

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: IRQ17405
Country: Iraq
Date: 28 June 2005

Keywords: Iraq – Nasiriyah – Returnees – Security situation – Insurgents – Citizenship – Property – Polygamy

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. What is the racial, tribal and religious demography of Nasiriyah?
2. How are returnees from the West, particularly in Nasiriyah, treated? Are they viewed as collaborators or targeted for their wealth?
3. How are returnees from Iran treated, with particular reference to Nasiriyah?
4. What is the process for returnees regaining their citizenship?
5. What is the process for returnees regaining their property?
6. What is the current security situation in Nasiriyah with particular reference to extremists such as Zarqawi?
7. Who are the insurgents targeting?
8. Please provide information on the extent of polygamous marriages amongst Shias in Iraq and Iraqi communities in Iran.
9. Please provide information on Abdul Hassan Al Draib, a senior member of the Baath party.

RESPONSE

1. What is the racial, tribal and religious demography of Nasiriyah?

Nasiriyah (also known as Nasiriyyah, Nasiriyya, Nassiriyyah, Nassiriyya, Nassiriyah, Nassiriya, Nasiriya, Nasseriya, Nasiriah, Nasariyah and Nasariya) is the capital city of Dhi Qar (also known as Thi Qar and Theqar) province. Both are marked on the attached map (US Central Intelligence Agency 2004, 'Iraq Political Map', Perry-Castañeda Library, University of Texas website http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_pol_2004.pdf – Accessed 6 June 2005 – Attachment 1).

According to a map produced by the US Central Intelligence Agency, Shia Arabs constitute the majority group in Nasiriyah (US Central Intelligence Agency 2003, 'Iraq: Distribution of Ethnoreligious Groups and Major Tribes Map', January – Attachment 2).

Nasiriyah has been approximated on a map found on the Healing Iraq Blogspot. The map indicates that the tribes or clans of Bidor, Abbuda, Bani Zaid, Se'dum, Asachral, Husseiniyat, Khafala and Ibada are present in the Nasiriyah area ('Major tribes and clans in Iraq' (undated), Healing Iraq website – Attachment 3). According to a map produced by the Humanitarian Information Center (HIC) for Iraq, the tribes of Al-Montifig, Al Ribad, Bano Hjaim and Bano Rikab are present in Thi Qar province (Humanitarian Information Center (HIC) for Iraq (undated), 'Tribes in Iraq' <http://www.humanitarianinfo.org/iraq/maps/284%20A4%20Tribes%20in%20Iraq.pdf> – Accessed 17 June 2005 – Attachment 4).

According to the US Congressional Research Service "[p]ro-Sadr candidates won pluralities or majorities in several Shiite provinces, including...Dhi Qar" in the 30 January 2005 Provincial Assembly election (Katzman, Kenneth 2005, 'Iraq: Post-Saddam National Elections', *CRS Report for Congress*, 11 March, Foreign Press Centers, US Department of State website <http://fpc.state.gov/documents/organization/44121.pdf> – Accessed 17 June 2005 – Attachment 5).

2. How are returnees from the West, particularly in Nasiriyah, treated? Are they viewed as collaborators or targeted for their wealth?

3. How are returnees from Iran treated, with particular reference to Nasiriyah?

No information on the treatment of returnees to Nasiriyah from the West or Iran was found amongst the source consulted.

Three recent RRT Research Responses provide information on the treatment of returnees. Relevant attachments are included.

- Questions 7 and 8 of RRT Preliminary Research Response IRQ17229 dated 18 March 2005 provides information on whether returning refugees are viewed as collaborators or targeted for their wealth (RRT Country Research 2005, *Preliminary Research Response IRQ17229*, 18 March – Attachment 6);
- Question 1 of RRT Research Response IRQ17316 dated 4 May 2005 provides information on whether Iraqi returnees from the West are being targeted by any group/s in Iraq (RRT Country Research 2005, *Research Response IRQ17316*, 4 May – Attachment 7); and
- Question 2 of RRT Research Response IRQ17365 dated 23 June 2005 provides information on the attitudes towards returnees from the West and Iran (RRT Country Research 2005, *Research Response IRQ17365*, 23 June – Attachment 8).

The only additional information on the treatment of returnees was provided by Michael Ware, at a seminar held at the Tribunal on 1 December 2004. The information is as follows.

Someone returning to Iraq would be clearly an exception rather than the rule. To put it simply, anyone in Iraq with the means is leaving the country. Those without the means are being forced to bunker down and bear out the existing turmoil. Someone returning from a western country will face a heightened risk of one form or another, though the degree clearly will vary. Any way, this will depend upon the reasons originally why they left the country. If these people left the country under the former regime, that fact alone will immediately suggest that they were not favoured or they were persecuted or faced the threat of persecution

by the former regime. However, that fact alone, i.e. being an opponent of the former regime or having suffered at the hands of the former regime, is not in itself a prescription to persecution now. However, any association with the West carries a stain that cannot be removed and clearly heightens suspicion against any such individuals. Quite frankly, it's almost at the point, as exasperating as it is, that with anyone who is returning to Iraq at present, one would have to seriously consider their motives. Because there's absolutely no sane reason for a man, either alone or indeed with his family, to re-enter to an environment like this. So people would clearly be wondering just "what are you really doing?" (Ware, Michael 2005, *Transcription of Michael Ware seminar on Iraq held on 1 December 2004*, 1 December – Attachment 9).

