RRT RESEARCH RESPONSE

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Questions

1. Please provide an update of the general security situation within Iraq, and particularly in Baghdad, and the effectiveness of the Interim Government.
2. What is the current strength of former supporters of Saddam/Ba'athists?
3. Who are their main targets?
4. What is the current strength of Islamic extremists such as the al-Sadr militants?
5. Who are their main targets?
6. How effective are the security forces in providing protection to potential targets?
7. Is there any evidence that returning refugees are being targeted because they are seen as supporters of the Coalition occupation or for other reasons eg wealth?
8. Are there any reports of insurgents – Baathist, Sunni or Shia – targeting Iraqis who have returned from the West because they are deemed 'collaborators'?
9. By what means are Iraqi returnees transported from neighbouring countries to Baghdad?
10. Have there been any reports of employees of transport companies providing information about their passengers to insurgents or any other non-State organisation within Iraq?

RESPONSE

1. Please provide an update of the general security situation within Iraq, and particularly in Baghdad, and the effectiveness of the Interim Government.

A March 2005 travel advice from the Australian Department of Foreign Affairs and Trade sums up the security environment in Iraq at present:

The security environment in Iraq remains extremely dangerous, as underscored by continuing terrorist activity, kidnapping and other attacks against Iraqi and foreign civilians. Kidnappings for ransom and hostage taking for political gain are common in Iraq and may be fatal.

We continue to receive reports that terrorist and anti-government attacks across Iraq will continue following the 30 January elections and that terrorists and anti-Government forces are planning attacks against a range of targets, including places frequented by foreigners such as hotels, restaurants and international transport. Military operations against hostile elements in Iraq are continuing and a State of Emergency remains in force. Security restrictions, including curfews and access to the International Zone, can be tightened at short notice. (Department of Foreign Affairs and Trade 2005, 'Iraq', *smartraveller.gov.au,* 8 March, http://www.smartraveller.gov.au/zw-cgi/view/Advice/Iraq – Accessed 8 March 2005 – Attachment 1).

There have been a number of detailed reports published in recent months on the security situation in Iraq. Since the political climate has changed somewhat since the elections on 30 January 2005 (although the level of danger seems to have remained much the same), the reports below have been separated into those from late 2004, and those from 2005.

2004

An August 2004 report by UNHCR on conditions for returning refugees stated:

The security situation and its implications on the lives of all those who either live in Iraq or wish to return to Iraq from abroad continues to be the major challenge in post war Iraq. Since the invasion by the Coalition forces in March 2003 and the ensuing fall of the former government, Iraqis have been plagued by nearly daily incidents in all parts of the country ranging from harassment, kidnapping, theft and looting, and vandalism to full-scale attacks involving bombs and or other explosives which have often resulted in the death and injury of many persons. While these attacks appeared initially to directly target only members of the Coalition Forces, it has become apparent that insurgents hope to dissuade any foreign national or country from participating in the reconstruction in Iraq…Iraqis employed by the UN, NGOs and foreign contractors as foreigners who work for any of the above are also at risk. The daily lives and activities of civilians (the main victims of this situation in all parts of Iraq) are severely affected by the situation, although only the most spectacular of these attacks or those involving foreign nationals are generally reported upon by the international press. Furthermore, intellectuals, medical staff, doctors, journalists, artists, as well as anyone associated with or seen to be supporting the new Interim Iraqi Government are increasingly becoming targets of both harassment and attacks. In particular, members of the Iraqi police force as well as potential police recruits are often the victims of such attacks.

Many of these acts of violence are perpetuated by Islamic extremist groups such as Al-Tawheed wal Jihad and are often announced via internet websites. Others may be carried out by persons or small resistance groups still loyal to the previous government, while others still are simply acts of personal vendetta. The main goal appears to be the destabilization of the authorities in Iraq, be it the previous Coalition Provisional Authority or the newly appointed Interim Iraqi Government to whom the CPA handed over power on 28 June 2004. Several IIG members and other political figures have already been killed or are the target of attacks and there is currently no indication that this trend will cease.

While the poor security situation in the Baghdad area is widely acknowledged and publicized, it is important to note that security problems are not limited to the centre, but also to the south and north of the country. Residents from the north described the security situation in this region as a "time bomb ready to explode" and emphasized that the North's more stable infrastructure should not be interpreted as meaning that security problems in the North do not exist. Permanent check points exist on the main entry/exit points linking Erbil, Duhok and Sulaymaniya and are regularly patrolled by Iraqi Civil Defense Corps (re-named Iraqi National Guard following the handover)

and local security forces. The situation in Mosul and Kirkuk has been particularly tense in recent weeks and a number of security incidents including explosions, attacks on police stations and pipelines, assassinations or assassination attempts of political figures and kidnapping have occurred in both cities (UNHCR, 2004, *Country of Origin Information – Iraq*, 12 August, pp.1-2 – Attachment 2).

In September 2004, a joint British-Danish fact finding mission visited Amman and Baghdad, and spoke to a range of sources including diplomats, NGOs, UN and Iraqi government sources. Of the security situation, the report states:

3.1 All sources in Amman agreed upon the fact that the security situation in Iraq still was very bad. Suicide bombing and other attacks occurred on a daily basis. The amount of kidnappings was increasing. However, security in the northern part of the country was much better than in central and southern part of Iraq. The main reason for the violence was the wish to destabilize Iraq and pressure the Multi National Force to leave the country (UK Home Office, 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 3).

Paragraphs 3.2 to 3.21 give details of kidnappings and other crimes and likely targets. It quotes "EU sources in Amman" which state that "security problems stemmed from the economic position. Sadr's men, Sunnis, Baathists, Saddam's private security, common criminals, organised criminals all had little or no political or religious base. Crime was prevalent because of the poor economic situation for individuals". The UNHCR was not encouraging repatriation "even where it was voluntary". Representatives for the Iraqi Ministry for Human Rights in Baghdad "informed the delegation that the 'dark forces' in Iraq primarily were [persons affiliated with the former regime, organised criminals, Islamic fundamentalists and/or foreign terrorists with connections to al-Qaeda. More than 100 foreign terrorists were arrested in Iraq. These persons originated from Syria, Iran, Saudi Arabia, Jordan, the Occupied Territories, Egypt, Yemen and Australia…" (UK Home Office, 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 3).

A September 2004 report by the Middle East Programme at the Royal Institute of International Affairs, an independent UK body, outlines three possible scenarios for Iraq in the following 18 months:

The **Fragmentation Scenario** represents what will happen if competing elements and interests in Iraq fail to cohere under the new interim government and the combined efforts of the IIG, the US forces and UN personnel prove powerless to reverse the trend. Indeed, the continued US presence could contribute to fragmentation in the near term, if it is seen to be the power behind the new interim government, variously ignoring it or pulling the strings.

Essentially this is the default scenario, in the sense that it best describes the tendencies at work which have to be overcome in order to avoid fragmentation. Under this scenario Kurdish separatism and Shi'a assertiveness work against a smooth transition to elections, while the Sunni Arab minority remains on the defensive and engaged in resistance. Antipathy to the US presence grows, not so much in a unified Iraqi nationalist backlash, but rather in a fragmented manner that

could presage civil war if the US cuts and runs. Even if US forces try to hold out and prop up the central authority it may still lose control. At the end of his fact-finding trip to Iraq in February 2004, UN Representative Lakhdar Brahimi warned that the ingredients for civil war were apparent. His warnings should be heeded.

The **'Holding Together' Scenario** represents what will happen if the interim government proves inclusive and effective enough to keep the Shi'a majority, the Sunni Arab minority, secular nationalists, tribal elders and the Kurdish leaders more or less on board. A critical mass of people prepared to work with the interim government for the sake of avoiding fragmentation is secured. No one will be very happy, but no one will monopolize power either.

Essentially this scenario represents the best the United States can hope for, and will require a trade-off between the level of control that the US is able to exercise in Iraq, the powers of the IIG and the involvement of the wider international community. The UN will manage preparations for elections and US influence behind the scenes will be kept to a minimum. US forces will remain in strength but will avoid heavy-handed operations inside the main cities. The Iraqi militias and newly trained and formed units will be grouped in a national security structure, managed from the centre but deployed to reflect local sensitivities around the country (following the Fallujah and Najaf models).

The **Regional Remake Scenario** could take over from either of the other two if the regional dynamics unleashed by intervention in Iraq overtake not just Iraq but the regional state system. Newly assertive Shi'a consciousness in Iraq triggers repercussions among Shi'a communities around the region and thence a Sunni backlash. The Shi'a who predominate in the Eastern Province of Saudi Arabia (where the bulk of Saudi oil reserves are located) look to the pre-eminent *Marja'* (religious leader), Grand Ayatollah Ali Sistani, in Iraq for spiritual leadership and demand more rights within the Kingdom. Iranian Shi'a increasingly infiltrate the social welfare system and factional politics around the mosques in Iraqi Shi'a communities. Tehran maintains channels to all significant Shi'a and Kurdish leaders in Iraq. Radical Salafi Sunni Islamists fighting the Al Saud operate out of Iraq and assist tribal elements in the Iraqi resistance. Syria exports its unwanted nationalist and Islamist activists across the border into Iraq. A wild card within this frame would be the unravelling of Saudi Arabia, but at the very least it will remain a dangerous environment for foreigners over the coming months.

Ethnic tensions spill over between Arabs and Kurds in Kirkuk. The Kurdish leadership falls out with other members of the IIG and separates. Kurds from neighbouring countries either flee to Iraqi Kurdistan or try to emulate their assertiveness. Turkey intervenes. This scenario is the most transformative and beyond US or multinational control (Chatham House (formerly the Royal Institute of International Affairs), 2004, *Iraq in Transition: Vortex or Catalyst*, September, p.9 http://www.chathamhouse.org.uk/pdf/research/mep/BP0904.pdf?PHPSESSID=38b86b7fea5398a95ba0d05156f0fa2d – Accessed 10 September 2004 – Attachment 4).

A September 2004 UNHCR return advisory stated:

4. …over the last few months, the security situation in and around Najaf and Falluja has become particularly dangerous due to the on-going conflict which has various armed groups pitted against Iraqi police and US forces, and has resulted in hundreds being killed or displaced.

5. While the dire security situation in the Baghdad area is widely acknowledged and publicized, the security conditions in other Iraqi cities, including Diala, Erbil, Falluja, Kirkuk, Mosul, and Sulaymaniyah have also deteriorated, raising the concern of the humanitarian community for the well-being of civilians and their access to health care, food and water. In addition to rising casualties among Iraqi civilians, the impact of protracted clashes impedes reconstruction efforts and hampers the provision of international aid and assistance projects.

6. In the North, although the overall conditions seem to be better than in the rest of the country, the situation remains tense due to a number of factors. These include the political agenda of and relations between the two main Kurdish parties (PUK and KDP) as well as that of the Kurdish Regional Government authorities (KRG) with the IIG, the on- going debate linked to the modalities of the constitutional process, as well as the establishment of a representative government, and the degree of autonomy for the Kurdish populated areas. The situation in Mosul and Kirkuk has been very tense over the past few months and a number of security incidents including explosions, attacks on police stations and pipelines, assassinations or assassination attempts of political figures have occurred in both cities. The most recent was a car bombing which took place on 18 September in Kirkuk and left 23 persons dead and over 60 others wounded (UNHCR 2004, *UNHCR return advisory regarding Iraqi asylum seekers and refugees,* September – Attachment 5).

