



**UPR Submission
Iraq
September 2009**

On June 30, 2009, more than six years after the overthrow of the government of Saddam Hussein, the Iraqi government took back security responsibility over much of the country from US forces. Early indications are that human rights conditions will remain poor and may well deteriorate further, especially with respect to attacks on civilians and displacement; arbitrary detention and torture by Iraqi forces; and violence against vulnerable groups, particularly women, minorities, and men suspected of homosexual conduct.

Attacks on Civilians and Displacement

Security gains through the first six months of 2009 have done little to ease Iraq's crisis of displacement, with 4.5 million Iraqis displaced both within the country and abroad since the invasion of Iraq by the US-led coalition in 2003. Bombing attacks since June 2009 targeting civilians indicate that Iraq faces the prospect of further sectarian bloodshed and displacement. In the six weeks following the withdrawal of US forces from cities to their bases on June 30, 2009, (as part of a US-Iraqi security agreement) more than 700 Iraqis, mainly Shi'a, have died in coordinated bombings and other violence. On August 19, 2009, massive coordinated truck bombs outside the Foreign and Finance Ministries in Baghdad killed nearly 100 people and wounded 600. The bombs paralyzed the downtown area, shut highways and main bridges over the Tigris River and overwhelmed hospitals with wounded civilians.

Sunni Arab insurgents appear to have been responsible for these and other attacks, such as the January and April 2009 bombings of Baghdad's Kadhimiyya mosque, a major Shi'a place of worship, killing more than a hundred people. The perpetrators also targeted groups of Shi'a refugees waiting for food rations, children gathering for handouts of candy, religious pilgrimages, weddings, funerals, mosques, and hospitals in Shi'a areas. Unlike in 2006, Sunni leaders are now forcefully condemning such attacks and Shi'a militias have so far refrained from engaging in widespread reprisal attacks.

Although displacement born of sectarian violence continues, economic pressures and difficulties maintaining legal status in Syria, Jordan, and Egypt have induced some refugees to return. The office of the United Nations High Commissioner for Refugees, among others, has repeatedly warned that the government lacks a workable plan for the return of the Iraqis displaced internally or who fled to neighboring countries.

In Baghdad, returnees are seldom able to reclaim their former homes. In rural communities, returnees often find their houses destroyed or in complete disrepair, and they lack access to income and basic services including, water, electricity, health care. With the escalation of attacks against civilians in the past few months, some returnees have reportedly found themselves forcibly displaced once again. Returnees have mostly returned to neighborhoods and districts under the control of members of the same sect they belong to; very few families have returned to areas where they previously lived and would now be in a minority.

The Iraqi government has promised compensation for returnees but, in the majority of cases, returnees are still waiting. In Baghdad and elsewhere, official orders for squatters to vacate public properties threaten to compound displacement.

Arbitrary Detention and Torture

Government-run detention facilities struggle to accommodate more than 26,000 detainees, and serious delays in the judicial review of detention has exacerbated overcrowding. Some detainees have spent years in custody without charge or trial. The situation worsened as the US military transferred an undetermined number of detainees to Iraqi custody under the 2008 US-Iraqi security agreement. In the first six months of 2009, the U.S. transferred more than 840 prisoners into Iraqi custody.

Reports of widespread torture and other detainee abuse in facilities run by Iraq's defense and interior ministries and police continue. Detainees interviewed by Human Rights Watch at Iraq's Central Criminal Court in May 2008 recounted abuse by police and military personnel during their initial detention. The United Nations Assistance Mission for Iraq

(UNAMI), in its human rights report covering July through December 2008, reported that the mission received widespread allegations of abuse in pretrial detention.

In June 2009, Prime Minister Nuri al-Maliki set up an eight-member special committee, composed of representatives from the government's security ministries as well as human-rights and judicial agencies, to investigate allegations of widespread abuse and torture in Iraq's prisons.

Detainees held by Kurdish security forces told Human Rights Watch in 2006 that they were routinely denied basic due process rights and subjected to torture or ill-treatment during the initial period of detention. UNAMI has continued to document claims of serious human rights violations of detainees held by the Kurdish Regional Government, including beatings during interrogation, torture by electric shocks, forced confessions, secret detention facilities, and a lack of medical attention.

Violence against Minorities

Armed groups continue to persecute minorities with impunity, particularly in the disputed territories in northern Iraq. Since the withdrawal from U.S. forces from Iraqi cities on June 30, 2009, assailants have launched horrific attacks against minority groups: in Nineveh province alone, a series of bombings in four towns and cities killed more than 137 and injured almost 500 from the Yazidi, Shabak and Turkmen communities. In late 2008, the province also saw a systematic and orchestrated campaign of targeted killings and violence that left 40 Chaldo-Assyrians dead and more than 12,000 displaced from their homes in Mosul.

As the conflict intensified between the Arab-dominated central government and the Kurdish Regional Government over control of the disputed territories running across northern Iraq from the Iranian to the Syrian borders, minorities found themselves in an increasingly precarious position. Members of minority communities in meetings with Human Rights Watch in February 2009 complained of heavy-handed tactics of Kurdish authorities in Nineveh province. Kurdish security forces have engaged in arbitrary arrests and detentions, intimidation, and in some cases violence, in response to those in minority communities who challenge Kurdish control of the disputed territories.

Violence against men suspected of homosexual conduct

Across Iraq, a killing campaign against men suspected of being gay, or of not being sufficiently “masculine,” has spread since early 2009. Armed gangs kidnapped men and tortured them, leaving mutilated bodies dumped in the garbage or in front of morgues. Men interviewed by Human Rights Watch in April recounted death threats, blackmail, midnight raids by masked men on private homes, and abductions from the streets. The campaign was most intense in Baghdad, but it has left bloody tracks in other cities as well, including Kirkuk, Najaf, and Basra.