4. What is the process for returnees regaining their citizenship?

Questions 3 and 4 of RRT Research Response IRQ16897 dated 5 August 2004 provide information on the restoration of Iraqi citizenship (RRT Country Research 2004, *Research Response IRQ16897*, 5 August – Attachment 10).

On 31 May 2005 the following questions were sent to the Department of Foreign Affairs and Trade.

- A. What are the provisions of the current Iraq Nationality Law in effect, specifically as it affects the acquisition and re-acquisition of Iraqi citizenship? How would it affect a person (Faili Kurd) who was born in Iraq but was stripped of citizenship in 1980?
- B. What are the current practical procedures for establishing/re-acquiring Iraqi citizenship? Would proof of birth in Iraq of self and parents be sufficient?
- C. What progress has been made by the present Iraqi government in this regard?
- D. Please include any other information you might feel is relevant to the practical return and re-acquisition of citizenship rights by Faili Kurds (RRT Country Research 2005, Email to Department of Foreign Affairs and Trade 'Country Information Request – Iraq: IRQ17364 – Current Nationality Status of Faili Kurds', 31 May – Attachment 11).

DFAT replied on 23 June 2005. The information is as follows.

On 21 June we raised the questions in reftel with ...[an official] of the Ministry of the Interior, ...

2. The ...[official] said that all applications for Iraqi citizenship or the reacquisition of Iraqi citizenship were currently considered under the provisions of the Nationality Law (Law 43) of 1963. ...[The Travel and Nationality] Division was responsible for determining the award of citizenship.
3. The National Assembly was in the process of discussing certain adjustments to this law in the light of the democratic changes which have been taking place since the overthrow of the Saddam Hussein regime. Notwithstanding this development, anyone at present who could demonstrate that either he/she or his/her father was/had been an Iraqi national was already entitled to gain/regain their Iraqi citizenship. The applicant was merely required to produce his/her birth certificate or, in cases where the applicant was not an Iraqi national, evidence of his/her father's Iraqi nationality/Iraqi birth certificate to be automatically eligible for Iraqi citizenship.
4. ...[The official] said that the applicant was not required to have a certain minimum

level of proficiency in the Arabic language or to have lived in Iraq for a specified “trial period” before he/she could qualify for citizenship. Provided the applicant could demonstrate that his/her father was an Iraqi national, the applicant was also deemed to be an Iraqi national. This determination applied equally to all applications.

5. ...[The official] said that in line with this approach, ...[the] Division did not keep separate records on the number of Faili Kurds who had been stripped of their Iraqi nationality during the time of Saddam Hussein and had since regained Iraqi citizenship following his overthrow. Saddam’s rules were no longer applicable. The Nationality Law applied to all Iraqis and did not distinguish between Faili Kurds and other ethnic/religious groups (Department of Foreign Affairs and Trade 2005, *DFAT Report 386: RRT Information Request IRQ17364*, 23 June – Attachment 12).

The same questions were sent to the UN High Commission for Refugees (UNHCR).

Documents

A Human Rights Watch report dated November 2004 stresses the importance of preserving Iraqi state documents, as they will be needed by some returnees to establish their identities and reclaim their property.

The preservation of state documents are additionally vital for the survivors of over twenty-five years of state atrocities, since they can very likely yield information that could establish the fate of many of their missing relatives. They are also important for the hundreds of thousands of Iraqis who were forcibly expelled from their homes and became internally displaced, or were deported to neighboring Iran, in implementation of state policy. In the majority of such cases, documents in their possession – including citizenship and nationality documents, ration cards, property deeds and the expulsion or deportation orders themselves – were systematically destroyed or confiscated by Ba’thist officials, leaving the victims unable to establish their identities, place of birth, ethnicity or ownership of property. For many such people, official government records would be all they have to establish both their identities and those of their children, and to have the possibility of submitting claims in the future for restitution of property and other rights (Human Rights Watch 2004, *Iraq: State of the Evidence*, November, Vol. 16, No. 9(E), pp.7-8 – Attachment 13).

The report continues, providing information on the looting and destruction of Iraqi state documents during and after the April 2003 war.