Dr Charles Tripp of the University of London presented a seminar on Iraq to the Tribunal on 24 November 2004. Some of his comments on the security situation are below:

The worst security situation is in the north and the centre of Iraq at the moment. That includes Baghdad, the capital, and Mosul, the main city in the north, and just about everywhere in between. One can argue that the situation in Baghdad and the towns around it and to the north and in Mosul is very bad indeed. The estimate of the American commanders in Iraq is that the insurrectionists themselves number about 20,000 to 30,000 people. These are fighters of one kind or another who are not necessarily trained as such, but many of whom come from the now dissolved old Iraqi army. Not only do you have 20,000 to 30,000 fighters actively engaged in attacking coalition forces and others, but you also have hundreds of thousands of sympathisers with them and some foreign fighters. There is a debate about how many foreign fighters there actually are in Iraq. Some people would regard high estimates as being an element of propaganda, and others would say that actually the numbers are only a couple of thousand. I think realistically it's practically inconceivable that any foreign fighter could survive for long in Iraq unless they had very substantial Iraqi backing. So the upshot is really that the insurrection is fuelled by thousands of people in the central and northern parts of Iraq…

… So in these parts of Iraq – Baghdad, the towns to the south of Baghdad, but more importantly the towns to the north of it – these are areas in which it is very, very dangerous to be, either as a foreigner or as the wrong kind of Iraqi. What also seems to be clear is that the Americans and the Iraqi forces are having enormous difficulty in keeping this under control. About a month and a half ago they reoccupied Samarra, one of the major towns between Baghdad and Mosul, which had been under the control of people who had led the insurrection. They claimed that they had driven out the rebellion and pacified the town. Of course, within 2 weeks they were being attacked in the centre of Samarra – police stations were being attacked again. So one of the strategies of many of the insurrectionists is simply to lie low in a common guerrilla tactic and wait for the large forces to pass. Faluja is a town in which they decided to make a stand, or were forced into making a stand by the Americans, and much of Faluja was flattened. I don't think we yet know the political costs of what the operation in Faluja was, but there's a strong suspicion that the military cost is that they effectively dispersed the insurrection into different parts of Iraq. So whether the flattening of Faluja and the killing of possibly over a thousand members of the insurrection there really dealt the knockout blow to the insurrection that they were hoping for, I think is very questionable. Even a spectacular military operation like Faluja has been rather ambiguous in terms of its results.

The whole area – Mosul, Tikrit, Baghdad, Baquba – these are all towns of extraordinary danger. Much of the insurrection, as far as one can tell, is led by local leaders, not by some massive national organization, although there seems to be a good deal of co-ordination, increasing co-ordination, and people who know about these things tell me that they see signs of the hand of the old Iraqi army in many of the operations now being conducted. One of the things that also became apparent, which makes the insurrection more effective in these areas, is of course the weakness of

American and allied intelligence in those parts of Iraq. They simply do not know what's going on in much of the Iraqi society there. So their ability to deal with it effectively has been very, very restricted (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

The US Department of State report on Iraq for 2004 stated:

During the period of the report, insurgents and foreign terrorists continued their attacks. The core of the insurgency, although it may have had some popular support in some areas fuelled by fears deriving from political grievances and ethnic and religious tensions, was composed of former regime elements, foreign and domestic terrorists, and organized criminal gangs. Their actions resulted in killings, kidnappings, violence, torture, and a campaign of intimidation. On November 7, Prime Minister Allawi declared a 60-day state of emergency limited to Ramadi and Fallujah. The state of emergency provided broad powers to impose curfews, close off entire towns and cities, take command of intelligence and security forces, and restrict assembly and movement. It remained in effect at year's end.

The insurgents targeted anyone whose death or disappearance would profit their cause and, particularly, anyone suspected of being connected to Coalition Forces.

Bombings, executions, killings of government officials, kidnappings, shootings, and intimidation were a daily occurrence throughout all regions and sectors of society. An illustrative list of these attacks, even a highly selective one, scarcely could reflect the broad dimension of the violence (USDOS 2005, *Country Reports on Human Rights Practices: Iraq,* 28 February, Section1g – Attachment 7).

The October 2004 *Iraq Country Report* by the UK Home Office provides background material on security in Iraq at Paragraphs 6.6 to 6.27 drawing on 2003-2004 reports from UNHCR, the Institute for War and Peace Reporting, the *BBC*, Middles Eastern media sources and others (UK Home Office 2004, *Iraq Country Report,* October – Attachment 8).

2005

When the Iraqi elections were held on 30 January, they were considered a great success because of the high voter turnout and the relatively small number of violent incidents. Most reports still stress the fact that frequent violent incidents continue to create a dangerous security environment, although the long term effect of the elections may be a winding back of the insurgency. However, there are many tensions in the post-election climate which could lead to further conflict in the future.

Three 2005 reports from *Jane's Intelligence Review* provide detailed analysis of security in Iraq based on the most recent information, and give informed opinions about the likely situation in the near future.

A January report by Michael Knights, written just before the elections, states:

The Sunni insurgency and the forthcoming constitutional debate in Iraq will start to overlap during 2005, providing an impetus and raison d'etre for continued resistance by militant Sunni groups.

Though capable of destabilising and intimidating large tracts of central Iraq, the multi-faceted Sunni resistance does not currently boast the strong public support necessary to succeed as an insurgent movement (that is, to gain local or national power). Iraq's Sunni resistance groups have

been unable to launch a decisive urban insurrection. This would require the mobilisation of explosive popular discontent, resulting in a season of strikes and protests, culminating in a sudden seizure of power. The Sunni resistance has also been unable to create and expand the rural "no-go" zones required under the classic rural insurrection model.

Far from securing popular support, the Sunni resistance has failed to build a unified support base even within its own community. Lacking a constructive political manifesto, it is likely to lose even more support in the mid-term as increasing numbers of Sunnis engage with the processes of political and economic reconstruction while at the same time the coalition forces are slowly replaced by Iraqi security forces throughout 2005.

However, the increased sectarian tension that will attend the formation of a new constitution in 2005 could prolong the life of the Sunni resistance. This political process will force Iraq's sectarian groups to tackle the most controversial issues facing the country, including the role of religion, federalism and oil revenues in the state. Treatment of these issues was deferred by the 8 March 2004 drafting of a temporary constitution, the Transitional Administrative Law, which in itself prompted a spike in inter-ethnic violence during its negotiation. In particular, clashes occurred between Kurdish and non-Kurdish Iraqis in the Kirkuk area, indicating that the more prolonged and decisive constitutional debate due to take place from February 2005 will be attended by a sustained period of raised inter-ethnic tensions, punctuated by violent outbursts.

The Sunni resistance could enmesh itself within rising inter-ethnic tensions as a means of recasting itself as a genuine protector of Sunni interests in Iraq. The January 2005 elections will result in increased near-term political marginalisation of the Sunni minority, affording the fragmented Sunnis a very limited say over key issues such as the selection of Iraqi transitional government figures and the eventual drafting of the constitution.

The near-term deepening of the Sunni sense of disentitlement will be most keenly felt in the areas of Iraq where the Sunni community is interwoven with other ethnic or sectarian groups. Although Salafist insurgents continue to stoke sectarian tensions between the Sunni and Shi'a, the latter community has steadfastly resisted these provocations: instead the key flashpoint is likely to be the inter-ethnic Sunni-Kurdish belt in northern Iraq. Cities like Kirkuk and Mosul sit astride a multi-ethnic belt that borders the three-province Kurdistan regional government zone, where Sunni communities have already registered increasing levels of fear concerning "reverse-Arabisation" initiatives proposed by Kurdish political groups.

The speed with which Kurdish groups seized control of powerful institutions in Kirkuk and began importing Kurdish residents heightened concerns among Mosul's majority Sunni community. While secular Ba'athist elements of the former regime view inter-ethnic violence as an opportunity to display community leadership, the local and imported Salafist insurgents in Iraq have a proven record of seeking to foment inter-ethnic strife between Sunni Arabs and "apostate" groups such as the secular Kurds, the Shi'a, and the Christians, creating a community of interest between the different ends of the spectrum of resistance movements (Knights, M. 2005, 'Northern Iraq faces increased instability in 2005', *Jane's Intelligence Review,* 20 January – Attachment 9).

Knight goes on to look in detail at the various forces and groups at work in Mosul and Kirkuk and at the potential for new sources of conflict to open up in the north. His conclusion follows:

Outlook
Until mid-2004, Mosul was considered to be the safest area in the Sunni triangle and a model of what could be achieved through energetic partnership between the multinational force and multi-ethnic provincial councils. Despite Mosul's underlying potential as an insurgent and Islamist centre, resistance activity was undercut by the provision of employment and basic services, as well as the active counterinsurgency and community policing programme undertaken by the 20,000-

strong US 101st Airborne Division and capable local leaders. During 2004, the US presence in Mosul was reduced to 8,700, sharply limiting the ability of the multinational force to undertake an active security programme or, importantly, create jobs and disburse the expected levels of CERP funding. Although Task Force Olympia is receiving reinforcements from the US 82nd Airborne Division and US 81st Brigade, the force is still stretched thinly and will have to cope with a new rotation of its main combat element when the 1st Stryker Brigade is replaced with the 172nd Stryker Brigade in the summer.

Overlooked due to the early successes experienced in the northern governates and because of the strong and pro-US Kurdish presence, the Mosul area and the rest of the multi-ethnic swathe bordering the Kurdistan regional government zone are not intrinsically safe or secure areas. In fact, the opposite is true. As ethnic tension rises during the constitutional debate in 2005, the ethnic heterogeneity of these areas makes reliance on Kurdish security forces a potentially counterproductive step, raising the prospect of security operations that create more insurgents than they remove. Mosul-Tall Afar is a particularly dangerous area, combining a highly active insurgent hub with an area witnessing rising ethnic tension, high population density, as well as increasing economic austerity and unemployment. Even as the current Sunni insurgency continues following the elections, strong potential exists for the Mosul-Tall Afar area and other multi-ethnic areas in the north to act as a bridge to the next conflict, the violent inter-ethnic constitutional debate beginning in 2005 (Knights, M. 2005, 'Northern Iraq faces increased instability in 2005', *Jane's Intelligence Review,* 20 January – Attachment 9).

Another recent article by Knights examines the outcome of the 30 January elections, and the power blocs that have emerged subsequently, commenting that "although the elections in Iraq did not produce the nightmare scenarios predicted by many analysts, they have set in motion a process of intense political dialogue and violent brinksmanship that is likely to last throughout 2005". He goes on to analyse the results, major candidates and parties, and areas of potential conflict, commenting that this will be the first government in Iraq's history "to rise and fall on the success of cross-sectarian coalition politics. The result is likely to be slow-moving consensus-based government, prone to deadlock, inertia and procrastination". Knight examines how the new government will work in practice and at some of the structures that are being put in place; and then looks at the position of the Sunnis and the potential for unrest:

Reintegrating the Sunni

An increase in the Sunni Arab community's sense of political disentitlement was an inevitable consequence of the January election. Senior US military analysts told JIR they believe that key segments of the Sunni Arab political and tribal leadership have a vastly unrealistic view of their future role in Iraq. The analysts said these leaders fail to accept their future minority status and view any post-electoral period of Shi'ite majority rule as a temporary externally-imposed aberration.

A second, more pragmatic portion of society will seek greater reintegration with the current political process, reflecting on the diminishment of its Ba'athist-era privileges, the fear of a Shi'ite and Kurdish backlash, the disproportionate hardships inflicted on Sunnis by de-B'athification and the lack of major oilfields in Sunni areas. **The coming year will witness this struggle for the political soul of the Sunni Arabs, with the violent and political fringes of the community vying for the support of the uncommitted mainstream.**

Sunni political groupings, including the Muslim Clerics Association (MCA) and the Iraqi Islamic Party (IIP), will continue to cast doubt on the sectarian balance of election results until they are granted recognition as the de facto un-elected representatives of an ostensibly disenfranchised Sunni bloc. The Iraqi government, key Shi'ite groups and the US have indicated that this kind of post-electoral rebalancing is a strong possibility. Sunni Arab figures are also likely to be put in a

small number of symbolic – and a few substantive – portfolios in the new government, but this will represent only a fraction of the reintegration effort. Following the January elections, IIP spokesman Ayyad Samarrai said: "Any proposal will be studied and considered it is not necessary to be in the government or the national assembly to be part of the process."