Most survivors and witnesses pointed to Moqtada al-Sadr's Mahdi army, the largest Shi'a militia, as the driving force behind the killings. Sadrist mosques and leaders have warned loudly that homosexuality threatens Iraqi life and culture. Some Sunni militias may have joined the violence, competing to show their moral credentials. While there has no accurate tally of the victims, the numbers may well be in the hundreds. Iraqi police and security forces have done little to investigate or halt the killings. Authorities have announced no arrests or prosecutions; it is unlikely that any have occurred.

Violence against women

Violence against women and girls in Iraq continues to be a serious problem, with members of insurgent groups and militias, soldiers, and police among the perpetrators. Even in high-profile cases involving police or security forces, prosecutions are rare. Militias operating in Basra and Baghdad have specifically targeted female politicians, civil servants, journalists, and rights activists. They have also attacked women on the street for what they consider “immoral” or “un-Islamic” behavior and dress, including not wearing a headscarf. The threat of these attacks keeps many Iraqi women at home.

“Honor” killings by family members remain a serious physical threat to women and girls in Kurdish areas as well as elsewhere in Iraq. Iraqi human rights and women's organizations reported some 1,270 cases of honor crimes in Iraq between 2004 and 2008, most of them in Iraqi Kurdistan. Dozens of cases were reported in 2008, but few resulted in convictions of the alleged perpetrators. The KRG, unlike the government of Iraq, has taken some positive steps in response to gender-based violence; in 2002 it suspended laws providing for

“mitigating circumstances” to reduce the punishments for “honor” crimes and increased penalties for such crimes.

Female genital mutilation continues to be practiced mainly in the Kurdish areas of Iraq; reportedly 60 percent of Kurdish women having undergone this procedure, although the KRG claimed that the figures are exaggerated. Interviews by Human Rights Watch in May and June of 2009 with young girls and women, professional healthcare workers, clerics and government officials in Kurdistan revealed a striking lack of knowledge about FGM – both in terms of why it is practised and its effects on women’s health. Girls and women continue to receive conflicting and inaccurate messages from public officials on its consequences. A draft anti-FGM law passed by the KRG parliament in 2008 and expected to receive the necessary ministerial decree in February 2009 was inexplicably cancelled.

Recommendations

- Create an independent National Human Rights Commission and provide it with the resources and authority to carry out its work;
- Develop a national plan to provide assistance and compensation for loss of property to internally displaced persons and returnees, without discrimination, in accordance with the UN Guiding Principles on Internal Displacement. This plan should implement the rights of displaced persons and returnees to government assistance without discrimination, ensure sustainable resettlement, and provide adequate compensation for loss of property.
- Investigate promptly all allegations of torture and ill-treatment, and institute disciplinary measures or criminal prosecution, as appropriate, against officials who are responsible for the abuse of prisoners.
- Disallow as evidence confessions obtained through torture or other unlawful methods.
- Ensure that persons taken into custody are brought before an investigative judge within 24 hours of arrest, in conformity with Iraq's Code of Criminal Procedure.
- Publicly condemn violence against civilians, and in particular vulnerable groups including women, minorities, and men suspected of homosexual conduct, investigate in particular reports of such violence by security forces or militias, and punish those found responsible.

- Create an independent and impartial inquiry to determine responsibility for the campaigns of violence against minorities in Nineveh province, including the murders of Chaldo-Assyrian Christians in September and October 2008 and the subsequent displacement of 14,000 Chaldo-Assyrians.
- Amend articles of the Criminal Code that could justify arbitrary arrest or harassment of people due to their sexual orientation, or be used to prevent civil society from addressing unpopular or stigmatized issues; and ensure that they are not applied in an arbitrary or discriminatory manner.
- Repeal article 128 of the Criminal Code, which identifies “The commission of an offence with honorable motives” as a “mitigating excuse.”
- Investigate gender-based violence, in particular “honor crimes” perpetrated against women, take measures to ensure that those responsible for committing these crimes are held accountable, and provide effective remedies to female victims of violence.

Annex of Relevant HRW reporting

["They Want Us Exterminated"](#)

Murder, Torture, Sexual Orientation and Gender in Iraq

This report documents a wide-reaching campaign of extrajudicial executions, kidnappings, and torture of gay men that began in early 2009 in the Baghdad neighborhood of Sadr City and spread to many cities across Iraq. Mahdi Army spokesmen have promoted fears about the "third sex" and the "feminization" of Iraq men, and suggested that militia action was the remedy. Some Iraqis told Human Rights Watch that Iraqi security forces have colluded and joined in the killing.

August 17, 2009

[The Quality of Justice](#)

Failings of Iraq's Central Criminal Court

This report documents how thousands of defendants in Iraq wait months or even years before facing a judge and hearing charges against them in the Central Criminal Court (CCCI), and cannot pursue a meaningful defense or challenge evidence against them. A US-Iraq security agreement that takes effect at year's end will transfer detainees held by the US-led Multinational Force to Iraqi jurisdiction, adding to the court's cases.

December 14, 2008

[Caught in the Whirlwind:](#)

Torture and Denial of Due Process by the Kurdistan Security Forces

This report documents widespread and systematic mistreatment and violations of due process rights of detainees at detention facilities by Kurdistan security forces. The report is based on research conducted in Iraq's Kurdistan region from April to October 2006, including interviews with more than 150 detainees.

July 2, 2007