In the chaos that ensued with the fall of Baghdad on April 9, 2003, U.S.-led coalition forces, Iraqi opposition groups, and individuals seized hundreds of thousands of Iraqi state documents from government buildings, Ba’th Party headquarters, offices of the former intelligence and security apparatuses, military garrisons and other premises across Baghdad. Sensitive documents were later found in public buildings such as schools, as well as in private homes, apparently having been removed by officials of the former government, ostensibly for safe keeping, and then abandoned as military defeat became imminent. Similar scenes were witnessed in other cities and towns across the country. Former Iraqi government officials shredded, burned, or otherwise destroyed many documents during the preceding weeks, while countless others were destroyed as a result of the wartime aerial bombing campaign. The widespread looting and wanton destruction of government property by Iraqis in the days and weeks after the war led to further destruction of documents that had survived the war itself.

...Hundreds of thousands of documents nevertheless remained intact as sources of information about the practices of the Saddam Hussein government.

...While U.S.-led coalition forces claimed to have since seized very large numbers of documents, many others were pilfered, looted, or otherwise destroyed needlessly, resulting in the loss of potentially vital information. Some of this destruction took place in the context of the widespread general looting in Baghdad and elsewhere. In many cases, the looting was carried out within sight of coalition military forces, which had apparently received no instructions about securing government documents or protecting the premises in which they were found. Additionally, other documents that survived or were not subjected to looting in a number of locations lay strewn about for days and sometimes weeks without being taken into coalition custody.

...Sizeable archival collections were also seized by Iraqi political groups. In some cases they had planned to seize the documents ahead of the war and were therefore able to keep them relatively intact.

...NGOs and other groups also have in their possession Iraqi state archives, mostly seized in the early days after the fall of the former government (Human Rights Watch 2004, *Iraq: State of the Evidence*, November, Vol. 16, No. 9(E), pp. 4-6, 8 & 10 – Attachment 13).

5. What is the process for returnees regaining their property?

A Human Rights Watch report dated August 2004 provides the following information on the Iraqi Property Claims Commission (IPCC) which was established in January 2004 to resolve property claims. It is important to note that the cut-off date for claims is 30 June 2005 and all subsequent claims “can be referred to the Iraqi Court system, which shall apply the principles included in this Statute.”

In January 2004, the Iraqi Interim Governing Council (IGC), appointed by the U.S.-led coalition, approved the establishment of a new body – the Iraq Property Claims Commission (IPCC) – as a successor to the IPRF. The Legal Committee of the Iraqi Governing Council (IGC) played a crucial role in the development of the IPCC Statute, having substantially revised an original draft prepared by the CPA’s [Coalition Provisional Authority’s] Office of Human Rights and Transitional Justice. The Statute establishing the IPCC entered into force on January 15, 2004, but a final version, along with guidelines and instructions for implementation, were not issued until June 24, 2004, just days before the handover of governing authority to the Iraqi Interim Government headed by Prime Minister Ayad ‘Allawi. CPA Regulation Number 12 included an “amended and restated” IPCC statute, specified to become effective on July 1, 2004.

i. Article One of the Statute states that the IPCC “shall resolve real property claims in a fair and judicious manner. The IPCC shall encourage the voluntary resolution of claims.” The Statute provides for the nationwide settlement of property claims arising between July 17, 1968 (when the Ba`th Party seized power in Iraq) and April 9, 2003 (when Baghdad fell to U.S.-led coalition forces). The claims in question, as set out in Article Nine of the Statute, cover property confiscated or seized or acquired for less than appropriate value by the former governments of Iraq for reasons other than land reform or lawfully used eminent domain, or as a result of opposition to the former governments of Iraq, or as a result of ethnicity, religion, sect of the owners, or for purposes of ethnic cleansing;

...The Statute provides for the appointment of five judges to the Appellate Division, one of them to be nominated by the judicial authority of the Kurdistan Regional Government, experienced in the adjudication of property disputes, and for the establishment of a Regional Commission in each of the country's eighteen governorates with responsibility for adjudicating claims in the first instance. Each Regional Commission is chaired by a judge and also comprises the directors of the governorate's Office of Real Estate Registry and Office of State Property, or their representatives.

Decisions of the Regional Commissions are subject to appeal within sixty days of their issuance to the IPCC's Appellate Division, whose judgment is final. The revised Statute adds that if the non-prevailing party occupies the property in question and has no other property they would be "granted a prescribed period of time to surrender possession of the premises." The Statute provides that all claims be submitted by June 30, 2005; any other claims subsequent to that date "can be referred to the Iraqi Court system, which shall apply the principles included in this Statute." The revised Statute states that "the Iraqi Interim Government shall ensure that the IPCC has the necessary funds to discharge its administrative duties and that the Regional Commissions and Regional Secretariat are provided with appropriate premises." The matter of funding for purposes of compensation or resettlement is not addressed by the Statute.