Hedging against the slim possibility that three Sunni provinces could derail the future popular ratification of a new constitution, the Iraqi Transitional Government will allow these organisations to have a generous informal input into constitutional drafting. The public focus for reintegration will be a reconciliation conference, which is likely to be held in March and will be attended by the full gamut of Sunni Arab groups. Various Sunni politicians, particularly Adnan Pachachi, have for months been laying the groundwork for this conference. They have been working alongside low-profile government outreach efforts in Jordan and Iraq, involving the emerging political wings of Ba'athist insurgent groups.

Implications for security
In the near-term, insurgents will be able to exploit anger of the under-representation of Sunnis throughout the Sunni Arab community, particularly if reintegration efforts stall or if reinvigorated de-Ba'athification initiatives see a renewed purge of Sunni Arab former Ba'athists from Iraq's security forces. This short-term benefit – akin to the boost in support for the insurgency during (but not after) the April 2004 fighting in Fallujah – cannot disguise the negative effect that the elections are likely to have on the insurgency in the mid- to long-term. Current initiatives to engage the political wings and tribal leadership of neo-Ba'athist or nationalist insurgent groups based in Iraq, Jordan and Syria are likely to have a fracturing effect on the insurgency, separating out the strands that cannot accommodate themselves to the new Iraq – such as Salafist terrorist factions – from those who can.

The most likely result will be a slow reduction of violence in the Sunni triangle, particularly if reintegration initiatives are accompanied by reductions in the size and visibility of the Multinational Force presence in 2005. In the best-case scenario, the Sunni triangle could witness periods of relative calm as ceasefires are observed by all but the rejectionist elements. This kind of partial normalisation would see neo-Ba'athist or nationalist insurgent groups mobilise only when their vital interests are challenged at the local level. It will create a similar threat to that facing Multinational and Iraqi forces operating in areas claimed by al-Sadr's Jaish al-Mahdi militia.

The results are likely to be slow to develop and prone to disruption by rejectionist elements, particularly Salafist cells. According to an officer of the US Defense Human Intelligence Service JIR spoke to, a number of MCA and IIP figures were killed by Salafist associates of Zarqawi after failing to criticise the November 2004 assault on Fallujah.

This form of internecine violence, alongside accelerated counter-collaboration assassinations of Sunni Arab politicians and security forces, will mark the beginning of a period when the Sunni community "is forced off the fence", said one US intelligence officer. Salafist groups are likely to continue to launch mass casualty bomb attacks on Shi'ite and Kurdish ethnic groups in an attempt to provoke retaliatory actions against the Sunni Arab community. Short of pulling off a spectacular success such as killing Sistani, such transparent goading is unlikely to succeed in fomenting inter-ethnic strife that could further radicalise the Sunni Arab community.

Recalling the violent outbursts in northern Iraq as the Transitional Administrative Law was negotiated in early 2004, a stalled constitutional design process represents a more likely precursor to increased communal violence in 2005. Consensus and coalition politics are necessary prerequisites to political progress in Iraq due to the fractured composition of the TNA. In the long-term, this will improve the chances of a sustainable constitutional package emerging.

In the near-term, however, the diffusion of power in the TNA could give effective veto powers to minority groups such as the Kurdish Alliance if and when consensus politics break down. During such periods, the activist fringes of the Shi'ite, Kurdish, Sunni and Turkmen communities are likely to hold mass demonstrations that have, in the past, ended in violent confrontations and sparked tit-for-tat killings.

If this form of violent brinksmanship were sustained throughout a constitutional design process – which could last throughout 2005 and, possibly, into 2006 – the conflict in Iraq would evolve in a new direction and take the country a step closer to the still-distant prospect of civil war (Knights, M. 2005, 'Iraqi elections set conditions for summer of discontent', *Jane's Intelligence Review,* 17 February – Attachment 10).

A March 2005 article by Aaron examines the phenomenon of kidnapping in Iraq, drawing on a report by Olive Security which was compiled in February from Iraqi sources. Although the report looks mainly at the kidnapping of foreign national in Iraq, it contains several sections which relate to the overall security situation in the country:

The kidnap threat in Iraq evolved significantly during 2004 as insurgent groups perceived a strategic value in holding, and at times executing, foreign hostages, and as security forces in Iraq increased offensives against insurgent centres such as Fallujah.

Until April 2004, the majority of kidnappings in the country had been carried out by criminal gangs demanding cash ransoms and were targeted primarily against the Iraqi middle and business classes. Although kidnapping occurred under Saddam's regime, it took place mainly as part of inter-tribal feuding or was carried out by Saddam's Mukhabarat, the secret police. It was only after the release of an estimated 100,000 criminals from Iraqi prisons on Saddam's orders immediately prior to the Coalition invasion of 2003 and the disbanding of Iraqi security forces following the fall of Baghdad that carjacking and hostage-taking became rife.

The kidnapping problem immediately after the fall of Saddam's regime was under-reported and not clearly appreciated in the chaos of post-conflict Iraq. This was partly due to more pressing security concerns, the absence of local policing, the criminal nature of the perpetrators – who shunned publicity unlike their insurgent counterparts – **and the fact that the majority of victims were local Iraqis rather than foreign civilians.**

However, it has become clearer over time that the criminal groups involved in kidnapping have been organised, included foreigners as well as Iraqis, and have been joined in their activities by former Mukhabarat officers from Saddam's regime. Former Mukhabarat members either formed their own groups, joined existing criminal gangs or allied themselves with insurgent forces. In all cases, they introduced expertise in covert operations, intelligence-gathering and experience in intercepting and interrogating hostages. Several kidnap survivors familiar with the old methods of the Mukhabarat have reported similar tactics being used by their captors.

While the kidnapping of Iraqis continued at high levels throughout 2004, driving an exodus of middle-class Iraqis from the country, it was the killing of four US civilian contractors in Fallujah on 31 March 2004 that marked a major shift in the nature of kidnappings in Iraq. Since then, both criminal groups and insurgents have been involved in kidnapping foreign civilians and have been working together…

…Kidnap groups in Iraq
The groups now involved in kidnapping in Iraq can be categorised broadly as: foreign and domestic criminal groups; foreign and domestic Islamists; Iraqi Sunni neo-nationalists and Sunni tribal fighters; or Iraqi Shi'a militants.

Olive Security has recorded 86 self-professed insurgent groups active in Iraq since June 2003, 25 of which have claimed involvement in kidnapping foreign civilians. Other sources have estimated that as many as 200 insurgent groups have been active, although problems of counting as a result of changing group names and propaganda suggest that this may be an exaggeration.

Six insurgent groups have carried out executions of hostages, and of these, three – Tanzeem Qaedat al-Jihad Fi Bilad Al-Rafidayn (Al-Qaeda in Iraq – AQI), Ansar al-Sunnah, and the Islamic Army in Iraq (IAI) – have proved to be the most lethal in terms of executing numbers of hostages. AQI and IAI have also exploited abductions for propaganda purposes through the broadcast media and internet more than other groups, pointing to greater sophistication and wider strategic aims.

Al-Qaeda in Iraq: Olive Security's data shows that AQI, the group ostensibly run by Abu Musab al-Zarqawi and previously known as Tawhid wa'l Jihad, has been responsible for the kidnapping of 26 foreign civilians. The group has killed 17 foreign hostages and released six. One hostage was rescued and the fate of two others is unknown.

The group's beheading of all eight foreign civilians from Coalition countries that it has kidnapped points to a strategic motivation underlying its operations – including efforts to weaken domestic popular support for Coalition policies and to deter other countries from joining the Coalition. Of the 18 non-Coalition nationals held by the group only two have been beheaded.

The groups' political sophistication in exploiting video images of hostages was demonstrated by its release of recordings of UK national Kenneth Bigley during the British Labour Party's annual conference. The kidnap groups allied with or sub-contracted by AQI have also shown a level of sophistication in their pre-strike surveillance and organised raids on buildings occupied by foreign nationals.

The group is believed to have links with radical Islamist groups and facilitators, financiers and recruiters in Europe, Syria, Saudi Arabia, Pakistan, Iran and Afghanistan, enabling it to act as a conduit for jihadists entering or leaving Iraq. Despite the Fallujah offensive of October-November 2004 that deprived the group of a relatively safe haven, it is believed that its offensive capability in Baghdad has now been partially restored. That said, the group has not carried out a kidnapping since October 2004.

Ansar al-Sunnah: In contrast to AQI, Ansar al-Sunnah has only conducted three known abductions. However, after the group abducted 12 Nepalese contractors on 20 August 2004, it beheaded one and shot the other 11, demonstrating its capacity for extreme brutality. The group also kidnapped a Turkish contractor on 8 October 2004 after attacking a fuel convoy near Bayji. The contractor was also beheaded.

Then on 19 January 2005, the group carried out a well-organised 20-man ambush on a civilian contractor convoy leaving the Bayji power plant. **One Iraqi contractor and a Brazilian contractor are missing, and one Iraqi and one British private security contractor were killed.** Although Al-Jazeera television aired a videotape on 22 January that claimed the group was holding the Brazilian contractor, no images of the hostage were shown and no ransom demands were made, suggesting that the contractor in fact has been killed rather than abducted.

The nature of these operations suggests that the prime motive for attacks has been to disrupt reconstruction operations and deter foreigners from working in Iraq, rather than to take hostages and enter into drawn out negotiations for revenue or propaganda purposes. However the Olive Security report suggests that there is evidence of operational links having developed between AQI and Ansar al-Sunnah during 2004, with both groups sub-contracting some operations to the same hired 'foot-soldiers', and communiques being posted on each others' websites. Therefore AQI's tactics could be adopted in future by the group…

…Areas of operation
The majority (54 per cent) of all foreign civilian kidnappings in Iraq have occurred in the provinces of Baghdad and Anbar, which is unsurprising given the concentration of potential targets in Baghdad and the insurgent centre in and around Fallujah…

…Future development
Several factors will shape the development of the kidnapping threat in 2005 and beyond.

A combination of political and economic factors will encourage both insurgent and criminal groups to continue their operations. For insurgents these include the tactical utility of kidnapping to deter foreign contractors from engaging in Iraqi reconstruction, consequently making it harder to improve security and political stability in the country; the strategic value of hostage-taking in fostering splits in the Coalition and undermining international commitment to Iraqi reconstruction; **the use of kidnapping to intimidate Iraqis and deter them from co-operating with security forces**; and the efficacy of propaganda from videos of hostages in raising the profile of groups and encouraging donations from and recruitment among foreign radical Islamists.

For criminal groups, the payments that they receive from insurgent groups to abduct foreigners may be as much of an incentive as the ransoms that they might be able to demand, particularly while there remain 'easy' opportunities among unprotected foreign civilians. Any capitulations to ransom demands by foreign governments or contractors will also encourage criminals to continue to target foreign civilians. In any case, criminal groups are likely to continue to target middle-class Iraqis who cannot afford protection.

On the other hand, a reduction in 'soft targets' – either through the withdrawal of foreign civilians who cannot afford protection or through tighter security for those who stay – as well as further counterinsurgency offensives, such as those on Fallujah, and the gradual improvement in the efficacy of local Iraqi security forces will reduce opportunities for kidnapping.

Local Sunni opposition to kidnapping activities may also raise the political cost of operations for insurgent groups in terms of support and recruitment opportunities. **In May 2004, Sunni clerics issued a fatwa against kidnapping and executions, and after the January elections there was a backlash against the bombings, which targeted Iraqis of all persuasions.** It is also possible that until Iraqi security forces become more effective, local communities may look to their own resources to combat kidnappings. These factors may result in a reduction in kidnapping operations as insurgents look to other less politically costly means to achieve their aims.

