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## 5.11 Iraq

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### Introduction

Under Saddam Hussein, torture and abuse were used as instruments of state repression, and there was no culture of respect for human rights in Iraq. Following the removal of Saddam Hussein and the creation of a democratically elected government, the foundations are being laid for the creation of a society based on respect for human rights. The adoption of a constitution that enshrines human rights principles is a key step, but there remain practical and political challenges to making these principles a reality for all Iraqi people.

The UK takes seriously its responsibility to help Iraq build a society in which the rule of law is upheld for all citizens and their human rights respected. We will continue to work with the government of Iraq, Iraqi civil society and the international community to help develop the infrastructure essential to protect and promote human rights. Key mechanisms such as the International Compact for Iraq and the Iraq Neighbours Group, both developed over the last year, provide a sound basis for international support to the government of Iraq.

Rapid progress on human rights will not be delivered without improvements in the political and security climates in Iraq. Sectarian violence is currently the single greatest threat to Iraqis' everyday security and well-being. Political reconciliation between Iraq's various communities is therefore paramount to improving the security situation in the long term. The UK welcomes the progress that has been made on this process, including Prime Minister Maliki's August 2007 reconciliation conference, but there is a long way to go.

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### Current concerns

#### Security and law and order

Insecurity and the weakness of the rule of law present a serious obstacle to promoting a culture based on human rights. Violence against civilians and security forces continues, and there has been an increase in violence against minority communities over the last year. The Iraqi government has taken measures, including through the Baghdad Security Plan, to address violence

affecting ordinary citizens with support from coalition troops. We are continuing to work with the Iraqi security forces to build their capacity to assume security responsibility in all provinces when conditions allow. Over the past four years, the UK has helped to train over 13,000 Iraqi army troops, including 10,000 now serving with the 10th Division, which has been conducting operations in Basra and across the south of the country without the requirement for coalition ground support. The number of Iraqi units capable of conducting independent counter-insurgency operations is increasing steadily. On the policing side, there are now 135,000 Iraqi Police Service officers nationwide, with 31,000 in the southern provinces and 15,000 in Basra. The Iraqi Police Service has come some way in its capability to maintain public order, investigate crimes and arrest suspects, but the culture of abuse and repression within the Iraqi security forces remains. Local improvements in security, such as those seen in Anbar and Diyala provinces, demonstrate what can be achieved. Furthermore, following the handover of security responsibility for Basra province to the government of Iraq in December 2007, reports show the security situation in the region to be largely stable.

#### Impact of violence on vulnerable groups

Widespread sectarian violence, lawlessness and violent insurgency are generating a complex humanitarian picture in Iraq. Some groups are at particular risk, including the internally displaced, refugees and ethnic and religious minorities, as access to their traditional support mechanisms are hampered. UN agencies estimate that some 2 million Iraqis are currently displaced internally and up to 2 million have fled to nearby countries. Women also face particular risks from militias, and there are continued reports of honour crimes against women, particularly in northern Iraq.

#### Justice system and death penalty

The justice system in Iraq suffers both from weak capacity, including a shortage of trained judges, and vulnerability to pressure from political or sectarian groups. The number of individuals held in Iraqi detention has increased markedly over the course of 2007, partly in response to more concerted Iraqi efforts to tackle the security situation. This has increased pressure on the prison system, with numbers of prisoners rising to around 23,000. There have been documented cases of serious abuse in Iraqi prisons, and there has been



British soldiers patrol the area as Iraqi soldiers hold the opening ceremony of the 14th Iraqi Army Division headquarters in the southern city of Basra on 7 November 2007.

little progress in 2007 in tackling the culture of impunity that has prevented follow-up to discoveries of abuse at Jadiriyah and Site 4. Where we are aware of abuse happening, we have pressed the Iraqi authorities to investigate fully and we have made it clear that if there is evidence of abuse we expect those implicated to be brought to justice. As a result, two Iraqi police units in the south have been disbanded and an inspection programme established. We have developed a human rights training curriculum for the police, which we are working to implement throughout Iraq. In the long term, we are supporting a systematic improvement in the criminal justice culture in Iraq, and seek to instil this change through our police and prison mentoring programmes. We are working closely with the Iraqi government and security forces in support of their commitment to tackle human rights abuses.

Saddam Hussein, Barzan Ibrahim Al Tikriti and Awad Hamad Al Bandar were tried and found guilty of crimes against humanity at the Iraqi Higher Tribunal (IHT) in 2006. The appeal panel of the IHT confirmed the sentence handed down to Saddam Hussein on 26 December 2006. The IHT also upheld the death sentences against Saddam's cousin "Chemical Ali" (Ali Hassan Al Majeed) on 4 September 2007, and against Sultan Hashim, Saddam's former defence minister and Hussein Rashid, the former deputy commander of operations for the Iraqi military.