A CPA official in Kirkuk told Human Rights Watch in January 2004, that the mechanisms provided for in the Statute were expected to be in place within two months, ... "The aim is to have a caseworker working towards finding a mediated solution at first," Harvey [CPA Coordinator at Kirkuk Governorate] said,

with a compensation package available as incentive to use the mediation route. Otherwise, the case would go before a formal claims commission, in other words a tribunal, where there would be little or no compensation. It's the more confrontational route, with only a winner and a loser.

...In its last weekly report, dated June 19-28, 2004, the CPA said that more than 6,000 claims had been received at twenty-two IPCC offices in ten governorates, and that judicial nominees had been identified in seventeen governorates. The report did not provide numbers for the claims filed in the separate governorates or indicate which, if any, had been reviewed and filed, thus starting the sixty-day appeal period. Iraq's Judicial Council put forward the names of three judges as nominees for the IPCC Appellate Division, according to one council member, but as of mid-July 2004, their appointments remained subject to confirmation.

...As noted above, as of the end of June 2004, twenty-two IPCC offices were reported to be operating and receiving claims. But other key steps had not been taken to implement the provisions of the IPCC Statute. Judge Dara Nouredin, a member of the former IGC and head of its Legal Committee, expressed his frustration to Human Rights Watch about the slow pace of developments in this regard, saying that by March 2004 the CPA had not approved the implementing regulations. This belied the optimism expressed by CPA officials at the start of 2004 that mechanisms for the receipt and assessment of property claims could begin as early as mid to late February in some areas. One senior CPA official, who did not wish to be identified for this report, told Human Rights Watch in early February that it was "a question of balancing the realities between getting things started and getting it right," and that "Iraqi confidence in the system is crucial to making it work."

Among those realities was the issue of insufficient funding. According to the CPA, the Iraq Supplemental bill approved by the U.S. Congress for the Iraq post-war reconstruction program provided for \$35 million for property-related compensation claims, of which \$5 million was earmarked for administration costs. "This is not enough even for Kirkuk," the CPA official told Human Rights Watch, adding that other ways would have to be found to

make up for the expected shortfall, such as linking up with other international assistance programs addressing housing and similar needs (Human Rights Watch 2004, *Claims in Conflict – Reversing Ethnic Cleansing in Northern Iraq*, August, Vol. 16, No. 4(E), pp.63-66 & 70 – Attachment 14).

The *Coalition Provisional Authority Regulation Number 12* is included as Attachment 15 (*Coalition Provisional Authority Regulation Number 12* (Promulgated: 23 June 2004) http://www.cpa-iraq.org/regulations/20040624_CPAREG_12_Iraq_Property_Claims_Commission_with_Annex_A_and_B.pdf – Accessed 22 June 2005 – Attachment 15).

Annex A of the *Coalition Provisional Authority Regulation Number 12* covers the establishment of the IPCC. It is included as Attachment 16 ('Annex A Establishment of the Iraq Property Claims Commission (As Amended and Restated)', *Coalition Provisional Authority Regulation Number 12* (Promulgated: 23 June 2004) http://www.cpa-iraq.org/regulations/20040624_CPAREG_12_Iraq_Property_Claims_Commission_with_Annex_A_and_B.pdf – Accessed 22 June 2005 – Attachment 16).

Annex B of the *Coalition Provisional Authority Regulation Number 12* contains instructions for the operation of the IPCC. It is included as Attachment 17 ('Annex B Iraq Property Claims Commission Instructions for Operation', *Coalition Provisional Authority Regulation Number 12* (Promulgated: 23 June 2004) http://www.cpa-iraq.org/regulations/20040624_CPAREG_12_Iraq_Property_Claims_Commission_with_Annex_A_and_B.pdf – Accessed 22 June 2005 – Attachment 17).

A United Nations (UN) Assistance Mission in Iraq report dated 1 March 2005 provides the following information on the out of country claims process.

During the 10-day visit, the Task Manager also held several meetings with the National Chair of the Iraqi Property Claims Commission (IPCC), MoDM [Ministry of Displacement and Migration] and the Iraqi Ministry of Foreign Affairs and reached agreement on immediate steps for commencement of the out-of-country claims process in which UNHCR (immediate region) and IOM [International Organisation for Migration] (Europe and beyond) will provide support to the IPCC (UN Assistance Mission in Iraq 2005, *Situation Report – Week in Review, 31 Jan – 13 Feb 2005*, 1 March, ReliefWeb website <http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6A3J3T?OpenDocument&rc=3&cc=irq> – Accessed 22 June 2005 – Attachment 18).

No further information on the out of country claims process was found amongst the sources consulted.

According to the most recent US Department of State *Country Reports on Human Rights Practices 2004* the "IPCC had accepted over 37,000 claims during the reporting period more than 600 cases had been adjudicated and over 150 appeals filed as of year's end" (US Department of State 2005, *Country Reports on Human Rights Practices 2004 – Iraq*, 28 February, Section 1e – Attachment 19).