Unfortunately, when these factors are weighed, the balance looks likely to come down on the side of the kidnappers – at least in 2005. Insurgent groups appear to be resilient and to have reconstituted in the aftermath of the Fallujah assaults of April and November 2004. Large numbers of foreign contractors and other civilians will remain in Iraq, either to engage in reconstruction contracts or from a humanitarian commitment to help rebuild the country, or in order to report on developments: potential victims will therefore abound… (Aaron, C. 2005, 'Kidnappings endanger reconstruction in Iraq', *Jane's Intelligence Review,* 18 February – Attachment 11).

A recent map produced by Stratfor (Strategic Forecasting) shows incidents of violence that have occurred around Iraq from 5-10 March, and who the perpetrators are, if known (Stratfor Inc. 2005, *Events in Iraq March 5-10, 2005,* accessed 11 March – Attachment 12).

2. What is the current strength of former supporters of Saddam/Ba'athists?

Dr Charles Tripp of the University of London presented a seminar on Iraq to the Tribunal on 24 November 2004. His remarks on former Baathists are below:

Another question I was asked was the current influence of Ba`th party members – that is, members of the old ruling party of Iraq, Saddam Hussein's party, the party that ruled Iraq for 30 years or more – and what their influence is. One of things to bear in mind – which perhaps was not altogether borne in mind by those who intervened in Iraq last year – was that in Iraq there were two states in operation, two systems of power. One was the public state that we saw so much of – the Ministries, the oil industry, the army – but the other could be called the 'shadow state' which in effect strength to the public state. The 'shadow state' was made up of the networks of kinship, clients and associates of Saddam Hussein, people who were benefiting from the regime – people who did very well out of those last 35 years of Ba`th rule.

From all the evidence, most of those networks are still intact. They haven't dissolved. What did dissolve was the public state, the looted ministries, the collapsed education system, the dissolved army. What didn't dissolve, as far as one can tell, are the networks of the shadow state. Many of them I would argue are still running the insurrection in Iraq, and quite effectively too. So one has to think about the resilience of that particular network. Not so much as a formal Ba`th party, but as groups of people in localities, sometimes with provincial connections, who get on with each other and trust each other and find a common cause. Some would argue they have also joined the criminal underworld, in a sense that they were very well positioned to have the weapons, the smuggling networks, the associates that would allow them to become part of the criminal underworld. They have very good access to funds, these former Ba`thists; they have very good access to weapons. Again, one of the features of the way in which Iraq was invaded last year was the extraordinary carelessness of the allied armies in allowing enormous weapons depots to be systematically looted by who knows who. And those weapons are now in circulation in Iraq.

Many of the Ba`thists know exactly where they are. I think one could argue that they are not a national organization yet. The Ba`th party has been knocked for six in many ways, although it was always a very loose organization based upon these rather informal networks, some bits of it survived. It's a very powerful force in certain areas – in Baghdad, in Mosul, in Samarra, Ramadi, Faluja – these are all places where the old networks of the Ba`th party have been very effective indeed. Amongst many Iraqis there's a fear of an organization called Al-`Awda – which in Arabic means 'the return' – and this organization, as many Iraqis believe, is effectively the Ba`th party in waiting. It has reconstituted itself underground and is responsible for many of the retributive attacks on Iraqis associated with the new regime. I can't actually see much evidence of this organization myself, but it certainly looms large in the fears of many Iraqis about who's looking over their shoulder in certain parts of Iraq. So whether it exists or not as a reality, it certainly has some kind of reality for many Iraqis themselves.

But at the same time as there exist formal elements of the Ba`th party – the people who are now part of these networks, associates, underground movements, or whatever – there are many Iraqis who still sympathise, not so much with the Ba`th party of Saddam Hussein, but what the Ba`th party originally stood for: Arab nationalism, independence, anti-colonialism . In retrospect, there is a somewhat nostalgic and rosy coloured view of the security and stability of Ba`thist rule. When people look at the very miserable conditions of life in some parts of Iraq now, they still have a hankering, although perhaps a nostalgic and perhaps a misplaced one, for the stability of Saddam Hussein. That feeling doesn't necessarily make someone join the insurrection, but it may provide 'the water in which the fish may swim' and I think that it's a more widespread feeling in those parts of Iraq than perhaps people acknowledge. So the formal organization of the Ba`th party is probably not so much in evidence, but what still is very much in evidence are the informal networks that kept the Ba`th party going, and to some extent the sentiments on which the Ba`th party depended. That again I hope gives some idea of the influence of the Ba`th party in Iraq today (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

Later in the same seminar, Dr Tripp was asked a further question about the current influence of the Baath Party:

QUESTION (Melbourne): When you were addressing the issue of the Baath party, you mentioned that the public state has dissolved, but that the shadow state remains. Many of the applicants that we're getting claim that they have a continuing fear of the former Baath party. I was wondering if you could elaborate on how this shadow state might operate on a sort of day to day basis perhaps in places like Baghdad, because applicants are claiming that they have this continuing fear, but on the face of it the Baath party is no longer.

[Answer] That's right. I think that this is hard to grasp. I don't think there is much evidence that the Ba`th party as a formal organization has revived, but then I think it's quite plausible to say that before Saddam Hussein fell – in fact some would argue about 20 years before he fell – he effectively had hollowed out the Ba`th party. The Ba`th party in other words had become a repository for associates of these networks, of what I call the 'shadow state', to thrive, and they obviously did very well out of Saddam Hussein. One can argue is that even if you dissolve the Ba`th party formally, which is what the Americans did last year (although in a rather eccentric way by dismissing anybody who had ever been a member of the Ba`th party, which isn't necessarily getting the right people) you left intact the associations, the networks, the shadow state that had underpinned much of the Ba`th party.

What one sees happening since the fall of Saddam Hussein, particularly since the capture of Saddam Hussein and his sons, is that there is no national organization of these networks. So the shadow state isn't as it were still emanating from the Presidential palace in Baghdad, but is broken up into these different local leaderships, local associations, local groupings, and from what one can tell in some places these are very influential indeed. **They are the local mobsters, they are the local people who dominate the neighbourhood, and if you go back to that neighbourhood and you have a reputation as somebody who was on the wrong side in some way or another, it wouldn't be very easy for you – because they can get away with a great deal now in Iraq under the rather loose surveillance of the security forces.** As I said, many Iraqi exiles that I've spoken to have this fear of Al-`Awda – this return organization, a kind of a secret apparatus – but I'm not sure there's much evidence for that. **What you do see in different areas, particular neighbourhoods of Baghdad, particular neighbourhoods of Ramadi, in Latifiya, in Baquba, in Tikrit, are local leaderships, local groups who still have enormous amounts of money – the money that they made out of Saddam Hussein's regime goes a long way in an impoverished post-Saddam Iraq.**

So they still have influence, they still have most of the perks that they enjoyed at that time, and they have control of these dispersed weapons dumps which they know about. One can argue that many Iraqis have a quite justifiable fear of what might happen to them if they felt that they were known in their neighbourhood as someone who was not only opposed to Saddam Hussein, but had actually fallen foul of those networks. I think that many of these reconstituted Ba`thists wouldn't shed many tears for Saddam Hussein. **Clearly one of the things that endanger people's lives is not so much what they said about Saddam Hussein, but whether they fell foul of the local leader, the local strongman, the local network. And if those networks are still there, their memories are still there, and clearly that would make anybody returning to that neighbourhood a very nervous person indeed. Justifiably so I think.** (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

An analysis of the insurgency in Iraq by *Stratfor* stated that the three main guerrilla movements operating at present are "nationalist, Shiite and jihadist", with each of these containing many different elements and sub-groupings. Of these, it is the "nationalist" group

which contains some former Baathists, although their aim is not primarily loyalty to Saddam Hussein or to the Baath Party itself. *Stratfor* regards this group as the strongest of the three:

Summary
Of the three main guerrilla movements in Iraq -- nationalist, Shiite and jihadist -- the first makes up the core and leadership of the insurgency. It might not always be that way -- not if the Shiite community rises en masse -- but the Iraq war is being shaped by a well-trained, Sunni-led militant nationalist movement that essentially has nothing to lose.

Analysis
Perhaps the most misunderstood militants in Iraq are the nationalist guerrillas, who were viewed a year ago as mainly former regime officials (mostly Sunni) who had the most to lose by a democratic (and largely Shiite) government in Iraq. **While it is true that the nationalist movement is mostly Sunni and includes former soldiers and regime members, it also is clear that any Baathist orientation the movement might have is largely irrelevant.**

Iraqi tribal sources say even those nationalist guerrillas who associate themselves with the Baathist Party are not trying to preserve the unity of the party or make it a leading force in the nationalist movement. Moreover, sources say, the vast majority of Baathists in the nationalist ranks are convinced the future of Iraq and the future of the Baath Party have nothing to do with Saddam Hussein.

The continuation of the insurgency, and its increased effectiveness over the last year, is more a result of a growing distaste for Western occupation then any loyalty to the former Iraqi ruler or his political party. With Shia a majority in Iraq, some Sunni insurgents are naturally motivated by fear that they would lose power in any democratically elected government. Members of a former ruling minority suddenly faced with the rise of the Shia, a once-oppressed majority, might want to go out fighting. In any case, in spite of the fact that most nationalist guerrillas are Sunnis, like Hussein, the former Iraqi leader has had little to do with inspiring or sustaining nationalist insurgent operations.

So far, of the three insurgent movements in Iraq – nationalist guerrillas, Shiite militants and jihadists – nationalist insurgents have had the most significant impact on the U.S.-led war effort. However, this impact has had more to do with the military aspects of the campaign than U.S. political decision-making. The movement posing the greatest potential for influencing events strategically in Iraq is the Shiite resistance. If it expands beyond Muqtada al-Sadr's Mehdi Army to embrace other Shiite segments of Iraqi society, and if it is blessed by the country's top Shiite religious authority, then the Shiite guerrillas will dominate the insurgency.

At this stage of the war, one could argue the impact of the Shiite insurgency is mainly political while the impact of the nationalist insurgency is mainly military. Indeed, nationalist guerrillas are, and likely will remain, the most skilled, organized and numerous of the insurgent forces fighting the coalition ('Iraq insurgency: Understanding nationalism' 2004, *Stratfor,* 22 December – Attachment 13).

Stratfor states that nationalist attacks have had the most influence on US strategy and decisions about force structure and equipment:

In the end, it will be the nationalist guerrillas who will have done more to stretch and shape U.S. forces and their resources than any other movement in Iraq…

…While the jihadist bombings, in particular, have a demoralizing effect on Iraqi government forces, it is the systematic and dogged attacks by nationalist insurgents that have caused government forces to crumble, leaving U.S. troops without meaningful local support. Major

desertions of Iraqi troops and officers in Al Fallujah and As Samarra occurred when they were faced with fighting nationalist insurgents. While some government troops are too frightened to face nationalist guerrillas in combat, others refuse to fight them out of sympathy for their cause – namely, the liberation of Iraq. This has led to the growing clandestine cooperation between nationalist guerrillas and Iraqi security personnel, who provide insurgents with intelligence about the movements and vulnerabilities of U.S. forces ('Iraq insurgency: Understanding nationalism' 2004, *Stratfor,* 22 December – Attachment 13).

3. Who are their main targets?

In discussing the potential targets of former Baathists, it is difficult to state with certainty exactly who it is that is targeting the victims of the numerous attacks that have taken place in Iraq over the last year or so. Reports indicate that there are many different elements that make up the insurgency, including former Baathis, jihadists, and criminal gangs, and it is not always clear which of these are involved in the regular suicide bombings, assassinations, kidnapping and other violence which continue to occur.

The following reports give some indication of the kinds of people most likely to be targeted by the insurgents.

An August 2004 UNHCR report stated

> Furthermore, intellectuals, medical staff, doctors, journalists, artists, as well as anyone associated with or seen to be supporting the new Interim Iraqi Government are increasingly becoming targets of both harassment and attacks. In particular, members of the Iraqi police force as well as potential police recruits are often the victims of such attacks (UNHCR, 2004, *Country of Origin Information – Iraq*, 12 August, pp.1-2 – Attachment 2).