The defendants were prosecuted under procedures proscribed by Iraqi law and the trial was open and

held in the presence of independent monitors and the media. The court's decision was appealed and the sentences reviewed by a separate panel of judges. The UK does not support the use of the death penalty in Iraq or anywhere else. We expressed serious concern at the unacceptable behaviour at Saddam Hussein's execution, and stressed that further executions should be carried out with respect and dignity.

### Coalition detention

The authority for detention by multinational forces in Iraq was renewed by UN Security Council Resolution 1723 (November 2006) and subsequently by UN Security Council Resolution 1790 (December 2007). This permits the coalition to intern individuals where it is necessary to do so for imperative reasons of security. When UK forces detain individuals on this basis, they do so in compliance with applicable legal instruments, including provisions of the European Convention on Human Rights. As at 31 December 2007, the UK held six detainees at the Divisional Internment Facility in Basra. Significant reductions in the number of detainees held by the UK have also been achieved through negotiations with local leaders, as part of broader efforts to improve the security situation in Basra. The International Committee of the Red Cross and the Iraqi Ministry of Human Rights have regular and open access to our detention facility and to all our internees.

### UK action

The UK seeks to bring a holistic approach to its support to the Iraqi security and justice sectors. To build a culture of human rights, Iraq will need a strong policy and legislative framework, effective and accountable institutions and security forces (both police and military), and civil society institutions able to promote respect for human rights and to hold the government to account. This will require strong Iraqi leadership. UK support is delivered both through political engagement and through a range of security and justice sector reform interventions led by civilian and military actors. In addition, the UK provides significant humanitarian support to vulnerable groups including internally displaced people and refugees. We seek to work in areas where we add value to Iraqi and other international efforts, and to co-ordinate closely with international partners.

### Security and justice sector

The UK has led a programme of support to the Iraqi Police Service and the Ministry of Interior since 2004, working in both Baghdad and Basra. Department for International Development civilian advisers provide strategic advice and training on a range of fundamental administrative systems, to enable the Ministry of Interior to function in a more efficient, transparent and accountable way. This training includes human resource management, procurement, legal frameworks and regulations. On policing development, FCO-led work has included training and mentoring the Iraqi Police Service in southern Iraq and Baghdad, with a focus on leadership, anti-corruption, public accountability, human rights awareness and capability in key skills such as the use of forensic evidence.

We have also been actively involved in supporting the development of the Iraqi judiciary, providing support to the Basra judiciary through the rule of law pillar of the UK-led Basra Provincial Reconstruction Team. This has included networking and training events held in other Middle Eastern countries. For example, a regional rule of law conference was held in Amman in summer 2007 involving 20 Basra judges, practitioners and legal academics and approximately 15 judges, practitioners and legal academics from Lebanon, Jordan and Egypt. Women in the legal profession were among the attendees. This programme of events allows Iraqi judges and lawyers to rebuild their professional relationships with colleagues in the region, and to learn about how other Middle Eastern legal professionals are seeking to apply principles of the rule of law and respect for human rights in their own countries. Further UK support in this area includes the provision of forensics training to the Iraqi police and judiciary and assistance to Iraqi prosecutors pursuing cases of serious corruption in the police. We are also supporting EU-funded training programmes for senior Iraqi judiciary, police and prison service professionals in investigative techniques and human rights approaches to the criminal justice system.

In the prison sector, the UK is working with the Iraqi Correctional Service and the US on the establishment of a new prison in Basra, which will add much-needed capacity. The UK prisons team has provided mentoring to the Iraqi Correctional Service regional director and his team, focusing on



Iraqi police man at a checkpoint in the southern city of Basra.

ensuring that staff for the new prison are properly recruited, vetted and trained and that future staffing and infrastructure needs are planned.

### Minorities and vulnerable groups

The UK condemns all acts of violence and intimidation against civilians and we continually press members of the Iraqi government and Council of Representatives on their obligation to protect all of Iraq's communities, regardless of faith or political persuasion. Since 2003, the UK has contributed over £125 million to humanitarian agencies working with vulnerable Iraqis, including internally displaced people and those who have fled to other countries in the region. We work closely with our humanitarian partners, including the Office of the UN High Commissioner for Refugees and the Iraqi Red Crescent, to ensure that they are adequately resourced to respond to needs on the ground. We meet regularly with members of various religious groups in Iraq, including Assyrian Christians, Yezidis, Turkmen and Mandaean-Sabeans, and support them in finding a voice in the Iraqi political process.

### Forward look

There will remain significant challenges to the development of a human rights culture in Iraq in 2008. The UK's focus will be on building Iraqi capacity to lead societal change on human rights, including through reform of key state institutions and the security forces. Developments at the political level will play a key part in helping address human rights concerns, and include the intention to hold provincial elections, which will increase the political voice of under-represented communities, and work supported by the UN to agree a sustainable future for the multi-ethnic city of Kirkuk.