According to UK Foreign and Commonwealth Office advice dated 26 April 2004 "[i]t is estimated that the IPCC will take over 5 years to process the applications and rule on the individual cases" (UK Home Office 2005, *Iraq Country Report*, April – Attachment 20).

From 1 to 8 September 2004, a joint British and Danish fact finding mission visited Baghdad and Amman. They spoke with a number of sources including the UN in Amman and an international humanitarian organisation. The sources provided the following information on the effectiveness of the IPCC.

3.42 UN sources in Amman (2) advised that the Iraqi Property Commission (IPCC) have a number of problems in investigating and delivering decisions. The infrastructure and lack of staffing dictate that the Commission cannot adequately investigate claims to property. In addition to this the Commission suffers from an absence of expertise and an absence of trust. Judges are drawn from the local population, which in the north is predominantly Kurds. Turkmen and Arabs argue that the judges therefore cannot be independent and objective.

3.43 An international humanitarian organisation working in the region advised the delegation that generally the land disputes were not being resolved (Danish Immigration Service 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq 1-8 September 2004*, November, p.13 – Attachment 21).

On 11 March 2005, Gianluca Rocco of the International Organisation for Migration (IOM) provided the following advice on the IPCC in a Melbourne seminar for the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

The problem is that no one knows exactly how it will work in practice as no cases have yet been adjudicated. A returnee that finds somebody else in his apartment can call the police and file a claim. S/he would need to prove the ownership but documents are not always available. While waiting for the decision of the claim no assistance is given to the returnee (DIMIA Country Information and Protection Support Section 2005, *Iraq: Transcript of Melbourne Seminar with Andrew Vincent and Gianluca Rocco – Part 1*, 11 March – Attachment 22).

According to the Co-Director of the Brookings Institution, and reported by *IRIN* on 20 May 2004, “since many [title] deeds, cadastres [land registers] and other documents were destroyed by the Iraqi government, solutions will not be easy” (‘Iraq: Interview with Co-Director of Brookings Institution’ 2004, *IRIN*, 20 May – Attachment 23).

An article dated 25 May 2004 by *IRIN* reports that “most real estate documents still exist.”

While many documents in central government ministries were looted or burned immediately following the fall of Baghdad to Coalition forces, most real estate documents still exist, the lawyers say. Many families also hold some sort of document showing what belongs to them, which will help to reach a solution (‘Iraq: Property commission gives displaced people hope’ 2004, *IRIN*, 25 May

http://www.irinnews.org/report.asp?ReportID=41264&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ – Accessed 27 June 2005 – Attachment 24).

For more information on the destruction of documents in Iraq please refer to Question 5 of this Research Response.

6. What is the current security situation in Nasiriyah with particular reference to extremists such as Zarqawi?

7. Who are the insurgents targeting?

Question 1 of RRT Research Response IRQ17335 dated 19 May 2005 provides information on the security situation in Nasiriyah. Question 2 provides information on active militias in

Nasiriyah (RRT Country Research 2005, *Research Response IRQ17335*, 19 May – Attachment 25).

An article dated 20 May 2005 by *Aljazeera* reports that 14 people were injured, when supporters of al-Sadr clashed with guards from the headquarters of the Dhi Qar Provincial Governor, during an organised parade in Nasiriyah ('Iraq: Al-Sadr group, guards clash' 2005, *Aljazeera*, 20 May <http://english.aljazeera.net/NR/exeres/350FB8C0-11C5-41A1-BC13-C493E891050B.htm?GUID={7F50D437-EAB9-4E55-AA2B-2CC3A9712770}> – Accessed 17 June 2005 – Attachment 26).

An article sourced from *The Islam Memo*, translated by Muhammad Abu Nasr of the *Free Arab Voice* and posted on the Iraq War website reports that an "Iraqi Resistance roadside bomb" destroyed a Jeep and killed four British troops in Nasiriyah.

In a dispatch posted at 12:20pm Mecca time Wednesday, Mafkarat al-Islam reported that an Iraqi Resistance roadside bomb planted under an electric pole exploded by a British patrol in the Suq ash-Shuyukh area in the middle of an-Nasiriyah south of Baghdad on Wednesday. Witnesses told the correspondent for Mafkarat al-Islam in an-Nasiriyah that the blast destroyed a British Jeep and killed four British troops and wounded others who were in the vehicle behind the one destroyed by the bomb.

The witnesses said that the British then arrested four Sunni men who were known to frequent the mosques on charges that they carried out Wednesday's attack ('Resistance bomb leaves four British troops dead Wednesday' 2005, *Iraqi Resistance Report for events of Wednesday, 8 June 2005*, Iraq War website, source: *Islam Memo*, 8 June <http://www.iraq-war.ru/article/52925> – Accessed 24 June 2005 – Attachment 27).

Travel advice from the British Embassy Baghdad dated 16 June 2005 warns of "numerous kidnappings" and "widespread violence" in Nasiriyah (British Embassy Baghdad 2005, *Travel Advice – Iraq*, 16 June – Attachment 28).