A September 2004 UNHCR return advisory stated:

> 2. While most security incidents prior to the handover directly targeted soldiers and or nationals of countries participating in the Coalition Forces, threats and attacks over the past six months have been increasingly aimed at Iraqi civilians employed by the UN, NGOs and foreign contractors as well as foreign nationals who work for any of the above. Furthermore, Iraqi intellectuals, medical staff, doctors, journalists, artists, as well as anyone associated with or perceived as supporting the new Interim Iraqi Government (IIG) have also become frequent targets of both harassment and violence. Members of the Iraqi police force, as well as potential police recruits are often the victims of lethal attacks.
>
> 3. Many of these acts of violence are perpetrated by Islamic extremist groups who subsequently announce them via internet websites. Others may be carried out by persons or armed groups who are either still loyal to the previous government or who continue to protest the presence of the Multinational Forces in Iraq and the legitimacy of the IIG, while still others are simply acts of personal vendetta. One main goal appears to be the destabilization of the authorities in Iraq as well as the exertion of pressure on foreign governments to pull their troops out of Iraq. Several IIG members and other political figures have already been either killed or narrowly escaped direct attacks on their lives, the most recent of which took place on 24 August 2004 and targeted the Iraqi Environment Minister and the Education Minister in two separate car bombings. Five persons were killed and four others wounded in this incident (UNHCR 2004, *UNHCR return advisory regarding Iraqi asylum seekers and refugees,* September – Attachment 5).

In September 2004, a joint British-Danish fact finding mission visited Amman and Baghdad, and spoke to a range of sources including diplomats, NGOs, UN and Iraqi government sources. On the subject of targets, the report states:

> 3.16. IOM in Amman stated, that it could be dangerous for Iraqis to work for foreign companies in Iraq. The insurgents targeted foreign companies and foreign workers…
>
> ...3.20 [According to the Iraqi Ministry for Human Rights in Baghdad]…The following persons/groups were at particular risk in Iraq: rich businessmen, journalists, foreign contractors, and people working for foreign contractors, professors and doctors. Since April 2003, 252 doctors, professors and other university teachers had been killed. Currently the most dangerous areas in Iraq were the suburbs of Baghdad, Haifa Street in Baghdad, and the cities of Balad and Fallujah and the Sunni triangle.
>
> 3.21. Representatives for the Iraqi ministry of Justice in Baghdad stated that every Iraqi citizen being on the wrong spot at the wrong time ran the risk of being hit by the many explosions. The insurgents would attack Iraqi police, military, civil servants and others who co-operate with foreigners (UK Home Office, 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 3).

Dr Charles Tripp commented on possible targets in his seminar at the Tribunal in November 2004:

> The targets of most of the insurrection are coalition or foreign forces, attacks on American troops, allied troops, but also very bloody attacks on Iraqi security forces.
>
> So one could argue that anyone who joins the Iraqi security forces is a very likely target. But they also target Iraqi officials. There have been countless assassinations of Iraqi government officials, people in ministries, sometimes occasionally very senior people, but often not so senior. From my perspective as an academic, one of the grizzly aspects of the insurrection is the systematic assassination of Iraqi academics on campuses across Iraq as well, which many people are finding quite puzzling to try and put together into a pattern. It seems to conform to the same notion of debilitating the state or anybody who works for the state, and clearly of course foreigners. Foreigners are fair game, they've been very much part of the hostage taking, the kidnappings, the executions, the sort of public display of resistance to foreign forces. And also of course any Iraqis who fail to conform or who are regarded as suspect for one reason or another to do with their personal history, their tradition, their beliefs, or whatever. (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

Dr Tripp also commented that anyone who had fallen "foul of the local leader, the local strongman, the local network" in their neighbourhood would likely be in danger if they returned to that area. This was because even though the regime had fallen, many previously Baathist networks were still intact, and "if those networks are still there, their memories are still there" (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

The US Department of State report on Iraq for 2004 stated:

> According to the Ministry of Human Rights, at least 80 professors and 50 physicians were assassinated during the year. Reporters Without Borders noted that 31 journalists and media

assistants were killed during the year (see Section 2.a.). Universities also suffered from a wave of kidnappings. Researchers, professors, administrators, and students were all victims, including some who disappeared without a trace. Since the beginning of the insurgency, more than 150 foreigners have been kidnapped, and many were killed. In addition to the more publicized cases, ordinary civilians were also wounded and killed (USDOS 2005, *Country Reports on Human Rights Practices: Iraq,* 28 February, Section1g – Attachment 7).

4. What is the current strength of Islamic extremists such as the al-Sadr militants?
5. Who are their main targets?

Muqtada al-Sadr and the Mahdi [Mehdi] Army

The insurgency led by Muqtada al-Sadr in April and August-September 2004 has now subsided, but reports indicate that al-Sadr is still a significant force among the Shia. Other Shia groups have come to the fore in the lead-up to the Iraqi elections, in which they gained a plurality of seats, although not an overall majority. At the time of writing, negotiations are proceeding which will determine the shape of the new government, and it is not yet clear how much influence al-Sadr will have once this happens.

Two *Jane's Intelligence Review* reports from August and September 2004 provide details of the rebellion of the al-Sadr militants.

The August report, by White and Philips, comments that:

> The al-Sadr revolt appeared to break out suddenly, but in fact it had been long in the making. Almost immediately after the fall of Saddam Hussein's regime, al-Sadr, the son of revered Shi'ite cleric and victim of the regime, Mohammed Sadiq al-Sadr, emerged to challenge the occupation. By the summer of 2003, al-Sadr's organisation was politically active in Baghdad's Sadr City, Najaf, Basra and elsewhere in southern Iraq (White, J. & Philips, R. 2004, 'Sadrist revolt provides lessons for counterinsurgency in Iraq', *Jane's Intelligence Review,* 16 July – Attachment 14).

After some initial clashes, the report continues, there was a period of surface quiet between October 2003 and March 2004, which al-Sadr's group used "to organise, expand its reach and develop the military capabilities of the Mahdi Army". Further rebellions took place from May 2004 onwards, as well as threats to unleash suicide bombers and widespread violence. The Mahdi Army during this time used the following tactics, according to White and Philips:

- Opportunistic attacks on exposed Coalition elements, including ambushes of convoys and patrols; the use of improvised explosive devices; and harassing fire against Coalition and Iraqi government facilities…

- A geographically widespread rebellion, one not confined to al-Sadr strongholds in Baghdad and Kufa. Mahdi Army elements turned up to fight in many locations in the south, including Najaf, Karbala, Nasiriyah, Amarah, Kut, Basrah, Samawah and Diwaniyah…

- "Mini-uprisings in Baghdad's Sadr City and other cities in the south in response to increasing Coalition military pressure against the Mahdi army and al-Sadr's organisation…

- Fighting from within the population, the Mahdi Army exploited the reluctance of Coalition commanders to inflict civilian casualties. Mahdi elements were able to use the cover of

urban terrain and the presence of civilians to reduce the firepower advantage of Coalition forces…

- A willingness to utilise shrines for cover from Coalition attack. This was especially evident in Karbala and Najaf…(White, J. & Philips, R. 2004, 'Sadrist revolt provides lessons for counterinsurgency in Iraq', *Jane's Intelligence Review,* 16 July – Attachment 14).

A September report from *Jane's* states that the Mahdi Army throughout Iraq

…numbers probably no more than 6,000-10,000 and is far from being a disciplined and centrally-controlled force. While there is a hard core in Najaf, there are also groups in Basra and Sadr City who are reluctant to take orders from the Sadr organisation and may even be hostile to the cleric.

The MA/Sadr organisation is relatively sophisticated at senior levels…

MA fighters are typically poor young Shi'a Muslims with little or no military training and a high degree of religious zeal. As an illustration of these two points, it is worth noting that most MA fighters do not aim their weapons but fire them on automatic from the hip in the belief that Allah will guide their rounds…

The MA typically attacks Iraqi police, ING and Coalition targets and has so far not resorted to indiscriminate attacks on civilians. Nor does it use suicide bombs or take foreign hostages. It is probably inaccurate, therefore, to describe the MA as a "terrorist" organisation; rather it is a resistance or insurgent group. It should be noted, however, that the militia gives little quarter to captured Iraqi security forces personnel…

…Despite his growing reputation as a popular "firebrand", Sadr at present commands the support of perhaps only 10 to 25 per cent of the Shi'a population. In Najaf itself, support for Sadr is by no means universal, but it is widespread, particularly among the poor and disenfranchised. Although he has no discernible programme for an improvement in his followers' conditions, Sadr derives support from his rhetorical power, his tough anti-US stance and the near-mythical reputation of his family……(Barnett, N. 2004, 'Mahdi Army uprising poses challenge to Iraqi government', *Jane's Intelligence Review,* 18 August – Attachment 15).

The same report also quotes sources that state that neighbouring Iran has been exercising an influence – or attempting to – over Shia politics in Iraq, and that this might extend to arming the Mahdi Army (Barnett, N. 2004, 'Mahdi Army uprising poses challenge to Iraqi government', *Jane's Intelligence Review,* 18 August – Attachment 15).

A December 2004 analysis by *Stratfor* (Strategic Forecasting) puts the Al-Sadr uprising and subsequent cease-fire into the context of Shi'a politics and the long-term goals of senior figures among the Shi'a:

March and April 2004 saw the rise of the charismatic Shiite leader Muqtada al-Sadr and his Mehdi Army militia, an unprecedented and portentous turn of events. As the U.S. military and Iraqi Governing Council sought to limit the influence of the Shiite majority in the spring of 2004, two armed uprisings of Shiite militia in southern Iraq took the coalition by surprise. Al-Sadr soon became a household name in the insurgency – and a thorn in the side of the United States – until September, when the last (for now) cease-fire agreement was signed.

The Shiite uprisings were very deliberate and likely triggered by the senior Shiite leadership, such as Grand Ayatollah Ali al-Sistani, who thought they were beginning to lose the upper hand in their long-term dealings with Washington. When Washington assured them they were not, the Mehdi

Army uprising subsided but the militia's capability to wage an insurgency remained. Clearly, the potential for another flare-up of organized Shiite violence cannot be ruled out, and it may be seen again as soon as early 2005 if election results are not satisfactory to Iraq's Shiite majority.

The impact al-Sadr and his Mehdi Army have had in Iraq has been strategic. His first uprising – in April and May 2004 – made U.S. forces fight Sunni and Shiite insurgents on a large scale, at the same time, for the first time in the war. Perhaps even more important for U.S. prospects in the war, the first al-Sadr-led uprising raised the possibility for the first time of an all-out uprising across Iraq, similar to the 1920 rebellion when the Shiite ayatollahs led not only Shiite but also Sunni tribes to rise against British colonial rule, despite a long history of hostilities between the two sects. Since April 2004, Washington has had to envision this frightening possibility and likely has been working behind the scenes to ensure a certain level of animosity between the Shiite and Sunni communities.

If considered alone, the second al-Sadr-led uprising -- in August and September -- had less of a political impact on the U.S. position. However, it did reinforce the need for the United States to re-evaluate the capabilities of coalition forces. U.S. troops had to reassume command of Shiite areas that had been relegated to the command and control of other coalition members (Poles, Ukrainians, Dutch and others). Coinciding with the withdrawal of the Spanish contingent, the second uprising also caused the U.S. military to redo much of its deployment plan in southern Iraq. Other members of the coalition with contingents assigned to the Shiite south also are withdrawing from Iraq, largely because of increasing casualties and public protests back home.

