbols.<sup>42</sup>

### **Freedom to form parties:**

Iraqi legislation still lacks a law regulating political parties in the country, although over 500 political parties exist, the vast majority of which were founded after the fall of the Saddam Hussein regime in 2003. The Iraqi Council of Representatives took a serious step forward in this regard in October when its Legal Committee began discussing a bill for political parties, thought to have been approved by the Presidential Council of Iraq in

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<sup>41</sup> Human Rights Watch, "Iraq: Protest Organizers Beaten, Detained," June 2, 2011, <<http://www.hrw.org/news/2011/06/02/iraq-protest-organizers-beaten-detained>>.

<sup>42</sup> Human Rights Watch, "Iraq: Revise Draft Law that Curbs Protests, Speech," July 13, 2011, <<http://www.hrw.org/news/2011/07/13/iraq-revise-draft-law-curbs-protests-speech>>.

May 2008. Press leaks indicate that in the first reading of the bill the committee focused on the establishment of parties, funding bodies, and the licensing body. It appears that Iraqi MPs agree on the need to put licensing for political parties under the sole authority of the judiciary.<sup>43</sup>

Under the terms of the law, creating a party would require 2,000 founding members from six provinces, with at least 100 members from each province. Many consider this an arbitrary condition, biased towards groups with adequate funding and broad organizational capabilities.<sup>44</sup> The bill also includes a controversial provision in Article 19 which creates a directorate for the affairs of political parties within the Ministry of Justice, to be charged with overseeing parties' compliance with the law in their articles of incorporation and their political activities. The danger is that the article pits the ministry, alleged to be politicized, against political parties. The same objective could be realized by charging the judiciary with this task.

The law criminalizes the receipt of foreign funds by parties and requires them to disclose their annual budgets, which may help somewhat—if the provision is applied transparently and impartially—to resolve the debate over parties' affiliations with foreign agendas. If the law is passed, it will also facilitate the receipt of funds from the state budget by nascent parties.

### **Independence of the judiciary and the right to a fair trial:**

Investigations and prosecutions before Iraqi courts remain the object of strong criticism by Iraqi and international human rights organizations, as they fail to meet the minimum international standards for a fair trial.

According to a UNAMI report, the Code of Criminal Procedure is marred by serious shortcomings. Rather than being grounded in a prosecutorial system based on evidence and proof, it is based on confessions, which are often obtained under duress and by torture.<sup>45</sup> The report notes that the Iraqi authorities do not seriously comply with the demands of fair legal procedure. There have been repeated failures to inform persons under arrest of the charges against them, defendants are often detained for long periods before a trial, and the defendants' or detainees' right to a lawyer is disregarded. The Public Prosecution makes only rare visits to detention centers, and there

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<sup>43</sup> Alsumaria, "al-Lajna al-qanuniya al-niyabiya tunaqish qanun al-ahzab al-siyasiya fi-l-'Iraq," Oct. 10, 2011, <<http://www.alsumaria.tv/ar/Iraq-News/1-69317-.html>>.

<sup>44</sup> See a copy of the bill here: <<http://goo.gl/P7nQh>>.

<sup>45</sup> UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010.

have been repeated delays in having detainees' legal status reviewed by an investigating judge.

The UNAMI report details allegations from numerous detainees who say they were not informed of the reason for their arrest or detention nor of the charges against them, whether orally or in writing. A number of detainees claim to have been detained for reasons unrelated to any violation of criminal law but simply because they were unable to pay bribes to security officials or for sectarian or other reasons.<sup>46</sup> The report also documents claims by prisoners and detainees who say they have not been brought before an investigating judge or that the judge merely complied with formal procedure by signing off on their alleged confessions, which are often obtained by the arresting authorities before the defendant is presented to a court and usually without the presence of an attorney.<sup>47</sup>

Human rights groups complained that those responsible for human rights abuses are not brought before Iraqi courts. In addition, sentences issued by US courts against American military personnel responsible for human rights violations are often light. In the case of eight US marines accused of killing 24 Iraqi civilians in Haditha in 2005, the US military court dropped the charges against six of the defendants and acquitted the seventh defendant. The US military judge denied a motion from the defense to drop the charge of murder against the commander of the group, Frank Wuterich. An appeal on the case is scheduled for January 4, 2012.<sup>48</sup>

### **Conditions in prisons and detention facilities:**

Although the Iraqi government joined the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the situation inside prisons and detention facilities continued to deteriorate in the period covered by this report. It is estimated that some 35,000 people were being detained and imprisoned by the Iraqi authorities in January 2011, including more than 20,000 detained without trial, despite the issuance of the Iraqi amnesty law in 2008, which mandates the release of all those detained without charge for six months to a year after their arrest.<sup>49</sup>

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> North Country Times, "Military: Wuterich Trial in Hadith Killings Set," Oct. 13, 2011, <[http://www.nctimes.com/news/local/military/article\\_4d3b0f3a-7bf4-5f83-bbe7-a288abe09097.html](http://www.nctimes.com/news/local/military/article_4d3b0f3a-7bf4-5f83-bbe7-a288abe09097.html)>.

<sup>49</sup> UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010.

On March 14, 2011, an Iraqi parliamentary committee exposed the practice of systematic torture in the Camp Honor detention center run by the 56th Brigade, also known as the Baghdad Brigade, and the counterterrorism agency under the Prime Minister's office. Members of the parliamentary committee said that they observed 175 prisoners in an "unfortunate" state in the prison, located in the heavily fortified Green Zone of Baghdad, and that they saw signs of physical harm, including traces of electroshocks and scars running down the length of detainees' backs. Although the Iraqi government announced its intention to close the facility, no official has been held criminally accountable.<sup>50</sup>

Secret prisons still exist, the most prominent being the prison at al-Adl military airport, exposed in February 2011, which was thought to hold some 300 detainees at that time.<sup>51</sup> On January 13, 2011, the Iraqi Minister of Justice complained to the Prime Minister's office that the officer in charge of the prison refused to permit a group of inspectors to enter the facility. According to the testimonies of former detainees, they were held in solitary confinement and in inhumane conditions for several months. Detainees described in detail the abuses they faced during interrogations with the purpose of obtaining false confessions. They said that interrogators beat them, hung them from their legs, at times for hours, and administered electroshocks to various parts of their bodies, including their genitals. Interrogators also repeatedly threatened to suffocate them using plastic bags, putting the bags over their heads until they fainted.

According to Interior Ministry officials: "Citizens come to police stations or prisons looking for their family members who have been arrested. If we find they were taken by Prime Minister Nour al-Maliki's forces, we don't get any information about them or have jurisdiction to do anything." Forces of the 54th and 56th Brigades, though technically subordinate to the Ministry of Defense, are in fact subordinate to al-Maliki, who has direct control over the counterterrorism agency, which also worked closely with American Special Forces.<sup>52</sup>

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<sup>50</sup> Human Rights Watch, "Iraq: Closing Torture Prison Won't End Abuse," Mar. 31, 2011, <<http://www.hrw.org/news/2011/03/31/iraq-closing-torture-prison-wont-end-abuse>>.

<sup>51</sup> Human Rights Watch, "Iraq: Secret Jail Uncovered in Baghdad," Feb. 1, 2011, <<http://www.hrw.org/news/2011/02/01/iraq-secret-jail-uncovered-baghdad>>.

<sup>52</sup> Ibid.