8. Please provide information on the extent of polygamous marriages amongst Shias in Iraq and Iraqi communities in Iran.

Information on the extent of polygamous marriages amongst Shias in Iraq was not found amongst the sources consulted. No definitive information on the extent of polygamous marriages in Iraq was found amongst the sources consulted. The following information is on the legal situation for polygamy and the extent of polygamy in Iraq.

According to the *Iraqi Law of Personal Status 1959* (ILPS) polygamy requires judicial permission.

Polygamy: only permitted by judicial permission, to be granted on two conditions: financial ability and lawful benefit; permission not to be granted if judge fears unequal treatment of co-wives; ILPS provides penalties of imprisonment and/or fines for non-compliance (Law School, Emory University (undated), *Legal Profile – Iraq* <http://www.law.emory.edu/IFL/legal/iraq.htm> – Accessed 16 June 2005 – Attachment 29).

A Committee on the Elimination of Discrimination Against Women (CEDAW) report dated 22 January 1993 provides the following information on polygamy in Iraq.

78. Members welcomed the extensive explanations in the report in connection with article 16, but they commented negatively on the persistence of polygamy in Iraq. Referring in particular to a decree of 1991, according to which a loan of 7,000 dinars was granted to any man who married a war widow, it was commented that such an encouragement of polygamy was unacceptable. Asked whether the decree had been promulgated and whether its provisions were subject to any limitations, the representative said that it was of a temporary nature and had been put into force for the protection of women before the outbreak of the war. Widows of men who were termed “martyrs” were granted lodging, a vehicle, financial facilities, credits and higher salaries.

79. No information was supplied on the incidence of polygamous marriages and on whether women wished to change the system of polygamy. However the representative explained that, in Iraq, polygamy was allowed only under certain very strict conditions, as set out in the report. In case of non-compliance, the consequences were three to five years’ imprisonment for the husband and the possibility for the wife to request a divorce (UN Committee on the Elimination of Discrimination Against Women 1993, *Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Iraq*, 22 January, Paras. 78-79 [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/A.48.38.paras.33-86.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.48.38.paras.33-86.En?Opendocument) – Accessed 27 June 2005 – Attachment 30).

An article dated 25 January 2003 in *The San Francisco Chronicle* reports that in 1994 Saddam Hussein legalised polygamy for Muslims in Iraq (Collier, Robert 2003, ‘1991 war cost Iraqi women rights – Polygamy has been legalized, schools segregated, travel restricted’, *San Francisco Chronicle*, 25 January <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/01/25/MN215849.DTL> – Accessed 23 June 2005 – Attachment 31).

An article dated 20 September 1998 in *The Salt Lake Tribune* reports that polygamy is practiced openly in Iraq (Fletcher Stack, Peggy 1998, ‘Globally, Polygamy Is Commonplace’, *The Salt Lake Tribune*, 20 September, Polygamy.com website <http://www.polygamy.com/Other-Globally-Polygamy-Is-Commonplace.htm> – Accessed 23 June 2005 – Attachment 32).

According to Dr Nadjie Al-Ali, a Lecturer at the Institute for Arabic and Islamic Studies at the University of Exeter, polygamy “which had become largely restricted to rural areas or uneducated people, had been on the increase in recent years” (Al-Ali, Dr Nadjie 2000, ‘Sanctions and Women in Iraq’, *Sanctions on Iraq: background, consequences, strategies* (2000), Campaign Against Sanctions on Iraq, p.79 <http://www.casi.org.uk/conf99/proceedings.pdf> – Accessed 23 June 2005 – Attachment 33).

According to Inaam Kachachi, a journalist and writer, polygamy “which hardly existed in the towns, has become widespread”

First one Gulf war with Iran – for which Saddam Hussein was not alone responsible – and then a second war, changed this situation. Iraq has become the poorest country in the region. Polygamy, which hardly existed in the towns, has become widespread (Panos Institute Paris 2003, *Iraq: Media, War and Democracy*, 4 November, p.37 <http://www.panosparis.org/fichierProdGB/fichierProd1138.pdf> – Accessed 23 June 2005 – Attachment 34).

A number of articles suggest that Iraq’s economic crisis and gender imbalance both caused by UN sanctions and war has led to the increase in the practice of polygamy (Nimri Aziz,

Barbara 1998, 'Iraqi women hurt most by sanctions', *Third World Network*, 5 July, World History Archives website <http://www.hartford-hwp.com/archives/51/265.html> – Accessed 23 June 2005 – Attachment 35; and Collier, Robert 2003, '1991 war cost Iraqi women rights – Polygamy has been legalized, schools segregated, travel restricted', *San Francisco Chronicle*, 25 January <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/01/25/MN215849.DTL> – Accessed 23 June 2005 – Attachment 31).