The real strategic influence of the al-Sadr-led militia has less to do with its current capabilities and more to do with its potential threat. It is the other shoe that could drop at any moment, an insurgent movement poised to launch new uprisings – depending upon the political winds – at a place and time of its choosing. This gives al-Sadr considerable leverage. While Washington knows it cannot tolerate this for long, it also knows that al-Sadr himself is mostly a tool for leverage used by Hawza – the supreme Iraqi Shiite leadership led by al-Sistani – in its highly sophisticated political game with the United States. Al-Sadr and his Mehdi Army cannot be destroyed as a major anti-coalition force without risking a general Shiite uprising. If all or most of the Shia in Iraq – 60 percent of the population – rose to Hawza's call, the United States' position in Iraq would become untenable. The coalition tried to destroy the Mehdi Army in August, effectively provoking – with Iraqi Interim Prime Minister Iyad Allawi's help – the second al-Sadr uprising. However, that attempt ended with a victory for al-Sistani, who negotiated the cease-fire so as not to allow the United States to completely destroy al-Sadr's militia. Al-Sistani showed Washington who pulls the strings in Iraq (Iraq insurgency: Rise of the Shia' 2004, *Stratfor,* 27 December – Attachment 16).

An October 2004 article from *The Middle East* contains background information on Muqtada al-Sadr; his relationship with more senior Shia clerics, both in Iraq and Iran; and the kinds of actions his group has taken in areas under his control. The article states:

Born in Baghdad in 1974...He inherited the recognition of the Shi'a in the slums of north Baghdad, after the death of his father, becoming an authority – or *mujtahid* – at the age of 25, a rank his uncle, Mohammed Baqer Al Sadr, attained at 22. Although enroled in a *Hawza* religious education learning institute in Najaf, Sadr never, officially, became a religious scholar. This deprived him of a foothold in the Shi'a hierarchy, diminishing his chance in any fair political contest, making rebellion the only means of a short-cut to power.

Muqtada – the name means "role model" – became a follower of the teachings of Iranian Ayatollah Kadhem Al Ha'iri, on whom he relies for fatwas and interpretations as he has no qualifications. He would later criticise most Shi'a leaders, with the exception of his Iranian tutor. But the latter stopped short of endorsing his former disciple's occupation of Najaf, showing respect to Al Sistani's authority. Muqtada's relations with the religious establishment in Iran (the only country outside Iraq he has visited) have played a larger role in his politics than is first

evident. And the confrontations he has generated have generally coincided with American or Israeli criticism of the Islamic Republic.

> Sadr's men provoked the Najaf confrontation by attacking Iraqi policemen, at around the time Iran was criticised over its nuclear programme. At the same time, some fairly untypical trouble started in Basra, controlled by the British, when London joined other EU members in criticising the Iranians for threatening to retaliate against Israeli nuclear facilities should they find themselves under attack from Tel Aviv…(Darwish, A. 2004, 'A thorn in the side of US policy', *The Middle East,* October – Attachment 17).

The article goes on to comment that Sadr's relationship with the senior Shia cleric, the Grand Ayatollah Ali al-Sistani, has been uneasy, with Sistani seeking to "neutralise Sadr's rising power" by snubbing him initially. It describes the areas under Sadr's control:

> Within months of establishing the Mahdi army, Sadr City, in which the sale of videos and alcohol is banned, developed its own municipal, educational, medical, and social services. Sadr created "courts" presided over by young judges among his followers, adjudicating individual disputes through verdicts carried out by "security committees". The only law recognised is Shi'a interpretation of Shari'a (Islamic law). Reports in Arabic papers compared the student judges to those from religious schools in Pakistan who later formed the Taliban…(Darwish, A. 2004, 'A thorn in the side of US policy', *The Middle East,* October – Attachment 17).

On 15 December, the Iraqi election campaign started. Al-Sadr decided not to join a list of Shia parties which was being sponsored by al-Sistani, and stayed aloof from the electoral process, claiming the elections were "un-Islamic". A December article from *Middle East International* comments:

> The Sadrist movement has always been schizophrenic, torn between a messianic branch which rejects compromise and sometimes sees martyrdom as an end in itself, and a more pragmatic group which hopes to translate the movement's numbers into power. Sadr himself seems to drift between the two. His messianic streak may have won out, or perhaps his apparent decision to boycott the lections (he is apparently hedging his bets by running some followers anyway) may also be based on the rational calculation that he is better off making common cause with Sunni rejectionists than playing second fiddle to Sistani.

> Two factors may, however, have helped tip the balance. First, Sadr is said to detest the Supreme Council for the Islamic Revolution, which has curried favour with Sistani and appears to be given pride of place in the list…Second, Sadr may be protesting against his treatment by the governor of Najaf, Adnan al-Zurfi, who refuses to let him preach in his family's traditional mosque in nearby Kufa…

> …Despite the Sadrists' absence, Sistani's list – officially known as the United Iraqi Alliance, but usually referred to by Iraqis as the "Shi'ite" or "marja'ya" list – could easily turn out to be the biggest bloc in parliament. In addition to SCIRI and its fellow Shi'ite Islamist party, al-Da'wa, the list includes the National Democratic Party of Sunni liberal Nasir al-Chaderchi, the Virtue Party, which carries on the tradition of Muqtada's father but does not follow the son, and a number of Shi'ite independents, as well as Shi'ite Kurds and Turkomen, Yazidi and Christian figures (Negus, Steve 2004, 'Election season', *Middle East International,* 17 December – Attachment 18).

When the elections were held on 30 January, according to a February 2005 report from *Middle East International,* the list backed by Sistani, commonly known as "list 169", won a plurality of seats. It was "44 votes short of the two-thirds majority of 184 needed to appoint the president and two deputies, the first step to forming a government, and even if the alliance holds they must still seek support from other parties". The followers of Muqtada al-Sadr,

who ran as "the Independent Nationalist Cadres and Elites" gained few if any seats – the article does not give a precise number. But the report does mention that the politician Ahmad Chalabi appeared to be "courting support from Muqtada al-Sadr" in his bid to become Prime Minister, which implies that Sadr still has some influence in the Shi'a community (Negus, Steve 2005, 'Shi'ites set for power', *Middle East International,* 18 February – Attachment 19).

A *Stratfor* assessment published just after the elections puts the strength of Sadr's Mahdi Army at between 5,000 and 10,000 but states that it is potentially the largest Shiite militia because it is popular and can draw on a "potential pool of 50,000 or more fighters" according to some estimates ('Fighting the insurgency in post-election Iraq' 2005, *Stratfor,* 31 January – Attachment 20).

A February 2005 *New Yorker* article by George Packer provides useful background material on the history and present situation of the Shia in Basra. The report describes how religious groups with connections to Iran stepped in quickly after the invasion of Iraq to take control of local government and security, and impose their strict ideology on the area. Muqtada al-Sadr's group was more of a local group, which also gained in strength: his followers are described as mostly "impoverished" and "violent". The Iran-backed groups did not have widespread local support, but Iranian influence in Basra is pervasive – one source refers to "an indirect Iranian occupation of Basra". Al-Sadr is also very influential:

> In recent months, members of the religious parties have tried to take control of Basra's civic institutions – its school, hospitals, and security forces. The north campus of Basra University fell under the sway of Sadr's militia, and the south campus went to another religious group, the Fadilah Party. The entrance to al-Sadr Teaching Hospital (formerly Saddam Teaching Hospital) on the Shatt al-Arab was plastered with Shiite religious and political images…(Packer, G. 2005, 'Letter from Basra: Testing ground', *The New Yorker,* 28 February – Attachment 21).

Of note is one incident described in the report, where a doctor in a hospital in Basra transferred a receptionist who had connections to the al-Sadr militia. The militia men "confronted the doctor and demanded that he rescind the transfer order". But the doctor "armed himself, hired his own hospital security force, and by sheer nerve faced down the intruders" (Packer, G. 2005, 'Letter from Basra: Testing ground', *The New Yorker,* 28 February – Attachment 21).

Dr Charles Tripp at a seminar to the Tribunal in November 2004 spoke of the situation in the south of Iraq as being fairly quiet:

> The other area that it largely quiet now, in terms of people's…is the largely Shiite Muslim south of Iraq – that is the area once you get to Hilla, south to Basra towards the Gulf. This area is, as far as security is concerned, generally pretty good. It's under fairly effective control of a whole range of different Shia political parties – …… some very prominent, some very authoritative, and tribal leaders. Again, some of them are quite ruthless in enforcing retribution and conformity, but in general they have kept things very tightly sewn up. **The only exception to that was the rebellion of Muqtada Al-Sadr, a dissident cleric who runs a militia from Baghdad. He captured Najaf and was forcibly ejected a month or so ago. There was considerable violence – the violence spread to other towns in the south. But since the ending of that insurrection and the withdrawal of Muqtada Al-Sadr to Sadr City as it's called, in the east of Baghdad, most of the south has been pretty quiet.** One could argue that there is very little reason to resist allied forces and the Iraqi security forces down in the south are generally recruited from the people of the south. So they're much closer to the local population. This of course makes it a problem sometimes in terms of law enforcement, but they do really keep things quieter. However, rather like in the rest of the country, there is a criminal element – a thriving criminal element in terms of

people who realize that the law enforcement agencies of the Iraqi state are very weak and they can get up to any amount of trouble. So there have been kidnappings, there has been ransoming, hostage taking – not of the political kind you see in the north, but largely for money. There are protection rackets, there are various scams which clearly again are flourishing under a rather loose law and order regime. But in general terms, one could argue that the south is relatively secure. (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

Other Islamic extremists, or "jihadists"

A December 2004 analysis by *Stratfor* states that "there are three major components of the Iraqi insurgency: nationalist guerrillas, Shiite militants and jihadists" and each of these has "its own passionate cause". This analysis contains a chart assessing the impact on security of the three militant sectors. The report states:

> The least influential of the three militant groups, the jihadists are driven most by religious conviction and the goal of Islamic rule in Iraq. (Contrary to popular belief, most of the jihadists are native Iraqis, a fact borne out by the recent fighting in Al Fallujah, where US commanders say they have encountered few foreigners.) Jihadists hate Hussein for his secularism and perceive him as a tool of the West who first cooperated with Washington then gradually betrayed Muslims by giving up too easily against US military might ('Iraq insurgency: Not about Saddam Hussein' 2004, *Stratfor,* 21 December – Attachment 22).

Since the 30 January elections, according to *Stratfor,* one tactic adopted by the jihadists has been to deliberately attack Shia targets.

A report from 11 February states:

> On Feb. 11, a dozen gunmen opened fire at a crowded bakery in the predominantly Shiite neighborhood of New Baghdad, killing 11 people. Later, as Friday prayers were letting out, a car bomb exploded outside a mosque northeast of Baghdad, killing 13 people. These attacks are likely the work of Sunni jihadists – a minority within Iraq's Sunni population.

> The Shiite authority can be expected to act against these jihadists -- but they will not take the fight to the Sunni community as a whole and they will not act until a Shiite government is ensconced in Baghdad. Actions against the jihadists would not necessarily be retaliation for the Feb. 11 attacks, but rather part of the ongoing interdiction against this element of the insurgency.

> The Feb. 11 attacks were the Sunni jihadists' attempt to goad the Shia into fighting – and the jihadists have more opportunities for such attacks. The holy day of Yaum al-Ashura (the Day of Ashura) commemorates the martyrdom of the Prophet Muhammad's grandson Hussein bin Ali at the hands of Umayyad caliph Yazid bin Muawiyah's forces in 680 C.E. Yaum al-Ashura is especially important to the Shia, who celebrate it more intensely than the Sunnis do. The day will provide opportunities for more jihadist attacks against Shia. Large crowds gathering to observe Yaum al-Ashura are great targets for suicide bombers and car bombs. By attacking during such a symbolic occasion, the jihadists hope to exacerbate the already tense situation and provoke a wider Shiite response against the Sunni community.

> A lack of action against Sunnis should not be interpreted as passivity on the part of the Shia. The Shia do not want to be the most powerful sect in a fractured postwar Iraq; they want to be leaders of a complete Iraqi state. In order to do this, they have to behave in a statesmanlike manner, not like a militia. They also know that if they act against the Sunni community they risk turning Iraq into a battleground similar to Lebanon during that country's civil war (1975-90). Counterattacking now undermines that strategy, but delaying until the Shiite government takes the reins in Baghdad

reinforces it. That is why they are waiting ('Iraq: sectarian violence and the Shiite response' 2005, *Stratfor,* 11 February – Attachment 23).

Further attacks took place on 18 February:

> On Feb. 18, four separate insurgent attacks -- three suicide bombers and another explosion -- struck Baghdad. The attacks primarily were directed against Shiite targets, including two mosques and a religious procession. The attacks were jihadists' attempts to goad the majority Shia and authorities into retaliation -- hopefully prompting a sectarian civil war in Iraq from which the jihadists could profit in order to further their agenda. However, the jihadists do not have the capability to make any tangible gains for their cause. ('Iraq's jihadist attacks: Attempts to create chaos' 2005, *Stratfor,* 18 February – Attachment 24).

6. How effective are the security forces in providing protection to potential targets?

Sources indicate that although much effort being directed towards building up the Iraqi police force and army, they are still far from being able to provide adequate protection to the community. Some of the problems described in reports include: the large scale of violent incidents; inadequate leadership; infiltration by insurgent groups; corruption; and continuing allegiance to ethnic or religious groups which lessen the ability to act impartially. There is little community confidence in the police, and victims of crimes instead turn to their own support networks for help. Police and army recruits are among those most often targeted by insurgent groups.

An August 2004 report by UNHCR on conditions for returning refugees stated of current law enforcement and political structures:

> A great deal of effort has been made by the Coalition Forces to revise and revamp the structure, methods, and composition of the Iraqi Police Forces in the hope that the Iraqi security forces will be capable of providing adequate security following the Transition of Authority on 28 June 2004. Through the so-called Security Sector reform, four entities (IPS – Iraqi Police Service; ING – Iraqi National Guard (former ICDC – Iraqi Civil Defense Corps); FPS – Facilities Protection Service; and ICS – Iraqi Correctional Service) were created.

> As of June 2—4, the ING was the most successful of these institutions and constituted a total of 5082 persons. Specialist training by Coalition Forces was being carried out, although the operational effectiveness of such training was hampered by delays in the delivery of specialist material necessary for the training courses, which include among others EOD (explosives ordinances disposal) and DBE (Border monitoring) training. The future of this unit following the handover of power remains to be seen and will depend on the Iraqi authorities. While ING members may become part of the army, the unit may also be disbanded.

> According to the Coalition Forces (CF), the Iraqi Police service requires a total of 6928 persons, of whom 63% had been trained by June 2004. The Iraqi police officers are being trained by the Jordanian Police for an average period of 3 months (for specialists: 6 months). While the training is considered to be of high quality, it is too short in order to be efficient. In addition, while many policemen of the former regime have been re-instated in their functions, CF stressed that the re-training of former policemen has represented a far greater challenge than the training of first-time policemen. Some of the main problems encountered with former policemen include:

> - Limited leadership at all levels;

- A legacy of corruption;
- The influence of political/religious parties;
- A reluctance to take control.

Despite the introduction of a Code of Conduct, the temptation for police officials to supplement their meagre salaries through corruption is of particular concern. Nevertheless, a strong willingness to learn and good attendance for duty have also been demonstrated. The accountability of the Iraqi Police Forces currently falls under the Minister of Justice…

…The general Iraqi public lacks faith in the capacity of the Iraqi Police Forces to effectively maintain law and order, an attitude which has to date been repeatedly confirmed by the numerous security incidents currently plaguing Iraq. Many crimes are therefore simply never reported to the police. In turn, perpetrators generally carry out acts of violence, vandalism and other crimes without fear of prosecution or conviction. As a result, more and more people have begun to rely on other forms of protection such as tribal links and or vigilante-type justice.

Following the hand-over, some local councils have requested that militias assist in the provision of security services. Militias have an unknown chain of command, lack standard operational procedures and tend to blur the distinction between law enforcement and judicial procedures. For example, on 30 July 2004 four Iraqis were arrested, interrogated, charged, tried and executed by a militia in Najaf. The four Iraqis were mistakenly accused of involvement in a car bombing. The four Iraqis were national staff members of a French NGO, and an implementing partner for UNHCR in the Muthanna governate (UNHCR, 2004, *Country of Origin Information – Iraq*, 12 August, pp.2-3 – Attachment 2).

In September 2004, a joint British-Danish fact finding mission visited Amman and Baghdad, and spoke to a range of sources including diplomats, NGOs, UN and Iraqi government sources. Of the security situation, the report states:

3.22 UN sources in Amman (1) advised that the police force was not effective enough to provide security to ordinary Iraqis. The source added that the police force was more corrupt than ever before, and that the kidnappers were very rich and so could bribe police officers. In the rural areas crime rates were lower because the tribal system oversees the community. Tribal power was not so prevalent in the cities.

3.23 A diplomatic source in Amman (2) informed the delegation that the Iraqi police had widened their influence and that the Jordanians had increased their training of Iraqi police recruits. This visible increase of police presence rather than the Multi National Force was a positive sign to regular Iraqis. However the source informed the delegation that half of the police recruits had left because they felt they were targets.

3.24 As to whether Iraqis were reporting problems to the police, the source informed the delegation that they were not for two reasons: a) they were not accustomed to it (under the Iraqi regime, an Iraqi would need to have close contacts to get an investigation from the police), and b) the Iraqi people were using alternative routes for resolution such as tribal/family/community ties. Within the rural areas, a tribal resolution was effective, however in the city this route was only marginally effective.

3.25 UN sources in Amman (2) advised that the police service was present and functioning. There was a need to re-educate the command structure however the source advised that the general population would still view the police as Ba'athists. The source advised that the police had not had human rights training during their time in Jordan, however the training and structure of the police service was improving. The source added that quite often police ignored court orders. The source added that prisoners often showed signs of trauma when they were brought to court. However the source noted that the Minister of Human Rights was a very progressive Minister and should be able to improve the situation. It was recognised that during Saddam's regime there was no rule of

law whatsoever; corruption was then, and was still, considered normal. The source stated that UNAMI was involved in the training of Iraqi police.

3.26 An international humanitarian organisation working in the region advised the delegation that the police were ever present in Iraq. They organised the traffic and could be seen on the streets. Police responding to emergencies were less well organised. The source added that US soldiers were hardly ever seen now. The source stated that the Iraq Civil Defence Corps was currently trying to recruit a mix of ethnic groups; the source was unaware whether the police had a proportional distribution of ethnic recruits. However a diplomatic source in Amman (1) informed the delegation that in Kirkuk there were many different types of police forces and that, depending on which ethnic group you belonged to, would affect which type of police force came to you. The source advised that since the handover the Iraqi police were trying harder, and that they had more of a sense of responsibility. There was venal corruption using money or politics. The source advised that there was a court system and the judges were largely politically neutral however the laws could be internally contradictory due to the additional laws put in place by the CPA.

3.27 The source added that the standard of the Iraqi police force had improved due to training conducted in Jordan, and the numbers had increased substantially. The police were working hard and patrolling the streets. This was viewed positively by many Iraqis and was considered to be an improvement to foreign military forces taking care of security. However, Iraqis were not used to reporting crimes to the police and many would prefer to go to the tribe-leaders to get a problem solved. The source advised that it was still possible to approach the Multi National Forces and ask for help. Many Iraqis had in fact received assistance from the Multi National Forces in various criminal cases but sometimes the soldiers were too busy to respond to the call for assistance.

3.28 UNHCR in Amman stated that sometimes the Iraqi police could protect people and sometimes they could not. It would depend on the situation and the status of the people involved (UK Home Office, 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 3).

A September 2004 UNHCR return advisory stated:

> The Iraqi security bodies as well as foreign troops remain unable to provide adequate physical protection. The general lack of law and order is exacerbated by the absence of a properly functioning judicial system. As a result, many crimes are never reported to the police and disputes are often settled through tribal justice mechanisms or by persons who decide to take the law directly into their own hands (UNHCR 2004, *UNHCR return advisory regarding Iraqi asylum seekers and refugees,* September – Attachment 5).

Dr Charles Tripp at his Tribunal seminar in November 2004 commented on the security forces:

> One of the problems for the Iraqi security forces is that it is almost certain that they too are infiltrated by the leaders of the insurrection. There was a great drive to recruit people to the new Iraqi army, the new police force, the civil defence force, and it's almost certain that many people who have been involved in the insurrection infiltrated those forces at the same time. So one can argue that that part of Iraq, the centre and the north, is in a condition of classic guerrilla war. In addition to that, what makes life very dangerous for many ordinary Iraqis in that whole area, is not so much the political insurrection, but the criminality. This is a terrain now of kidnapping for profit – you kidnap somebody, you hold them to ransom, their family desperately searches around for the money and they try and get the person to be returned. Kidnapping is a flourishing growth industry unfortunately, allied to protection rackets, drug rackets, and arms rackets in Iraq. All of these are highly desirable commodities and all of them are now subject to a good deal of criminality. The Iraqi police forces and security forces are completely overstretched – they can't deal with this – and insofar as they are able to deal with anything, they try and keep their eyes on

the insurrection. But in fact the criminal gangs operating in Iraq are probably just as much of a threat to ordinary Iraqis' security as anything else. So it's a very dire and pretty terrible picture in the north and centre of Iraq at the moment (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

A recent map produced by Stratfor (Strategic Forecasting) shows incidents of violence that have occurred around Iraq from 5-10 March. The comment is made that some recent incidents have involved insurgents dressed in police uniforms, and that:

> The Iraqi police and security forces are penetrated by hostile intelligence at every command and operational level. One police official told Western media, "it is just a matter of paying money and anyone can infiltrate the police force".

> The infiltration of the Iraqi police and security forces constitutes a major problem for both the coalition and the Iraqi Interim Government. One of the main strategies of the coalition is the gradual assumption of more responsibility for security by Iraqi forces. With their ranks so heavily compromised by hostile intelligence agents, the Iraqi security forces will be effectively unable to assume that mission (Stratfor Inc. 2005, *Events in Iraq March 5-10, 2005,* accessed 11 March – Attachment 11).

In his recent article for Jane's on kidnapping in Iraq, Aarons also comments that "use of disguise, particularly the wearing of Iraqi police uniforms, is common to attacks on both mobile and static targets, either to bring vehicles to a halt at bogus checkpoints in the first case or to gain entry to buildings in the latter". Of the genuine security forces ability to offer protection, he states:

> Local Iraqi security forces will take months, if not years, to become strong enough and experienced enough to take on insurgents and kidnapping gangs, therefore foreigners of all nationalities and occupations will need to remain vigilant and should take steps to avoid presenting themselves as soft targets (Aaron, C. 2005, 'Kidnappings endanger reconstruction in Iraq', *Jane's Intelligence Review,* 18 February – Attachment 10).

7. Is there any evidence that returning refugees are being targeted because they are seen as supporters of the Coalition occupation or for other reasons eg wealth?
8. Are there any reports of insurgents – Baathist, Sunni or Shia – targeting Iraqis who have returned from the West because they are deemed 'collaborators'?