No information on the extent of polygamous marriages amongst Iraqi communities in Iran was found amongst the sources consulted. The following two articles provide information on the extent of polygamy in Iran.

An article posted on *Podium* in August 2003 provides information on spouse killing in Iran. Shahla Mozami, Criminologist and Researcher, interviewed 220 killers and reports that polygamy is practiced in Iran.

Polygamy is practiced in Iran, and 14% of the men had two wives, of which one was killed. 2% of the men had three wives, and killed one of them (Kristiansen, Nina 2003, 'Spouse killings in Iran', *Podium*, August, Iran Chamber Society website http://www.iranchamber.com/podium/society/041109_spouse_killings_iran.php – Accessed 23 June 2005 – Attachment 36).

An article dated 28 April 2004 by *CBS News* reports that polygamy is "prevalent in many small cities and rural regions in Iran."

Under the strict form of Islamic law applied in Iran, men can keep up to four wives at the same time, a right not granted to women.

... There are no official statistics available on polygamy in Iran, but it is prevalent in many small cities and rural regions in Iran ('Iranian Women Pan Polygamy' 2004, *CBS News*, 28 April <http://www.cbsnews.com/stories/2004/04/28/world/main614524.shtml> – Accessed 23 June 2005 – Attachment 37).

9. Please provide information on Abdul Hassan Al Draib, a senior member of the Baath party.

No information on Abdul Hassan Al Draib was found amongst the sources consulted.

List of Sources Consulted

Internet Sources:

Government Information & Reports

British Embassy Baghdad <http://www.britishembassy.gov.uk/>

Danish Immigration Service <http://www.udlst.dk/english/default.htm>

UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.homeoffice.gov.uk>

United Nations (UN)

Humanitarian Information Centers <http://www.humanitarianinfo.org/>

UNIAMI <http://www.uniraq.org/>

United Nations Homepage <http://www.un.org/>

UNHCR <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>
Human Rights Watch <http://www.hrw.org/>
International Crisis Group <http://www.crisisgroup.org/home/index.cfm>
Relief Web <http://www.reliefweb.int/w/rwb.nsf>

International News & Politics

Aljazeera <http://english.aljazeera.net/HomePage>
BBC News <http://news.bbc.co.uk>
CBS News <http://www.cbsnews.com/>
IRIN News <http://www.irinnews.org>
San Francisco Chronicle <http://www.sfgate.com/chronicle/>
Wikipedia http://en.wikipedia.org/wiki/Main_Page

University Sites

Emory Law School <http://www.law.emory.edu/>
Perry-Castañeda Library Map Collection, University of Texas
<http://www.lib.utexas.edu/maps/iraq.html>

Region Specific Links

Healing Iraq Blogspot <http://healingiraq.blogspot.com>
Iraq War <http://www.iraq-war.ru/>

Search Engines

Google <http://www.google.com.au/>

UNHCR *REFWORLD* UNHCR Refugee Information Online

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. US Central Intelligence Agency 2004, 'Iraq Political Map', Perry-Castañeda Library, University of Texas website.
2. US Central Intelligence Agency 2003, 'Iraq: Distribution of Ethnoreligious Groups and Major Tribes Map', January.
3. 'Major tribes and clans in Iraq' (undated), Healing Iraq website.
4. Humanitarian Information Center (HIC) for Iraq (undated), 'Tribes in Iraq'. (<http://www.humanitarianinfo.org/iraq/maps/284%20A4%20Tribes%20in%20Iraq.pdf> – Accessed 17 June 2005)
5. Katzman, Kenneth 2005, 'Iraq: Post-Saddam National Elections', *CRS Report for Congress*, 11 March, Foreign Press Centers, US Department of State website. (<http://fpc.state.gov/documents/organization/44121.pdf> – Accessed 17 June 2005)

6. RRT Country Research 2005, *Research Response IRQ17229*, 18 March.
7. RRT Country Research 2005, *Research Response IRQ17316*, 4 May.
8. RRT Country Research 2005, *Research Response IRQ17365*, 23 June.
9. Ware, Michael 2005, *Transcription of Michael Ware seminar on Iraq held on 1 December 2004*, 1 December.
10. RRT Country Research 2004, *Research Response IRQ16897*, 5 August.
11. RRT Country Research 2005, Email to Department of Foreign Affairs and Trade 'Country Information Request – Iraq: IRQ17364 – Current Nationality Status of Faili Kurds', 31 May.
12. Department of Foreign Affairs and Trade 2005, *DFAT Report 386: RRT Information Request IRQ17364*, 23 June.
13. Human Rights Watch 2004, *Iraq: State of the Evidence*, November, Vol. 16, No. 9(E).
14. Human Rights Watch 2004, *Claims in Conflict – Reversing Ethnic Cleansing in Northern Iraq*, August, Vol. 16, No. 4(E).
15. *Coalition Provisional Authority Regulation Number 12* (Promulgated: 23 June 2004). (http://www.cpa-iraq.org/regulations/20040624_CPAREG_12_Iraq_Property_Claims_Commission_with_Annex_A_and_B.pdf – Accessed 22 June 2005)
16. 'Annex A Establishment of the Iraq Property Claims Commission (As Amended and Restated)', *Coalition Provisional Authority Regulation Number 12* (Promulgated: 23 June 2004). (http://www.cpa-iraq.org/regulations/20040624_CPAREG_12_Iraq_Property_Claims_Commission_with_Annex_A_and_B.pdf – Accessed 22 June 2005)
17. 'Annex B Iraq Property Claims Commission Instructions for Operation', *Coalition Provisional Authority Regulation Number 12* (Promulgated: 23 June 2004). (http://www.cpa-iraq.org/regulations/20040624_CPAREG_12_Iraq_Property_Claims_Commission_with_Annex_A_and_B.pdf – Accessed 22 June 2005)
18. UN Assistance Mission in Iraq 2005, *Situation Report – Week in Review, 31 Jan – 13 Feb 2005*, 1 March, ReliefWeb website. (<http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6A3J3T?OpenDocument&rc=3&cc=irq> – Accessed 22 June 2005)
19. US Department of State 2005, *Country Reports on Human Rights Practices 2004 – Iraq*, 28 February.
20. UK Home Office 2005, *Iraq Country Report*, April.
21. Danish Immigration Service 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq 1-8 September 2004*, November.

22. DIMIA Country Information and Protection Support Section 2005, *Iraq: Transcript of Melbourne Seminar with Andrew Vincent and Gianluca Rocco – Part 1*, 11 March. (CISNET Iraq CX119139)
23. Iraq: Interview with Co-Director of Brookings Institution' 2004, *IRIN*, 20 May.
24. 'Iraq: Property commission gives displaced people hope' 2004, *IRIN*, 25 May. (http://www.irinnews.org/report.asp?ReportID=41264&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ – Accessed 27 June 2005)
25. RRT Country Research 2005, *Research Response IRQ17335*, 19 May.
26. 'Iraq: Al-Sadr group, guards clash' 2005, *Aljazeera*, 20 May. (<http://english.aljazeera.net/NR/exeres/350FB8C0-11C5-41A1-BC13-C493E891050B.htm?GUID={7F50D437-EAB9-4E55-AA2B-2CC3A9712770> – Accessed 17 June 2005)
27. 'Resistance bomb leaves four British troops dead Wednesday' 2005, *Iraqi Resistance Report for events of Wednesday, 8 June 2005*, Iraq War website, source: *Islam Memo*, 8 June. (<http://www.iraq-war.ru/article/52925> – Accessed 24 June 2005)
28. British Embassy Baghdad 2005, *Travel Advice – Iraq*, 16 June.
29. Law School, Emory University (undated), *Legal Profile – Iraq*. (<http://www.law.emory.edu/IFL/legal/iraq.htm> – Accessed 16 June 2005)
30. UN Committee on the Elimination of Discrimination Against Women 1993, *Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Iraq*, 22 January. ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/A.48.38,paras.33-86.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.48.38,paras.33-86.En?Opendocument))
31. Collier, Robert 2003, '1991 war cost Iraqi women rights – Polygamy has been legalized, schools segregated, travel restricted', *San Francisco Chronicle*, 25 January. (<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/01/25/MN215849.DTL> – Accessed 23 June 2005)
32. Fletcher Stack, Peggy 1998, 'Globally, Polygamy Is Commonplace', *The Salt Lake Tribune*, 20 September, Polygamy.com website. (<http://www.polygamy.com/Other-Globally-Polygamy-Is-Commonplace.htm> – Accessed 23 June 2005)
33. Al-Ali, Dr Nadjie 2000, 'Sanctions and Women in Iraq', *Sanctions on Iraq: background, consequences, strategies* (2000), Campaign Against Sanctions on Iraq, pp.73-84. (<http://www.casi.org.uk/conf99/proceedings.pdf> – Accessed 23 June 2005)
34. Panos Institute Paris 2003, *Iraq: Media, War and Democracy*, 4 November. (<http://www.panosparis.org/fichierProdGB/fichierProd1138.pdf> – Accessed 23 June 2005)
35. Nimri Aziz, Barbara 1998, 'Iraqi women hurt most by sanctions', *Third World Network*, 5 July, World History Archives website. (<http://www.hartford-hwp.com/archives/51/265.html> – Accessed 23 June 2005)

36. Kristiansen, Nina 2003, 'Spouse killings in Iran', *Podium*, August, Iran Chamber Society website. (http://www.iranchamber.com/podium/society/041109_spouse_killings_iran.php – Accessed 23 June 2005)
37. 'Iranian Women Pan Polygamy' 2004, *CBS News*, 28 April. (<http://www.cbsnews.com/stories/2004/04/28/world/main614524.shtml> – Accessed 23 June 2005)