A June 2004 report by the UN Commission on Human Rights states that:

> 75. Iraqis who return from western countries may well be exposed to the dangers mentioned above in relation to kidnapping because they are perceived as being financially privileged. In addition, since they did not suffer the same ordeals as the Iraqis who stayed, they are also viewed with suspicion. Furthermore, those who return to areas where their ethnic or religious group does not constitute a majority may find themselves in a particularly vulnerable situation and exposed to new forms and agents of persecution. Alternatively, they may find themselves displaced upon return, which will further complicate the displacement situation within Iraq, in addition to creating undue suffering for returning Iraqis and their families. In view of the foregoing, and of Iraq's limited absorption capacity, UNHCR, in March 2004, requested that States continue to grant some form of temporary protection to all Iraqi asylum-seekers, including those whose asylum claims have been rejected, and that they impose a ban on forced returns to all parts of Iraq until further notice (Office of the High Commission for Human Rights, 2004, *Report of the United Nations High*

Commissioner for Human Rights and Follow-up to the World Conference on Human Rights: The present situation of human rights in Iraq, 9 June (Advanced edited version – E/CN.4/2005/4) – Attachment 25).

Charles Tripp discussed returnees from western countries at his seminar at the Tribunal in November 2004. He comments that Sunnis would probably experience more problems than Kurds or Shia:

Finally, the last question is the attitudes to and prospects for returnees from western countries. The more hostile the community in Iraq to the allied or western forces in the country, the greater the suspicion of somebody coming to Iraq, or back to Iraq, from the west – particularly if that western country is part of the allied coalition seen as the forces of occupation, such as America, Australia, Great Britain, or whatever. Inevitably as the insurrection in Iraq is portrayed by many as being a nationalist struggle against western domination, those who come from the west or come back from the west are often going to be regarded with considerable suspicion. **But again I would argue that this would apply particularly to the Sunni Arab communities who are now mostly in the zone of insurrection in Iraq.**

In Kurdistan I don't think it would be relevant at all. **The fact that somebody had spent their time outside in the west, simply wouldn't be relevant in Kurdistan – it wouldn't be regarded as an object of suspicion – most of the Kurdish leadership at various points spent long years in the west for understandable reasons.** So in a sense, whether they've spent time in the west or not really wouldn't be important. What might be important is of course why they left, what was their motive – did they leave because they were in trouble in some form or another, who are they, what's their family's attitude to the Kurdish leaders. These are much more the kind of personal, life history questions that would be asked of people, rather than the fact that they came back from the west. So they wouldn't fall under suspicion in Kurdistan, but of course people would ask them why they left and see whether there was any problem there.

I think again one could argue that in much of the Shia south of the country it probably wouldn't be a relevant question either. Again, many of the leaders of the Shia movements have for understandable reasons spent long years in western countries, London in particular for many of them. And of course the Prime Minister of Iraq at the moment, who is a Shia, spent a long time in London as well. **So I think the Shia wouldn't necessarily regard somebody who had spent time in the west as being suspect. Although, it's true to say that many people returning from the west to re-establish themselves in the south of Iraq, in the Shia areas, dominated by a new kind of Islamist sensibility in politics, find it quite difficult to adjust.** In other words, what they're going back to is not a secular Iraq, but an Iraq of much more strict observance of Islamic law and they would have to conform with that. But also, as in the Kurdish areas, there would be questions about the life histories of these people – how far were they associated with the previous regime, did they do anything under that regime that harmed the Shia people in the south ? One could argue that it wouldn't really matter whether they came from a western country or any country, the question is who were they, what had they done when they were still in Iraq, and would that count against them. (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

On the possibility of returnees being targeted because they had adopted western practices, Dr Tripp commented:

QUESTION: You said that if someone returns to an area that had become nationally Islamic than what it was before they left, they would have to conform. What would happen to them if they didn't conform? If they adopted some of the western practises that perhaps they done in the west?

Well I think it would depend upon what kind of family support they had. In many ways it would be in the interest of the family to ensure conformism because the lack of conformity at the minor end of the spectrum would lead to ostracism, shame, bringing dishonour on the family. This applies particularly to the behaviour of women, because women would be judged as being to some extent the repository of the honour of the family. I think women would find it particularly restrictive to have to conform to patterns of behaviour that they might have been able to escape from in the west. Next down the line of course you get areas where these youthful, zealous militias become even more active and there the danger is that they would be increasingly busy bodies, interfering in how people behave. As far as returning Iraqis are concerned, as long as they kept to their houses and their households, they wouldn't be interfered with, but as soon as they went out and behaved in a way that was regarded as publicly unacceptable then there might be public shaming, there might also be physical violence . So one option adopted by some is to leave again, others try and go to a more anonymous part of Iraq, such as a big city like Baghdad. (RRT Country Research 2004, *Transcription of Dr Charles Tripp seminar on Iraq held on 24 November 2004,* 24 November – Attachment 6).

In September 2004, a joint British-Danish fact finding mission visited Amman and Baghdad, and spoke to a range of sources including diplomats, NGOs, UN and Iraqi government sources. The report contains several remarks from different sources on the situation of returnees from western countries:

7.2 [A UNHCR source]…stated that Iraqis returning from abroad are not in general exposed and thus are not in any more danger than other Iraqis. According to the source the Iraqi Ministry of Displacement and Migration expressed in strong terms that no return can be encouraged because the country has neither the capacity not the infrastructure to cope with it…

…7.7 Those that were at risk on return, according to UNHCR, were professionals, or those that were wealthy or who were perceived to be wealthy. They would be a target for kidnapping either because the kidnappers believed they could receive a substantial amount through the ransom, or because those individuals could contribute to the wealth and stability of the country, and this was not conducive to those who wanted to keep the country in chaos. There was no indication that the kidnappings were ethnically based…

…7.11 [A diplomatic source in Amman] advised that those returning from the West were more in danger of being a target because they would be identified as being "Westernised". For example, they had acquired skills and language, which gave them a high profile, and a perception of collaborating with Westerners. This perception would put them at risk.

…7.14 [An IOM staff member stated] that those returning from the West would be identified through their tribes however there would not be any problems unless the individual was linked to Saddam's regime.

7.15 EU sources in Amman advised the delegation that returnees would only suffer problems if they were "perceived" to be collaborators with the West. If they were to return and had no political links to any group then there were no reports that there would be a problem…

…7.19 [A source in the Ministry of Displacement and Migration (MoMDS) in Baghdad] stated that the insurgents did not target Iraqis returning from abroad. Thus, returning Iraqis were in no more danger in Iraq than any other Iraqis. The source had several acquaintances that had returned from abroad and was very well informed of the situation for returnees. The source however emphasised that Iraq was in a precarious phase at that time with regard to security, reconstruction, economy, housing etc. Returning large numbers of Iraqis from the West would stress the society severely.

…7.21 [A diplomatic source in Amman stated that] Iraqis returning from abroad were not targets of the violence. However, Iraqis who were in contact with foreigners in Iraq were in bigger danger than other Iraqis. Coming back from the West could, in some areas of Iraq, for example in Sadr-city of Baghdad, be perceived as having sympathy for the West…

…7.23 An international humanitarian organisation working in the region stated tat wealthy Iraqis returning from abroad were at risk of being kidnapped. They would not be targeted by the political insurgents but by organised criminals in order to get a ransom (UK Home Office, 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 3).

9. By what means are Iraqi returnees transported from neighbouring countries to Baghdad?

Question 6 of a January 2005 RRT Research Response looks at the various means of transport to Iraq at present, and includes details of air and road travel, and potential border crossing points (RRT Country Research 2005, *Research Response IRQ17159,* 20 January – Attachment 26).

The section on travel to Iraq in the October 2004 report by the joint British Danish fact-finding mission to Iraq states:

7.12 An IOM staff member in Amman advised that IOM ceased returns in April 2004 because of security, however they soon resumed returns. 800 had recently returned from Beirut. IOM rarely used flights because of a previous CPA agreement. Furthermore only Royal Jordanian flew into Baghdad at that time. IOM used Iraqi buses and there were difficulties with permits and visas. IOM stated that the Jordanian Government was very helpful in allowing Iraqis to transit through Jordan. At the Iraqi border, guards checked the person's documents, including UK/DK documents, but they also listened to the Iraqi accent as proof of nationality.

7.13 The source added that in the last 6 months there had been no problems on the Jordan-Baghdad highway. IOM also returned from Syria and there was no difference in the safety along that route either. IOM were looking into using Iraqi planes for returns (UK Home Office 2004, *Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq, 1-8th September 2004*, October, http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/fact_finding_missions.Maincontent.0016.file.tmp/FFM2.pdf – Accessed 8 March 2005 – Attachment 3).

A November 2004 report by the UNHCR states of the assistance they have provided for returnees:

Although the Iraqi Government has reiterated that the overall situation is not currently conducive to large-scale refugee return – a position shared by UNHCR – many Iraqis have asked UNHCR for assistance to return to their homes. At the time of writing, UNHCR and its partners have facilitated the return of some 15,000 people from the Islamic Republic of Iran, Lebanon, and Saudi Arabia. Meanwhile, the Iranian Government believes that over the past year up to 100,000 refugees may have left the country to return to Iraq of their own accord. Those taking part in the UNHCR-supported repatriation programme are all provided with a voluntary repatriation form that serves as proof of identity in Iraq, and receive transport assistance and a package of relief items once they return to the country. Most return through the Shalamcheh border point, but a few groups have

recently gone back to northern areas via Hajj Omran. However, the prevailing insecurity has meant that UNHCR has frequently had to suspend organized repatriation movements (UNHCR 2004, *UNHCR Global Appeal 2005: Iraq,* November – Attachment 27).

10. Have there been any reports of employees of transport companies providing information about their passengers to insurgents or any other non-State organisation within Iraq?

No information was found among the sources consulted that states specifically that employees of transport companies have provided information to non-state organisations. However, one report indicates that some of the insurgent and criminal networks use highly organised methods to gather information on potential targets and to plan attacks and kidnappings.

A February 2005 report by Aarons for *Janes Intelligence Review* draws on analysis by Olive Security on kidnapping of foreign hostages in Iraq by insurgent and criminal gangs. It states:

> ...it has become clearer over time that the criminal groups involved in kidnapping have been organised, included foreigners as well as Iraqis, and have been joined in their activities by former Mukhbarat officers from Saddam's regime. Former Mukhbarat members either formed their own groups, joined existing criminal gangs or allied themselves with insurgent forces. In all cases, they introduced expertise in covert operations, intelligence-gathering and experience in intercepting and interrogating hostages. Several kidnap survivors familiar with the old methods of the Mukhbarat have reported similar tactics being used by their captors…
>
> …Analysis of hostage incidents suggests as three-tier structure to operations, with many abductions being carried out by hired "foot-soldiers" operating in the pay of organised crime groups that are themselves acting as "contractors" for insurgent groups… (Aaron, C. 2005, 'Kidnappings endanger reconstruction in Iraq', *Jane's Intelligence Review,* 18 February – Attachment 11).

Although this report is referring mainly to the kidnapping of non-Iraqis, it is relevant to consider the techniques use by the groups in this context. Aaron provides further details:

> While some attacks are clearly opportunistic, particularly those that take place on highways in western and northern-central Iraq, targeted attacks against foreign civilians appear to be planned well in advance. Target selection is influenced by ease of access to the target. The location of the abduction will preferably be in the area known well by the kidnap group, in which it has **local support or sympathy, so as to facilitate intelligence gathering** and extraction or holding, and the target should be of "high value: and present a low risk in terms of the amount of protection and predictability.
>
> Case studies show that target surveillance has been carried out over weeks, and in some cases even months. For operations against homes or offices, reporting indicates that surveillance teams may adopt the guise of police or media crews in order to make enquiries, **and groups also have been reported to use threats or blackmail against locals together information**…(Aaron, C. 2005, 'Kidnappings endanger reconstruction in Iraq', *Jane's Intelligence Review,* 18 February – Attachment 11).

Another recent report, by Dan Murphy from the *Christian Science Monitor,* examines the general dangers of road travel in Iraq in recent times (Murphy, Dan 2005, 'Roads out of Baghdad become no-go zones', *The Christian Science Monitor,* 17 March,

http://www.reliefweb.int/rw/RWB.NSF/db900SID/MMQD-6AKNUZ?OpenDocument&rc=3&cc=irq – Accessed 18 March 2005 – Attachment 28).

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